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Is the Struggle for Human Rights a Struggle for Emancipation?

Neve Gordon, Jacinda Swanson, and Joseph A. Buttigieg

The year 1998 marked the 150th anniversary of the Communist Manifesto, a text that is still invaluable for political and economic criticism. In it Marx and Engels link the global and systemic character of exploitation with the global expansion of capitalism, arguing that incidents of exploitation can no longer be attributed solely to the local conditions in which they occur. The Manifesto consequently insists on the necessity of an international movement to struggle against injustice. Although the international human rights movement may not have been inspired by Marx and Engels, it has similarly recognized the global scope of oppression and adopted a global strategy for arresting the widespread violation of human rights.

This paper seeks to analyze the human rights movement’s strategy for accomplishing its goals through the lens of the Manifesto. We have chosen to focus on two recent campaigns launched by a particularly prominent group, Human Rights Watch. Despite the apparent correlation between the objectives laid out in the Manifesto and those espoused by Human Rights Watch, radical differences exist. We specifically examine the differences resulting from the latter’s narrowly legalistic approach, an approach that ignores the socioeconomic factors behind oppression and that mistakenly assumes that law is neutral. As the Manifesto reveals, the legal system is hardly autonomous from socioeconomic relations, indicating that Human Rights Watch’s insistence on dissociating laws from those relations distorts both its analysis and its recommendations for ending human rights violations. Furthermore, Marx’s critique of rights in such essays as “Critique of the Gotha Program” (1978a) and “On the Jewish
“Question” (1978b) shows that human rights achieve only a limited form of emancipation. We argue that in the final analysis, the narrowness of Human Rights Watch’s approach precludes it from fulfilling some of its own goals.

This is not to say, however, that its endeavors are futile or unworthy. While we use Marx and Engels’s insights in order to bring into relief some of the shortcomings resulting from Human Rights Watch’s approach and its mistaken assumptions, we wish to stress that we do not subscribe to an “either/or” position regarding human rights (that is, a binary position in which one either endorses human rights or rejects them). Human rights are an important instrument for mitigating oppression, and we do not want to disparage or downplay the achievements of the human rights movement. Rather, we conceive the following critique to be an expansion and, at times, a correction of the movement’s strategy for fighting oppression. Furthermore, this form of critique could be executed from the opposite direction. Although we have not undertaken this latter project, it is equally important to explore what Marxists might learn from the human rights movement, particularly since the role of rights in ending oppression has been largely ignored by traditional Marxist theory.

This essay begins by describing Human Rights Watch’s work and identifying what we believe to be the most crucial characteristics of its analyses of human rights abuses. Drawing on the Communist Manifesto, we then examine the shortcomings of Human Rights Watch’s endeavor (for example, its inattentiveness to the global economic context in which abuses occur and its top-down strategy that eschews grass-roots struggle against exploitation). The next section applies Marx’s critique of law to Human Rights Watch’s legalistic approach and insists that the reliance on laws as a means for ending oppression is insufficient. In the final section, we recount Marx’s critique of rights, arguing that liberal political rights are limited in their emancipatory potential because of their origin in capitalist exchange.

1. A considerable number of essays have discussed Marx and Engels’s relation to the question of rights in general and human rights in particular (see, in chronological order, McBride 1981, 1984; Cohen 1981; Lukes 1982; Markovic 1982; Macfarlane 1982; Cornell 1984; Brenkert 1986; and Baxter 1989). We have not yet, though, come across a study that applies their insights to the actual work of the human rights movement. In the final section dealing with the critique of rights, we will use a number of other texts written by Marx in order to supplement what he and Engels argue in the Manifesto.

2. Exposing and monitoring exploitation and gross injustices around the world for twenty years, Human Rights Watch conducts systematic investigations of human rights abuses in over seventy countries. In its own words, “We address the human rights practices of governments of all political stripes, of all geopolitical alignments, and of all ethnic and political persuasions. Human Rights Watch defends freedom of thought and expression, due process and equal protection of the law, and a vigorous civil society; we document and denounce murders, disappearances, torture, arbitrary imprisonment, discrimination and other abuses of internationally recognized human rights” (HRW 1996).

3. On one level, we agree with Steven Lukes (1982) that subscribing to the existence of (transhistorical or natural) rights is theoretically inconsistent with Marx’s historical materialism. On a different level, we concur with David Baxter who argues that Marx does not adopt an either/or approach in his criticism of liberal political rights; Baxter’s point is not merely a pragmatic argument, but is also theoretically faithful to Marx (Baxter 1989, 307). Lukes and Baxter’s arguments, we believe, are made on different levels of analysis. See also McBride (1984, 68–72), who makes a similar point.
While we have chosen to use the Manifesto as the point of reference—and as a way of commemorating its recent 150th anniversary—we would like to indicate at the outset that we do not subscribe to a form of Marxism that privileges the economic base over the superstructure, nor do we concur with the Manifesto’s reductionist elements. Unfortunately, it is beyond the scope of this project to present an extensive criticism of the “positivist and naturalist encrustations” contaminating the Manifesto (Gramsci 1988, 34–7). We do, however, occasionally invoke the work of Antonio Gramsci in order to outline some of the differences between our position and that of Marx and Engels.

**Human Rights Watch: Its Work and Strategy**

Before we discuss what we judge to be the shortcomings of Human Rights Watch’s strategy, it is necessary to describe, albeit in a cursory manner, its work. After Amnesty International, Human Rights Watch is the second largest international human rights organization, with an annual budget of approximately $10 million. A large portion of its work is dedicated to investigating human rights violations around the globe, publishing its findings and recommendations, and distributing these to government officials and the media. In 1996 alone, it published approximately sixty reports on human rights abuses in different countries.

More concretely, in 1996, for example, Human Rights Watch was instrumental in preventing the sale of U.S.-made Cobra helicopters to Turkey, helicopters that in the past have been used against the Kurds in southeastern Turkey. Among other praiseworthy endeavors during that year was its campaign against discrimination in the manufacturing plants located along the Mexico–U.S. border. Human Rights Watch found “that women applying for jobs were typically required to take pregnancy tests and rejected if found to be pregnant. In addition, those who became pregnant while employed were sometimes treated so badly that they were forced to resign.” After tracing the connections between the Mexican plants and several U.S. parent companies such as General Motors, Human Rights Watch helped organize a campaign that generated twenty-two thousand letters and four thousand phone calls protesting General Motors’s discriminatory policies—policies the company claimed were “necessary to avoid paying legally mandated maternity benefits.” General Motors subsequently “announced that it would end pregnancy testing in its plants worldwide,” not just in Mexico (HRW 1997a).

As General Motors’ discrimination against pregnant women demonstrates, the economic dimension of many human rights violations is readily apparent. In fact, Human Rights Watch claims to be aware of the relation between market interests and human rights abuses. In a letter posted on its Web site, chair Robert L. Bernstein and executive director Kenneth Roth state that the “growth of the global economy promises new prosperity, but it leaves Western governments hesitant to promote human rights for fear of jeopardizing their trade and investment opportunities, and it confronts
multinational corporations with novel questions about human rights practices in their overseas operations" (HRW 1997b). How, then, does Human Rights Watch's awareness translate into its actual work and strategy? In order to answer this question, we focus on two reports published in 1995–6 dealing with human rights abuses in India and Nepal (HRW/Asia 1995, 1996b). In their analyses and recommendations, these two reports are representative of Human Rights Watch's approach in the many other reports we read. These two reports, on bonded child labor and prostitution, graphically document flagrant instances of exploitation.

*Rape for Profit* (HRW/Asia 1995) documents the trafficking in Nepali girls and women who are sold to India's brothels. The report, though focused on brothels in Bombay (Mumbai), claims that the situation in other cities is similar. About half the estimated one hundred thousand brothel workers in Bombay are Nepalese; 20 percent are thought to be under the age of eighteen, of whom about half are infected with human immunodeficiency virus. Almost all the Nepalese prostitutes are illiterate, and about seventy percent are thought to belong to ethnic minority groups (HRW/Asia 1995, 1–5). As Human Rights Watch explains,

> [trafficking] victims in India are subjected to conditions tantamount to slavery and to serious physical abuse. Held in debt bondage for years at a time, they are raped and subjected to other forms of torture, to severe beatings, exposure to AIDS, and arbitrary imprisonment. Many are young women from remote hill villages and poor communities of Nepal who are lured from their villages by local recruiters, relatives or neighbors promising jobs or marriage, and sold for amounts as small as Nepali Rs. 200 [$4] to brokers who deliver them to brothel owners in India for anywhere from Rs. 15,000 to Rs. 40,000 [$500–1,333]. This purchase price, plus interest (reported to be ten percent of the total), becomes the "debt" that the women must work to pay off—a process that can stretch on indefinitely. (HRW/Asia 1995, 1)

The brief history of trafficking in women provided in this report traces the prostitution trade back to the 1840s, when the feudal Nepali Rana family "recruited" girls from the Tamang ethnic group to serve as concubines for the royal family. Even with the overthrow of the oligarchic Rana regime in 1951, girls and women continued to be "recruited," but for sale to brothels in India also (6–7). Sales to India were facilitated in part by its 1950 trade alliance with Nepal.4 As a result of that alliance, currently around one hundred thousand people pass through the open border between the two countries each day without need of passports or visas, making it very difficult to stop illicit activity. Over the years, demand for Nepali prostitutes has increased, and today trafficking occurs in every district of Nepal, victimizing all castes and ethnic groups. The age of new prostitutes in India dropped from an average of fifteen in the 1980s to twelve in the 1990s (12, 7, 13).

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4. Article 7 of the 1950 treaty states, "The Governments of India and Nepal agree to grant, on a reciprocal basis, to the nationals of one country in the territories of the other the same privileges in the matter of residence, ownership of property, participation in trade and commerce, movement and other privileges of a similar nature" (HRW/Asia 1995, 11).
Human Rights Watch explicitly states that the "flourishing trade in Nepali women and girls in India must be understood in the context of economic conditions in both countries," pointing out that "Nepal's extreme poverty and its economic and political relationships with India have facilitated the trafficking of Nepali girls to brothels in India" (HRW/Asia 1995, 9, 6). The report goes on to explain that despite the recent increase in industrialization (due to trade agreements with India and Indian investment in Nepal), 90 percent of Nepal's nineteen million inhabitants reside in rural areas and are dependent on subsistence agriculture. Because most of the tillable land is owned by a few influential families, "members of lower castes and poorer ethnic groups have difficulty sustaining themselves on their meager land holdings and are engaged in a continuous search for new ways to generate income." New occupations include low-paying seasonal work as porters or manual laborers and, as one might expect, the sexual labor of women (10).

"Brothels are big business," the report emphatically claims. A typical brothel "employs" between four and fifty prostitutes, each of whom serves more than fifteen clients a day for an average of twenty-seven days per month. The brothel collects between $1.50 and $3.50 per client, with more for "special service." Most women and girls are allowed to keep only the tips from their clients, which are no more than $.15 per man. The numerous case studies and interviews in the report attest that police and local officials are active participants in this ongoing exploitation: as clients, as receivers of protection money, or by extorting bribes. Police make about $6.50 per "inmate," per week, from a brothel under their "protection." Bribes to the local police station for "registering" new girls in a brothel run between $166 and $833, depending on the price paid by the brothel's madam for the particular worker. Local magistrates are also part of the scam, receiving an average of $33 per new girl. According to the report, a new girl will have to work five or six years in the brothel as a no-wage worker in order to pay her "debt," and only after this period can she hope to start saving money (14, 44-5, 36-40).

After discussing police corruption and complicity, the response of the courts, the de facto immunity granted to traffickers and brothel owners, and the health condition of prostitutes, Human Rights Watch makes concrete recommendations to the governments of Nepal and India and to the international community. The recommendations focus on government ratification of international human rights conventions, enactment of national laws that are meant to stop this pernicious phenomenon, and development of mechanisms to enforce those laws. Human Rights Watch also suggests concrete strategies for monitoring the India-Nepal border, finding missing women, and stopping police abuse of women. It urges the United Nations and the World Health Organization to fight the AIDS epidemic (exacerbated by the prostitution industry) by supplying information to prostitutes and their customers. Finally, the international community, and particularly those countries that trade with India and Nepal, are enjoined to pressure both countries to adopt Human Rights Watch’s recommendations (84-90).

The rigorous investigative quality of Rape for Profit also is found in The Small Hands of Slavery, Human Rights Watch’s report on bonded child labor. Out of more
than sixty million working children in India, the number of children working as bonded labor is conservatively placed at fifteen million. “Bonded child labor,” the report explains, “refers to the phenomenon of children working in conditions of servitude in order to pay off a debt” often incurred by a parent. Parents need loans for a variety of reasons, such as feeding their family, paying for medical care, or providing a dowry for a child’s marriage. As a result of the urgent situation of families who do not have access to other lending sources, employer-lenders are able to pay bonded children even lower wages than nonbonded laborers, while also charging exorbitant interest rates. Because of such interest rates and wages, a child may work for ten years without being able to pay off a $35 loan extended by the employer to the child’s family (HRW/Asia 1996b, 1–2, 17–8, 3).

In its recommendations, Human Rights Watch calls upon the Indian government to enforce existing laws banning bonded labor, to implement compulsory free public education (as called for in the Indian Constitution), and to comply with United Nations conventions concerning children’s rights. Human Rights Watch also recommends that United Nations agencies pressure the Indian government to comply with international laws, and that international lending institutes and donor countries condition their loans and aid to India on compliance with labor laws. In addition, the international community is urged to use trade benefits as leverage to eradicate forced labor practices, and both Indian and international retailers, suppliers, and consumers are asked to reject products made by bonded labor (8–13).

Underlying all Human Rights Watch’s recommendations are international human rights conventions. These conventions are used both for evaluating the status of human rights within a country and for determining the adequacy of a country’s existing domestic laws, indicating Human Rights Watch’s universalistic approach. International conventions are the point of reference: they are the standard. Two primary types of recommendations follow from the use of this standard. First, Human Rights Watch recommends revising domestic laws so as to bring them into compliance with international standards. Second, it proposes administrative reforms, primarily dealing with monitoring and prosecution, that will facilitate effective enforcement of those laws. India, for example, is urged to reform its domestic laws so as uniformly to forbid bonded child labor in all industries and thus to comply with international conventions to which it is a signatory. Human Rights Watch then recommends a variety of methods for the Indian government to enforce such laws, ranging from an increase in the number of investigators to an increase in fines levied upon employers guilty of using bonded labor (8–11). Human Rights Watch’s primary focus on laws and their enforcement attests to the essentially legalistic approach it adopts in its efforts to mitigate exploitation around the world.

Another notable aspect of Human Rights Watch’s reports is its attentiveness to the economic context in which human rights violations occur. In its analyses of Nepal and India, Human Rights Watch underscores the economic factors that encourage abuses and discourage their legal prosecution. It points out, for instance, that the unequal distribution of agricultural land contributes to poverty, which in turn leads
to the sale of Nepali girls to brothels by their families and neighbors. Likewise, in *The Small Hands of Slavery*, it discusses many of the specific socioeconomic conditions motivating employers and poor families to become involved in the practice of bonded labor. On the one hand, poverty causes parents to place their children in bonded labor in exchange for desperately needed loans. Families are especially vulnerable to employers—eager to be lenders—because of the lack of alternative sources of small-scale loans for the rural and urban poor, the lack of an effective social welfare scheme to safeguard against hunger and illness, and the lack of employment opportunities and living wages for adults (HRW/Asia 1996b, 14). On the other hand, the economic factors encouraging employers to utilize bonded labor are obvious. These same factors are not unrelated to the government's failure to enforce existing laws against bonded labor. The elite, who have the power to see that these laws are enforced, benefit economically from bonded child labor because it is easily replaceable, "convenient, cheap, compliant, and dependable," and depresses the wages of all workers. Human Rights Watch states that employer-lenders also benefit from their higher caste status and through their social and political connections with those "who might normally be expected to safeguard the rights of children" (18).

The connection between human rights violations and the socioeconomic context in which they occur is evident to the reader of Human Rights Watch's reports. This attentiveness to the socioeconomic context, however, appears only in Human Rights Watch's analyses; it is almost totally absent from the recommendations. This absence is but one consequence of the legalistic approach adopted, an approach that limits the effectiveness of its work, particularly when analyzed from the framework of the *Manifesto*. To such analysis we now turn.

**The Manifesto's Economic Critique**

Two central difficulties arise when examining Human Rights Watch's economic analysis. First, and as already indicated, its recommendations largely fail to take into account its own socioeconomic analysis. Second, the economic analysis provided in the reports is distorted: it is inattentive to the international economic system's influence on local markets. The *Manifesto* reminds us that the "need of a constantly expanding market for its products chases the bourgeoisie over the whole surface of the globe. It must nestle everywhere, settle everywhere, establish connexions everywhere" (Marx and Engels 1985, 83). This indicates that in "place of the old local and national seclusion and self-sufficiency, we have intercourse in every direction, universal inter-dependence of nations" (84). Local economies, within the context of advanced capitalism, are not autonomous, and any attempt to analyze a country's economy in isolation from the global market is necessarily blinkered. Given that Human Rights Watch subscribes to a universalistic approach, in which human rights in local settings are evaluated vis-à-vis international standards, its neglect of the international economic system is inconsistent.
David Ricardo's (1811) principle of comparative advantage provides a useful example of an economic analysis that is premised on global interdependence in the realm of trade. A country, Ricardo explains, tends to manufacture commodities for which production costs are comparatively lower than the cost of producing the same commodities in other countries, thereby giving that country a competitive advantage in the global market. Although economists have in the last century developed and modified Ricardo's theory of comparative advantage, it is still considered a fundamental tenet of international trade. In The Small Hands of Slavery, we learn that the bonded girl or boy is India's comparative advantage, producing a great deal in proportion to the pay received (often no more than $.40 for a fourteen-hour day). It is therefore no surprise that, as Human Rights Watch reports, bonded children are utilized in the production of many export-related industries such as silver, synthetic gemstones, textiles, carpets, and leather. The handwoven carpet industry alone employs three hundred thousand children (HRW/Asia 1996b, 4, 13, 19, n. 28). Human Rights Watch's report does not indicate, though, that these industries amount to 48 percent of India's total exports (Government of India 1997a). Agriculture, the sector employing the largest number of bonded children, produces an additional 10 percent of India's exports (HRW/Asia 1996b, 15; Government of India 1997a). In neglecting to report that roughly 60 percent or more of the export industry employs bonded children, Human Rights Watch thus fails to point out the magnitude of the economic interests threatened by any effort to end bonded labor.

In an Indian government publication for investors entitled "India Means Business," we are told that "low labor costs . . . make India a highly competitive manufacturing base for global exports" (Government of India 1997b). While international corporations may not employ bonded children directly, they often hire subcontractors who do. Moreover, the practice of bonded labor drives down the wages (and leads to the reduction of benefits) of all workers, thus amplifying the exploitation of Indian workers. Since the introduction in 1991 of economic reforms intended to open India's economy to foreign investment, investors have taken advantage of India's low wages as a means for producing cheap exports, as indicated in the phenomenal rise in exports from $18 billion in 1991 to $32 billion in 1996, a 78 percent increase (Government of India 1997c).

In order to be consistent with its universalistic aspirations, Human Rights Watch should have pointed out that an unregulated global market is also to blame for the exploitation of India's children. The interdependence of the global economic sys-

5. Human Rights Watch reports that in response to international pressures on India to end the use of child labor, Indian leaders and media complained that such pressures were due "to an ulterior commercial motive." The Indian business community seems to believe that such pressures seek to eliminate the competitive advantage resulting from India's use of child labor. While the business community's claims are cynical, Human Rights Watch's dismissal of them as "a diversionary tactic" lacks sensitivity and is, in fact, indicative of its neglect of the international economic context. Human Rights Watch's argument (that the Indian leaders and media's claims intend to mobilize domestic opinion against international pressures and thus to defuse domestic demands that labor laws be enforced) is oblivious to the importance of the economic benefits obtained through child and bonded labor (HRW/Asia 1996b, 4-6).
tern suggests that political decisions are likely to more effective when they are made globally—that is, when countries cooperate to end exploitation. It is quite clear that until the global economic order is deliberately changed, until all nations make a political decision to provide for the basic needs of each new generation, it will be economically advantageous to employ and to exploit children.

Human Rights Watch's inattentiveness to the international economic system in the analysis portion of its reports is linked integrally to its failure to address even the local socioeconomic context in its recommendations. Marx and Engels might have said that it has chosen to follow the path of utopian reformers. According to the Manifesto, utopian movements and organizations dissociate their strategy for change from the material context. Human Rights Watch's recommendations for social change are therefore flawed for two important reasons. First, some of the recommendations offer "fantastic" solutions instead of solutions that are sensitive to the historical, socioeconomic factors behind exploitation. Or, in Marx and Engels's words, "Historical action is to yield to their personal inventive action, historically created conditions of emancipation to fantastic ones" (1985, 115).

Although we agree with Marx and Engels that one should reject fantastic solutions, we believe that it is important to distinguish between a utopian imaginary that is conducive to social change and mere fantasies that are counterproductive. The very creation and promotion of an imaginary that transcends existing practices is essential to movements striving to generate social change. Even the discursive production of a utopian future can affect public conceptions and expand the horizon of imagined possibilities. In fact, the Marxist project to which we subscribe is based on this kind of utopianism. While most of Human Rights Watch's proposals are also utopian in this constructive sense, at times it offers fantastic recommendations. If a utopian imaginary is not to regress into idle whims or false promises, it needs to be contextually informed.

An example of a fantastic recommendation that lacks contextual sensitivity is Human Rights Watch's call for the Indian government to "[a]mend the Trade Union Act to allow children to form and participate in trade unions as an interim measure pending the elimination of bonded child labor" (HRW/Asia 1996b, 10), a recommendation that is also made in their report Police Abuse and Killings of Street Children in India (HRW/Asia 1996a, 5). Our criticism, one should note, is not directed against the recommendation to unionize, which we believe to be utopian in its constructive sense. Rather, given current conditions, we find it fantastic to propose the creation of children's unions. This proposal does not take into account the powerlessness and utter vulnerability of these children, which Human Rights Watch itself portrays. Elsewhere in its report, Human Rights Watch states that any complaints made against employers, much less any type of organized protest, are met with violent and even fatal retaliation by employers, with the police turning a blind eye to such abuse (HRW/Asia 1996b, 21). Furthermore, this recommendation ignores the paltry rate of adult unionization in India. A United Nations report states that "the majority of the work force in India is unorganized in nature . . . 85 percent of the work
force is self-employed or employed on casual wages, and only 15 percent is on regular salaried employment" (United Nations 1997, chap. 29).

Human Rights Watch additionally fails to link the absence of unions with the Indian government's recent efforts to open its markets to foreign capital and to boost its exports. Unions would endanger the government's economic plans by demanding an end to low wages and bonded labor, which are incentives for investment and advantageous for exporting. Moreover, would child unionization even be necessary if adults were unionized? We believe that Human Rights Watch can readily avoid making such fantastic recommendations by including the effects of the global market in both its analysis and its recommendations and by integrating its analysis of local socioeconomic conditions into its recommendations.

Marx and Engels's second criticism of utopian reformers highlights Human Rights Watch's mistaken assumption that effective and lasting social change can be dissociated from popular political struggle. On the one hand, history teaches us that legal rights have played a crucial role in a variety of social justice struggles (Marx 1978a). Legal change can be conducive to popular resistance against oppression and exploitation; it creates an officially recognized realm from which demands can be articulated, from which oppression can be conceived and denounced. On the other hand, scholars and activists alike have pointed out that legal change is least effective when imposed in a top-down fashion, when those who are exploited have no hand in their own emancipation. In such situations, the exploited often become reliant upon others, thus forfeiting their own agency. Although it is very hard for repressed populations to mobilize, one should not ignore or write off in advance their agency, their capacity to unite and bring about change. Accordingly, legal change is most beneficial when promoted from the bottom up.

We consequently believe that Human Rights Watch's legalistic approach is simultaneously constructive and destructive. The progressive laws it introduces are favorable to oppressed populations and consequently can be conducive to political struggles. Yet, Human Rights Watch totally neglects the process of creating or even working closely with grass-roots movements fighting for social change. It interviews the oppressed, using the interviewee as a case study to be analyzed, but it fails to translate the numerous case studies into grass-roots demands for substantial political and economic change. This failure, we believe, depoliticizes the abuse of human rights. For instance, Human Rights Watch notes that India lacks alternative financial

6. In her work on class struggle and the family, Jane Humphries (1977) offers an example of how the struggle for a living wage may be a strategy for ending child labor and for improving families' standard of living. In nineteenth-century England, one of the few sources of control the working-class had over the supply of labor was through an organized struggle to withdraw a segment of the work force. By decreasing the supply of workers (in our case, child laborers), workers may have a good chance of increasing wages. In such a struggle, unionized labor can appeal to norms that consider child labor to be inappropriate. One should note, however, that in India child labor is not seen as entirely inappropriate.

7. Baxter correctly points out that in the "Critique of the Gotha Program," Marx claims that "the social and political component of the socialist state superstructure can only be initially created on the basis of those progressive rights and freedoms enacted by the bourgeoisie" (Baxter 1989, 368).
sources capable of providing small-scale loans for the rural and urban poor, enabling employers to take on the role of lenders and thus to exploit poor families. It does not, however, recommend that local populations, with assistance from nongovernmental organizations or the government, establish cooperative banks to offer such loans, similar to those that already have been set up in Bangladesh and even in some places in India. Ironically, Human Rights Watch begins *The Small Hands of Slavery* with a quotation from labor activist Samuel Gompers: “Shame upon such crimes! / Shame upon us if we do not raise our voices against them!” (HRW/Asia 1996b). Gompers’s words are applauded by Human Rights Watch, yet his efforts to mobilize the population, and specifically to unionize adult workers, are conspicuously ignored.

Marx and Engels might have claimed that Human Rights Watch neglects to expand its recommendations beyond a legalistic approach because it is “compelled to appeal to the feelings and purses of the bourgeoisie” and consequently to “deaden the class struggle” (1985, 117). This is seen, first, in the fact that implementation of its legalistic recommendations is essentially dependent upon those in power (e.g., the political and economic elite). Second, funding of Human Rights Watch’s investigative efforts comes mostly from Westerners sympathetic to the expansion of human rights. What is crucial in both these aspects of its work is that it is not working with the oppressed to end their exploitation, but is appealing to those in power, who often have direct or indirect ties to the very socioeconomic structures responsible for oppression. In taking this approach, Human Rights Watch forfeits a grass-roots strategy that would facilitate the emergence of popular political movements.

“The Socialist bourgeoisie,” Marx and Engels assert, “want all the advantages of modern social conditions without the struggles and dangers necessarily resulting therefrom”:

> They desire the existing state of society minus its revolutionary and disintegrating elements. They wish for a bourgeoisie without a proletariat. The bourgeoisie naturally conceives the world in which it is supreme to be the best . . . [I]t but requires . . . that the proletariat should remain within the bounds of existing society, but should cast away all its hateful ideas concerning the bourgeoisie. (1985, 113)

While the *Manifesto*’s description of the motivations of such reformers is overly harsh with respect to Human Rights Watch, there is an element of truth in its portrayal. This is not to say, however, that its efforts to introduce progressive laws are not extremely important, but rather that its struggle against oppression would be more effective if it would incorporate a grass-roots element in its work.

Human Rights Watch’s top-down legalistic strategy, as well as its limited analysis of the economic context, is linked to the absence of a structural critique from its work. One might distinguish two strategies for fighting exploitation: one that simply criticizes the dysfunctions within the existing structure, and another that tries to change the structure itself. We would argue, furthermore, that altering structural relations is

essentially impossible—and undesirable, because potentially undemocratic—without the mobilization of a broad-based political movement. In the *Manifesto*, Marx and Engels raise this issue in the critique of conservative or bourgeois socialists, claiming that a “part of the bourgeoisie is desirous of redressing social grievances, in order to secure the continued existence of bourgeois society. To this section belong economists, philanthropists, humanitarians, improvers of the condition of the working class . . . hole-and-corner reformers of every imaginable kind” (1985, 113; emphasis added).

The two authors criticize bourgeois socialism because it “sought to depreciate every revolutionary movement in the eyes of the working class, by showing that no mere political reform, but only a change in the material conditions of existence, in economical relations, could be of any advantage to them.” Bourgeois socialism, however, understood “changes in the material conditions of existence” to be “administrative reforms, based on the continued existence of [existing bourgeois] relations; reforms, therefore, that in no respect affect the relations between capital and labor, but, at the best, lessen the cost, and simplify the administrative work, of bourgeoisie government” (1985, 114). Marx and Engels’s critique of bourgeois socialism is informed by the base/superstructure binary which elevates, in turn, revolutionary struggle over political reform. The authors assume that only revolutionary struggle will lead to a radical transformation of the base, whereas political reform is directed solely at dysfunctions and consequently does not challenge structural relations. While it is beyond the scope of this paper to present a comprehensive critique of the *Manifesto*’s economism, there are a few points we would like to make.

Aside from the fact that privileging the economic base introduces a mechanical determinism into the historical process, this form of reductionism suggests that ideology, culture, and politics lack autonomy, for they are conceived as mere epiphenomena of economic forces (see, for example, Mouffe [1979]). Gramsci was one of the first Marxists reluctant to accept orthodox Marxism’s economism, arguing that there is a dialectical, interdependent relation between structure and superstructure. Following his lead, we do not consider the economy to be a “self-regulated space subject to endogenous laws,” nor do we think that capitalism generates its transformation from its own internal logic in a linear fashion (Laclau and Mouffe 1985, 84). Gramsci’s writings suggest that the so-called internal logic of capitalism cannot be reduced to the mode of production. Moreover, because the economic base is not equated with objective reality, the whole ideological terrain is no longer considered to be a posterior mechanism that arises only to legitimate the dominant mode of production and provide it with value (Gramsci 1971, 407).

The disruption of the structure/superstructure binary challenges the economic base’s ontological status, leading to the elevation and expansion of politics, as well as to a more compelling and useful notion of ideology and power.9 This disruption

9. Gramsci argues that politics is distinct from economics, “which is why one may speak separately of economics and politics, and speak of ‘political passion’ as of an immediate impulse to action which is born on the permanent organic terrain of economic life but which transcends it” (Gramsci 1971, 140).
also leads Gramsci to contest the Marxist idea of the instrumental state, an idea that identifies the state with the repressive apparatus. He claims that the instrumental conception of the state leads to the degeneration of politics primarily because it ignores the indissoluble relation between politics and ideological struggles (Buci-Glucksmann 1980). This criticism, in turn, leads him to expand the definition of political power and to show that power manifests itself in a variety of forms, many of which cannot be reduced to the state’s repressive apparatus. Gramsci accordingly distinguishes between two types of political struggle: a war of maneuver (frontal attack) and a war of position (struggle resembling trench warfare). A war of maneuver, which is associated with the traditional notions of revolution, can potentially succeed when the power that sustains the existing system is situated in a limited number of identifiable sites (like the police, military, etc.). But the theoretical expansion of the state leads Gramsci to conclude that power is not limited to a number of sites and is dispersed throughout society. Therefore, power can rarely be seized by a frontal attack; only through a war of position can one successfully alter the existing power structures.

Returning to the *Manifesto*, one notices that it considers forms of exploitation such as slavery and forced prostitution to be inherent to the existing structure and not merely the latter’s coincidental excesses. We do not dispute this claim, but only disagree with Marx and Engels’s conception of the structure. The reduction of the structure to the economic base leads the two authors to conclude that only a revolutionary struggle that transforms the base is a worthy endeavor. If, however, the structure is considered to be an amalgamation of economy, politics, culture, and ideology, and if power is dispersed and irreducible to an identifiable site, then two conclusions follow: (1) revolution is not necessarily an appropriate strategy; and (2) the struggle against, for instance, bonded child labor can be considered part of an overall war of position, not merely a display of reversionary reformism that, in the final analysis, reinforces existing forms of exploitation. Although we reject the simple revolution/reform binary, we still insist on the importance of a structural critique and argue that Human Rights Watch’s legalistic strategy frequently fails to provide it. To make sense of this claim, we need to examine the *Manifesto’s* critique of law.

**Critique of Law**

The lack of a structural critique can in part be traced to a reluctance to question the relation between the legal system and the market. As mentioned earlier, Human Rights Watch stresses the universality of international laws. This is a crucial aspect of its strategy, for it contends that international legal standards can and should be applied to local situations, and that such application contributes to the emancipation of exploited populations. Human Rights Watch’s decision to use international law as the primary tool for social change seems to be informed by the assumption that everyone is equal under the law and that international laws are neutral. Put differ-
ently, if Human Rights Watch did not consider international laws to be neutral, it
would have to augment its recommendations with concrete socioeconomic analyses
or at least point to law’s biases.

Marx and Engels’s universalistic approach, on the other hand, stresses the inter-
national context of local economies, claiming that capital makes national boundaries
of little consequence. We read in the Manifesto that laws are conditioned by eco-


domic forces, indicating that neither national nor international laws have a neutral
status but that they are influenced by the relations of production. As Marx and Engels
aver, “Law, morality, religion, are to [the worker] so many bourgeois prejudices,
behind which lurk in ambush just as many bourgeois interests” (1985, 113). This is
not to say, though, that laws, morality, or religion are reducible to the economic, as
an economistic reading would assert.

Human Rights Watch is at least partially sensitive to this critique of law. The fact
that it uses international laws to criticize national laws indicates that it is aware of
inadequacies within domestic legal systems and that it considers existing international
laws much more adequate for protecting human rights. In advocating reform of na-
tional laws, Human Rights Watch argues that these laws do not ensure the rights of
certain segments of society (usually the poor), implying that they privilege other
members of society. For instance, Human Rights Watch points out that India’s inad-
quate laws against bonded labor make cheap and compliant sources of labor readily
available to the economic elite.

Although Human Rights Watch does not explain why within a given historical
period certain national laws in certain countries are inadequate, it seems to subscribe
to a developmental model of law, according to which respect for the dignity and equal-
ity of all humans progresses in history, increasingly manifesting itself in legal sys-
tems. Regardless of its underlying presuppositions, the very fact that Human Rights
Watch dissociates international socioeconomic and political conditions from inter-
national law implies an assumption that international laws are neutral. Marx and
Engels, in contrast, argue that laws are conditioned by existing social relations, which
favor some groups over others. As the protector of these relations, the legal system
determines under what conditions the use of coercion is warranted and, in this man-
ner, also circumscribes the arena of what is permitted in society. For the majority of
the population to accept the boundaries defined by law, it is important that the link
between socioeconomic relations and the legal system remain concealed. Thus, it is
crucial that this system be viewed as neutral and impartial.10

On an even deeper level, we see that laws function as an instrument of social inte-
gration, assimilating the different segments of society to existing economic rela-
tions (e.g., by relating to a diverse society as a homogeneous entity). We are told in
the Manifesto that “bourgeois notions of freedom, culture, law, etc. . . . are but the
outgrowth of the conditions of your bourgeois production and bourgeois property,

10. To prevent misunderstanding, we are not referring to a conscious process of concealing or a big
conspiracy, as is sometimes postulated by certain forms of vulgar Marxism.
just as your jurisprudence is but the will of your class made into a law for all, a will, whose essential character and direction are determined by the economic conditions of existence of your class" (Marx and Engels 1985, 99–100; emphasis added).

A Gramscian analysis of this passage suggests that a twofold phenomenon is involved. First, laws that benefit a segment of society are presented as if they function in the interests of all members of society, as if the interests they represent are universal. Second, the notion of universal interests suggest the voluntary abandonment of subordinate groups' interests in favor of the dominant group's interests. In other words, subordinate groups willingly adopt the hegemonic world-view and affirm it through their belief system, language, and actions. The law attains its maximum efficacy when—through "spontaneous" consent rather than through actual or threatened coercion—the masses modify their own habits, their own will, their own convictions in order to conform with the law's directives and interdictions (Gramsci 1971, 266). Gramsci's crucial insight has to do with the manner in which laws function: the Gramscian reading of Marx suggests that laws not only demarcate behavior, but actually facilitate the constitution of the social agent's very identity.

Accordingly, the critique of law involves two components: one has to do with the link between the socioeconomic sphere and laws, and the other concerns the constitutive function of laws. Human Rights Watch's failure to examine the manner in which laws are informed by socioeconomic relations leads it to disregard some structural forms of oppression. Once international laws are examined vis-à-vis the international economic system, it becomes apparent that industrialized countries frequently profit disproportionately from existing legal conventions. The Third World countries' arguments that environmental laws unequally benefit the industrialized nations are by now well known. Likewise, if cheap labor is India's comparative advantage and if the international character of the world economy essentially forces India to compete in the global market, a law that simply prohibits child labor is predisposed toward those countries whose economic systems are not dependent on the employment of children.

This is not to say that Human Rights Watch's struggle against child labor is inappropriate, but rather that because it restricts its focus to laws, it is limited in its effectiveness. Since laws are conditioned by the very same socioeconomic relations that to a large extent cause exploitation, one must also examine in a much more serious manner the existing structural relations—not least of which is the economic subjugation of Third World countries by industrialized countries.11

11. It is not enough, for example, to urge the international community to use trade benefits as leverage in pressuring countries like India to ratify international laws. Such recommendations do not address the exploitative role of the industrialized countries and how that role is reflected in international legal conventions. Despite the concrete relation between human rights abuses and the global economy alluded to in the letter signed by Human Rights Watch's director and chair (HRW 1997b), Human Rights Watch restricts its recommendations, even within its narrow legalistic approach: it does not demand, for example, legislation requiring industrialized countries to share their technology with poorer countries. Similarly, laws promoting the redistribution of property or the transfer of control over the means of production into the hands of workers are far beyond Human Rights Watch's horizon. Our previous comments on its top-down approach, though, should make it clear that we support grass-roots political movements, not simply legal reform.
The second component of the critique of law underscores the instrumental role laws play in constituting identities. We deal with this issue in our discussion of the critique of rights, where it emerges even more forcefully.

Critique of Rights

Human Rights Watch not only fails to acknowledge the necessarily nonneutral nature of international laws, but, as a materialist analysis indicates, also remains blind to the constitutive role of human rights. Although there is some overlap between Marx's critique of rights and his critique of law, the former is much more radical, given the liberal faith in rights as being above contingent, historical influences. If one believes in the universal status of human rights, as Human Rights Watch does, then there are several routes one can take to justify such a position. One possible route would be to argue that human rights are inherent to humans, as in the natural right tradition. Another route bases human rights on a rational philosophical procedure, as in Kant's philosophy and in the neo-Kantian liberal tradition represented today by scholars like John Rawls. Both views distinguish between positive laws and rights, claiming that the former are often incomplete and partial, reflecting contingent social relations, while the latter are transhistorical. Since it appears that Human Rights Watch's approach is closer to the liberal view, we will focus on it.

The liberal position bases its notion of human rights on the assumption that people are equal. If all people were not equal (that is, ends themselves), then Kant (1953) could not assert: "Act only on that maxim through which you can at the same time will that it should be a universal law." Following Kant, Rawls (1971) begins his theory of justice by situating human beings behind a "veil of ignorance" concerning their position in society. In this manner he establishes equality in the "original position," the hypothetical position from which moral judgments are made. The rights attributed to human beings are then determined from behind the veil of ignorance—that is, on the basis of equality. Human beings are accordingly considered to be rational agents whose existence and formative modes of conceptualization are ontologically prior to society; the social agent is presented as unencumbered.

As opposed to the liberal notion of the unencumbered self, our reading of Marx suggests that the social agent's very identity is in part constituted by context (see Dietz 1992). This is crucial because if identities are discursively constituted, then the equality upon which liberalism establishes its ethics is also put into question. Marx argues that liberal equality is abstract: liberalism, he says, considers individuals to

12. We cannot but disagree with G. A. Cohen's (1981) conclusion that natural rights are a central aspect of Marxism. Cohen ignores the central assumptions concerning human nature and the transhistorical status of certain premises underlying the natural right position, assumptions and premises that are inconsistent with Marx's historical materialism. Another position that we do not discuss, but that is clearly contrary to a materialist analysis, is the natural law tradition.

be equal in a formal way that is divorced from particular social and economic circumstances or relations. More important, liberal equality is socially constituted and not necessarily derived from some innate form of rationality, as many liberals would have us think. On the basis of a rational procedure, one may or may not conceptualize other human beings as equals. We know, for example, that Aristotle did not consider slaves and women to be equal to Greek male citizens. Since Descartes, however, rationalists have professed that all human beings are equal. One should note, though, that the rational procedure laid bare in the Meditations, which is based on the cogito, assumes the cogito in all other human beings; that is, it posits its abstract equality.

In “On the Jewish Question” and the Grundrisse, Marx suggests that the notion of abstract equality (the basis of human rights) is an effect of the capitalist mode of production—specifically, an outcome of capitalistic exchange. In order to function, the capitalist system must assume 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. 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” (Marx 1973, 241). Hence capitalism, which is based on exchange, must presuppose the formal condition of equality between human beings. In this way capitalist exchange, as opposed to other modes of production, is unique in its independence from economic obligations arising from social roles (as in a caste or feudal system) and from physical force (as in slavery).

But if exchange is actually to occur, then equality must be restricted to the formal level and cannot be fully actualized. Put differently, if everyone were not merely formally but fully equal, there would be no reason for exchange to occur. As George Brenkert persuasively points out, this indicates that in a capitalist society there are two other preconditions for exchange relations. First, individuals are actually different: they have different needs, abilities, and so forth. Second, individuals have a surplus; that is, “they have something that they can give up, transfer to another.” These two preconditions—alongside the abstract idea that each subject is an equal exchanger, an idea that points to the emergence of the notion of the self-determining, autono-
mous individual whose consent is necessary for the exchange to proceed—lead to the recognition of rights in general. The recognition of rights, then, is conditioned by the capitalist mode of production which is based, in turn, on consensual exchange (Brenkert 1986, 67, 69).

Within capitalism, Marx avers, each individual relates to the other as abstractly equal, but also as concretely different insofar as the other is an owner of property and has a right to that product. The right to private property is constituted by social relations of exchange and is, according to Marx, the fundamental right in capitalist society. Since the right to property is the first right that arises from capitalistic exchange and the notion of formal equality, it becomes the basis of all other rights. The so-called fundamental rights to security and freedom of movement, for example, evolve from the right to property, where a person's body is his or her property. As relations in society become increasingly characterized by capitalist exchange, the recognition of rights expands and new rights emerge (Brenkert 1986, 70). Precisely this analysis of capitalism informs Marx's claim: "Right can never be higher than the economic structure and its cultural development thereby" (1978a, 531). While this claim is overly reductionist, it does suggest that the respect for human rights in certain countries "lags" because capitalist exchange has not come to characterize all relations; precapitalist social relations still govern many aspects of life in these countries.

As much as Marx is critical of capitalism and liberal rights, his historical analysis leads him to conclude that capitalism and the consequent emergence of rights are progressive. Brenkert explains that within a Marxist framework faithful to Marx, rights cannot be "vulgarly" criticized as "necessarily serv[ing] particular interests of the bourgeoisie... As a matter of brute fact, it should be obvious that appeals to human rights may serve the particular interest of the working class" (1986, 73; emphasis added).

The emancipation achieved through liberal political and human rights—which Marx labels political emancipation—is limited, though, because such rights are premised on a notion of human equality that is abstracted from individuals' particular socioeconomic situations. Marx argues in "On the Jewish Question" that when the state institutionalizes liberal political and human rights, the "state abolishes, after its fashion, the distinctions established by birth, social rank, education, occupation, when it decrees that... [they] are non-political distinctions; when it proclaims, without regard to these distinctions, that every member of society is an equal partner in popular sovereignty... But the state, none the less, allows... [such distinctions] to act after their own fashion, namely as private property, education, occupation, and to manifest their particular nature" (1978b, 33). In contrast to this limited form of emancipation, Marx advocates a richer, fuller notion of emancipation that he calls human emancipation. He claims that human emancipation will occur only when the abstract equality of political life is not undermined by the numerous inequalities of civil life.

16. Marx states, "Political emancipation certainly represents a great progress. It is not, indeed, the final form of human emancipation, but it is the final form of human emancipation within the framework of the prevailing social order" (1978b, 35).
Supplementing Marx’s argument with a Gramscian analysis, one can read Marx’s discussion in these early texts not only as explorations into the origins of rights, but as examinations of how social agents are constituted as bearers of rights.¹⁷ In the context of our discussion, this reading suggests that Human Rights Watch’s legalistic strategy, which accentuates a person’s rights, reinforces the constitution of social agents as rights-bearers. Following Marx, we believe that the constitution of social agents as bearers of rights is both a boon and a curse, but before explaining this claim, two qualifications need to be made. First, we do not intend to imply that rights or laws constitute the social agent fully. Rather, rights and laws contribute to the constitution of an identity that is always overdetermined.¹⁸ Second, although we agree with Marx that the notion of abstract equality and thus the notion of rights are informed by capitalist exchange, we do not accept the analysis that reduces rights to a certain mode of production.

Having said this, we can now discuss the positive aspect of rights—that is, the contribution they have made to the constitution of identities. Despite Marx’s criticism of capitalism, his historical analysis suggests that property rights and the discourse surrounding them introduced such progressive ideas as the right to one’s own body, to liberty, to security, and so on. The constitution of the social agent as the bearer of these rights accentuates the important Kantian claim that each person is an end in him- or herself and should not be regarded only as a means. Human Rights Watch has adopted the imaginary of the social agent as the bearer of rights, and strives to disseminate it around the world. Its work, therefore, is not limited to the protection of basic rights, but extends to the very constitution of all social agents as having rights. In this sense, its struggle is indeed laudatory, for it promotes Marx’s notion of political emancipation.

But for Marx, the constitution of the social agent around the notion of rights is also a curse. The curse has to do with the correlation between rights and property. Property rights, Marx argues, aggrandize the individualistic nature of liberty and constitute the social agent around this imaginary. Like all liberal rights, they are grounded in a profoundly asocial conception of humans that ultimately leads to alienation.¹⁹ “The right of property is ... the right to enjoy one’s fortune and to dispose

¹⁷. In his analysis of Taylorism, for example, Gramsci point out that “the new methods of work are inseparable from a specific mode of living and of thinking and feeling life.” Taylorism, he continues, should be taken with the utmost seriousness for it intends to “create, with unprecedented speed, and with consciousness of purposeness unmatched in history, a new type of worker and of man.” The idea shaping Gramsci’s analysis of Taylorism is that human beings are constituted by the context in which they live. Elsewhere he claims, “Man cannot be conceived other than living in society,” adding that “man is what he eats” in so far as his diet is one of the expressions of social relations taken as a whole” (1971, 302, 353–4; see also 268).

¹⁸. Gramsci, for instance, goes beyond the vulgar Marxist view which suggests that social agents are constituted by their economic class (i.e., their position vis-à-vis the mode of production). For Gramsci, context as a whole (as manifested in the workplace, education system, church, etc.) constitutes individual identity. Furthermore, agents can never be constituted fully, for there is always an overdetermination. See, for example, Althusser’s (1996) reference to Gramsci.

¹⁹. From a slightly different perspective, Baxter points out that the notion of “equal right” remains in principle a bourgeois right “because it still tacitly rewards individuals on the basis of unequal natural endowment that each person brings to the labor process” (1989, 358).
of it as one will; without regard for other men and independently of society . . . It leads every man to see in other men, not the realization, but rather the limitation of his own liberty." Insofar as the subject is constituted by property rights, individualism and separateness are promoted, and human beings come to be regarded as isolated monads. Marx identifies the accentuation of rights with political emancipation and argues that the liberty this view espouses is "the right to do everything which does not harm others" (1978b, 42). He adds that this is a seriously limited way to understand emancipation, for it bases freedom upon the individual's separation from the other. Self-centered interest, or egoistic interest as Marx also calls it, informs capitalism's economic and legal subject; indeed, it facilitates the constitution of its moral agent.

Conclusion

From a Marxian point of view, it is unfortunate that an organization like Human Rights Watch, whose ultimate aim is emancipation, only strives to affirm individualistic rights. We can now see that although both Marx and Engels, on the one hand, and Human Rights Watch, on the other, wish to expand the sphere of freedom, their conceptions of freedom are different. By adopting a legalistic strategy, Human Rights Watch in effect confines freedom to the realm of individualistic rights, which is the realm of political emancipation, and promotes the constitution of the social agent around those rights. One wonders whether Human Rights Watch's decision to refrain from grass-roots mobilization is not connected, on a profound level, to the individualistic nature of the struggle for political emancipation. Marx's criticism suggests that while political emancipation allows society to progress, that kind of emancipation is informed by existing socioeconomic relations and therefore cannot overcome the actual inequality and alienation inherent in them.

"Human emancipation," by contrast, "will only be complete when the real, individual man has absorbed into himself the abstract citizen . . . when he has recognized and organized his own powers (forces propres) as social powers so that he no longer separates this social power from himself as political power" (Marx 1978b, 46). Marx's description of emancipation as the eradication of humans' alienation from each other and their alienation from their own productive and creative activity is compelling. Integral to Marx's notion of emancipation is the idea that freedom becomes possible only when social relations are no longer based on competition and isolation and when all women and men participate in determining their economic, social, and political circumstances.20 But to reach this kind of freedom, the many forms of oppressive structural relations must be confronted and altered and, just as important, the constitution of social agents cannot be limited to the liberal language of rights. It is pre-

20. Marx's notion of freedom is perhaps most clearly articulated in his discussion of alienation in the essay "Estranged Labor" in The Economic and Philosophic Manuscripts (1964).
cisely this step that Human Rights Watch frequently refuses to take. Although Human Rights Watch's work is extremely important, it would, we believe, be more effective if it broadened its legalistic strategy. So in response to the question posed in the title of this essay—is the struggle for human rights a struggle for emancipation?—the answer is mixed: Human Rights Watch advocates political emancipation, while forfeiting human emancipation.

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