

The Dragon's Human Face: Wartime Implications of Traditional Chinese Minben Thought for Contemporary Laws of War

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Abstract:

Traditional Chinese *Minben* thought profoundly shaped the philosophy of warfare in ancient China. Diverging from the nation-state and ethnic consciousness that characterized early European history, the ancient Chinese worldview regarded the entire populace under *Tianxia* as an indivisible unity. Accordingly, the highest objectives of conflict were understood as bringing security to the people and benefiting the people, principles that permeated the entire spectrum of a just war. In the contemporary context, this people-as-root philosophy offers critical humanitarian insights for the evolution of the laws of war. Regarding *jus ad bellum*, it posits that the right to resort to force must be constrained by the imperative to protect civilian life and fundamental rights; regarding *jus in bello*, it offers a theoretical lens to rebalance military necessity with humanitarian obligations; and regarding *jus post bellum*, it

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advocates that the victor assumes a proactive responsibility to restore social governance, ensure public welfare, and preserve cultural continuity, thereby laying the social foundations for a durable peace.

Keywords: *Minben* Thought; Just War; *Jus ad Bellum*; *Jus in Bello*; *Jus post Bellum*

The efficacy of laws of war is increasingly understood to depend on their resonance with the diverse ethical traditions of individual states, as identifying humanitarian values embedded within local cultural contexts can foster greater compliance and more robust implementation.¹ In the Chinese context, Boris Kelecevic of the ICRC has noted that traditional ideals regarding dignity and social responsibility are fundamentally congruent with the overarching principles of international humanitarian law (IHL). Recognizing this alignment is a critical step toward strengthening the implementation of humanitarian norms through cross-cultural dialogue and institutional cooperation.²

At the same time, the universalism promoted by international law often encounters practical challenges. States, as the primary drafters and implementers of these norms, differ significantly in terms of economic systems, political ideologies, cultural traditions, religious

¹ Fan Xueke, "China and Humanitarian Law: Evolution, Contemporary Influence and Prospects of Traditional Ethics in Modern-day Practice", *Asian Pacific Journal of International Humanitarian Law*, Vol. 5, 2024, p. 102.

² The International Academy of Red Cross & Red Crescent, *Boris stated that the ICRC is committed to engaging in in-depth dialogue and cooperation with China in the fields of culture and tradition*, 2025, available at: <https://mp.weixin.qq.com/s/-nWNluP43RGUg2CGpatXGg> (all internet references were accessed in December 2025).

beliefs, and legal frameworks.³ Although all civilizations have developed norms and customs to restrain the conduct of war, the core rules of the laws of war as codified in modern legal instruments largely reflect the cultural values and intellectual traditions of Western civilization.⁴ Yet warfare is not a challenge unique to Western civilization; both Eastern and Western societies have long developed concepts emphasizing humanity and benevolence in war. Judge Hanqin Xue has observed that “[n]otwithstanding its universal character, international law in practice is nonetheless not identically interpreted and applied among States.”⁵ Countries with diverse characteristics understand these concepts differently: “whilst a broad historical brush may depict all societies as having had some sort of notion of restraint in warfare, it is also clear that not all have emphasized the same ideas or adopted the same institutions.”⁶ This article therefore takes traditional Chinese *Minben* (people-as-root) thought as its point of departure to explore its implications for wartime conduct and its contemporary relevance for the laws of war. Not only did this school of thought profoundly shape Chinese concepts of warfare in antiquity,⁷ but it also provides intellectual insights from Chinese civilization for the theory and practice of contemporary laws of war. Here, the term “laws of war” is used in a

³ Zhuo Liang, “Chinese Perspectives on the Ad Bellum/In Bello Relationship and a Cultural Critique of the Ad Bellum/In Bello Separation in International Humanitarian Law”, *Leiden Journal of International Law*, Vol. 34, 2021, p. 292.

⁴ M. Sassòli, A. A. Bouvier and A. Quintin (eds.), *How does Law Protect in War?: Cases, Documents and Teaching Materials on Contemporary Practice in International Humanitarian Law*, International Committee of the Red Cross, Geneva, 2012, p. 5; Martti Koskenniemi, “The Case for Comparative International Law”, *Finnish Yearbook of International Law*, Vol. 20, 2009, p. 4.

⁵ Hanqin Xue, “Chinese Contemporary Perspectives on International Law: History, Culture and International Law”, *Recueil des Cours*, vol. 355, 2012, p. 53.

⁶ M. Sassòli, above note 4, p. 5.

⁷ Fuchuan Yao, “War and Confucianism”, *Asian Philosophy*, Vol. 21, No. 2, 2011, pp. 213–226.

broad sense, encompassing *jus ad bellum*, *jus in bello*, and *jus post bellum*.

To refine the scope of this study, the core research question is specifically defined as follows: How can traditional Chinese *Minben* thought provide a normative framework to address the structural imbalances in the contemporary laws of war? Rather than broadly surveying historical intersections of philosophy and conflict, this article explicitly aims to contribute to the critique, interpretation, and development of modern IHL and broader laws of war in three concrete ways. First, as a critique, it challenges the state-centric paradigm of *jus ad bellum* and the expansive application of military necessity, exposing how existing legal ambiguities are often exploited to rationalize civilian harm. Second, regarding interpretation, it introduces a people-centered lens to strictly construe ambiguous IHL concepts (such as proportionality and military advantage), ensuring that legal uncertainties are resolved in favor of civilian protection. Third, concerning legal development, it advocates for integrating fundamental human rights as substantive constraints on the resort to force and proposes transforming *jus post bellum* from a minimalist framework of order-maintenance into a system of positive obligations for post-war societal recovery.

1. Core Concepts of Traditional Chinese *Minben* Thought

1.1. The Formation of Traditional Chinese *Minben* Thought

For many, the people-as-root thought represents an enduring tradition of Confucian political theory that conceives of the common people (民) as the root (本) of the state, implying that the state's priority lies in serving the best interests of the people—an idea often understood as the ruler's duty to govern for the people by promoting

their welfare.⁸ The formation of this thought underwent a long process of development.

As early as the Shang and Zhou periods, the concepts of “protecting the people” (保民) and “valuing the people” (重民) had already emerged. Although political authority at the time continued to be expressed through the language of the Mandate of Heaven, texts such as the *Guoyu* (《国语》)⁹ and the *Zuo Zhuan* (《左传》)¹⁰ increasingly linked good governance with the well-being of the people, reflecting the early emergence of Minben-oriented political thought.¹¹ A decisive development occurred during the Western Zhou period, when the Mandate of Heaven came to be understood as operating through the people, a view reflected in the Book of Documents, which states that “Heaven hears as the people hear; Heaven sees as the people see,” suggesting a conceptual unity between the will of Heaven and that of the people.¹²

As the intellectual landscape further diversified during the Spring and Autumn and Warring States periods, thinkers across the various philosophical schools continued to develop the notion of *Minben*, with the Confucian tradition offering the most systematic articulation of this idea. Building on historical experience, Confucian

⁸Ahyoung Lee, “For the People: A Philosophical Study of Min and Minben Thought in Early China”, PhD dissertation, City University of Hong Kong, 2024, pp. 2–3.

⁹ See *Guoyu* (Jin Yu, Part 4). Translation available at: <https://ctext.org/guo-yu/ens?searchu=%E6%9F%94%E5%92%8C%E4%B8%87%E6%B0%91> (all internet references were accessed in December 2025).

¹⁰ See *Zuo Zhuan* (Xi Gong, Year 5). Translation available at: <https://ctext.org/guo-yu/ens?searchu=%E6%9F%94%E5%92%8C%E4%B8%87%E6%B0%91> (all internet references were accessed in December 2025).

¹¹ See Jin Yaoxi, *A History of the Minben Thought in China*, Law Press, Beijing, 2008, pp. 13, 17–22, 25, 28, 109.

¹² See Shang Shu (Great Declaration II). Translation available at: <https://ctext.org/shang-shu/ens?searchu=%E5%A4%A9%E8%A7%86%E8%87%AA%E6%88%91%E6%B0%91%E8%A7%86> (all internet references were accessed in December 2025).

masters such as Confucius and Mencius placed “loving the people” (仁者爱人) and benevolent government (仁政) at the center of their political philosophy. They emphasized attending to the needs of the people in governance, promoting economic well-being for both the state and the populace, and grounding statecraft in policies oriented toward the people’s livelihood. These ideas formed a distinct people-as-root thought, which was later institutionalized as part of the dominant ideological framework of subsequent dynasties.

1.2. The Shaping of Ancient Chinese Warfare Philosophy by *Minben* Thought

The *Minben* thought not only played a central role in political, economic, and social governance in ancient China, but its gradually developed theoretical framework also profoundly shaped Chinese conceptions of warfare. Within Confucian ethics, the moral regulation of warfare evolved under the rubric of the “just war” (义战) ideal.¹³ Classical Chinese texts make clear that the purpose and ultimate end of a just war did not lie in a ruler’s personal ambition or private gain; rather, its highest objective was to “bring security to the people” and “benefit the people.” This people-as-root orientation, which placed popular welfare at the heart of political judgment, constituted the very value standard by which the legitimacy of warfare was assessed in ancient China. As such, the ideal of “just war” not only served the broader purpose of upholding political legitimacy but also reflected the longstanding belief that even in times of conflict, governance must remain grounded in the welfare of the people.¹⁴

¹³ Zhuo Liang, “Culture, Ideology and Politics: The Shaping of China’s Conception of International Humanitarian Law”, *FICHL Policy Brief Series*, Vol. 112, 2020, p. 1.

¹⁴ Wang Ying, “Why Are Chinese Peacekeepers So Disciplined? Towards a Research Agenda”, *FICHL Policy Brief Series*, Vol. 24, 2014, p. 2.

1.2.1 All Under Heaven: Treating Everyone as the Emperor's Subjects

The ancient Chinese referred to the mortal world as *Tianxia* (天下), literally “all under heaven,”¹⁵ and their understanding of world order—most clearly embodied in this *Tianxia* worldview—shaped the very foundations of ancient Chinese conceptions of warfare.¹⁶ China was understood as the “Central Kingdom,” the sole true civilization, surrounded by so-called “barbarian” states.¹⁷ Chinese emperors styled themselves as the “Son of Heaven” (天子), ruling by the Mandate of Heaven and recognized as the supreme sovereign over the *Tianxia* world, which encompassed both the Chinese cultural heartland (华夏) and surrounding non-Chinese peoples, with moral authority extending beyond territorial and national distinctions.¹⁸ *The Book of Poetry* (《诗经》) expresses this sentiment thus: “Under the wide heaven, no land lies beyond the Emperor’s domain, and within the bounds of the seas, no one falls outside the Emperor’s rule.”¹⁹ This China-centered, universalist worldview rendered the notion of legally defined boundaries between China and non-Chinese states—so

¹⁵ As William Callahan neatly elucidated, “[l]iterally speaking, tian is the heavens, the sky, and what is on top, while xia is an indexical term meaning below, lower, inferior. Tianxia thus refers to everything below the sky and is commonly used in classical texts to refer to “the earth” and “the (Chinese) world”. See W. A. Callahan, “Chinese Visions of World Order: Post-Hegemonic or a New Hegemony?”, *International Studies Review*, Vol. 10, No. 4, 2008, p. 751.

¹⁶ See Xiong Mei, Ji Na and Feng Zhengzheng, *Study on Ancient Chinese Laws of War*, Shanghai People’s Publishing House, Shanghai, 2023, pp.18-21.

¹⁷ Zhaojie Li, “Traditional Chinese World Order,” *Chinese Journal of International Law*, Vol. 1, No. 1, 2002, p. 25–26.

¹⁸ Tieya Wang, “International Law in China: Historical and Contemporary Perspectives”, *Recueil des Cours*, Vol. 221, 1990, p. 217.

¹⁹ See *Book of Poetry* (Bei Shan). Translation available at: <https://ctext.org/book-of-poetry/ens?searchu=%E8%8E%AB%E9%9D%9E%E7%8E%8B%E5%9C%9F> (all internet references were accessed in December 2025).

fundamental in contemporary international law—difficult for the ancient Chinese to conceive.

This unique *Tianxia* conception not only shaped China's holistic understanding of internal and external relations but also provided a worldview foundation for the influence of *Minben* thought on ancient Chinese conceptions of warfare, endowing them with distinctive civilizational characteristics.²⁰ At a time when modern notions of interstate relations had yet to form, all inhabitants under heaven were nominally regarded as subjects of the Chinese emperor; even so-called “barbarians” were not considered truly foreign, but rather “people beyond civilization who have yet to be assimilated into Chinese culture.”²¹ Accordingly, in warfare, all people within enemy territory were seen as part of the *Tianxia* order under Chinese moral authority. Under this conception, the emperor was obliged not only to care for his own people but also to regard the enemy populace as his subjects, applying *Minben* thought universally. Ancient Chinese conceptions of warfare were thus deeply influenced by *Minben* thought; ethically conducted warfare aimed, at a macro level, to protect and promote the welfare of populations on both sides, and in practice emphasized the preservation and prioritization of human life.

In contrast, early European Christian kingdoms gradually established national boundaries and ethnic identities, considering themselves “civilized” states. They waged war to subjugate so-called uncivilized peoples and states under the pretext of spreading religion, but in reality, they employed violence and colonization to safeguard commercial interests. Europeans clearly distinguished between “us”

²⁰ Zhaojie Li, “Traditional Chinese World Order”, *Chinese Journal of International Law*, Vol. 1, No. 1, 2002, p. 29.

²¹ Immanuel C. Y. Hsü, *China's Entrance into the Family of Nations: The Diplomatic Phase 1858-1880*, Harvard University Press, Cambridge, 1960, p. 7.

and “them” in warfare; when a state was declared an enemy, all its subjects were treated as adversaries.²² The early codification of legal boundaries between states in Western civilization thus treated enemy populations equivalently to rulers, contributing in part to a historical absence of moral constraints on conduct in war.²³

1.2.2 Peace Without War: Ensuring the People’s Security

The political order of ancient China was grounded primarily in moral authority rather than military force.²⁴ Peace was therefore regarded as the natural condition of *tianxia* and a defining attribute of its political order.²⁵ In an ideal state, war ought not to occur at all,²⁶ for ancient China perceived itself as the embodiment and center of civilization, emphasizing moral transformation rather than military coercion as the means to maintain its rule over *tianxia*. It thus assumed responsibility for preserving peace within this moralized world order and for guiding it toward the ideal of *datong* (“Great Harmony”). As the *Daodejing* (《道德经》) puts it, “Weapons are instruments of ill omen; they are not the tools of a gentleman.”²⁷ Military force was generally regarded as inauspicious and permissible only when all other pathways to peace had failed. Out of respect for ritual propriety as the

²² K. Hagen, “A Chinese Critique on Western Ways of Warfare”, *Asian Philosophy*, Vol. 6, 1996, p. 214.

²³ Zhuo Liang, “Chinese Perspectives on the Ad Bellum/In Bello Relationship and a Cultural Critique of the Ad Bellum/In Bello Separation in International Humanitarian Law”, *Leiden Journal of International Law*, Vol. 34, 2021, pp. 312–316.

²⁴ Samuel S. Kim, *China, the United Nations and World Order*, Princeton University Press, Princeton, 1979, p. 45.

²⁵ S. C. Neff, *War and the Law of Nations: A General History*, Cambridge University Press, Cambridge, 2005, p. 31.

²⁶ Daniel A. Bell, “Justification of War in Ancient China”, *Asian Philosophy*, Vol. 56, 1998, p. 32.

²⁷ See Dao De Jing. Translation available at: <https://ctext.org/dao-de-jing/ens?searchu=%E4%B8%8D%E7%A5%A5%E4%B9%8B%E5%99%A8> (all internet references were accessed in December 2025).

symbolic foundation of order, Confucius likewise approached warfare with caution. He famously praised Duke Huan of Qi for “uniting the feudal lords nine times without resorting to the chariot of war”,²⁸ underscoring a preference for virtue-based governance and negotiation in securing peaceful coexistence among states.

From the perspective of practical governance, the belief that peace was the rightful condition of *tianxia* was closely tied to the traditional *Minben* thought. The “people,” often mentioned alongside “agriculture” and “soldiers” in discussions of state interests, were viewed as vital political resources. As recorded in the *Analects* (《论语》), the essentials of statecraft lay in “the people, food, mourning rites, and sacrificial rituals.”²⁹

In ancient China, popular support was considered indispensable for political stability: only by winning the hearts of the people could a state or regime secure lasting peace, whereas the loss of popular support made it difficult for any ruler to maintain authority.³⁰ Warfare inflicted suffering and insecurity upon the populace, thereby undermining the foundations of political power. Xunzi observed: “If the people of another state become eager to fight us, while our own people become reluctant to do so, this is how the strong become weak. Territory may be gained, but the people will leave; burdens increase, but achievements diminish. Even those who

²⁸ See The Analects (Xian Wen). Translation available at: <https://ctext.org/analects/ens?searchu=%E4%B9%9D%E5%90%88%E8%AF%B8%E4%BE%AF> (all internet references were accessed in December 2025).

²⁹ See The Analects (Yao Yue). Translation available at: <https://ctext.org/analects/ens?searchu=%E6%89%80%E9%87%8D> (all internet references were accessed in December 2025).

³⁰ Qian Hai, “Studies of People: Contemporary Transformation of Traditional People-oriented Thought”, *Journal of Peking University (Philosophy and Social Sciences)*, Vol. 60, No. 3, 2023, p. 43.

defend themselves will only harm their position—thus do great states become reduced”.³¹ In other words, war depletes popular support and thereby weakens state capacity; its costs often outweigh its benefits. For this reason, rulers were expected to employ military force only with great caution, to safeguard the welfare of the people. Peace, therefore, was not merely a moral ideal but a practical necessity, for according to the *Minben* thought, the stability of political authority rests on the welfare of the people.

1.2.3 Victory or Defeat: Determined by the People's Support

Although ancient Chinese thought generally valued peace and refrained from advocating war lightly, armed conflict was nevertheless regarded as inevitable when moral education and legal governance failed. Even in times of war, however, ancient Chinese rulers profoundly recognized the centrality of the people: the outcome of war was never determined by rulers alone but was closely tied to the support of the common populace.³²

The *Huainanzi* (《淮南子》) states, “to follow the desires of the people and to rely on their strength”,³³ suggesting that a war may possess legitimacy insofar as it rescues the people from extreme suffering and thereby aligns with popular will. Such legitimacy, in turn, enables rulers to draw upon the people's material support and labor.

³¹ See Xunzi (Wangzhi). Translation available at: <https://ctext.org/xunzi/ens?searchu=%E4%BA%BA%E4%B9%8B%E6%B0%91%E6%97%A5%E6%AC%B2%E4%B8%8E%E6%88%91%E6%96%97> (all internet references were accessed in December 2025).

³² James A. Strohle, “Justification of War in Ancient China”, *Asian Philosophy*, Vol. 8, 1998, p. 173.

³³ See *Huainanzi* (Binglüe Xun). Translation available at: <https://ctext.org/huainanzi/ens?searchu=%E5%9B%A0%E6%B0%91%E4%B9%8B%E6%AC%B2%EF%BC%8C%E4%B9%98%E6%B0%91%E4%B9%8B%E5%8A%9B> (all internet references were accessed in December 2025).

The *Huainanzi* further observes that “the foundation of governance lies in securing the people, and the foundation of securing the people lies in ensuring sufficient means of livelihood”.³⁴ This indicates that only when the welfare of the people continues to be safeguarded even in wartime—by ensuring that they are “kept alive without being killed, given to without being deprived, gladdened without being made to suffer, and pleased without being angered”—can a ruler truly win the hearts of the people.³⁵ Only then can the people be willing “to guard the altars of state together with him, and even face death without deserting him.”³⁶

Accordingly, under the guidance of *Minben* thought, ancient Chinese war ethics sought to secure popular support through morally justified modes of warfare.³⁷ Military forces operating under such ethical constraints were praised as “armies of benevolence and righteousness” (仁义之师). Guided by ritual propriety and moral virtue, these armies were expected to uphold benevolence and humanitarian restraint in the conduct of war, thereby securing popular endorsement of their military actions. As Xunzi observed, “the army may kill, but must not deceive the people—this is what is called the

³⁴ See *Huainanzi* (Quan Yan Xun). Translation available at: <https://ctext.org/huainanzi/ens?searchu=%E4%B8%BA%E6%94%BF%E4%B9%8B%E6%9C%AC> (all internet references were accessed in December 2025).

³⁵ See *Six Secret Teachings* (Guo Wu). Translation available at: <https://ctext.org/liu-tao/ens?searchu=%E7%94%9F%E8%80%8C%E5%8B%BF%E6%9D%80%EF%BC%8C%E4%B8%8E%E8%80%8C%E5%8B%BF%E5%A4%BA%EF%BC%8C%E4%B9%90%E8%80%8C%E5%8B%BF%E8%8B%A6%EF%BC%8C%E5%96%9C%E8%80%8C%E5%8B%BF%E6%80%92> (all internet references were accessed in December 2025).

³⁶ See *Huainanzi* (Quan Yan Xun). Translation available at: <https://ctext.org/huainanzi/ens?searchu=%E4%B8%8E%E4%B9%8B%E5%AE%88%E7%A4%BE%E7%A8%B7%EF%BC%8C%E6%96%85%E6%AD%BB%E8%80%8C%E6%B0%91%E5%BC%97%E7%A6%BB> (all internet references were accessed in December 2025).

³⁷ Ping Cheung Lo, “Chinese Traditions on Military Ethics”, in J. T. Johnson and E. D. Patterson (eds.), *The Ashgate Research Companion to Military Ethics*, Routledge, London, 2015, p. 409.

utmost achievement”;³⁸ when benevolence and righteousness are fully realized, warfare reaches its highest ideal: “the army of the benevolent preserves life with spiritual power; wherever it passes, transformation follows; like timely rain descending, none fail to rejoice.”³⁹

2. Elements of *Minben* Thought in China’s Ancient “Just Wars”

In reflecting on war as an essentially unavoidable phenomenon, ancient Chinese thinkers came to reject the view that all wars were morally equivalent. Only those wars waged for the protection of the people and the vindication of justice were regarded as ethically legitimate—so-called “just wars.”⁴⁰ On this basis, they developed a theory of just war centered on *Minben* principles, understood as a people-centred normative orientation of political legitimacy.

The Confucian tradition exerted the most sustained intellectual influence in this regard, particularly after the Han state adopted the policy of “elevating Confucianism and excluding the hundred schools” in 134 BCE, which entrenched Confucianism as the dominant orthodoxy of imperial governance. Yet Confucian primacy in doctrinal discourse did not eliminate the continued normative relevance of non-Confucian traditions in the articulation of military thought. Texts associated with the military tradition remained integral to statecraft and military education across successive dynasties, most notably the

³⁸ See Xunzi (Yi Bing). Translation available at: <https://ctext.org/xunzi?searchu=%E5%8F%AF%E6%9D%80%E8%80%8C%E4%B8%8D%E5%8F%AF%E4%BD%BF%E6%AC%BA%E7%99%BE%E5%A7%93> (all internet references were accessed in December 2025).

³⁹ See Xunzi (Yi Bing). Translation available at: <https://ctext.org/text.pl?node=12489&if=en&show=meta> (all internet references were accessed in December 2025).

⁴⁰ Zhuo Liang, “Chinese Perspectives on the Ad Bellum/In Bello Relationship and a Cultural Critique of the Ad Bellum/In Bello Separation in International Humanitarian Law”, *Leiden Journal of International Law*, Vol. 34, 2021, p. 297.

Seven Military Classics (《武经七书》)⁴¹, which were systematised under the Northern Song dynasty (960–1127) and incorporated into the imperial military examination system.⁴²

Against this backdrop, *Minben* is understood in this Article as a broad political ethic rather than a narrowly Confucian doctrine. It denotes a theory of political legitimacy in which the welfare of the people constitutes the foundational criterion of good governance and the primary standard by which political authority is assessed. Although the texts examined here—the *Shangshu*, *Analects*, *Mencius*, *Xunzi*, *Huainanzi*, *Six Secret Teachings*, *Sima Fa*, and *Lüshi Chunqiu*—emerged in different historical and intellectual contexts, they collectively articulate a continuous normative commitment to the primacy of popular welfare in political ordering.

This shared normative orientation was further reinforced by the institutional status of these works within imperial knowledge systems. Since the Han dynasty, Confucian classics have formed the core of the civil examination curriculum and imperial state education.⁴³ Military classics were likewise incorporated into official systems of learning and selection and were treated as authoritative references for military governance.⁴⁴ Despite their divergent

⁴¹ The Seven Military Classics are *Six Secret Teachings* (《六韬》), *Sima Fa* (《司马法》), *The Art of War* (《孙子兵法》), *Wuzi* (《吴子》), *Weiliaozi* (《尉缭子》), *Three Strategies of Huang Shigong* (《黄石公三略》), and *Questions and Replies between Tang Taizong and Li Weigong* (《唐太宗与李卫公问对》).

⁴² Ralph D. Sawyer, “General Introduction and Historical Background of the Classics”, in *The Seven Military Classics of Ancient China*, Basic Books, New York, 1993, p. xii.

⁴³ Xu Chenggang, “The Imperial Examinations and Confucianism: The Institutional Genes for Imperial Personnel and Ideology”, in *Institutional Genes: Origins of China’s Institutions and Totalitarianism*, Cambridge University Press, Cambridge, 2025, pp. 163–201.

⁴⁴ Barry O’Sullivan and Liying Cheng, “Lessons from the Chinese Imperial Examination System”, *Language Testing in Asia*, Vol. 12, 2022, p. 1.

intellectual genealogies, both traditions were progressively absorbed into imperial institutions and thereby stabilised as components of a shared canon of governance. It was this process of institutionalisation that enabled texts of diverse intellectual origins to be received as components of a shared canon of governance and, consequently, as a common normative foundation for Minben-oriented political ethics.

This institutional convergence shaped not only theories of governance but also conceptions of legitimate warfare. Ancient Chinese thinkers consequently developed a normative framework for evaluating the legitimacy of war, one that extended beyond the identity of the belligerents, the causes invoked, and the timing of resort to force to encompass the protection of persons and objects during the conduct of hostilities. Accordingly, the following analysis examines the *Minben* elements reflected in ancient Chinese just war theory and practice along three dimensions: justice in the resort to war (*jus ad bellum*), justice in the conduct of war (*jus in bello*), and justice after war (*jus post bellum*).

2.1. Jus ad Bellum

Ancient Chinese thinkers generally regarded just war as an extension of criminal punishment against those who had lost virtue.⁴⁵ For instance, during the Spring and Autumn period, the statesman Zang Wenzhong stated, “The severest punishments employ armor and weapons; next come axes and battle-axes; then knives and saws; then

⁴⁵ See Paschal Ting, Marian Gao and Bernard Li, *Philosophical Perspectives for the Third Millennium: Dialogue between Christian Philosophy and Chinese Culture*, Council for Research in Values and Philosophy, Washington, 2002, p. 244; Ji Na, “Tracing the Origins of Ancient Chinese Laws of War”, *Military History*, No. 5, 2021, pp. 64–68.

drills and picks; and finally, whips and flails.”⁴⁶ Guan Zhong also observed, “Weapons are used externally to punish the violent and internally to curb evil.”⁴⁷ Accordingly, the purpose of just war was often expressed as “safeguarding the people and punishing the guilty” (吊民伐罪) or “curbing violence and eliminating harm” (禁暴除害), emphasizing that warfare aimed to relieve the suffering of the populace and restore social order, which aligns fundamentally with the objectives of criminal justice.⁴⁸ Because just war was conceived as an extension of penal sanction, it was understood not merely as an exercise of the right to wage war but also as a morally and legally regulated punitive measure. In other words, initiating a just war was not an arbitrary choice of the ruler or political faction; it had to satisfy conditions analogous to those governing criminal punishment—namely, deployment by a sage, a just cause, and the proper timing.

2.1.1 The Sage as the Sole Authority to Use Force

The principle that only the sage may legitimately resort to force refers to the requirement that war must be initiated by an authority or agent possessing legitimate moral authority, to ensure that the justifiability of warfare is grounded in genuine concern for the welfare of the people. Given that *Tianxia* denotes an understanding of a universal moral order, the authority entitled to wage a “just war” should be defined primarily in moral rather than purely political terms.⁴⁹ Here,

⁴⁶ See Guoyu (The Discourses of Lu, Volume I). Translation available at: <https://ctext.org/guo-yu/ens?searchu=%E5%A4%A7%E5%88%91%E7%94%A8%E7%94%B2%E5%85%B5> (all internet references were accessed in December 2025).

⁴⁷ See Guanzi (Canhuan). Translation available at: <https://zh.wikisource.org/wiki/%E7%AE%A1%E5%AD%90/%E7%AC%AC28%E7%AF%87%E5%8F%83%E6%82%A3> (all internet references were accessed in December 2025).

⁴⁸ Torkel Brekke, *The Ethics of War in Asian Civilizations: A Comparative Perspective*, Routledge, London, 2006, p. 185; Chris Fraser, “The Mozi and Just War Theory in Pre-Han Thought”, *Journal of Chinese Military History*, Vol. 5, 2016, pp. 154–155.

⁴⁹ Ping Cheung Lo, above note 37, p. 404.

“morality” does not signify abstract ethical principles, but rather a value orientation centered on *Minben*: whether the ruler truly cares for the people’s survival and well-being, and whether he is capable of protecting and prioritizing their interests. Accordingly, only those who occupy a position of moral superiority grounded in commitment to the people are entitled to legitimate authority to initiate war.⁵⁰

A just war, therefore, is conceived as resistance or opposition by a political actor possessing superior moral legitimacy against usurpers, tyrants, or aggressors.⁵¹ The *Huainanzi* articulates this idea by emphasizing the sage’s duty to “curb violence and suppress disorder,” stating: “When the sage rises in righteous indignation, he punishes the violent and brings order to chaotic times, levels the dangerous and removes the corrupt, transforming the turbid into the pure and the perilous into peace; thus, decisive action cannot be avoided.”⁵² This passage suggests that only the “sage” is capable of genuinely assuming the political responsibility of protecting the people. Mencius similarly observes that “one who is invincible under *Tianxia* is an agent of Heaven,”⁵³ and that “as an agent of Heaven, one may legitimately punish [the wrongdoer].”⁵⁴ In Mencius’s view, an “agent of Heaven” is a ruler who practices benevolent governance and

⁵⁰ Chris Fraser, above note 48, p. 166; David Graff, “The Chinese Concept of Righteous War”, in Howard M. Hensel (ed.), *The Prism of Just War: Asian and Western Perspectives on the Legitimate Use of Military Force*, Ashgate, Farnham, 2010, p. 200.

⁵¹ Sumner B. Twiss and Jonathan Chan, “The Classical Confucian Position on the Legitimate Use of Military Force”, *Journal of Religious Ethics*, Vol. 40, 2012, p. 452.

⁵² See *Huainanzi* (Binglüe Xun). Translation available at: <https://ctext.org/huainanzi?searchu=%E5%9C%A3%E4%BA%BA%E5%8B%83%E7%84%B6%E8%80%8C%E8%B5%B7> (all internet references were accessed in December 2025).

⁵³ See Mengzi (Gong Sun Chou I). Translation available at: <https://ctext.org/mengzi?searchu=%E6%97%A0%E6%95%8C%E4%BA%8E%E5%A4%A9%E4%B8%8B%E8%80%85> (all internet references were accessed in December 2025).

⁵⁴ See Mengzi (Gong Sun Chou II). Translation available at: <https://ctext.org/mengzi?searchu=%E4%B8%BA%E5%A4%A9%E5%90%8F> (all internet references were accessed in December 2025).

acts in accordance with the will of the people. Such a ruler occupies the highest position of moral virtue within the *Tianxia* order and thus possesses supreme moral authority to wage a just war.⁵⁵

Within the Chinese tradition, figures described as “sages” or “agents of Heaven” most often referred to emperors, who were ordinarily regarded as possessing legitimate authority to wage just wars.⁵⁶ Nevertheless, formal political status alone did not guarantee moral supremacy. When an emperor lost moral virtue, morally superior regional lords or even rebel leaders—provided that their actions were genuinely motivated by the protection of the people—could also claim legitimate authority to wage a just war.⁵⁷ A well-known exchange illustrates this point: when King Xuan of Qi asked Mencius whether it was permissible for a minister to kill his ruler, Mencius replied, “He who outrages the benevolence proper to his nature is called a robber; he who outrages righteousness is called a ruffian. Such robbers and ruffians are regarded as mere men.”⁵⁸ Through this exchange, Mencius makes clear that a tyrant who has abandoned benevolence and righteousness becomes a legitimate target of punishment, and those who act to protect the lives and property of the people, in so doing, acquire the moral authority to wage a just war.

⁵⁵ Chris Fraser, above note 48, p. 166.

⁵⁶ Nadine Godehardt, “Between Harmonious World and ‘War of Order’: Chinese Meanings of Just War and Their Reemergence”, in Brendan Howe and Boris Kondoch (eds.), *The Legality and Legitimacy of the Use of Force in Northeast Asia*, Brill, Leiden, 2013, pp. 80, 90.

⁵⁷ Cheng-Yun Chang, “Were Those Decisions Righteously Made? The Chinese Tradition of Righteous War and China’s Decisions for War, 1950–1979”, *Foreign Policy Analysis*, Vol. 13, 2017, p. 401.

⁵⁸ See Mengzi (Liang Hui Wang II). Translation available at: <https://ctext.org/mengzi?searchu=%E8%B4%BC%E4%BB%81%E8%80%85%E8%B0%93%E4%B9%8B%E8%B4%BC> (all. internet references were accessed in December 2025).

2.1.2 Just Cause

Just cause refers to the principle that a just war must be waged with the aim of preserving political order and protecting the interests of the people. Those who initiate a just war should act according to the principle of “using words to punish crime” (以辞伐罪).⁵⁹ The *Rites of Zhou* (《周礼》) records the “Nine Causes for Military Action,” which enumerate nine justifications for launching a campaign: “assisting the weak against the powerful” (冯弱犯寡), “punishing those who harm the virtuous or oppress the people” (贼贤害民), “suppressing internal violence and external aggression” (暴内陵外), “addressing wastelands and scattered populations” (野荒民散), “dealing with persistent disobedience” (负固不服), “punishing those who kill their relatives” (贼杀其亲), “acting against a minister who assassinates his ruler” (放弑其君), “responding to violations of decrees or disrespect of authority” (犯令陵政), and “intervening in internal and external disorder that allows chaos like wild animals to prevail” (外内乱, 鸟兽行).⁶⁰ These behaviors were seen as blatant violations of the morally sanctioned order of *Tianxia* and a serious breach of the *Minben* principle. Punishing such crimes and restoring peace and order to *Tianxia* thus constituted a legitimate justification for war.

The objectives of a just war should be to “protect the people and punish wrongdoers” and “restrain violence and eliminate harm”, with the key criterion being whether the war is grounded in the interests of the people rather than the private desires of the

⁵⁹ See Zuo Zhuan (Ai Gong, Year 23). Translation available at: <https://ctext.org/chun-qi-zuo-zhuan/ens?searchu=%E4%BB%A5%E8%BE%9E%E4%BC%90%E7%BD%AA> (all internet references were accessed in December 2025).

⁶⁰ See The Rites of Zhou (Xiaguan Sima). Translation available at: <https://ctext.org/rites-of-zhou/ens?searchu=%E5%86%AF%E5%BC%B1%E7%8A%AF%E5%AF%A1> (all internet references were accessed in December 2025).

belligerents. As Zhuangzi observes, a war that manifests as “the strong oppressing the weak, the many bullying the few” (以强凌弱，以众暴寡), serving only the interests of a few while harming the common welfare of the populace, should be regarded as unjust.⁶¹ The *Huainanzi* observes that “in later times, even when rulers lacked virtue, everyone fortified their cities with moats and walls; the attackers did not act to restrain violence or eliminate harm, but simply sought to seize more territory,” suggesting that such wars, driven not by justice or the protection of the people but by mere territorial ambition, are inconsistent with the principles of a just war.⁶² In Chinese history, tyrants such as Xia Jie, Yin Zhou, Jin Li, and Song Kang drained the realm’s resources through their greed and imposed harsh laws that caused widespread suffering among the people, demonstrating that, without resistance justified as a just war grounded in the *Minben* principle, such oppression may lead to greater social harm and instability.

2.1.3 Proper Timing

The proper timing of a just war refers to the necessity of launching military action in accordance with favorable conditions, taking into account both the seasons and the welfare of the people, so as to avoid disrupting civilian life. In evaluating the justice of war in ancient China, consideration was given not only to the moral legitimacy of the cause but also to the potential impact of military campaigns on the

⁶¹ See Zhuangzi (Dao Zhi). Translation available at: <https://ctext.org/zhuangzi/zhs?searchu=%E4%BB%A5%E4%BC%97%E6%9A%B4%E5%AF%A1> (all internet references were accessed in December 2025).

⁶² See Huainanzi (Binglüe Xun). Translation available at: <https://ctext.org/huainanzi/zhs?searchu=%E6%99%9A%E4%B8%96%E4%B9%8B%E5%85%B5%EF%BC%8C%E5%90%9B%E8%99%BD%E6%97%A0%E9%81%93> (all internet references were accessed in December 2025).

livelihoods of the populace.⁶³ For example, in Confucian thought, an emperor who deprived the people of basic sustenance and withheld the food supply was considered a cruel and unvirtuous sovereign.⁶⁴

Ancient Chinese military doctrine emphasized adherence to the way of war (战道), which required that campaigns be conducted without violating seasonal norms or harming civilians, demonstrating care for the people; without exploiting disasters or funerary occasions for aggression; and without mobilizing troops in extreme summer or winter, to safeguard civilian well-being.⁶⁵ This principle mandated that the initiation of war must consider the welfare of the people, avoiding disruption of agricultural cycles and civilian hardships, and refraining from opportunistic or excessive warfare. Such concern for civilian livelihoods reflects the *Minben* governance ideal, highlighting that the moral legitimacy of a just war rests on protecting and caring for the populace, rather than on pursuing unrestrained military ambition.

2.2. Jus in Bello

Given that the purpose of a just war is to punish those who disrupt political order and harm the populace, violence in war should be directed solely at the guilty.⁶⁶ Accordingly, in ancient Chinese just war

⁶³ Daqun Liu, "International Law and International Humanitarian Law in Ancient China", in Morten Bergsmo, Cheah Wui Ling and Yi Ping (eds.), *Historical Origins of International Criminal Law*, Vol. I, Torkel Opsahl Academic EPublisher, Brussels, 2014, p. 103.

⁶⁴ Daniel A. Bell, *Confucian Political Ethics*, Princeton University Press, Princeton, 2008, pp. 241–242.

⁶⁵ See Sima Fa (Renben). Translation available at: <https://ctext.org/si-ma-fa/ens?searchu=%E4%B8%8D%E8%BF%9D%E6%97%B6%EF%BC%8C%E4%B8%8D%E5%8E%86%E6%B0%91%E7%97%85> (all internet references were accessed in December 2025).

⁶⁶ Christopher C. Rand, *Military Thought in Early China*, State University of New York Press, Albany, 2017, p. 145.

theory, the justification of war consistently adhered to a *Minben* value orientation, emphasizing the distinction between the guilty and the innocent. Violence in a just war ought to be proportionate to its punitive purpose, targeting only those who threaten social order and endanger the populace, while innocent civilians, who seek the restoration of harmony and peace under the *tianxia* order, must be spared to the greatest extent possible.⁶⁷ As Xunzi famously stated, “When carrying out punishment, one does not punish the common people themselves, but those who cause disorder among them.”⁶⁸ Mencius further suggested that under a benevolent and righteous ruler, the ideal state is one in which no unjust acts are committed, and no innocent lives are taken.⁶⁹

Based on this distinction, ancient Chinese just war theory developed a substantial and consistent set of humanitarian norms at the level of *jus in bello*, centered on the protection of civilians’ lives and livelihoods. Although there also existed numerous norms regulating hostile actions solely in relation to enemy forces,⁷⁰

⁶⁷ Karen Turner, “War, Punishment, and the Law of Nature in Early Chinese Concepts of the State”, *Harvard Journal of Asiatic Studies*, Vol. 53, 1993, pp. 304–305.

⁶⁸ See Xunzi (Yibing). Translation available at: <https://ctext.org/xunzi/zhs?searchu=%E5%87%A1%E8%AF%9B%E5%85%B6%E7%99%BE%E5%A7%93%E4%B9%9F%E5%80%85%E4%B9%9F> (all internet references were accessed in December 2025).

⁶⁹ See Mencius (Gongsun Chou I). Translation available at: <https://ctext.org/mengzi/ens?searchu=%E8%A1%8C%E4%B8%8D%E4%B9%89%E3%80%81%E6%9D%80%E4%B8%8D%E8%BE%9C%E8%80%8C%E5%BE%97%E5%A4%A9%E4%B8%8B%E5%80%8C%E7%9A%86%E4%B8%8D%E4%B8%BA%E4%B9%9F> (all internet references were accessed in December 2025).

⁷⁰ Xu Chuanbao summarized the rules of warfare in ancient China as follows: “engage in battle only when flags are raised and drums are sounded” (旗鼓而战), “show benevolence but punish the guilty” (怀仁杀敌), “allow the fleeing to escape” (任逸奔者), “do not employ deceit” (勿事诈), “handle traitors properly” (把通叛徒), “withdraw when mourning” (守哭退师), “cease attacks upon hearing of a death” (闻丧止攻), and “lift a siege as agreed” (解围如期). See Xu Chuanbao, *Relics of Pre-Qin International Law*, Shanghai Bookstore Publishing House, Shanghai, 1991, p. 275. However, these norms do not constitute rules

righteous armies (义兵) were required to adhere to the *Minben* principle. The *Six Secret Teachings* (《六韬》) instruct that a righteous army should “not burn granaries, not destroy houses, refrain from felling tomb trees or sacred groves, spare surrendering enemies, refrain from killing captives, demonstrate benevolence, and exercise magnanimity”.⁷¹ *Huainanzi* emphasizes that a righteous army must observe the “Six Prohibitions” (六毋): “Do not cut down trees, do not dig up tombs, do not burn grain, do not set fire to stockpiles, do not capture civilians, do not seize livestock”.⁷² Similarly, the *Lüshi Chunqiu* (《吕氏春秋》) describes the people-centered conduct of a righteous army: “When troops enter enemy territory, the populace knows where to seek protection, and the common people know they will not be killed. On the outskirts of towns and cities, do not destroy grain, dig up tombs, fall trees, burn stockpiles, burn houses, or seize livestock. Accept surrendering civilians or captives and return them unharmed to distinguish good from evil; keep one’s word with the people to deprive the enemy of resources”.⁷³ The *Sima Fa* (《司马法》) provides even more detailed training requirements, prescribing the “Six Virtues” (六德)—benevolence, righteousness, ritual propriety, trustworthiness, courage, and wisdom—as wartime instruction, and it requires soldiers to “contend for righteousness rather than profit” and

aimed at protecting war victims; their ideological roots stem more from the “rites” (礼) developed from ancient sacrificial practices rather than from “people-centered” thought. See Xiong Mei, Ji Na and Feng Zhengzheng, *Study on Ancient Chinese Laws of War*, Shanghai People’s Publishing House, Shanghai, 2023, pp. 114–115, 142–156.

⁷¹ See Liutao (Lue Di). Translation available at: <https://ctext.org/liu-tao/ens?searchu=%E6%97%A0%E7%87%94%E4%BA%BA%E7%A7%AF%E8%81%9A> (all internet references were accessed in December 2025).

⁷² See *Huainanzi* (Binglüe Xun). Translation available at: <https://ctext.org/huainanzi/zhs?searchu=%E6%AF%8B%E4%BC%90%E6%A0%91%E6%9C%A8> (all internet references were accessed in December 2025).

⁷³ See *Lüshi Chunqiu* (Mengqiu Ji). Translation available at: <https://ctext.org/lv-shi-chun-qiu/zh?searchu=%E6%95%85%E5%85%B5%E5%85%A5%E6%96%BC%E6%95%B5%E4%B9%8B%E5%A2%83> (all internet references were accessed in December 2025).

to “show compassion to the weak and to the sick and wounded.”⁷⁴ It further mandates that, upon entering enemy territory, temples must not be violated; hunting and farming must be refrained from; fortifications, walls, and houses must not be destroyed; trees must not be felled; and livestock, grain, and tools must not be seized. The old and the young must be spared and returned unharmed; even able-bodied individuals must not be harassed or attacked; and wounded enemies must be provided with medical care.⁷⁵

In the practice of warfare in ancient China, these humanitarian norms were, to a certain extent, voluntarily observed by belligerents who fought under the banner of righteousness. Historical records provide numerous illustrative examples. During the Eastern Han dynasty, the general Deng Yu, in suppressing the Red Eyebrow rebels, enforced strict military discipline and refrained from disturbing the civilian population, so that as a result of his repeated military successes and orderly conduct, large numbers of people in the Guanzhong region defected to his side, with surrenders reportedly numbering in the thousands each day.⁷⁶ Following this example, similar instances of disciplined and humane conduct can be found in later periods. A well-known episode from the Records of the Three Kingdoms recounts that Cao Cao, a prominent warlord of northern China during the Three Kingdoms period, ordered his army not to trample a field of ripened wheat, on pain of death. Consequently, the cavalry dismounted and carefully parted the wheat by hand to allow

⁷⁴ See Sima Fa (Ren Ben). Translation available at: <https://ctext.org/si-ma-fa?searchu=%E5%85%AD%E5%BE%B7> (all internet references were accessed in December 2025).

⁷⁵ See Sima Fa (Ren Ben). Translation available at: <https://ctext.org/si-ma-fa?searchu=%E5%85%A5%E7%BD%AA%E4%BA%BA%E4%B9%8B%E5%9C%B0> (all internet references were accessed in December 2025).

⁷⁶ See Book of the Later Han (Deng Kou Lie Zhuan). Translation available at: <https://ctext.org/hou-han-shu/deng-kou-lie-zhuan/zhs?filter=425022> (all internet references were accessed in December 2025).

their horses to pass, and when Cao Cao's own horse was startled and ran into the field, he held that the author of the order must not be above it and symbolically cut off his own hair in place of the culprit's head, thereby reaffirming military discipline.⁷⁷

Similarly, Zhu Yuanzhang, the founder of the Ming dynasty, adhered to the maxim of "taking cities by force but restoring order through benevolence," issuing strict prohibitions against indiscriminate killing and forbidding his troops from seizing children, women, or valuables. When dispatching generals Xu Da and Chang Yuchun on the northern expedition against the Yuan court, he instructed them that, unlike the wanton massacres of previous dynastic transitions, they were not to engage in arson, plunder, or arbitrary killing, and that even members of the former ruling house were to be preserved, to "respond to Heaven's will and fulfill the purpose of punishing wrongdoing while pacifying the people."⁷⁸ Hu Dahai, one of his subordinates, famously declared: "I am a man of arms and do not know books; I know only three things: not to kill people, not to plunder women, and not to burn houses."⁷⁹ Later, during the late Ming period, Li Zicheng, leader of the Dashun army, issued an explicit proclamation upon entering Beijing: "Whoever dares to harm the people or plunder property or women shall be executed without pardon."⁸⁰

⁷⁷ Chen Shou, *Annotated Records of the Three Kingdoms*, in Pei Songzhi (ed.), Dingwen Printing, Taipei, 1977, p. 429.

⁷⁸ See The Ming History (Annals II: Taizu II). Translation available at: <https://ctext.org/wiki.pl?if=gb&chapter=390514&searchu=%E4%B8%8D%E6%81%AD%E5%91%BD%E8%80%85%E7%BD%9A%E6%97%A0%E8%B5%A6> (all internet references were accessed in December 2025).

⁷⁹ See The Ming History (Liezhuàn Vol. XXI). Translation available at: <https://ctext.org/wiki.pl?if=en&chapter=93772&searchu=%E5%90%BE%E6%AD%A6%E4%BA%BA&remap=gb> (all internet references were accessed in December 2025).

⁸⁰ Liu Shangyou, *Dingsi Xiaoji*, Zhejiang Ancient Books Publishing House, Hangzhou, 1985, p. 69.

In summary, ancient Chinese humanitarian norms for the protection of war victims encompassed both human and material dimensions. In terms of human beings, they safeguarded civilians, especially the elderly, children, and women, as well as prisoners of war, the sick and wounded, and surrendering enemies, all of whom were not to be executed, harmed, or enslaved. At the material level, these norms protected houses, grain, livestock, tombs, and trees that were essential to civilian livelihoods and that were not, or were no longer, used for military purposes from plunder or destruction. These normative prescriptions were not merely abstract ideals but were, at least in part, reflected in wartime practice. Instances of compliance with such humanitarian norms appear throughout Chinese historical sources, spanning the entire trajectory of ancient Chinese warfare from the Xia, Shang, and Zhou periods to the Qing dynasty.

Nevertheless, it must be acknowledged that these norms, grounded in *Minben* thought, appear in modern terms more as ethical injunctions than as legally binding rules.⁸¹ As a result, even when belligerents violated the principles of just war in practice, they were generally subject only to moral and public censure, rather than genuine legal sanction. This lack of enforceability is closely related to the moral-exhortative character and top-down structural limitations of *Minben* thought itself. So-called people-as-root thought was merely a limited modification of ruler-centered governance, functioning primarily as an admonition to the sovereign. Its implementation depended on the self-discipline of a virtuous ruler,

⁸¹ Stephen C. Neff, *War and the Law of Nations: A General History*, Cambridge University Press, Cambridge, 2005, p. 34; Daniel A. Bell, *Beyond Liberal Democracy: Political Thinking for an East Asian Context*, Princeton University Press, Princeton, 2006, p. 24.

while the populace occupied a largely passive position in relation to sovereign authority.⁸²

For this reason, ancient Chinese humanitarian norms were ultimately unable to prevent all forms of wartime atrocities, particularly the notorious massacres following the capture of cities. Yet despite these limitations, the existence of these norms and the instances in which they were observed shine like a faint glimmer of light amid the darkness of war, preserving a measure of humanity on brutal battlefields and leaving a valuable legacy of ideas and cultural resources for the later development of the laws of war.

2.3 Jus post Bellum

In mainstream thought in ancient China, the ethical core of interstate relations lay in moral influence, whereby harmony and coexistence were promoted through moral authority and cultural attraction.⁸³ The “righteousness” of a righteous army thus extended to the postwar period. As Confucius advocated, “If neighbouring people do not submit to your ruler, then enhance your culture and virtue and draw them to you”.⁸⁴ Guided by this principle, the victorious state should exhibit tolerance and magnanimity toward the defeated. After punishing a guilty state and completing the war’s mission, the responsibility of the victor is not to annihilate the political, social, and

⁸² Viren Murthy, “The Democratic Potential of Confucian Minben Thought”, *Asian Philosophy*, Vol. 10, No. 1, 2000, p. 34.

⁸³ Zhaojie Li, “Traditional Chinese World Order”, *Chinese Journal of International Law*, Vol. 1, No. 1 (2002), p. 34; Zhuo Liang, “Chinese Perspectives on the Ad Bellum/In Bello Relationship and a Cultural Critique of the Ad Bellum/In Bello Separation in International Humanitarian Law”, *Leiden Journal of International Law*, Vol. 34, 2021, p. 292.

⁸⁴ See The Analects (Ji Shi). Translation available at: <https://ctext.org/analects?searchu=%E6%95%85%E9%81%A0%E4%BA%BA%E4%B8%8D%E6%9C%8D%E4%BC%8C%E5%89%87%E4%BF%AE%E6%96%87%E5%BE%B7%E4%BB%A5%E4%BE%86%E4%B9%8B> (all internet references were accessed in December 2025).

cultural structures of the enemy, but rather to assist in restoring order and reestablishing normal governance.

From the perspective of civilian welfare, postwar law in ancient China emphasized the protection of noncombatants. The *Weiliaozi* (《尉繚子》) states, “Where the army advances, farmers should not abandon their fields, merchants should not leave their shops, and officials should not forsake their offices”.⁸⁵ This provision may suggest that even during warfare, the basic livelihoods and social order of the people must not be disrupted, reflecting the central value of people-as-root governance.

From the perspective of political order, the victor bore the responsibility of helping the defeated state correct political deviations, restore administrative functions, and rebuild civil order. The *Sima Fa* prescribes: “The king and the feudal lords should rectify their states, appoint the capable and wise, and restore the proper exercise of official duties”.⁸⁶ This demonstrates that the victor’s duty extended beyond correcting political misrule to supporting capable individuals in resuming governance, highlighting the importance of political and social continuity in ancient postwar law. The *Lüshi Chunqiu* provides even more detailed postwar practice norms: “When a state is conquered, do not harm its people; punish only the guilty. Appoint outstanding scholars and enfeoff them, select the virtuous and honor them, assist the widowed and orphans, show respect to elders. Increase their stipends and ranks. Rescue the imprisoned guilty

⁸⁵ See Weiliaozi (Wu Yi). Translation available at: <https://ctext.org/wei-liao-zi?searchu=%E5%85%B5%E4%B9%8B%E6%89%80%E5%8A%A0%E8%80%85> (all internet references were accessed in December 2025).

⁸⁶ See Sima Fa (Ren Ben). Translation available at: <https://ctext.org/si-ma-fa?searchu=%E7%8E%8B%E5%8F%8A%E8%AF%B8%E4%BE%AF> (all internet references were accessed in December 2025).

where possible; distribute treasury funds and granary reserves to pacify the populace without misappropriating resources; inquire into local shrines and ancestral temples that people wish to preserve, and restore them according to ritual”.⁸⁷ These measures define limits on postwar punishment, support for talent, relief for the populace, equitable resource allocation, and the preservation of ancestral rites, reflecting a comprehensive system that balanced civilian welfare, political reconstruction, and cultural continuity.

Finally, regarding the continuity of culture and social order, ancient Chinese thought emphasized the preservation of ancestral temples and lineage continuity.⁸⁸ The *Analects* records, “To rise or fall a state, to continue or end a lineage, when able people are elevated, the people of the world will be loyal”.⁸⁹ Postwar measures such as appointing outstanding scholars, honoring the virtuous, assisting the widowed and orphans, respecting elders, rescuing prisoners where possible, distributing treasury funds and granary reserves to pacify the populace, and restoring ancestral shrines all exemplify the respect for social structures, cultural traditions, and public sentiment in ancient China. These measures not only ensured social stability but also laid the foundation for long-term harmony between states.

⁸⁷ See Lüshi Chunqiu (Huai Chong). Translation available at: <https://ctext.org/lv-shi-chun-qiu/zh?searchu=%E6%95%85%E5%85%8B%E5%85%B6%E5%9B%BD> (all internet references were accessed in December 2025).

⁸⁸ See Weicong Li *et al.*, “Cultural Rituality and Heritage Revitalization Values of Ancestral Temple Architecture Painting Art from the Perspective of Relational Sociology Theory”, *Heritage Science*, Vol. 12, 2024, p. 341; Kathryn Coe, Ryan O. Begley, “Ancestor Worship and the Longevity of Chinese Civilization”, *Review of Religion and Chinese Society*, Vol. 3, No. 1, 2016, pp. 3–24.

⁸⁹ See *Analects* (Yao Yue). Translation available at: <https://ctext.org/analects?searchu=%E8%88%88%E6%BB%85%E5%9C%8B> (all internet references were accessed in December 2025).

3. Insights from Traditional Chinese *Minben* Thought for the Contemporary Laws of War

The *Minben* philosophy, intrinsic to ancient Chinese just war theory, mandates that belligerents are expected to consistently uphold the humanitarian principles of protecting and benefiting the populace throughout the course of a conflict. Crucially, this obligation is generally understood to be universal, extending to all civilians regardless of whether they fall under the direct jurisdiction of the acting power.

Consequently, *Minben* thought offers profound insights into the contemporary evolution of the laws of war. Specifically, in the context of *jus ad bellum*, it emphasizes that the legitimacy of employing force should be grounded in the protection of civilian lives and fundamental rights; regarding *jus in bello*, it offers a theoretical framework for recalibrating the balance between military necessity and humanitarian considerations; and in the context of *jus post bellum*, it underscores the importance of institutional arrangements that ensure social stability and the smooth restoration of political order.

3.1. Reinforcing Human Rights Protection as a Constraint on the Use of Force

Since the emergence and rapid development of international human rights law after World War II, its relationship with *jus ad bellum* has become a prominent topic in international legal discourse. A central controversy in contemporary international law concerns whether and to what extent international human rights law—particularly the right to life—can impose substantive constraints on the legality of resort to force under the *jus ad bellum* framework, or whether it remains

confined to regulating conduct during armed conflict under *jus in bello*.

In 1982, the UN Human Rights Committee, in its first General Comment on the right to life, emphasized that any measures taken by states “to prevent the dangers of war, particularly nuclear war, and to strengthen international peace and security, constitute the most important conditions and guarantees for the protection of the right to life”.⁹⁰ Later resolutions adopted by the Sub-Commission on the Promotion and Protection of Human Rights in 1996 and 1997 similarly affirmed that “international peace and security are essential prerequisites for the enjoyment of human rights, especially the right to life”.⁹¹ A more significant milestone came in 2019, when the Human Rights Committee issued General Comment No. 36 on the right to life under Article 6 of the International Covenant on Civil and Political Rights, reiterating that “efforts to avoid the risk of war and any other armed conflict, and to strengthen international peace and security, constitute the most important guarantees for the right to life”.⁹² The Committee further classified acts of aggression that result in loss of life as violations of the right to life and emphasized that states may fail to discharge their positive obligations if they do not take all reasonable measures to resolve international disputes by peaceful means.⁹³ Scholars increasingly support the view that aggression constitutes an

⁹⁰ UN Human Rights Committee, “CCPR General Comment No. 6: Article 6 (Right to Life)”, 30 April 1982.

⁹¹ Economic and Social Council, “Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on Its Forty-Eighth Session”, UN Doc. E/CN.4/SUB.2/RES/1996/16, 25 November 1996, pp. 44-45; Economic and Social Council, “Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on Its Forty-Ninth Session”, UN Doc. E/CN.4/Sub.2/RES/1997/36, 28 August 1997, pp. 80-81.

⁹² UN Human Rights Committee, “General comment No. 36 on article 6: right to life”, UN Doc CCPR/C/GC/36, 3 September 2019, para. 69.

⁹³ *Ibid.*, para. 70.

infringement of the right to life, recognized as a fundamental human right.⁹⁴

Despite these institutional and scholarly endorsements, state practice has historically shown a marked indifference to individual rights in the context of the exercise of the right to resort to force, revealing the immaturity of these claims.⁹⁵ Preparatory materials for the 2010 ICC Rome Statute amendments on the crime of aggression demonstrate that the possibility of individuals as victims of aggression was not considered in drafting and negotiations,⁹⁶ and some scholars⁹⁷ have noted that “historically, individuals were never regarded as victims of the crime of aggression”.

Moreover, General Comment No. 36 has faced opposition from several states, with some recommending the deletion of relevant passages. France⁹⁸ cautioned against overly broad interpretations of Article 6, emphasizing that it was not intended to regulate the use of

⁹⁴ See e.g. Frédéric Mégret, “What Is the Specific Evil of Aggression?”, in Claus Kreß and Stefan Barriga (eds.), *The Crime of Aggression: A Commentary*, Cambridge University Press, Cambridge, 2016, pp. 1441-1442; Hans-Peter Kaul, “Victims’ Rights and Peace”, in Christoph Safferling & Torsten Bonacker (eds.), *Victims of International Crimes: An Interdisciplinary Discourse*, T.M.C. Asser Press, The Hague, 2013, p. 227; Shane Darcy, “Accident and Design: Recognising Victims of Aggression in International Law”, *International and Comparative Law Quarterly*, Vol. 70, 2021, p. 107.

⁹⁵ For example, under mechanisms such as the United Nations Compensation Commission (in relation to Iraq’s invasion of Kuwait) or the Eritrea–Ethiopia Claims Commission, claims for individual losses could only be submitted by states on behalf of their nationals, and individuals have never been recognized as having independent legal standing in cases of violations of the *jus ad bellum*.

⁹⁶ See Stefan Barriga & Claus Kreß (eds.), *The Travaux Préparatoires of the Crime of Aggression*, Cambridge University Press, Cambridge, 2012.

⁹⁷ Erin Pobjie, “Victims of the Crime of Aggression”, in Claus Kreß & Stefan Barriga (eds.), *The Crime of Aggression: A Commentary*, Cambridge University Press, Cambridge, 2017, p. 822.

⁹⁸ France, *Commentaires du Gouvernement Français*, para. 42, available at: <https://www.ohchr.org/Documents/HRBodies/CCPR/GCArticle6/France.docx> (all internet references were accessed in December 2025).

force between states; Germany⁹⁹ recognized that aggression affects human rights but insisted on maintaining a distinction between the right to resort to force and international human rights law; Canada¹⁰⁰ argued that IHL constitutes *lex specialis* in armed conflict, and thus should be the primary reference when assessing compliance with human rights law; and the United States¹⁰¹ rejected the Committee's approach entirely, emphasizing that the ICCPR applies only within the territory of States Parties and to persons under their jurisdiction, meaning that aggressor states do not bear human rights obligations toward victims of aggression.

In this context, traditional Chinese *Minben* thought provides valuable insights for constraining the exercise of the right to resort to force through human rights considerations. From a *Minben* perspective, the decision to resort to war is not merely a political choice by state rulers based on military or strategic interests but must fundamentally aim at safeguarding the livelihoods and welfare of the civilian population. Accordingly, when assessing the legitimacy of resorting to war, key factors include whether the reasons for war adequately protect the interests of the people and whether the timing of hostilities takes their well-being into account; any warfare that exploits force recklessly and results in widespread suffering would be difficult to justify. Unlike the traditional state-centric conception of *jus ad bellum*, *Minben* thought places the welfare of the people at the

⁹⁹ Germany, *Submission from Germany*, para. 24, available at: <https://www.ohchr.org/Documents/HRBodies/CCPR/GCArticle6/Germany.docx> (all internet references were accessed in December 2025)

¹⁰⁰ Canada, *Comments by the Government of Canada*, para. 5, available at: <https://www.ohchr.org/Documents/HRBodies/CCPR/GCArticle6/Canada.docx> (all internet references were accessed in December 2025)

¹⁰¹ US, *Observations of the United States*, para. 20, available at: <https://www.ohchr.org/Documents/HRBodies/CCPR/GCArticle6/UnitedStatesofAmerica.docx> (all internet references were accessed in December 2025)

centre of the legitimacy assessment. It therefore offers a normative framework in which human well-being is not merely a consequence of lawful resort to force but an essential criterion for determining whether the use of force is justified in the first place.

This conception aligns closely with contemporary efforts to limit the use of force through human rights law: if a state fails to assess the impact of armed conflict on civilians' lives and fundamental rights, the legality of its resort to force under *jus ad bellum* does not shield it from potential violations of international human rights obligations.

Rather than simply reinforcing existing human rights arguments, *Minben* thought contributes an alternative normative foundation by redefining the purpose of the law governing the use of force: the legitimacy of war derives not solely from compliance with inter-State legal rules, but also from its capacity to protect the lives and welfare of those affected by armed conflict. In this sense, *Minben* complement existing human rights-based approaches while offering a broader people-centred framework for evaluating the legality of resort to force.

Therefore, the traditional Chinese *Minben* criterion for evaluating the legitimacy of war provides a distinct philosophical and cultural foundation for current international initiatives advocating human rights-based constraints on the use of force, complementing other theoretical approaches¹⁰² and contributing to the gradual maturation of this emerging international legal framework.

¹⁰² For example, apart from the value of human rights protection as the main justification for this claim, some scholars invoke the evolution of the concept of sovereignty to explain its necessity: "The concept of sovereignty has changed... individual rights have become an indispensable aspect of sovereignty. Therefore, there is ample reason to argue that individuals can fall within the protective scope of the law on the use of force." See

3.2. Expanding Humanitarian Considerations as a Constraint on Military Necessity

It is widely accepted today that modern IHL is predicated upon a delicate equilibrium between military necessity and humanitarian considerations. On the one hand, IHL acknowledges that the pursuit of military objectives may inevitably entail a certain degree of death, injury, destruction, and security measures more stringent than those applicable in peacetime; on the other hand, it makes clear that military necessity does not confer an unfettered right to use violence, but instead requires that wartime conduct be legally constrained to ensure the fundamental protection of civilians and non-combatants.¹⁰³ Since World War II, the “humanization” of international law has profoundly shaped the evolution of IHL, catalyzing a shift from a military paradigm to a human-centric one, as reflected most notably in the four Geneva Conventions, which place the principle of humanity and the status of protected persons at the core of the legal framework.¹⁰⁴ In essence, as its name suggests, IHL has moved toward a more pronounced emphasis on humanitarianism over military exigency.

Nevertheless, military necessity persists as a fundamental institutional arrangement within numerous provisions of modern IHL. Taking the 1977 Additional Protocol I as an example, Article 48 mandates that parties to a conflict shall direct operations only against military objectives, while Article 52 defines such objectives as those which “by their nature, location, purpose or use make an effective

Friedrich Rosenfeld, “Individual Civil Responsibility for the Crime of Aggression”, *Journal of International Criminal Justice*, Vol. 10, 2012, pp. 249–265.

¹⁰³ Nils Melzer, *International Humanitarian Law: A Comprehensive Introduction*, International Committee of the Red Cross, Geneva, 2019, pp. 17–18.

¹⁰⁴ Robert Kolb, *Advanced Introduction to International Humanitarian Law*, Edward Elgar, Cheltenham, 2014, pp. 12–13.

contribution to military action” and whose destruction offers a definite military advantage. Furthermore, Articles 51(5) and 57(2) prohibit attacks that violate the principle of proportionality—defined as those expected to cause incidental loss of civilian life or injury which would be excessive in relation to the concrete and direct military advantage anticipated. Article 57(2) further obligates belligerents to take “all feasible precautions” to avoid or minimize incidental civilian harm. While these provisions ostensibly balance necessity with humanity, the legal definitions of military advantage, excessive damage, and feasible precautions remain notoriously ambiguous.

This ambiguity provides a loophole for belligerents to circumvent IHL constraints under the guise of military necessity. The ICRC has noted that certain state interpretations of these core concepts are eroding their protective function.¹⁰⁵ By expanding the scope of military objectives and narrowing the definition of civilians, these interpretations render civilian casualties more acceptable in practice. Simultaneously, a loosening of the proportionality principle allows for a broad definition of military interest while excluding long-term or indirect incidental harm. The principle of precaution is likewise weakened, often treated as a mere policy choice rather than a binding legal obligation. Consequently, military necessity is increasingly viewed as an “insidious” doctrine, invoked to rationalize nearly any atrocity.¹⁰⁶ For instance, in the intensifying Israeli-Palestinian conflict, the concept of “collateral damage” within the

¹⁰⁵ International Committee of the Red Cross, “International Humanitarian Law and the Challenges of Contemporary Armed Conflicts”, *International Review of the Red Cross*, Vol. 106, 2025, p. 1362.

¹⁰⁶ Burrus M. Carnahan, “Lincoln, Lieber and the Laws of War: The Origins and Limits of the Principle of Military Necessity”, *American Journal of International Law*, Vol. 92, 1998, p. 230.

principle of proportionality has been abused and alienated into a pretext for the mass killing of civilians—a total subversion of IHL’s protective purpose.¹⁰⁷ Some scholars argue that IHL has yet to shed its warmongering roots.¹⁰⁸

These risks are likely to be further exacerbated by the deployment of emerging military technologies, particularly autonomous weapon systems and AI-assisted targeting. Where algorithms are trained on overly permissive interpretations of military objectives or proportionality, the existing ambiguities in IHL may be reproduced and amplified, enabling civilian deaths and destruction to occur on a far greater scale and at unprecedented speed.

In response to this crisis, traditional Chinese *Minben* thought offers significant insights for expanding humanitarian considerations and constraining the interpretation of military necessity. War-time philosophies rooted in *Minben* focus on the protection of those not actively participating in combat, emphasizing the minimization of disruption to civilian life, social governance, and production. In terms of value orientation, ancient Chinese theories of just war tend to prioritize humanity over military necessity, pursuing an ideal wherein no innocent are entangled and only the guilty are punished. This not only aligns with the modern IHL goal of limiting force and mitigating calamity,¹⁰⁹ but also suggests that a *Minben* idealistic lens would be

¹⁰⁷ Luigi Daniele, “Incidentality of the Civilian Harm in International Humanitarian Law and Its Contra Legem Antonyms in Recent Discourses on the Laws of War”, *Journal of Conflict & Security Law*, Vol. 29, 2024, pp. 23, 34.

¹⁰⁸ Alonso Gurmendi, “The Rabbit Hole, from Antwerp to Gaza”, *Opinio Juris*, 19 May 2021, available at: <https://opiniojuris.org/2021/05/19/the-rabbit-hole-from-antwerp-to-gaza/> (all internet references were accessed in December 2025).

¹⁰⁹ Yu Zhengshan, “Ren as the Foundation of Warfare, Warfare According to Ren: A Brief Discussion on the Humanitarian Concepts and Rules in Pre-Qin Military Thought”, *Journal of Xi’an Politics Institute*, Vol. 1, 2008, p. 102.

highly critical of any expansive interpretation of military necessity that exploits legal vagueness.

3.3. Restoring Order as a Component of Post-War Justice

Jus post bellum is commonly understood as a body of legal norms aimed at regulating the transition from armed conflict to a just and sustainable peace,¹¹⁰ and is increasingly regarded as an emerging branch of law associated with situations of armed conflict or the post-conflict phase.¹¹¹ Accordingly, *jus post bellum* is expected to articulate standards and principles governing the termination of hostilities, the post-conflict period, and the just reconstruction of communities devastated by war.¹¹²

Modern international humanitarian law imposes certain post-conflict obligations, particularly in situations of occupation. It is well established that an occupying power bears responsibility for maintaining public order and ensuring the safety of the civilian population. Article 43 of the Hague Regulations provides that, where the authority of the legitimate government has in fact passed into the hands of the occupant, the latter must take all measures within its power to restore and ensure public order and civil life, while respecting, unless absolutely prevented, the laws in force in the occupied territory. However, apart from a limited number of provisions in the Hague Regulations, the Geneva Conventions, and their Additional Protocols addressing specific post-conflict situations,

¹¹⁰ Jens Iverson, *Jus post bellum: La redécouverte, les fondements et l'avenir du droit de transformer la guerre en paix*, Brill, Leiden, 2021, p. 145.

¹¹¹ Dan G. Cox, "The Unjustness of the Current Incantation of *Jus post Bellum*", *InterAgency Journal*, Vol. 7, No. 1, 2016, p. 25.

¹¹² Colleen Murphy, "Political Reconciliation, *Jus post Bellum*, and Asymmetric Conflict", *Theoria*, Vol. 62, No., 2015, p. 5.

international law has not established a comprehensive framework governing the post-conflict phase as such. The existing rules are largely framed in abstract and principled terms—such as the duty to “maintain public order” or to “respect existing laws”—and offer little concrete guidance for implementation. Moreover, these obligations are predominantly negative or minimal in nature, requiring only the restoration of basic order and security to the extent possible.

As a result, international law lacks clearly articulated legal procedures for the restoration of durable peace and for the establishment of robust political, economic, social, and cultural institutions capable of fostering social cohesion.¹¹³ Owing to this normative underdevelopment, *jus post bellum* remains a conceptually unsettled and evolving area of international law.¹¹⁴

By contrast, traditional Chinese post-war norms articulate a more affirmative and people-centered vision of post-conflict governance, in which the central objective is not merely the maintenance of public order, but the restoration of the social and material conditions necessary for civilian life and welfare. Normatively, this *Minben*-oriented approach provides a more demanding conception of post-conflict responsibility than that reflected in contemporary *jus post bellum*, which remains largely limited to minimal obligations of order maintenance. It implies that post-conflict duties should be understood as positive obligations to restore basic governance capacity and the conditions for social recovery, rather than as purely negative duties of non-disruption.

¹¹³ Noël Mfuranzima, “*Jus post bellum*: Scope and assessment of the applicable legal framework”, *International Review of the Red Cross*, 2024, Vol. 106, No. 927, pp. 1252, 126.1

¹¹⁴ Eric De Brabandere, “The Concept of *Jus post Bellum* in International Law: A Normative Critique”, in Carsten Stahn, Jennifer S. Easterday, and Jens Iverson (eds.), *Jus post Bellum: Mapping the Normative Foundations*, Oxford University Press, Oxford, pp. 124–126.

Accordingly, an occupying authority is not only required to reestablish administrative control, but also to restore essential public functions, ensure a fair distribution of basic resources, and take reasonable measures to support social recovery and public trust, particularly for vulnerable groups. In this sense, *Minben* offers a normative perspective that shifts post-conflict governance from a minimalist order-preservation model toward a welfare-oriented understanding of post-conflict responsibility.

4. Conclusion

While historical warfare in ancient China frequently contravened humanitarian standards through unjust aggression, large-scale massacres, and the failure to protect civilians post-conflict, Chinese classical military thought nonetheless warrants a nuanced appraisal. Just as the dragon signifies malevolence in Western tradition yet represents auspiciousness in the East, Chinese intellectual traditions, particularly their focus on harmony and inclusiveness, remain worthy of critical engagement as a means to provide valuable perspectives for contemporary international legal discourse. This analytical approach suggests that such classical tenets may contribute significantly to the gradual development of a cross-cultural consensus on the rules of war.¹¹⁵

Within this intellectual tradition, *Minben* thought embodies the ideal of “all under heaven as one family,” advocating that relations among peoples be grounded in mutual respect and peaceful coexistence. It is essential to recognize that *Minben* thought in

¹¹⁵ Ping-cheung Lo, “The Art of War Corpus and Chinese Just War Ethics Past and Present”, *Journal of Religious Ethics*, 2012, Vol. 40, No. 3, p. 436.

ancient China did not function as an enforceable legal regime; rather, it served as a moral-political norm designed to maintain ruling legitimacy by addressing the welfare of the populace. In this sense, it can be conceptualized as a “tacit social contract” wherein the ruler provides benevolent governance and security in exchange for the people’s obedience and recognition—a binding force sustained through moral scrutiny and public sentiment rather than formal legalism. This worldview demands that even in the unfortunate event of armed conflict, hostilities must be conducted in ways that facilitate the swift restoration of peace and protect the population as a whole. Its guiding principles of “bringing security to the people” and “benefiting the people” underscore that, from the initiation of war through its conduct, the protection of human rights and adherence to humanitarian considerations must remain paramount, while violence that does not serve the interests of the people should be minimized to the greatest possible extent.