

Human Rights as a Rooted Universal: A Marxist Approach

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Abstract: In contrast to the tendency in some quarters to assume that human rights are restricted to civil and political rights, this study identifies two traditions: the Western European liberal tradition and the Chinese Marxist tradition. Both may be seen as 'rooted' universals, arising from particular contexts with their own emphases but contributing to a common or universal framework. Such rooted universals may be contrasted with false universals, which obscure their origins and history, seeking to impose their perspective on all situations. In order to explain the two traditions, I deal initially with sovereignty, which has been thoroughly redefined in former colonised and semi-colonised countries as an anti-colonial sovereignty. This sovereignty is predicated on mutual non-interference in the affairs of other states. From here, it becomes possible to examine the development of human rights in the Western liberal and Chinese Marxist traditions. The former arose from a unique legal tradition and its connection with private property, leading to a restricted emphasis on civil and political rights. The Chinese Marxist tradition differs, basing itself on anti-colonial sovereignty and emphasising the core right to socio-economic wellbeing, from which flow a range of further rights. The article closes with the point that it is necessary to understand and appreciate these different traditions in a global situation.

Keywords: sovereignty; human rights; universals; Western liberal tradition; Chinese Marxist tradition.

This study offers a comparison between two traditions concerning human rights, through the prism of state sovereignty: the Western European liberal tradition

and the Chinese Marxist tradition. It does so as follows. The first part introduces the distinction between false and rooted universals. A false universal forgets the conditions of its emergence and asserts that its assumptions apply to all irrespective of context, while a rooted universal is always conscious of and factors into analysis contextual origins, with their possibilities and limitations. With this distinction in mind, the next part deals with state sovereignty. It begins with the development of the Western European approach to sovereignty. The standard narrative of this development has two main phases: the initial Westphalian definition (1648) and its significant restriction after the Second World War. The main problem with this narrative is that it largely neglects what drove the shift: the success of anti-colonial struggles in the first half of the twentieth century. In light of this global perspective, it becomes clear that in formerly colonised and semi-colonised countries the definition of sovereignty is transformed into an anti-colonial definition. It is not simply an extension of the Westphalian definition, an assumption that entails a false universal.

The next two parts of the argument deal directly with human rights. Initially, I deal with the Western European tradition, which is predicated on the identification of human rights as private property and their restriction to civil and political rights. Here is the risk of another false universal: the assertion that this specific tradition applies to all, irrespective of context and of anti-colonial sovereignty. The final topic is the Chinese Marxist tradition of human rights, which arises from the intersections of Confucianism and Marxism. In this tradition, anti-colonial sovereignty is a prerequisite but does not determine human rights, and the core human right is the right to socio-economic wellbeing, through which civil, political, cultural and environmental rights arise.

On Universals, False and Rooted

To begin with a story (Bell 2006, 1-2): in 2002, the legal theorist Ronald Dworkin gave a series of lectures in China on human rights, having been invited by Chinese universities and scholars keen for mutual learning between ‘East’ and ‘West’. Addressing crowded lecture rooms, Dworkin began by ‘conceding’ that the terminology of ‘human rights’ is uniquely European, but he suggested that the specific history of the idea is irrelevant to its normative and universal status. Not only do such human rights concern civil and political rights, but they are also underpinned by the individual values of moral equality and self-direction. Dworkin then challenged his audience to produce ‘Asian values’ that might contribute to civil and political rights. The audience remained silent, confirming the visitor’s assumption that no such ‘values’ could be found. Yet Dworkin felt that his lectures were a raging success, based on the numbers attending and the praise of his hosts. Nothing could have been further from the truth. The hosts and audiences may have given him due deference as a ‘famous scholar’, but they found him distinctly rude and hectoring. In written assessments of the visit, Chinese scholars expressed profound disappointment. They had hoped for genuine engagement, some robust self-criticism and a desire to listen to other perspectives. Instead, he appeared as an uncritical spokesperson for Euro-American values, using this platform to judge the rest of the world.

What went wrong? Dworkin manifested a common move by those immersed in liberal Western contexts. It may be called a false universal. But this is not meant that it is false to universalise – or find common ground – from a specific situation. Instead, it is false to universalise and neglect or deny the specific context in which a universal arises, asserting that it is absolute, singular, unchangeable and applicable to all situations. To this false universal we may contrast a rooted universal, or

contextualised commonality.¹ Such a universal always remembers its specific context and factors this situation into any analysis, for only in this way can the history, promises and limitations of the universal be kept in mind (Wan 2017, 34-35, 48-49).² Further, the concept of a rooted universal means that universals are not singular but plural, for they can and do arise in different contexts and cultures, and may apply with different emphases to all peoples.³ Further still, it means that an accepted universal may be enhanced and complexified by contributions from other traditions. This distinction – between false and rooted universals – underlies the following analysis of sovereignty and human rights.

Sovereignty: From Westphalia to Anti-Colonialism

A dominant narrative (Jackson 2007; Grimm 2015) concerning the development of sovereignty in a European context is that its initial articulation arose in the conflicts – particularly the Thirty Years War (1618-1648) – that led to the Peace of Westphalia in 1648 and the rise of modern European nation-states. Here was assumed the position that a ruler had supreme authority within a defined territory and did so by mutually respecting the authority of other rulers in other territories.

Supported by theorists such as Jean Bodin and Thomas Hobbes, this Westphalian

1 This approach to universals differs considerably from Alain Badiou's de-historicised and very European formulation, according to which the 'particularity of a situation' is 'intransitive' (Badiou 2004, 145). Further, as Balibar usefully summarises: 'we have a demarcation between the true or veritable universal, typified by Christian or Communist militancy (or what Badiou and Balmès once called the insistence of "communist invariants"), and the false universal typified by the laws of exchange and the market, the capitalist universal, or money' (Balibar 2002, 26-27).

2 For a related articulation of the universal-particular issue, see Li et al. (2015, 62-64).

3 Thus, the idea of 'rooted universals' moves past the facile relative-absolute distinction (Sun 2014, 132-35; contra Foot 2000, 155-57).

assumption (for it was not spelled out in these terms) dominated until its excesses became apparent, particularly with the Third Reich. Thus, after the Second World War, sovereignty was gradually restricted, becoming subject to the ‘universally held’ criteria of human rights that would grant legitimacy to any state claiming sovereignty. Here we find the evolution of the European Union, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the United Nations, the International Court of Justice and other trans-state bodies that began both to cut back the earlier Westphalian sense and justified interventions in states that were judged to have contravened the criteria.

In a Western European situation, this narrative is inescapably connected with religion, which may appear in different forms. One form is to distinguish between Protestant and Roman Catholic emphases: the former is responsible for the rise of supreme or even absolute sovereignty, especially with the ‘two kingdoms’ hypothesis in which secular power was transferred from Rome to the prince;⁴ the latter emphasis enables the restriction of sovereignty, by castigating the evils of state sovereignty and calling upon in a new guise the old themes of the subjection of all states to divine and thereby the church’s mandates (Maritain 1951; Jouvenal 1957). Another form of the religious framework appears in terms of the very European distinction between transcendence and immanence. For example, the biblical text of Romans 13:1-7 was central in asserting the sovereignty of princes and then states: ‘There is no authority except from God, and those authorities that exist have been instituted by God’. Thus, princes, absolute monarchs and even liberal states were given transcendent sanction.⁵

4 The obligatory work to cite here is Luther’s *Temporal Authority* (1523), but Luther did not argue for as sharp a separation as is often assumed. Not only should the sovereign enact laws for the sake of proper observance of religion, but the sovereign was also subject to divine approval or disapproval.

5 Even the justifications of absolute monarchy, with the monarch being the determinant of state law and thereby above it, rely on divine sanction (Hobbes 1651; Bodin 1576).

At the same time, this position entails that such authorities must follow divine laws; if they do not, then they have lost divine approval. By the twentieth century, it was perfectly clear that no religious body had either the spiritual or temporal power to enact such punishment on God's behalf. Instead, as a manifestation of the repeated desire to assert 'absolute immanence' (Agamben 1999),⁶ other state and trans-state authorities have taken it upon themselves to do so. It is not my task to adjudicate between either religious approach to the question of sovereignty, but rather to point out that these religious frameworks indicates a peculiar European tradition. If one always takes account of the anomalous course of development in the western peninsula of the Eurasian landmass, then it remains a rooted universal that should be understood. If one forgets this specific context and its shaping of the universal, one veers into a false universal, seeing the rest of the world through this distorting lens.

Let us see what happens to the narrative in light of a global situation, particularly in the context of anti-colonial struggles, where religion – especially Christianity – was not a defining feature of the tradition.⁷ Thus, 'Westphalia' – shorthand for a distinctly European notion of sovereignty – developed at largely the same time as the Dutch were colonising significant parts of the globe in the first commercial capitalist empire. Other European powers would follow, culminating in

6 In his very effort to escape the binary, Agamben indicates how much it shapes European thought. The following may read as a self-criticism: 'Immanent and transcendent order once again refer back to each other in a paradoxical coincidence, which can nevertheless be understood only as a perpetual oikonomia, as a continuous activity of government of the world, one that implies a fracture between being and praxis and, at the same time, tries to heal it' (Agamben 2011, 89; see further, Dickinson 2013).

7 I leave aside here internal debates that sought either to remove the category of territory from the notion of sovereignty (Schmitt 1922), or to challenge the 'myth' of Westphalia as a watershed (Krasner 1999, 73-104; Osiander 2001; Nexon 2009; Teschke 2009; Piirimäe 2010).

the British Empire, which collapsed by mid- twentieth century. Obviously, if European powers tried their best to observe a somewhat ‘Westphalian’ understanding of sovereignty amongst themselves (not without frequent wars that had to be ‘justified’ in light of such a framework), they completely ignored it when dealing with states outside Europe, states they sought to colonise or semi-colonise. The phase of curtailment that followed the Second World War was triggered by the successful liberation of one colonised country after another from its European coloniser (or its surrogates, such as the United States, Australia and New Zealand). Faced with a loss of global power, the former colonial club set about to debunk the idea of state sovereignty⁸ and to establish a series of trans-state institutions in their own image. At the core of these new developments were trans-state criteria for what would count as a legitimate or illegitimate state: this was the European tradition of human rights, with its focus on civil and political rights, which were increasingly asserted to be the basis of international legitimacy and of intervention.⁹B

By contrast, in an anti-colonial context sovereignty was appropriated and redefined. A key moment was in the 1950s, when the Soviet Union proposed what became the ‘Declaration on the Granting of Independence to Colonial Countries and Peoples’. It was adopted on 14 December, 1960, in a version authorised by a coalition of Asian and African states, and approved by an overwhelming majority of the member states of the United Nations. But why did the Soviet Union first propose this

8 Notably, many of the works that seek to dismantle the concept and practice of sovereign states largely ignore the anti-colonial question (Krasner 1999; Bartelson 1995; Pogge 2008,177-89; Teschke 2009; Kalmo and Skinner 2010; Haldén 2011; Pavel 2014).

9 From 1990, a series of military interventions took place, in Iraq, former Yugoslavia, Bosnia, Kosovo, Somalia, Rwanda, Haiti, Cambodia, Liberia, Libya and so on. These acts remain hotly contested, since they were not always carried out with UN approval and targeted either former communist states or former colonies.

document? As part of the anti-capitalist and anti-imperialist struggle of communism, the Soviet Union was the main supporter of anti-colonial struggles around the world, culminating in a swathe of successful declarations of independence.

Let us pay careful attention to how the document reframes the question of sovereignty. First, sovereignty itself is a right, for it is equated again and again with the ‘inalienable right’ to freedom. Thus, the ‘subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights’. Second, sovereignty provides the conditions for the exercise of human rights, for they can take place only in the context of the ‘self-determination of all peoples’. Thus, colonialism is an ‘impediment’ to freedom, to ‘the social, cultural and economic development of dependent peoples’. Crucially, territorial integrity is an inescapable feature of this redefinition of sovereignty, so much so that ‘any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations’ (United Nations 1960).

The ramifications of these three points in the specific Chinese situation are as follows. To begin with, while the concept of sovereignty was drawn from the European tradition, with all its benefits and traps, it was not a global extension (contra Philpott 2001, 161-64; Gottwald and Duggan 2012, 42). The Chinese way of identifying this process is to speak of *Zhongguohua*, where a category is transformed (*hua*) in light of a distinct cultural tradition. Further, sovereignty is itself a right. Once again, Chinese terminology is instructive: sovereignty in Chinese is *zhuquan*. *Quan* is the key, for it means to weigh, a power, authority and thus a right. Combined with *zhu* (to be in charge of), *zhuquan* means that one has the right to be in charge of one’s situation. Further, the absence of this right means that a country cannot exercise any other rights whatsoever. This was particularly the case during the struggle against colonialism – the time of ‘humiliation’ – which is usually put in terms of the three

mountains: imperialism, feudal relics, and bureaucratic capitalism (Wan 2017, 36). Only when these three were overcome, with liberation in 1949, could sovereignty begin to be exercised and rights enacted. Finally, the United Nations' declaration identifies the importance of national unity and territorial integrity. China emphasises this feature in two ways: it asserts – in a fashion typical of Chinese dialectics – the international right for territorial integrity and unity through enhanced autonomy for the 55 minority nationalities, particularly since the 1990s (Boer 2019); since it insists on freedom from colonial domination and interference from others, it also does not seek to interfere with other states' internal realities. While this approach applies to all international engagements, it is particularly pertinent in dealings with other formerly colonised countries. This position is embodied in the 'Five Principles of Peaceful Coexistence' from the 1950s, formulated by Mao Zedong and Zhou Enlai: mutual respect for territorial integrity and sovereignty; non-aggression; non-interference in internal affairs; equality and mutual benefit; and peaceful coexistence.¹⁰

To return to the UN declaration: the abstentions from the vote in 1960 were Australia, Belgium, France, Portugal, Spain, South Africa, the United Kingdom and the United States.¹¹ All were former and – at the time – current colonial powers. Whereas previously they had voted against anti-colonial resolutions, for some stood much to lose, now they opted for abstention. Is this mere coincidence, predicated on an anti-communist platform since the declaration was initially proposed by the Soviet Union? In part this may be true, but at a deeper level it was precisely these countries that were also behind the post-Westphalian downgrading of sovereignty and the

¹⁰ Or as Deng Xiaoping put it, 'China will never allow other countries to interfere in its internal affairs' (Deng 1990a, 1990b). For this principle, he coined (from *renge*) the term *guoge*, meaning the national character or dignity of a state (Deng 1989a, 321-22; 1989b, 331).

¹¹ The Dominican Republic also abstained, under pressure from the United States.

favouring of intervention in light of what were asserted to be ‘universal’ human rights (Wan 2017, 41).

Rooted Universal 1: European Tradition

With this anti-colonial redefinition of sovereignty in mind, let us return to the Western European tradition concerning the question of human rights, which have already appeared in terms of the assertion that such rights apply irrespective of context, so much so that they are presented as determinative of sovereignty itself. But what rights? They are restricted to civil and political rights, but to see how they arose, we need to investigate this tradition.

The origins of what is now known as human rights in a European context emerged in the twelfth century, when the Latin term *ius* began to assume a distinct sense: it primarily meant a natural innate force or power that leads human beings to act rightly. It was a ‘natural’ force that arose from the innate power of reason. Here are the seeds of what would later come to be defined as ‘subjective rights’, those that pertain to a person as human being. Crucially, *ius* was intimately connected with another Latin term, *dominium*, which means mastery. Or more fully, it designates the mastery of rational and free-willing beings over their actions. Thus, *ius* was exercised through *dominium*: a right can work only if one has power or sovereignty to enact it (Tierney 1997; Kilcullen 2011).

These meanings did not arise in a vacuum, for they were part of the rediscovery and application of ancient Roman law by the ‘lawyer popes’ of the eleventh century (Gianaris 1996, 20; Miéville 2006, 95-97). Central to this rediscovery was the idea of private property, which the Romans called *dominium*. It entailed in the first instance mastery – by a *dominus* – over a thing (*res*). But the ‘thing’ in question was a slave, so the origins of private property begin with an effort to provide a legal and economic framework for slavery, which was soon applied to all

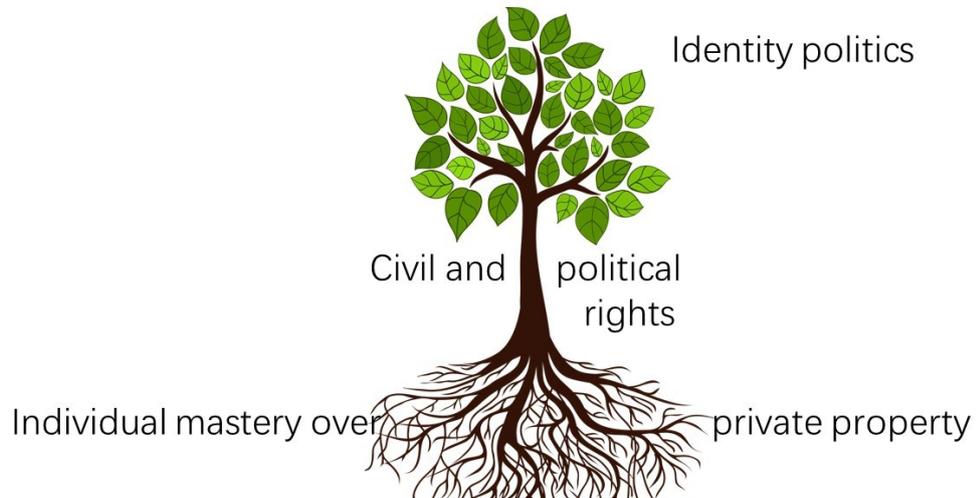
private property (Wolff 1951, 67; Patterson 1982, 32; Graeber 2011, 201). Thus, the specific European history of human rights is inextricably connected with notions of private property: a right becomes the absolute property of an individual human being.

This would later develop into the idea that one could have mastery over the commodities of one's life, including individual speech, political expression, religious belief and so on – all characteristic of bourgeois civil society (Lin 2013, 74). The history of the term and its exercise is clearly important for understanding its later emphases, a history that was intimately connected with the development of private property and thereby slavery in a European context, so much so that liberal tradition itself cannot be understood without such a connection (Losurdo 2011). A good example is the Dutch lawyer Hugo Grotius (1625, I.1.5; Boer and Petterson 2014, 36-43), who was responsible for a major step in developing the European tradition of human rights. He argued that a human right is the power over ourselves or power over others, such as slaves. This he called liberty. It is precisely this tradition, with its distinct emphases, that has been shaped into a universal applicable to all. The risk of a false universal is high, for such a move often forgets its particular history.¹²

In order to illustrate the dynamics of this tradition, a diagram may be helpful:

¹² A number of analyses of China are vitiated by this assumption (Foot 2000; Chan 2006; He 2006).

European Liberal Tradition



The roots and trunk should be clear, with civil and political rights based on mastery of private property by an individual – embodied now in the UN’s 1966 *International Covenant on Civil and Political Rights*. But this tradition also leads to a development that is beyond my remit: the flourishing and indeed end-run of the whole tradition in identity politics. Now an individual can ‘choose’ from an almost unlimited number of identities, whether in terms of sexual preference, gender, ethnicity, religious tradition, or even one’s age. They can be appropriated as yet another type of private property, over which one has dominion. In many respects, such identity politics and the fault lines they generate in terms of political persuasion, are the ultimate expression of this liberal European tradition.

Rooted Universal 2: Chinese Marxist Tradition

The Chinese Marxist approach to human rights is quite different.¹³ As indicated earlier, it begins with the prerequisite of sovereignty (Li and Wang 1995; Zhang 2012, 89-90; Wan 2017, 42; Jiang 2018, 36; Wu 2018, 17). This point relates not merely to the fact that individual states need to ratify and enact the international treaties and declarations, especially from the United Nations, but to the more important fact that a colonised country cannot exercise any rights. One may object: from the perspective of the ‘Western’ tradition it is asserted that ‘rights’ are not granted by a sovereign state, for then they can be removed. Thus far, I have indicated that the post-Westphalian phase in Europe has sought to restrict the exercise of sovereignty in the name of a universal ‘human rights’, which are restricted to civil and political rights. I also indicated that the proponents of this position did so in response to anti-colonial liberation, as an alternative method for asserting dominance. A further factor may now be added: ‘inalienable’ rights. For example, Thomas Paine declared in *The Rights of Man* (1791) that any notion that rights are granted, by a charter or otherwise, is a perversion of the very idea of rights.¹⁴

13 Chinese scholarship on human rights is immense, with centres for human rights study, nationally funded research projects, policy directives, and journals devoted to the topic. In this section, I have cited the most relevant research. For those seeking an English language text, the best remains that by Sun Pinghua (2014), while in Chinese the careful study by Wan Qianhui is even better (2017).

14 Or, according to the *American Declaration of Independence* (1776): ‘We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights’. The declaration was made by slaveholders, who defined ‘all men’ to exclude slaves, indigenous peoples and those in ‘barbaric’ stages of existence (Losurdo 2007)

In response, the Chinese position clearly rejects the idea that rights are granted by a state (Li et al. 2015, 65); instead, sovereignty – as a right – is the foundation for any other rights. Is sovereignty then determinative of human rights? No: sovereignty is an inescapable basis, for ‘without independent sovereignty, there cannot be a complete guarantee of human rights’. At the same time, sovereignty is not determinative, for ‘human rights are the most essential and at the highest level’ (Sun 2014, 121). Thus, when one struggles against colonial domination, anti-colonial sovereignty is the primary concern; when one has sovereignty, human rights become determinative.

This is only a beginning, for the core of this rooted universal is the right to economic wellbeing for all (*shengcun quan*), which includes the rights to development and work (Lin 2013, 76-78; Wan 2017, 42-43; Jiang 2018, 37-38; Li 2018, 3-5; Wu 2018, 13-14; Guo and Zhao 2018, 27-28).¹⁵ To understand this difference from the Western European liberal tradition, we need to go back to its Marxist and Chinese sources. The Marxist basis of the approach¹⁶ appears with the emphasis on forces and relations of production, and one may trace its influence from the work of Marx and Engels, the development of a unique tradition in the Soviet Union (Weatherley 1999, 97-98; Lin 2013, 75-76) and then its sinification (*Zhongguohua*), particularly since the beginning of the reform and opening up with its liberation of the forces of production (Wang and Cui 2019).

In the longer tradition, the Confucian ethos also plays a role, not merely in terms of the four-character saying, ‘all under heaven is as common [*tianxia wei*

¹⁵ This emphasis on economic and social rights is not seen as a ‘second generation’ of human rights, with civil and political rights as the ‘first generation’ (Vasak 1977), for the idea of these generations indicates the European tradition.

¹⁶ While this is a consistent emphasis of Chinese scholarship (Lin 2013; Wan 2013; Wan 2017; Jiang 2018), foreign scholars frequently ignore or downplay it (Bell 2000, 49-105; Angle 2002, 200-4, 240-49; Chan 2006; Freeman and Geeraerts 2012, 100; Biddulph 2015).

gong]' (Legge 1885, 364-66), but also with the program for at least a *xiaokang* society, meaning that one is moderately well-off, healthy and peaceful in all respects.¹⁷ This term – *xiaokang* – has been reinterpreted in a Marxist framework to become the major Chinese project (Wu 2018, 15; Wong 1998; Xi 2017b, 2017a).¹⁸ At this intersection between the Confucian tradition and Marxism, the main human right in China has become the right to economic wellbeing. It remains the underlying drive of a full range of programs, albeit not without recognised and often significant problems in implementation (Wan 2017, 38): the socialist market economy, which focuses on liberating the forces of production for the sake of ‘serving the community [*gongtongti fuwu*]’ (Huang 1994); the comprehensive minority nationalities policy, which has particular relevance for the trouble spots of Xinjiang and Tibet (Boer, in press); the long-term poverty alleviation program that has raised 750-850 million people out of poverty (Kun 2016; World Bank 2018, 1);¹⁹ the development of a socialist rule of law (Li 2018, 6; Wu 2018, 14; Wang and Cui 2019); socialist democracy (Guo and Zhao 2018); and the international policy of a ‘community with a shared future for humankind’ (Li 2018, 1-3; Wu 2018, 18). In this light, Sun Pinghua concludes (2014, 56): ‘The history of the Communist Party of China is the history of its struggle for human rights on behalf of Chinese people’.

¹⁷ For a careful assessment of the tradition’s full impact – both negative and positive – see Wan (2017, 46-48).

¹⁸ Deng Xiaoping (1979, 237-38) was the first to pick up and develop the idea of *xiaokang*, drawing on a tradition that goes back to the *Book of Rites* and *Book of Songs* (Boer, in press).

¹⁹ The World Bank report from 2018 has a lower threshold than the Chinese government (which the report praises). Thus, already in 2018 it estimated an ‘unprecedented’ 850 million, which means that 7 in 10 of those throughout the world who have been lifted out of poverty are in China.

This particular emphasis has indeed become a rooted universal, acknowledged and ratified by others – although not by the United States – in terms of the United Nations’ *International Covenant on Economic, Social, and Cultural Rights* (1966) and the *Declaration on the Right to Development* (1986). While the second recognises the ‘inalienable right’ to development’, the first mentions that state parties ‘recognise the rights of everyone to an adequate standard of living for himself and his family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions’ (see also ASEAN 2012).

As with the analysis of the European tradition, let us use a diagram to illustrate:



Both the foundational role of anti-colonial sovereignty and the right to socio-economic wellbeing appear, with the former at the roots and the latter as the trunk. Thus, the leaves and fruit become civil, political, cultural and environmental rights, especially in light of the two centenary goals and core socialist values (Wu 2018, 14-15). Not only is this tradition well-developed and robust, but it has noticeably different emphases from the Western European liberal tradition. A question remains: how does the emphasis on socio-economic wellbeing give rise to further rights? At

one level, the full range of civil, political, cultural and environmental rights rely on the socio-economic base, as Marxism emphasises. At another level, they give rise to a whole new dimension of rights. Let me quote none other than Marcelo Sánchez Sorondo, who is chancellor of the Vatican's Academy of Social Sciences:

The Chinese...seek the common good, subordinating things to the general
The Chinese ...seek the common good, subordinating things to the general
good ... The dignity of the person is defended ... Liberal thought has
liquidated the concept of the common good, not even wanting to take it into
account, asserting that it is an empty idea, without any interest. By contrast,
the Chinese focus on work and the common good (quoted in Álvarez 2018).

This observation does not come from within China, but from deep within the European tradition (the Vatican). Even from this context, it becomes possible to appreciate the distinct contribution of the Chinese Marxist tradition to the common universal of human rights.

Conclusion

I have sought to explain the differences between the Western liberal and Chinese Marxist approaches to human rights, which includes the inescapable dimension of sovereignty. Part of the reason has been to indicate to non-Chinese audiences that there is indeed a distinct tradition arising from the Chinese Marxist context, a tradition that is well-developed and well-articulated. The need for such analysis is due to the fact that a number of non-Chinese scholars remain ignorant of this tradition. And I have done so in terms of the need to consider rooted universals, rather than false universals. However, the ultimate purpose is not to set the two traditions in opposition to one another, but to find grounds for common understanding and further development.

In order to see how this might work, let us consider two crucial documents from the United Nations, which I have mentioned earlier. These are the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social, and Cultural Rights*. They were initially conceived as one document, but in light of disagreements over emphasis they were divided into two, albeit with significant overlaps. Initially published in 1966, they both came into effect in 1976. In many respects, these two documents reflect the emphases of the two traditions I have examined. Noticeably, European and North American states ratified the first, while mostly former colonized countries quickly ratified the second. Further, we may consider the responses of China and the United States to the two documents. Thus, while China signed the covenant on civil and political rights in 1998, it has yet to ratify it. At the same time, the United States has failed to ratify the covenant on economic, social, and cultural rights (it also has so many reservations about the other covenant as to render it ineffective).

Clearly, we still have some distance to go for mutual recognition of the distinct rooted traditions of human rights. There is little progress in mutual “East-West” oppositions or accusations, with one side accusing the other of colonial and anti-communist motives, or the other side seeking to impose a false universal on the rest of the world for the sake of its own agenda. Instead, it is noticeable that Chinese scholars and policy advisers in particular have been advocating greater progress to a globally recognised universal with distinct emphases depending on the specific conditions (Sun 2014; Li et al. 2015, 68-69).

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