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# Some Ideas in Traditional Chinese Culture Related to Human Rights Conception: With Special Regard to the Works of Mencius

## Algunas ideas en la cultura china tradicional relacionadas con la Concepción de los Derechos Humano: con especial atención a las obras de Mencio

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### Abstract:

The complete concept of human rights in contemporary sense is a new thing compared with human history. Before the modern times, both Chinese culture and Western culture lacked the conception of human rights. However, this does not negate the fact that there have been various ideas on human rights in different cultures. After three centuries of development, human rights ideas have become the common norm and property of the whole human beings. From today's standpoint, we can have a bird's-eye view on previous ideas on human rights. This article summarised some of the human rights ideas that were expressed in Mencius' works. It has been proved that Confucianism included some ideas of the modern conception of human rights. The Confucian tradition also justified the Western conception of human rights from a certain aspect. At the same time, traditional Chinese conception of human rights has also reflected in and influenced on contemporary Chinese practice.

**Keywords:** Human rights, Chinese culture, Confucianism, Mencius, law.

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### Resumen:

El concepto completo de los derechos humanos en sentido contemporáneo es una novedad en relación con la historia de la Humanidad. Antes de los tiempos modernos, tanto la cultura china como la cultura occidental carecían de la concepción de los derechos humanos. Sin embargo, esto es contradictorio con el desarrollo de diferentes planteamientos sobre los derechos humanos en las diferentes culturas. Después de tres siglos de desarrollo, los derechos humanos se han convertido en la norma común y la propiedad de la totalidad de los seres humanos. Desde una perspectiva contemporánea, podemos analizar las ideas anteriores sobre los derechos humanos. Este artículo resume algunas de

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las ideas de los derechos humanos que fueron expresadas en las obras de Mencio. Y muestra cómo el confucianismo incluyó algunas ideas de la concepción moderna de los derechos humanos. La tradición confuciana, en cierto sentido, también permite la fundamentación de la concepción occidental de los derechos humanos. Al mismo tiempo, la concepción tradicional china de derechos humanos también se ha reflejado y ha influido en la práctica contemporánea china.

**Palabras clave:** Derechos Humanos, Cultura chian, Confucianismo, Mencio, ley.

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**Introduction**

Whenever there are new discoveries and innovations in modern society, people tend to seek their antique counterparts possibly existing in human history. The concept of human rights in contemporary meaning is such a new thing compared with long human history. There has been a lack of human rights conception in both Chinese and Western cultures. But this does not reject the fact that the developmental process of modern ideas of human rights accompanied the whole history (Vizard 2000).

It has long been concerned and disputed that whether there were human rights ideas in traditional Chinese culture, of course, in also other cultures. Two thousand years of feudal civilization of China was in itself a civilization full of oppression, from today's point of view, simply a breach of human rights at full scale. In the long history, conception of ranks and ideas of privileges remains shadowy in the minds of the Chinese people. The power of gods, monarchy, families and husbands still restrained behaviors of modern Chinese people. So the history was filled with breaches of human rights during that period, which was also the fact in its Western counterparts.

Naturally, modern conception of human rights did not exist in traditional Chinese culture, while it emerged on the ground of modern industrious society in the context of market economy and the formation of civil class. Based on the agricultural and social soils, traditional Chinese Confucianism did not only lack the consciousness of the modern meaning, but also lacked the dynamics to produce the consciousness in the modern meaning as well as the modern democratic thought and modern democratic politics. For this reason, China missed the opportunity for inventing a modern political and legal mechanism of handling protection of human rights.

But this in no sense means that traditional Confucianism opposites to the modern ideas of human rights, and does not negate the fact that there were ideas of human rights in a historical form (Huang 2002). On the contrary, Confucianism provides rich resources for modern consciousness of human rights after the disintegration of traditional social economic and political order. In addition, modern consciousness of human rights formed upon the Confucianism as traditional resources would contribute to current and future efforts of human rights.

The paper will proceed to introduce Chinese elements in modern conception of human rights, human rights ideas in Confucian tradition, covering human nature, human dignity, human value and human status. The paper then deals with the notion of rights in traditional Confucianism. Finally, the paper draws brief conclusions on the Confucian ideas of human rights.

### **Chinese elements in modern conception of human rights**

In Chinese cultural context, it was publicly accepted that "human rights" is a Western conception. It is an undeniable fact that in traditional Chinese culture, not only did the conception of human rights undeveloped, but also was the conception of right itself missing. The terms of human rights and right have been introduced to China through contact with the West. There was a parlance in China that the Chinese culture put more weight on duty, while the Western culture tends to emphasize right. In fact, until the end of middle ages, the word "right" did not emerge in the main Western languages either.

The notion of human rights emerged much later than the conception of right. The conception of human rights was the product of the Western enlightenment movement. The first document concerning the human rights was the Declaration of Rights of Man and of Citizen, approved by the National Assembly of France on 26 August, 1789. The Declaration not only adopted the term of "rights of man," but also expounded systematically the conception of human rights.

After the foundation of the United Nations in 1945, whereas the atrocity took place during the World War II against human rights, the conception of human rights was further promoted to the level of international politics and became the universal concern. In the Charter of the United Nations, human rights became an important principle. The preamble of the Charter emphasizes the fundamental human rights, personality dignity and value. The Article 1 provides the objectives of the United Nations, requiring the member states "to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion." But the Charter of the United Nations does not provide the contents of human rights

which were later laid in detail in the Universal Declaration of Human Rights passed by the United Nations in 1948. The Declaration was implemented shortly after the World War II in the context of the start of the cold war between the East and the West. Generally, the Declaration greatly enlarged the notion of human rights of the 18<sup>th</sup> century represented by the Declaration of Rights of Man and of Citizen of France, and made efforts to syncretise the notions of value of world great religions and cultural traditional. Some critics of the Declaration argue that it is excessively Eurocentric, and it does not incorporate African and Asian ideas of human flourishing (Gier 2008). In fact, Zhang Pengchun, the representative of the then Republic of China, participated in the process of drafting the document, and syncretised the Confucian notion of value into it. For instance, the Article 1 of the Declaration states that: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood." In this article, the term "conscience" was added according to the proposal of Zhang Pengchun in order to reflect the Confucian notion of value (Gier 2008). Therefore, that the criticism of some political leaders and scholars of the Third World countries saying that the Universal Declaration of Human Rights only represents the Western notion of value, is not a just argument.

Subsequently, the United Nations further carried out the Universal Declaration of Human Rights by the forms of declarations and conventions, among which the most important are International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights passed in 1966, as well as the Declaration on the Right to Development passed in 1986. The three conventions and declarations basically reflect the ideas of three generations of human rights, which sketch a full structure of present understanding on this concept.

## **Human rights ideas in traditional Confucianism**

From this section, the relationship between the traditional of Confucianism and human rights will be explored. The purpose of this paper is to prove that the tradition of the Confucianism included some ideas that are related to the modern conception of human rights, which can also be justified in the framework of the Confucian culture. It is expected to accept the universal meaning of human rights, and explain it from the direction of a different culture. That is to say, attention should be paid both to the universality of human rights and to the diversity of cultures.

### *1. Human nature*

Confucians have long discussed fundamental human nature without getting consensus concerning its essential characteristics. Among them, Mencius is well-known in support of the idea that human nature is good. Mencius talked about good nature

with regard to “transcendent nature”, and admitted that the human nature can be recognized by mental constitution. Therefore, “He who has exhausted all his mental constitution knows his nature. Knowing his nature, he knows Heaven.” (The Works of Mencius, Book VII, Part I: Tsin Sin, Chapter I) The mental constitution he realised is the mind of morality, the mechanism of which is thinking. “To the mind belongs the office of thinking. By thinking, it gets the right view of things; by neglecting to think, it fails to do this.” (The Works of Mencius, Book VI, Part I: Kào Tsze, Chapter XV) But Mencius’ mental constitution is conscience at the same time. Therefore, it covers the “reason and conscience” provided by the Article 1 of the Universal Declaration of Human Rights.

It was well known that there were the disputes about man and the lower animals. “That whereby man differs from the lower animals is but small. The mass of people cast it away, while superior men preserve it.” (The Works of Mencius, Book IV, Part II: Li Lau, Chapter XIX). “But small” here is said with regard to the moral mind of human beings. In fact, Mencius’ theory of good nature was built on the basis of affirming the small differences between man and the lower animals. Basically, the whole Confucian tradition admitted that man holds the particular status in the cosmos. For example, the Doctrine of the Mean, Section II, and Chapter XXII stated that: “It is only he who is possessed of the most complete sincerity that can exist under heaven, who can give its full development to his nature. Able to give its full development to his own nature, he can do the same to the nature of other men. Able to give its full development to the nature of other men, he can give their full development to the natures of animals and things. Able to give their full development to the natures of creatures and things, he can assist the transforming and nourishing powers of Heaven and Earth. Able to assist the transforming and nourishing powers of Heaven and Earth, he may with Heaven and Earth form a ternion.”

## 2. *Human dignity*

The preamble of the Universal Declaration of Human Rights states that: “Whereas the 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.” Article 1 states that:

“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”

The Article 1 of the Basic Law of German Federal Republic provides that: “(1) Human dignity is inviolable. To respect and protect it shall be the duty of all state authority. (2) The German people therefore acknowledge inviolable and inalienable human rights as the basis of every community, of peace and of justice in the world.

(3) The following basic rights shall bind the legislature, the executive and the judiciary as directly applicable law." There are many such instances covering human dignity in the constitutions of the European countries.

The precondition of human rights is affirmation of human dignity, while the philosophy of human rights might be built in the conception of human dignity. That is to say, the explanation of human rights and thus the ideal of human rights caused by it may differ according to the difference of historical and realistic situation, and the distinction of the notions of value and ways of recognition. But people from whatever countries, regions and nationalities must accept human dignity as the basis in their recognition of human beings. Hence "human dignity" is the core conception of modern consciousness of human rights.

The contents about human dignity in the Confucian tradition are abundant and capable of being the philosophical basis of modern consciousness of human rights.

In Confucianism, the equality between human beings was stressed. Mencius said that "The sage and we are the same in kind" (The Works of Mencius, Book VI, Part I: Kào Tsze, Chapter VII), thinking that though the sage is the particular within the human beings, he belongs to the same category with others. They are the same in nature. He said that "So the sages among mankind are also the same in kind. But they stand out from their fellows, and rise above the level, and from the birth of mankind till now, there never has been one as complete as Confucius." (The Works of Mencius, Book II, Part I: Kung-sun Ch'au, Chapter II) The later Confucians developed the thoughts and formed the particular tradition of "human beings are born equal".

In Confucianism, the independent will of human beings was highlighted. Confucian said that: "The commander of the forces of a large state may be carried off, but the will of even a common man cannot be taken from him." (The Analects, Book IX: Tsze Han, Chapter XXV) He confirmed that each man has the inviolable independent will. Mencius pointed out that "to be above the power of riches and honours to make dissipated, of poverty and mean condition to make swerve from principle, and of power and force to make bend: these characteristics constitute the great man" (The Works of Mencius, Book III, Part II: T'ang Wan Kung, Chapter II) and thought that "Benevolence, righteousness, propriety, and knowledge are not infused into us from without. We are certainly furnished with them. And a different view simply owes to want of reflection. Hence it is said, 'Seek and you will find them. Neglect and you will lose them.' Men differ from one another in regard to them; some as much again as others, some five times as much, and some to an incalculable amount: it is because they cannot carry out fully their natural powers." (The Works of Mencius, Book VI, Part I: Kào Tsze, Chapter VI)

In Confucianism, maintaining human dignity was advocated. Mencius claimed that the principles in the social political life should be respected by power, but not

be oppressed by the power. He said that "When right principles prevail throughout the kingdom, one's principles must appear along with one's person. When right principles disappear from the kingdom, one's person must vanish along with one's principles." (The Works of Mencius, Book XII, Part I: Tsin Sin, Chapter XLII) According to this, he proposed the theory of "forgetting the power", saying that "The able and virtuous monarchs of antiquity loved virtue and forgot their power. And shall an exception be made of the able and virtuous scholars of antiquity, that they did not do the same? They delighted in their own principles, and were oblivious of the power of princes. Therefore, if kings and dukes did not show the utmost respect, and observe all forms of ceremony, they were not permitted to come frequently and visit them. If they thus found it not in their power to pay them frequent visits, how much less could they get to employ them as ministers?" (The Works of Mencius, Book VII, Part I: Tsin Sin Chapter VIII) As to him, "a prince who is to accomplish great deeds will certainly have ministers whom he does not call to go to him. When he wishes to consult with them, he goes to them. The prince who does not honour the virtuous, and delight in their ways of doing, to this extent, is not worth having to do with." (The Works of Mencius, Book II, Part II: Kung-sun Ch'au, Chapter II) That is to say that the officials must abide by the principles, but not sacrifice the principle and lose their dignity. "The ancients did indeed always desire to be in office, but they also hated being so by any improper way. To seek office by an improper way is of a class with young people's boring holes." (The Works of Mencius, Book III, Part II: T'ang Wan Kung, Chapter III) This thought had great influence on later Confucians.

### 3. Human value

The dispute about righteousness and profit is one of the Mencius' arguments. In the first chapter of the Works of Mencius, Book I, Part I: King Hûi of Liang, the dispute about righteousness and profit was handled:

*Mencius went to see king Hûi of Liang.*

*The king said, 'Venerable sir, since you have not counted it far to come here, a distance of a thousand lí, may I presume that you are provided with counsels to profit my kingdom?'*

*Mencius replied, 'Why must your Majesty use that word «profit?» What I am provided with, are counsels to benevolence and righteousness, and these are my only topics.*

*'If your Majesty say, «What is to be done to profit my kingdom?» the great officers will say, «What is to be done to profit our families?» and the inferior officers and the common people will say, «What is to be done to profit our persons?» Superiors and inferiors will try to snatch this profit the one from the other, and the king-*



*dom will be endangered. In the kingdom of ten thousand chariots, the murderer of his sovereign shall be the chief of a family of a thousand chariots. In the kingdom of a thousand chariots, the murderer of his prince shall be the chief of a family of a hundred chariots. To have a thousand in ten thousand, and a hundred in a thousand, cannot be said not to be a large allotment, but if righteousness be put last, and profit be put first, they will not be satisfied without snatching all.*

*'There never has been a benevolent man who neglected his parents. There never has been a righteous man who made his sovereign an after consideration.*

*'Let your Majesty also say, «Benevolence and righteousness, and let these be your only themes.» Why must you use that word—»profit?»'*

The relationship between the disputes about righteousness and profit and the human dignity can be discovered from the Works of Mencius, Book VI, Part I: Kào Tszé, Chapter X:

*Mencius said, 'I like fish, and I also like bear's paws. If I cannot have the two together, I will let the fish go, and take the bear's paws. So, I like life, and I also like righteousness. If I cannot keep the two together, I will let life go, and choose righteousness.*

*'I like life indeed, but there is that which I like more than life, and therefore, I will not seek to possess it by any improper ways. I dislike death indeed, but there is that which I dislike more than death, and therefore there are occasions when I will not avoid danger.*

*'If among the things which man likes there were nothing which he liked more than life, why should he not use every means by which he could preserve it? If among the things which man dislikes there were nothing which he disliked more than death, why should he not do everything by which he could avoid danger?*

*'There are cases when men by a certain course might preserve life, and they do not employ it; when by certain things they might avoid danger, and they will not do them.*

*'Therefore, men have that which they like more than life, and that which they dislike more than death. They are not men of distinguished talents and virtue only who have this mental nature. All men have it; what belongs to such men is simply that they do not lose it.*

*'Here are a small basket of rice and a platter of soup, and the case is one in which the getting them will preserve life, and the want of them will be death;— if they are offered with an insulting voice, even a tramper will not receive them, or if you first tread upon them, even a beggar will not stoop to take them.*

*'And yet a man will accept of ten thousand chung, without any consideration of propriety or righteousness. What can the ten thousand chung add to him? When he takes them, is it not that he may obtain beautiful mansions, that he may secure the services of wives and concubines, or that the poor and needy of his acquaintance may be helped by him?*

*'In the former case the offered bounty was not received, though it would have saved from death, and now the emolument is taken for the sake of beautiful mansions. The bounty that would have preserved from death was not received, and the emolument is taken to get the service of wives and concubines. The bounty that would have saved from death was not received, and the emolument is taken that one's poor and needy acquaintance may be helped by him. Was it then not possible likewise to decline this? This is a case of what is called— «Losing the proper nature of one's mind.»'*

The metaphor of fish and the bear's paws expressed the choice between the righteousness and the profit. For individuals, the biggest profit is to reserve their life but avoid death. None would give up this kind of profit easily. If there is something that we like more than life, and it makes us to give up life; if there is something that we dislike more than death, and it makes us not to avoid death, the concern here is obviously beyond the sphere of profit, that's righteousness.

Mencius said that "...and none of them, in order to obtain the throne, would have committed one act of unrighteousness, or put to death one innocent person." (The Works of Mencius, Book II, Part I: Kung-sun Ch'au, Chapter II) The connection between the dispute of righteousness and profit and the modern thought of human rights has best been addressed here.

#### 4. *Human status*

The thought of people as the foundation in the Confucianism originated much early. However, the one who first completely expressed the thought was Mencius. He claimed that: "The people are the most important element in a nation; the spirits of the land and grain are the next; the sovereign is the lightest (The Works of Mencius, Book VII, Part II: Tsin Sin, Chapter XIV). He also affirmed the activities of Tang who banished Chieh, of King Wû smoted Châu. "The king Hsüan of Ch'î asked, saying, 'was it so, that T'ang banished Chieh, and that king Wû smote Châu?' Mencius replied, 'It is so in the records.' The king said, 'May a minister then put his sovereign to death?' Mencius said, 'He who outrages the benevolence proper to his nature, is called a robber; he who outrages righteousness, is called a ruffian. The robber and ruffian we call a mere fellow. I have heard of the cutting off of the fellow Châu, but I have not heard of the putting a sovereign to death, in his case.'"

The meaning of the thought of people as the foundation in Confucianism can be listed as follows:

People are the subject of the politics;

The post of the monarch must be agreed by people;

The biggest post of the monarch is to protect and support the people;

The purpose of the dispute of righteousness and profit is to restrain the special benefit of the ruler, and protect the general rights of the people;

The meaning of the dispute of king and tyrant is that all of the acts of the king are for the people, but not by the means of people and satisfy his own purpose;

The relationship between the monarch and the officials is not the relationship of absolute unilateral obedience, but the relationship of bilateral relative contract.

However, the thought of people as the foundation was not the democratic thought in the modern meaning. It included only the government "of the people" and "for the people"; but not governed "by the people" (Li 2002: 225). Thus the people are always represented by the government, and the government always claim its legitimacy of representing the people, as the intermediary of exercising the power of governance in behalf of the people. So it is obvious from contemporary view that it is flawed. This idea coincided with the ideology of the Communist Party, today's ruling party of China, who claimed to be the only representative of all the population of China, and took for granted as the unique political power. To some extent, that's why a Chinese notion of human rights can be in conflict with the Western one, democratic practices (socialist and capitalist) mysteriously differing.

### **Human rights and the notion of rights**

"Human rights" is by no means an abstract conception. It has much concrete contents of consideration. This materializes initially in the notion of the rights of man. Claims of Confucians in this aspect also provided national historical foundation for current consciousness of human rights.

It can be seen in the Confucianism that it was emphasized to maintain people's right of life, and to improve material life of the people. Enrichment of material life was further regarded as the fundamental step toward spiritual life, and good moral establishment.

One of the central notions of present perception of human rights is to uphold and warrant people's right of life, and improve people's living level so as to satisfy the

increasing needs on the basis of it. Traditional Confucianism didn't noticeably put forward this kind of ideas, but a number of ideas implied the sense of such belief. Confucius said that: "Virtue is more to man than either water or fire." (The Analects, Book XV: Wei Ling Kung, Chapter XXXIV) He opposed extort excessive taxes and levies. The Analects recorded that "When the Master went to Wei, Zan Yû acted as driver of his carriage. The Master observed, 'How numerous are the people!' Yû said, 'Since they are thus numerous, what more shall be done for them?' 'Enrich them,' was the reply. 'And when they have been enriched, what more shall be done?' The Master said, 'Teach them.'" (The Analects, Book XIII: Tsze-Lû, Chapter IX)

Mencius inherited and developed the thought of Confucius. He said that "never was there a time when the sufferings of the people from tyrannical government were more intense than the present." (The Works of Mencius, Book II, Part I: Kung-sun Ch'au, Chapter I) Therefore he angrily rebuked that: "In your kitchen there is fat meat; in your stables there are fat horses. But your people have the look of hunger, and on the wilds there are those who have died of famine. This is leading on beasts to devour men." (The Works of Mencius, Book I, Part I: King Hûi of Liang, Chapter IV) He emphasized that: "The way of the people is this: If they have a certain livelihood, they will have a fixed heart; if they have not a certain livelihood, they have not a fixed heart. If they have not a fixed heart, there is nothing which they will not do in the way of self-abandonment, of moral deflection, of depravity, and of wild license." (The Works of Mencius, Book III, Part I: T'ang Wan Kung Chapter III) He regarded the abundant material life as the necessary condition in improving the moral level. He further pointed out that: "Therefore an intelligent ruler will regulate the livelihood of the people, so as to make sure that, for those above them, they shall have sufficient wherewith to serve their parents, and, for those below them, sufficient wherewith to support their wives and children; that in good years they shall always be abundantly satisfied, and that in bad years they shall escape the danger of perishing. After this he may urge them, and they will proceed to what is good, for in this case the people will follow after it with ease. 'Now, the livelihood of the people is so regulated, that, above, they have not sufficient wherewith to serve their parents, and, below, they have not sufficient wherewith to support their wives and children. Notwithstanding good years, their lives are continually embittered, and, in bad years, they do not escape perishing. In such circumstances they only try to save themselves from death, and are afraid they will not succeed. What leisure has they to cultivate propriety and righteousness?" (The Works of Mencius, Book I, Part I: King Hûi of Liang, Chapter VIII) He required that the ruler place the satisfaction of the people's need of life in the primary status of the government. This indeed embodied his care about people's right of life. Mencius advanced that:

*A ruler who carries the oppression of his people to the highest pitch, will himself be slain, and his kingdom will perish. If one stop short of the highest pitch, his life will notwithstanding be in danger, and his kingdom will be weakened. He will be styled «The Dark,» or «The Cruel,» and though he may have filial sons and affec-*

*tionate grandsons, they will not be able in a hundred generations to change the designation.*

*'This is what is intended in the words of the Book of Poetry,*

*«The beacon of Yin is not remote,*

*It is in the time of the (last) sovereign of Hsiâ."*

(The Works of Mencius, Book IV, Part I: Li Lau, Chapter II)

He thought that "There is a way to get the kingdom: get the people, and the kingdom is got. There is a way to get the people: get their hearts, and the people are got. There is a way to get their hearts: it is simply to collect for them what they like, and not to lay on them what they dislike." (The Works of Mencius, Book IV, Part I: Li Lau, Chapter IX) He further suggested that: 'He, who outrages the benevolence proper to his nature, is called a robber; he who outrages righteousness is called a ruffian. The robber and ruffian we call a mere fellow. I have heard of the cutting off of the fellow Châu, but I have not heard of the putting a sovereign to death, in his case.' (The Works of Mencius, Book I, Part II: King Hûi of Liang, Chapter VIII)

In addition, free speech was also advocated by the Confucian masters. Speech is admitted as the central type and means to communicate human ideas. Confucianism suggests to punish behavior according to law, but not to reprimand ideas and speech. It solicits people to consider more, taking thinking as a joyful and respectable conduct. Meanwhile, it maintains that one should neither be praised nor be punished on account of his speech (Gu 2004). Mencius assumed that:

*'The ruler of a State advances to office men of talents and virtue only as a matter of necessity. Since he will thereby cause the low to overstep the honourable, and distant to overstep his near relatives, ought he to do so but with caution?*

*'When all those about you say, «This is a man of talents and worth,» you may not therefore believe it. When your great officers all say, «This is a man of talents and virtue,» neither may you for that believe it. When all the people say, «This is a man of talents and virtue,» then examine into the case, and when you find that the man is such, employ him. When all those about you say, «This man won't do,» don't listen to them. When all your great officers say, «This man won't do,» don't listen to them. When the people all say, «This man won't do,» then examine into the case, and when you find that the man won't do, send him away.*

*'When all those about you say, «This man deserves death,» don't listen to them. When all your great officers say, «This man deserves death,» don't listen to them. When the people all say, «This man deserves death,» then inquire into the case,*

*and when you see that the man deserves death, put him to death. In accordance with this we have the saying, «The people killed him.»*

*'You must act in this way in order to be the parent of the people.'*

(The Works of Mencius, Book I, Part II: King Hûi of Liang, Chapter VII)

### *Conclusion*

Before the modern times, both Chinese culture and Western culture lacked a systematic conception of human rights, which was developed in recent three centuries. Since then, human rights ideas have become the common norm and property of the whole human beings. By delving into Mencius works as well as the whole traditional Chinese culture, it can be found that Confucianism included some ideas of the modern conception of human rights. The Confucian tradition also justified the Western conception of human rights from a certain aspect. At the same time, traditional Chinese conception of human rights has also reflected in and influenced on contemporary Chinese practice.

However, these ideas have not been developed into a clearly expressed systematic theory with modernized terminology. Particularly, during nearly half of the last millennium, China had been conquered twice by neighbouring cultures. Although those conquerors also more or less accepted Confucianism, there was inevitably a significant disruption of well-defined traditional culture. Some retrogression also happened during the conquests and the change of regimes. However, research on human rights ideas in Confucian classics and its cultural tradition helps to understand today's ideological diversity in our world, with the Western ideas taken for granted as mainstream.

Human history has been a history of mutual study between peoples from different spatial and cultural distribution. Such mutual study is an activity of acquiring, understanding, and accepting information during the process of cooperation, competition and conflict. We expect that advantageous notions will enjoy an enlarged share in universal values, from which we can see a combination of ideas from different civilizations, as that in the broadly accepted modes of modern society and economy, science and technology, as well as education and culture.

### **References**

Confucius, The Analects. Accessed 10 November 2014, from <http://nothingistic.org/library/confucius/analects/>

Gier, N. 2008. The Day Confucius Went to the United Nations: Chinese Influence on the Declaration of Human Rights. Accessed 10 November 2014, from [http://www.tomandrona.com/Nick\\_Gier/121008\\_ConfuciusUN.pdf](http://www.tomandrona.com/Nick_Gier/121008_ConfuciusUN.pdf)

Gu, C. 2004. "Confucian Human Rights Ideas and Their Influence on Modern Human Rights Thought." 2(1). Accessed 10 November 2014, from <http://www.humanrights.cn/zt/magazine/200402004827111009.htm>

Huang, N. 2002. "Zhongguo Chuantong Wenhua zhong de Renquan Sixiang (Human rights ideas in traditional Chinese culture)." In Proceedings of International Seminar on Oriental Culture and Human Rights Development, Beijing, 29-30 October 2002. Accessed 10 November 2014, from [http://www.humanrights.cn/cn/xsdt/xscg/t20061026\\_329353.htm](http://www.humanrights.cn/cn/xsdt/xscg/t20061026_329353.htm)

Li, M. "Rujia Chuantong yu Renquan (Confucianist Tradition and Human Rights)," in Huang Junjie (ed.), *Chuantong Zhonghua Wenhua yu Xiandai Jiazhi de Jidang yu Tiaorong* (Conflict and Coordination between Traditional Chinese Culture and Modern Values, Taipei: Ximalaya Research and Development Foundation, 2002, pp. 229-256.

Mencius, *The Works of Mencius*. Accessed 10 November 2014, from <http://nothingis-tic.org/library/mencius/>.

Tsze-sze. *The Doctrine of the Mean*. Accessed 10 November 2014, from <http://nothingis-tic.org/library/confucius/mean/>

Vizard, P. 2000. *Antecedents of the Idea of Human Rights: A Survey of Perspectives*. Accessed 10 November 2014, from <http://www.rrojasdatabank.info/polly%20vizard.pdf>

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