

# The philosophy of human rights and the ‘political man’: Engaging the intellectual legacy of Ho Chi Minh in a technological era

Do Thi Kim Hoa – Michal Valco

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## Abstract

Vietnam is a fast-developing economy, undergoing major changes in education, sciences, the use of technologies, and the building up of infrastructure, to mention some of the most important ones. Besides the advancements of sciences, technology and the overall influences of the process of globalization on the Vietnamese society, however, there are serious challenges to be coped with. The liberalization of Vietnam’s economy has brought abrupt shifts in management and institutional oversight. Major social changes followed suit resulting in considerable detrimental effects in terms of new or resurfacing social phenomena. Rampant cases of corruption, human trafficking, abductions of women, the kidnappings of children, a strong surge in domestic violence and sexual abuses, growing cases of child labor exploitations are all too common occurrences in a society that had not long ago prided itself with order and social justice. Thus, the question of the place of traditional values and human rights in the Vietnamese society re-emerges with a new acuteness. The paper will introduce in a general manner the development of the philosophy of human rights and their place in human society. Following an analysis of the formation of Ho Chi Minh’s notion of human rights, the article explores Minh’s notion of human rights against the background of a Western conception of human rights. Most importantly, critical questions will be asked about how to competently engage Minh’s ideas on this topic in the new era of contemporary Vietnamese socio-economical transformations.

**Key words:** human rights, Ho Chi Minh, freedom, happiness, value of life, justice

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## Introduction

Vietnam is a fast-developing economy, undergoing major changes in education, sciences, the use of technologies, and the building up of infrastructure, to mention some of the most important ones. (Kim, 2008; FForde, Vylder, 1996; Gainsborough, 2003) Besides making life easier, the new and ever-faster advances in science and technology tend to constitute unforeseen challenges to man’s self-perception, value systems, interpersonal communication, or the human relationship to natural environment, to name but a few. (Forbes, 1991; Barry, 1996) The concern is to harness the developments of modern technologies in such a way to prevent the process of dehumanization from affecting human societies and individuals. (Hajko, 2017; Turcan, 2017) We ought to watchfully remember that technologies (any technology, really) have “a far-reaching effect on the speed and scale of the human activity that it facilitates and on the pattern of human relations that it introduces or modifies.” (Gordon, 2010: 152) An unchecked acceptance of modern (and especially digital) technologies on a mass scale can result in forgetting the original purposes for which the given technology was invented in the first place. (Mahrik, Neal, 2018) To prevent this from happening, a competent and intentional philosophical-ethical reflection should be fostered by respected authorities in the society.

Coupled with the advancements of sciences, technology and the overall influences of the process of globalization on the Vietnamese society, however, there are serious challenges to be coped with. (Davies, 2015; Gough, Tran, 2009) These challenges carry the potential not only to destabilize the society’s social cohesion but also undermine the very roots of human culture on the level of family ties and interpersonal relationships. Thus, the question of the place of traditional values and

human rights in the Vietnamese society re-emerges with a new acuteness. In addition to a sociopolitical and ethical discourse, these traditional values include, among other things, a return to certain traditional rituals, as Kate Jellema argues in her recent study. According to Jellema, “[m]arket reforms and newfound prosperity in Vietnam have been accompanied by ritual revival and an attention to the moral dimensions of political-economic transition.” (Jellema, 2006: 231) The nature of the changes occurring in contemporary Vietnam along with the diversity of responses that take place (wittingly and unwittingly) constitute a challenging opportunity for scholars across disciplines to engage what many believe to be the socio-political foundation of the Vietnamese society – the legacy of Ho Chi Minh’s thoughts and actions.

After introducing in a general manner the development of the philosophy of human rights and their place in human society, we will offer an analysis of the formation and contents of Ho Chi Minh’s notion of human rights. The article will then explore Ho’s notion of human rights against the background of a Western conception of human rights, offering a preliminary critical analysis of overlaps and differences. The authors will subsequently seek an answer to the question how to competently engage Ho’s ideas on the topic of human rights and the ‘political man’ in the new era of contemporary Vietnamese socio-economical transformations.

### **Human Rights in the History of Modern Western Thought**

Stemming from a general and common understanding of the dignity of human person, human rights are thought to be basic, inalienable rights that are intrinsic to every human person from their birth until their death. They are universal guarantees of freedom and security of person, including the freedom of conscience for all individuals, regardless of ethnicity, race, religion, nationality, age, social and health status, or gender. By definition, human rights are universal, i.e. universally valid, embracing all of humanity and transcending all cultural, religious or political borders. Or, as the Introduction to the recently published Declaration of Human Rights states, “They are the inalienable entitlements of all people, at all times, and in all places — people of every colour, from every race and ethnic group; whether or not they are disabled; citizens or migrants; no matter their sex, their class, their caste, their creed, their age or sexual orientation.” (United Nations, 2015: vi) The UN’s Universal Declaration names the following human rights:

- the right to life, liberty, and security of person;
- the right to freedom of religion, thought, political expression, movement, assembly, speech, and organization;
- the right to a due process of law, education, employment, health, property ownership, cultural preservation;
- the right to marry and found a family;
- the right to freedom from discrimination, unjust punishment, persecution, tyranny, and oppression.

The adoption of the Universal Declaration of Human Rights (UDHR) by the General Assembly of the UNO on December 10, 1948 belongs doubtlessly among its greatest achievements with long-term impact for the whole humanity. Although the United Nations founding charter had contained an outline of the principles of human rights, the UN member nations desired to clarify and make more concrete the otherwise general principles “by providing specific definitions of what universal human rights constituted.” (Lerner et al., 2006: 41) The essential significance of the document can clearly be discerned already in the Preamble of the UDHR: “Whereas 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, whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people, 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, [...] Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms”. (United Nations, 2015: 1-2) To implement this pledge in a concrete socio-political environment, however, the member nations must have a “common understanding of these rights and freedoms”. (United Nations, 2015: 2)

A “common understanding of these rights and freedoms” seems to be the crucial point – a point of contention among the UN member states, as well as a promising foundation for a better implementation of these rights worldwide. What stands behind the specific formulations of human rights in the Universal Declaration is a certain perception of values intrinsic to each given culture and civilization, to say it broadly. Without this fundamental conviction that we should cultivate “a dynamic balance between universal and particular ethical principles that are accessible, discoverable and learnable [...] to every person in every cultural and historical context,” (Marhik, 2017:119), little can be argued towards a universal conception of human rights. The Western, Euro-American civilization, seems to draw its values and overall vision of life from three distinct sources: (1) the strand of Greek philosophical and political thought that gravitated to democracy in its early conceptions 2500 years ago; (2) the Roman rule of law that had eventually found its finest expression in the Legal Code of emperor Justinian – the “Corpus Iuris Civilis” issued from 529-534; (3) the Judeo-Christian worldview that provided a comprehensive religious and philosophical framework (Petro, 2006) for understanding the nature of the world and man’s place in it. It can be historically argued that the ideas of the British legal reforms of the late 1600s (starting with the so-called “Habeas Corpus Act” passed by the English Parliament in 1679 and the British Bill of Rights of 1689), as well as the French and the American revolutions of 1789 and 1776 respectively, built upon the value foundation and drew their ideas, including much of the necessary terminology, from the above-mentioned three original sources that had blended into a robust civilizational heritage. The ideas of equality, brotherhood, justice and basic human freedoms did not originate as a result of political pragmatism but rather as a consequence of a common appreciation for the dignity of the human being and the positive value of the created (natural) world, including the mundane (secular) institutions, such as the state, or family. (Bahovec, 2015) These values and fundamental understandings of the nature of our reality in all its dimensions helped create a fertile soil for the specific articulations (influenced by specific historical contexts) of human rights and freedoms. Though concrete formulations of laws based on contextually understood human and civil rights differed from country to country in medieval and modern Europe, and later on in the United States, for centuries and even millennia there had been a unifying, common understanding of the value of life and the dignity of human person. A common worldview spawned a common value foundation for the Western civilization, this in turn, giving rise to converging definitions of rights and freedoms over the centuries.

Though the fertile soil of values had been in place for centuries in medieval Europe (the age of so-called ‘Christendom’), the emergence of human rights in an articulated political form surfaced only in the second half of 17<sup>th</sup> century (primarily in Britain and in France), being further developed a century later in two foundational documents: (1) the 1789 “Declaration of the Rights of Man and of the Citizen”, adopted by the

National Assembly of France on August 26, 1789; and (2) the 1776 “Declaration of Independence” and the subsequent First Amendment to the US Constitution, the famous “Bill of Rights”, adopted by the U.S. Congress on December 15, 1791. Yet, as Lerner (et al., 2006) correctly observes, these documents, though foundational, leave out significant portions of the human population unprotected: “the Declaration of the Rights of Man and of Citizens and the Bill of Rights did not extend all natural rights to all persons. Slavery and indentured servitude continued in fledgling United States and neither nation extended full rights to women or indigenous populations.” (Lerner et al., 2006: 3) Yet in spite of its shortcomings and historical failures, the traditionally normative Western culture had produced values that have been conducive to the emergence, development, and progressive implementation of human rights and freedoms on the socio-political level.

This way of arguing, of course, cannot be projected globally. It may be considered more-or-less self-evident in the West and for the Western context but when applied globally, challenges arise. So, when the UN member states gathered in December 1948, to negotiate the content of the Universal Declaration of Human Rights, a common ground in terms of values and overall vision of life needed to first be established. The disastrous events of two world wars and several continuing regional wars around the globe, as well as the continued threat of a global nuclear holocaust, had created a precious momentum for the Assembly to negotiate these matters with honesty and urgency. The modern world, despite vast human advances in science and technologies, had not become a safer and more just place by the middle of 20<sup>th</sup> century, on the contrary. The world community felt the pressure to look for a binding, universal set of rights that would originate (hopefully) from a common understanding of foundational values, above all the dignity and equality of all human persons. The Universal Declaration was thus adopted by 48 votes voting for it and 8 abstaining votes; no country voted against it. (Lerner, 2006:43) Inspiring us to actively work towards securing freedom, equality and dignity, the Universal Declaration has not brought an end to human rights abuses around the world. But since its ratification, “countless people have gained greater freedom. Violations have been prevented; independence and autonomy have been attained. Many people – though not all – have been able to secure freedom from torture, unjustified imprisonment, summary execution, enforced disappearance, persecution and unjust discrimination, as well as fair access to education, economic opportunities, and adequate resources and health-care. They have obtained justice for wrongs, and national and international protection for their rights, through the strong architecture of the international human rights legal system.” (United Nations, 2015: vi) The case study on Ho Chi Minh and the situation in Vietnam that follows below is an example of how the idea of inalienable rights and freedoms changes societies on a global scale.

### **Ho Chi Minh’s Conception of Human Rights**

Ho Chi Minh has typically been portrayed as the great leader and Father-figure of the country of Vietnam. In his 1990 article on Ho’s perception in Vietnam, Richburg (1990) observed that unlike some other communist countries in the early 1990s, the Vietnamese continue to look up to their deceased leader, cherishing his memory and being inspired by his thought. “While many people around the world are reevaluating -- and condemning -- their past Communist leaders, Vietnam is burnishing ‘Uncle Ho’s’ image and looking for new guidance in his teachings.” Among other reasons, this may be so because “His power was not based on fear like [Joseph] Stalin, and he was never treated with irony like [Leonid] Brezhnev. I think here there is real esteem for Ho Chi Minh. They are trying to find in his works something that corresponds to the current reform policies.” (Richburg, 1990)

Striving to gain independence from the French colonists, Ho devoted himself to examine various strands of political and philosophical thought. His ability to draw from the wealth of both, Eastern and Western traditions, enabled him to employ what had proved to be viable strategies of fighting for independence and subsequent reordering of the war-torn society. We can reasonably argue that it was Ho Chi Minh's experience of the colonial situation of Vietnam that made him sensitive to the questions of human dignity, equality, and human rights in general. (Duiker, 2000) Most of the so-called Annamites (name given to the Vietnamese by their colonial overlords) lived in misery and oppression when the French colonial masters dominated Vietnam. A great majority of the Vietnamese population of that period were simple, self-sustained farmers, working hard under difficult conditions and paying heavy taxes. Factories in bigger cities were filled with exploited workers whose working conditions were dire. The emerging Vietnamese bourgeoisie had to be subservient to the colonial imperialists and could not thrive independently. Few children had a chance to go to school. Alcohol and opium were introduced to keep the population under control, further weakening the developmental potential of the indigenous Vietnamese. To suppress any traces of nationalism and independent thinking, the colonial masters prohibited free press, travel, the creation of Vietnamese associations, or larger gatherings of people. Medical care was administered sparsely and at a poor level which, together with widespread starvation and exhausting hard labor, resulted in numerous deaths among the Vietnamese. Ho Chi Minh witnessed this "perverse exploitation" of the people who lived in ignorance and poor conditions (Ho Chi Minh, 2011a: 12) and exclaimed that "[n]ever in any area, in any country, where the human rights were violated such as wickedly and blatantly like that." (Ho Chi Minh, 2011b: 121).

In spite of knowing and upholding the notion of human rights in their own homeland, the French colonists found it difficult or unnecessary to uphold and apply the same rights in their colonies. As Ho rightfully put it: "for more than eighty years, the French imperialists, abusing the standard of Liberty, Equality, and Fraternity, have violated our Fatherland and oppressed our fellow-citizens. They have acted *contrary to the ideals of humanity and justice*. In the field of politics, they have deprived our people of every democratic liberty." (Ho Chi Minh, 1960-62: 18) In the Declaration of Independence of Vietnam Ho further criticized the French's enforcing of "inhuman laws"; the unnatural and painfully divisive division of Vietnam into three separately ruled areas; the preference of the colonialists for prisons at the expense of building schools; the forced use of alcohol and opium to "weaken" the Vietnamese race; the intentional impoverishment of people by extracting unjust taxes and exploitation of natural resources; undue monopolization of banking and trade; the intentional weakening of local, Vietnamese bourgeoisie; and, finally, the French's inability or unwillingness to defend its colony (Vietnam) from the Japanese occupation in the 1940s, resulting in two million deaths by starvation. (Ho Chi Minh, 1960-62: 18-21)

The double-standard pertaining the administration of human and political rights by the French might be attributed to a one-sided focus on profit and a deeply ingrained racism on the side of the white colonists. The indigenous population was considered a lesser race, an inferior culture and civilization that needed to be "governed" for the sake of promoting "civility" and order. Naturally, it was not desirable in the eyes of the colonists for the Vietnamese to be taught about the human rights. A population that is unaware of its rights is less prone to consider its situation unjust and unbearable; hence it can be governed more easily.

The situation had inspired a high level of determination in Ho's strife to help the nation and its people. He started looking for methods and strategies that could be employed to bring about necessary changes. One thing in particular stood out from the very beginning in Ho's mind – the struggle for self-determination and emancipation of the Vietnamese as a nation and a politically sovereign country. His wish to liberate

his country was seen as a necessary step, a constitutive geopolitical context which was thought of as conducive for the cultivation of human rights. Ho called for a "focus on the freedom rights," believing that "without these, the human beings today are merely miserable slaves." (Ho Chi Minh, 2011a: 14) Hence his call for an independent Vietnam and the abolishment of "all the special rights the French have unlawfully acquired" as colonists. (Ho Chi Minh, 1960-62: 21) A country that was able to courageously oppose a much greater force of the colonists and survive the imperialistic occupation by the Japanese had in Ho's view earned the right of self-determination (Ho was invoking here the conclusions of recent international conferences in Tehran and San Francisco which had "acknowledged the principles of self-determination and equality of nations". (Ho Chi Minh, 1960-62: 21)

Realizing that his nation could not be built in a sustainable fashion without a solid conception of basic freedoms, rule of law, and justice, Ho Chi Minh sought to recover the traditional notions of rights and justice, combining them with what he understood to be useful concepts and emphases from the Western political and philosophical thought. Ho's biographers point out that already when Nguyen Sinh Cung (Ho Chi Minh's childhood name) was at the age of thirteen, three key words occupied his mind the most: "Freedom", "Equality", and "Humanity". In an interview with a Russian poet, he is alleged to have said the following: "The first time that I heard the three words: Freedom, Equality, and Humanity is when I was about thirteen. And from that day on, I wanted to get familiar with the French civilization, and to find out what was hidden behind those words". (Ho Chi Minh, 2011a: 461) While a convinced Marxist, Ho Chi Minh interweaved ideas from Western philosophical and political thought, even Western Catholicism, but also Confucianism and Buddhism. (Richburg, 1990) Directly appealing to Thomas Jefferson's words penned in the American *Declaration of Independence*: "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, that among these are Life, Liberty and the Pursuit of Happiness," and to the words of the French Revolution from 1789: "All men are born free and with equal rights, and must always remain free and have equal rights," Ho echoes and affirms the idea of freedom and equality by stating in the *Declaration of Independence of the Democratic Republic of Vietnam* (adopted in Hanoi on September 2, 1945) that "[a]ll the peoples on the earth are equal from birth, all the peoples have a right to live, to be happy and free." (Ho Chi Minh, 1960-62: 17) In the same document, Ho sees these as "undeniable truths," irreplaceable principles for the thriving of individuals and their peaceful social living.

Ho Chi Minh might have been inspired early on in his childhood to gravitate towards such "Western" conceptions, as he spent several years in Harlem in the United States. It was then that he was able to observe the fatal dichotomy between noble philosophical and political principles (such as those expressed in the Declaration of Independence and the subsequent Bill of Rights) and the concrete social and political reality in the US. Besides obvious social problems reflected in the dire state of living standards inequality, Ho was abhorred by the American racism directed especially against the African Americans of that time. His criticism of the American racist capitalism of the early 1900s was later published in his pamphlet *La Race Noire* (1924). Another probable source of his "Western" philosophical inclinations could have been his early studies as he attended the French lycée in Vinh between 1895 and 1905, and later on the renowned Lycée Quoc Hoc in Hue. An important influence with a long-lasting impact was Ho's stay in France and especially his participation at the Communist Party Congress at Tours on Christmas Day, 1920. Ho Chi Minh joined the French Communists in their attempt to free all colonies and allow them to develop independently. As an expert on colonial matters, Ho thus became one of the founding members of the French Communist Party.

Citing the articulation of the basic human rights as written in the Declaration of Independence of The United States and the Declaration of Human Rights and Civil Rights of the French Revolution, Ho argued that those rights were not only inherent to the people in France or the United States but also to the Vietnamese and all people around the world. “All the peoples of the world are equal, everyone has the right to life, the right to happiness and freedom.” (Ho Chi Minh, 2011d: 1) The rights to freedom, life, and the pursuit of happiness are to be considered intrinsic to each person at birth. They are natural and inalienable rights derived from and, at the same time, upholding human dignity.

The right to life is understood in the context of having a meaningful life, not merely surviving in order to suffer the oppression by others. The right to life is thus necessarily connected to the right to decent healthcare, legitimate level of independence and freedom, allowing all Vietnamese regardless of their ethnicity, age, social status or gender to progress on their path of self-improvement intellectually and spiritually. To live in a healthy state thus means to be educated, to be employed, to work, to contribute meaningfully to a larger society, to rest, and to suffer no oppression either physically or psychologically. Therefore, the right to life cannot be separated from the right to independence, freedom, justice, and the pursuit of happiness. Many of these ideas were later reflected in yet another founding document, *The Manifesto of the Laodong Party* (February 1951), which articulated not only “the main task of the Viet Nam Laodong Party” (Laodong Party, 1951) but also the fundamental principles on which to build a stable, just, and prosperous society. Besides the original emphasis on independence, the right of self-determination and the necessity for the Viet Nam people to unite as one nation, The Manifesto called for a higher level of social cohesion and social justice applied to all Vietnamese; the right of the workers to “take part in running their own enterprises” as well as the peasants to enjoy the fruits of their farming following necessary agrarian reforms; intellectuals, tradesmen, along with small business owners are to be encouraged and assisted in developing their potential; “the national minorities must be given every assistance and must enjoy *absolute equality* in rights and duties” (Laodong Party, 1951); furthermore, “[e]ffective help must be rendered to the women so as to bring about equality between men and women” and “[b]elievers in all religions must enjoy freedom of worship; Overseas Vietnamese in foreign countries must be protected.” (Laodong Party, 1951) It is interesting to notice that Ho Chi Minh along with his coworkers did not forget about the rights of foreigners in Vietnam, stating in the Manifesto that “the lives and properties of foreign residents in Viet Nam must be protected”. (Laodong Party, 1951) These ideas are further developed in the Viet Cong Program of 1962, to so-called “Program of the People’s Revolutionary Party of Vietnam (January 1962)”. Declaring its intentions to solidify democratic liberties and ridding the country of “undemocratic laws”, the Viet Cong Program laid out a preliminary blueprint for economic and political reforms founded on a what can be considered Ho Chi Minh’s mature conception of human rights. Interestingly, the document states in its fifth thesis (point) that there is a need to “eliminate U.S. cultural enslavement and depravity and build a nationalistic progressive culture and education.” (Pike, 1966) It is not further specified, however, what precisely was meant by “cultural enslavement”, though one can reasonably assume that laissez-faire capitalism with its detrimental effects on social stratification as well as individual morals was alluded to here. The Viet Cong Program also reaffirms the idea of equality between men and women, different nationalities and ethnic groups and minorities (thesis 7): “We will establish equality between men and women and among different nationalities and recognize the autonomous rights of the national minorities in the country.” (Pike, 1966) The last three points of the document focus on establishing and maintaining foreign relations on the basis of “equal with equal”, a continuing effort at the country’s reunification and striving for world peace.

Ho Chi Minh seemed to have realized that merely achieving Vietnam's sovereignty and independence would not ultimately secure its prosperous and sustainable development, unless the individual freedoms and rights would be guaranteed by law and internalized by its citizens. Independence is ultimately meaningful only if it can be enjoyed in the context of a rule of just law, securing the inalienable rights of the individuals who fought for Vietnam's sovereignty. Accordingly, Ho declared that "[i]f the country gains independence but the people do not have happiness and freedom, that independence does not mean anything". (Ho Chi Minh, 2011d: 64) The path of liberation and development, therefore, necessarily involves the working out of a viable list of rights each citizen is entitled to enjoy regardless of race, ethnicity, social status, gender or education. In Ho's view, each citizen "has the right to work, right to rest, freedom of the body, freedom of speech, of the press, of assembly, of association, of demonstration, freedom of belief, follow or not follow any religion, the right to vote and to stand for election, etc. Every citizen is equal before the law. Women have equal rights with men regarding politics, economics, culture, society, and family. The state pays special attention to the education of young people regarding ethics, knowledge and physical education." (Ho Chi Minh, 2011e: 377)

Having analyzed the three foundational documents that reflect some of Ho Chi Minh's key political, social and legal views, the value of and right to *freedom* stands out as the most important one, as well as one that is difficult to define and implement socially. In general, freedom is here considered as the freedom to act according to one's personal conviction and conscience. Freedom as driving force is present in the actions of each individual and, as such, must be constructively related (that is, in a constructive tension) to common rules and communal benefits of the society. Freedom is not an absolute, stand alone, detached value and individual right; instead, "the free will of the human being [...] also has its ethical consequences." (Ambrozy – Kralik – Martin, 2017: 52) Freedom understood apart from its constitutive context of complex relationships would become an uncurbed liberty, such as the one Plato had seen in his own time. Such "unqualified" liberty yielded disobedience to the authorities and brought disregard for social order, disrupting even the lives of families. (Plato, 1996: 579-591)

According to Ho Chi Minh, freedom is no "unrestrained liberty" but instead must be cultivated within the limits of a just legal system. (cf. Nicholson – Gillespie, 2013) When a person in a community shares the common social contract, he/she must follow the same rules for the community to stay strong and stable. A legitimate and just legal framework is the place to nurture freedom. Law is intended not to abolish or freeze, but to preserve and promote freedom. It is the basis for a human to have the freedom to do what he likes without harming others. Where there is a law, there is freedom because only then one is not subjected to the arbitrary will of others, but free to actualize his own decisions. Here we hear the echo of John Locke's famous dictum: "Where there is no law, there is no freedom". (Locke, 2007: 93) This freedom includes more than just a political dimension; it is the creative freedom of thought, a free exercise of one's right to develop one's full human potential. Human individuals, according to Ho, should be freed from all repression, including spiritual oppression and biases. Some of this can be achieved by education, providing an adequate legal framework is in place and competent teachers are available.

We can argue that when Ho Chi Minh introduced the right to life, right to freedom, and the right to pursue happiness, these notions became a basis for a value transformation inside the Vietnamese society. As these concepts became articulated and gradually internalized by a critical portion of the population, a new resolve started emerging in the society – a determination to shed the yoke of colonial subservience, ignorance and victim mentality and a new resolve to exercise freedom towards achieving Vietnam's independence. Ho Chi Minh was arguably one of the first

thinkers in Vietnam's modern history to emphasize these ideas, raising thereby common people's awareness and mobilizing them behind new ideals. Ho was convinced that "in order to secure our independence, to make our people and nation rich, all Vietnamese must know their rights, their duties, have new knowledge in order to participate in the construction of the country." (Ho Chi Minh, 2011d: 40) It took a paradigmatic change in perception of the place of the value of freedom and human rights to bring about a new, political and cultural emancipation movement that shook the colonial Vietnam. This paradigmatic change resulted in a long, tedious, but ultimately successful revolution for independence. However, we wish to argue that the revolution would have lacked a solid psychological basis (in terms of one's resolve to fight, persevere, sacrifice, etc.), had it not been able to lean on a new perception of fundamental values and rights of human beings, especially the value of and right to freedom. We agree with McLean's observation on this point that internalized human values are that which "completes life; ... once achieved [they are] no longer desired or sought, but enjoyed". (McLean, 2010: 115) It is precisely these internalized values that help us clarify our conceptions of human rights and the ways they should be implemented in the society. Human liberation is presented by Ho as the highest cultural value, but for this value to develop and bring its desired fruits, man must stand up to liberate himself by his own development and completion. Freedom of thought is a human liberation at the height of culture. This, in turn, creates an extremely powerful source of energy and motivation for a further development of society.

There is one more important matter worth mentioning at this point. On its path to socialism, Vietnam experienced some self-induced hardships, too. The most serious one was arguably the ill-prepared and vastly unsuccessful program of agricultural reform in the 1950s. Thousands of landowners died in this rushed attempt at collectivization. The unique aspect of this event and what had transpired afterwards was the way Ho was able to assess the situation and reflect self-critically on it. For, unlike most other leaders in communist lands around Vietnam, Ho did apologize for this mismanagement and adopted necessary measures to alleviate the suffering of the small farmers. The Communist Party's General Secretary ended up resigning. This unfortunate turn of events only exemplifies the uniqueness of Ho's character among most communist leaders of his era and helps explain his continued credibility in the eyes of common Vietnamese.

Ho thus continues to be hailed by most in Vietnam as a leader who not only helped Vietnam gain its independence but who also helped to stabilize the country in the complicated arena of international politics, providing it with a carefully crafted philosophical and political ideology. He is revered not only as a warrior but also as a man of peace. (Smith, 1985) His thoughts are, though with necessary variations and adjustments, implemented in contemporary politics in Vietnam. Or, as an important Party official put it recently, Ho Chi Minh remains a "symbol of our nation's invaluable moral values ..." and along with the thoughts of Marx and Engels, his thoughts have become "spiritual foundation and guidelines" for individuals and social groups in Vietnam. (To, 2008) Naturally, it is not the same to declare one's admiration of human rights and then to establish institutions and credible authorities to implement and secure them. Questions remain, therefore, to what extent had the Vietnamese authorities been able to put these ideas into practice while Ho was still alive and how things developed after his death.

### **Conclusion: Examining Ho Chi Minh's Legacy for the Present**

"Despite many profound and unpredictable changes in the world with numerous opportunities and challenges, our Party, armed with the timely and deep values of Ho Chi Minh's Thoughts, will be firm, self-confident, proud and fully aware to march forward to build the future." (To, 2008) Such are the words of To Huy Rua from 2008,

Secretary of the Party Central Committee, Head of the Party Commission for Communications and Education. They reveal the level of respect for Ho Chi Minh among the Party's officials in the present. Hence the 2007 campaign to "Study and follow Ho Chi Minh's moral example" conducted with the goal to "highlight industriousness, thrift, uprightness, honesty, public-spiritedness and selflessness against evil practices, corruption and other social vices which are hated and condemned" by the Vietnamese people (To, 2008) – a task given first of all to high-ranking officials of the Party and the Government. The question remains, naturally, how to do this competently and effectively.

Ho Chi Minh's legacy of patriotism, social empathy, as well as his emphasis on human rights and the rule of law is not easy to engage in a changing environment of globalized Vietnam on its path to market liberalization. The first change toward a more liberal application of Ho's legacy in the area of economy came from Nguyen Van Linh, the General Secretary at the 6<sup>th</sup> Congress of the Party. "As Party Chief in the South after the fall of Saigon in 1975 he had earned a reputation as a reformer for his efforts to encourage economic growth through the use of moderate policies and a liberal application of profit incentives." (Duiker, 1989: 352) He was the one to call for what came to be known as *doi moi*, a rebuilding and "a renovation of the stagnant economy to stimulate production and raise the national standard of living." (Duiker, 1989: 352) He promised to fight corruption and "strengthen the leadership role of the Party over the state [politics] while reducing the [Party's] interference in areas considered the responsibility of governmental or non-governmental functional organizations." In addition, he pledged to cultivate a new approach of *cong khai*, i.e. openness "to encourage a closer relationship between the state and the mass of the population." (Duiker, 1989: 352)

The liberalization of Vietnam's economy that followed Nguyen Van Linh's program of reform has brought abrupt shifts in management and institutional oversight. In spite of the concerted effort of the Party and government officials, economic progress and cultural openness came at a price. Major social changes followed suit resulting in considerable detrimental effects in terms of new or resurfacing social phenomena. Government and Party officials have had to deal with the task of overcoming the "bitter struggles over resources and status that have accompanied late socialist economic reforms". (Leshkovich, 2008: 5) "After decades of war and communist governance, the state policy of *Doi Moi*, or economic renovation, which began in 1986, enabled the creation of a private sector and opened the door to foreign investment. Although reforms have resulted in national poverty reduction, inequalities are increasingly visible in urban Vietnam, largely in response to market-driven housing policy." (Ritsema, 2012: 341) The dark side of a market-driven economy is experienced most acutely in rural areas or on the outskirts of big towns. "Villagers who once grew rice, flowers or vegetables for local consumption are selling their land use rights to large, residential development projects in which they are not likely to be able to afford to live, and in which they certainly could not maintain their traditional farming practices." (Ritsema, 2012: 341) Rampant cases of corruption, human trafficking, abductions of women, the kidnappings of children, a strong surge in domestic violence and sexual abuses, growing cases of child labor exploitations are all too common occurrences in a society that had not long ago prided itself with order and social justice. (Waibel, 2004; 2006)

The following charts reveal some of the shifts in terms of social stability, security, and justice. However, they just give us a preliminary glimpse of what is more or less intuitively felt in the society. More data is needed, especially pertaining to the issue of existing and perceived corruption levels in various segments of the society.

Table 1 (General Statistics Office of Viet Nam, 2018a)

<b>Index of income inequality distribution (GINI index) by Items and Year</b>								
	2002	2004	2006	2008	2010	2012	2014	Pre. 2016
<b>WHOLE COUNTRY</b>	0.420	0.420	0.424	0.434	0.433	0.424	0.430	0.436

Table 1 shows the index of income inequality distribution that has been lingering around about the same value between 2002 and 2016, showing a mild increase nationwide from 0.420 to 0.436.

Table 2 (General Statistics Office of Viet Nam, 2018b)

<b>Monthly average income per capita at current prices by income source and by province by Cities, provinces, Year and Income source</b>				
	2010	2012	2014	Pre. 2016
	Total	Total	Total	Total
<b>WHOLE COUNTRY</b>	1,387.0	2,000.0	2,637.0	3,049.0

The monthly average income, on the other hand, has doubled over less than a decade (between 2010 – 2016). These encouraging numbers, however, are not a reliable indicator concerning the spread of wealth across the social strata of the population.

Table 3 (General Statistics Office of Viet Nam, 2018c)

<b>Poverty rate by province by Cities, provinces and Year</b>								
	2006	2008	2010	2012	2013	2014	2015	Pre. 2016
<b>WHOLE COUNTRY</b>	15.5	13.4	14.2	11.1	9.8	8.4	7.0	5.8

The poverty rate nationwide has been declining over the past decade, going down from 15.5 to 5.8 (a preliminary result for 2016). This optimistic national average does not reflect, however, regional differences and especially the difference between urban and rural areas.

Table 4 (General Statistics Office of Viet Nam, 2018d)

<b>Social order and safety by Items and Year</b>					
	2012	2013	2014	2015	Pre. 2016
<b>Number of traffic accidents (Case)</b>	36,376.0	31,337.0	25,685.0	22,850.0	21,589.0
<b>Number of traffic collisions with minor damage or minor injuries (Case)</b>	25,713.0	20,281.0	15,084.0	12,383.0	11,456.0
<b>Number of traffic accidents from less serious to become (Case)</b>	10,663.0	11,056.0	10,601.0	10,467.0	10,133.0
<b>Number of deaths - traffic accidents (Person)</b>	9,838.0	9,851.0	9,101.0	8,728.0	8,685.0
<b>Number of injured - traffic accidents (Person)</b>	38,060.0	32,169.0	24,863.0	21,072.0	19,280.0
<b>Number of fire, explosion cases (Case)</b>	2,255.0	2,590.0	2,462.0	3,020.0	3,045.0
<b>Number of deaths - Fire, Explosion (Person)</b>	117.0	124.0	127.0	92.0	123.0
<b>Number of injured - Fire, explosion (Person)</b>	259.0	339.0	186.0	316.0	270.0
<b>Total damage in money</b>	..	..	..	916.1	1,240.1

<b>(Bill. dongs)</b>					
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The development of safety situation in Vietnam brings ambiguous results. While the number of traffic accidents, minor collisions, injuries, and traffic related deaths is gradually declining, the number of fire accidents, explosions and corresponding numbers of injured and dead is increasing. Table 5 (below) shows a minor progress in diminishing the number of instituted and prosecuted people though the numbers remain relatively high.

Table 5 (General Statistics Office of Viet Nam, 2018e)

<b>Justice by Items and Year</b>						
	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>Sơ bộ 2016</b>
<b>Number of instituted cases (Case)</b>	71,665.0	74,134.0	76,220.0	68,863.0	72,922.0	69,943.0
<b>Number of instituted people (Person)</b>	114,194.0	120,401.0	122,439.0	110,213.0	110,548.0	99,710.0
<b>Number of prosecuted cases (Case)</b>	60,473.0	66,870.0	67,592.0	59,788.0	61,147.0	58,893.0
<b>Number of persecuted people (Person)</b>	106,687.0	120,253.0	121,141.0	108,031.0	107,218.0	98,712.0
<b>Number of sentenced cases (Case)</b>	..	..	67,779.0	66,676.0	61,067.0	60,309.0
<b>Number of guilty people (Person)</b>	..	..	119,889.0	119,257.0	107,071.0	100,421.0
<b>The number of people receiving legal aid (Person)</b>	..	..	..	129,164.0	140,041.0	90,724.0
<b>Lawyers per 10000 inhabitants (Person)</b>	..	..	..	1.0	1.1	1.2

We do not mean to suggest that economic progress which came as a result of market liberalization and the rise of entrepreneurial spirit is itself to blame for the newly arisen challenges. Neither should we unilaterally blame the opening of Vietnam, which inevitably entailed facing the influences of cultural and economic globalization. Social and economic reforms placed in the context of a more open society seem to be indispensable elements of progress and long-term stability in a fast-changing world of technological innovations, global trade, and exchange of ideas. Many of the new trends and their ambiguous social effects cannot be avoided but they need to be reckoned with.

The first step in coming to terms with such equivocal phenomena is to carefully analyze what we are dealing with. While this article does not offer us sufficient space to offer summary analyses of all relevant phenomena related to market economy,

globalization, and cultural pluralism as these are occurring in Vietnam, we wish to highlight one that can legitimately be considered as one of the most insidious. We are speaking here of the depersonalizing tendencies of digital technologies and the fact that digital societies lack an ethical framework for comprehending what is truly going on in the world of digital technologies and how they can affect human societies. Inspired by recent socio-ethical analyses of McLuhan (2003), we can argue that the extension of our personalities (or even ‘our being’) by new technologies disrupts our life patterns and changes the way we perceive and experience reality. Consequently, we seem to thoughtlessly to new patterns of behavior, gradually losing our ability of critical self-reflection. The ensuing loss of human agency makes the human individual prone to manipulation, either by commercials or toxic ideologies, resulting in a major shift in value foundations and patterns of action. No technologically advanced society is immune from this danger. As stated above, however, the limits of our present study do not allow us to deal with this (or similar) issue deeper. We can only provide what we believe may be a useful hint for a further discourse by bringing to attention the idea of philosophical personalism (Zalec, 2011; Pavlikova, 2017; cf. Petkovsek, 2017) and more specifically relational personalism. Countering the forces of depersonalization and dehumanization which ran rampant in the course of the 20<sup>th</sup> century, the personalist movement (Mounier, Maritain, etc.) has made a solid attempt to lay foundations for protecting human dignity, reorienting modern philosophical endeavors to focus again on basic questions of anthropology. Adding to the typical phenomenological approach to human personhood (Sokolowski, 2008), a new emphasis can be laid on the relational aspect in establishing human personhood, one’s dignity and inalienable rights.

Notwithstanding a certain appeal of selected Western philosophical ideas, typical Western solutions to the problems we have outlined in this article are not likely to work, as Lux and Straussman argue (in their case-study on Vietnamese NGOs): “the cultural factors outlined are not necessarily appreciated by western donor models of NGOs in development, especially state-led formation of civil society.” (Lux, Straussman, 2003: 173) Vietnam needs “Vietnamese” solutions which, while remaining open to being inspired internationally, draw above else from its own wealth of culture, tradition, and political thought.

This brings us back to our task of engaging Ho Chi Minh’s intellectual legacy. Examining Ho Chi Minh’s legacy in this new situation is proving to be a difficult task for three main reasons: (1) First of all, there is a shortage of relevant and competent research data and analyses of the detrimental phenomena and their impact on the Vietnamese society. (2) Secondly, Ho has not written much himself and much that has been preserved are written records of his speeches or conversations transcribed by his coworkers. (3) Though not a saintly figure, Ho Chi Minh lived an exemplary life of an austere man, content with little comfort and deeply caring for the lives of ordinary people. This mindset and lifestyle (both political and personal) seems to deviate from the lives of many current top politicians in Vietnam, making his legacy both inspiring and ‘inconvenient’ for some of those who claim to look up to him. Critical voices emerge pointing out this unfortunate dichotomy between declared ideals (inspired by Ho Chi Minh) and actual socio-cultural reality in Vietnam. One of them, “Tran Van Giau, a historian and former southern Communist leader during World War II,” reminded his compatriots in early 1990s that “Ho’s strength as a nationalist leader was his reliance on the people, and that a ‘great number’ of current party leaders have forgotten that.” (Richburg, 1990) As Richburg found out through a series of interviews in 1990, “even many Vietnamese who do not revere Ho are saying increasingly here [in 1990] that his successors have deviated from his principles, and that is why public confidence and support for the Communist Party is eroding.” (Richburg, 1990)

Almost three decades have passed now since those critical voices pointed out the schism between declared convictions and practice. The Vietnamese society seems to continue to struggle on its path to implement with new competence and resolve the ideas of its principal modern founder. Relying on our preliminary analysis of Ho Chi Minh's thoughts related to human rights, we present the following ideas for a further scrutiny in an open academic discourse. We wish to ascribe high relevance to specific critical remarks made by Ho Chi Minh, which we believe continue to be fundamentally relevant until the present. Among others, Ho criticized the following phenomena: authoritativeness without responsibility, bureaucracy, laziness, and misappropriation. He added the element of social equality to the traditional ethical categories, such as conscience, honor, good and evil, responsibility etc., always criticizing occurrences of inequality and injustice on all levels and in all dimensions of human interaction, including that with nature. A new "ethical consciousness" was to be established on the foundation of a deepened awareness of one's social responsibilities and equal rights. To safeguard these principles, Ho leaned on the "rule of law" as a basic tool to achieve stability and ensure a viable context for the cultivation of ethics as well as the keeping of human rights, based on human dignity. The notion of human dignity is related to a more comprehensive notion of common humanism among the citizens. Thus, an awareness of a common interest in the collective was seen as conducive to promoting humanism. This, in turn, has the potential to enhance a common understanding and, more importantly, the active practicing of human rights by socially connected individuals. Despite the undeniable social and political responsibility of individuals, one should be free to embrace diverging views (cultural or spiritual), unless they prove to be directly dangerous for the thriving of the community. There is fine line here between the rights of the individual and the well-being of the community/political society. Principles of individual and social life need to be derived in such a way, as to allow for a convergence of and constructive interplay between collectivity (emphasizing communal needs and mindset) and the individual's life philosophy with overlaps into social ethics. When the interests of individuals come into conflict with the perceived interests of the collective (as a cohesive socio-political group of citizens), tolerance should be practiced. Instead of employing a ruthless force, the government (local as well as national) must seek ways to win the people's allegiance instead of scaring them to obedience. Tolerance is an important value in a multiethnic nation, such as Vietnam. In the complex interplay of socio-political and economic interests, national, ethnic, cultural, and religious interests, tolerance seems to be the best mode of thinking in bringing forth a peaceful, socially cohesive and more just society. In addition, we wish to suggest more academic and political attention to be paid to the complex and diverse phenomenon of religion in the Vietnamese society. Being informed by various (both old and new) sociological and psychological research data, it can be argued that religion with its doctrines and rituals belongs to the most potent cultural forces – for better or worse – influencing people's values and subsequently their attitudes, convictions, and interactions. Thus, there is a need for a continuing research of the role of religion – Confucianism, Buddhism, Catholicism (Catholic strand of Christianity), Taoism – on the Vietnamese society, including a focused research on the religious underpinnings of concrete perceptions and implementations of human rights. We can reasonably claim that the conception and practice of human rights is necessarily and even constitutively intertwined with their deepest cultural and religious roots. In the Vietnamese society, it is primarily the influence of Confucianism that needs to be taken very seriously when it comes to assessing the driving forces behind the creation and cultivation of values with a direct impact on the citizens' perception of human rights. There is no doubt that this fact has numerous

important “implications for society” that need to be taken into account also in connection to human rights.

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Dr. Do Thi Kim Hoa, PhD.  
Institute of Philosophy  
Vietnam Academy of Social Sciences  
59 Langha, Badminh, Hanoi  
Vietnam  
[hoatuanphuc@gmail.com](mailto:hoatuanphuc@gmail.com)

doc. PhDr. Michal Valco, PhD.  
Department of General and Applied Ethics  
Faculty of Arts  
Constantine the Philosopher University in Nitra  
Hodzova 1, 949 01 Nitra  
Slovak Republic  
[mvalco@ukf.sk](mailto:mvalco@ukf.sk)