

# The Existence of "Human Rights" in Ancient China and Its Contemporary Interpretation

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**Abstract.** There were "human rights" in ancient China, reflected in the human rights thoughts of "Doctrine of Heaven" and "Doctrine of Benevolence" and the practice of protecting basic human rights such as the right to subsistence, development, and freedom. Additionally, the "human rights" in ancient China have distinct characteristics, embodied in the principles of collectivism, obligation orientation, and the concept of freedom, which are significant for the development of contemporary human rights in China and enriching the global human rights culture.

**Keywords:** Ancient China; "Human Rights" Thought; "Human Rights" Practice; Collective Human Rights; Obligation Orientation.

## 1. Introduction

The concept of human rights originates from the West, which often criticizes China for "lacking human rights." For a long period, China intentionally avoided the issue of human rights, and the Chinese discourse on human rights has not been systematically constructed or valued. With the advancement of times and the rise of pluralism, the interpretive space for the concept of human rights has expanded. The Chinese human rights discourse is no longer isolated from the global human rights discourse system but exists within it as a subjective entity.

This paper argues that there were "human rights" in ancient China. Although this view is debatable, it can be naturally deduced based on contemporary pluralistic cultural trends and relativist views on human rights. Unlike the previous consistent view of human rights, the current international tendency is to believe that human rights can take multiple forms. As the United Nations Office of the High Commissioner for Human Rights (OHCHR) stated, each country should start from its political, cultural, historical, and legal environment; there is no one model or approach that fits all countries.[1] Therefore, it is not necessarily the case that ancient China did not have human rights; we acknowledge the universality of human rights but also emphasize their particularity[2]—without particularity, the universal meaning of human rights cannot be revealed. Thus, the human rights discussed in this paper are relativist, embodying "respect for historical traditions, sensitivity to cultural connections, consideration of real situations, adherence to legislative procedures, and acceptance of the complexity, diversity, and phased nature of events." [3] From this foundational definition, there were special forms of relativist "human rights" in ancient China, which is true.

## 2. The Existence of Human Rights in Chinese Traditional Culture

Human rights are a unity of legal and moral concepts. The "International Bill of Human Rights," such as the "Universal Declaration of Human Rights," mentions the "inherent dignity" of people in its preamble, recognizing that human rights are based on the "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family." [4] In ancient China, there existed theoretical thoughts and systems that respected and protected "human dignity," so "human rights" existed in traditional Chinese culture, although not expressed as "rights."

Scholars such as Liang Qichao generally denied the existence of so-called "human rights" thoughts in ancient China. However, their judgments are no longer correct when viewed from the perspective

of contemporary pluralistic relativist human rights. It must be understood that although world cultures each have their characteristics due to various factors such as survival environments, all civilizations that have developed to this day share similar elements on issues involving human survival and dignity. These elements are the ideas, values, and spirits that stem from the "natural-social human nature"[5] in the national consciousness, which are morally and ethically compatible with modern human rights concepts and can be called "human rights" thoughts.

To demonstrate the existence of human rights, it is necessary to discuss both their normative aspects and their statutory and actual existence. The belief that there were "human rights" in ancient China is based not only on the theoretical representation of human rights but also on the long-term human rights practice. Through various social regulations such as rituals and laws, human rights became documented laws or decrees, resulting in "statutory human rights." These decrees built a system that guaranteed the basic rights to survival, development, freedom, and fair treatment for the ancient people, elevating "statutory human rights" to the level of "actual human rights." [6] This paper maintains that there were human rights in ancient China, evidenced by the existence of theoretical and systematic human rights thoughts deeply embodied in practical reality.

## **2.1. The Existence of Human Rights Thoughts in Ancient China**

In Chinese traditional culture, a significant part has become unsuitable for modern society due to the development of productivity and changing times. However, another part of the knowledge system, values, and ways of living originated from people's instinctive pursuit of various interests, developed from the theoretical systems of ancient philosophers and thinkers, and matured in the establishment and governance practices of dynasties. Its essence was to safeguard the survival and dignity of the people. This is the traditional Chinese human rights culture [7].

Linguistically, "human rights" is a compound word (human + rights) in Mandarin, indicating its essence is rights; and the essence of rights is an interest, a means by which subjects, defined or implied in law, obtain interests through relatively free acts or non-acts within legal relations. Human rights thoughts initially emerged from people's demands to gain interests. Mencius is one of the most famous ancient Chinese philosophers, his article "The Great Way" vividly expresses the ancestors' longing for a society where people's interests and dignity are fully realized: for example, "The elderly, widows, orphans, the lonely, and the disabled are all cared for" [8] corresponds to the contemporary human rights concept of "freedom from fear and want." [4] "The elderly are cared for until the end, the able-bodied are put to good use, the young are nurtured... men have their roles, and women have their homes" [8] corresponds to the contemporary human rights concept of "social progress...in larger freedom" [4], where everyone can fully develop in society. "The world is public, selecting the virtuous and capable, promoting trust and harmony" [8] embodies the pursuit of "the right to participate in governance directly or through freely chosen representatives." [9] Sociologically, this kind of primitive communist society once existed and was spiritually inherited in the ancestors' ideological world, further refined into a political ideal of urging rulers towards "virtuous governance.(or, govern with virtue)"

This demand for "human rights" is universal, a product of people's long-term social practice, gradually becoming an expression of the people's general will. This general will of the people propelled the construction of a thought-cultural system, systematically and theoretically presenting the people's demands for "human rights." The most representative pillars are "Doctrine of Heaven" and "Doctrine of Benevolence."

### **2.1.1. Doctrine of Heaven**

The pursuit of human rights was a simple natural desire of the ancestors, yet it lacked a basis. Thus, they used the concept of "Heaven" to construct the legitimacy and rationality of human rights realization; evidence lies in the Chinese phrase "tian jing di yi" (heavenly principles and norms) used to express "natural rights." Structurally, this implies that in Chinese perception, natural rights are

inherent and related to "Heaven." The relationship between these "human rights" and "Heaven" is complex, far beyond the concept of "God-given rights."

Firstly, Heaven represents human rights (the collective will and benefits of the people). "Humans are the heart of Heaven and Earth." "Heaven and Earth are the parents of all things, and humans are the spirit of all things." [10] This indicates that ancient people believed humans were the center of the universe, the noblest beings, with inherent dignity and interests that needed to be maintained. Without a proper social order, these interests would inevitably be lost. Thus, the people's will transformed into Heaven's will, establishing rule; letting "Heaven" choose rulers and regulate them on behalf of the people ("The people cannot govern themselves, so a ruler is established to shepherd them." [11]).

Secondly, Heaven acts as a protector of individual human rights (negative rights) from a passive perspective. "Heaven observes and listens to the ruler's actions through the people, who are its eyes and ears; Heaven is awe-inspiring, using the people to form its power; what the people oppose, Heaven will punish." [12] This classic normative structure shows that "Heaven" regulates public power to protect individual human rights from infringement: the ruler must not infringe on the people's rights (rule), or face the consequences of Heaven's punishment. "Heaven" ensures the people do not directly oppose the ruler but achieves a "specific resistance, or general rebellion, was held to be justifiable" [13] when the ruler indeed infringes on rights.

Thirdly, Heaven actively asserts the legitimacy of human rights realization (positive rights): "Heaven is compassionate to the people; whatever the people desire, Heaven will follow." [14] "Heaven urges rulers to actively cooperate in realizing human rights. The Chinese traditional thought of "Revering Heaven and Protecting the People" is a perfect example. The earliest architect of this thought was Duke of Zhou, who proposed theories such as understanding the people's sentiments and prioritizing virtue in governance, demanding rulers fully understand the people's sentiments ("to understand the difficulties of farming and harvesting" [15]) and adopt a cautious attitude to actively cooperate with the people's will ("Govern the people with reverence, and do not dare to be negligent or complacent." [16]), ensuring the people's needs and happiness.

During the early Han Dynasty, the Doctrine of Heaven entered a theoretical and systematic stage. Dong Zhongshu further elaborated on the theory of "Revering Heaven and Protecting the People," emphasizing the people's importance relative to the monarch and creating the "interaction between Heaven and humans" theory using mystical thoughts of yin-yang and five elements. From then on, the people's demands ascended to the level of "Heavenly principles," and the people's survival status became deeply linked with "Heaven's mandate." [17] The people's survival status became a critical standard for evaluating a regime's goodness, with bad governance resulting in "Heavenly disasters and punishments." This forced rulers to accept the political concept of "governing with virtue," placing the people's positive human rights in an important position. This theory was unprecedented in its theoretical depth and advanced for its time. Some scholars even believe that Dong Zhongshu's theory is comparable to the "natural rights" and "social contract" theories of Grotius, Hobbes, and Locke, undoubtedly qualifying as human rights thoughts. [18]

### **2.1.2. Doctrine of Benevolence**

The other major part of Chinese human rights thoughts is the Doctrine of Benevolence. Confucius proposed the concept of "benevolence." After Confucius's death, one of his successors, Mencius, developed a relatively complete system of Doctrine of Benevolence. The semantic range of "benevolence" is very broad: in essence, "benevolence" is the distinguishing essence of humans from other animals ("Benevolence is the human essence." [19]); in terms of characteristics, "benevolence" manifests as a series of external behaviors reflecting human essence (morality).

"Benevolence," as the essence that distinguishes humans from other animals, can be mainly reflected in "conscience" and "universal love." Conscience is the moral standard for human behavior (divided into moral sense and moral imperatives); universal love emphasizes respect, sympathy, and even forgiveness.

Ancient Chinese culture advocated that humans have a "benevolent heart" (conscience), with sayings like "without benevolence, morality ceases to exist," and "speak with sincerity, act with devotion." [20] A "benevolent person" could resolve disputes in the neighborhood or family, indicating "benevolence" as "a moral sense applied to one's own judgment and actions." [21] Confucius often emphasized that "a person without trust cannot stand" [22] and "how can one associate with friends without trust?" [23], showing that "benevolence" also implies "the moral rule that requires justice and honest dealings between people." [21] As human conscience, "benevolence" only exists in human society because the animal world ruled by the law of the jungle does not need to judge right or wrong, nor does it need to value trustworthiness, with all actions driven by interests. The value of human rights lies in reminding us that humans are not animals and do not live solely driven by interests, which is the special quality of humans.

The Doctrine of Benevolence also emphasizes the spirit of "universal love." The Mohist concept of "impartial love and non-aggression" advocates loving even one's enemies, while Confucianism emphasizes empathy and unlimited forgiveness, such as the principle of loyalty and forgiveness: "When you establish yourself, help others establish themselves; when you achieve, help others achieve. The ability to apply this principle in close relationships is the way of benevolence." [24] This is the model of this kind of universal love thought. Confucius said, "The benevolent person loves others." "Love" is an eternal theme for humanity, deeply embedded in human genes. The love contained in "benevolence," expressed as empathy and unlimited forgiveness, is something no animal can exhibit. Although difficult to achieve, humans can overcome "island mentality" to some extent and stand proudly in the world with "universal love."

As the essence of being human, benevolence is externally manifested as moral qualities such as compassion, shame, humility, and the sense of right and wrong. Analyzing these qualities from different perspectives to interpret the core of benevolence is a common method used by Confucius and Mencius. The most comprehensive expression of the different perspectives of benevolence is a statement by Mencius: "Without a heart of compassion, one is not human; without a heart of shame, one is not human; without a heart of humility, one is not human; without a heart of right and wrong, one is not human." Compassion is the ability to empathize with others' situations, essential for achieving human rights of freedom and equality; shame is an inviolable sense of honor, crucial for ensuring dignity and freedom of conscience in human rights; humility is empathy, reflecting mutual responsibility and equal rights, promoting harmonious coexistence in the human community. The sense of right and wrong is a sense of justice, based on mutual respect and understanding, ensuring fair treatment in various aspects of life. These moral qualities, as external manifestations of human dignity, form the foundation for the existence of human rights in ancient China.

From a timeless perspective, the entire foundation of human rights is built on "benevolence" (the essence distinguishing humans from animals). If society can adhere to the principle of "benevolence," mutual respect, understanding, and care among people will be established. This core principle allows the construction of a system of rites and laws that maintains social order and promotes social development, ultimately achieving the ideal realization of human rights.

### **2.1.3. Summary**

In summary, since qualities like "conscience" and "universal love" as the essence of being human and qualities like "compassion" and "humility" as external manifestations of this essence are the foundation and widely recognized prerequisites for the existence of human rights, the concept of "benevolence" inherently points to human rights. The Doctrine of Benevolence, like the Doctrine of Heaven, can undoubtedly be called human rights thoughts.

## **2.2. The Existence of Human Rights Practices in Ancient China**

Corresponding to the existence of human rights thoughts, there were "human rights" practices in ancient China that responded to the people's interests. Denying the existence of human rights in

ancient China due to harsh punishments, lack of separation between judiciary and administration, and other issues is to commit the fallacies of presentism and partial generalization.

**Presentism fallacy:** It must be understood that "in concrete practice, human rights have many different facets or dimensions... they are comprehensive, universal, eternal, and absolute spiritual aspirations, value orientations, legal regulations, and ethical propositions, which are the goals of the joint efforts of all humanity." [25] Due to differences in economic foundations, cultural backgrounds, and other factors, human rights have various applicable forms. For instance, judicial fairness, if measured by the standards of a modern, well-developed judicial system, denying the existence of human rights practices in ancient China is unfair.

**Partial generalization fallacy:** The assertion that because ancient China was an era of feudal monarchy, all practices could not be human rights practices is unacceptable, as denying the human rights attributes of some practices due to the non-compliance of others with human rights is illogical. For example, using the cruelty of old five punishments of the slave system to negate the Zhou Dynasty's governance method of "virtue-led and supplemented by punishment"; using the inequality of "laws not applying to the powerful" to deny the Qin Dynasty's practice of "no discrimination between relatives and strangers, no difference between the noble and the humble, all decided by law" [26] in judicial equality. If we acknowledge that the achievements of the French Revolution will not be overshadowed by Napoleon's despotism, we should also not confuse the "good" and "bad" aspects of ancient Chinese institutions.

Moreover, it is impossible to have human rights thoughts without human rights practices. On the one hand, long-term human rights practices produced human rights thoughts; on the other hand, under the dynamic influence of human rights thoughts, human rights practices continued to develop. The development of human rights practices is a path of "ritual (law) institutionalization of human rights," where the focus is on the core and urgent human rights issues of the people, such as the right to subsistence, the right to development, the right to freedom, and the right to fair and equal treatment.

### **2.2.1. Right to Subsistence**

The right to subsistence has long been the primary human right fought for by the Chinese people and is the prerequisite and foundation for enjoying and developing other human rights. Protecting the people's right to subsistence has always been an important part of China's traditional human rights culture ("The way to govern lies in settling the people." [27]). Ancient China protected the right to subsistence on both collective and individual levels.

At the collective level, the focus was on maintaining peaceful interactions with other countries to ensure the safety of the citizens. Early China had strong aggressiveness and colonialism, as evidenced by the conquest of the Baiyue. However, with the expansion of territory, the settlement and survival of the Chinese nation gradually stabilized, and the people desired to settle and develop agriculture. Thus, China long chose to coexist peacefully with neighboring countries, at most treating them as vassals without invading, demonstrating high regard for the people's right to subsistence: "By promoting virtue and enlightening the people, stabilizing the population; and harmonizing the myriad states, the people are at peace." [28] The rulers were willing to sacrifice their own interests (such as the marriages of Princess Taiping) to maintain the people's right to peace, as evidenced by this.

At the individual level, the focus was on maintaining the people's subsistence through domestic policy formulation and adjustment. Ancient China upheld the idea that "the people are the foundation of the state, and the state will be stable if the foundation is firm," [12] adopting various measures to ensure the people's right to subsistence. For example, during the Western Zhou Dynasty, to ensure all people received basic subsistence, the rulers provided living subsidies: "Those in dire straits and without support were given regular food relief." [29] The term "regular food relief" refers to frequent grain assistance or living subsidies, with the sources of these subsidies specified: "The mute, the deaf, the lame, the crippled, and the dwarfs were supported by various artisans." [30] A complete relief system was established. Socially, the promotion of customs and education ("support the elderly to show filial

piety, care for the orphans and help those in need"[29]) ensured a general moral direction that guaranteed every social member, regardless of circumstances, received minimum assistance.

### **2.2.2. Right to Development**

The right to development is an inalienable right. The concepts and spirit reflecting the right to development have long existed in traditional Chinese culture and have been transformed into long-term human rights practices in ancient China. Confucianism emphasizes harmony and balance, respecting individual development. The Mohist idea of "impartial love" advocates that everyone should have equal opportunities for development, regardless of origin. These ideas largely reflect the universality and inalienability of the right to development and are embodied in various practices in ancient China.

The "Record of Rites" states, "Ensuring the elderly have a peaceful end, the able-bodied are utilized, and children are well-cared for; the widowed, orphaned, lonely, and disabled are all provided for; men have their roles, women have their homes." [8] If this description of the pre-Qin society is true, then everyone indeed became "active participant and beneficiary of the right to development." [31] Even if this description is just a social ideal, the beautiful reality it depicts has deeply guided human rights practices throughout the dynasties.

Ancient China was an agricultural society, with land being the most important means of production and farmers as the main operators. To ensure farmers' right to development, the rulers formulated many laws and policies to protect farmers' rights, such as reducing taxes and encouraging agricultural production. For example, the "reign of Wen and Jing" during the early Han Dynasty and the "reign of Zhenguan" during the Tang Dynasty reduced taxes and rents, providing farmers with significant economic freedom. Some dynasties were also open to commerce, imposing fewer restrictions on merchants, allowing people the freedom to develop through various means, and even providing government funding to help. For example, during Wang Mang's Xin Dynasty, the "Five Equalizations and Loans" policy was introduced, providing government loans to support people's commercial and industrial ventures. The imperial examination system is also a typical manifestation of the right to development. As the most perfect and fair civil service examination system in ancient society, the imperial examination system allowed for social mobility, enabling every social member, regardless of origin, to change their fate through exams. This system provided equal development opportunities for ancient scholars, embodying the essence of the right to development.

### **2.2.3. Right to Freedom**

Isaiah Berlin divides liberty into negative freedom and positive freedom. Negative freedom is free from control by others, while positive freedom is the freedom to act and think according to one's will. When discussing the right to freedom, we examine "the nature and limits of the power which can be legitimately exercised by society over the individual." [32]

It seems that in ancient times, when public power and family authority held dominant positions, people could not possibly have freedom. However, public power in ancient China also had boundaries: a wise ancient ruler was typically required to eliminate oppressive practices so that the people could live freely without cruel exploitation. Positively, the ruler should ensure that "when the people dislike toil and worry, I will provide leisure and happiness; when the people dislike poverty and lowliness, I will bring wealth and honor; when the people dislike danger and downfall, I will provide stability and security; when the people dislike extinction, I will ensure their prosperity," [33] allowing people to do what they wish and fulfill their interests. John Stuart Mill's concept of the "harm principle" states that "a limit to the legitimate interference of collective opinion with individual independence: and to find that limit, and maintain it against encroachment, is as indispensable to a good condition of human affairs." [34] In this sense, ancient Chinese public power was not to overstep its bounds and infringe on people's freedom but instead needed to actively promote the realization of various freedoms for the people, which clearly reflects the concept of right to freedom held by the ancestors of China.

Since the Zhou Dynasty, the concept of "virtue-led and supplemented by punishment" as an ideal, can also demonstrate the importance placed on the people's right to freedom in ancient China. Faced with offenders, there was a tendency to prioritize education and moral suasion over punishment unless the offense severely harmed society, reflecting the principle of maintaining freedom as a human right through "admonishment, persuasion, and education rather than coercion.", as Mill John Stuart described.

Furthermore, ancient China had a certain degree of freedom of speech (liberty to speak). For example, "Since the kings of Yin, Zhongzong, Gaozong, and Zujia, and our King Wen of Zhou, these four were wise rulers. When someone informed them, saying, 'The people resent and curse you,' they respected and feared their virtue," [16] warned rulers not to retaliate against dissent or complaints from the people but to introspect. This reflects "liberty in the inward domain of consciousness." [35]

#### **2.2.4. Right to Fair and Equal Treatment**

The right to fair and equal treatment. Although ancient China did not have the rule of law, three branches of government, or jury systems, these were not the only ways to ensure this human right. Ancient China had its own system to maintain judicial fairness. [36] The "Tang Code" stipulates, "Officials using their power to extort or strong-arm others will be punished with reduced severity by one degree" [37]; "Selecting guards unfairly will result in seventy strokes for one person, increasing by one degree for three people," [38] clearly ensuring the people's fair treatment under judicial and administrative power. If people were treated unfairly in judicial practice, they could file complaints to the government, such as "beating the drum to appeal for justice," which local officials could not ignore. The law also allowed people to appeal to higher authorities, even to the capital to "petition the emperor."

The "Tang Code" regulations both restricted government power abuse and allowed people to seek public legal remedies through judicial systems, especially "petition and appeal," to ensure their rights. These provisions were not just theoretical but implemented through monitoring systems. For instance, the Han Dynasty's "Six Articles of Inquiry" emphasized that county magistrates should not engage in illegal activities harming the people's fundamental human rights; the Tang Dynasty's Censorate supervised officials to ensure people's just demands were upheld.

#### **2.3. Summary**

The human rights thoughts and practices in ancient China were embedded in Chinese traditional culture and systems, widely respecting and protecting basic human rights. They not only contributed to the social stability and prosperity of ancient China but also provided historical references for the formation and development of modern human rights concepts. "Human rights" were such an essential part of ancient Chinese society and culture, playing such a significant role, that they cannot be ignored or denied.

### **3. Contemporary Interpretation of Human Rights in Ancient China**

China's contemporary human rights concepts are products of its social, historical, and cultural development, characterized by "locality." Without academically demonstrating their rationality and advanced value, they are bound to face severe criticism from mainstream Western values and struggle to exist as unique Eastern values within the human rights discourse system. Therefore, we need to explore the contemporary value of ancient Chinese "human rights," interpret fundamental theoretical issues of human rights, such as "collective and individual human rights" and "human rights realization" with Chinese characteristics, and validate the advanced nature of China's human rights concepts. This will also provide new theoretical and ideological references for the global human rights culture.

### **3.1. The Distinction Between the Collective and the Individual—Collective and Individual Human Rights**

Since modern times, the concept of "collective human rights" as a "third generation of human rights" has entered academic discussion as a paradigm. The ideological foundation of "collective human rights" seems to have existed in China since ancient times, reflected in China's adherence to "collectivism" in the "debate between the collective and the individual," skillfully balancing the relationship between the two. In ancient Chinese society, it appeared that both individual and collective human rights were emphasized.

Individual and collective human rights seem distinct. Western civil society focuses on individual interests, emphasizing a human rights protection structure based on private property. In the paradigm of individual human rights, the individuality and collectivity of rights are mutually exclusive, with individuality always prevailing over collectivity, making collective human rights impossible. In contrast, ancient Chinese views on rights and obligations naturally carried a "society-first" characteristic, with the subjects of human rights often tending to be collective. In this paradigm of collective human rights, the state actively maximizes the protection of collective human rights through legislation and judiciary.

The emphasis on collective rights originates from Confucian culture. "Lacking the strength of an ox and the speed of a horse, yet humans use them; why? Because humans can form groups, while they cannot." [39] In the eyes of Confucianism, humans exist based on interpersonal relationships and ethics with others, with the fundamental value of humans lying in collective value. "Without a heart of humility, one is not human," [40] the essence of being human is the innate pursuit of the public good, realizing one's essence and survival interests only through pursuing overall societal interests within interpersonal relationships. This concept was deeply engraved in China's institutional systems, such as the patriarchal and family systems linked by blood ties, connecting each person to a community of destiny through patriarchal ethics. In such a society, personal destiny and collective destiny, individual rights, and collective rights were not separate.

This does not mean ancient Chinese society lacked private rights. Some argue that the "collective-first" ideology emphasizes public and collective interests while lacking definitions and concerns for individual human rights, blurring the boundaries between public and private rights. [41] However, private consciousness was not absent in ancient Chinese daily life; it was just rarely explicitly listed as private rights in institutional terms. Theoretically, anything outside the "public" scope of institutional frameworks was "private." For instance, the saying "A gentleman loves wealth and takes it righteously" does not prohibit pursuing private interests but emphasizes not undermining public interests, i.e., "righteously." If public interests were not harmed, individuals could freely pursue their rights, and the results would often align with the greater good. Thus, beneath the surface of not emphasizing individual rights lies a philosophical balance of overall public and private interests: collective human rights are the premise and guarantee of individual human rights, and individual human rights in turn influence collective human rights.

### **3.2. The Realization of Human Rights—Rights Orientation and Obligation Orientation**

From a structural perspective, any type of law is the unity of rights and obligations. Based on whether rights or obligations are the starting point, axis, or focus in this fixed framework of rights and obligations, law can be divided into rights-oriented (rights as the subject) and obligation-oriented (obligations as the subject). The "collective-first" concept directly influences how ancient China handled the issue of "the orientation of law": "The basic concept of ancient morality was to fulfill obligations to one's neighbors, not to demand rights." [42] This inclination shows that ancient Chinese law was obligation-oriented. Obligations were not means to realize rights but were ends in themselves, having primacy, while rights were merely the effects achieved through the universal fulfillment of obligations in society.



In an obligation-oriented system, fulfilling obligations is not motivated by gaining rights but is a necessity, referred to as "righteousness," such as "the righteousness of the ruler and subject," "the righteousness of the father and son." "Righteousness" is a moral imperative that becomes ritualized law through development. The sources of "righteousness" are twofold: one is the requirement of moral cultivation, and the other is local customs and habits. These emphasize the universal fulfillment of obligations by social roles in corresponding relationships to achieve rights. In other words, within the social relations of a given role, fulfilling obligations becomes the right of the other party, and vice versa. The realization of rights and obligations is mutual; if either party fails to fulfill obligations, the other's rights cannot be realized. Therefore, both must fulfill "righteousness" to ensure the full realization of each other's rights.

Obligation orientation also manifests as "forgiveness." In the Analects of Confucius, Wei Ling Gong: "Zi Gong asked, 'Is there a single word that can guide one's entire life?' Confucius replied, 'It is perhaps forgiveness: Do not impose on others what you do not desire for yourself.'" [43] Negatively, the realization of any right must be limited by not infringing on others' rights. "A benevolent person desires to establish himself and also helps others establish themselves; desires to achieve and also helps others achieve. This can be called the method of benevolence." [24] Positively, it creates conditions for others to enjoy rights, acknowledging and permitting others' human rights equally.

In summary, the obligation-oriented view in ancient China was based on "righteousness" and "forgiveness." "Righteousness" is often criticized as a product of the strong historical context of imperial and paternal authority, but given the social conditions at the time, this concept was the most effective means for realizing the rights of all subjects. The logic behind "forgiveness" is that the realization of any one person's rights does not hinder others from exercising their corresponding rights, with everyone on the path to realizing rights being "mutually beneficial" rather than engaging in "zero-sum games."

#### 4. Conclusion

Ancient China had profound human rights thoughts and ritualized legal human rights practices. In terms of thought, ancient China formed a systematic human rights cultural system, with the most profound elements being the "Heavenly Learning" which uses divine will to safeguard human rights and "Benevolence Learning" based on the essence of humanity as distinct from other animals. In terms of practice, ancient China formed a series of legal systems to protect people's rights to survival, development, freedom, and the right to be treated justly and equally, elevating the inherent human rights to the level of "statutory human rights" and even "actual human rights" through rituals and laws. Therefore, even if only part of ancient Chinese human rights aligns with contemporary understandings of human rights, we must actively acknowledge it.

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