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## ‘In the Name of Humanity’: Human Rights and/as Ideology

### 1. Introduction

This presentation is related to my own research interests in the theory of ideology and also in contemporary political philosophy and its guiding question is whether human rights can be considered as a form of ideology. This by no means constitutes a negative judgment on whether human rights are valid or not as far as I am concerned, of course they are, but the question is whether they can be used as an ideology, whether they can assume the functions of ideology in the public and the political sphere. We do not believe that human rights *is* (that would imply an essentialism) an ideology but that, in various discursive strategies it uses, it can have ideological functions. We understand that this is a multi-faceted and complicated issue but in this short presentation we only intend to examine this question with regards to two different approaches as we’ll see below.

### 2. Human rights and ideology

First, we should make a quick reference to what we mean by ideology. It is evident that this is a complicated and contested issue and that there are many different<sup>2</sup> and, in a sense, opposing definitions of ideology which we can cluster under two general categories. First of all the descriptive – neutral sense of ideology where it is largely identified with the world – a view of a person

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2 We use as our basic guide here with regards to issues of ideology the book by D. Howarth *Discourse*, Open University Press, 2009 and also Eagleton T. *Ideology*, Routledge, 1994.

or a social group. This relates to Karl Mannheim's notion of 'total ideology'<sup>3</sup> in which human rights discourse can be the main prism through which to approach most national and international socio-political phenomena – all such phenomena can be evaluated according to their compliance to or their divergence from human rights values and it can become a basic way of looking at the national or international situation today, through the lens of human rights. On the other side there are the so called evaluative or negative notions of ideology where ideology is a 'particular' (in Mannheim's sense) and mostly 'negative way' of approaching reality, that is ways of *distorting*, *misrecognizing*, misreading the 'real' reality through the eyes of ideology. In this sense, which I think refers more to Marx's own work and various later Marxist type critiques<sup>4</sup>, human rights discourses can, for all their 'good intentions' serve as to cover or mask or misread or *de-politicize* the huge inequalities (economic, social, political etc) in the world today. For example, scholars like Costas Douzinas and others claim that in many cases human rights discourses depoliticize and that 'Right claims reinforce rather than challenge established arrangements. The claimant accepts the established power and distribution orders and transforms the political claim into a demand for admission to the law. The role of law is to transform social and political tensions into a set of solvable problems regulated by rules and hand them over to rule experts. The rights claimant is the opposite of the revolutionaries of the early declarations, whose task was to change the overall design of the law. To this extent, his actions abandon the original commitment of rights to resist and oppose oppression and domination' (Douzinas)<sup>5</sup>

Karl Mannheim is the so called 'father of the sociology of knowledge' (but with an important contribution to the theory of ideology) and in his classic book 'Ideology and utopia' makes a distinction between the two, that is *ideology* and *utopia*, although this is by no means universally accepted. In Mannheim's own sense *ideologies* are particular forms of thinking or sets of ideas (we would now call them discursive forms) which seek to justify and normalize the existing socio-political order usually by concealing parts of the current historical situation whereas *utopias* on the other hand, are also particular but *alternative* to the existing reality forms of thought, and their corresponding discourses, which seek to overturn the existing socio political order towards a 'new' reality, by emphasizing for example the problems or the injustices in it.<sup>6</sup> Of course, he points out that all this is historically situated,

3 The classic book by Karl Mannheim which will be using here is *Ideology and Utopia*, Routledge, 1991.

4 For example, the notion of 'ideology critique' of the Frankfurt School or L. Althusser's notion of ideology.

5 Douzinas K., Seven theses on Human Rights (5) Depoliticization. <https://criticallegalthinking.com/2013/05/31/seven-theses-on-human-rights-5-depoliticization/>, 2013.

6 Mannheim, 1991. P. 49 et passim.

that there is no absolute distinction between the two and any possible distinction between them is by no means fixed and forever. This means that what is considered to be the ideologies of today (we could also call them ‘dominant ideologies’) can become the utopias of tomorrow or alternatively, the utopias of today can become the ideologies of tomorrow in the flux of historical change.

So it seems to me that any discourse on human rights can fit alternatively in both these categories first of all as an ideology in order to justify the existing national and international policies (but also *divisions of power and antagonistic interests* in the international arena), for example of intervention in various parts of the world, the so called ‘humanitarian interventions’ in defense of human rights which, as we know, can have at least dubious motives and mixed results – for example the intervention in the former Yugoslavia (Serbia) in 1991 but also in Iraq where it became later evident that it was hiding the geopolitical and economic interests of powerful Western nations (the US and its European allies) against less powerful ones. In cases like these human rights discourse can be considered as a form of *ideology* in Mannheim’s notion, in the sense of supporting existing international divisions of power – and can be a powerful one in the sense of its global and, supposedly, uncontested appeal.

At the same time human rights discourses can also be used, and I think this is interesting, as a form of *utopia*, as a *demand* and a strife for a different future – international order in which the basic components of any idea of *social justice*, that is freedom, democracy and equality<sup>7</sup> will be related and actualized on both the national and international level – *because I believe we should always think of human rights in relation to ideas of social justice*. I think the utopian element in this sense of the human rights consists in the *agonistic demand* for a political order different from the existing one which would bring about respect (and we should seriously reflect upon what this idea of *respect* entails) for human rights both nationally and internationally. I personally believe that this historical quest (and a *struggle(s)*, we must emphasize) is a never ending one (unless we could reach the end of history!) because I do not believe that we will ever live in societies of complete and perfect equality, freedom and justice (in a teleological, messianic sense of history) – but I do think that it is perfectly possible that we can live in societies of *less violence, less exclusions, less injustice less inequality, less unfreedom and less human rights violations*. I always like to formulate these in a negative sense (*less than*) rather than positive (more) because this negative sense points to *the never ending struggles and resistances* rather than the messianic hope of a historical teleology or utopia (for example, global revolution in which supposedly all human rights issues will be immediately ‘resolved’).

The point of this first part of our presentation is that, depending on the historical situation and the agency of these discourses, human rights can be

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7 As a general guide to these issues we use Will Kymlicka’s book *Contemporary political philosophy. An Introduction*, Oxford University Press, 2002.

used either as an ideological justification of existing policies or as a utopian, in Mannheim's sense, demand and struggle for respect for human rights without end. This also means that human rights as a discourse does not have a supra-historical and fixed meaning, it exists and functions within historical frameworks and depends on its historical context, its uses and its agencies and in this sense, it can alternatively function as either of the two.

### 3. Human rights and discursive strategies

Now in the second part, we shall make a reference to a book by two Greek academics entitled 'Discourse on Ideology' by Nikos Dermetzis and Thanos Lipowatz<sup>8</sup> who, among other things, attempt to establish a typology of all notions of ideology and their different socio-political functions I will try to relate these functions to possible uses of human rights discourses. We are interested therefore both in the socio-political functions of human rights as an ideological discourse as well as its common discursive strategies.

The first function can be called *justification and legitimation* through ideology<sup>9</sup> and in our case, as we pointed out before, human rights discourses can be used as ideology which is supporting and providing justification for the existing political national or international arrangements and interests – mainly western liberal democracies which appeal often to human rights, irrespective of their own records in respecting them, both in the sense of intervening in other countries affairs as well as a self-justificatory discourse. Also, In many of the so called 'humanitarian interventions' (which we regard as always ambivalent) by western states or political demands for the respect of human rights in 'hostile' states (i.e. China, North Korea. Cuba, Venezuela etc) which are "to say the least, dubious and can be used to label the adversary as an 'illiberal', 'dictatorial' and 'oppressive' regime by contrast to 'our western democracies' – *concealing* (as ideology does) the fact that they also face serious problems of human rights implementations.

What we are interested in, is the discursive strategies which human rights discourse uses in many cases in order to justify various policies by taking 'the high moral ground' and therefore it involves necessarily the element of *power* relations which is always an *unequal, relative* measure (i.e. more or less power) with regards to power inequalities in the international arena. Now in this first case we should point out some of the common discursive strategies which are used alternatively or combined in order to achieve the justification and legitimation effect and function.<sup>10</sup> The first discursive strategy can be called

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8 Lipowatz T. & Demertzis N., *Dokimio gia tin ideologia (Discourse on Ideology)*, Odysseas, Athens, 1998.

9 Ibid p. 92.

10 Ibid p. 94.

*unification* that is, different and sometimes opposing groups or nations are united, irrespective of their differences, under one ‘common cause’, in this case a real or imaginary *consensus* around human rights which seems to gloss over their ideological, theoretical, and political differences because *supposedly* ‘we are all for human rights’ irrespective of the different interests or interpretations when might give to this term. I find important the idea that we should keep in mind that human rights discourses have no fixed, ‘eternal’ and agreed upon meaning by everyone (that is indeed ideology *par excellence*) therefore we have always opposing, different and indeed *antagonistic* interpretations of human rights discourses which strive to fill in a *hegemonic* manner this ‘master signifier’ which has no fixed and eternal content, to the extent that the meaning (not to mention the implementation) *of human rights is (and will remain) always and necessarily contestable* – historically, politically and theoretically.<sup>11</sup>

Now, according to the authors, there is a second, opposite discursive strategy, within this first function of legitimation, which can be called *segmentation or division*, that is an ‘Us’ against a ‘Them’ idea – we, for example, are the defenders of human rights (therefore the ‘righteous’, on the side of the ‘good’) are opposed to all those who violate them as a sign of their moral ‘decadence’ or ‘evil’ so this can also be a discursive strategy of distinguishing and dividing the ‘good’ (Us) from the ‘evil’ (Them) in terms of human rights, whatever that might mean politically and ideologically.

The third discursive strategy which ideology uses and could apply to human rights discourse can be called ‘cover up’ or ‘*concealment*’ in this case human rights discourse can, as we mentioned above, at times conceal or cover up *economic, political or geopolitical interests* and/or *antagonisms* mainly of advanced/powerful nations against less powerful ones and in recent history, for example, the war against Saddam Hussein in Iraq in the name of liberty and human rights and against ‘tyranny’ and ‘dictatorship’ had obvious underlying economic and geopolitical interests of the US and its western allies. This strategy is very important and relates to the main ideological function of human rights discourses in contemporary political arenas, both nationally and internationally. So, following the book authors, these three main discursive strategies (*unification, concealment, and segmentation*) of ideology can be applied to human rights discourse when it functions *as an ideology*.

Now there is a second important function of ideology according to the two authors, that is *mobilization* either of the people or of various political agencies, national or international, in order to achieve something, in this case ‘defend human rights’ and I think this is important because, since the Enlightenment,

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11 The overall theoretical reference here is to the work of the ‘Essex School’ and in particular of Ernesto Laclau in groundbreaking books like Laclau, E. & Mouffe, C. *Hegemony and Socialist Strategy*. London: Verso, 2001 and *New Reflections on the Revolution of our Time*, Verso, 1990.

we live in the era of human rights and the antagonisms (the *agonistics* – I like to stress this inherent element) around them since, as we said before, both the content and the strategies to achieve them are always and irreducibly politically and ideologically contestable. In this case many individuals, nation states and international unions or organizations such as the EU, the United Nations and other international organizations (i.e. Amnesty International) are mobilized and can mobilize a large numbers of people and resources for various human rights causes around the world. As it has been pointed out, ideology always calls towards a real or imaginary unity of theory and practice, in order to change or to preserve certain states of affairs, either *to defend* or *to demand human rights* in various parts of the world against oppression and authoritarianism. It is evident therefore that human rights can mobilize at times, large numbers of people for example to sign petitions, to donate money, to participate in person, to pressure governments, organizations (for example women's rights groups or Amnesty International) and the U.N. and it seems to be a subject that matters a lot to large numbers of citizens around the world today. In this second function of human rights discourses as ideology which mobilizes, the authors outline two discursive strategies which can be used. The first strategy has to do with the *naturalization* or the *essentialization* of human rights<sup>12</sup> which makes them supposedly absolutely essential, fixed and natural as part of all human societies, cultures and historical periods and here we encounter an important and difficult problem in human rights discourses which can be summarized as 'universalism vs. particularism, or multiculturalism' – human rights either as a universal, supra-historical condition or as a specific intellectual product of a particular (western) history and culture (i.e the 18th and 19th centuries). Let us note here that human rights discourse is and has been one of the basic ideological pillars of both of classical and contemporary liberalism and that any critique of liberalism must necessarily involve the question of human rights, in the sense of the rights of individual *freedoms* and capabilities.<sup>13</sup>

Personally I'm inclined to think that human rights discourse is clearly a valuable product of western thought and history but that its range and validity can exceed and transcend its historical and intellectual roots and can, under certain conditions, be universalized in order to have at least one criterion of *judging* (for example, of course we can say that slaves in ancient societies lacked basic human rights even if the notion did not exist then and they were thought of as 'objects' and 'possessions'). In the opposite case, that of an extreme relativism or particularism, we would have no measure to judge and no leverage to pressure countries and governments to act upon it, for example women's rights in Afghanistan or large numbers of death sentences

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12 Ibid p. 95.

13 A short reference to this issue by Costas Douzinas can be found in <https://goldsmithspress.pubpub.org/pub/pmsd0qe3/release/1>.

in China among others (but also many violations in the Western world as well, to be clear) since these countries often appeal to their own ‘history’ and ‘traditions’<sup>14</sup> which supposedly are foreign to ‘western’ or even ‘neo-colonial’ notions of human rights.

Finally the two authors point out a third function of ideology in the socio political field, which is its major contribution to the formation of *identities*, both on the level of individuals, of collectivities, of nations and of international organizations, since human rights and the identity ‘humanitarian’ or ‘defender of human rights’ carries a lot of prestige or ‘symbolic capital’, and gives, in a certain sense, the reassurance that we are ‘on the right side of history’ ‘caring’ ‘just’ ‘compassionate’ etc. So being a defender of human rights does provide a strong identity to individuals as well as to various organizations in the sense in which they comprehend themselves, their identity, and their actions as oriented towards this ‘noble’ goal. For many people, groups and organizations, human rights struggles or defense, forms an absolutely essential part of their identity as well as of their external, public ‘image’ since it is considered a ‘noble’ and ‘worthwhile’ cause which supposedly everyone can agree upon – and this sometimes means an a-political or de-politicized identity because as far as we are concerned *human rights are always and inherently ‘political’* in the wide definition of the word – and should remain so.

#### 4. Beyond Human rights and ideology

Finally, we want to make just a quick reference to other interesting sides of the relations between ideology and human rights discourse which we cannot elaborate in this limited space and come from the so called tradition of ‘poststructuralist thought’, which is by no means a unified tradition or ‘school of thought’ but loosely connected strains of contemporary continental thought.<sup>15</sup> The first is related to the fact that we constantly need to reflect, and in Jacque Derrida’s sense ‘deconstruct’, on human rights discourse, not in order to discredit it, because I think it belongs to the valuable traditions of the Western Logos, but in order to constantly *reflect* upon it and *critique* (which is different from criticizing) its presuppositions, its unthought elements, its implications and its foundations – otherwise we would have to take all these for granted and this can lead to dogmatism and to ideological

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14 As we know both the dominant in each country and each epoch narrative about ‘history’ and ‘tradition’ are socio-historical constructions, which does not mean false but rather historically dependent, in the epistemological tradition of ‘social constructionism’. Among the many one can see Burr V. *An Introduction to Social Constructionism*, London: Routledge, 1995.

15 There is one critical bibliography on these subjects, among others I suppose, which I think is very interesting and poses important theoretical and political issues <https://criticalalalthinking.com/2015/06/01/critical-bibliographies-human-rights/>.

hypostatization. The idea behind all this is that in human rights discourse, as in all discourses, not only we need to constantly apply self-reflection and critique, which define modernity's thought and science as a whole, but that there are always (already) ideological elements, that is taken – for – granted, hidden, unthought of elements and terms, in the sense of always escaping reflection, both on the level of the foundations of these discourses and of its key terms or 'master signifiers' around which all other terms are arranged – and which are always contestable. So for example 'master signifiers' such as 'humanity' or 'rights' which have specific but also antagonistic meanings within the tradition of western logos can serve as to organize the whole discourse around human rights – are they valid only within its specific historical framework or exceeding it? How for example do we construct the notion of 'the human' – as in 'human' rights opposed to what? the animal maybe? – and of humanity which has certain rights given by nature, by God or by historically determined conventions? Do other forms of life have rights, why and what sense? What are the (non) foundations of human rights and is their content fixed or historically variable, do they develop and vary in time? What are the complex relations of the human rights discourse to questions and theories of social justice, of social welfare, of equality, of democracy and of liberty? – are they covering or depoliticizing contemporary social and political struggles as some Marxists might claim or are they a valuable instrument in/of these struggles? Can we think of these rights as exceeding the Enlightenment – liberal emphasis on the *individual* freedom and talk about '*collective rights*' of communities or groups – what would that mean? The basic premise here is that in deconstructing these 'foundational myths' of human rights, we can lift the ideological veil on the hidden inequalities and contemporary political struggles (and it is important to think of human rights as always political and not only 'humanitarian' and therefore indifferent to 'politics', whatever that might mean) and we can potentially re-discover the radical intentions of the 'original' (at the time of their appearance) *struggles* against the structures of oppression, injustice, inequality and authoritarianism – and that is a never ending struggle (s), plural and without the messianic reassurance of a historical Telos, of a 'happy end' where justice or human rights will finally 'triumph on earth'.<sup>16</sup>

In any case all these are wide and complicated issues exceeding the scope of this short presentation but we can at least accept that the answers to these are not self-evident as they might seem nor can we presuppose that they have one and only answer because if we do, we will already be immersed in the realm of ideology!

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<sup>16</sup> See also all the relevant books by Costas Douzinas in the bibliography and an article on <https://goldsmithspress.pubpub.org/pub/pmsd0qe3/release/1>.



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## In the Name of Humanity: Human Rights and/as Ideology

## Abstract

This presentation attempts to tackle some of the complex relations between ideology and human rights by referring to two interesting texts on ideology and to outline some of the discursive ways in which human rights can function as ideology. By way of doing that we aim to pose some important questions for further research concerning the ways in which human rights discourse can assume various ideological uses and functions.

**Keywords:** human rights, ideology, utopia, discursive strategies

## W imię człowieczeństwa: prawa człowieka i/jako ideologia

### Streszczenie

Artykuł stanowi próbę zmierzenia się ze złożonymi relacjami pomiędzy ideologią a prawami człowieka poprzez odniesienie się do dwóch interesujących tekstów na temat ideologii oraz scharakteryzowania pewnych dyskursywnych metod, według których prawa człowieka mogą funkcjonować jako ideologia. W ten sposób autor chce postawić kilka ważnych pytań co do dalszych badań dotyczących sposobów, w jakie dyskurs praw człowieka może mieć różne ideologiczne zastosowania i funkcje.

**Słowa kluczowe:** prawa człowieka, ideologia, utopia, strategie dyskursywne