

## Discussion on the Connotation of Human Rights

ZONG Hao<sup>[a],\*</sup>; YANG Rui<sup>[a]</sup>

<sup>[a]</sup>Politics and Public Management College, Southwest University, China.  
\*Corresponding author.

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### Abstract

The literal understanding of human rights are rights belong to people, and the deep understanding of them is rights based on people's own interests and shared equally, without external rules and constraints, or inherent differences of quality. The specific connotation is presented in three aspects, human rights in accordance with innate are rights of universality, human rights in accordance with practice are rights of necessity, and human rights in accordance with reality are rights of protection. This constitutes the overall meaning of human rights, inherently they are rights of inevitability, externally they are rights with ought nature.

**Key words:** Human rights; Universality; Inevitability; Protection

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### INTRODUCTION

As a relatively old topic, many philosophers and jurists in the history have fully discussed human rights, until today, the topic of human rights is still an issue of political discourse being lively discussed, a lot of academics and politicians proposed various theories, but there is still not a unified understanding of the connotation

of human rights. And what is human rights, in theory, many jurists and philosophers interpret it either from the perspectives of philosophy or law, or understand it from the perspectives of ethics or political, they did not give a relatively integral definition for human rights. Based on this, it is necessary to tap the true connotation of human rights. In ancient Greece, although people focused only on studies of virtue and pursuit how to become a person with virtue, Sophocles Koehler has proposed human rights in his book that people have the right to realize their ideals and maintain social justice, which proposed made people have a certain initiative right. The great medieval poet Dante pointed out: "The goal of human is to establish a unified world empire to achieve a universal happiness, and human rights are cornerstone of the empire"(Han, 2010, p.122). That means human rights is the basis of a secular nation and people's happiness, and also reveals that there is universality for human rights for human's existence and development. The scholar Grotius of modern school of natural law believed that, natural law is eternal universal and unified, people who depend on natural law have the universal rights. Many enlightenment thinkers advocated natural rights and human rights are inviolable.

Hobbes proposed that: "Life, liberty and equality are the natural rights of human, based on these natural rights, everyone has the right taking any means to do anything, in order to achieve the purpose of protecting their own lives"(Yao, 2011). Locke's understanding of human rights is on a higher level that "people are born with three natural rights, the first is the right to exist, the second is freedom, and the third is the right of property"(Yao, 2011). Then Rousseau, Kant and Rawls proposed that right of equality and freedom are basic rights for people. Domestic scholar Professor Gan Shaoping (2009) said: "The so-called human rights, is the request and claim for people's basic requirements when a person as an individual facing others or a competent, the request or claim is protected in some way, it is independent in the litigant's national belonging,

social status, capacity and effort, with equal access for all people.” That is, the human rights are embodied in the relationship between subjects and objects, an individual could be independent to objects such as rights based on state, society, education, etc.

Looking at the representative philosophers, politicians, jurists and ethicists’ understanding of human rights above, it can be found that ancient Greek’s understanding of human rights is just the right of justice, and in the Middle Ages, human rights proposed by Dante belongs to a right of religious concern. For the modern school of natural law and some Enlightenment thinkers, human rights are congenital, which are inherent in life, including the right of freedom, equality, life, survival, property and freedom of speech, etc. Some contemporary researches explore the content of human rights more from the access and sources of human rights, regarding that the right of people is the result of a fight with the nation or society, any government, society and individual must not violate human rights. On one hand, it is a comprehensive understanding of human rights which enables people to recognize the importance and value of human rights for people, while it is convenient for theoretical research. On the other hand, the understandings of human rights above either discourse the congenital and authentic nature of the rights of human from the perspective of innate, or discourse the relevance between human rights and nation and society from the perspective of practice, accordingly regard that human rights exist independently from people’s external things. The whole meaning of human rights have not been explicated completely, human rights are essential rights of human, this article attempts to give an holistic interpretation of human rights based on people’s property, to analyze different connotations of human rights on innate, practice and reality levels.

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## **1. HUMAN RIGHTS IN ACCORDANCE WITH INNATE ARE RIGHTS OF UNIVERSALITY**

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Modern western scholars of Renaissance proposed natural rights of human, pointing out that people have the rights of not being oppressed, not being enslaved, and the rights of equality and freedom. Nature here refers to God, for the school of natural law it means nature, which means that everyone is God’s people, or everyone has the authentic natural state, everyone have equal rights, but the main meaning needs to be understood as a innate. And the real innate is with respect to acquired, and has its own connotation. Kant explained in detail in his book “Critique of Pure Reason” that the so-called innate is a common attribute relative to experience, the main feature is thinking from the perspective of the thing itself, abandoning the impact based on acquired experience on the judgment of things, and pursuing the

universal necessity of things. Human rights are rights to property of human, from the perspective of innate, human is an appellation of class, rights belong to human are embodied as right of a class, so they have a metaphysical quality which is embodied as universality. “The subject of human rights applies to all people, and it has an undoubted universality; in the content of human rights, the universality of human rights bases on human’s dignity and value, human beings’ common interests and morality, and a common human rights standards through continuous dialogue, makes human rights a universal right”. Which means the subject of human rights is suitable for everyone, and the universality of human rights is based on human’s dignity, common interests and common morality.

In particular, human rights are rights of class from the perspective of innate, and they equally belong to everyone, there is no need to prove by acquired experience and habit, because itself is self-evident, which reflects to people’s ubiquity and will not be deprived for external things, they are the foundation of human’s existence. They include right of life and survival. Bing understood literally, the right of life is the preservation and protection of life and making life exists completely without being violated or infringed; right of survival is people having right living in freedom, living environment and food. These two rights are fundamental for human beings’ existence, if there is no guarantee for right of life, people will not exist, while if there is no right of survival, people will not be able to survive and live, and there will be no possibility of existence. They constitute the basis for people to exist, and they belong to people’s fundamental issues and do not need extrinsic gifts or acquired experience, it belongs to the human nature of existence, of course it belongs to the innate with a universal nature. The congenital interpretation of human rights is elaborated on the basis of human existence, there is no experiential condition to understand the foundation of human’s existence without it, and therefore it must be a universal right for all people. “A person who talks about human rights, he must also talk about the normative universalism.”

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## **2. HUMAN RIGHTS IN ACCORDANCE WITH PRACTICE ARE RIGHTS OF NECESSITY**

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In the perspective of innate, human rights are understood from the perspective of people’s themselves, it should not be deprived for external, and it belongs to a universal right, is the most basic rights that everyone must have. But on the practical level, the meaning of practice is an activity that subjects work above objects, and the deep understanding is about a creative activity with the subject’s freedom, the practice is free in essence, and has a own laws , it requires people to look upon and research a problem in the point of view of inevitability. Human is

a universal existence, according to Aristotle and Kant's arguments, human is also an existence with rations, which determines human is a dignified existence, and distinguishes with a sensible existence. In the practice, human acts in accordance with the practical law, and firstly human is free and followed by equal. Those are liberty and equality embodied in human rights. Because human beings are the same as animals if there is no rights of freedom and equality for them.

How people get the free and equal right in practice, Kant advocated rational human rights, "Everyone directs himself in rational freedom, and it is impossible not to respect all other people's same rational freedom, that is, respecting everyone who has such a rational and free self-directed ability as the same people with equal rights. In short, people with ration are free, and free men recognize others' freedom, which is their right". That is, ration as the content and source of human rights, as long as people have ration, they have the right of freedom and dignity. Kant actually claims that people have human rights in accordance with ration, and realize it in practice is the goal rather than the means. Natural rights theory originated the Enlightenment period, in 17-18 century, got a lot of recognition in politics, the most important advocators are Grotius of the Dutch law school and British philosopher John Locke, whose fundamental point is regarding people's so-called intrinsic nature or natural attributes as the foundation for why people entitle certain rights, and derive certain rights and norms from human nature. That is, deriving people's property of right from human nature. Kant's concept of rational rights explain that in accordance with rational deduction people will inevitably have a right, the school of natural law's concept of natural rights discussed the inevitable rights belonging to human in accordance with human's nature, both of them are reflected as non-deprivation and inviolability.

The inevitability of right is a right of necessity and essential right in practical activities. Likewise, according to the traditional western tradition philosophy, human being is essentially different with animals in nature as a conscious and rational existence, and this is an inherent advantage of human. On a practical level, people act according to ration, so it is not necessarily restricted to external constraints, but free and equal. "The Universal Declaration of Human Rights '3-18 Rule: refers to the right to life, freedom, security and property, the right to equality in front of law, right to freedom of thought and conscience and religion, the right to political asylum, right to freedom of marriage and family formation." Among them, the right to freedom and equality is embodied in people's right of necessity in practice. Right to freedom means that people's right which is not forced in practice and with the right to autonomy, according to Locke's statement, "people's freedom, and the freedom according to his own will to act, are based on his ration". That is, basis of freedom are rationality, humanity

and will, and that is the right to freedom according to human's humanity and rational will. Right to equality means the right that people are equal in the practice, not being discriminated and special treated. Born equal is the view of many natural jurists, but for the people in practice, the right to equality is that everyone should be respected, if there is no right to equality, human has will not be eligible for the minimal life.

Thus, on a practical level, human rights are a necessity, which are reflected in the people's dignity and right as human, just as if there is no existence of the right to liberty and equality, human is unable to exist and survive in practice.

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### 3. HUMAN RIGHTS IN ACCORDANCE WITH REALITY ARE RIGHTS OF PROTECTION

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Human rights are a necessary right on the level of practice, mainly because human as a rational being, human rights are embodies as the fundamental rights of people in the course of practice, then people can survive or exist better. In practical point of view, human rights need to meet the real needs of people to make them live a normal life and survive. And reality refers to the person's real state, meeting people's basic living and survival needs. People need to be effectively protected in the real life.

The concept of human rights of contract doctrine demonstrates human's right of protection in theory. In philosopher Hoeffe's view, "human rights are not simply the natural attributes, but human beings' construction. Like other rights, human rights are given by people themselves, values of human rights are set by people themselves like all other ethics. This set is based on people's needs living together, considerations of self-interest and basic intuition and emotion". Human rights are constructed by people, and this construction is affected by people's own emotions, security of human rights' reality is agreement. Philosopher Habermas advocates legal rights, "the so-called human rights are a legal right, which means the carrier of human rights is a member of legal community, also means that human rights have been set in law, and thus be able to get the real fulfillment and real security". Ethicists Gecolorpat believes that "having a legal right always means having a requirement of effective implementation to protect the right. And only on the level of nation, human rights are litigated. Only here, human rights change to basic rights and protect as fundamental rights". The protection of reality of human rights is the effect of law.

The reality protection of human rights is reflected on the real rights of people, not innate or practical, but the basic things for people as a co-existence of emotion and ration. Human rights in this aspect are: safety, property and the right to health. Right to security refers that people

enjoy the completeness of life and body not being injured in the activities of real life, in the sense of philosophy, it is embodied in the basic respect to people, protecting the safety of people's physical and mental spirit, to reach the definition of Epicurus of happiness, that is, making people's body and soul not being hurt, and no pain and trouble for body and soul. The right to health refers that a person as a human right has the right to enjoy health, and health as a condition for people to survive, people can not live a good life without health and contrary to the basis of people's existence. Property rights are the most basic rights for people to maintain their own existence, Locke discussed it in detail and pointed out that property is a typical case of natural rights, "based on property rights, everybody has an absolute dominate to property, the property can not be deprived by others or any government without people's consent".

That is, right to property belongs to people's inherent rights, which can not be arbitrarily denied by others or others have no right to deprive it. Locke also believes that, in the state of nature, nature and God give people the publicity of flora and fauna, and no one has the exclusive right of these things. If people want to transfer shared resources into private property, they need to work. "A man braced his work in the natural world, making an item out of the original state, thus making it into his property. Or a man adds something which it did not have, thus excludes the common right of it, and makes it as his property." This explains the right of property is the right gaining proper protection on the basis of labor, its base is labor and labor is essential for maintaining the activity of human's existence, the property acquired in the labor directly related to the existence of human life and value, thus reflects the importance of property rights for human existence.

But on the level of reality, what kind of right is people's basic right, from the perspective of people themselves, that is people far away from harm and are able to maintain their physical and mental integrity and freedom. In the protection of life, people have the right to gain safety and health; in the basic life-sustaining, people have the right to acquire property to satisfy their basic needs, and maintain the existence. In reality, the human rights are protected right for people to meet and maintain their basic needs. The protection prompts people to survive and develop better in reality, and respect the basic things. The protected human rights mainly depend on external things which respect to people, and they are endowed by external law, institution, etc. for people to exist.

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## CONCLUSION

Thus, human rights are rights of human, like any other theory or the United Nations and governments have

argued, reflects that human itself has its possession and extrinsic giving. The essence of property embodies the foundation for human existence, and the external giving embodies as constraints and protection of law and regulation, without the former, the latter does not need to exist; without the latter, the former is only potential, and the actual protection is equal to nothingness. Only a combination of both could interpret the meaning of human rights. This also explains the human rights are not because of external constraints, or inherent differences, they are shared based on people's interests, and could only be true under the protection of law and norms. From the perspective of innate, human rights are born to all people, people only exist when gain some basic rights, and those are universal rights for people; on point of view of practice, people can not to avoid living in certain social practice, and basic human rights are equality and freedom, otherwise people can not exist goodly, this is a right of necessity for human; in reality point of view, maintaining people not be harmful, and make people's real life going orderly is a protected right. A comprehensive three-latitude understanding of human rights in this paper, the meaning of human rights in the most fundamental sense are people's most basic and most fundamental rights to all people, and the existence of human must be obtained from human rights. The characteristics are universality, generality, basis and applicability. Universality refers to people gaining rights regardless of race, gender, age, religion; generality refers to rights suited for all people; foundation refers to the basis of human rights; applicability refers to rights suitable for morality and judge of law. Human rights reflect people's fundamental rights, it needs to find their roots in theory, it also needs maintenance or protection of law externally in order to interpret and grasp of human rights better.

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