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Fangyuan Sun

School of Journalism & Communication, Jilin University, Changchun, 130012 - China.

 <https://orcid.org/0000-0002-9030-1573> |  sun_fangyuan@126.com

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COMMENT ON “DISSOCIATION AND RE-IMAGINATION: THE PUBLICITY OF CHINESE MARRIAGE LAW AND DIVORCE NARRATIVE IN 1950”

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After the implementation of the Marriage Law of the People’s Republic of China in 1950, literary works emerged as a response to the government’s policies and carried significant implications for social discipline. The theme of divorce, which encompasses notions of individual freedom and societal disruption, became a focal point in these works, navigating a delicate balance between politics and reality. On one hand, literature had to promote the idea of “divorce freedom” as enshrined in the law. On the other hand, it had to navigate sensitive social contexts through nuanced storytelling. As a result, narratives on divorce became characterized by ambiguity and unpredictability. Nevertheless, literature played a crucial role in bridging the gap between legal provisions and the lived experiences of divorce, offering imaginative portrayals of the genuine challenges faced by individuals in such situations (Luo; Han, 2024).

As the first legal document of the People’s Republic of China, the “Marriage Law” of 1950 espoused the women’s emancipation and the advancement of productive forces. However, due to its progressive stance on marriage freedom, it faced misunderstanding and opposition during its implementation, giving rise to a surge of divorces in the 1950s, including the tragic phenomenon of women dying due to marriage problems. The gravity

¹ School of Journalism & Communication, Jilin University, Changchun, 130012 - China. ORCID: <https://orcid.org/0000-0002-9030-1573>. E-mail: sun_fangyuan@126.com.

of these realities made the Central Committee of the Communist Party of China (CPC) realize the importance and necessity of promoting the “Marriage Law”, leading to a large-scale campaign to disseminate it and rectify public understanding of its spirit. In response to the publicity demands, a number of literary and artistic works emerged in literary and artistic circles, with distinct propaganda undertones and realistic references. Due to the sensitivity of the topic of divorce, however, the divorce narratives of that era needed to conform to publicity by reflecting the rationale of divorce freedom. Yet in order to avoid the promotion of “hasty divorce”, these narratives also had to subtly veil the perils of divorce. Moreover, literature attempted to address social issues that laws and regulations could not solve by re-imagining the divorced women’s resettlement. The divorce narratives thus took on a nuanced form that simultaneously fit and diverged from the publicity situation.

1 THE IMPLEMENTATION OF THE “MARRIAGE LAW” AND THE PROBLEM OF PUBLICITY OF THE FREEDOM OF DIVORCE

The Marriage Law of the People’s Republic of China, implemented on May 1, 1950, was a groundbreaking legal document that aimed to dismantle the feudalistic marriage and family system and establish a socialist one. The law emphasized marriage freedom, monogamy, equal rights for men and women, and the protection of women and children’s legitimate rights and interests. It drew inspiration from Marx’s and Engels’ marriage and family theories, focusing on love as the foundation of marriage and the need to liberate women from patriarchal oppression. The Communist Party of China (CPC) had been advocating for marriage reform since the 1920s and had implemented policies of marriage freedom in the liberated areas and base areas in the 1930s (Cai, 1988, p. 125). The drafting of the Marriage Law began in 1948, with the Central Committee of the CPC commissioning the Women’s Committee to lead the process. The Legal Research Committee collaborated closely with the Women’s Committee, referencing marriage laws from previous liberated areas and other countries to inform the formulation of the law. One of the most contentious issues during the legislative process was the freedom of divorce. Some argued for complete freedom of divorce, while others expressed concerns about potential social upheaval. A compromise was reached, establishing the principle of voluntary divorce while allowing for government intervention in cases of disagreement. The Marriage Law aimed to balance individual freedom and social stability.

After its promulgation, misconceptions arose, with many people assuming that the Marriage Law equated to a “Divorce Law.” In some regions, the law was not effectively enforced, leading to abuses and negative consequences. In response, the CPC Central Committee and the Administration Council of the Central People’s Government issued directives to rectify these issues and ensure proper implementation of the law. The CPC also launched a campaign to promote the Marriage Law through various means of public

communication, such as newspapers, radio, cultural centers and artistic works. The Marriage Law represented a significant departure from traditional marriage systems and marked a modernizing impulse in China. While it guaranteed marriage freedom and aimed to protect women’s rights, its implementation faced challenges and required ongoing efforts to address issues and misconceptions. The promotion and implementation of the law continued beyond the initial campaign period, with the aim of transforming society and promoting socialist values in marriage and family.

2 POSITIVE LITERARY PROPAGANDA OF THE SPIRIT OF “DIVORCE FREEDOM”

During the implementation of the Marriage Law, literary and art workers played a significant role in promoting its provisions. Many works, such as Ma Feng’s “Marriage”, Zhao Shuli’s “Registration” and Ge Wen’s “Bride”, were published and widely used in the publicity campaign (Geiger, 1968, p. 16). These works depicted the challenges faced by rural men and women in their fight for marriage freedom and highlighted the support they received from the government and the law. They criticized feudal and capitalist-influenced marriage concepts and celebrated the individuals’ courage in resisting arranged marriages.

Novels promoting freedom of divorce had two main characteristics. On one hand, they strengthened the rationale for women seeking divorce by portraying the hardships they faced in arranged marriages and comparing their unhappiness in marriage to their happiness after attaining freedom. These works became mainstream in promoting “divorce freedom.” On the other hand, divorce novels often encouraged divorced women to remarry, based on love, and depicted the benefits of remarriage compared to their previous marriages. These narratives aimed to illustrate the rationality of divorce and guide people’s understanding of marriage.

Short stories, such as “Han Ruizhen Breaks the Feudal Shackles”, “The Pain of Two Becomes the Happiness of Four” and “Xu Shuina Who Jumps Out of the Fire”, explicitly publicized the Marriage Law (Ge, 1999, p. 62). These stories followed similar patterns, depicting women who faced mistreatment in their marriages, but were able to divorce their abusive husbands with the cadres’ help and the legal protections provided by the Marriage Law. After remarrying, the couples worked together, supported each other and made progress in life’s various aspects.

In contemporary society, Nora’s character, from Henrik Ibsen’s play “A Doll’s House”, is often portrayed as a symbol of women’s liberation and the power of the law to protect individuals (Liu, 1953, p. 38). However, in the context of the Marriage Law and its enforcement in China, Nora’s story takes on a different interpretation. In this era, literary publicity served as a means to repair and address the shortcomings of the system. Nora, who escapes from her oppressive situation, does not simply disappear without consequence.

Instead, literature provides her with a new path, one that aligns with the protections offered by the Marriage Law. She forms a new family that represents the shift from the old social system to the new one. The new husband she chooses is different from her previous one, and she is no longer subjected to servitude and repression.

By emphasizing the establishment of a new family, literature provides women with a sense of hope and motivation. They are able to find fulfillment and joy through their labor and production, contributing to the country's progress and development. The narrative of divorce, during this period, follows a coherent logic that intertwines politics, law, reality and literature. However, it is important to recognize that literary productions, during this time, were subject to restrictions and political discipline. They were meant to serve the purpose of publicity and were constrained in their ability to fully portray the discrepancies between politics and reality. Nonetheless, literature played a role in reimagining the genuine issues surrounding divorce and bridging the gap between the law and reality to some extent. In essence, the enforcement of the Marriage Law and the narrative surrounding divorce, during this era, showcased the intricate relationship among politics, law, reality and literature. While literature served as a tool for publicity, it also provided a platform to explore and address the complexities and challenges that arose from divorce, contributing to the evolution of social norms and the women's empowerment.

Revolutionary times often bring about pain and social problems, and legal frameworks may not always be able to immediately address or provide clear solutions for the issues faced by divorced women. However, divorce narratives, during this era, played a crucial role in filling this gap through literary imagination. These narratives envisioned a future where women's divorce rights were protected, leading to their remarriage, the new family's establishment and production relationships, characterized by "mutual respect and love" and "common progress". Ultimately, these narratives contributed to the development of a new social production order that aligned with the protective framework of the "Marriage Law".

One such example is Ge Wen's novel, "Bride", which tells Liu Erni's story, a divorced woman who successfully remarries. After enduring years of mistreatment in her previous marriage, Liu Erni divorces her husband and relies on her industrious nature to support herself. Eventually, she remarries a proletarian, but who is an educated factory worker, showcasing her glowing appearance on her wedding day. In other Marriage Law publicity novels, published during the 1950s, divorce stories were briefly mentioned before shifting focus to establishing new family and social relationships. The writers emphasized the superiority of the new Marriage Law and aimed to guide and discipline people's concepts of marriage.

Apart from Ge Wen's "Bride", several short stories also explicitly promoted the Marriage Law, including "Han Ruizhen Breaks the Feudal Shackles", "The Pain of Two becomes the Happiness of Four" and "Xu Shuina Who Jumps Out of the Fire". These

stories follow similar narrative patterns, where women are subjected to mistreatment in their marriages but, with the cadres’ support and the protection of the Marriage Law, they divorce their abusive husbands and marry practical, hardworking and progressive men. After remarrying, the couples work well together, support each other, and make progress in both production and thought.

In contemporary society, Nora was taught to courageously escape from oppressive conditions and seek refuge in the legal system. However, after fleeing, Nora disappeared without returning or falling into despair. As a form of social imagination, literary works filled in the gaps and improved the deficiencies of the system, offering Nora a new way forward - forming a new family that falls under the protection of the Marriage Law. This new family represents a departure from the old social system, where women were subjected to servitude and oppression. Now, women can enjoy happiness and progress through their labor and personal growth, experiencing emancipation and finding fulfillment in their work. The establishment of this new family brings hope and motivation to women, contributing positively to the country’s development and progress.

During the enforcement of the Marriage Law, the narrative of divorce was shaped by a complex interplay among politics, law, reality and literature. Literary works served the purpose of publicity, but they were constrained in their ability to fully portray the discrepancies between politics and reality due to restrictions and political discipline. Nonetheless, literature addressed genuine issues resulting from divorce and attempted to bridge the gap between law and reality.

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