An Analysis of the Human Rights Ideology in Ancient China's Concept of "Upholding Virtue and Exercising Caution in Punishment"

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Abstract: *"Upholding Virtue and Exercising Caution in Punishment" (Ming De Shen Fa in Chinese pinyin) is one of the core governance philosophies in ancient Chinese politics. This principle was explicitly proposed by Zhou Gongdan, a renowned statesman of the early Zhou Dynasty, though its intellectual roots can be traced back to the Yao and Shun periods. Although this principle might not be fully recognized by the rulers of the exploiting class throughout history due to their own limitations, the political ideas and rich connotations behind it, especially as a mature governance concept formed by ancient Chinese politicians more than 4,000 years ago, undoubtedly is of high academic value and theoretical and practical significance. Objectively, this principle has also had a profound impact on the political and legal thinking, moral values, and promotion of social legal civilization in later generations. The analysis and discussion around this concept will play a positive role in the in-depth study of ancient China's human rights concepts and the construction of contemporary Chinese discourse system of human rights. This article attempts to provide a preliminary summary, collation, analysis, and research from the perspective of political philosophy on the basic meaning, ideological context, and historical origin of social understanding of this concept, especially the human rights ideas contained therein.*

Keywords: upholding virtue and exercising caution in punishment ♦ ancient China's human rights concepts ♦ social and historical origin

"Upholding Virtue and Exercising Caution in Punishment" (Ming De Shen Fa in Chinese pinyin) is a core governance philosophy in ancient Chinese political thought, with a history spanning thousands of years. It embodies a rich tradition of human rights concepts unique to China. An in-depth study of this philosophy is crucial for understanding ancient China's long-standing human rights concepts, shaping the contemporary Chinese discourse system of human rights, and advancing China's own path of human rights development.

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I. The Philosophy of "Upholding Virtue and Exercising Caution in Punishment" and Its Introduction

"Upholding Virtue and Exercising Caution in Punishment" was a fundamental philosophy in ancient Chinese political thought. It played a crucial role in governing society and continuously evolved in meaning over time as society developed. Based on historical political practices in China, this philosophy carries several key implications.

First, virtue should be upheld.

Ancient Chinese politicians believed that the reason past kings were able to govern society effectively and receive divine protection was primarily their own strong political character. For example, the opening of the *Book of Documents: Canon of Yao* praises Emperor Yao's (Yao is one of the legendary Five Emperors) virtue: "Examining into antiquity, we find that Emperor Yao was styled Fang-xun. He was reverential, intelligent, accomplished, and thoughtful — naturally and without effort. He was sincerely courteous, and capable of all complaisance. The bright influence of these qualities was felt through the four quarters of the land, and reached to heaven above and earth beneath. He made the able and virtuous distinguished, and thence proceeded to the love of all in the nine classes of his kindred, who thus became harmonious. He also regulated and polished the people of his domain, who all became brightly intelligent. Finally, he united and harmonized the myriad states; and so the people were transformed. The result was universal concord."[1] This highlights Emperor Yao's virtue in two aspects. First, it praises his four moral qualities — reverential, intelligent, accomplished, and thoughtful, and that he was courteous, and capable of complaisance. It shows that Emperor Yao was able to inherit the achievements of his predecessors and spread his teachings, maintaining constant reverence and great wisdom. When he acted, he did so with strategic planning, and when he contemplated, he was able to think with clarity and agility. With the four moral qualities, he brought stability to the world where it was needed. In his external interactions, he was trustworthy, respectful, diligent, and adept at humility, earning the respect of the world. His sage virtue and noble reputation spread far and wide, making his name renowned throughout the land. Second, it acknowledges Emperor Yao's ability to promote exceptional virtue and appoint virtuous and capable individuals to high positions, rewarding them generously and utilizing their talents to help govern society. This, in turn, fostered harmony within the royal family, unity among the states, and a peaceful and orderly society. Other historical figures were similarly praised for their virtue. Emperor Shun (one of the legendary Five Emperors) of the Yu Dynasty (the dynasty preceding the Xia Dynasty in legend) was praised: "His father was obstinately unprincipled; his mother was insincere; his brother was arrogant.

[1] Kong Anguo's sub-commentary, Kong Yingda's correct interpretation, *Correct Interpretation on the Book of Documents (Shangshu Zhengyi)* (Shanghai: Shanghai Ancient Books Publishing House, 2007), 34-37.

However, he has been able, by his filial piety, to live in harmony with them, and to lead them gradually to self-government, so that they no longer proceed to great wickedness." King Tang of the Shang Dynasty (c. 1600 BC-1046 BC) was celebrated for his "valor and prudence," and his ability to "serve as a sign and director to the myriad regions, and to continue the old ways of Da Yu." He was praised: "Our king did not approach to (dissolute) music and women; he did not seek to accumulate property and wealth." "To great virtue, he gave great offices, and to great merit great rewards." "He was not slow to change his errors." "Rightly indulgent and rightly benevolent, from the display, (of such virtue), confidence was reposed in him by the millions of the people."[2] "He completed his royal virtue and revered his chief ministers so that his managers of affairs respectfully discharged their helping duties." "He sought to make his virtue illustrious, and duly attended to the sacrifices."[3] King Wen of the Zhou Dynasty (1046 BC-256 BC) was praised: "He diligently employed his illustrious virtue, and produced such attachment by his cherishing (of the princes), that from all the states they brought offerings, and came with brotherly affection from all quarters."[4] "Admirably mild and beautifully humble, he cherished and protected the people, and showed a fostering kindness to the wifeless men and widows. From morning to mid-day, and from mid-day to sundown, he did not allow himself leisure to eat; thus seeking to secure the happy harmony of the myriads of the people." "He did not dare to go to excess in his excursions or his hunting, and from the various states he would receive only the correct amount of contribution."[5]

Ancient Chinese politicians believed that the past kings highly valued moral cultivation, as seen in their emphasis on promoting ethical education and using moral principles to guide, regulate, and govern society. For example, Emperor Yao upheld the "five cardinal duties," which emphasized righteousness in fathers, kindness in mothers, friendliness in elder brothers, respectfulness in younger brothers, and filial piety in children. Emperor Shun diligently practiced these duties, appointing eight talented officials to spread them across the land, ensuring that "they came to be universally observed." After ascending the throne, Emperor Shun continued Emperor Yao's commitment to moral governance. "He sacrificed specially, but with the ordinary forms, to Shangdi (the supreme deity worshiped in ancient China); sacrificed with reverent purity to the Six Honored Ones; offered their appropriate sacrifices to the hills and rivers; and extended his worship to the host of spirits." He believed that it is important to "give honor to the virtuous, and your confidence to the good, while you discountenance the artful." He refined the five ceremonial rites (for nobles of different ranks including dukes, marquises, earls, viscounts, and barons), clarified the five orders of relationship (righteousness

[2] Ibid., 292.
[3] Ibid., 555 and 621.
[4] Ibid., 567.
[5] Ibid., 634.

in fathers, kindness in mothers, friendliness in elder brothers, respectfulness in younger brothers, and filial piety in children), and promoted the five ethical teachings (affection between father and son, righteousness between ruler and minister, distinction between husband and wife, order between elder and younger, and trust between friends). To address social issues where "the people are still wanting in affection for one another, and do not docilely, observe the five orders of relationship," he governed with benevolence and fairness. He also appointed Kui (a famous ancient music official) as the director of music, entrusting him with the education of noble youth, "so that the straightforward shall yet be mild; the gentle, dignified; the strong, not tyrannical; and the impetuous, not arrogant." During the Yao and Shun periods (more than 4,100 years ago), the renowned minister Gao Yao championed the "nine virtues," which means "affability combined with dignity; mildness combined with firmness; bluntness combined with respectfulness; aptness for government combined with reverent caution; docility combined with boldness; straightforwardness combined with gentleness; an easy negligence combined with discrimination; boldness combined with sincerity; and valor combined with righteousness." Gao Yao believed that "When there is a daily display of three (of these) virtues, their possessor could early and late regulate and brighten the clan (of which he was made chief). When there is a daily severe and reverent cultivation of six of them, their possessor could brilliantly conduct the affairs of the state (with which he was invested). When (such men) are all received and advanced, the possessors of those nine virtues will be employed in (the public) service. The men of a thousand and men of a hundred will be in their offices; the various ministers will emulate one another; all the officers will accomplish their duties at the proper times."[6] This era emphasized moral principles such as "governing a state without indulgence," "carefully maintaining the throne," "full of toilsome earnestness in the service of the country, and sparing in your expenditure on your family, and this without being full of yourself and elated you" and "avoiding arrogance and boastfulness."

Second, extravagance, debauchery, excessive indulgence, greed, and tyranny should be condemned and opposed.

Ancient Chinese politicians believed that if a dynasty's ruler became extravagant, corrupt, and tyrannical, failing to "uphold virtue and exercise caution in punishment," the dynasty was doomed to collapse. For example, according to the *Book of Documents*, King Tai Kang, the son of King Qi of the Xia Dynasty (c. 2070 BC-1600 BC), lost his throne because he neglected his duties and indulged in leisure and pleasure. The text states: "Tai Kang occupied the throne like a personator of the dead. By idleness and dissipation, he extinguished his virtue." "He pursued his pleasure and wanderings without any self-restraint. He went out to hunt beyond the Luoshui River, and a hundred days elapsed without his returning." "The people all wavered in their allegiance." (On this) Hou Yi, the

[6] Ibid., 146-149.

leader of the Youqiong clan, taking advantage of the discontent of the people, resisted (his return) on (the south bank of) the river." Similarly, King Jie of the Xia Dynasty ruled with cruelty and debauchery, disregarding virtue and using military force to oppress the people. Unable to endure his tyranny, the people supported Cheng Tang (the first king of the Shang Dynasty) in launching a campaign to overthrow the Xia Dynasty. King Zhou of the Shang Dynasty was even worse. According to the *Records of the Grand Historian (Shiji)*, he "indulged in wine and women." "He increased the taxation in order to fill the Lutai Palace with money, and to store the Juqiao granary. He made a collection of dogs, horses, and curiosities, with which he filled his palaces; and enlarging his parks and towers at Shaqiu, (he) procured numbers of wild beasts and birds and put them therein." He had drinking bouts the whole night long. "He increased the severity of his punishments, instituting the punishment of roasting." In response, King Wu of the Zhou Dynasty led allied forces against him, "cut off the tyrant's head and exhibited it on a pole."[7]

Certain unethical behaviors were publicly condemned, such as "insincerity," "propensity to dispute," "being deceitful," "appearing respectful," "actually being arrogant," "perverseness," "obstinately stupid and calumniating talks," "indolence and dissipation," "a proud oppressive course," and "introducing licentious associates into the family" of Dan Zhu (Yao's eldest son), Gong Gong (a minister under the rule of Yao), and Gun (Da Yu's father).

Third, "promoting exceptional virtue" means upholding virtue as the fundamental standard for selecting and appointing officials.

In ancient China, "virtue" and "lack of virtue" were used as the criteria for determining whether someone was wise and capable of holding office. The *Book of Documents* records a brief account of Emperor Yao selecting officials based on virtue and his evaluations of specific candidates. For example, when Minister Fangqi recommended Yao's son Dan Zhu, Emperor Yao rejected him, believing that Dan Zhu was stubborn, untrustworthy, and prone to disputes — making him unfit for an important position. Similarly, when Minister Huan Dou recommended Gong Gong, Emperor Yao acknowledged Gong Gong's competence and effectiveness but criticized him for being deceitful, and appearing respectful while actually being arrogant. Due to these character flaws, Emperor Yao deemed him unsuitable for office. Emperor Yao also judged Gun based on moral grounds, describing him as rebellious and lawless, frequently violating regulations and endangering his own people.[8]

Emperor Yao's most representative act of "promoting exceptional virtue" was selecting Shun of the Yu Dynasty, a man of humble origin but great virtue, as his

[7] Sima Qian, *The Records of the Grand Historian (Shiji)*, vol. 1 (Beijing: Zhonghua Book Company, 1959), 105-108.

[8] Kong Anguo's sub-commentary, Kong Yingda's correct interpretation, *Correct Interpretation on the Book of Documents (Shangshu Zhengyi)*, 51.

successor. He was actively seeking out worthy individuals and recognizing hidden talent. The people recommended Shun — a commoner and widower — despite his difficult family background. Shun was raised in a household where "his father was obstinately unprincipled, his mother was insincere, and his brother was arrogant." However, "he was able, by his filial piety, to live in harmony with them, and to lead them gradually to self-government, so that they no longer proceed to great wickedness." "He was profound, wise, accomplished, and intelligent. He was mild and courteous, and truly sincere." After further evaluating Shun, Emperor Yao confirmed that he was a man of exceptional virtue who could govern with righteousness and bring security to the people. He entrusted Shun with administrative duties and tested his abilities in various challenges. "Shun carefully set forth the beauty of the five cardinal duties, and they came to be universally observed. Being appointed to be General Regulator, the affairs of every official department were arranged in their proper seasons. Being charged to receive the princes from the four quarters of the land, they were all docilely submissive. Being sent to the great plains at the foot of the mountains, notwithstanding the tempests of wind, thunder, and rain, he did not go astray."[9] Recognizing his exceptional leadership and governance skills, Emperor Yao ultimately abdicated the throne in his favor to Shun.

Fourth, when both virtue and punishment are employed, great evils will be eradicated.

Ancient Chinese politicians believed that "the emperor's virtue is vast and incessant. It is sagely, spirit-like, awe-inspiring, and adorned with all accomplishments."[10] They held that "Heaven graciously distinguishes the virtuous" and "Heaven punishes the guilty," emphasizing that punishment was a divine instrument used to bring justice to wrongdoers — what they called "Heaven's punishment." Emperor Shun proposed that "those who transgressed presumptuously and repeatedly were to be punished with death." He insisted that those who committed serious crimes and showed no remorse must be punished. He exiled Gong Gong to Youzhou, banished Huan Dou to Mount Chong, drove the Sanmiao tribe to Mount Sanwei, and held Gun a prisoner untill death on Mount Yu, so "all under heaven acknowledged the justice of Shun's administration." Throughout Chinese history, rulers carried out similar punishments in the name of Heaven's will. Qi of the Xia Dynasty waged war against the Youhu clan, the marquis of the Yin vassal state fought against the Xihe tribe, King Tang of the Shang Dynasty overthrew the tyrant Jie of the Xia Dynasty, and King Wu of the Zhou Dynasty defeated the King Zhou of the Shang Dynasty. These actions were seen as "respectfully executing the punishment appointed by Heaven," enforcing divine justice. The Duke of Zhou (Zhou Gongdan), a key statesman of the Zhou Dynasty, believed that those who commit heinous commit crimes, "robbing,

[9] Ibid., 73.
[10] Ibid., 354.

stealing, practicing villainy and treachery," and who kill men or violently assault them to take their property; those who are unfilial, unbrotherly, and "greatly abhorred;" and those officials who are "disobedient to natural principles," disregard national laws, deceive the people, incite hatred against their rulers, and foster corruption should be "speedily put to death," insisting that justice be served without delay.[11]

Fifth, the state should be governed with virtue and punishments should not be imposed arbitrarily.

In the ancient classic the *Book of Documents*, there are concepts such as "illustrious virtue", "virtue of reverence," and "righteous virtue," as well as terms like "evil virtue," "cruel virtue," "tyrannical virtue," and "obscured virtue." This suggests that the meaning of "virtue" in the *Book of Documents* differs from how we understand it today. A key distinction in how the book uses the term "virtue" lies in attitudes toward law and punishment — whether governance is marked by protecting and caring for the people, administering justice with diligence, and applying laws with caution, or by cruelty, excessive punishments, and wrongful convictions. When Emperor Shun ascended the throne, he earnestly warned his officials to "let compassion rule in punishment," emphasizing the importance of caution and concern in their application. He insisted that punishments should fit the crime and that the law should not be abused.[12] His governance philosophy clearly reflected a careful and restrained approach to justice.

The concept of "Upholding Virtue and Exercising Caution in Punishment" was first introduced by the Duke of Zhou, according to historical records. Shortly after the establishment of the Zhou Dynasty, three inspectors (leaders of three vassal states) and Wu Geng (King Zhou's son) rebelled. The Duke of Zhou led a military campaign to suppress the rebellion, which took three years. After restoring order, he appointed Kang Shu (given name Feng, younger brother of King Wu) to govern the former Shang territory and rule over the Shang people. Before Kang Shu assumed his position, the Duke of Zhou gave him a set of admonitions, outlining key principles for maintaining governance and social order. At the beginning of this guidance, he introduced the concept of "Upholding Virtue and Exercising Caution in Punishment" as a fundamental governance philosophy.

The Duke of Zhou said, "Head of the princes, and my younger brother, little one, Feng, it was your greatly distinguished father, King Wen, who was able to illustrate his virtue and be careful in the use of punishments. He did not dare to treat with contempt even wifeless men and widows. He employed the employable, and revered the reverend; he was terrible to those who needed to be awed — so getting distinction among the people. Thus he laid the foundations of the sway of our small portion of the kingdom, and the one or two neighboring regions were brought under his improving influence, until throughout our western land all placed

[11] Ibid., 540-543.
[12] Ibid., 89.

in him their reliance. His fame ascended up to the Shangdi, and Shangdi approved. Heaven accordingly gave a grand charge to King Wen, to exterminate the great dynasty of Yin (Shang), and grandly receive its appointment, so that the various countries belonging to it and their peoples were brought to an orderly condition. Then your unworthy elder brother exerted himself; and thus it is that you Feng, the little one, are here in this eastern region."[13]

According to this, King Wen's approach to governance was based on the philosophy of "Upholding Virtue and Exercising Caution in Punishment." He upheld virtue-based education while being prudent in administering penalties. He protected the vulnerable, appointed virtuous and capable individuals to important positions, and showed respect to those of high moral character. He also firmly punished those who oppressed the common people. By practicing this philosophy and making it known to the people, he was able to establish and strengthen the small state of Zhou. His just rule gained the favor of Shangdi, and Shangdi bestowed upon him the great mandate to overthrow King Zhou of Yin (Shang) and govern the people.

After this, when the Duke of Zhou issued proclamations on behalf of King Cheng of Zhou (son of King Wu), he further emphasized that the reason King Tang of Shang was able to overthrow the Xia Dynasty and rise to power was that he practiced the philosophy of "Upholding Virtue and Exercising Caution in Punishment." He stated: "In the case indeed of Cheng Tang, it was because he was the choice of your numerous regions that he superseded Xia, and became the lord of the people. He prudently applied his punishments to educate the people. He governed his subjects with penalties to educate them. From him down to Emperor Yi (father of King Zhou), there was none who did not uphold virtue and use punishments cautiously to educate the people."[14] This extended the philosophy of "Upholding Virtue and Exercising Caution in Punishment" back to the Shang Dynasty.

If we analyze the concept of "upholding virtue" from a governance perspective, we can trace its origins back to the time of the Yellow Emperor (Huangdi), also named Xuanyuan. According to the *Records of the Grand Historian*, "in the time of Xuanyuan, the Shennong clan became enfeebled. The princes made raids on each other and harassed the people, but the Shennong clan could not chastise them. Chi You (legendary creator of metalworking and weapons), the fiercest of all, could not be subdued. So Xuanyuan exercised himself in the use of weapons of war, so as to be able to punish irregularities. The princes all came and did homage. Xuanyuan, who practiced virtue, marshaled his men, controlled the five elements, cultivated the five kinds of grain, pacified the nations, and went over all parts of his country. He trained black bears, grizzly bears, foxes, panthers, lynxes, and tigers." Ultimately, he fought with the Flame Emperor (Yan Emperor) in the desert

[13] Ibid., 532.
[14] Ibid., 669.

of Banquan, with Chi You at Zhuolu, and won. "The princes all agreed that Xuanyuan should be the Emperor in place of Shennong, under the title the Yellow Emperor."[15]

Due to the lack of historical records and further research, we have yet to find specific details on how the Yellow Emperor "exercised caution in punishment." However, for the reigns of Emperor Yao and Emperor Shun, historical texts provide insight not only into how they inherited and developed the Yellow Emperor's emphasis on "upholding virtue" but also into their clear governance principles and measures regarding "exercising caution in punishment." For instance, Emperor Shun introduced various practices related to punishment, emphasizing caution and the importance of moral education. He stressed the idea of "letting compassion rule in punishment." One notable measure was "exhibiting the statutory punishments" where the five common types of punishment were illustrated on objects to ensure that the general public was aware of them and could take heed. This can be seen as an early form of legal education and a means of warning the people. Scholar Kong Yingda in the Tang Dynasty (618-907) offered another interpretation of this practice, explaining that "symbols represent laws" and that "depicting punishments through symbols" meant "applying standard punishments within legal boundaries."[16] This reflects Emperor Shun's belief that punishments should be administered according to the law, ensuring that each crime received a fitting punishment without exceeding legal limits. This interpretation can also be regarded as an early form of legal governance, further demonstrating Emperor Shun's principle of "exercising caution in punishment." Emperor Shun also implemented the policy of "enacting banishment as a mitigation of the five punishments," which allowed those sentenced to the five major punishments to be granted leniency through exile. He also introduced three alternative punishments beyond the five major ones: flogging for officials, caning for disciplining students, and fines as a form of atonement. Compared to the traditional five punishments, these alternatives significantly reduced the severity and cruelty of punishments, embodying the principle of "exercising caution in punishment" in a concrete way.

Therefore, the early Zhou Dynasty's principle of "Upholding Virtue and Exercising Caution in Punishment" can be traced back to the Yao and Shun periods. This political philosophy evolved through the Xia, Shang, and Zhou dynasties, continuously developing and maturing. It had a profound influence on China's political traditions in later generations.

II. The Human Rights Implications of "Upholding Virtue and Exercising Caution in Punishment"

From the perspective of human rights philosophy, "Upholding Virtue and Exercising Caution in Punishment" carries profound meaning and forms an

[15] Sima Qian, *The Records of the Grand Historian (Shiji)*, vol. 1, 3.
[16] Kong Anguo's sub-commentary, Kong Yingda's correct interpretation, *Correct Interpretation on the Book of Documents (Shangshu Zhengyi)*, 88-89.

important part of China's human rights thought. The Duke of Zhou introduced this idea in the *Announcement to the Prince of Kang*, emphasizing principles such as "do not dare to treat with contempt even wifeless men and widows, employ the employable, revere the reverend, and be terrible to those who needed to be awed — so getting distinction among the people" and "deal reverently and intelligently in your infliction of punishments." These principles align with modern human rights values, which emphasize non-discrimination, respect for human dignity and life, protection of vulnerable groups such as the elderly, women, children, and people with disabilities, and opposition to excessive punishment while promoting good governance and just laws. The human rights concepts embedded in "Upholding Virtue and Exercising Caution in Punishment" are reflected in several key aspects.

A. "Upholding virtue" in "nurturing the people"

According to records from ancient texts such as the *Book of Documents* and the *Book of Changes*, the concept of "upholding virtue" was a core principle of governance during China's Xia, Shang, and Zhou dynasties. More importantly, ancient Chinese politicians combined it with good governance, emphasizing "nurturing the people" as a key principle and goal of "upholding virtue." This led to the clear articulation of the governing philosophy: "The virtue of the ruler is seen in his good governance, and that governance in the nurturing of the people."[17]

This philosophy expands the meaning of "virtue" because the concept of "good governance" not only includes the moral cultivation of rulers and officials but also encompasses political wisdom, administrative capability, and governance effectiveness. This also enriches the human rights implications of "upholding virtue" in two key ways: first, by emphasizing respect for and protection of life, ensuring the survival of the common people; and second, by guaranteeing and promoting their well-being, allowing them to live and thrive in peace. Thus, the idea of "the emperor's virtue is vast and incessant" means "it is sagely, spirit-like, awe-inspiring, and adorned with all accomplishments." It involves the "six treasuries" managing metal, wood, water, fire, and earth, as well as "the rectification of the people's virtue, the tools and other things that supply the conveniences of life, and the securing abundant means of sustentation." It also includes "observe the seasons in food production," "communicate to the people the seasons adapted for labor," "the earth has been reduced to order, and the influences of heaven produce their complete effect," "be kind to the distant, and cultivate the ability of the near," and "the barbarous tribes shall lead on one another to make their submission." Building on this foundation, ancient Chinese politicians further emphasized that rulers and officials should embody the "life-loving virtue," ensuring that "all people may live and thrive." They advocated appointing officials who genuinely worked to help the poor achieve security and prosperity, rather than

[17] Ibid., 126.

those who were greedy and sought personal gain. "A ruler will not employ those who are fond of, enriching themselves; but will use and revere those who are vigorously, yet reverently, laboring for the lives and increase of the people." "A ruler should foster the life of the people"[18] so "the people will preserve their possessions, and the throne will descend from generation to generation." Only when the people live in peace and security can a ruler maintain a lasting and prosperous reign.

B. "Do not oppress the friendless and childless": non-discrimination against the elderly, orphans, widows, and children

Emperor Shun once said, "To obtain the views of all; to give tip one's opinion and follow that of others; to keep from oppressing the helpless, and not to neglect the straitened and poor."[19] He urged officials to heed public opinion, protect the vulnerable, and support those in need. This philosophy was later upheld by the Shang and Zhou dynasties. For example, during the Shang Dynasty, King Pan Geng explicitly instructed his officials: "Do not despise the old and experienced, and do not make little of the helpless and young." Similarly, the *Book of Documents* records the "Great Plan with its nine divisions," which includes the principle of "do not oppress the friendless and childless." During the Zhou Dynasty, the Duke of Zhou advised Kang Shu, saying, "Your dynasty may continue for myriads of years, and your descendants always be the protectors of the people." He also told King Cheng to "be admirably mild and beautifully humble, cherish and protect the people, and show a fostering kindness to the wifeless men and widows." Furthermore, he cautioned against "punishing the guiltless, and putting the innocent to death."

C. "Complete virtue allows no contemptuous familiarity": respecting human dignity

This is first reflected in the respect for virtue and wisdom. Honoring virtuous and wise individuals has been a longstanding tradition in Chinese political practice. Ancient Chinese politicians generally believed that rulers needed the assistance of wise advisors to govern the country and manage society effectively. A common saying was, "As his legs and arms form the man, so does a good minister form the sage (king)." It was believed that only with capable advisors could a ruler achieve greatness, and that "the sovereign should share his government with none but worthy officers."[20] For example, King Tang of Shang was assisted by the wise minister Yi Yin, and in the early Zhou Dynasty, the Duke of Zhou played a crucial advisory role. A particularly notable case is that of King Wu Ding of the Shang Dynasty. When he ascended the throne, he lacked capable advisors and, as a result,

[18] Ibid., 362-363.
[19] Ibid., 123.
[20] Ibid., 376.

remained silent for three years. Later, following a vision in which he was shown an ideal minister, he searched across the land and eventually found Fu Yue, a wise man working as a builder in a place called Fuyan. Wu Ding appointed Fu Yue as his prime minister and revered him as a teacher, humbly "seeking his instructions morning and evening," demonstrating great respect for wisdom.

During the Shang and Zhou dynasties, politicians built upon the idea of respecting sages and further raised the issue of universal respect for all people. They believed that respect should not be limited to sages and gentlemen but should also extend to commoners, both men and women. For example, the Shang-Dynasty politician Yi Yin argued, "Do not think yourself so large as to deem others small. If ordinary men and women do not find the opportunity to give full development to their ability, the people's lord will be without the proper aids to complete his merit."[21] Similarly, the Zhou-Dynasty Grand Protector Duke of Shao explicitly stated the principle that "complete virtue allows no contemptuous familiarity," explaining that "when a ruler treats superior men with such familiarity, he cannot get them to give him all their hearts; when he so treats men, he cannot get them to put forth for him all their strength" and "by trifling intercourse with men, he ruins his virtue; by finding his amusement in things (of mere pleasure), he ruins his aims."[22] These ideas reflect an early recognition that only by respecting people can a ruler win their loyalty and ensure that everyone contributes to society. However, it is important to note that these discussions primarily stemmed from the ruling class's pragmatic and self-serving perspective. They did not lead to fundamental legal or ideological changes that truly institutionalized respect for human dignity.

D. "Carefully maintain the throne which you are to occupy": opposition to violations of civil rights

In ancient times, rulers sought to maintain their authority by opposing excessive indulgence and cruelty toward the people. They emphasized the need for governance that protected and benefited the people, urging officials to act with caution and integrity. This led to the principle of "carefully maintain the throne which you are to occupy, cultivating the virtues that are to be desired in you," which required officials to exercise their powers carefully and perform their responsibilities with respect. Corruption, abuse of power, and exploitation of the people were strictly prohibited, establishing ethical and moral standards for government officials. Emperor Shun's minister, Yi, stressed: "Do not go against what is right, to get the praise of the people. Do not oppose the people's wishes, to follow your own desires" and "attend to these things without idleness or omission."[23] During the Shang Dynasty, rulers demanded that ministers adhere to laws and fulfill their duties responsibly: "Attend respectfully to your business; have

[21] Ibid., 326.
[22] Ibid., 488-489.
[23] Ibid., 125.

the duties of your offices regularly adjusted; bring your tongues under the rule of law."[24] Indulgence in pleasure, neglect of duty, or dereliction of responsibility was strictly forbidden, with violators facing punishment.

E. Opposition to torture and cruelty

According to the *Book of Documents: Marquis of Lü on Punishments*, King Mu of the Zhou Dynasty believed that in ancient times, society had strong moral values. However, chaos arose when Chi You rebelled, affecting the common people. He established harsh punishments and abused severe penalties, leading to the wrongful execution of innocent individuals who had no way to appeal their cases. King Mu regarded Chi You's punishments as the "five punishments," a form of excessive brutality: "They would not examine into the circumstances of criminal cases and did not make the choice of good officers that should see to the right apportioning of the five punishments, but chose the violent and bribe-snatchers, who determined and administered them, so as to oppress the innocent."[25] He criticized the lack of proper investigation into the suffering caused by imprisonment and the failure to appoint morally upright officials to oversee the application of punishments. Instead, corrupt officials abused their power, exploited the people, and arbitrarily imposed severe penalties, bringing disaster upon the innocent.

King Mu believed that the "punishment of Bo Yi" was different from the brutal "five punishments" associated with Chi You. The "Bo Yi" mentioned here likely refers to the minister Bo Yi, who "assisted Emperor Yao by performing rituals for the gods."[26] After Emperor Shun succeeded Yao, he continued to appoint Bo Yi as the "Master of Rites," responsible for overseeing sacrifices and ancestral temple affairs, including the three major rites of offering, presenting, and worshiping the spirits.[27] The defining characteristics of the "punishment of Bo Yi" were "The ruler awed the people by the majesty of his virtue, and enlightened them by its brightness." King Mu believed that "Bo Yi delivered his statutes to prevent the people from rendering themselves obnoxious to punishment," and that "the Minister of Crime exercised among them the restraint of punishment in exact adaptation to each offense, and taught them to reverence virtue." He argued that "the officers who presided over criminal cases executed the law fearlessly against the powerful, and faithfully against the wealthy." According to Bo Yi's "lessons to avert punishments" and philosophy of administering justice, the goal was to create a well-governed society where "the greatest gravity and harmony in the sovereign, and the greatest intelligence in those below him, thus shining forth to all quarters of the land, all were rendered diligent in cultivating their virtue. Hence, if anything more were wanted, the clear adjudication of punishments effected the regulation

[24] Ibid., 348.
[25] Ibid., 779.
[26] See *Guoyu: Zheng Yu*.
[27] Kong Anguo's sub-commentary, Kong Yingda's correct interpretation, *Correct Interpretation on the Book of Documents (Shangshu Zhengyi)*, 105.

of the people, and helped them to observe the regular duties of life."[28] In other words, the ruler embodies virtue, officials uphold clarity, and justice shines in all directions, ensuring that all people diligently adhere to moral principles and that punishments are applied strictly according to the law. King Mu further introduced the concept of "exercising punishments wisely," emphasizing that in governing the people, it was crucial to handle and apply punishments with caution and to carefully deliberate on legal cases.

F. "Let the judges listen to the fivefold statements": fact-based conviction

Ancient Chinese politicians believed that handling cases required listening to multiple perspectives. King Mu of Zhou proposed the concept of "exercising punishments wisely," with the first requirement being a thorough examination of testimonies. Both parties in a lawsuit had to be present in court, and the judge had to carefully listen to their statements. "When both parties are present, with their documents and witnesses all complete, let the judges listen to the fivefold statements that may be made."[29] According to the *Rites of Zhou: Lesser Minister of Justice*, these five aspects were: "observe the speech, the facial expression, the tone of breath, the sound of the voice, and the look in the eyes." These elements were cross-checked to verify facts before applying legal penalties in accordance with the law, "adjusting the case to one of the five punishments." King Mu also emphasized analyzing discrepancies in testimonies, stating, "Examine carefully where there are any discrepancies in the statements; the view which you were resolved not to follow, you may see occasion to follow." This meant that judges needed to scrutinize contradictions in a suspect's statements. Even if a suspect denied wrongdoing, if there was factual evidence proving their guilt, the crime could still be confirmed. The *Book of Documents: Marquis of Lü on Punishments* explicitly stated that convictions must be based on solid evidence: "Only with clear proof and public trust can a case be judged. Appearances must be examined, and without evidence, no case should be heard. The law must be strictly upheld to maintain the authority of justice."[30]

The second requirement is to be extremely cautious when convicting someone. In the *Book of Documents: Announcement to the Prince of Kang*, the Duke of Zhou emphasized the importance of carefully reviewing a prisoner's testimony during a trial. He insisted on a thorough and deliberate process, stating: "You should reflect upon it for five or six days, for ten days or three months. You may then boldly come to a decision in such cases," carefully examining all aspects before reaching a judgment and conclusion.

G. "Class the case with the higher or lower offenses": principle of

[28] Ibid., 777.
[29] Ibid., 782.
[30] Ibid., 783.

proportional punishment

In the *Book of Documents: Marquis of Lü on Punishments*, there is a clear directive to "class the case with the next higher or next lower offenses," meaning that established criminal facts should be judged according to the legal provisions of the five punishments and five fines. If a crime warrants one of the five punishments, it should be applied accordingly. However, if the offense does not meet the threshold for the five punishments, it should be punished "under the five fines," which involve fines instead.[31] Arbitrary pardons were not permitted. King Mu of Zhou emphasized: "In the case of others not exactly defined, you must class them with the next higher or next lower offenses, not admitting assumptive and disorderly pleadings, and not using obsolete laws. Examine and act lawfully, judging carefully, and proving yourselves equal to every difficulty."[32] Crimes had to be judged proportionally — serious offenses required severe punishment, while minor offenses warranted lighter penalties. It was crucial to avoid sentencing major crimes too leniently or minor crimes too harshly. Every case had to be thoroughly investigated, with sentencing based on legal standards to ensure consistency with the facts and logical coherence. The legal process had to be orderly, free from contradictions, and without loopholes.

King Mu believed: "They are not persons of artful tongues who should determine criminal cases, but really good persons, whose awards will hit the right mean." He emphasized that "You should examine carefully the penal code, and deliberate with all about it, that your decisions may be likely to hit the proper mean and be correct — whether it be the infliction of a punishment or a fine, examining carefully and mastering every difficulty. When the case is thus concluded, all parties will acknowledge the justice of the sentence." King Mu also stressed the importance of balancing severity in sentencing: "Where the crime should incur one of the higher punishments, but there are mitigating circumstances, apply to it the next lower. Where it should incur one of the lower punishments, but there are aggravating circumstances, apply to it the next higher. The light and heavy fines are to be apportioned in the same way by the balance of circumstances. Punishments and fines should also be light in one age, and heavy in another. To secure uniformity in this seeming irregularity, there are certain relations of things to be considered, and the essential principle to be observed."[33]

In matters of punishment fitting the crime, ancient Chinese politicians considered factors such as negligence, accidental offenses, and intentional wrongdoing. They proposed the penal policy that "you pardon inadvertent faults, however great, and punish purposed crimes, however small" and "inadvertent offenses and those which could be ascribed to misfortune were to be pardoned, but those who transgressed presumptuously and repeatedly were to be punished with

[31] Ibid., 786.
[32] Ibid., 788.
[33] Ibid., 788-790.

death." The Duke of Zhou elaborated: "When men commit small crimes, which are not mischances, but purposed, they of themselves doing what is contrary to the laws intentionally, though their crimes be but small, you may not but put them to death. But in the case of great crimes, which were not purposed, but from mischance and misfortune, accidental, if the transgressors confess their guilt without reserve, you must not put them to death."[34] This introduced the concepts of "purposed," "not purposed," "intentional," and "accidental." The belief was that if punishments were applied according to these principles, officials and common people would comply with the law, work diligently, live harmoniously, and avoid rebellion.

H. "Punishments do not extend to the criminal's heirs" and "deal with doubtful crimes lightly": presumption of innocence

Ancient Chinese politicians introduced the concepts of "punishments do not extend to the criminal's heirs" and "deal with doubtful crimes lightly" early on. According to the *Book of Documents: Counsels of the Great Yu*, during the Yao and Shun periods, the renowned minister Gao Yao had already established key principles such as "punishments do not extend to the criminal's heirs, while rewards reach to succeeding generations," "in cases of doubtful crimes, you deal with them lightly; in cases of doubtful merit, you prefer the high estimation," and "rather than put an innocent person to death, you will run the risk of irregularity and error."[35] Later, during the Zhou Dynasty, King Mu further refined the principle of "dealing with doubtful crimes lightly," explicitly stating: "If there is doubt in the five punishments, there should be a pardon; if there is doubt in the five fines, there should be a pardon. So examine carefully." Kong Anguo, official and scholar of the Western Han Dynasty (202 BC-8 AD), explained this as: "If there is doubt in criminal punishment, leniency should be applied; if there is doubt in penalties, exemption should be granted. A careful investigation should ensure a just outcome."[36] The *Book of Documents: Marquis of Lü on Punishments* provides specific details on "pardoning doubtful cases in the five punishments": In cases of doubtful tattooing punishment, the penalty was commuted to a fine of 100 *huan* (an ancient unit of money), with a thorough review of the crime. In cases of doubtful nose-cutting punishment, the penalty was 200 *huan*, with a thorough review of the crime. In cases of doubtful foot amputation punishment, the penalty was 500 *huan*, with a thorough review of the crime. In cases of doubtful castration punishment, the penalty was 600 *huan*, with a thorough review of the crime. In cases of doubtful death penalty, the penalty was 1,000 *huan*, with a thorough review of the crime.[37]

[34] Ibid., 536.
[35] Ibid., 130.
[36] Ibid., 783.
[37] Ibid., 786.

I. "Righteous punishments and death penalties": trial according to law

The *Book of Documents: Establishment of Government* is a proclamation by the Duke of Zhou to King Cheng of Zhou. In this address, the Duke of Zhou explains King Wen's approach to governance, emphasizing the "importance of judicial officials in handling legal matters with caution and fairness." He stresses that King Wen's descendants must carefully manage judicial cases to avoid errors. He asserts that "officials should be virtuous"[38] so a ruler should govern the people by selecting and appointing those who are capable and virtuous. The proclamation urges future generations to ensure that judicial matters are handled correctly: "The descendants of King Wen must be careful and not make mistakes in judicial cases, as proper governance depends on fairness." Furthermore, he emphasizes that judicial affairs should be managed by specialized officials: "Judicial cases must be handled by designated legal officers." The proclamation concludes with "an example of anxious solicitude for future ministers, whereby they may rank with him in the ordering of the appropriate punishments," stating that only when these officials exercise caution and adhere strictly to the law can punishments be fair and appropriately measured.

The Duke of Zhou also proposed the concept of "righteous punishments and death penalties." In the *Book of Documents: Announcement to the Prince of Kang*, he instructed Kang Shu not to impose punishments based on personal opinions but to follow the established legal codes when determining guilt and sentencing. He emphasized: "In setting forth the business of the laws, the punishments will be determined by what were the regular laws," meaning that the appropriate legal provisions should be consulted to determine the severity of the punishment, ensuring that sentencing is carried out according to the law rather than the ruler's personal will. "But you must see that those punishments, and especially the penalty of death, be righteous. And you must not let them be warped to agree with your own inclinations." The Duke of Zhou also said: "It is not you, Feng, who can presume to inflict a lighter punishment, cutting off a man's nose or ears; do not, to please yourself, cause a man's nose or ears to be cut off." This reinforced the idea that all punishments and executions were carried out according to divine will, not merely the personal desires of the ruler.

J. "Good persons should determine criminal cases": punishing judicial corruption

The *Book of Documents: Marquis of Lü on Punishments* emphasizes that only virtuous individuals should determine criminal cases, stating, "They are not persons of artful tongues who should determine criminal cases, but really good persons." It explicitly asserts that judicial corruption is itself a crime and must be punished. If judicial officials engage in favoring officials, acting in opposition,

[38] Ibid., 693.

shielding family, accepting bribes, and granting favors — "any one of these things should be held equal to the crime" — they are equally guilty of wrongdoing. Such misconduct must be examined and punished accordingly.

K. "Punishments for no punishments": a penal philosophy

One important principle of ancient Chinese politicians regarding punishment was the idea of "punishments for no punishments."[39] The goal of enforcing penalties was to eventually make them unnecessary. As early as the Yao and Shun periods, the concept of "five punishments assisting the five cardinal duties" was introduced. During their rule, Yao and Shun established officials known as the "Minister of Crime" to handle legal disputes and implemented the five punishments: tattooing, cutting off the nose, amputation, castration, and execution. They also strongly promoted moral governance by emphasizing the five ethical principles: righteousness in fathers, kindness in mothers, friendliness in elder brothers, respectfulness in younger brothers, and filial piety in children. In Emperor Shun's governance philosophy, both punishment and moral education were essential. However, punishment played a secondary role compared to moral instruction, as its purpose was not merely to penalize wrongdoing but to reinforce ethical teachings. Building on this idea, Shun further proposed the principle of "punishments for no punishments and the people accord with the Mean." This meant that punishment was not just about retribution but also about preventing crime — "using execution to deter killing, until no one commits crimes" and ensuring that "wrongdoing inevitably led to punishment." By using punishment to support moral education, people would naturally align their behavior with ethical standards. Shun stated that "be intelligent in the use of the five punishments, thereby assisting the inculcation of the five cardinal duties, with a view to the perfection of my government, and that through punishment there may come to be no punishments, but the people accord with the path of the Mean." Ultimately, this approach aimed to create a society where punishment was no longer necessary.[40]

The Duke of Zhou, further elaborated on how the rulers of the Shang Dynasty used punishments as a means of "educating" people and upholding virtue. He explained: "He governed his subjects with penalties to educate them. From him down to Emperor Yi, there was none who did not uphold virtue and use punishments cautiously to educate the people. When dealing with prisoners, those guilty of severe crimes were executed, which also served as a form of education. Likewise, the release of the innocent was done with the same intent."[41] This approach aimed to achieve the ideal state of "punishments for no punishments."

[39] Ibid., 130.
[40] Ibid., 130-131.
[41] Ibid., 669-670.

III. The Epistemological Foundations of the Human Rights Concepts in "Upholding Virtue and Exercising Caution in Punishment"

The governance philosophy of "Upholding Virtue and Exercising Caution in Punishment," developed by ancient Chinese politicians through practice, was closely linked to their understanding of nature, society, and their evolution at the time. From an epistemological perspective, this philosophy has two main ideological foundations.

First, ancient Chinese politicians had an early and profound understanding of the dialectical relationship between the ruler and the ruled. Emperor Shun once said: "Of all who are to be loved, is not the ruler the chief? Of all who are to be feared, are not the people the chief? If the multitude were without their sovereign head, whom should they sustain aloft? If the sovereign had not the multitude, there would be none to guard the country for him."[42] This statement shows that Emperor Shun clearly recognized that without the people, there could be no ruler. A ruler's authority exists only in relation to the governed, just as "left" has no meaning without "right," and "up" cannot exist without "down." Without the common people to be governed, there would be no such thing as a ruler's rule. Therefore, if rulers and officials fail to govern with caution, neglecting the needs and well-being of the people, and if they do not ensure the people's security and prosperity, then widespread hardship and poverty among the people will inevitably lead to the downfall of the ruler. As the saying goes, "If within the four seas, there be distress and poverty, your Heaven-conferred revenues will come to a perpetual end."

Therefore, during Emperor Shun's reign, Minister Yi explicitly advocated: "Admonish yourself to caution, when there seems to be no occasion for anxiety. Do not fail to observe the laws and ordinances. Do not find your enjoyment in idleness" and "Do not go against what is right, to get the praise of the people. Do not oppose the people's wishes, to follow your own desires."[43] Building on this, the Great Yu proposed the idea that "the people should be cherished and not looked down upon. The people are the root of a country; the root firm, the country is tranquil."[44] He emphasized respect and reverence for the people, stating, "In my dealing with the millions of the people, I should feel as much anxiety as if I were driving six horses with rotten reins. The ruler of men — how should he be but reverent of his duties?" The Shang and Zhou dynasties continued and expanded upon these principles, asserting that "without the sovereign, the people cannot have that guidance which is necessary to the comfort of their lives; without the people, the sovereign would have no sway over the four quarters of the kingdom" and "the sovereign without the people has none whom he can employ, and the people without the sovereign have none whom they can serve." They also proposed that

[42] Ibid., 132.
[43] Ibid., 125.
[44] Ibid., 264.

"if ordinary men and women do not give their full effort, the ruler cannot achieve anything." These ideas align with later Confucian teachings, such as "By gaining the people, the kingdom is gained, and, by losing the people, the kingdom is lost" and "Possessing virtue will give him the people. Possessing the people will give the territory. Possessing the territory will give him its wealth. Possessing the wealth, he will have resources for expenditure."[45]

Second, ancient Chinese politicians had a deep theological reverence for Heaven. Why were policies that nurtured, protected, and benefited the people considered good governance and virtuous rule? This belief was closely tied to their theological understanding of Heaven. In their view, Heaven was the ultimate ruler — omnipotent and omnipresent. The mandate of Heaven was not permanent; it could bring blessings or disasters. Therefore, it is essential to care for and benefit the people because of the inherent connection between the people and Heaven.

One belief is that "the people are all the children of Heaven." The term "children of Heaven" means "the people under Heaven." As stated, "All the people were the heirs of the kingdom by the gift of Heaven; in attending to the sacrifices to them"[46] and "What the people desire, Heaven will be found to give effect to."[47] Therefore, rulers must not oppress, exploit, or kill the people at will, as doing so would go against the will of Heaven, which would then bring disaster upon them. Heaven protects its people, which is seen in "High Heaven truly showed its favor to the people,"[48] "Heaven loves the people," and "Heaven sees as my people see; Heaven hears as my people hear." If a ruler "alienates the people," he (or she) will ultimately "be forsaken by Heaven." In this perspective, Heaven and the people are seen as closely connected: "Heaven hears and sees as our people hear and see; Heaven brightly approves and displays its terrors as our people brightly approve and would awe."[49] Thus, respecting Heaven means respecting the people. Protecting the people is an act of reverence toward Heaven, and honoring Heaven requires safeguarding the people — otherwise, one will face divine punishment.

The second belief is that the ruler is granted by Heaven to protect the people: "The sovereign should reverently carry out the mind of Heaven."[50] When King Wu of Zhou waged war against King Zhou of Shang, he declared, "Heaven aids the people by appointing a ruler and a teacher, hoping they will assist the Shangdi and bring peace and stability to the land."[51] However, King Zhou failed to govern the people properly and did not fulfill his duty to assist Shangdi. Therefore, it was necessary to follow the mandate of Heaven and overthrow him.

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[45] Zhu Xi, *Commentaries on the Four Books* (Beijing: Zhonghua Book Company, 1983), 10-11.
[46] Kong Anguo's sub-commentary, Kong Yingda's correct interpretation, *Correct Interpretation on the Book of Documents (Shangshu Zhengyi)*, 380.
[47] Ibid., 406.
[48] Ibid., 298.
[49] Ibid., 412.
[50] Ibid., 409.
[51] Ibid., 404.

The third belief is that the establishment of various official positions, rituals, and punishments is dictated by the will of Heaven. "From Heaven are the social relationships with their several duties; we are charged with the enforcement of those five duties — and we have the five courses of honorable conduct. From Heaven are the social distinctions with their several ceremonies; from us come the observances of those five ceremonies — and they appear in regular practice. When sovereign and ministers show a common reverence and united respect for these, the moral nature of the people is made harmonious. Heaven graciously distinguishes the virtuous — are there not the five habiliments, five decorations of them? Heaven punishes the guilty — are there not the five punishments, to be severally used for that purpose?" Therefore, a state must be governed according to Heaven's will: "Such connection is there between the upper and lower worlds. How reverent ought the masters of territories to be!"[52] Otherwise, they will face divine punishment. For example, during the reign of King Qi of the Xia Dynasty, the Youhu clan "violated the five elements and disused the three calendars," failing to uphold the nine services. As a result, Heaven decreed their downfall, and King Qi carried out Heaven's punishment, declaring, "I am now reverently executing the punishment appointed by Heaven." Similarly, when King Tang of Shang waged war against the Xia Dynasty, he emphasized, "For the many crimes of the sovereign of Xia, Heaven has given the charge to destroy him." The *Book of Documents* records King Tang's words: "The Xia ruler is an offender, and, as I fear Shangdi, I dare not but punish him. Assist, I pray you, me, the One man, to carry out the punishment appointed by Heaven. I will greatly reward you."

The fourth belief is that "virtue" itself is bestowed, attached, and desired by Heaven. The *Book of Documents: Announcement of Tang* states: "The great Shangdi has conferred on the people a moral sense." Here, "moral sense" refers to goodness, which is essentially the same as virtue. Kong Yingda explained: "Heaven creates the multitudes of the people and grants them benevolence, righteousness, propriety, wisdom, and trustworthiness as five virtues. This means that Heaven bestows goodness upon the people." However, the text also states, "To make them tranquilly pursue the course which it would indicate is the work of the sovereign." In other words, for the people to uphold this goodness or moral virtue, they require the education, guidance, and governance of the ruler. This defines both the origin and the preservation of virtue. Furthermore, for a ruler to solidify their authority, he (or she) must take on the responsibility of maintaining goodness and virtue. Since this goodness and virtue are granted by Heaven, a ruler must "follow its will" in order to align with the Way of Heaven, which is also the proper way to rule.[53] Here, adhering to virtue and following the Way of Heaven become one and the same. To uphold virtue is to follow the "principles of Heaven" and align with the "Way of Heaven." In doing so, Heaven will bless those who uphold goodness.

[52] Ibid., 151-153.
[53] Ibid., 296.

Otherwise, it will bring misfortune, punishment, and disaster, ultimately destabilizing and weakening the ruler's authority.

In short, Chinese civilization has a long and rich history, having developed a unique and brilliant culture over time. This culture contains valuable principles and historical experience in governance, as well as distinctive perspectives on human rights that merit further study and exploration. With this article, we aim to offer some preliminary thoughts in the hope of sparking further discussion.

(Translated by *SU Yilong*)