



Law and Humanities Quarterly Reviews

Wolkmer, A. C., & Alves, M. L. V. (2025). The Confucianist Tradition and Human Rights in China. *Law and Humanities Quarterly Reviews*, 4(1), 56-65.

ISSN 2827-9735

DOI: 10.31014/aior.1996.04.01.140

The online version of this article can be found at:
<https://www.asianinstituteofresearch.org/>

Published by:
The Asian Institute of Research

The *Law and Humanities Quarterly Reviews* is an Open Access publication. It may be read, copied, and distributed free of charge according to the conditions of the Creative Commons Attribution 4.0 International license.

The Asian Institute of Research Law and Humanities Quarterly Reviews is a peer-reviewed International Journal of the Asian Institute of Research. The journal covers scholarly articles in the interdisciplinary fields of law and humanities, including constitutional and administrative law, criminal law, civil law, international law, linguistics, history, literature, performing art, philosophy, religion, visual arts, anthropology, culture, and ethics studies. The Law and Humanities Quarterly Reviews is an Open Access Journal that can be accessed and downloaded online for free. Thus, ensuring high visibility and increase of citations for all research articles published. The journal aims to facilitate scholarly work on recent theoretical and practical aspects of law.



ASIAN INSTITUTE OF RESEARCH
Connecting Scholars Worldwide

The Confucianist Tradition and Human Rights in China

Antonio Carlos Wolkmer¹, Maria Laura Vieira Alves²

^{1,2} Department of Law, Faculty of Law, Universidade do Extremo Sul Catarinense (UNESC), Criciúma, Brazil.

Correspondence: Antonio Carlos Wolkmer, Faculty of Law, Universidade do Extremo Sul Catarinense (UNESC), 1105, Criciúma, Santa Catarina, Brazil. Tel: -. E-mail: acwolkmer@gmail.com

Abstract

Human rights hold a central position in contemporary international law, frequently discussed from various perspectives. This article offers a critical analysis of human rights through a decolonial lens, challenging their universalist construction, historically rooted in Western values such as liberalism and individualism, and often employed as a tool of power by hegemonic nations. Using a bibliographic review and a deductive methodology, the study is structured into three parts: first, it explores the historical development of human rights in the West and their limitations as a universal paradigm; second, it revisits Confucianism as a classical Chinese philosophy focused on collective well-being and social harmony; finally, it examines contemporary Chinese public policies, which demonstrate a distinct and contextualized approach to human rights. The article concludes that China's experience exemplifies a viable counter-hegemonic alternative by integrating its traditional philosophy with modern strategies, achieving remarkable outcomes such as the eradication of extreme poverty and sustainable socioeconomic development.

Keywords: Human Rights, Universalism, Decolonialism, China, Confucianism

1. Introduction

Human rights, rooted in a Eurocentric and universalist framework, have often been used by Global North countries as a tool for maintaining hegemony. Western nations frequently assume moral superiority, criticizing the Global South for human rights violations while overlooking their own. This behavior extends the colonial mission under a guise of morality, constraining the independent development of other cultures.

Western criticism of China is often influenced by stigma and Orientalist misconceptions, distorting the country's reality. By blending its philosophical traditions with modernity, China shows that progress can be achieved without abandoning cultural heritage. This study not only critiques the universalist human rights system but also challenges dominant paradigms by examining the Chinese model as a legitimate alternative. It highlights how China's approach questions Western assumptions and offers fresh perspectives on development and human rights.

2. The Western Construction of Human Rights

Human rights are fundamentally a historical construct, shaped by European political struggles and influenced by 17th- and 18th-century liberal thought. The traditional theory of human rights merges individual rights with collective and diffuse rights, rooted in the rationalist tradition of modernity. The concept of natural rights arose from the idea of the inherent superiority of the rational subject, central to the anthropocentric model (Bragato 2014). With the transition to modernity, Western jurists began reconfiguring the law as a set of distinct components governed by the rigid natural laws of individual reason (Capra & Mattei 2018, p. 81). Modernity, as Dussel (2006, p. 24) describes it, marks the period when Europe became the "center" of world history, encompassing its states, armies, economy, philosophy, and others aspects.

Before the process of colonial expansion, which spanned from the Americas to the Far East, global histories followed independent and parallel trajectories to those of European empires and their hegemonic cultural systems (Dussel, 2006, p. 24). With modernity came coloniality, where "America [...] was invented, mapped, appropriated, and exploited under the banner of the Christian mission," giving it the status of an entity to be discovered (Mignolo, 2016, p. 4). A new global order emerged, where a polycentric world became interconnected by the same type of economy, and all histories converged, turning "the planet into the 'place' of 'one' global history" (Dussel, 2006, p. 24). The forced modernization brought immense tragedy:

"The massacre of Indigenous peoples, the erasure of the Muslim world, the humiliation of the Chinese for a century, the degradation of the Black world; vast voices silenced forever; lands scattered to the wind; all this poorly executed labor, this waste, with humanity reduced to a monologue" (Cesairé 2010, p. 73-74).

Modernity's legacy includes a shallow faith in individual human rights (Bragato, 2014), viewed as a top-down concept (Capra & Mattei, 2018, p. 116). It is important to mention that human rights emerged from European political struggles, influenced by classical liberalism and its ideals of individual liberty and formal equality (Bragato, 2014). It is during the transition to modernity that the concept of a singular legal order emerges, one that applies within specific normative boundaries and is influenced by instrumental logical rationalism. In this framework, human rights take shape as a mechanical chain of top-down transmission of orders, to which obedience is required as a matter of respect for legality (Capra & Mattei, 2018, p. 116).

The concept of human rights became sacred in Western society, untouchable in its supposed universal applicability (Mahbubani 1993, p. 81), despite its selective and sectarian application (Muzaffar 2003, p. 31). Sustained by a notion of a civilizing mission, Western countries often position themselves as morally superior when discussing human rights (Mahbubani, 1993, p. 82).

The very history of human rights is deeply connected to the European Enlightenment and the secularization that unfolded over the past 170 years (Muzaffar 2003, p. 25), notably shaped by English parliamentarianism, the French Revolution, and American independence (Bragato 2014). Well, human rights, as envisioned by the Universal Declaration of Human Rights (UDHR) of 1948, presuppose a universally recognized category of "humans" that guarantees justice for all (Mignolo, 2011, p. 157). However, both "rights" and "humans" were European inventions during the construction of modernity, serving colonial interests. During the Renaissance, humanists defined what it meant to be human, grounding it in rationality (Mignolo, 2011, p. 161). Thus, humanity was categorized through epistemological and ontological hierarchies established by colonial structures (Mignolo, 2011, p. 161), leading to a system in which civilized Europeans were sovereign, represented by cisgender/heterosexual white Christian men (Pires, 2018, p. 66-67). This hierarchy dehumanized non-Christians and non-whites, who spoke languages unrelated to Greek or Latin (Mignolo, 2011, p. 161).

Also, the concept of "rights" became a tool for nation-state building and consolidating the interests of the European bourgeoisie, particularly regarding property (Mignolo, 2011, p. 161). It was intellectual justification for exploiting the New World, inhabited by "savages" devoid of Christian divinity, rationality, or a concept of property (Capra & Mattei 2018, p. 109). It was during this period that the most extensive and systematic human rights violations were recorded in history, particularly in Asia, Australasia, Africa, and Latin America (Muzaffar,

2003, p. 26). Ironically, the UDHR was drafted just three years after the U.S. dropped atomic bombs on Hiroshima and Nagasaki in 1945, killing over 140,000 people and leaving many others with lifelong scars (Saghaye-Biria, 2018, p. 59).

The history following the UDHR's creation reveals the West's selective enforcement of human rights, despite unanimously ratifying the declaration and its treaties. While enforcing these norms on others, Western nations themselves frequently violated human rights abroad (Ahmad, 2006, p. 103). Until 1989, human rights were primarily used as tools to monitor violations in communist countries and Global South nations not aligned with the U.S. (Mignolo, 2011, p. 167).

Human rights have been co-opted as instruments of Western foreign policy, serving as a new language of power projection (Saghaye-Biria, 2018, p. 59). Franz Hinkelammert (2004) calls this the “inversion of human rights,” where Western countries, particularly the U.S., claim leadership in promoting human rights globally while selectively applying them (Saghaye-Biria, 2018, p. 59). Human rights have even been used to justify humanitarian aggression—violating the rights of those who supposedly violate rights (Hinkelammert, 2004). Through economic sanctions, Western countries exclude peripheral nations from the global economy, worsening socioeconomic conditions for civilians while leaving governments and elites unaffected, further undermining human rights in the region (Peksen, 2009). Western humanitarian interventions also violate self-determination by focusing on “civil and political rights” while suppressing economic, social, and cultural rights through aggression and occupation (Saghaye-Biria, 2018, p. 60).

Western nations are willing to sacrifice the human rights of peripheral countries if it serves their own interests (Mahbubani, 1993). This was evident in the U.S. invasion of Vietnam in 1965, which resulted in the deaths of over a million Vietnamese—100 times the U.S. casualties (Hirschman, Preston & Loi 1995)—or the 1999 NATO attacks on Yugoslavia, which, under the guise of humanitarian intervention, devastated both Kosovo and Serbia (Hinkelammert, 2004). The West invaded, destroyed cultures and civilizations, and committed unprecedented genocides—all supposedly to protect “human rights.” Thus, the blood spilled by the West remains unstained, and the West positions itself as the world’s ultimate human rights guarantor (Hinkelammert, 2004).

It is crucial to question the so-called universality of human rights, which are often selective and exclusionary. We must move beyond the Western top-down approach to human rights and their universalization. Instead, we should seek an emancipatory concept of human dignity that emphasizes global justice and equity between the Global North and South (Regilme, 2018).

3. The Confucian Philosophical Framework in China

In traditional Chinese history, there has never been an explicit declaration of human rights comparable to those found in Western history. However, this does not mean that China lacked a broad concept of human rights, particularly regarding collective interests. Traces of a human rights-like consciousness can be found as far back as the Shang Dynasty (1560–1066 B.C.) and the Chou Dynasty (1066–771 B.C.), where political awareness influenced governance, justice, and morality (Cheng, 1979). However, no tradition has shaped Chinese society as profoundly as Confucianism, outlining social changes and possibly, offering a potential perspective on human rights in a broader sense (Cheng, 1979). Confucianism, as an ethical system, has played a fundamental role for over two millennia, serving as a guiding philosophy for human interactions at all levels—between individuals, communities, and nations in East Asia. Both in theory and practice, Confucianism has had a significant influence on countries beyond China, especially within the Sinic cultural sphere, shaping governments, societies, educational systems, and family structures (Tu, 1998).¹

¹ During the Shang dynasty, the Zhou people believed that the Shang ancestors were favored by Heaven (Tí) and, as a result, had received the Mandate of Heaven (*t'ien-ming*) to rule. However, as the ruler became increasingly tyrannical, the Zhou realized that the Mandate of Heaven could be lost or transferred if the kingdom lost its virtue (*te*). Therefore, rulers were expected to do everything in their power to demonstrate virtue above all else, thereby ensuring the continuation of their reign and the Mandate of Heaven. The virtue of rulers was understood to consist in treating the people in a way that secured their natural support. Consequently, the Mandate of Heaven came to be

Confucianism has often been criticized by Western countries as being incompatible with human rights, which they view as primarily individualistic. In contrast, Confucius argued that an excessive focus on individual autonomy, as is common in the West, could be harmful, leading to extreme behaviors that undermine cultural norms and human relationships—elements he considered crucial for building a harmonious society (Sim 2004, p. 337). Despite the gradual modernization of the state, Confucian philosophy continues to influence contemporary China, shaping the attitudes and behaviors of its people. It stands in opposition to the deficits and excesses produced by Western culture and politics, even though its influence has somewhat diminished over time (Hu, 2007).

Confucian philosophy goes beyond metaphysical approaches, focusing instead on human reason and social relationships (Challaye, 2010). Unlike Western dualistic theory, which views Truth as a set of universal, immutable ideas to be discovered, Confucianism sees *tian* (天)—the Chinese divinity—as part of an ongoing creative process that includes humanity (*tianrenheyi* 天人合一) (Tan, 2018). Confucius promotes a moral logic that encourages individuals to reason and express themselves in ways that lead to a virtuous life. His aim is to "focus on human beings and human affairs," establishing a discipline of language and proper conduct (Challaye, 2010), while emphasizing aesthetic order and the importance of "knowing how" over simply "knowing what," as a path to achieving harmony (*he* 和) (Tan, 2018).

Human relationships are at the core of Confucian philosophy, which emphasizes the role of individuals in society and the basic norms of conduct. According to Confucianism, people deserve respect for their participation in a shared life and for the specific roles they play in sustaining society (Wong 2004). Each person has a vital function in maintaining this communal life and in forming relationships with others. Thus, human value is derived not from individuality, but from interconnection (Ihara, 2004). For Confucius, harmonious human relationships were fundamental to a stable society. Mencius, a Confucian thinker, identified five cardinal relationships known as *wu-lun* (五伦), which serve as the building blocks of a civil society: the relationships between father and son, ruler and subject, husband and wife, older and younger brothers, and friends. Each of these relationships plays an essential role in maintaining social order, and each individual has a specific duty to contribute to the community's well-being (Lau & Young~, 2013). The roles within these relationships are defined by principles such as:

Therefore the ideal ruler is virtuous. The ideal subordinate is loyal. The ideal father is benevolent. The ideal son is filial. The ideal older sibling is thoughtful. The ideal younger sibling is respectful. The ideal husband is righteous. The ideal wife is compliant. The ideal friend is truthful (Lau & Young 2013, p. 581).

In Confucian thought, society is likened to an extended family where each member has a different role and status, yet all work together in harmony for the common good (Liu 2006, p. 16). The five core moral principles in Confucian philosophy, *wu chang* (五常), are *ren* (仁), *yi* (义), *li* (礼), *zhi* (智), and *xin* (信). These guide individuals' behavior and social interactions (Lau & Young, 2013). Among these principles, *ren* (仁) and *li* (礼) are particularly significant in the context of human rights. Their importance is reflected in the drafting process of the Universal Declaration of Human Rights (UDHR), where Peng Chun Chang, vice-chairman of the UN Human Rights Commission, emphasized the concepts of *ren* (仁) and *li* (礼) (Sun, 2014).

Ren (仁) is considered the supreme moral principle, often translated as benevolence, humanity, love, and kindness (Chang & Young 2011). It advocates for mutual love and respect among all human beings, encapsulated by the principle, "what you do not wish for yourself, do not do to others" (Analects 12:2; 15:24). *Ren* enables a person to extend the care cultivated within the family to the broader community, promoting the

seen as the Mandate of the People, acknowledging that respect for the populace was essential for political stability. The Zhou revolution, which ousted the tyrant and initiated the Zhou dynasty, exemplified an early form of the collective right of people, as a group, to be treated well by their ruler. This historical event also underscored the collective right of people to participate in the maintenance of political governance. Thus, both rights were established as fundamental moral principles and social necessities for any form of government (Cheng, 1979; Chung-Shu, 1947).

welfare of others while seeking one's own well-being (Sim, 2004). In Confucianism, ren teaches that well-being is achieved by helping others and considering our shared humanity. Without the spirit of ren, society might mechanically follow rules without a humanistic concern, or, at worst, lead to the selfish domination of the strong over the weak. Therefore, ren infuses li with a humanistic ethic of reciprocity and care, making it an essential component of a hierarchical system of social relations (Chan, 2008).

Li (禮), on the other hand, refers to social rituals, norms, and practices (Hoon, 2020). Its origins lie in ancestral worship and reverence for Heaven's order in the natural world. During the Zhou Dynasty, li (禮) became a pillar of governance, evolving from sacred rituals to a code of conduct for nobles and officials, integrating humanity and morality into the social and political order. Confucius expanded this idea, seeing li (禮) as a fundamental framework for ethical conduct, representing the integration of humanity and morality in the social and political structure (Chan & Young, 2011). The concept of Li (禮) is deeply connected to traditional Chinese law, that was expanding itself over time alongside societal development. Customs and conventions naturally developed throughout history formed the basis of li zhi (rule of virtue), while fa (rule of law) took on various meanings, including punishment, norms, and regulations. Those connotations reflect the role of fa (法) as a group of rules and laws that governs the society (Zheng & Ma, 2006).

In his rise in ancient China, Confucius led a campaign to revive the normative power of Li (禮), emphasizing its intellectual distance from Fa (法). He believed that legal codes and rules merely produced criminals and failed to rehabilitate offenders. For Confucius, virtue was superior because it reformed people's behavior and addressed the root causes of crimes, while laws only treated the symptoms. Confucius expressed this belief by stating (Chang; Young, 2011):

Guide them by edicts, keep them in line with punishments, and the common people will stay out of trouble but will have no sense of shame. Guide them by virtue, keep them in line with the rites, and they will, besides having a sense of shame, reform themselves" (Analects II 3).

Li is a fundamental principle that governs social interactions, ensuring mutual respect in daily life and social activities. Its broad application seeks to guarantee a dignified and decent social life for all, preventing humiliation and conflict (Xu, 2018). However, ren and li are deeply intertwined in Confucian philosophy, and both are essential for understanding the social order and civility proposed by Confucius (Chang & Young, 2011). In Confucianism, individuals are encouraged to pursue moral perfection by reflecting on their daily actions and using virtues as their behavioral standards. Most importantly, the wu-lun emphasizes obligations centered on relationships, as the individualism central to Western values is incompatible with the Confucian conception of a person who values interactions and responsibilities within social and familial contexts (Lau & Young, 2013).

4. The Confucian Philosophical Framework in China

China is frequently the target of Western criticism, accused of serious human rights violations and portrayed as having a deteriorating internal situation. These differences have been used as a political tool by the West, which, through an Orientalist perspective, constructs a narrative that presents China as despotic and untrustworthy. Accusations of repression, mass surveillance, arbitrary detentions, and forced labor are central to this portrayal (Li, 2022). Although the country is often criticized by the West, this narrative frequently overlooks China's rapid social and economic progress, which in 30 to 40 years has condensed a level of development that took 300 years to occur in Europe. This advancement not only transformed China's infrastructure and economy but also significantly improved the quality of life for its population. Surprisingly, many in the West still believe they know China better than the Chinese themselves, disregarding the positive perception that the population has of its own well-being (Weiwei, 2012). According to a recent survey by the *Institut Public de Sondage d'Opinion Secteur* (IPSOS) for the 2023 World Happiness Report, 91% of Chinese respondents stated that they were satisfied with their lives, a 12% increase compared to the previous decade (IPSOS, 2023).

In the West, first-generation human rights, focused on civil and political rights, are often prioritized. These rights are considered "negative rights" because they emphasize the absence of state interference in individuals' lives (Sun, 2014). In contrast, China's priorities differ due to its distinct history, conditions, and philosophical approach. The country places considerable emphasis on economic development (Chan, 2002), operating under the belief that human rights and economic growth are interdependent. Social and cultural rights, according to this view, can only be realized when there are adequate resources. Thus, China's human rights framework has developed its own distinct characteristics (Yunlong, 2014). From a Western perspective, however, China's millennia of cultural innovation often go unnoticed, overshadowed by Eurocentric biases that distort the broader historical narrative.

China's struggles with foreign intervention, particularly during the Opium Wars and the Japanese occupation, had devastating effects on its economy, politics, and culture (Sheng & Shaw, 2007). The eight years of Japanese occupation nearly collapsed the economy. Agriculture was still recovering, industry faced heavy losses, and the nation's economic foundation became extremely vulnerable (Yong & Zhang, 2021). During this period, there was a prevailing belief that to modernize, China needed to abandon its philosophical traditions in favor of Soviet Marxism or Western liberalism (Bell, 2013). However, after Deng Xiaoping's rise to power, Confucianism experienced a resurgence in China's collective identity (Hu, 2007, p. 140). Deng played a critical role in China's economic transformation (Hongfeng, 2014), positioning the country as the world's second-largest economy (Lee, 2009). In 1978, Deng launched several initiatives under the ideological slogan "seeking truth from facts," establishing that the People's Republic of China would base its development on objective realities. This principle called for the emancipation of the Chinese mind (Weiwei, 2018).

This intellectual independence became a crucial political issue, as historical factors, such as foreign intervention, had stifled China's ability to seek truth through facts (Xiaoping, 1984). In assessing the existing global models, it became clear that both Soviet communism and Western liberal democracy were insufficient for China's needs. As a result, China developed its own system: socialism with Chinese characteristics, with poverty eradication as its main objective and economic growth as the foundation (Weiwei, 2018). Economic development is seen as essential for securing human rights, and China's Five-Year Plans have traditionally focused on economic and social planning. Originally inspired by Soviet models, these plans have guided China's growth, initially prioritizing industrial development and later incorporating market economy elements. Over time, the Five-Year Plans have evolved to include broader social goals, such as poverty reduction, sustainable development, and improving quality of life (Chen, Li, & Xin, 2017)².

China's economic growth over the past four decades is remarkable not only for its scale but also for its direct impact on reducing extreme poverty. Since 1980, an estimated 800 million people in China have risen out of extreme poverty, defined as living on less than \$1.90 per day. This achievement accounts for about three-quarters of global poverty reduction during the same period, an unprecedented milestone (World Bank, 2021). Poverty is a multifaceted issue that undermines various aspects of human dignity, presenting one of the greatest barriers to the realization of basic human rights. It restricts access to essential social rights, including healthcare, education, and adequate food (Pogge, 2005). In China, overcoming extreme poverty represents not just an economic victory but also a significant step toward realizing multiple human rights.

Historically, rural areas in China have been hardest hit by poverty, prompting the government to implement a series of policies aimed at rural development. Significant investments were made in infrastructure—roads, schools, and hospitals—to improve services and living conditions in rural regions. Additionally, targeted programs provided funds and incentives to boost productivity and encourage business development in the poorest regions (Wei, Wu, & Tan, 2022).

² The first five-year plans in China began in the 1950s, during a three-year economic recovery period following the Japanese invasion. Initially, these plans aimed to develop heavy industries. However, the Chinese government's capacity was limited by a lack of statistical data and technical expertise, which were further hampered by the impacts of the Cultural Revolution and the Great Leap Forward. During this time, the five-year plans were predominantly driven by socialist ideologies and focused on political and revolutionary issues rather than promoting economic development. Starting in 1978, with the introduction of economic reforms, the landscape began to change significantly (Chen, Li & Xin, 2017).

During Deng Xiaoping's leadership, education in China underwent significant reform, with a renewed emphasis on Confucian ideals of learning. A pro-science approach was adopted to foster critical and rational thinking, steering the country away from superstition (Lin, 2018). This focus on education empowered scholars and scientists, elevated China's international standing, and drove economic progress (Tisdell, 2019, p. 275). Education has played a central role in poverty reduction and continues to be a key element in China's development strategy (Yong & Zhang, 2021).

Rural areas were the initial focus of public education reforms aimed at closing the educational gap between urban and rural regions (Tan & Zeng, 2022). These reforms enabled the rural population to develop new skills, and alongside industrial growth, they were able to shift into non-agricultural employment. This allowed rural Chinese to achieve more stable and higher incomes, improving their quality of life (Yang & Guo, 2020). At the start of these reforms, China's basic education system was in a dire state, with only 20% of children attending primary school and an illiteracy rate exceeding 80% (Tan & Zeng, 2022). In response, China enacted the Compulsory Education Law, which established:

(1) 9 years of basic education, including primary and lower secondary education, are compulsory nationally; (2) children who reach the age of six shall enroll in school in principal; (3) compulsory education is free of charge; (4) the government and parents or guardians should ensure that school-age children will receive compulsory education, and no organization or individual shall employ school-age children (Yang; Guo, 2020, p. 2).

By 2011, China had achieved its goal of universal education. In 2018, the primary school enrollment rate reached 99.95%, while secondary school enrollment increased to 99.1%, according to data from the National Bureau of Statistics of China (Yang & Guo, 2020). Additionally, illiteracy among youth and adults was nearly eradicated, and the employment rate for graduates from vocational high schools remained above 95% in recent years (Tan & Zeng, 2022).

Similarly, China made significant strides in healthcare over the past few decades, especially following the 2009 reform, which substantially increased subsidies for primary healthcare institutions and implemented universal health insurance coverage. As a result, by 2021, life expectancy at birth in China rose to 78.21 years, surpassing the average for upper-middle-income countries by 3.52 years. The infant mortality rate dropped to 5.1‰, well below the average of 9.6‰ (Qin et al., 2024). These healthcare improvements have contributed to continuous progress in key indicators over the following four decades.

After decades of investment in education, healthcare, and income, China reached a historic milestone in 2021 by declaring the eradication of extreme poverty based on its national threshold. These achievements were reflected in China's rise in the Human Development Index (HDI), climbing from 106th place among 144 countries in 1990 (World Bank; People's Republic of China, 2022) to 75th place among 189 countries in 2022, further reducing inequalities compared to other major developing economies (UNDP, 2024). This outcome highlights the success of policies aimed at human development and reducing disparities, fulfilling the goal of building a "moderately prosperous society in all respects."

4. Conclusion

Poverty represents a significant human rights challenge, undermining the foundations of human dignity and obstructing the realization of fundamental rights. While wealthy countries, which have accumulated riches since the colonial era, continue to impose unequal power dynamics through coloniality, their priority remains the promotion of first-generation rights, often emphasizing negative rights such as freedom from state interference. These nations, which historically exploited the resources and populations of regions that are now impoverished, not only imposed economic and political models that perpetuated global inequalities but also used human rights as a political tool. In many cases, human rights were promoted as part of a civilizing mission, masking neocolonial practices and interventions aimed at maintaining domination and control over developing countries.

In this way, the human rights discourse often serves to justify and perpetuate the hegemony of Western powers, rather than addressing structural inequalities and promoting true global equity.

In contrast, China, with its history of devastating poverty and external oppression, faced immense challenges in combating poverty as a primary objective. Poverty reduction thus became a crucial path toward ensuring basic human rights, which in many parts of the world still face barriers to realization. By integrating classical philosophical traditions, such as Confucianism, with modern innovations, China has forged a unique trajectory based on the Confucian concept of a harmonious and prosperous society, establishing a viable model for achieving sustainable development and social equity. In this context, there is an urgent need to critically reassess human rights and International Law, which have often served the interests of hegemonic powers to the detriment of developing nations (Romina, 2017, p. 269-271). International Law, with its legal categories, still carries the "taint" of elements created to serve the imperialist interests of Western powers, reflecting a history of colonial domination. Therefore, it is essential to decolonize and democratize International Law so that it can genuinely focus on the specific needs and aspirations of each people, promoting an approach that respects and addresses the realities and challenges of all countries.

Author Contributions: All authors contributed to this research.

Funding: Not applicable.

Conflict of Interest: The authors declare no conflict of interest.

Informed Consent Statement/Ethics Approval: Not applicable.

References

- Ahmad, A. (2006). Human Rights: An Islamic Perspective. *Policy Perspectives*, 101-112.
- Bell, Daniel A. (2010). *China's new Confucianism: Politics and everyday life in a changing society*. Princeton University Press.
- Bragato, F. F. (2014). Para além do discurso eurocêntrico dos direitos humanos: contribuições da descolonialidade [Beyond the Eurocentric Discourse on Human Rights: Contributions from Decoloniality]. *Novos estudos jurídicos*, 19(1), 201-230.
- Capra, F., & Mattei, U. (2018). *A revolução ecojurídica: o direito sistêmico em sintonia com a natureza e a comunidade* [The Eco-Juridical Revolution: Systemic Law in Harmony with Nature and Community]. Trad. de Jeferson Luiz Camargo. São Paulo: Curtix.
- Césaire, A. (2006). *Discursos sobre el colonialismo* [Discourse on Colonialism] (Vol. 39). Ediciones Akal.
- Challaye, F. (1967). *Pequena história das grandes religiões: Petite histoire des grandes religions* [A Brief History of Great Religions: Petite Histoire des Grandes Religions]. Tradução de Alcântara Silveira. IBRESA.
- Chan, A. C. K., & Young, A. (2011). Reinterpreting the Chinese Legal Doctrine of Li: Beyond Rites, Ritual and Ceremonies. *Ritual and Ceremonies (November 25, 2011)*.
- Chan, J. (2008). Confucian attitudes toward ethical pluralism. In D. A. Bell (Ed.), *Confucian political ethics* (pp. 113–138). Princeton University Press.
- Chen, D., Li, O. Z., & Xin, F. (2017). Five-year plans, China finance and their consequences. *China Journal of Accounting Research*, 10(3), 189-230.
- Cheng, C. Y. (1979). Human rights in Chinese history and Chinese philosophy. *Comparative Civilizations Review*, 1(1), 9.
- Chung-Shu, L. (1947). *Human rights in the Chinese tradition*. UNESCO.
- Dussel, E. (2005). Europa, modernidade e eurocentrismo [Europe, Modernity, and Eurocentrism]. In E. Lander (Org.), *A colonialidade do saber: eurocentrismo e ciências sociais. Perspectivas latino-americanas* [The Coloniality of Knowledge: Eurocentrism and Social Sciences. Latin American Perspectives]. Colección Sur Sur, CLACSO.
- Hinkelammert, F. (2004). The hidden logic of modernity: Locke and the inversion of human rights. *Worlds and Knowledges Otherwise: A Web Dossier*, 1.

- Hirschman, C., Preston, S., & Loi, V. M. (1995). Vietnamese casualties during the American War: A new estimate. *Population and Development Review*, 21(4), 783–812.
- Hoon, H. J. (2020). The Confucian concept of Li 禮: The transition from “worship rituals” to “governance norms”. *The Review of Korean Studies*, 23(2), 63–83.
- Hu, S. (2007). Confucianism and contemporary Chinese politics. *Politics & Policy*, 35(1), 136–153.
- Ihara, C. K. (2004). Are individual rights necessary? A Confucian perspective. In K.-L. Shun & D. B. Wong (Eds.), *Confucian ethics: A comparative study of self, autonomy, and community* (pp. xx–xx). Cambridge University Press.
- Keqian, X. (2018). A contemporary re-examination of Confucian Li 禮 and human dignity. *Frontiers of Philosophy in China*, 13(3), 449–464.
- Lau, K. L. A., & Young, A. (2013). Why China shall not completely transit from a relation-based to a rule-based governance regime: A Chinese perspective. *Corporate Governance: An International Review*, 21(6), 577–585.
- Li, R. T. (2022). Reproducing the Orient: A critical examination of Western media representations of China’s Uyghur policies between 2014 and 2021. *CUNY Academic Works*. https://academicworks.cuny.edu/gc_etds/5073
- Lo, J.-p. (1958). The decline of the early Ming navy. *Oriens Extremus*, 5(2), 149–168.
- Mahbubani, K. (1993). An Asian perspective on human rights and freedom of the press. *Media Asia*, 20(3), 159–166.
- Mignolo, W. D. (2017). Colonialidade: O lado mais escuro da modernidade [Coloniality: The Darker Side of Modernity]. *Revista Brasileira de Ciências Sociais*, 32(94), 1.
- Mignolo, W. D. (2011). Who speaks for the “human” in human rights? *Cadernos de Estudos Culturais*, 3(5).
- Muzaffar, C. (2003). From human rights to human dignity. In P. Van Ness (Ed.), *Debating human rights: Critical essays from the United States and Asia*. Taylor and Francis e-library.
- Peksen, D. (2009). Better or worse? The effect of economic sanctions on human rights. *Journal of Peace Research*, 46(1), 59–77.
- Pires, T. (2018). Racializando o debate sobre direitos humanos [Racializing the Debate on Human Rights]. *SUR - Revista Internacional de Direitos Humanos*, 15(28), 65–75.
- Qin, J., et al. (2024). The status and challenges of primary health care in China. *Chinese General Practice*, 27(16), 1917.
- Ramina, L. (2022). Enquadrando o conceito de TWAIL: “Abordagens do Terceiro Mundo ao Direito Internacional” [Framing the Concept of TWAIL: "Third World Approaches to International Law"]. In *Direito internacional crítico – Vol. 2* [Critical International Law – Vol. 2] (pp. 77–90). Arraes Editores.
- Regilme, S. S. F. (2018). The global politics of human rights: From human rights to human dignity? *International Political Science Review*, 40(2), 279–290.
- Saghaye-Biria, H. (2018). Decolonizing the “universal” human rights regime: Questioning American exceptionalism and orientalism. *ReOrient*, 4(1), 59–77.
- Sheng, S. Y., & Shaw, E. H. (2007). The evil trade that opened China to the West. In *Proceedings of the Conference on Historical Analysis and Research in Marketing* (pp. 193–199).
- Sim, M. (2004). A Confucian approach to human rights. *History of Philosophy Quarterly*, 21(4), 337–356.
- Sim, M. (2001). Aristotle in the reconstruction of Confucian ethics. *International Philosophical Quarterly*, 41(4), 453–468.
- Sun, P. (2014). Confucian philosophy and its historical contributions to human rights. In *Human rights protection system in China* (pp. 1–20).
- Tan, L. (2018). On Confucian metaphysics, the pragmatist revolution, and philosophy of music education. *Philosophy of Music Education Review*, 26(1), 63–81.
- Tan, X., & Zeng, J. (2022). China’s poverty reduction through education. In *Poverty Reduction in China: Achievements, Experience and International Cooperation* (pp. 93–109). Springer Nature Singapore.
- Tu, W.-M. (1998). Confucius and Confucianism. In *Confucianism and the family* (pp. 3–36).
- Wei, H., Wu, G., & Tan, X. (2022). Targeted poverty alleviation: China’s road of poverty reduction toward common prosperity. In *Poverty Reduction in China: Achievements, Experience and International Cooperation* (pp. 1–35). Springer Nature Singapore.
- Wong, D. B. (2004). Rights and community in Confucianism. In K.-L. Shun & D. B. Wong (Eds.), *Confucian ethics: A comparative study of self, autonomy, and community*. Cambridge University Press.
- World Bank & People’s Republic of China. (2022). *Four decades of poverty reduction in China: Drivers, insights for the world, and the way ahead*. Washington, DC: World Bank.
- Yang, Y., & Guo, X. (2020). Universal basic education and the vulnerability to poverty: Evidence from compulsory education in rural China. *Journal of the Asia Pacific Economy*, 25(4), 611–633.
- Yunlong, L. (2014). The development path for human rights with Chinese characteristics. *Human Rights*, 13, 6.

- Zelin, M. (2016). The structure of the Chinese economy during the Qing period: Some thoughts on the 150th anniversary of the Opium War. In *Perspectives on Modern China* (pp. 31–67). Routledge.
- Zeng, X., & Ma, X. (2006). A dialectic study of the structure and basic concepts of traditional Chinese law and an analysis of the relationship between li (ceremony) and fa (law). *Frontiers of Law in China, 1*, 34–52.