

On the Proposition that “People’s Happiness Is the Ultimate Human Right”

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Abstract: *The important proposition that “People’s happiness is the ultimate human right” not only points out the intrinsic connection between the people’s happiness and human rights but also clarifies the development direction and main focus of human rights. Happiness is the purpose of life. It means a life of taste, quality, and a higher level. In contemporary China, people’s happiness mainly refers to material abundance and security. Meeting people’s needs for happiness is mainly reflected in three aspects, namely “the strictest supervision, the most severe punishment for violators, and the most serious accountability system for food safety,” “realizing, safeguarding, and developing the fundamental interests of the people,” and “making the people feel a sense of gain, happiness, and pride.” Life is the foundation of human rights. It shall be ensured that people can handle their own affairs by the principle of autonomy, shape their individual lives, and have the right to be themselves, plan their lives, and arrange their livelihoods, supporting them in pursuing happiness. Institutional arrangements of human rights or rights also provide people with multiple dimensions of participation in life, offering them with opportunities to express and develop themselves. The right to pursue happiness is the most important basic human right and has the dual attributes of both a passive right and a positive right. In terms of the nature of rights, the right to pursue happiness is of the type that is individual-driven, enjoyed by everyone, and protected by the state. It includes a collective bundle of rights. Taking people’s happiness as the ultimate human right reflects the people-centered values of the Communist Party of China (CPC) and the Chinese government and their mission to secure the people’s happiness. This represents the highest moral responsibility of China as a socialist state to its people.*

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Human rights are the rights that all people should enjoy. Respecting and

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protecting human rights is a prominent sign of social civilization and the progress of the rule of law, as well as the ultimate goal and fundamental reason for the existence of the state and society. Seeking well-being for the people is the goal of the Communist Party of China (CPC) as China's ruling party and the responsibility of the state. With this in mind, "the CPC and the Chinese government have always respected and protected human rights. For a long time, China has adhered to the principle of universality of human rights in the context of the national conditions, continuously boosted economic and social development, enhanced the well-being of the people, promoted social fairness and justice, strengthened the protection of human rights under the rule of law, and worked hard to promote the comprehensive and coordinated development of economic, social and cultural rights and civil and political rights, significantly improving the protection of the people's rights to subsistence and development, and blazing a development path of human rights that suits the country's conditions."¹ This path involves not only the implementation of great social projects such as targeted poverty alleviation and elimination, but also the creation of a socialist human rights theory with Chinese characteristics. The proposition that "People's happy life is the ultimate human right" represents the fundamental condensation of the concepts of human rights by Xi Jinping, general secretary of the Communist Party of China (CPC) Central Committee in the interests of the people. On December 10, 2018, in his congratulatory letter to a symposium celebrating the 70th anniversary of the *Universal Declaration of Human Rights*, General Secretary Xi Jinping pointed out, "The ultimate human right is that people can lead a happy life. Since the first day of its founding, the CPC has fully committed itself to the well-being of the Chinese people and human development. During the 70 years since the founding of the People's Republic in 1949, and in particular the 40 years since the launch of reform and opening up in 1978, the Chinese nation has achieved a tremendous transformation: It has stood up, become better off and grown in strength. This achievement can be summed up as improving the living standards of all Chinese people."² Of course, sometimes "a happy life" is alternately stated as "people's well-being" or "a better life"³ in General Secretary Xi Jinping's relevant

¹ Xi Jinping, "Congratulatory Letter to the 2015 Beijing Forum on Human Rights" (September 16, 2015), in *Xi Jinping on Respecting and Protecting Human Rights*, compiled by the Institute of Party History and Literature of the CPC Central Committee (Beijing: Central Party Literature Press, 2021), 4.

² Xi Jinping, "Protect and Promote Human Rights in the Chinese Context" (December 20, 2018), in *Xi Jinping: The Governance of China (III)* (Beijing: Foreign Languages Press, 2020), 288.

³ For example, General Secretary Xi Jinping once said, "More than anything else, we should place our peoples' well-being at the top of our agenda. Every country is entitled to an equal right to development; and no one has the right or the power to stop people of developing countries from pursuing a better life. We should strengthen development cooperation and help developing countries eliminate poverty so that people in all countries will live a better life. This is what fairness is essentially about; it is also a moral responsibility of the international community." Xi Jinping, "Define an Effective Approach to Global

discourses. Nevertheless, they all refer to ensuring that the people lead a good life and enjoy higher living standards and greater happiness. As we all know, human rights can be embodied in many aspects such as politics, economy, society, and culture, but linking human rights with a happy life is undoubtedly a more desirable reflection of the authenticity and effectiveness of human rights. Of course, the task of legal studies is not to promote a certain proposition, but more importantly, to explain, prove, and extend the relevant proposition with the help of the principles of law. Understanding that “people’s happiness is the ultimate human right” is no exception. So, why is it that “people’s happiness is the ultimate human right?” The purpose of this paper is to answer that question from the perspective of the principles of law and human rights.

I. Happiness Is the Purpose of Life

Humans are born to pursue a happy life. No one wants to live in an environment of scarcity and poverty. Similarly, a democratic country under the rule of law should also take it as its responsibility to ensure the happy life of its people; Otherwise, it will be an insult to democracy or the rule of law. Just as British philosopher Bertrand Russell said, “A society does not, or at least should not, exist to satisfy an external survey, but to bring a good life to the individuals who compose it. It is in the individuals, not in the whole, that ultimate value is to be sought. A good society is a means to a good life for those who compose it, not something having a separate kind of excellence on its own account.”⁴ China is a socialist country. “Our republic is the People’s Republic of China, and we must always put the people first, always serve the people wholeheartedly, and always work hard for the people’s interests and happiness.”⁵ Therefore, ensuring that the people lead a happy life is the purpose and goal of China as a socialist country.

However, at the philosophical level, although “people’s happiness” has been a subject of research for thinkers throughout the ages⁶, there are varying concepts and opinions on what exactly is “happiness” and what are its essential characteristics, constituent elements and specific contents. To make it clear, this paper summarizes some representative statements on this topic, as shown in

Economic Governance” (November 17, 2018), in *Xi Jinping: The Governance of China (III)* (Beijing: Foreign Languages Press, 2020), 457.

⁴ Bertrand Russell, *Authority and the Individual*, translated by Xiao Wei (Beijing: China Social Sciences Press, 1990), 100.

⁵ Xi Jinping, “Always Put the People First” (March 20, 2018), in *Xi Jinping: The Governance of China (III)* (Beijing: Foreign Languages Press, 2020), 139.

⁶ As some scholars stated, “The central theme of ancient Western political thought was the question of happiness in life.” See Lin Chang-Hsiung, “Property and Politics: The Enlightenment of Two Classical Views of Man to Contemporary Liberalism,” (Master’s thesis at the Institute of Political Science, National Taiwan University, 2000), 76. In fact, this is not the only case in ancient times. From the perspective of jurisprudence, the classical school of natural law, the school of utilitarian law, the school of social law, and the new school of natural law all discuss the topics of happiness and a happy life. Even in the analytical school of jurisprudence, there is no shortage of discourses on happiness.

Table 1:

Table 1 Main Definitions of Happiness by Thinkers

Thinker	Main definition of happiness	Key point
Aristotle	The self-sufficient we now define as that which on its own makes life desirable and lacking in nothing, and such we think happiness to be... Happiness must be final and self-sufficient, and it is the end to which actions are directed. ⁷	Happiness is self-sufficiency.
Thomas Aquinas	This definition of happiness given by some — “Happy is the man that has all he desires” or “whose every wish is fulfilled” — is a good and adequate definition. ⁸	Happiness is that one’s desires are satisfied.
Thomas Hobbes	The benefits of subjects respecting this life only may be distributed into four kinds: 1. That they be defended against foreign enemies. 2. That peace be preserved at home. 3. That they be enriched as much as may consist with public security. 4. That they enjoy harmless liberty; For supreme Commanders can confer no more to their civil happiness than that being preserved from foreign and civil wars, they may quietly enjoy that wealth which they have purchased by their own industry. ⁹	Happiness involves peace, order, wealth, and liberty.
Jean-Jacques Rousseau	If we look at what is the greatest happiness of all, which ought to be the ultimate goal of all legislative systems, we will find that it can be boiled down to two main aims: freedom and equality. ¹⁰	Happiness is freedom and equality.
Baron d’Holbach	The happiness of the people is manifested in the maintenance of social order and balance of power by law, in the protection of the personal safety of citizens and their private property, and in the fact	Happiness lies in social fairness and institutional

⁷ Aristotle, “The Nicomachean Ethics,” translated by Miao Litian, *The Complete Works of Aristotle*, vol. 8, (Beijing: China Renmin University Press, 1992), 13.

⁸ Quoted from Encyclopedia Britannica, Inc., *The Great Ideas: A Syntopicon of Great Books of the West World*, vol. 1, the entry “Happiness,” translated by Chen Jiaying, etc. (Beijing: Huaxia Publishing House, 2008), 539.

⁹ Thomas Hobbes, *On the Citizen*, translated by Ying Xing and Feng Keli (Guiyang: Guizhou People’s Publishing House, 2003), 134.

¹⁰ Jean-Jacques Rousseau, *The Social Contract*, third edition, translated by He Zhaowu (Beijing: The Commercial Press, 2003), 66.

	that all citizens are able to meet their own needs without overwork. ¹¹	guarantee.
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Continued

Thinker	Main definition of happiness	Key point
Kant	Happiness lies in “the fulfillment of all our desires; by extension, it concerns the multiplicity of these desires; In connotation, it relates to their extent; In extension, it relates to their duration.” ¹²	Happiness is the varied, continuous fulfillment of desires.
Jeremy Bentham	What is happiness? As far as we know, happiness simply means pleasure and the absence of pain. ¹³	Happiness is joy.
Fichte	In this world, our only happiness, if it does exist in reality, is that kind of free and unhindered self-activity according to one’s own will, through labor and efforts, and based on one’s own strength. ¹⁴	Happiness is autonomy.
Herbert Spencer	Happiness means a state in which all the functions of the human body are satisfied... To attain perfect happiness, it is necessary to use all the faculties in proportion to their respective developments; The ideal arrangements for the various circumstances to achieve this purpose constitute the criterion of “maximum happiness.” ¹⁵	Happiness means the satisfaction of the functions of the human body.

¹¹ Baron d’Holbach, *Natural Politics*, translated by Chen Taixian and Sui Mao (Beijing: The Commercial Press, 1994), 265.

¹² Quoted from Encyclopedia Britannica, Inc., *The Great Ideas: A Syntopicon of Great Books of the West World*, vol. 1, the entry “Happiness,” translated by Chen Jiaying et al. (Beijing: Huaxia Publishing House, 2008), 533.

¹³ Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*, translated by Shi Yinhong (Beijing: The Commercial Press, 2000), 122.

¹⁴ Johann Gottlieb Fichte, “Reclamation of the Freedom of Thought from the Princes of Europe, Who Have Oppressed It Until Now,” edited by James Schmidt, *What is Enlightenment? Eighteenth-Century Answers and Twentieth-Century Questions*, translated by Xu Xiangdong and Lu Huaping (Shanghai: Shanghai People’s Publishing House, 2005), 139.

¹⁵ Herbert Spencer, *Social Statics*, translated by Zhang Xiongwu (Beijing: The Commercial Press, 1996), 4.

John S. Mill	Happiness does not refer to a life of pleasure; Rather, it refers to a life in which pain is less and transient, joy is abundant and dynamic, and what is active far outweighs what is passive. Furthermore, the basis of the whole life is that there is no more to live than what can be obtained in life. Such a life is always worth calling happiness to those who are lucky enough to get it. ¹⁶	Happiness is satisfaction on the basis of rationality.
Mortimer J. Adler	All the goodness that constitutes happiness can be divided into four categories: First, external goodness, what we call wealth, all the economic goods and services that we use; Second, physical goodness, such as health, physical pleasure, and relaxation; Third, social goodness that fulfills social nature of us as human beings, a society in which we and our friends live; Finally and fourth, spiritual goodness, such as knowledge, truth, wisdom, and virtue. All of these correspond to our natural desires. ¹⁷	Happiness is goodness, including external, physical, social, and spiritual goodness.
John Finnis	According to Finnis, there are seven non-derogable, basic objective values of happiness. They are: (1) Life: the most basic value; (2) Knowledge: preference for true beliefs over false beliefs; (3) Play: performance for its sake; (4) Aesthetic experience: appreciation of beauty; (5) Friendship or sociality: acting for the purpose or well-being of one's friend; (6) Practical reasonableness: using personal wisdom to choose actions, lifestyles, personalities, etc.; (7) Religion: Reflecting on the origin of the cosmic order and the human capacity for freedom and reason. ¹⁸	Happiness is the basic form of goodness.

¹⁶ John S. Mill, *Utilitarianism*, translated by Xu Dajian (Shanghai: Shanghai People's Publishing House, 2008), 13.

¹⁷ Mortimer J. Adler, *How to Think About the Great Ideas: From the Great Books of Western Civilization*, translated by An Jia and Li Yehui (Guangzhou: Huacheng Publishing House, 2008), 141-142.

¹⁸ Zhang Wanhong and Feng Zhishui, *The Latest British Law Pocket-sized Classics Series: Jurisprudence* (Wuhan: Wuhan University Press, 2003), 59-61.

Based on the discourses of the above-mentioned thinkers, it is not difficult to conclude that happiness can be expressed both as psychological feelings and as the satisfaction of desires for material living conditions. It includes not only the comfort and easiness of personal life, but also the opportunity and amity of social relations. It contains not only purely sensory feelings but also the pursuit of moral values. It involves not only creations and efforts within their own scope, but also the fairness and rationality of the social system. Of course, the research on happiness will continue to advance in the years to come. Especially with the development of society, there will be more and more channels or paths for people to obtain happiness, and the perception and understanding of happiness will become increasingly comprehensive and profound. This brings us to the question: in the context of Xi Jinping Thought on the Rule of Law, what does “a happy life” mean? Through the study of literature on Xi Jinping’s relevant thought, we can summarize it as follows:

First, a happy life is a quality life with good taste and high standards. With regard to the issue of development, General Secretary Xi Jinping pointed out that when drawing up plans for development, we must focus on meeting the people’s ever-growing needs for a better life, acting on the new development philosophy, addressing the problem of imbalanced, inadequate development, and increasing the quality of development, so as to constantly improve the people’s living quality and standard.¹⁹ Evidently, a substandard life cannot be called a happy life. Similarly, eliminating poverty and assuring adequate food and clothing only lay the foundation or create the precondition for a happy life. Starting from the eradication of scarcity and poverty, a happy life can be roughly divided into three levels: First, ensuring that people live a happy, affluent life in a moderately prosperous society. “Constantly increasing people’s living standards and quality of life is the inspiration and benchmark for all our work, as well as the fundamental objective of our endeavors to build a moderately prosperous society in all respects.”²⁰ Since Deng Xiaoping presented the vision of building a *xiaokang* (moderately prosperous) society in 1979, building a moderately prosperous society has been the primary goal of Chinese modernization, which refers to that the people have adequate food and clothing. “*Xiaokang*, an ancient term in China, refers to a status of moderate prosperity whereby people are neither rich nor poor but free from want and toil.”²¹ Today, China has completed

¹⁹ Xi Jinping, “Studying the Basic Theories of Marxism Is a ‘Compulsory Course’ for Communists” (April 23, 2018), in *Xi Jinping on Respecting and Protecting Human Rights*, compiled by the Institute of Party History and Literature of the CPC Central Committee (Beijing: Central Party Literature Press, 2021), 39.

²⁰ Xi Jinping, “Speech at the Meeting on Studying the Works of Hu Jintao” (September 29, 2016), in *Excerpts from Xi Jinping’s Discourses on Socialist Construction*, compiled by the Party Literature Research Office of the CPC Central Committee (Beijing: Central Party Literature Press, 2017), 16.

²¹ The State Council Information Office of the People’s Republic of China, *Moderate Prosperity in All Respects: Another Milestone Achieved in China’s Human Rights* (August 2021) (Beijing: People’s Publishing House, 2021), 3.

the building of a moderately prosperous society in all respects. In terms of people's livelihood, the people have stable access to adequate food and clothing, their income has been constantly increased, a social security system covering all the people is in place, public cultural services have improved, and the eco-environment has notably improved. A happy life at the minimal level has been achieved.²² Second, a happy life when socialist modernization is basically realized. According to the Report to the 19th CPC National Congress, from 2020 to 2035, China will build on the foundation created by the moderately prosperous society with a further 15 years of hard work to see that socialist modernization is basically realized. By the time, the following goals will have been met: People are leading more affluent lives, and the size of the middle-income group has grown considerably; Disparities in urban-rural development, in development between regions, and in living standards are significantly reduced, equitable access to basic public services is basically ensured, and solid progress has been made toward prosperity for everyone; A modern social governance system has basically taken shape, and society is full of vitality, harmonious, and orderly; There is a fundamental improvement in the environment, and the goal of building a Beautiful China is basically attained.²³ Third, a happy life when China becomes a great modern socialist country. According to the "two-step" blueprint presented in the Report to the 19th CPC National Congress, from 2035 to the middle of the 21st century, we will, building on having basically achieved modernization, work hard for a further 15 years and develop China into a great modern socialist country that is prosperous, strong, democratic, culturally advanced, harmonious, and beautiful. By the end of this stage, the following goals will be met: "Common prosperity for everyone is basically achieved; The Chinese people enjoy happier, safer, and healthier lives."²⁴ Thus, with the development and progress of society, people's happiness will continue to grow in both quantity and quality, and their freedom, security, dignity, and equality will be more effectively guaranteed.

Second, people's happiness theoretically involves all aspects of human life such as material life and cultural and ethical life. However, at the current stage, people's happiness mainly refers to wealth and livelihood at the material level. Socialism with Chinese characteristics has entered a new era, but this does not

²² The State Council Information Office of the People's Republic of China, *Moderate Prosperity in All Respects: Another Milestone Achieved in China's Human Rights* (August 2021) (Beijing: People's Publishing House, 2021), 7.

²³ Xi Jinping, *Secure a Decisive Victory in Building a Moderately Prosperous Society in All Respects and Strive for the Great Success of Socialism with Chinese Characteristics for a New Era — Delivered at the 19th National Congress of the Communist Party of China* (Beijing: People's Publishing House, 2017), 28-29.

²⁴ Xi Jinping, *Secure a Decisive Victory in Building a Moderately Prosperous Society in All Respects and Strive for the Great Success of Socialism with Chinese Characteristics for a New Era — Delivered at the 19th National Congress of the Communist Party of China* (Beijing: People's Publishing House, 2017), 29.

mean that China has all the conditions to satisfy the desire for people’s happiness. Just as General Secretary Xi Jinping once stated, “Although tremendous results have been achieved in China’s development, the basic national condition that our country is still in and will remain in the primary stage of socialism for a long time has not changed, and the principal social contradiction between the people’s growing material and cultural needs and the lagging social production has not changed.”²⁵ Therefore, China, for one thing, needs to focus on economic development and put “development” on the top of the Party’s agenda in state governance and national rejuvenation, and for another, it needs to meet the people’s aspiration for a happy life, ensuring their access to childcare, education, employment, medical services, elderly care, housing, and social assistance and laying a solid material and social foundation for their pursuit of happiness.²⁶ In contemporary China, childcare, education, employment, income, medical services, elderly care, housing, and social assistance to the poor and the needy are the essential components of people’s happy lives at the present stage. These problems are of the most immediate and practical concern to ordinary people, and they are most closely related to each individual and household. Compared with scarcity and poverty, the full realization of the above-mentioned goals undoubtedly provides the foundation and conditions for people to obtain a minimum level of happiness. Therefore, for contemporary China, to ensure that the people live a happy life, the fundamental requirement is to improve people’s livelihood, ensuring that every member of the society no longer worries about food and clothing, has a sense of security, access to protection and social assistance, and lives and works in peace and contentment. It is precisely for this reason that in the primary stage of socialism, happiness means, to a certain extent, that the people can lead a “good life.” General Secretary Xi Jinping pointed out, “Ensuring the people live a happier life is the abiding goal of our Party, and achieving common prosperity is the essential requirement of the CPC leadership and China’s socialist system. We must adhere to the people-centered development philosophy, safeguard the legitimate rights and interests of the working class and laborers from all walks of life, solve their concerns such as employment, education, social security, medical services, housing, elderly care, food safety, production safety, ecological environment, and public security, and constantly enhance the sense of gain, happiness, and security of the working

²⁵ Xi Jinping, “Speech at the 30th Group Study Session of the 18th CPC Central Committee” (January 29, 2016), in *Excerpts from Xi Jinping’s Discourses on the Building of a Moderately Prosperous Society in All Respects*, compiled by the Party Literature Research Office of the CPC Central Committee (Beijing: Central Party Literature Press, 2016), 208.

²⁶ Xi Jinping, *Secure a Decisive Victory in Building a Moderately Prosperous Society in All Respects and Strive for the Great Success of Socialism with Chinese Characteristics for a New Era — Delivered at the 19th National Congress of the Communist Party of China* (Beijing: People’s Publishing House, 2017), 23.

class and all laborers.”²⁷ Of course, ensuring that the people live a happier life and achieving common prosperity of the whole society are the long-term goal of the Party and the state, and it is feasible to do our best to solve the specific and practical problems concerning the people’s livelihood and increase their sense of gain, happiness and security.

Third, it is because people’s happiness remains concentrated on livelihood at the primary stage of socialism that the Party and the state need to focus on solving the practical problems that the people face during the stage and removing obstacles hindering them from acquiring the minimum conditions for living a happy life. As for efforts in system and action, General Secretary Xi Jinping has called for caring for the grassroots people on many occasions through the following approaches: “focusing on the people with the greatest difficulties, the most prominent problems, and the most practical interests of the people,” which is known as the “Three Mosts,” so as to “solve difficulties and anxieties facing grassroots people.” To this end, based on the current conditions, the specific problems and aspirations that are of the greatest public concern need to be solved, while “embracing a forward-looking mindset to improve the systems and mechanisms concerning the people’s livelihood”²⁸ General Secretary Xi Jinping also noted, “We should fulfill the people’s expectations for a better life. We should ensure that development is for the people, that it is reliant on the people, and that its fruits are shared by the people.”²⁹ “Realizing the fundamental interests of the people” refers to implementing the provisions of existing laws and regulations on safeguarding the people’s interests and improving the people’s well-being, thus ensuring the fulfillment of institutional design by the Party and the government on making the people lead a happy life. “Safeguarding the fundamental interests of the people” is manifested in protecting and guaranteeing the legitimate rights and interests of the people. General Secretary Xi Jinping pointed out, “We must ensure that all citizens enjoy extensive rights in accordance with the law, that their right of the person and property and basic political rights are inviolable, and that their economic, cultural and social rights are exercised. We must safeguard the fundamental interests of the overwhelming majority of the people, and fulfill their aspirations for and pursuit of a better life.”³⁰ Rights are the “capital” of people’s actions, and

²⁷ Xi Jinping, “Realize, Safeguard and Develop the Legitimate Rights and Interests of Workers Through Concrete Actions” (November 24, 2020), in *Xi Jinping, On Upholding the People’s Running of the Country* (Beijing: Central Party Literature Press, 2021), 316-317.

²⁸ Xi Jinping, “Speech at a Mobilization Meeting on Party History Learning and Education” (February 20, 2021), in *Xi Jinping’s Important Speeches* (2021 bound edition) (Beijing: People’s Publishing House, 2022), 32.

²⁹ Xi Jinping, “A Deeper Understanding of the New Development Concepts” (January 18, 2016), in *Xi Jinping: The Governance of China (II)* (Beijing: Foreign Languages Press, 2017), 214.

³⁰ Xi Jinping, “Speech at the Commemorating Ceremony of the 30th Anniversary of the Promulgation and Implementation of the Current Constitution to All Communities in Beijing” (December 4, 2012), in *Xi*

the protection of rights can not only provide people with the ability to act and the qualification to ask for a happy life, but also enable them to pursue happier lives by virtue of the existence of rights. Of course, the right to subsistence, the right to education, the right to employment, and the environmental rights related to people’s happiness are more often manifested as a kind of “positive rights,” which need to be guaranteed by the “hand of the state.” To this end, it is necessary to enforce the law strictly to ensure that the legitimate rights of the people are not deprived or restricted. “Developing the fundamental interests of the people” emphasizes that in response to people’s ever-growing needs for a better life, the quantity of rights should be expanded and the quality of rights should be improved on the basis of development, so as to provide driving forces for the people to live a better and happier life. These are the “Three Measures” to safeguard the people’s fundamental rights and interests.

The “Three Mosts” are the primary tasks of the Party and the government to guarantee people’s happiness, and the “Three Measures” focus on ensuring that the people live a happy life. The “Three Senses,” namely the “sense of gain, happiness, and security” that General Secretary Xi Jinping has mentioned in many speeches, are to confirm the actual effect of the people’s happiness and the personal psychological feelings about the fulfillment of happiness from the perspective of subjective evaluation and psychological experience. Generally speaking, the “sense of gain” focuses on the perspective of “benefits” or “well-being,” which refers to the relatively considerable income of the people, as well as the preferential and convenient benefits from social services and social security, and the sharing of the fruits of reform and development. For instance, General Secretary Xi Jinping noted, “In the whole process of development, we should pay attention to protecting and improving the people’s livelihood, so that the achievements of reform and development can benefit the people more fairly and the people can have a greater sense of gain in development under the principle of joint contribution and shared benefits.”³¹ This indicates that the “gain” refers to the tangible benefits that people can enjoy fairly. A strong “sense of gain” is the prerequisite and basis for a “sense of happiness” because “if a person cannot enjoy the rights and interests that he has acquired through his personal efforts, it is impossible for him to maintain his own livelihood or be happy.”³² Of course, “gain” is a necessary but not sufficient condition for achieving “happiness.” That is, gain does not necessarily lead to

Jinping: The Governance of China (I) (Beijing: Foreign Languages Press, 2018), 141.

³¹ Xi Jinping, “Speeches During the Inspection Tour of Chongqing” (January 4-6, 2016), in *Excerpts from Xi Jinping’s Discourses on the Building of a Moderately Prosperous Society in All Respects*, compiled by the Party Literature Research Office of the CPC Central Committee (Beijing: Central Party Literature Press, 2016), 157-158.

³² Baron d’Holbach, *Natural Politics*, translated by Chen Taixian and Sui Mao (Beijing: The Commercial Press, 1994), 32.

happiness, but scarcity certainly leads to the absence of happiness. The “sense of happiness” refers to a state of inner pleasure after people’s needs have been satisfied, and this satisfaction is not only physical and sensory, but also spiritual and psychological: “Sensual desires contribute to the happiness of the body, and the love of order contributes to the happiness of the soul.”³³ In his descriptions on a “happy life,” General Secretary Xi Jinping put forward the proposition that “the needs to be met for the people to live better lives are increasingly broad.” He holds that in the new era, “not only have their material and cultural needs grown; Their demands for democracy, rule of law, fairness and justice, security, and a better environment are increasing.”³⁴ Only by satisfying such high-level needs related to the social system, social policy, and social environment can a more solid foundation be laid for people’s happiness. To a certain extent, “security” refers to “freedom from fear,” which means that people are not in a state of constant anxiety arising from worrying about the danger of external mechanisms or the lack of security systems. It includes not only personal safety, and property security, but also behavioral security and transaction security, as well as security in production, food, the environment, and systems. It is noteworthy that although the sense of security, just like the sense of gain or happiness, is people’s inner experience and satisfaction, whether people can enjoy sufficient security mainly depends on the social system and social order. For this reason, General Secretary Xi Jinping stressed that “we must continue to strengthen and innovate social governance, improve the socialist social governance system with Chinese characteristics, step up efforts to build a Peaceful China, and further enhance the people’s sense of security.”³⁵

It is necessary to note that the relations among the sense of gain, the sense of happiness, and the sense of security can be roughly understood as follows: the sense of gain is the premise of the sense of happiness, the sense of security is the guarantee of the sense of happiness, and the sense of happiness is a pleasant experience supported by the tangible gain and security in reality.

II. Life is the Basis of Human Rights

The pursuit of a happy life is the purpose of every member of society, and it is also a sacred duty and legal mission that a country practicing the rule of law bears for its people. Just as Hans J. Morgenthau noted, both the philosophy of the Enlightenment and the political theories of liberalism advocate respect for life

³³ Jean-Jacques Rousseau, “Letter to Beaumont,” Quoted from Marc F. Plattner et al., *Rousseau’s State of Nature: An Interpretation of the Discourse on Inequality*, translated by Shang Xinjian and Yu Lingling (Huaxia Publishing House, 2008), 68.

³⁴ Xi Jinping, *Secure a Decisive Victory in Building a Moderately Prosperous Society in All Respects and Strive for the Great Success of Socialism with Chinese Characteristics for a New Era — Delivered at the 19th National Congress of the Communist Party of China* (Beijing: People’s Publishing House, 2017), 11.

³⁵ Xi Jinping, “Instructions on Strengthening and Innovating Social Governance” (October 2016), in *Excerpts from Xi Jinping’s Discourses on Socialist Construction*, compiled by the Party Literature Research Office of the CPC Central Committee (Beijing: Central Party Literature Press, 2017), 135.

and the promotion of human happiness, and the great political and social changes during the 19th and 20th centuries were inspired by these ideas.³⁶ In other words, respect for people’s right to pursue happiness has made social systems, including the legal system, more and more humane and civilized. In such a context, from a legal point of view, what is the relationship between life and human rights or rights? Certainly, it is safe to say that life is the basis of human rights, and any assertion on human rights and any allocation of rights are aimed at ensuring that people can live a better and happier life. Famous human rights expert Manfred Nowak defined “human rights” from such a descriptive perspective, i.e., human rights are the “fundamental rights that empower everyone to shape their own lives based on freedom, equality and respect for dignity.”³⁷ According to this definition, the function of “human rights” lies in allowing each member of society to shape their own lives, that is, human rights or rights provide room for people to choose and act freely, so that each person can create colorful and different forms of life according to his or her own life goals and value preferences, foster different interests in life, and live a unique type of life. In the view of Ronald Dworkin, all philosophical topics basically consist of three aspects: discourses on whether and why human life is valuable; Discourses on whether and why it matters for people to “live a good life”; and discourses on what it means to live “a good life.”³⁸ This indicates that the proposition of life is at the center of all philosophies, and it is also the ultimate goal of system construction. In this sense, human rights and other rights are also centered on people’s lives, and through the allocation of power and capabilities and the guarantee of systems, they lay the foundation for people’s “capital” and ability to pursue a happy and beautiful life.

Specifically, how do human rights or rights sustain people’s lives and make it possible for people to pursue a happy and good life? This can be broadly summarized in the following aspects:

First of all, the core of human rights or rights lies in the recognition that each person is his or her own master, and has the right to handle the affairs of his or her own life in accordance with the principle of individual autonomy and to shape his or her own personalized life. It is for this reason that, in the eyes of the Enlightenment thinkers, natural rights are freedom, i.e., natural rights are rights that everyone possesses by nature and do not depend on all empirical laws and

³⁶ Hans J. Morgenthau, *Politics Among Nations*, translated by Yang Qiming et al. (Beijing: The Commercial Press, 1993), 482-483.

³⁷ Manfred Nowak, *Introduction to the International Human Right Regime*, translated by Liu Huawen (Beijing: Peking University Press, 2010), 1.

³⁸ Ronald Dworkin, “Justice and the Value of Life,” in *Academic Narratives of Famous Contemporary British and American Philosophers*, edited by Ouyang Kang et al. (Beijing: People’s Publishing House, 2005), 147.

regulations.³⁹ According to Kant, “there is only one innate right, the birthright of freedom.” Freedom is independence of the compulsory will of another; and it is the “one sole original, inborn right belonging to every man in virtue of his humanity.”⁴⁰ For individuals who draw from society to manage their own lives, the existence of the natural right to freedom is a prerequisite for their happiness. Just as Johann Gottlieb Fichte said, “In this world, our only happiness, if it does exist in reality, is that kind of free and unhindered self-activity according to one’s own will, through labor and efforts, and based on one’s own strength.”⁴¹ Freedom enables people to get rid of external coercion and pursue their own happiness according to their own nature. Freedom allows people to have endless inspiration and imagination, so as to leave their own unique personal mark on life. Freedom enables people to act autonomously and to manage their lives in a responsible manner. Freedom allows people to mature through trial and error, thus laying the foundation of competence and experience for a more fulfilling life. “There should be different experiments of living; that free scope should be given to varieties of character, short of injury to others; and that the worth of different modes of life should be proved practically, when any one thinks fit to try them. It is desirable, in short, that in things that do not primarily concern others, individuality should assert itself. Where, not the person’s own character, but the traditions or customs of other people are the rule of conduct, there is wanting one of the principal ingredients of human happiness, and quite the chief ingredient of individual and social progress.”⁴² In short, without freedom, it is impossible for a person to enjoy a happy life; Freedom, as the primary one among all natural human rights, is the basis for providing people with the “capital” and ability to act in pursuit of a happy life.

In fact, “the love of freedom is one of the strongest lusts of human beings, which is ignited by the desire to preserve themselves and to give full use to their talents in order to achieve happiness in life. Nature has engraved this lust in the hearts of all human beings, and it wants everyone to value their own existence.”⁴³ For one thing, this indicates that it is human nature to pursue freedom, and everyone wants to live in a free and unhindered society, where people can show their talents to the fullest and forge a happy life. For this reason, scholars have pointed out, “Individual autonomy is of prominent value for one’s

³⁹ Immanuel Kant, *The Philosophy of Law: An Exposition of the Fundamental Principles of Jurisprudence as the Science of Right*, translated by Shen Shuping (Beijing: The Commercial Press, 1991), 49.

⁴⁰ *Ibid.*

⁴¹ Johann Gottlieb Fichte, “Reclamation of the Freedom of Thought from the Princes of Europe, Who Have Oppressed It Until Now,” edited by James Schmidt, *What is Enlightenment? Eighteenth-century Answers and Twentieth-century Questions*, translated by Xu Xiangdong and Lu Huaping (Shanghai: Shanghai People’s Publishing House, 2005), 139.

⁴² John S. Mill, *On Liberty*, translated by Cheng Chonghua (Beijing: The Commercial Press, 1959), 60.

⁴³ Baron d’Holbach, *Natural Politics*, translated by Chen Taixian and Sui Mao (Beijing: The Commercial Press, 1994), 237.

happiness; It is a goodness, to which human beings have an ingrained, natural tendency."⁴⁴ Safeguarding the autonomy of humans is to preserve the internal motivation for society to continue innovating and evolving. If people can only have one ossified, identical way of life and only a unified, rigid taste for life, then such a life is not happy but boring. For another, it also verifies the proposition that life is the basis of human rights. In the final analysis, the recognition and protection of human freedom and rights through the law is, in itself, to allow people to pursue a better and happier life under the institutional framework of their own choice, independent judgment, and self-responsibility. Perhaps a statement made by German scholar Carl F. Bahrdt can best interpret the significance of freedom for a happy life. Taking the freedom of thought as an example, he said, "Men! Freedom to think and to judge independently from authority, independently from the pronouncements of the priests, monks, popes, church councils, the Church — this is the highest, most important, most inviolable right of man. Men have cause to treasure it more highly than all other liberties and rights, because its loss does not merely reduce their happiness, but completely destroys it; because the absence of this freedom makes the perfection of their immortal souls impossible; because human virtue, peace, and consolation rest on this right; because without this right and its exercise they become miserable slaves, and they risk their souls and salvation when they leave it to those to whom they renounced their reason in blind imitation, whether they want to lead them to truth or falsehood, to heaven or to hell."⁴⁵ In a word, freedom is both the foundation and the premise of happiness. In this sense, the human rights or rights that embody freedom also go side by side with people's happiness.

It must be noticed that the constitutions and laws of many countries often restrict personal freedom and rights on the grounds of public happiness, welfare, and interests rendered in terms like "public well-being" or "public interests," so that there will be tension and contradiction between public well-being and individual happiness. It should be noted, however, that while not rejecting legal concepts such as public well-being or public interests with a social and collective nature, it should be emphasized that such concepts must be used with particular caution. First, public well-being and public interests do not automatically take precedence over individual happiness and personal interests, especially when the so-called "public well-being" or "public interests" are not

⁴⁴ Michael Pendlebury, "Toward Global Democracy," translated by Lu Ding, "Theoria 2003: People's Imagination of the World," edited by Zhao Tingyang et al. (Beijing: China Renmin University Press, 2004), 343.

⁴⁵ Carl Friedrich Bahrdt, "On Freedom of the Press and Its Limits: For Consideration by Rulers, Censors, and Writers," edited by James Schmidt, *What is Enlightenment? Eighteenth-century Answers and Twentieth-century Questions*, translated by Xu Xiangdong and Lu Huaping (Shanghai: Shanghai People's Publishing House, 2005), 101.

formed by public consensus and determined through reasonable procedures. Just as John Rawls pointed out, “Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override. For this reason, justice denies that the loss of freedom for some is made right by a greater good shared by others. It does not allow that the sacrifices imposed on a few are outweighed by the larger sum of advantages enjoyed by many. Therefore, in a just society the liberties of equal citizenship are taken as settled; the rights secured by justice are not subject to political bargaining or to the calculus of social interests.”⁴⁶ This is the famous principle of the “priority of the right over the good.” Second, the so-called public well-being and public interests are not special interests independent of personal happiness and personal interests; On the contrary, public welfare is the well-being that every member of social life can enjoy, and public interests are the sum of individual interests in society. Paine held that “public interests” is not a term opposed to personal interests. On the contrary, public interests are the sum of the interests of each individual. It is the good of all, because it is the good of everyone; For just as society is the sum of each individual, public interests are the sum of the interests of those individuals.⁴⁷ From the perspective of individual methodology, Bentham made a conclusion similar to that of Paine. He noted, “The community is a fictitious body, composed of the individual persons who are considered as constituting as it were its members. The interest of the community then is, what is it? — the sum of the interests of the several members who compose it. It is in vain to talk of the interest of the community, without understanding what is the interest of the individual.”⁴⁸ This tells us that the origin of interests can only begin with individuals, and the so-called community interests or public interests can only be the sum of individual interests, instead of any special interests independent of individual interests. Third, as some scholars have argued, even if rights are to be restricted on the grounds of “public well-being,” they must be based on “concrete” human rights and well-being. “This is by no means a general totalitarian theory, where individuals must sacrifice and dedicate themselves to the community. Sacrificing the interests of the minority for the sake of the majority (the most representative phrase regarding this is ‘sacrifice the small self for the greater self’) or formulating laws to restrict the basic human rights of citizens on the grounds of ‘order’ or ‘stability’ for the consideration of ruling... All of these are using ‘public well-being’ as a tool to restrict human rights.”⁴⁹ Therefore,

⁴⁶ John Rawls, *A Theory of Justice* (revised edition), translated by He Huaihong, He Baogang and Liao Shenbai (Beijing: China Social Sciences Press, 2009), 3.

⁴⁷ Steven Lukes, *Individualism*, translated by Yan Kewen (Nanjing: Jiangsu People’s Publishing House, 2001), 46.

⁴⁸ Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*, translated by Shi Yinhong (Beijing: The Commercial Press, 2000), 58.

⁴⁹ Xu Qingxiong, *Introduction to Constitution*, third edition (Taipei: Yuedan Publishing Co., Ltd., 1997),

public welfare is only legitimate when it exists for the sake of individual happiness individual’s happy life, and no one is entitled to use “public well-being,” “public interests” and other similar excuses to arbitrarily derogate human rights.

The concepts of human rights or rights recognize that people are entitled to preserve themselves, plan their lives, and arrange their livelihoods. In this sense, human rights or rights help people in their pursuit of happiness. As far as people’s happiness is concerned, it includes the basic content of survival, life, livelihood, etc., and covers a person’s entire lifespan, from cradle to grave. For this reason, human rights are the basis of life, as evidenced by the original concept of human rights — natural rights.⁵⁰ For the sake of brevity, some of the thinkers’ statements about natural rights are listed below (see Table 2), which enables us to observe how they relate to people’s happiness:

Table 2 List of Statements on Natural Rights by Thinkers

55-56.

⁵⁰ Just as John Finnis said, “human rights” is a modern phrase of “natural rights.” See John Finnis, *Natural Law and Natural Rights*, translated by Dong Jiaojiao, Yang Yi and Liang Xiaohui (Beijing: China University of Political Science and Law Press, 2005), 160.

Thinker	Statement on natural rights
John Locke	And reason, which is that law, teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions. ⁵¹
The <i>Declaration of Independence</i> of the United States	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. — That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.
William Blackstone	The three principal or primary rights of citizens, including: (1) The right of personal security consists in a person’s legal and uninterrupted enjoyment of his life, his limbs, his body, his health, and his reputation; (2) The right of personal liberty, which consists in the power of loco-motion, of changing situation, or removing one’s person to whatsoever place one’s own inclination may direct; (3) The right of private property, which consists in the free use, enjoyment, and disposal of all his acquisitions. ⁵²
Thomas Hill Green	For first they are such as regard a man’s own person; secondly such as regard his dominion over the external and sensible things by which he is surrounded; thirdly, such as regard his private relations, as a member of a family; fourthly such as regard his social state or condition, as a member of the community; the first of which classes may be designated as personal rights, the second, as rights of property, the third, as rights in private relations, and the fourth, as public rights. ⁵³

⁵¹ John Locke, *Second Treatise of Government*, translated by Ye Qifang and Qu Junong (Beijing: The Commercial Press, 1964), 6.

⁵² William Blackstone, *Commentaries on the Laws of England, Book 1: The Rights of Persons*, translated by You Yunting and Liao Miao (Beijing: The Commercial Press, 2023), 158, 165 and 169.

⁵³ Thomas Hill Green, *Lectures on the Principles of Political Obligation*, translated by Hao Tao (Beijing: Social Sciences Academic Press, 2018), 112-113.

<p>Jacques Maritain</p>	<p>Every person, as a human being, has the following fundamental rights: the right to subsistence and the right to life; the right to personal liberty, and the right to live his own life as the master of himself and his own actions, so that he can be held accountable for his actions before the laws of God and the community; the right to pursue the perfection of moral and rational human life; the right to pursue the eternal good; the right to protect their bodily integrity; the right to private property, which is a guarantee of individual freedom; the right to marry and start a family upon his own choice; the right of forming an association; respect for the human dignity that exists in every human being, regardless of whether it has economic value for society or not.⁵⁴</p>
<p>William Ernest Hocking</p>	<p>The types of perpetual presumed rights are as follows: (1) The right of liberty: (a) autonomy; (b) restraining others; (c) restraining the natural world. (2) The right of safety: (a) body; (b) contracts; (c) property⁵⁵</p>

From the above list of statements on natural rights by some prominent thinkers, it can be seen that natural rights are the allocation of rights around the main axis of life. To sustain their lives, people must have basic rights such as the right to life, the right to health, the right to freedom, the right to security, and the right to property, so that they can survive in the world and live a happy life through their creative labor. In order to further clarify this type of rights in life, we hereby briefly describe the rights to avoid poverty and to an adequate standard of living.

Poverty is undoubtedly the greatest challenge to the survival of humanity. Poverty makes people live in poverty and deprives them of dignity; It is also because of poverty that many people lose the opportunity for development and growth. Especially, poverty even makes people find it difficult to sustain their lives, and the malnutrition and premature death caused by poverty are some of the greatest tragedies in human society. For this reason, General Secretary Xi Jinping has clearly pointed out, “Since ancient times, poverty eradication has been the dream of human society and the basic right of people all over the world to pursue a happy life.”⁵⁶ Although this statement doesn’t mention the “right to

⁵⁴ Jacques Maritain, *Human Rights and Natural Rights*, translated by Wu Yan (Beijing: The Commercial Press, 2020), 62-63 and 84-85.

⁵⁵ William Ernest Hocking, *Liberty and Community: The Political Philosophy*, translated by Fei Qing, (Huiwentang Xin’s Book Company, 1937), 151.

⁵⁶ Xi Jinping, “Jointly Eradicate Poverty and Promote Common Development” (October 16, 2015), in *Xi Jinping on Respecting and Protecting Human Rights*, compiled by the Institute of Party History and

be free from poverty,” it goes straight to the core of such a right, which is to enable all people to be free from poverty and live a good and happy life. In this sense, China’s success in eradicating absolute poverty is considered one of the greatest and most humanistic social projects in human history: “More than 20 million poor people with health issues have received proper treatment, and families that were once haunted by serious illness have been freed from that burden. Nearly 20 million impoverished people have received subsistence allowances or assistance and support for the extremely poor; more than 24 million people with disabilities who faced financial difficulties, and people with severe disabilities, have received living or nursing subsidies... Whether on the snowy plateau, in the Gobi desert, or under the shade of cliffs and mountains, the battle against poverty has yielded outcomes in every corner of the country, helping countless people transform their future, realize their dreams, and find a better life.”⁵⁷ This is a glorious achievement of the CPC and the Chinese government.

The call for the right to be free from poverty is directly reflected in the law as the right to an adequate standard of living. In the theory of social rights, the right to an adequate standard of living is regarded as a core right. Of course, there are also different views in the academic community about what constitutes an appropriate standard of living or standard of living. For example, some scholars have argued that at least, these rights require that everyone should have the basic rights of life: adequate food and nutrition, clothing, housing, and the necessary environment of care.⁵⁸ Realistically speaking, this standard isn’t low, especially when it comes to matters such as “housing” and “care.” However, as some scholars have noted, this right is so important because “everyone should be able to fully engage in ordinary daily communication with others, free from humiliation and unreasonable obstacles. This means, in particular, that they should be able to satisfy their basic needs in a decent manner. No one should live in a situation in which his or her needs can only be met by degrading or sacrificing fundamental freedom, such as begging, prostitution or bonded labor.”⁵⁹ In other words, if people do not enjoy an adequate standard of living, they will lose their decency and dignity, making them afraid to join society, or they will have to survive at the expense of their dignity.

In contemporary China, the most important legal institutional arrangement to

Literature of the CPC Central Committee (Beijing: Central Party Literature Press, 2021), 168.

⁵⁷ Xi Jinping, “Speech at a National Conference to Review the Fight Against Poverty and Commend Individuals and Groups Involved” (February 25, 2021), in *Xi Jinping: The Governance of China (IV)* (Beijing: Foreign Languages Press, 2022), 128.

⁵⁸ Janusz Symonides, *Human Rights: Concept and Standards*, translated by Yang Yating (Taipei: Weber Publication International Ltd., 2009), 156.

⁵⁹ Asbjørn Eide, Catarina Krause, Allan Rosas, *Economic, Social and Cultural Rights: A Textbook* (2nd revised edition), translation organized by China Society for Human Rights Studies (Chengdu: Sichuan People’s Publishing House, 2004), 111-112.

protect people’s right to an adequate standard of living is the subsistence allowances system. General Secretary Xi Jinping specifically noted, “Now there are about 18 million urban residents living on subsistence allowances; We must improve our welfare systems to ensure their basic living needs are met. For more than 130 million senior citizens at and above 65 years old, we must increase our supply of elderly care and make medical services more convenient; For more than 200 million migrant workers in cities, we must gradually give them equal access to the basic public services where they now reside; For tens of millions of annual college graduates working in megapolises and other permanent residents in these urban areas, we must ensure they have suitable living conditions; For over 9 million urban residents registered as unemployed, we must ensure that they have a vocational skill to achieve stable employment and a stable income. In summary, we must remain committed to a people-centered notion of development; For specific groups of people facing specific difficulties, we must try every means to help them solve practical problems.”⁶⁰ In this sense, principal beneficiaries of the right to minimum living standard include not only those covered by the subsistence allowances system but also the elderly, migrant workers, college students, and the unemployed. They are unable to maintain their basic livelihood due to poverty, or need social assistance because of old age and infirmity, or find it difficult to obtain equal treatment because of limited opportunities, or are unable to compete with others because of the lack of skills, all of which make it difficult for them to maintain a basic standard of living. It is urgent for the state to ensure that they can live a decent life through the promotion of the rule of law and the arrangement of rights. In this regard, the *Interim Measures for Social Assistance*, the *Regulations on the Subsistence Allowances for Urban Residents*, and the *Regulations on the Work of Providing Five Guarantees in Rural Areas* that have been enacted in China constitute the basic legal system that ensures the people enjoy an appropriate standard of living.

General Secretary Xi Jinping attaches great importance to guaranteeing housing, a typical component of the living standard. In fact, housing is one of the “Seven Accesses.”⁶¹ General Secretary Xi Jinping pointed out, “Housing is an issue related not only to the people’s livelihood but also the development of our country. It concerns the people’s immediate interests, determines whether they

⁶⁰ Xi Jinping, “Making a Vigorous Effort to Address Major and Difficult Problems Preventing US from Achieving Moderate Prosperity on Schedule” (October 29, 2015), in *Xi Jinping: The Governance of China (II)* (Beijing: Foreign Languages Press, 2017), 80.

⁶¹ The “Seven Accesses” refer to the accesses to childcare, education, employment, medical services, elderly care, housing, and social assistance. See Xi Jinping, “Secure a Decisive Victory in Building a Moderately Prosperous Society in All Respects and Strive for the Great Success of Socialism with Chinese Characteristics for a New Era — Delivered at the 19th National Congress of the Communist Party of China,” (Beijing: People’s Publishing House, 2017), 23.

can live and work in contentment, and affects the country's overall economic and social development, as well as social harmony and stability.”⁶² The importance of every member of society to have shelter from the elements, to maintain safety, and to protect privacy would never be overstated. Just for this reason, the right to adequate housing is one of the rights recognized in the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*, which has been acknowledged by countries around the world. Especially in the context of the protection of human rights, modern society regards people's housing as the main social need, and the management of housing cannot be entirely operated by the market.⁶³ In other words, in terms of housing supply, we shouldn't completely emphasize the need for the efforts of the home seekers themselves; After all, there are still many people who cannot afford to buy a house due to their limited economic conditions; Nor can it be completely left to the market, because market players are chasing profits instead of people's urgent needs. For this reason, under the actual national conditions of contemporary China, “in the matter of housing security and supply, we must properly handle the relationship between public services provided by the government and services provided by the market, between the economic and social functions of housing supply, between needs and possibilities, and between the need to provide housing security and the need to avoid total welfare dependence. We must carry out market-oriented reforms in order to fully enliven the market and meet the multilevel needs for housing. However, there are always people who have housing difficulties due to labor skill mismatch, being out of a job or low income, so the government must step in to provide them with basic housing.”⁶⁴ In other words, in regard to guaranteeing people's need for housing, we should not only give full play to the initiative and enthusiasm of the market, but also strengthen governments regulation and service, so as to meet the housing needs of the people in an all-round way. In this regard, General Secretary Xi Jinping specifically mentioned two important institutional arrangements: one is to “build low-rent housing more quickly, and accelerate the rebuilding of houses in all the run-down areas... and endeavor to meet the people's basic need for housing”;⁶⁵ the second is to strengthen the construction of government-subsidized housing,

⁶² Xi Jinping, “Accelerate the Development of Housing Security and Supply” (October 29, 2013), in *Xi Jinping: The Governance of China (I)* (Beijing: Foreign Languages Press, 2nd edition, 2018), 192.

⁶³ Asbjørn Eide, Catarina Krause, Allan Rosas, *Economic, Social and Cultural Rights: A Textbook* (2nd revised edition), edited by translation organized by China Society for Human Rights Studies (Chengdu: Sichuan People's Publishing House, 2004), 33-34.

⁶⁴ Xi Jinping, “Speech at the 10th Group Study Session of the Political Bureau of the 18th CPC Central Committee” (October 29, 2013), in *Excerpts from Xi Jinping's Discourses on the Building of a Moderately Prosperous Society in All Respects*, compiled by the Party Literature Research Office of the CPC Central Committee (Beijing: Central Party Literature Press, 2016), 133-134.

⁶⁵ Xi Jinping, “Accelerate the Development of Housing Security and Supply” (October 29, 2013), in *Xi Jinping: The Governance of China (I)* (Beijing: Foreign Languages Press, 2nd edition, 2018), 193.

establish standardized mechanisms in terms of access, use, and withdrawal, and realize the fair and efficient use of public resources.⁶⁶ Only when the state fulfills its due responsibilities can it truly meet people’s livelihood needs.

The above-mentioned examples of the right to be free from poverty and the right to an adequate standard of living show that rights need to be defined in the context of people’s actual lives and enriched in accordance with changing living needs. Without such needs, rights would be like water without a source or a tree without roots, and it would be impossible for people to pursue happiness and create the “capital” for a happy life. As one scholar put it, “The interests protected by the law are called legal interests. Legal interests are legitimate interests. All legal interests, whether individual interests or collective interests, are the interests of life, and the existence of these interests is not the product of the legal system, but the product of society itself. However, the protection of the law elevates the interests of life to legal interests... The needs of life give rise to legal protection, and as a result of the changing interests of life, the quantity and type of legal benefits are also changing correspondingly.”⁶⁷ As Roscoe Pound asserted, “One of the most important issues is the social interests in pursuit of individual life, which can also be called the social interests in pursuit of individual morality and social life or the social interests in pursuit of individual human life. This is the ability of every individual in a civilized society to live a life he requires or desires by the standards of society. This is to satisfy a person’s reasonable and minimum demand, desire, or request if not all his desires can be satisfied. This type of interest is recognized in unwritten law in three forms: individual autonomy, individual opportunities, and individual living conditions.”⁶⁸ This indicates that the contents of all human rights or rights are derived from the actual needs of people’s lives, and are institutional arrangements for people’s happiness. A law-based, civilized and humane country should keep in mind the people’s pursuit of happiness and constantly expand the quantity and quality of their rights.

Finally, human rights or rights provide multiple dimensions for people to participate in social life, thus providing opportunities for people to express and develop themselves. “The concepts of human rights in the world have evolved and expanded gradually. In addition to the convenience and comfort brought by modern technology to mankind, these concepts are based on the increasing needs of civilized life, and every person has his or her inherent dignity and should be respected and protected. As far as human rights are concerned, they are not just about biological needs, but also about the conditions of life that enable us to give

⁶⁶ Ibid., 194.

⁶⁷ Franz von Liszt, *Criminal Law of Germany: A Textbook (Lehrbuch des deutschen Strafrechts)*, revised by Eberhard Schmidt, translated by Xu Jiusheng (Beijing: Law Press • China, 2000), 4.

⁶⁸ Roscoe Pound, “A Survey of Social Interests,” *Legal Sociology*, edited by William M. Evan et al., translated by Zheng Zhemin (Beijing: Chuliu Book Co., Ltd., 1996), 101.

full play to our wisdom and conscience to meet our spiritual needs.”⁶⁹ This theory enlightens us in the following aspects: First, a happy life in modern society is, in nature, to ensure the realization of human dignity. This means that the inherent dignity of human beings is respected and protected by the state and society in all aspects. Once a person loses his dignity, his personality and status will be degraded, and it will be naturally impossible for him to lead a happy life. Second, people’s happiness involves not only the satisfaction of material needs, but also spiritual pursuit and cultural life. When talking about the right to life, Japanese scholar Oosuka Akira pointed out, “In real life, if the material, economic, and social conditions are regarded as objective conditions, then the spiritual and cultural conditions can be called the subjective conditions of human life. Ensuring human dignity, not making self-alienation, and pursuing the meaning of life mainly refers to the qualitative aspects of life.”⁷⁰ In other words, only when people have their material needs satisfied, and at the same time enjoy a high-quality cultural and spiritual life, can it be regarded as a happy life in the true sense. Third, a happy life is designed and created by each individual, so each individual has the obligation and responsibility to give full play to his or her life potential and actively participate in social life. According to Ronald Dworkin, the second principle of human dignity is that “each of us has a personal responsibility for managing our own lives, including the responsibility to make and implement decisions about what life is good and worth living. In making such decisions, we cannot bend ourselves to the will of others; We cannot accept that anyone else has the right to force us to conform to a view of success unless we are under pressure in which we have no right of choice.”⁷¹ Happiness is created by oneself, and life is dominated by the individual. This state that fully unleashes people’s personal initiative can provide indispensable subjective conditions for the realization of a happy life.

Of course, according to the general definition of psychology, self-development, and self-realization are the highest desires of humans, or in other words, only self-achievement and realization of one’s own life value in society can be regarded as happiness in the real sense. “Self-realization is a positive force based on the assumption that human beings have the potential to improve themselves and pursue happiness. It was quickly associated with the desire to end domination and to promote the equal value of the individual being able to shape himself and reshape the world.”⁷² However, to truly achieve

⁶⁹ Li Xuedeng, “The Earliest Concepts and Practices of Human Rights in the World,” *A Collection of Chinese and Western Legal Thoughts*, edited by Diao Ronghua et al. (Taipei: Hanlin Publishing House, 1984), 343.

⁷⁰ Ootsuka Akira, *On the Right to Life*, translated by Lin Hao (Beijing: Law Press • China, 2001), 27-28.

⁷¹ Ronald Dworkin, *Is Democracy Possible Here?: Principles for a New Political Debate*, second edition, translated by Lu Nan and Wang Qi (Beijing: Peking University Press, 2014), 15.

⁷² Costas Douzinas, *The End of Human Rights*, translated by Guo Chunfa (Nanjing: Jiangsu People’s

self-realization, individuals must be closely integrated with society. In other words, it is true that people can survive and live in the realm of private life, but only with the help of society as a platform can one truly live a happy life with a higher quality. "To ensure one's life plan is conceived as a meaningful expression of the will or identity of its actor... It must be based on the choice and self-construction of individuals in a cultural world that includes many different visions and materials for the purpose of comparing and evaluating such a life plan, and at the same time linking the acquisition of individual skills, as well as the ability to identify and choose. In short, there must be a rich and diverse public culture as well as access to these resources by individuals."⁷³ For example, in order to earn a living through labor, people must rely on the employment opportunities that society can provide. In order to acquire the knowledge and skills to survive, people must be educated and revise and improve their livelihood arrangements by understanding the successful life plans of others. In short, each person is a member of society, and only by entering and participating in society can one mature and develop himself. As far as the law is concerned, its fundamental purpose is to help people meet their expectations for a happy life through the platform of society through the arrangement of rights. Taking the institutional arrangement of property rights as an example: "Property satisfies the need for security, and makes the natural stimulus of labor successful. The desire to live compels us to work, but no one is willing to sow the seeds themselves but have others reap them; The law of ownership guarantees that we can call our possessions ours, thus ensuring that our yearning for a happy life will motivate us to work."⁷⁴ Therefore, without the protection of people's rights to pursue a happy life, such as property rights, people will fall into a state of fear and anxiety, and it will be impossible to meet their need for a happy life.

Active participation in social life is an essential part of people's lives. Moreover, it determines whether they can achieve a happy life. "Civic engagement, which refers to the various activities that people perform to express their political voice and contribute to the political functioning of society, is essential to individual well-being. Political voice is one of the basic freedoms and rights that are worthwhile to all humans and that people have reason to value. Furthermore, people who are given the opportunity to participate in a decision are more likely to endorse the decision as they consider it fair. Finally, civic engagement allows individuals to develop a sense of belonging to their community, trust in others, and a feeling of social inclusion."⁷⁵ As a member of

Publishing House, 2002), 98-99.

⁷³ Lydia Morris et al., *Rights: Sociological Perspectives*, translated by Yang Yating (Taipei: Weber Publication International Ltd., 2009), 35-36.

⁷⁴ Alan Ryan, *Property*, translated by Gu Beiye (Miaoli: Guiguan Book Co., Ltd., 1991), 73.

⁷⁵ OECD, *How's Life: Measuring Well-being*, translated by Hong Man et al. (Beijing: Xinhua Publishing House, 2012), 184.

society, any individual inevitably has a connection with his or her organization, community, and neighbors, and the matters arising thereof in the public sphere also require civic engagement. “Beginning with the ancient world, the concept of the person has been understood, in both philosophy and law, as the concept of someone who can take part in, or who can play a role in, social life, and hence exercise and respect its various rights and duties. Thus, we say that a person is someone who can be a citizen, that is, a fully cooperating member of society over a complete life.”⁷⁶ Why a person is called a member of society? That is because even if a person has no political interest in participating in the management of the state and society, dealing with the adjustment of interests between him and others is indispensable in daily life. In everyday life, when people discuss and communicate on matters of common concern, a public sphere is created. For instance, questions such as how to appropriately administer the community and whether the system of an organization is reasonable are all closely related to people’s happiness. Undoubtedly, they are also practical problems that concern people. It is precisely because the people rely on democracy in their daily lives that they can enjoy the right to know, the right to participate, the right to manage, and the right to supervise as the masters of their communities and organizations and realize their ideals and aspirations to participate in political and public affairs, thus laying a sound institutional foundation for the realization of a happy life.

III. The Right to Pursue Happiness is the Most Significant Basic Human Right

Happiness is the purpose of life, and life is the basis of human rights, so the right to pursue happiness as a basic human right has its necessity and legitimacy. The United States’ *Declaration of Independence* was the first time in human history that the right to pursue happiness was included in a constitutional document. As one scholar stressed, “Perhaps the single most powerful thought in American history is the concept of freedom. The *Declaration of Independence* was precisely for the sake of life, liberty, and the pursuit of happiness, and the Constitution was also formulated and adopted for the sake of the happiness of freedom.”⁷⁷ This concept has exerted a profound impact on judicial practice in the United States. In 1867, Justice Field of the US Supreme Court pointed out that the clause of due process under the 14th Amendment could be used to interpret the protection of natural rights in pursuit of happiness. In his view, the American political system is based on the theory that every person has certain inalienable rights — including the rights to life, liberty, and the pursuit of

⁷⁶ J. Rowls, “Freedom and Justice,” translated by Liao Shenbai, *Market Society and Public Order*, edited by Liu Junning et al (Beijing: SDX Joint Publishing Company, 1996), 310.

⁷⁷ James M. Burns et al., *Government by the People*, translated by Lu Zhenlun et al. (Beijing: China Social Sciences Press, 1996), 30.

happiness. In the pursuit of happiness, all people, regardless of their honor and position, enjoy equal opportunities, and the law gives equal protection to these rights. Twenty-one years later, he reaffirmed the importance of natural rights, and regarded the Fourteenth Amendment as something necessary to respect and protect such rights. He believed that every person is born to enjoy the right to pursue a happy life that doesn't conflict with the equal rights of others. The right to pursue individual happiness has been recognized by The *Declaration of Independence* as one of the inalienable rights of human beings, and it does not derive from the monarch or emperor, nor from the charity of legislature or constitutional bodies, but from the creator of mankind. People form governments only to protect their right to happiness, not to recognize it. For this reason, he reiterated that the term "right to liberty" in the Constitution should be interpreted as the right to pursue happiness: "The right to liberty used thereof has a broader meaning than freedom from physical coercion or imprisonment. It means not only that people can act freely, but also that they can act in their best interests that they believe are not to conflict with the equal rights of others. In other words, the pursuit of the best fit for the development of their talents and the happiest enjoyment."⁷⁸ The assertion that the right to pursue happiness is a basic human right is echoed by Japanese scholar Urabe Noriho, who emphasized: "Human rights are of the most essential value as the rights indispensable for human existence and dignity. They are always premised on the actual situation of oppression, and opposed to the public power of the state and the power of social entities. No matter how human rights are interpreted in the Constitution, all rights that are indispensable to human existence shall be fundamental human rights. The most representative of these is the 'right to pursue happiness,' which includes personal reputation, personal privacy, and personal decision-making."⁷⁹ On this basis, the right to pursue happiness is not only a basic human right, but also the most representative right of basic human rights.

Simply put, the connotation of the right to pursue happiness can be understood as every member of society has the right to pursue a happy life, and this right belongs to the category of natural rights, which can be neither restricted nor alienated. However, in contemporary society, the right to pursue happiness also has the attribute of social rights, which means that the state must provide assistance for people to live a happy life through payments and guarantees. Scholars have contrasting views on whether this right can be regarded as an independent right in law. Some scholars hold that "the right to

⁷⁸ C. J. Autieau, *Constitutional Construction: A Guide to the Principles and Their Application*, translated by Li Jianfei (Beijing: China University of Political Science and Law Press, 1994), 122-123.

⁷⁹ Urabe Noriho, "General Theory of Basic Human Rights," *Western Theories on Human Rights (II)*, translated by Wu Shuchen, edited by Shen Zongling and Huang Nansen (Chengdu: Sichuan People's Publishing House, 1994), 71.

pursue happiness should be regarded as an independent basic right,”⁸⁰ while others emphasize that the right to pursue happiness is only a general and recapitulative right that serves as the basis for new human rights that are not enumerated in the constitution. In other words, it is only necessary to apply the right to pursue happiness “in cases where individual human rights are not applicable.”⁸¹ According to this theory, the right to pursue happiness is mainly used to derive a new type of human right, that is, whether a certain type of right claim can be finally determined as a new type of right must be related to people’s pursuit of happiness. But objectively speaking, both of these views are problematic. The right to pursue happiness is certainly not an independent basic right, because people’s pursuit of happiness covers all aspects of their survival, life and livelihood, and many rights such as personal rights and property rights have long been stipulated in the constitution and laws. Nor should the right to pursue happiness be established as a general, recapitulative right that is only used to derive emerging rights. The right to pursue happiness is a kind of collective “container” of rights, which can be used to include not only the rights that previously involved people’s pursuit of a happy life, but also the rights that continue emerging alongside people’s ever-growing expectations for a happy life.

Based on this understanding, the right to pursue happiness can be positioned from the following four aspects:

First, the right to pursue happiness is a form of right dominated by individuals. This positioning is intended to illustrate that there is no “standard” for “a happy life,” and that all happy lives originate from the unique feelings and experiences of each member of society; There is no “unified” happy life,” and neither the state, nor society, nor others can force people to accept a preset mode of the so-called “happy life.” As Kant said, “Man’s freedom as a human being, as a principle for the constitution of a commonwealth, can be expressed in the following formula. No one can compel me to be happy in accordance with his conception of the welfare of others, for each may seek his happiness in whatever way he sees fit, so long as he does not infringe upon the freedom of others to pursue a similar end which can be reconciled with the freedom of everyone else within a workable general law — i.e. he must accord to others the same right as he enjoys himself.”⁸² This is true for others, and especially for the state and society. In the original sense, the right to pursue happiness is a defensive right

⁸⁰ Sung Nak-in, *Introduction to the Korean Constitutional Law*, translated by Han Dayuan and Cai Yonghao (Beijing: Intellectual Property Publishing House Co., Ltd., 2022), 311.

⁸¹ Nobuyoshi Ashibe, *Constitution (6th edition)*, revised by Kazhiyouki Takahashi, translated by Lin Laifan, Ling Weici and Long Xuanli (Beijing: Tsinghua University Press, 2018), 92-93.

⁸² Immanuel Kant, “On the Common Saying” (1793), quoted from Manfred Nowak’s *Introduction to the International Human Right Regime*, translated by Liu Huawen (Beijing: Peking University Press, 2010), 11.

that excludes the intervention of the state and society, which does not allow external entities such as the state and society to impose their views on happiness or a good life. And in the strict sense, happiness in the true sense can only be achieved on the basis of freedom, autonomy and self-reliance. Life means “living a life,” and everyone has the right to choose different lifestyles according to their own value preferences and life interests, to pursue and experience their own happy life. If, conversely, people are only allowed to live one standard life set by the state or society, then individuals will not be able to achieve a happy life, and society will lose the diversity of living and ultimately smooth out the unique personality of individuals. In this regard, it is necessary to keep in mind Mill’s admonition: “There should be different experiments of living; that free scope should be given to varieties of character, short of injury to others; and that the worth of different modes of life should be proved practically, when any one thinks fit to try them. It is desirable, in short, that in things which do not primarily concern others, individuality should assert itself. Where, not the person’s own character, but the traditions or customs of other people are the rule of conduct, there is wanting one of the principal ingredients of human happiness, and quite the chief ingredient of individual and social progress.”⁸³ Individuality is essential for life, and creation is crucial for happiness. Only by allowing all members of society to have the right to pursue happiness, to be able to independently manage their own lives, and to arrange their own livelihoods, can it be possible to provide institutional support for people’s well-being. In addition, “an autonomous person can take control of his own life. Many constitutional rights... give individuals a discretionary sphere free of the state’s domination and manipulation, empowering them to independently make the basic choices about their own life. Thus, individual rights provide the legal basis for an independent and autonomous human society. A society that promotes an autonomous life and an individual-oriented society is one of the motivators behind the enshrinement of individual rights in the constitution.”⁸⁴ In other words, the ultimate goal of constitutional regulation of individual rights is to enable people to live an “autonomous life” and to label their ideal and happy life with their own unique mark.

Second, the right to pursue happiness is a form of right that everyone can enjoy. In modern society, all are equal before the law. Everyone has the same legal status and legal rights as others. The right to pursue happiness is also a form of right that all members of society can enjoy equally. In fact, the yearning for happiness is the inner psychological desire of every person, and life is a course that everyone has to go through, so the right to pursue happiness as a

⁸³ John S. Mill, *On Liberty*, translated by Cheng Chonghua (Beijing: The Commercial Press, 1959), 60.

⁸⁴ Robert D. Cooter, *The Strategic Constitution*, translated by Zhang Xiaoping (Beijing: Law Publishing House, 2021), 338.

universal human right has its inevitability and rationality. Marshall pointed out that “the welfare demands of individuals are sacred, inalienable, and have the feature of a natural right... The *Declaration of Independence* regards the rights to “life, liberty and the pursuit of happiness” as people’s inherent and inalienable rights. This text implicitly suggests the importance of welfare. Happiness is a positive concept and is closely related to welfare, but citizenship in the welfare state means not only the right to pursue welfare, but also the right to access it, even if the pursuit of such access is not too eager.”⁸⁵ To ensure everyone lives a happy life, it is necessary to implement the principle of substantive equality of opportunity, so that everyone can pursue happiness while enjoying it in reality. However, we must face up to the fact that in contemporary society, whether in China or abroad, opportunities are not completely equal to all members of society, and social exclusion, discrimination, and institutional obstacles hinder the realization of people’s pursuit of happiness on equal footing. Taking the relationship between rural and urban areas as an example, General Secretary Xi Jinping stressed, “It is necessary to speed up the reform of the household registration system, improve the system of equal employment for urban and rural workers, gradually enable the rural population who no longer engage in agricultural activities to move and integrate into cities by finding employment or starting there, safeguard the legitimate rights and interests of migrant workers, and ensure both urban and rural workers enjoy equal rights to employment.”⁸⁶ It must also be noted that as far as happiness is concerned, we often use public happiness to limit and replace personal happiness. This, to some extent, hollows out the fact that every individual is working hard to maintain his own survival, manage his own life, and arrange his own livelihood. In short, a happy life is not an empty slogan or an abstract goal. Instead, it means a good life that every member of society can experience and enjoy. The right to pursue happiness is to ensure that everyone can seek and design their own interests and lifestyles according to the requirements of universal human rights.

Third, the right to pursue happiness is a form of right guaranteed by the state. In general, the right to pursue happiness has the dual attributes of negative rights and positive rights. In the first development stage of the right to pursue happiness, it appears more in the form of a negative right, emphasizing that people’s efforts, arrangements, and planning for their own survival, life, and livelihood are inherent natural rights, and are not subject to interference from the state, society, and other people. The state can neither “design” people’s lifestyles

⁸⁵ T. H. Marshall, “Social Selection in the Welfare State,” *Citizenship and Social Class*, edited by Guo Zhonghua and Liu Xunlian (Nanjing: Jiangsu People’s Publishing House, 2007), 62.

⁸⁶ Xi Jinping, “Speech at the 22nd Group Study Session of the Political Bureau of the 18th CPC Central Committee” (April 30, 2015), in *Excerpts from Xi Jinping’s Discourses on the Work Related to Agriculture, Rural Areas and Farmers*, compiled by the Institute of Party History and Literature of the CPC Central Committee (Beijing: Central Party Literature Press, 2019), 35.

with a unified standard of happiness, nor can it interfere with people's understanding and pursuit of their own lifestyle and living interests. However, in contemporary society, the right to pursue happiness is also embodied in the constitutions and laws of many countries as an important form of positive rights. This means in the process of realizing this right, the government must provide assistance for its people to live a happy and beautiful life. To this end, "the state shall bear the burden of creating an environment suitable for protecting the dignity of individuals and promoting the development of personality, including the protection of basic social security, in which individuals may live freely; It must also actively provide a variety of payments and opportunities to ensure that everyone pursues a happy life."⁸⁷ In other words, the state should not interfere in people's design and arrangement of their own happy life, but has the obligation and responsibility to support every member of society to live a happy life. This isn't difficult to understand: People form a state basically to be able to live a better life; Although people's happiness mainly depends on their own labor and creativity, the subjective efforts of individuals are only a necessary yet not sufficient condition for achieving a happy life. The abilities of different people are not exactly the same, and it is difficult for everyone to access equal opportunities. Moreover, the fates of people are changeable and unpredictable, and no one can ensure that they will not encounter risks and disasters in their lives. Once a misfortune accident befalls an ordinary member of society, it will become an unbearable burden on his life. For this reason, an institutional arrangement must be recognized: If people lack the ability, have limited opportunities, or encounter risks in the pursuit of happiness, it is necessary for the state to designate rights for people to request and demand accordingly. "The state must make it a prerequisite that all its citizens share equally in the benefits in the exercise of its powers. But, to achieve this goal... there needs to be a system of rights that is considered necessary for citizens to live a good life."⁸⁸ Broadly speaking, there are four main types of rights to support people's well-being in modern society: First, the right to social welfare. For example, the state improves people's well-being through the provision of resources such as education, housing, and public services; Second, the right to social safety, that is, enabling people to live in a peaceful and secure environment through maintaining social stability and safeguarding social order; Third, the right to social security, that is, the state establishes unemployment insurance, medical insurance and other systems to provide the basic guarantees to ensure the livelihood of those who encounter risks and difficulties; Fourth, the right to

⁸⁷ Li Mengrong, "The Constitutional Basis of the Welfare State: A Study on the Conflict of Its Basic Rights," *Jurisprudence Series — In Memory of Professor Yang Riran*, edited by the Editorial Committee of Professor Yang Riran's Memorial Essays (Taipei: Yuedan Publishing House Co., Ltd., 1997), 236.

⁸⁸ Harold J. Laski, *The State in Theory and Practice*, translated by Wang Zaoshi (Beijing: The Commercial Press, 1959), 45-46.

social assistance, that is, providing legal assistance, such as living assistance, legal aid, etc., to the vulnerable groups who are unable to maintain normal living standards or find it difficult to protect their rights due to lack of relevant conditions.

Fourth, the right to pursue happiness is a collective right cluster rather than a single right type. The wide scope of life and the diverse elements of happiness lead to abstract and ambiguous understandings of the right to pursue happiness. We have previously denied the idea that the right to pursue happiness is an independent type of right, because it involves the entire process of life and contains people's various understandings of happiness, so it can only be a collective cluster of rights. The OECD report put forward 11 indicators for measuring people's well-being. In terms of material living standards, the requirements of well-being include: (1) income and wealth; (2) jobs and earnings; (3) housing conditions. In terms of living quality, the requirements of well-being include: (1) health status; (2) work and life balance; (3) education and skills; (4) civic engagement and governance; (5) social connections; (6) environmental quality; (7) personal security; (8) subjective well-being.⁸⁹ The aforementioned conditions for well-being, if translated into the discourse of human rights or rights, include the right to property, the right to labor, the right to adequate housing, the right to health, the right to education, the right to learn, the right to participate, the right to socialize, the environmental right, the right to security, etc. Furthermore, this does not involve the pleasure and happiness that people can obtain from participating in political activities and wielding political talents. As some American scholars have noted, with the broadened interpretation of the terms "liberty" and "property," the scope of the right to happiness has been greatly expanded to include "individuals' right to enter into a contract, right to engage in any ordinary occupation of life, right to acquire useful knowledge, right to marry, right to establish a family and raise children, right to believe in God based on one's own conscience, and right to generally enjoy customary privileges that have long been recognized as essential for the peaceful pursuit of the happiness as a free person."⁹⁰ A South Korean scholar has also mentioned that the right to pursue happiness "includes not only the right to freedom of general action, the right to free development of individuality, the right of decision by oneself, the freedom of signing contracts, the right to be free of physical harm, and the right to peaceful existence, but also the right to life, the right to rest, the right to sleep, the right to sunshine, the right to exercise, etc."⁹¹

⁸⁹ OECD, *How's Life: Measuring Well-being*, translated by Hong Man et al. (Xinhua Publishing House, 2012), 8-9.

⁹⁰ James M. Burns et al. *Government by the People*, translated by Lu Zhenguan et al. (Beijing: China Social Sciences Press, 1996), 210.

⁹¹ Sung Nak-in, *Introduction to the Korean Constitutional Law*, translated by Han Dayuan and Cai Yonghao (Beijing: Intellectual Property Publishing House Co., Ltd., 2022), 311-312.

In terms of emerging rights deriving from the right to pursue happiness, some Japanese scholars interpreted them as the right to privacy, the environmental right, the right to sunshine, the right to a quiet life, the right to look, the right to access coastal beaches, the right to be averse to smoking, the right to health, the right to the access and use of the media, and the right to peaceful existence.⁹² In short, the right to pursue happiness is the sum of all rights necessary for people to maintain subsistence, arrange their lives, plan their livelihood, and pursue well-being. From the perspective of the domains of life, they can be roughly divided into the right to pursue happiness in one’s private life, the right to pursue happiness in political life, and the right to pursue happiness in social life. In general, people’s right to pursue happiness in their private lives is more manifested as a type of negative right, emphasizing the prevention of interference and impediment from the state; The right to pursue happiness in social life is more like a positive right in connotation, requiring the state to provide support and assistance for the realization of people’s well-being; The right to pursue happiness in political life combines the attributes of both negative and positive rights. For one thing, it requires the state not to restrict people’s freedom of speech and the press, and for another, it requires ensuring equal opportunities for people to participate in political life, express themselves and fulfill their values.

Conclusion

Happiness is the purpose of life, and a happy life is the basis of human rights, so the right to pursue happiness has naturally become people’s most important human right, among other rights. In particular, the right to pursue happiness, as an open form of rights, can not only include the rights related to people’s happiness in the past, but also accommodate more types of rights necessary for people’s needs for a happy life in view of the development of society in the future. Therefore, the important proposition that “People’s happiness is the ultimate human right” is grounded on profound legal principles, with proven accuracy, legitimacy and rationality in theory. It also points out the way forward for the development of human rights. In the final analysis, the expansion of the content and scope of all human rights must be based on the people’s aspiration for a happy life; Only those rights that can contribute to people’s happiness are realistic and meaningful human rights. In particular, it should be noted that the CPC and the Chinese government regard the people’s happiness as the ultimate human right. This contains a lofty value pursuit, mission, and responsibility, which means that the Party and the state regard meeting the people’s expectation for a happy life as their own mission and goal. As General Secretary Xi Jinping has repeatedly emphasized, “Our people have an ardent love for life. They wish

⁹² Nobuyoshi Ashibe, *Constitution (6th edition)*, revised by Kazhiyouki Takahashi, translated by Lin Laifan, Ling Weici and Long Xuanli (Beijing: Tsinghua University Press, 2018), 93-94.

to have better education, more stable jobs, more income, greater social security, better medical and health care, improved housing conditions and a better environment. They want their children to have sound growth, have good jobs and lead a more enjoyable life. To meet their desire for a happy life is our mission.”⁹³ This is a solemn declaration of the Party’s ruling policy and a solemn commitment to all Chinese people. This is an extension of the people-centered concept of China as a socialist country, and the right choice of the Chinese path of human rights development. It will definitely lead the international human rights cause to move forward in the direction of satisfying people’s needs for a better life and injecting momentum into the pursuit of a happy life for the members of human society.

(Translated by *LIU Haile*)

⁹³ Xi Jinping, “The People’s Wish for a Good Life Is Our Goal” (November 15, 2012), in *Excerpts from Xi Jinping’s Discourses on Socialist Construction*, compiled by the Institute of Party History and Literature of the CPC Central Committee (Beijing: Central Party Literature Press, 2017), 3-4.