

## The Value Orientation of Personality, Property and Right in Civil and Commercial Law

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**Abstract:** the Ethical Value of Human Being is Excluded from the Constitution of Personality, That is, the Integrity of Roman Law Based on Property and Region. the Fun of “Property” is the Symbol of the Fun of “Personality”. under the Influence of the Doctrines of Classical Natural Law and Reasonable Ideological Tendency, the Rationality and Value of Human Beings Can Be Based on the Actual Law, While the Elements of Assets Can Be Removed According to the Personality. Compared with the “Property Ability” or “Property Right Ability” of French National Civil Law Property Which Does Not Give Up the Strong Personality Ethics, the Right Ability of German Civil Law Promotes the Importance of the Right Carrier of Personality Completely, and It is the Development of Civil Law. This Article Believes That the Continuous Separation of Property and Ethical Factors of Personality is the Historical Process of Personality Equality. the Understanding of Property as a Factor of Personality is the Cost of Denying the Basic Value of Modern Law of Personality Equality.

### 1. Introduction

The discussion on personality and personality theory goes beyond the field of independent research, involving many fields such as philosophy of law, history of law, ethics, etc. This theory has practical significance in the ideal society of universal equal personality, human dignity and moral self-discipline established in our country, and in the important theory of realizing the fair distribution of social resources and justice of exchange in order to achieve the goal. The system of personality and personality rights is not an important precondition to solve the problem of human status and rights, but the relationship between human and nature and human. Ignore the value of the latter and separate “people” from “things”. Then the whole civil law system collapsed. Therefore, this paper attempts to elaborate from the perspective of three closely related legal categories[1]: personality, property and rights, so as to clearly understand the issues of personality and rights in essentially different legal categories.

### 2. The Basic Elements and Research of Personality

The first essential element of character is testable history. The oldest human social organization is a group. The blood of the relatives of the group, the general ancestors were transmitted. It's connected by blood. For a particular lineage, individual “nature” becomes a member of a group. Moreover, according to the rights enjoyed by family members, corresponding obligations are assumed. On the contrary, people without that are rejected by the laws of one race, and they are not qualified as recipients of the laws of one race[2]. In modern language, it does not meet the requirements of the nature of law and cannot be the subject of law. In fact, this method of identity definition based on blood is a means of human inherent social order, rooted in the most primitive

human instinct, similar to the animal world. From the legal point of view, this “kinship identity” is something else, isn't it? It's just the legitimate character performance in the relationship of blood social organizations: people who meet the legal nature only have the identity of social organizations, yes; people who have the identity of specific social organizations must meet the basic requirements of social organizations, that is, legal personality. At the end of the Gulan society, due to the frequency of population movements and increased migration, ethnic and tribal areas mixed with foreigners, some of whom were corrupt people who did not join the local tribal alliance, and prisoners of war were released.

According to the nature and domain, according to the nature and domain, the personality of Roman law is not only human nature, but also the “nature” of Roman law. Happiness is the symbol of “personality” happiness[3]. First of all, in Roman law, the rules for the protection of human body, reputation and virginity - “individual prisoners” - exist It's not just about being beaten with fists or sticks. Illegal violence can be violated, and when someone is abused, it can also be abused.. Or, if someone writes, edits, publishes satirical articles or poems.. Take action... “ As a result of the above-mentioned misconduct, the injured person has the right to sue the victim, and the form of responsibility that the latter should bear has developed from physical to fine in Roman law. From the point of view of the responsibility of the criminal, here “the law treats people's injuries as a danger imposed on individuals and society”. According to the system, the liability for fines produced as punishment and restraint is also not compensated. In other words, the formulation of these protection rules has nothing to do with “personal protection”. According to Roman law, personality is based on property and regional social identity, which has nothing to do with human ethical value. Secondly, the influence of ancient doctrines of natural law permeates the Roman personality system, and the integrity foundation of Roman personality cannot be replaced.

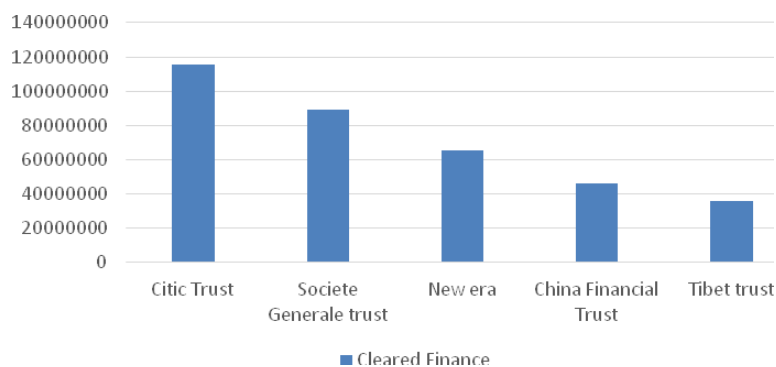


Fig.1 Top Five Cleared Financials

### 3. The Influence of Classical Natural Law Theory and Rationalism on Personality and Property Rights

From the 17th century to the 18th century, the theory of classical natural law, the theory of classical natural law and rationalism had a significant impact on the common legal concepts, basic principles and legal systems of the two western legal systems. The Enlightenment thinkers of modern natural law believe that there is an eternal and universal natural law, which is the order of the highest rationality and the basis of all real laws[4]. The school of classical laws of nature stimulates human beings with reason, breaks down ignorance, superstition and prejudice, clears away the obstacles of the thought and system of capitalist free development, and constructs new “nature” and “reasonable” new things with great enthusiasm. In the view of the school of classical natural law, the proposition of rationality inevitably points to the ideal, desire and value pursuit of specific people. After hundreds of years of feudal dictatorship, people's personality liberation, personality independence, equality and freedom are their best choice. Ideal and ideal natural rights. The doctrine of natural law laid the foundation for the establishment of the basic principles of modern civil law. In the process of formulating French civil law, parliamentarians directly regard

the idea of natural law as the source of code validity [5]. One of the like-minded drafters, “the legislator's vision is limited, and the laws of nature are infinite, which may be the relevance of human beings - everything can be applied”, the opening statement of the final draft of French civil law clearly states: “universal and eternal laws. This is the source of real law[6]. It is the legitimate reason for the domination of all human beings. Naturally, under the guidance of the spirit of law, the rational ethical basis of the natural law of human integrity is the foundation. Therefore, the French state code is an inevitable legal nature, denied. Article 4 stipulates that the adult period shall be reached. When they get married at this age, the chapter provides an exception to their capacity for civil conduct. “Since the Middle Ages in Europe, the code has ended the history of human inequality. All adults have the confirmation of free will. In order to realize their own civil rights, they can carry out their own actions to prove it. From then on, “the reason why man is man” is no longer “what kind of man he is”, so it is no longer “he” is “man”, and “human reason and value”, so. French civil law basically overthrows the constitutional basis of Pope's personality and the concept of natural law in the history of human being's bright promotion of inter legal system.

French civil law has two results: human reason and value. The protection of the ethical value of human beings by the theory of congeniality is no longer based on the violation of the Roman law, which is regarded as a provocation to the society and the law, but directly based on the protection of human beings and the protection of the human value of the victims. In the code of “infringement and quasi infringement”, chapter 1382 “when any act causes damage to others, the person who causes the act due to his fault must bear the responsibility of compensation to others”, which is the law of property rights. According to the French civil law, this kind of ontological protection mode of human values is classified as “personal protection” (general chapter “natural person”) in the subsequent Swiss civil code. Secondly, people's property enjoyment is considered as an identity type, which is deleted from personality elements[7]. Go out. This means that “poverty” and “wealth” are equal in law and have an undifferentiated nature. This kind of equality of personality is determined by the indifference of human ethical value. When the ethical value of no difference between individuals becomes the basis of legal personality, modern society has established the basic values of “equality of all members and freedom of birth” [8].

#### **4. On the Relationship between Personality and Property in Traditional Civil Law Theory**

The theory of total property is the general attribute of the French traditional doctrine of civil law (Patrimoine), which is also regarded as the “general attribute”. Several scholars who do not know about it have changed the concept of attribute of Roman law under the historical conditions of China, inheritance and France. General property refers to the aggregate of present and future rights and obligations of obligations to protect rights[9]. “Container”: “although there is always a period of adjustment for this component, it is always the same as that wallet, and there is often a theory that the relationship keeps the same existence of wallet, but the general attribute.” The “identity” of the factors constituting the total of the property is based on the identity of the object of rights and obligations. The object of rights and obligations now and in the future is the same person, so all the properties endowed to the same property are owned. And we can see that the overall character is the performance of personality and economic character. That connects the external with the personality. Therefore, the whole nature has two characteristics: one is individuality. Because the nature of the whole is the same as that of man, one can have a totality. Because you cannot transfer the right object's qualification, you cannot transfer the whole nature, but you can transfer the specific nature. The theory of the summary of all property generalizes the state of human nature from the whole point of view, so as to closely contact its state of nature and personality, and generalize all the property rights and obligations of human under a single concept. The theory emphasizes the relationship between personality and property (general nature) from the perspective of general nature theory, that is, “general nature is the expression of personality, reflecting the relationship between personality and external relationship”. It is the unity of all property rights and all property obligations, including the present and future property rights and property obligations in human personality. Obviously, the above refinement and analysis of general nature theory has a specific

understanding of personality, personality right, property, property and the internal relationship between civil law and personality related systems. Especially in the historical study of French civil law theory.

Acquiring personality is the precondition of acquiring property. The meaning of personality contained in “comprehensive property” lies in the necessary meaning of “personal ownership” and “property enjoyment”. From this reason, the nature that the container of personality can put in, the nature that can be obtained and the nature that will be in the future, that is, both of the abstract “whole nature” must be included. In addition, the theory of general asset theory is that “personality is the precondition of acquiring property”, and it is impossible to oppose it. According to the general theory of assets, the reasons for supporting the rights of minors (property) and the rights of social relief (property) claimed by non income people are “people” and “people” should be taken as the reasons. The reason of being treated by “people” is that people have no different ethical value and the equal personality. The general theory of attribute is not only to ignore the meaning of “complete attribute”, but also to obtain the real property right and abstract aggregate of the acquired property right. This understanding of the concrete nature of abstract nature can not explain the practical problems of civil law. From the point of view of “property without personality”, we can understand that this person has become the subject of citizenship with personality, as long as he doesn't necessarily own property, even if there is nothing, even the people who are in debt, that is the newborn babies, who have lost the ability to think. It has a holistic nature. In this sense, there is no proletariat in the world. Originally, it meant that the “proletarian” people could ask the society for relief to become a creditor. At this time, the whole property represented the claim to the society. For the sake of an individual, he can use all of his present and future assets to ensure his debt performance, and allow anyone who does not have the potential financial ability to form a code of ethics. Credit obtains actual property and rights. Therefore, if the general asset theory has such a function, then human society may really be very equal, just as people use real property and rights to become “assets”. But it's impossible.

## 5. Conclusion

In the field of property, the enjoyment of property is an important feature of identity. It can not exist as a condition of personality, but as a result of personality, that is, the filling of personality “container”. Therefore, for the sake of character, character happens to be “wallet”, and the content of wallet is impossible. The essence of the concept of property is the concept of whole nature, which is “whole” or “abstraction”. Based on this, the general nature of French civil law theory, in essence, people may obtain the nature based on his personal pleasure. Therefore, the nature of comprehensive nature is not “nature”, but “nature of nature” or “capacity of property rights”.

## References

- [1] Matic J. (2018). The Association between Personality, Cognitive Ability and Proneness to Prejudice towards Different Social Groups.
- [2] Hu Xinmu, Xu Zhenhua, Mai Xiaoqin. (2017). Social value orientation modulates the processing of outcome evaluation involving others. *Social Cognitive & Affective Neuroscience*, vol. 11, pp. 11.
- [3] Hu Xinmu, Xu Zhenhua, Mai Xiaoqin. (2017). Social value orientation modulates the processing of outcome evaluation involving others. *Social Cognitive & Affective Neuroscience*, no. 11, pp. 11.
- [4] Samir Gupta, Michael Polonsky, Violet Lazaravic. (2017). Collaborative orientation to advance value co-creation in buyer–seller relationships. *Journal of Strategic Marketing*, no. 1, pp. 1-19.
- [5] John T. Jost. (2017). The marketplace of ideology: “Elective affinities” in political psychology and their implications for consumer behavior. *Journal of Consumer Psychology*, vol. 27.

- [6] Jared N Levine, Hui Chen, Yu Gu,. (2017). Environmental Enrichment Rescues Binocular Matching of Orientation Preference in the Mouse Visual Cortex. *Journal of Neuroscience*, vol. 37, no. 24, pp. 3534-3516.
- [7] Leslie J. Francis, Giuseppe Crea. (2019). Personality and Vocational Motivation: A Study Among Catholic Seminarians in Italy Employing the Big Five and the NIRO. *Review of Religious Research*, pp. 1-13.
- [8] Shih Ping Jeng. (2018). Enhancing the creativity of frontline employees: The effects of job complexity and customer orientation. *International Journal of Logistics Management*, vol. 29, no. 3, pp. 00-00.
- [9] Lamm K W, Sheikh E, Carter H S, et al. (2017). Predicting Undergraduate Leadership Student Goal Orientation Using Personality Traits, vol. 16, no. 1, pp. 18-33.