IN SEARCH OF
A HUMAN RIGHTS ORIENTED ECONOMIC PARADIGM:
OR ANALYZING THE IDEOLOGY OF HUMAN RIGHTS

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Abstract

The field of human rights has been short on political economy. While some important studies established the relationship between economic development and human rights, economic structures that are appropriate for the realization of human rights are not examined. The equality and anti-discrimination principles of international human rights, when applied to all aspects of life, make certain economic and political organizations incompatible and directly in conflict with the advancement of human rights. While the authoritarian politics is often addressed as inappropriate or constituting violations of civil and political rights, capitalist, or more benignly defined market economy, is seldom identified as an obstacle to the realization of human rights or as a necessary target of change for projects that advance human rights. This paper contends that the implementation of full spectrum of human rights call for a social democratic model, if not a substantial democracy (as opposed to procedural) that can be actualized only in a socialist economy. The radicalism embedded in such an argument, however, makes human rights less palatable to some people. This may explain why the study of human rights has been short on political economy and why many advocates of human rights strategically avoid controversy.
INTRODUCTION

Ideologies are belief systems that people use to interpret their environment, physical or social, and define their response and behavior. Political ideologies deal with social relations related to power. They embody ideals and express mentalities, but as systems they connect ideas and justify structures and prescribe the essentials of good life and governance. Although they are akin to or overlap with philosophies, political ideologies are modern formulations that respond to the discontented social lives in organized and bureaucratic societies. Their modernity presupposes human agency, and especially new and radical ideologies mobilize people to seek and bring about desirable changes.

I contend that a modern ideology, perhaps more prevalent in our times, is that of human rights. Historically, human rights constituted “ideals” that were addressed by different ideologies. In fact, we are accustomed to talk about varying conceptualization of human rights in different political ideologies/theories. However, since the mid-twentieth century, the concept and discourse of human rights have evolved considerably and now qualified to be considered a separate and distinct ideology. In this paper, after a discussion of various components and dimensions of ideologies, I will analyze the International Bill of Rights as the preliminary sources of Human Rights ideology. Then, I advance the argument that despite the tendency, or

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1 I am grateful to my colleagues, Michael Freeman, for inspiring me to undertake this study with his comments on the weakness of human rights studies in political economy (2002), and Peter Ohring, for his critical guidance and technical assistance in developing Figure II, as well as to my student assistants Kathryn Eaker and Amy Treffers, for their help with the library research.

2 Relying upon human beings as agents of change, political ideologies differ also from religions, which are powerful belief systems. In fact, some religions emerged as a critique of the world to which they were introduced and demanded change. However, the significance attached to the divine will in most religions tends to limit the human agency. The notion of afterlife and eternal salvation may even work to prevent change. Limited human agency, however, does not mean lack of it, and religions can be politicized and serve ideological purposes both to mobilize and pacify people.
even a deliberate effort, to curb the blustery aspirations of human rights, a tendency prevalent in
the current discourse, human rights is a radical ideology. A close inspection of the political
economy of human rights ideology is necessary to reveal its emancipatory potential.

COMPONENTS AND DIMENSIONS OF IDEOLOGIES

A full-fledged ideology would have at least four components:

- Diagnosis – what is wrong
- Prognosis – what ought to be
- Rationale – justification of the need for change and of the proposed change
- Strategy – how to transform the society

What may amount to a fifth component is the assumption about human nature – if human
beings are essentially good, rational, violent, self-centered, cooperative, competitive, self-
sufficient, inter-dependent, etc. Even if not explicitly stated, each ideology would delineate its
criticisms and proposals on the basis of certain assumptions about the innate characteristics of
human beings, which may be embedded within the rationale.

Ideologies that have common goals but differ in their causal analyses of problems, and
thus differ in strategies, tend to be classified together under the same label. Umbrella labels,
such as “Socialism” or “Feminism,” include multitude of variants.³

Political ideologies, as implied by the adjective ‘political’, are concerned with power
relations and take position on the distribution and exercise of power. They would also have a life
cycle: They appear as radical when they first emerge as a critique of the prevailing structures

³ Nationalism and democracy serve as mobilizing forces, but rather than being ideologies, they constitute
ideals that are incorporated into different ideologies, which would also differ in their conceptualization of
these terms.
and belief systems that maintain them; they become *conservative* as their once new and challenging ideas are put into implementation, and the ideology comes to define and justify the status quo; and they can be referred to as *reactionary* after a major change that “ousts” the old system, and the ideology stops being “mainstream” but tries to restore the old values of a usually glorified past.4

Traditionally, ideologies have been compared by applying analytical concepts dichotomously, as seeking either equality or liberty, usually at the expense of each other. This approach has become mainstream, despite the outcry from some analysts, typically sided on the left and argued that positing equality and liberty as trade-off qualities that can be maximized at each other’s expense creates a false dichotomy. Isaiah Berlin’s famous 1958 Oxford lecture, “Two Concepts of Liberty”, reinforced the dichotomous approach by separating “negative” and “positive” notions of liberty – defined as freedom to choose without others’ interference and as individual’s being his own master, respectively – and arguing that the attempt to achieve the latter would erode the former (Berlin 1969). The liberal bias in this approach is most evident in its effort to classify socialism as strong on equality (or positive liberty) but weak on political (negative) liberty, while the essence of most socialist ideologies, e.g., Marxism and Anarchism, involves liberating people by eliminating the sources of economic inequalities, which are not natural but socially ordained constraints, that create both economic and political hierarchies and consequently restrict or erode the freedom of individuals within subjugated classes.5

4 This analytical approach does not preclude the possibility that reactionary ideologies would not present themselves as new and radical, seeking change; neither does it claim that ideologies would reappear in their original form and format, without any changes.

5 For a socialist response to this effort to frame socialism as anti-liberty and a critique of Isaiah Berlin, see Bryan Gould (1985) who illustrates the false dichotomy in the right-wing conceptualization of liberty and also points to the differences between socialist theory and some regimes that claimed to be socialist but
Ideologies are complex and multi-dimensional, and even if they are to be posited on two dimensions of equality and liberty, they should be placed on continua that would recognize that an ideology can be high or low on both dimensions, not necessarily supporting one at the expense of the other. Emphasizing multidimensionality, I contend that ideologies should be collapsed at least on three dimensions that capture power relations. This alternative approach would enable a better understanding of differences (or overlaps) among ideologies, as well as their development and change over time. The three dimensions/continua can be labeled as follows:

1. **Position on state** is about authority – if there is a need for a central authority and how that authority should be exercised. Positions range from the advocacy of a strong state involving centralized and concentrated political power in the hands of one or few to seeking societies without state in which the political power is widely dispersed. In between, there lies arguments in favor of state with various degrees of control over individual rights, as well as various degrees of individual access to authority and participation in decision-making.

2. **Position on property** involves the attitude toward the ownership of the means of production and the control over the use of such property. It ranges from promoting individual ownership and control of property to calling for the elimination of private property in favor of different forms of public ownership. The control over the use of property and production process is as important as ownership, since the control of property (capital) is directly linked to the control of labor.

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deviated from the liberating premises of socialist ethics. For the significance of liberty in Marxist analysis, see Elster (1985).
3. **Position on discrimination** is about social inclusion and acceptance. It can range from the rejection and repression of different groups for the sake of creating homogenous or ‘pure’ societies to the recognition and incorporation of different groups with equal rights and as full participants.

Emphasizing power relations, these three dimensions can be referred to as dimensions of concentration/dispersion of political, economic and social power, though without undermining their interdependency. If we fix the borders of the continua at 0 to 1, and set 1 for the highest concentration and 0 for the highest dispersion, we may find some of the major ideologies falling on these continua more or less as illustrated in Figure I.

![Figure I about here](image1)

(Although there are different variants of these ideologies, I use the primary references: Benito Mussolini for Fascism; Karl Marx and Frederick Engels for Marxism (on the Socialist stage); John Locke for Classical Liberalism, Eduard Bernstein for Social Democracy, and Peter Kropotkin for Anarchism.)

In this schematic illustration while Fascism and Anarchism tend to fall on the opposite ends, practically on all dimensions, other ideologies take varying spots on each dimension. If we bring the three dimensions together, we can see Anarchism and Fascism constituting the opposite diagonal ends of the cube (Figure 2), where the frontal and lower locations mark relatively more emancipatory expressions.

![Figure 2 about here](image2)

Ideological texts and statements, of course, tend to describe the goals and strategies without distinct references to separate dimensions. In fact, they tend to highlight the connection among them, often arguing that progress achieved in one area is likely to yield improvements in
other areas. In Liberalism and Libertarianism, for example, the preferred terminology is “freedom,” and “economic freedom,” which means free enterprise that is subject to minimal or no government regulations, is privileged and expected to bring about political freedom. In Milton Friedman’s words:

> Economic arrangements play a dual role in the promotion of a free society. On the one hand, freedom in economic arrangements is itself a component of freedom broadly understood, so economic freedom is an end in itself. In the second place, economic freedom is also an indispensable means toward the achievement of political freedom (1962: 52).

Ideologies evolve over time, while keeping some essential premises (thus keeping the label) they incorporate new elements. These new elements may gain strength in time and give birth to new ideologies. Feminism illustrates the point. As liberalism moved away from its sexist foundation and accepted women as equals of men in their capacity to reason, for example, a Feminist discourse emerged as a variant of Liberalism. As Feminist analyses and applications of ideologies multiplied, Feminism constituted a distinct ideology, and Liberal Feminism became a variant of Feminism.

> “Human rights” is a concept that has had explicit or implicit references in many ideologies. Thus, analysts have typically examined these references as “the human rights approach” of Liberalism, Marxism, etc. I contend that we have reached a historical juncture that allows talking about an ideology of human rights that is independent (and significantly different) from other ideologies, even though the propositions of those ideologies contributed to the development of Human Rights ideology.
HUMAN RIGHTS IDEOLOGY

Human rights became a mobilizing force in its own name during the second half of the last century, after the establishment of the United Nations (UN) and several regional intergovernmental organizations that issued declarations and treaties, articulating human rights, their value and need for protection. For the foundation and textual sources of Human Rights ideology, we can refer to the Universal Declaration of Human Rights (1948 - UDHR) International Covenant of Economic, Social and Cultural Rights (1966 - ICESCR), and International Covenant of Civil and Political Rights (1966 - ICCPR). These three documents, that are commonly referred to as the International Bill of Rights, constitute the foundation, although as in the case of all other ideologies, Human Rights Ideology continues to evolve and arguably get more progressive as new documents are issued to articulate new rights or to address specific areas of discrimination.

As I argue elsewhere, the International Bill of Rights is not based on any particular philosophy but developed through negotiation by state representatives, who were informed by different philosophies and cultural heritage, as well as by various non-governmental groups that pressured the states to incorporate the promotion of human rights into the UN Charter and worked to ensure that the UN acts on this goal and takes measures of protection (Arat 2006a and 2006b). These negotiated documents and constructed norms, however, yield elements that provide for new philosophical and ideological dispositions.

Human Rights ideology starts with the diagnosis that human beings have been subject to repression, indignity and discrimination and such practices are wrong. It demands respect and dignity for all human beings, without discrimination, and holds states accountable for their conducts toward their inhabitants and as responsible for the protection of human rights within
their boarders and beyond. The change is viewed as gradual and possible through international cooperation and monitoring of states by states and individuals. Human freedom and equality in dignity as rights are considered valuable not only for their own sake but also for supporting and achieving brotherhood and peace. The first line of the Preamble of the Universal Declaration of Human Rights reads that “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.” The assumption about human nature, which is employed to justify the change, is articulated in Article 1 of UNHR: “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood” (emphasis added).

HUMAN RIGHTS IDEOLOGY ON THE THREE DIMENSIONS:

Position on Discrimination

The backbone of Human Rights ideology is anti-discrimination. The emphasis placed on anti-discrimination in the International Bill of Rights separates Human Rights ideology from other ideologies, as well as the earlier conceptualizations of human rights that claimed universality. The beginnings of this emphasis can be traced back to the UN Charter, which in three different articles -- Article 76(c), Article 55(c), and Article 13(1)(b) – specifies that human rights apply to all without distinction to race, sex, language or religion.

6 While the emphasis is on states, private individuals’ obligation to respect human rights is mentioned in Article 29 of the Universal Declaration of Human Rights: “Everyone has duties to the community in which alone the free and full development of his personality is possible.” Moreover, the preambles of both Covenants note that “The State Parties to the present Covenant, . . . Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant, . . . Agree upon the following articles . . .” (emphasis added).
The UDHR and the two Covenants expand the list of categories that are frequently seen as establishing grounds for discriminatory treatment. Article 2 of the UDHR mainly addresses non-discrimination, both in national and international terms:

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Similarly, Article 2(2) of the ICESCR pronounces that “The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” An almost identical paragraph is included in the ICCPR (Article 2(1)): “Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” In Article 24(1), ICCPR protects children against discrimination by providing the same list. Articles 25 and 26 reiterate the same non-discrimination principle, in reference to political participation and equality before law, respectively. The ICCPR permits the derogation of some rights under extraordinary circumstances but only if those measures “do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin” (Article 4(1)). Both Covenants place a special emphasis on the equality of sexes in Article 3, which reads that “The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all . . . set forth in the present Covenant,” and
the blank is filled with *economic, social and cultural rights* in the ICESCR and *civil and political rights* in the ICCPR.

The non-discrimination clauses in the International Bill of Rights do not necessarily take a position on the value of these categories of differences. In other words, the documents do not call for their elimination or protection; they are treated as existing, and perhaps inevitable, conditions of differences. What is emphasized is the principle that these differences cannot be used to deny rights to a person or to a group of people. We will revisit this position later, in discussing the private property issue, but here it is important to note that despite the emphasis placed on non-discrimination, the International Bill of Rights does not explicitly call for affirmative action (though they have been incorporated into some treaties later). However, three categories of differences – ethnicity, religion, and language – are protected as minority rights in Article 27 of the ICCPR:

> In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

The emphasis placed on non-discrimination is inescapable. To begin with, human rights are put under protection because “human beings are born free and *equal* in dignity and rights” (UDHR, Article 1, emphasis added). In addition to non-discrimination, respect for differences is also crucial. Article 13 of the ICESCR, which focuses on education, for example, not only recognizes every one’s right to education but specifies the content of education to stress the purpose and scope of human rights. Paragraph 1 denotes that, in addition to enabling capacity building and personal development, education should value plurality and tolerance:

> The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights
and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace (emphasis added).

The ICESCR’s relatively soft (educational) stance against bigotry is reinforced by the ICCPR, which calls for legal prohibition on discrimination: “Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law” (Article 20(2)).

**Position on the state:**

Human Rights ideology is an étatist one. The state is designated as the primary protector of human rights and called upon to take measures to ensure their fulfillment without discrimination. States will also watch other states to ensure that they do not violate human rights or fail in their protective mission. The most explicit references to the extensive responsibilities of states are inscribed in the ICESCR, especially in Article 2, Paragraph 1:

Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

The state parties are also expected to “undertake to guarantee that the rights . . . will be exercised without discrimination . . .” (Article 2, Paragraph 2). Some articles of the ICESCR even specify what actions should be taken by the state parties to assure the realization of some rights. For example, focusing on the right to work, Article 6, Paragraph 2 indicates that “the steps to be taken by a State Party . . . to achieve the full realization of this right [to work] include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment . . .” Articles 11, 12, and 13 specify measures that should be taken by states to ensure the realization of the rights to adequate food, clothing and housing, the right to physical and mental health, and
the right to education, respectively. Similarly, the ICCPR also indicates that each state party should “undertake to ensure” the rights recognized in the Covenant to all individuals within its territory and subject to its jurisdiction and “undertake to take necessary steps . . . to give effect to the rights . . .” (Article 2).

Thus, even though it is often ignored or rejected, the International Bill of Rights assigns the primary responsibility of the realization and protection of human rights to the state parties (albeit without stripping off private individuals or groups from their duties). In other words, it calls for a positive state that is necessarily interventionist. Moreover, since state has to be equipped to fulfill these responsibilities, the ideology endorses the notion of strong state. In this sense, the international human rights regime is in conflict with Anarchism that rejects permanent authority, as well as the libertarian notions of governance that are culminated in the motto, “the best government is the one that governs least.”

Yet, it is recognized that the state has the means to both violate and protect/deliver human rights. It calls for a strong state that is capable of taking measures in favor of human rights but also specifies what the state cannot and should not do. However, liberty is not treated as incompatible with authority but as possible only through some authoritative intervention. Thus, the concern of Human Rights ideology is not the elimination of authority but defining its form and domain, and there is an effort to disperse authority and put it under the control of people.

Article 21 of the UDHR spells out political rights:

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

Article 25 of the ICCPR provides a similar list:

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:
(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
(c) To have access, on general terms of equality, to public service in his country.

Although the wording in both documents tend to emphasize free and periodic elections akin to the practice common in liberal democracies, the wording does not limit the process to the election of representatives but treats it as a process of identifying “the will of the people,” which is taken as the basis of the authority of government. The paragraph on “the right to equal access to public service” is also important. While this clause is typically interpreted to assume “legal” equality, having “equal access” would arguably require relative equality in means. When these provisions are aligned with the non-discrimination clauses, the desirable governance process becomes one that accommodates the “disadvantaged” segments to have equal access. Thus, political rights seek the dispersion of power, rather than its concentration in the hands of one or few.

As already noted, while freedom of individual is cherished, Human Rights ideology is not one that attempts to maximize freedom. Emphasizing equality in dignity above everything else, Human Rights ideology constraints the sovereignty of both the individual and the state. The prohibition of slavery (Article 4 of UDHR and Article 8 of ICCPR) is most illustrative; neither the state nor an individual can place a person into slavery. Moreover, a person does not have the freedom of selling or volunteering herself into slavery. What is absolute is not individual freedom (choosing to be enslaved) but the right itself (freedom from slavery).

Although the state is treated as essential to the protection of rights, a state is considered legitimate as long as it respects human rights – otherwise people have the right to “rebel.” The
third paragraph of the Preamble of the UDHR recognizes this right, but not in so many words:

“Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law, . . .”

Moreover, while the state sovereignty is recognized, the boundaries of a state, geographic or political, are not treated as static. A dialectic approach is revealed in the shared clauses of the two Covenants that recognize peoples’ right to self-determination, (Article 1). Peoples’ right to self-determination, which includes the right to freely determine their political status among other things, permits a segment of the population under the jurisdiction of a state to develop a distinct identity as “a people” and seek sovereignty and statehood. Although this creates tension with the principle of an already existing state’s right to defend itself, the state boundaries are not sanctified.

**Position on Property**

Speaking against slavery and servitude, Human Rights Ideology takes a clear position on certain socio-economic systems. Slave economy or feudalism is not compatible with respect for human rights. Forced labor is considered a violation of human dignity. But, what does the ideology say about property?

The term “property” is mentioned in all three documents in their anti-discrimination clauses, but the right to property is addressed only in the Universal Declaration. While the omission of the right to property in the two Covenants may be hinting to the disagreements among the negotiators who subscribed to diametrically opposing property regimes, the ambiguity is evident also in the Universal Declaration. Article 17 on property includes two paragraphs:

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.
What is important to note here is the *broad* and, by the same token, *vague* reference to property. If property is interpreted as the means of production, then the statement on the right to own “alone” or in association with others” legitimizes both the private and collective ownership, as well as the corporate one. The second paragraph would protect private property from being confiscated unlawfully, meaning without a just cause and perhaps without proper compensation. The arguments and drafts that were considered at various sessions of the drafting committee, however, reveal that while clearer wordings on the character of property (if it means “the means of production”), type of ownership (private or collective) and circumstances under which it can be restricted (compensation, etc.) were proposed, but the Committee decided against employing more specific terminology, with an obvious diplomatic effort to accommodate both capitalist and state socialist systems (Morsink 1999, 139-156).

The right to property is omitted in both Covenants, perhaps because the vague statement employed in the Universal Declaration could not be adequate in a treaty, a legally binding document, and neither the Eastern nor the Western Block countries preferred such clarity.

References to ‘property’ also emerges in non-discrimination clauses, where it is indicted that one’s *property status* cannot be used for discrimination. Again, if the term ‘property’ is employed in reference to the means of production, then ‘property status’ would imply a reference to ‘class.’ In fact, including class was proposed by the representative of the USSR during the drafting of the UDHR, but the membership of the committee voted against it and decided to insert “and other status” to capture other categories that might be left out of the itemized list (Morsink, 1999:104, 113-116).

These debates are revealing and important for two reasons. First, the reference to ‘property status’ in non-discrimination clauses in the International Bill of Rights tends to refer to
differences in material well-being, not necessarily, to the status of ownership. The 1940
Constitution of the USSR included such a non-discrimination clause that included property status
(Morsink 1999, 110). Moreover, without a qualifier, property is used to mean ‘personal
property’ (e.g., house and other personal belongings), which would also explain why the USSR
wanted to add class status in addition to property status to the anti-discrimination clauses
(Morsink 1999, 113-114).

The second point is about the meaning of the acknowledgement of differences in
‘property status’. Should we take that acknowledgement as an endorsement of class society? If
the property is defined as personal property, that would not apply to class. However, if property
refers to the private ownership of the means of production, then by permitting property status but
opposing using such differences for discrimination, may mean that class society is not opposed
in Human Rights ideology. In settling this question, our guidance should be the overall
ambiguity of the International Bill of Rights on these differences. As stated in our discussion of
the ideology’s position on discrimination, in these earlier formulations, the differences are listed
without necessarily assigning a value to them or endorsing them. Thus, even if ‘class’ is covered
in ‘property’ or ‘other’ status in non-discrimination clauses, this only means that discrimination
on the basis of class is objected – without necessarily arguing that class differences are natural
and should be preserved or acknowledging that class differences constitute socially ordained
constraints on freedom and thus constitute a discriminatory category by definition.

So, what is the position of Human Rights ideology on the ownership of and control over
property? At the face value, on the basis of the vague wording of Article 17 of the UDHR and of
the later omission of the property in the Covenants, we can argue that Human Right ideology is
indifferent on the ownership issue. Any consideration of the list of economic and social rights
and the emphasis placed on equality in dignity, however, would clearly reveal that even if the
individual ownership is permissible, the use of property is subject to considerable constraints.

Right to life is the most fundamental right, because recognition of other rights without it
would be meaningless. While recognizing the right to life, the International Bill of Rights also
specifies that “life” should be based on, or sustained by, a certain standard of living. For
example, the first paragraph of Article 25 of the UDHR notes:

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

Provisions akin to the above mentioned article are scattered into the international human
rights documents. When put together, they reveal a philosophy that treats “rights” as more than
opposites of “wrongs.” A person’s right to life means more than the freedom from being killed
by government officials or private individuals. In fact, it is more than simple survival. The
demand is for a dignified life that requires material and other sources.

Dignity is a human characteristic that is determined by social relations. Property is a
source, but what affects dignity is not the private ownership per se but the social relations it
produces. In other words, what is important is not the distribution of property (“A has it and B
does not” or “A has more than B does”), but the social relation that is produced between the two
individuals as a result of that distribution (A controls B). Servitude and slavery are flatly
rejected in Human Rights ideology, because the social relations produced in such production

7 Charles Taylor accepts that “wrong” is the opposite of “right” but also notes that “I have a right to life
says more than that you shouldn’t kill me. It gives me some control over this immunity” (1996, 16).
systems are considered direct violation of human dignity. Then, what about capitalism? As a property system that is based on contractual wage labor, does it violate human dignity?

Human rights ideology calls for measures that attempt to restrict the individual control of property and production and prevent the deterioration of wage-labor into a state of indignation (which is possible even if the property is owned collectively). The list of social and economic rights, ranging from the right to “favorable remuneration ensuring himself and his family and existence worthy of human dignity” to the right to rest and periodic holidays would restrict the content of the contract to be signed between the employer (private individual or public company) and the worker. Taken seriously, these provisions spelled out in the UDHR and the ICESCR would prevent an individual from entering a contract that undermines them, just the way the anti-slavery provision prohibits one from selling herself into slavery. While a labor market, or markets in general, is not inconceivable, market forces would be allowed to determine the value of labor only above a certain level that is considered essential to maintain human dignity and the healthy existence of the individual and her family. The ideology’s distrust or skepticism about the market’s ability to engender dignified and healthy existence, or even to ensure the right to life, is most evident in concerns raised about one’s access to food.

“Freedom from hunger” is the only right that was singled out as a “fundamental” right in the International Bill of Rights (ICESCR, Article 11(2)). In order to fulfill this fundamental right to food for everyone, the states parties are called upon to take measures “Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need” (ICESCR Article 11(2)(b)). This article constitutes the most explicit recognition of the fact that market forces may undermine the necessary equitable distribution and have to be mitigated.
Although the International Bill of Rights falls short of presenting a blueprint and not explicit on certain economic questions involving the surplus value or who should control social production, several rights included in the documents – to work; to security in the event of unemployment, sickness and disability, widowhood, old age and other lack of livelihood; to free education; to medical care and necessary social services, etc., – are clear about the designated ends of production.

Thus, the position of human rights ideology on property can be defined either as neutral (plotted as HR1 on Figure II), or as strong on restricting the use of property, defined as the ownership of the means of production, to protect human dignity (plotted as HR2 on Figure II). While the former prevails in the current discourse, I see the latter one as more accurate, for addressing the full-spectrum of human rights.

**WHAT KIND OF A REGIME?**

There is very little dispute about the type of political system that Human Rights ideology calls for, or (to state it more accurately) to which it opposes. Any authoritarian regime that denies the individual to partake in the governance of the country is considered an anathema. But what level of participation is considered satisfactory?

On the economic side, again there is no doubt any system of ownership that relies upon slavery or other forms of forced labor represents violations of human rights. However, at least in the popular human rights discourse or mainstream academia, capitalism is seldom regarded as constituting a problem. If Human Rights ideology permits private ownership of the means of production and contractual labor, then does it mean that there are no contradictions between capitalism and human rights?
There is no consensus on these questions. In fact, there is a wide division even among the genuine proponents of human rights. There are two groups that dominate the debate (though not heard equally well) and present diametrically opposing views. While they take opposing views, on what I would like to call “radicalism” of human rights, they base their arguments on similar faulty observations: They tend to equate what the ideology promises with what has been achieved or promoted in certain regimes. On the one side, we can list the most vocal advocates of human rights who consider the human rights to be a liberating force and the fulfillment of human rights as possible under a liberal social democratic regime. On the other end, we see the critics of the current human rights discourse (based on the International Bill of Rights) who see the advocacy of these rights by Western states and western-based international human rights NGOs as an imperialist scheme that privileges liberal democracy that is far from being emancipatory.

The most prominent arguments about the liberal social democratic state’ being emancipatory and most conducive to the fulfillment of human rights are advanced by Jack Donnelly and Rhoda Howard.8

Howard and Donnelly not only trace the origin of human rights to the Western liberal tradition but also claim that only liberal regimes reinforced by welfare policies (e.g., Western European welfare states) are compatible with human rights (Howard and Donnelly 1986; Donnelly 1989; Howard 1995). They base this argument on the acute observations of changes that took place in liberal theory and the function of state in liberal, Western societies. First,

liberalism as a political theory became more inclusive and less discriminatory. Second, liberal
democratic states in advanced/industrial countries became welfare states that have been
relatively more successful in realizing several social and economic rights for large segments of
their population, and they achieved this without curtailing civil rights and political freedoms as
done in state socialist regimes. While Howard points to the potential by arguing that liberal
social democracy is the only social system that can actually protect the full range of human
rights, because it takes both sets of rights, civil-political and social-economic, seriously (1995:1),
according to Donnelly, who declares that "the welfare state has largely ended controversy over
the idea of economic and social rights" (1989, 30-31), the human rights project faces no
resistance and is near completion in Western welfare states.

Although the progress in western liberal states is noteworthy, it is hard to claim that the
changes have been drastic enough to fulfill the emancipatory promise of Human Rights ideology.
On the political front, while the revised and more inclusive liberalism introduced a constitutional
framework that enabled electoral participation of many, it failed miserably in creating a
participatory political process, or equality before law, especially with regard to the right to
defense. The levels of political participation and influence, which can be exercised more
effectively through some non-electoral means, remains uneven, and it is practically closed to
many individuals in certain “categories.” To put it bluntly, these regimes are still very
discriminatory, a fact that is too glaring to be dismissed by their sensitive advocates (Howard
1995, 6). Moreover, there has been no theoretical or empirical support to sustain the belief that
equal and meaningful participation will be achieved in the near future, as a natural result of

9 On Foucault’s arguments about the liberalist manipulation of human rights and freedom discourse to
assert discipline by way of “government through freedom,” see Burchell, Gordon, and Miller 1991.
competitive elections carried on amid economic disparities. Equal opportunity limited to legal provisions seldom results in equal outcomes.

On the economic side, while the welfare state notion has been incorporated into the programs of Social Democratic political parties, neither the original conceptualization (i.e., Bismarckian model of social control) nor the final outcome of welfare policies has been emancipatory.

Social Democracy, originally a Marxist notion, took a different turn after Eduard Bernstein gained control of the Social Democratic Party of Germany. Its position on both the state and private ownership of property shifted. Property was started to be viewed as not an evil, and the interim goal of workers’ struggle was shifted from establishing the dictatorship of proletariat and elimination of private property to the expansion of citizenship and electoral participation. Through their participation in the political process, workers were expected to assert control over the production process, without necessarily assuming the ownership of the means of production. In other words, workers could acquire the control of the state by using the electoral process and then use the state apparatus in favor of the working class; they could curb the excesses of capitalism, assert workers’ control over social production, and end the exploitation of the worker (Bernstein 1899/1961).

Social Democratic parties of Europe later deviated further from their radical origins and aspirations and started to embrace welfare programs, which attempt to grant some social security and provide some basic needs to those who can not meet them through their own means. Focused on meeting the basic needs, without addressing the structure that would continuously create a class of people who would need such state-rendered benefits or charitable acts from other individuals, welfare state creates a system of dependency that undermines one of the main
premises of Human Rights ideology – the equality in dignity. The indignity inflicted by welfare policies is more evident in the case of the United States, which has been more stringent and selective in issuing welfare benefits and thus sustained a culture that stigmatizes welfare recipients. However, even more substantial and generous welfare systems, such as Canada, fail to grant a legal basis for social and economic rights. Acknowledging these problems, Rhoda Howard notes that Marx’s criticisms of the human rights discourse that undermines unequal economic situations are still valid,\(^{10}\) and citing Robert Robertson (1991), she adds:

Social exclusion in modern Northern America is not directed against particular subordinated social categories, but against the poor, who do not enjoy economic rights in practice, or even in principle; for example, there is no justiciable right to food in Canada (Howard 1995, 6).

The recent cuts in social services in European welfare states and the rise of neo-liberal economic discourse, which demands sacrifices to maintain competitiveness in global markets, meaning cutting labor costs, speak to the weak position of social and economic rights in the European teleology of state.

The treatment of the advanced liberal welfare states as the flagship of human rights-respecting regimes is the main reason why some others criticize Human Rights ideology for falling short of being emancipatory, or even for reinforcing the status quo. Such critics are particularly sensitive to the use of human rights discourse by the powerful western states to

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\(^{10}\) Another common misrepresentation of Karl Marx involves presenting him as hostile to human rights. This misconception is based on the out of context interpretation of his inflammatory remark: “ideological nonsense about right and other trash so common among the democrats and French Socialists” (Marx 1875/1977, 325). Yet, criticizing provisions on the “fair distribution of the proceeds of labour” in the Socialist Party’s Gotha program, what Marx problematizes is the emphasis placed on the distribution of the means of consumption in the transition stage by ignoring that “Any distribution whatever of the means of consumption is only a consequence of the distribution of the conditions of production themselves” (p.325). Writing that “equal right here [in the wording of the Program] is still in principle – bourgeois right . . . this equal right is still constantly stigmatized by a bourgeois limitation” (p. 324), Marx dismisses a particular conceptualization of human rights.
define other countries as composed of a combination of ‘savages’ and ‘victims’ because they lack the ‘human rights-respecting’ liberal culture inherent to and prevalent in Western cultures (Neocosmos 2006; Mutua 2002; Meister 2002).

While their observation of the profound power differentials among states and the political manipulation of the human rights discourse are essentially correct,11 I see the problem with this group’s arguments in their tendency to accept the discourse advanced by certain states or groups as the “human rights corpus” of the International Bill of Rights, instead of focusing on the full spectrum of human rights included in the documents. The three documents and the subsequent international human rights instruments, when examined for their underlying philosophy, present a vision that is much more radical and emancipatory than what has been advanced by the Western states and some NGOs (Mutua 2002). Tony Evans aptly notes that in an effort to sustain its hegemonic status and promote self-interest, the United States (US) developed a status quo-oriented position on human rights. By formulating “an American conception of rights,” which is based on ideas of individualism, freedom, and laissez-faire economics, the US has been using human rights as a justification for projecting this particular conception of rights across the globe to assert its hegemony and gain access to world markets (Evans, 1998:6-7). What is noted by Tony Evans about the US can be extended to apply to some other powerful groups and countries. The famous Copenhagen criteria, set by the European Union (EU) as conditions to be met by countries that seek EU membership, include respect for human rights, along with “the existence of a functioning market economy as well as the capacity to cope with competitive

11 Note the use of human rights in the name and mission of a recently established foundation. Established in November 2005, in New York City, the Human Rights Foundation argues that “Traditional human rights groups such as Amnesty International and Human Rights Watch are pursuing an ideology opposed to free market capitalism and undermining the changes necessary to spread liberty around the world,” where liberty is equated with property rights and free markets. See, “Human Rights Groups Accused of Undermining Capitalism,” at www.cnsnews.com (accessed June 16, 2006).
pressure and market forces within the Union.” The economic requirements of the EU are noticeably in tune with the neo-liberal economic prescriptions of the IMF (Eder 2003), which are largely formulated by the US Treasury Department (Stiglitz 2003).

But the presence of these Euro-centric and self-serving discourses that attempt to curb the radical and ambitious project of human rights does not necessitate giving up on Human Rights and treating it as yet another ideology that has been distorted to sustain privileges. Defining rights and freedoms in ‘negative’ (let a person be) is a subtle way of hijacking human rights, because limiting the discourse to negative rights means protecting only what is already enjoyed, and in a society (or world) of unequals, protecting what is already enjoyed would mean preserving privileges. Rights as a ‘positive’ notion, on the other hand, would mean that those who currently lack them should gain access to them. And granting this access in a manner that does not violate equality in dignity is what makes human rights ideology an empowering one. A human rights-respecting society is not one of perfect equality but one that tries to maintain equality in dignity through continuous redistribution of all values, material or symbolic, including various sources of power and freedom. We have to emphasize and accentuate these frequently dismissed components by dwelling on the political economy of Human Rights ideology. Making the Universal Declaration of Human Rights “the Charter of liberty for the oppressed and the downtrodden,” as envisioned by Seán MacBride, who helped founded Amnesty International (Lauren 1998, 256), cannot be possible without reclaiming it.

12 It should be noted that the very first advocacy of human rights in Europe, in the form of legal protection of property against the centralized state authority, were displayed by the powerful landed classes (i.e., Magna Carta).
13 As many who argues that human rights should be read as primarily the rights of the disadvantaged and oppressed, Ignacio Ellacuría writes: “It is only by doing justice to the oppressed peoples and classes that an authentic common good and truly universal human rights will be fostered” (1982, 63).
Figure I. Plotting Classical Ideologies on the Three Dimensions, Separately

1. Position on state/political power

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2. Position on property/economic power

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3. Position on discrimination

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Figure II. Ideologies Plotted on the Three Dimensions

A- Anarchism
F- Fascism
L- Liberalism
M- Marxism
SD- Social Democracy

HR1- Human Rights 1 (neutral on property)
HR2- Human Rights 2 (social control on property)
REFERENCES


