

An Exploration of The Obedience to The Laws During the Chinese Cultural Revolution

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Abstract. This essay introduces the law and policy making during the three Stages of the Chinese Cultural Revolution. It also analyzes how the two factors, namely the legitimacy of law and sanction, contributing to the obedience of law made Chinese people firmly follow Mao's revolutionary road during the first two Stages, and how they attribute to the failure of the Revolution in Stage III. Through this comprehensive exploration, the reader will gain a profound understanding of the dynamic relationship between state authority, citizen obedience, and the evolving legal framework during this tumultuous period of Chinese history. The essay underscores the significance of legitimacy and sanctions, not only as instruments of social control but also as critical forces shaping the trajectory of the Cultural Revolution. These insights provide valuable lessons and insights, facilitating a more comprehensive perspective on the challenges and complexities of legal and political systems in the context of transformative societal movements.

Keywords: Chinese Cultural Revolution, law, obedience of law, legitimacy, sanctions.

1. Introduction

The Chinese Cultural Revolution, a topic largely shrouded in taboo in China, has garnered limited scholarly attention. However, the profound political legacies of this tumultuous period continue to reverberate throughout modern Chinese society [1]. Therefore, this article aims to explore the factors driving individuals' adherence to evolving laws amidst the chaos of the Chinese Cultural Revolution. By unraveling the dynamics behind people's obedience to laws, this research aspires to shed light on the contributory elements that could inform contemporary law-making process in the People's Republic of China.

The investigation centers on uncovering the intricacies of law obedience during the Cultural Revolution, shedding light on the motivations and influences that guided individuals' responses to shifting legal paradigms. This understanding, in turn, holds the potential to enrich contemporary legal frameworks and foster a deeper comprehension of the symbiotic relationship between law and society. Through a comprehensive analysis of historical context, societal interactions, and post-revolutionary legal development, this study seeks to unravel the multifaceted factors that engendered obedience to changing laws during the Chinese Cultural Revolution.

In this pursuit, the article's ensuing sections will be structured as follows: First, the context of the Cultural Revolution will be illuminated, including its causes, policies during the three stages, and people's obedience to the policies. Subsequently, the interactions between society and policies during the Revolution will be undertaken, culminating in the identification of pivotal factors concerning obedience to laws. Lastly, the article will draw upon these insights to offer reflections on the post-revolutionary evolution of law. Each of these dimensions will be meticulously elaborated upon in the ensuing discussion.

2. The Chinese Cultural Revolution: Background and Three Stages

This chapter serves as an entry point into the backdrop against which the Chinese Cultural Revolution unfolded. This chapter meticulously examines the roots of the Cultural Revolution, dissecting its causative factors. It navigates through the intricate web of policies implemented during

its three distinct stages [2]. This exploration illuminates the evolving objectives of each stage and uncovers the prevailing sentiments of the populace towards these policies.

2.1. The Causes of the Cultural Revolution

2.1.1 Global Context

The origins of the Cultural Revolution can be traced to two fundamental factors: the global context of revisionism and the domestic problems of the Great Leap Forward (GLF).

Within the global context, the pivotal moment occurred in 1956 when Nikita Khrushchev, then the leader of the Soviet Union, delivered a speech that advocated revisionism and castigated Joseph Stalin, the former Soviet leader. Khrushchev's revisionist stance sought to redefine Leninist doctrine, proposing that the war between Communism and Imperialism was not inevitable. Instead, it aimed for peaceful coexistence with the United States and global peace, pursuing a non-confrontational transition to socialism. Mao took such a peaceful transition as a betrayal of the original Leninist doctrine, meaning that there was an ideological split between the PRC and the USSR. Therefore, using a revolution to cleanse revisionists in the Chinese Communist Party was one reason for Mao to launch the Cultural Revolution [3].

Moreover, Khrushchev's condemnation of Stalin as a "cult of personality" instilled fears in Mao, who, akin to Stalin in the aspect of fostering a personality cult, dreaded posthumous denunciations by his comrades. To forestall this possibility, Mao launched the Cultural Revolution, seeking unwavering allegiance not merely to his policies but also to his persona.

2.1.2 Domestic Problems

Besides the global context, the Great Leap Forward (GLF), a domestic mass movement initiated in 1958, was instrumental in triggering the Cultural Revolution. The GLF aimed to modernize Chinese agriculture and industry through intensive mass labor and collectivization. However, the GLF proved disastrous, resulting in a three-year famine during which over 45 lives were lost and extensive environmental devastation occurred. Because of the failure of the GLF, in 1962, Mao retired from the front line of state affairs, and Liu Shaoqi, Deng Xiaopin, and Zhou Enlai managed the disaster and recovery, meaning that the top leadership was divided. The division of leadership facilitated Mao's fear concerning the denouncement, so Mao needed a mass movement to attack the establishment. Thus, the failure of the GLF emerged as the primary catalyst for the Cultural Revolution [4].

2.2. Stage I: 1966-1968

2.2.1 Policies During Stage I

Stage I of the Chinese Cultural Revolution, spanning from 1966 to 1968, was characterized by a predominance of two types of mass movement: those instigated by external rebels groups, including the Red Guards and laborers, and internal rebel movements involving cadres.

The two major policies that facilitated external rebels were the May 16 Circular and Bombard the Headquarters. These two policies confirmed the targets of the rebels and validated the action of rebellion. Specifically, the May 16 Circular said that "capitalist representatives sneaked into the party," implying that the target was those capitalist roaders. Then, Bombard the Headquarters implied that the rebellion was justified with rhetoric like "China's future belongs to you." In essence, the policies enacted during Stage I served to galvanize internal rebellion.

On the other hand, the internal cadre rebellions found their motivation in the policies ruling the Chinese government system. Notably, the subordinate relationships in the government were very strong because all the personal files of the cadres were controlled by their bosses, and the cadres' promotion depended on their performance. Therefore, when the central government proposed the seizing power movement, a top-down initiative, it elicited unwavering compliance from the cadre ranks [5].

2.2.2 Targets of the Policies

As mentioned in 2.2.1, policies under Stage I aimed to start both internal and external rebellions against the governments. To step further, these rebellions targeted the “capitalist representatives” within the government, as identified by Mao, with the overarching goal of purging capitalism and revisionism by dismantling existing governmental structures.

2.3. Stage II: 1969-1971

2.3.1 Policies During Stage II

Stage II of the Cultural Revolution, spanning from 1969 to 1971, featured policies that predominantly fell into two categories: one was to found the Revolutionary Committee, a new form of government after the mass movement during Stage I; the other was to stop the mass movements launched in Stage I by sending the rebels down to the countryside (Massive Send-down) and suppress the rebellions (Suppressive Campaigns) [6].

2.3.2 Targets of the Policies

Unlike the policies during Stage I, those implemented during Stage II were primarily geared towards reconstructing the political authority that had been dismantled in the preceding phase. During this stage, the rebels, including red guards, labors, and cadres, posed a threat to the emerging authority represented by the Revolutionary Committee. Thus, the policies also functioned to suppress these risks, and the targets shifted from capitalist roaders to the previous rebels.

2.4. Stage III: 1972-1976

2.4.1 People’s Attitudes

Under Stage I and Stage II, the majority obeyed the policies despite changing targets. However, under stage III, people started to disobey the policies. For example, there was silent resistance against the policies in areas like agriculture and trading, and many underground groups against policies came into being, exemplified by the Wuming Painting Group, which defied the Cultural Revolution’s prescribed artistic doctrine.

The subsequent chapter will discuss which factors contribute to the obedience to policies in the first two stages and which contribute to disobedience in Stage III [7].

3. Factors Contributing to the Obedience of Law During the Cultural Revolution

This chapter aims to analyze why people firmly followed the law during the first two stages of the Cultural Revolution and why they gradually disobeyed the law during Stage III.

3.1. The Relationship Between the Policies and the Law During the Cultural Revolution

As Chapter II introduced above, at the beginning of the Cultural Revolution, Mao launched Seizing Power Movements across the country, like the January Storm in Shanghai, to destroy the previous local governments and set up a new form of government called the Revolutionary Committee [8]. The Revolutionary Committee, unlike the legislative institution today, didn’t introduce the laws in the form of provisions or ordinances. Instead, it published many instructions, such as the Instructions on Cracking Down on Counter-Revolutionary Destructive Activities to guide people’s behavior. The critical question arises: can these directives be considered laws? Therefore, to explore obedience to the law, it becomes imperative to establish whether the policies promulgated by the Revolutionary Committee constitute a form of the law.

3.1.1 The Definition of Law and Policies

To discuss whether the policies above equal laws, it is necessary to clarify what is the law. Concerning the definition of law, hundreds of scholars give different definitions. In general, the article

will adopt the general definition of law raised by Hart, who proposed that the law is a set of rules published by the authority to guide people's behavior [9]. While exceptions to this definition exist, such as international law, which does not emanate from a singular authoritative source, they hold no bearing on the policies enacted by the Revolutionary Committee. Hence, Hart's delineation of law is pertinent in this context.

3.1.2 Do Policies During the Cultural Revolution Equal Law

According to 3.1.1, a law is a set of rules published by the authority to guide people. Take Instructions on Cracking Down on Counter-Revolutionary Destructive Activities to guide people's behavior for analysis: firstly, since the instruction was published by the Revolutionary Committee, a political institution both executive, judicial, and executive power, it is published with the central authority. Then, the instruction asked people to "crack down on counterrevolutionaries," meaning that the instruction guided people to attack those capitalist roaders. Thus, albeit assuming a different format, the policies implemented during the Cultural Revolution are tantamount to laws.

3.2. Factor I: Legitimacy

In general, legitimacy and sanctions are the two reasons why people during the Cultural Revolution actively followed the law. These two factors are different in nature. In detail, legitimacy is a voluntary factor to the obedience of law, and, by contrast, sanctions are a compulsory factor to obedience.

3.2.1 Overview

In political philosophy, the word legitimacy refers to the status of being fair and acceptable to people. According to Tom R. Tyler's *Why People Obey Law*, legitimacy is closely related to people's compliance with laws. Tyler did statistics on 1,575 respondents, concluding that the more respondents thought the law was right, the less possible they could break the law [10]. In other words, the more legitimate the law, the greater the obedience to the law. To step further, two aspects usually contribute to the legitimacy of the law, namely the authority of the lawmaker and the accordance with people's morality.

3.2.2 Authority of the Lawmaker

The authority of the lawmaker, also called the legal authority, primarily influences voluntary compliance with the law. Legal authority is rooted in the extent to which individuals trust the decisions of the lawmaker and willingly adhere to [11].

During the Chinese Cultural Revolution, due to the Seize Power Movements, the legislative power was owned by the Revolutionary Committee. More specifically, in the Committee, Mao was the only one who had the right to make the policies, and the policies raised by his colleagues were all refused [12]. Mao enjoyed unparalleled authority during this period, exemplified by the production of over 1.2 billion Mao portraits and the widespread distribution of the Little Red Book, a collection of Mao's quotes that virtually every Chinese citizen possessed [13].

3.2.3 Accordance with People's Morality

Morality refers to what people should or should not do [14]. When a law aligns with people's moral values, it reflects their perception of what is ethically right. In this context, the law becomes a conduit for expressing shared societal values.

In Stages I and II of the Cultural Revolution, the policies published by Mao always reflected the majority's aim. According to the documentary *Morning Sun*, before 1949, most people at that time were poor farmers or laborers suppressed by landlords or capitalists. The establishment of the PRC enabled them to live a better life. So, in Stage I when Mao published the May 16 Notice to cleanse the capitalist roaders, they were first happy to take revenge on those who suppressed them in the past, and secondly, they also felt the duty to secure this better China [15]. The law and public sentiment were in alignment, driving active participation in mass movements during Stage I.

To step further, in Stage II, Mao intended to send away those attending the mass movement for political stability, so he published the policy of "One Strike-Three Anti Campaign," which took

participants of Stage I as counterrevolutionaries and aimed to punish them. This intention to punish the counterrevolutionaries accorded with people's common aim to secure the new-born China, so people actively followed this policy, though the target was different from that in Stage I [16].

Therefore, when the law aligns with people's morality, it enhances the legitimacy of the law, which, in turn, bolsters compliance.

3.2.4 Analysis of the Failure of the Cultural Revolution

The theories of legislative authority and accordance with morality could also explain the Revolution's failure in Stage III.

First, as the primary lawmaker, Mao greatly lost his authority after a series of events. For example, in 1970, due to Lin Biao's growing power, Mao started to denounce Lin. However, Mao took Lin as his successor before, and Lin was an important figure in Mao's cult of personality. This inconsistency in Lin's identity expressed Mao's mistake, in which case the worship towards Mao decreased, meaning Mao's authority declined [17]. Moreover, in 1976, people came to the Tiananmen Square for the death of Premier Zhou, but Mao decided to clear up the Square. This action of Mao irritated people and gave rise to the serious April Fifth Tiananmen Incident. After this incident Mao's authority collapsed [18]. This is the reason why many people began to disobey Mao's law during Stage III of the Revolution. For example, some regions, like Jiangsu, went as far as establishing local factories for production, defying Mao's guidelines and being labeled as "capitalist roaders" under his policies.

Another significant factor contributing to the Cultural Revolution's failure was the divergence between its policies and the prevailing moral values of the populace. Mao's directives often reduced art to mere tools serving political ends and promoted collectivism, heroism, and self-sacrifice at the expense of individuals' subjective feelings. These inhumane policies contradicted the prevailing moral values of the population. As a result, various underground art clubs, such as the Wuming Painting Club, emerged to capture and share individuals' subjective experiences of the Revolution, which directly contradicted Mao's directives. This misalignment between the law and people's morality played a pivotal role in driving disobedience during the later stages of the Cultural Revolution [19].

3.3. Factor II: Sanctions

The sanction imposed is the factor contributing to the compulsory obedience of the law. It also contributed a lot in the Cultural Revolution to facilitate the compliance of law.

3.3.1 The Effectiveness of Sanctions

Sanction contributed a lot to Mao's law concerning mass movements. For example, in Stage I, the participation in Seize Power movement was facilitated by implied sanctions from the Chinese political system. In detail, the participants of the Seize Power were cadres from the government. In China, the personal files of cadres were controlled by the central, and the promotion depended on their performance. In this case, there were implied sanctions that if cadres didn't obey the policy, they would probably lose their jobs. This situation motivated all cadres to actively partake in the Seize Power Movement and adhere to the laws dictated by Mao's directives. Thus, sanctions were effective to facilitate the compliance with law.

3.3.2 The Limitations of Sanctions

However, in the long run, sanctions, which facilitate compulsory obedience, were less effective than the legitimacy of law. In Stage III of the Cultural Revolution, as the perceived legitimacy of the government waned, sanctions against law disobedience still existed. Despite this, people began establishing factories or forming groups such as the Wuming Club, actions that directly contradicted Mao's directives. In this context, the dominant factor influencing obedience shifted from sanctions to the legitimacy of the law.

4. Reflections and Prospects of the Chinese Legal System After the Cultural Revolution

The third chapter emphasized the critical role of legitimacy and sanctions in shaping obedience to the law during the Cultural Revolution. Now, we extend those reflections to consider how China can move forward, drawing upon the lessons of the past to guide the development of a more robust and just legal system.

4.1. The Importance of Separation of Power

As mentioned above, legislative, executive, and judicial power were all controlled by the Revolutionary Committee during the Chinese Cultural Revolution, meaning there was no separation of power in the government. In this case, the Committee was overpowered, which caused severe tragedies. The most direct tragedy was the large number of deaths during the Revolution. During the Revolution, Mao published several harsh and unreasonable laws. For example, from 1968 to 1979, Mao published a law to send all students down to the villages, causing a population explosion in the countryside and an outflow of urban populations. This social disorder caused starvation, conflicts, and many other disasters. As a result, by Stage II, there were over 275,000 deaths and over 370,000 injuries across the PRC [20]. This massive casualty proves that a government with too much power could randomly draw unreasonable laws and punishments on people, giving rise to tragedies. This reminded us that separating the three powers is necessary for social benefits, meaning the independent government, courts, and National People's Congress were essential for the modern PRC.

4.2. The Measures to Construct a Beneficiary Legal System

Moreover, the Chinese Cultural Revolution also hints at how to constitute a modern legal system. During the Revolution, Mao was the primary lawmaker, and the laws usually contained his personal interests. For instance, the law of mass movement reflected Mao's fear of being denounced after death just like Stalin. However, according to John Locke's theory of law, law shall be a social contract between people and the authority, through which the authority delegates people's power and protects people's interests [21]. Under Locke's theory, the law, as explained in 3.2.3, shall accord with people's morality or common interests. One method of collecting people's common interests in a better method is to require the legislative institution to include people from different classes to make the law. In the modern PRC, the Standing Committee of the National People's Congress could give more seats to minorities and people from lower classes to better delegate their interests, thereby achieving common interests.

In summary, the lessons drawn from the Cultural Revolution underscore the necessity of separating governmental powers and the importance of constructing a legal system that genuinely serves the interests of the people, a system built on the principles of shared governance and social justice. These reflections can guide the modern PRC in its efforts to establish a legal framework that safeguards the rights and well-being of its citizens.

5. Conclusion

In conclusion, the Chinese Cultural Revolution had three stages, with policies serving as *de facto* laws that drove compliance in the first two stages but faced growing disobedience in the third. Legitimacy and sanctions played pivotal roles in shaping people's obedience. Insights from this historical period hold important lessons for today's China. Initially, the populace adhered to the policies turned laws, mainly due to the perceived legitimacy of the governing authority and the effectiveness of sanctions. However, as the Cultural Revolution progressed to Stage III, disobedience emerged, highlighting the need for a balanced approach to governance and compliance.

Modern China can learn from this history by emphasizing the importance of separating powers within the government. A system that divides legislative, executive, and judicial authority is essential

for checks and balances, ensuring fairness, transparency, and accountability. It aligns with the global shift toward democratic governance. Furthermore, building a legal system that reflects collective interests and morality is crucial. Inclusive governance, representing diverse voices, including minority groups, helps ensure that laws align with society's shared values and principles.

China's journey of development and reform can benefit from these insights. By embracing a balanced separation of powers and inclusive governance, China can build a more just, equitable, and harmonious society, rooted in the rule of law and shared values.

References

- [1] Wang, Yuhua. "The Political Legacy of Violence during China's Cultural Revolution." *British Journal of Political Science*, vol. 51, no. 2, 12 Dec. 2019, pp. 1–25.
- [2] Dikötter, Frank. *The Cultural Revolution*. Bloomsbury Press, 6 June 2017.
- [3] Lu, Xing. *RHETORIC of the CHINESE CULTURAL REVOLUTION: The Impact on Chinese Thought, Culture, And... Communication*. S.L., Univ Of South Carolina Pr, 2020.
- [4] MACFARQUHAR, Roderick, and Michael Schoenhals. *Mao's Last Revolution*. Harvard University Press, 30 June 2009.
- [5] Walder, Andrew G. *Agents of Disorder: Inside China's Cultural Revolution*. Cambridge, Massachusetts, The Belknap Press Of Harvard University Press, 2019.
- [6] Wang, Aihe. "Apolitical Art, Private Experience, and Alternative Subjectivity in China's Cultural Revolution." *China Perspectives*, vol. 2014, no. 4, 25 Nov. 2014, pp. 27–36, <https://doi.org/10.4000/chinaperspectives.6577>. Accessed 29 Apr. 2020.
- [7] White, Lynn T. *Policies of Chaos the Organizational Causes of Violence in China's Cultural Revolution*. Princeton University Press, 1991.
- [8] Walder, Andrew G. *Agents of Disorder*. Harvard University Press, 8 Oct. 2019, pp. 89–91.
- [9] Hart, H. L. A. *The Concept of Law*. 2nd ed., Oxford, United Kingdom, Oxford University Press, 1961, pp. 8–10.
- [10] Tyler, Tom R. *Why People Obey the Law*. Princenton New Jersey, Princeton University Press, 2006, pp. 40–48.
- [11] Tyler, Tom R. *Why People Obey the Law*. Princenton New Jersey, Princeton University Press, 2006, pp. 71-72.
- [12] Macfarquhar, Roderick, and Michael Schoenhals. *Mao's Last Revolution*. Cambridge (Mass.), The Belknap Press of Harvard University Press, 2008, pp. 7–10.
- [13] Geremie Barne. *Shades of Mao: The Posthumous Cult of the Great Leader*. Routledge, 16 Sept. 2016.
- [14] Britannica. "Morality | Human Behaviour." *Encyclopedia Britannica*, www.britannica.com/topic/morality.
- [15] Hinton, Carma. *Morning Sun*. 24 Sept. 2023.
- [16] Walder, Andrew G. *Agents of Disorder*. Harvard University Press, 8 Oct. 2019, pp. 175-178
- [17] Dikötter, Frank. *The Cultural Revolution*. Bloomsbury Press, 6 June 2017.
- [18] Schoenhals, Michael. *China's Cultural Revolution, 1966-1969*. M.E. Sharpe, 28 Aug. 1996, p. 293
- [19] Aihe Wang, "Apolitical Art, Private Experience, and Alternative Subjectivity in China's Cultural Revolution," *China Perspectives* (2014) 4, pp. 27-36.
- [20] Macfarquhar, Roderick, and Michael Schoenhals. *Mao's Last Revolution*. Cambridge (Mass.), The Belknap Press of Harvard University Press, 2008, p.9.
- [21] Locke, John. *Two Treatises of Civil Government: Introd.* By W.S. Carpenter. London, Dent, 1970.