

# Rambling on the Development and Alienation of the Feminist Movement in China from the Perspective of Marxist Jurisprudence

Weiwen Huang<sup>1</sup>

<sup>1</sup> Criminal Justice College, East China University of Political Science and Law, Shanghai, China  
Correspondence: Weiwen Huang, Criminal Justice College, East China University of Political Science and Law, Shanghai, China.

doi:10.56397/SLJ.2023.12.14

## Abstract

Marxist jurisprudence is of great significance to the study of feminist movement. Through the perspective of Marxist jurisprudence, it is possible to make a more in-depth and objective evaluation of the feminist movement in China at this stage. The Chinese feminist movement began in the 19th century and has developed in a rather tortuous way with the course of history. At the present stage, China's feminist movement has promoted women's freedom and emancipation, but there are serious problems of alienation, including: the tendency to revert to the ideology of "female victimology", the crisis of confrontation with men caused by excessive emotional outbursts, the emphasis on male and female genders to the neglect of internal differences and contradictions, the fact that gender issues have become a symptom of other social problems, the commodification of the feminist movement, and the fact that the feminist movement has become an integral part of the society. The increasing commodification of the feminist movement.

**Keywords:** Marxist jurisprudence, feminist movement, gender, gender equality

## 1. Introduction

Feminism, is a social theory that uses women's experience as a source and motivation to fight against sexism and for equal rights for men and women. The term "feminism" is often used to refer to the feminist movement, as women in Western societies tend to fight for their rights in the form of large-scale social movements. The modern feminist movement in China emerged during a period of growing semi-feudal and semi-colonialization, unprecedented deepening of the national crisis, and unprecedented sharpness of national contradictions. Therefore,

at the beginning of its birth, it was mixed with the issues of salvation, resistance to invasion, and anti-imperialism and anti-feudalism, with obvious Chinese characteristics, and was soon marginalized under the shroud of the discourse of state nationalism, partisan politics and the later proletarian revolution.<sup>1</sup> It was not until after the 1980s that Chinese theorists began to conduct systematic research on feminism. With

<sup>1</sup> See Xiao Lidan, (2016). *A Study of Organizational Mobilization, Elite Mobilization, and the Evolutionary Logic of the Chinese Feminist Movement*, Jinan University Press, 2016 edition, pp. 1-3.

the rapid development of Internet technology nowadays, the Chinese feminist movement has gradually moved closer to the West, but there has also been a new period of alienation. By analyzing through the lens of Marxist jurisprudence, the deviation of the Chinese feminist movement from the core proposition of feminism at this stage can be more clearly identified.

## 2. Marxist Jurisprudence and Feminism

### 2.1 Methodological Insights from Marxist Jurisprudence

Among the classical Marxist texts, *The German Ideology* and *The Origins of the Family, Private Ownership and the State* are two of the most frequently cited, interpreted and studied texts in Western feminism.<sup>1</sup> In *The German Ideology*, Marx and Engels put forward the principle of the “two great productions,” that is, material production, which “produces material life itself,” and reproductive production, which “produces another human being” is the material production that “produces material life itself” and the reproductive production that “produces the others”.<sup>2</sup> The “two great productions” are interconnected and inseparable as two aspects of the production of life. Inspired by this, Marxist feminism for the first time elevated reproductive production to the level of production of material goods and revealed the importance of women’s reproductive activities, thus making the “family,” a factor selectively excluded from the “market” by the capitalist economy, has thus been made visible and has gained attention in theoretical research.

Moreover, class analysis is an important research method in Marxist jurisprudence. Marx’s class analysis is the organic unity of the three levels of class relations based on the polarization of the mode of production, class coexistence in different stages of development based on social formations, and changes in the organization of class relations based on specific states of affairs.<sup>3</sup> Marx used class analysis to reveal the hypocrisy and injustice of bourgeois

law. Based on this, Marxist feminism has gained methodological inspiration, using class analysis, where the subordination of women is compared to the exploited situation of the working class.<sup>4</sup> Women are still constantly oppressed and exploited by patriarchy, and even though the law states that men and women are equal, men rule over women and children under the patronage of the male position. Family and kinship laws and sexual mores ensure that the male group has reproductive ownership and sexual access and control. The State legitimizes these social powers into law.<sup>5</sup>

Marxist feminism, represented by Chizuko Ueno, is even more radical in combining Marxism with Freudian theory, adding that the two variables of the dialectical relationship between “patriarchy” and “capitalism” act on the family (private sphere) and the market (public sphere) respectively, causing the double oppression of “gender” and “class” for women.<sup>6</sup> Patriarchy and capitalism are complicit in the oppression of women.<sup>7</sup> Under patriarchy, reproductive labor (i.e., domestic labor) is assigned to women, and because of capitalism’s dichotomy between the family and the market, domestic labor is “invisible” or “unpaid,” and the fruits of women’s reproduction are appropriated and dominated by men in a way that doesn’t require them to pay for it. The fruits of female reproduction are appropriated and dominated by men at no cost to them.

### 2.2 Basic Elements of Marxist Jurisprudence on Women’s Rights

Originating from the recognition of Marxist jurisprudence’s critique of the capitalist legal system and the methodological critique inspired by it and utilized by it, many feminist theories, such as Western radical feminism, Marxist feminism, and Japanese women’s liberation ideology, have borrowed the theory and methodology of Marxist jurisprudence, and the basic contents of which are tried to be summarized as follows:

<sup>1</sup> Fan Chunyan. (2019). Marxist Feminism: Methods and Theses — An Analysis Based on the <Deutsche Ideologie>, *Journal of Xiamen University* (Philosophy and Social Science Edition), (3).

<sup>2</sup> See Marx and Engels. (1960). *The Complete Works of Marx and Engels* (Volume 3), People’s Publishing House, 1960 edition, pp. 31-32.

<sup>3</sup> [U.S.] Wright. (2006). *Class*. Translated by Liu Lei and Lv Liangshan, Higher Education Press, 2006 edition, p. 10.

<sup>4</sup> See Qiu Zhaoji. (2018). The Marxist Dimension of Feminist Jurisprudence, *Marxism and Reality*, (1).

<sup>5</sup> See [U.S.] McKinnon. (2007). *Toward a Feminist Theory of the State*, translated by Qu Guangdi, China University of Political Science and Law Press, 2007 edition, p. 350.

<sup>6</sup> Lu Weiwei. (2021). Patriarchy, Capitalism, Nation-State and Japanese Women — Chizuko Ueno’s Theoretical Construction of Feminism, *Open Times*, (4).

<sup>7</sup> See Chizuko Ueno. (2019). *Patriarchy and Capitalism*, Zhejiang University Press, 2019 edition, pp. 91-107.

First, inequality between men and women in class society is rooted in private ownership and patriarchy, and its essence is class and gender oppression. In a class society, women's social inferiority is due to the fact that the State and the law uphold the oppression of the women of the dominated class by the men of the dominant class, and that patriarchy exists not only in the family but is also rationalized by the society as a whole, and systematically oppresses women as a tool for maintaining class domination.

Secondly, since the essence of inequality between men and women is class oppression, the essence of feminist struggle should still be class struggle. At the same time, in the struggle against patriarchal oppression, Chizuko Ueno also expects the emergence of a women's class, and breaks the myth of the "community of love" by "fighting" against men within the family first,<sup>1</sup> demanding that domestic labor not be neglected and distributed appropriately.

Thirdly, the fundamental way to realize women's rights is to break the bourgeois State apparatus and completely eliminate private ownership.<sup>2</sup> To break the distribution of reproduction labor to women only, and to eliminate the material basis of patriarchy.

Fourthly, the specific paths are: (1) freedom from the family, entry into the public sphere, and the right to participate in public affairs are the prerequisites for women's emancipation; (2) the nature of the feminist struggle determines that proletarian women must unite with proletarian men, who are also oppressed, to carry out the struggle; (3) in the course of the "social liberation of the economy" and "emancipation of man himself" carried out by the proletariat, they must strive for further emancipation and complete liberation.<sup>3</sup>

### 3. Formation and Development of the Feminist Movement in China

The rise of Western feminism can be traced back to the 18th century, when Enlightenment thought laid the theoretical foundation for the

idea of equal rights for men and women.<sup>4</sup> Since the first wave of feminist movement in the West in the 1850s, the feminist movement has had a history of nearly 300 years, and scholars have also categorized it into three to four stages according to the different demands and nature of the movements.<sup>5</sup> However, in 18th century China, the closed and backward people knew almost nothing about the relevant ideas until the first Opium War in 1840, when Western powers opened the country's gates with their ships and cannons, and Western ideas, including feminist ideas, were introduced to China. However, the background of the time determined the difficulty of the development of the feminist movement in China.

It is commonly believed that *The Bells of Women's Boundaries* is the first work advocating feminism in the history of the Chinese feminist movement, and since its author, Tianhe Jin, was a man, it is often concluded that the driving force behind Chinese feminism was a man. However, published in the early 20th century, *The Bells of Women's Boundaries* was deeply influenced by the macro background of the time, and it is only when analyzed directly in the context of the prevailing ideology of the time that the relevant theories can be correctly understood. At that time, men who advocated and publicized feminism advocated the banning of foot-binding, the abolition of foot-binding, the need for women to be educated, and participation in national politics. Although there was no lack of sympathizers for women's misery, more often than not, the ultimate goal was to make the country rich and strong, and that "a strong woman will make the country strong".<sup>6</sup> In particular, the author, Tianhe Jin's motivation for writing the book is full of historical irony; he was motivated by his envy of the

<sup>1</sup> See Chizuko Ueno. (2019). *Patriarchy and Capitalism*, Zhejiang University Press, 2019 edition, pp. 45-56.

<sup>2</sup> [English] Sylvia Walbey. (2016). *The Future of Feminism*, translated by Li Yanling, Social Science Literature Publishing House, 2016 edition, p. 86.

<sup>3</sup> See Wang Baomin and Yuan Bo. (2021). The Flux and Alienation of the American Feminist Movement from the Perspective of Marxist Jurisprudence, *Frontiers of Foreign Social Sciences*, (3).

<sup>4</sup> See Li Yinhe. (2001). *Feminism's Debate around the Question of Gender Temperament*, China Federation of Literature and Art Publishers, 2001 edition, pp. 13-23.

<sup>5</sup> Xiao Wei. (2007). *Feminist View of Education and Its Practice*, People's University of China Press, 2007 edition, pp. 6-13.

<sup>6</sup> See Liang Qichao. (1989). Proposing the Establishment of a Women's School, Drinking Ice Room Collection — Anthology, vol. 2, 1989 edition of the *Zhonghua Shuji*, p. 19; Ruiyo Sudo. (2010). *The Change of the Concept of Feminist Rights in China — Human Rights and Gender in the Late Qing Dynasty and the Early Republic of China* (中国“女权”概念的变迁:清末民初的人权和社会性别). Translated by Yao Yi, Social Science Literature Publishing House, 2010 edition, p. 51; Xiao Lidan. (2016). *A Study of Organizational Mobilization, Elite Mobilization, and the Evolutionary Logic of the Chinese Feminist Movement*, Jinan University Press, 2016 edition, pp. 3-6.

companionship in monogamous marriages in the West, and wished to have an educated woman to accompany him in and out of public places. His gaze was always on the Western male.<sup>1</sup> At a time of rapid socio-political, economic, and cultural change, when issues of race, class, and gender were intertwined, China's former scholars talked about "promoting women's studies," but only in the context of nationalism and the condescending demands of "proper women". In the context of nationalism, the former scholarly class in China talked about "promoting women's studies," but in a condescending manner, they demanded and ordered women to come out of their homes and make efforts, struggles and sacrifices to save the nation from peril.

After the Xinhai Revolution, the women's liberation movement went into a state of silence for a while, but the issue of women's liberation was still being discussed in intellectual circles. After the victory of the October Revolution in Russia, the Marxist theory of women's liberation was introduced into China, which led to a new chapter in the Chinese women's liberation movement, and the May Fourth Movement ushered in a new era of women's liberation movement in China.<sup>2</sup> Since then, more women of different social statuses, such as schoolgirls and female workers, have participated in the social revolution, gradually integrating with men in various industries through difficult struggles and bloody sacrifices, and gaining a certain status and voice, despite the firm constraints of the previous feudalistic rites.

With the founding of New China, the status of women in China has been markedly elevated, and women have come to be recognized as an important force in the building of the nation. At the same time, the Marriage Law promulgated in the early years of the founding of the People's Republic of China stipulated the principle of "equality between men and women" on the basis of the policy of "equality between men and women". In 1951, the Regulations on Labor Protection were promulgated, stipulating that women receive equal pay for equal work and

that female workers enjoy the same labor protection as male workers. In terms of political rights, the Election Law adopted in 1953 gave women the right to vote and to stand for election, and the Constitution promulgated in 1954 explicitly stipulated that "women enjoy equal rights with men in political, economic, cultural, social and family life". Although the subsequent Cultural Revolution was mired in "de-gendering", advocating "men and women are the same", ignoring biological differences, and creating a large number of "Iron Girls",<sup>3</sup> understood women's power in a similar way to the slogan "Women's Power". The Cultural Revolution was misguidedly "de-gendered", advocating "men and women are the same", ignoring biological differences, and creating a large number of "Iron Girls", which understood equality between men and women in a similar way to the slogans promoting the power of women, while ignoring the substantive inequalities at specific levels of society.

After the reform and opening up of China, the concept of traditional gender roles for women has been revived, and calls for attention to differences and special protection for women have gradually risen. As China's economy continues to grow and society advances on all fronts, equal rights for men and women are constantly being guaranteed, and unprecedented opportunities are being opened up for women's development. The Chinese Government has also made fairness and justice, including gender equality, an important element, and has utilized a variety of measures in the economic, legal, administrative and public opinion arenas, in an effort to ensure that women enjoy equal rights with men in the areas of political, economic, cultural, social and family life.<sup>4</sup>

#### **4. Alienation of the Feminist Movement at the Present Stage in China**

With the rapid development of Internet technology and frequent international exchanges, the Chinese feminist movement has become more and more influenced by the Western feminist movement and has become synchronized with its waves. American theorists

<sup>1</sup> Wang Zheng, Chen Yan, Fudan-University of Michigan Gender Research Institute. (2005). *A Study of One Hundred Years of Chinese Feminist Thought*, Fudan University Press, p. 2.

<sup>2</sup> Sun Xiaomei. (2008). *A Concise Course on Chinese and Foreign Women's Movements*, Tianjin University Press, 2008 edition, p. 8.

<sup>3</sup> See Jin Yihong. (2006). Rethinking the Iron Girl: Gender and Labor during the Cultural Revolution in China, *Sociological Research*, (1).

<sup>4</sup> See Sun Xiaomei. (2008). *A Concise Course on Chinese and Foreign Women's Movements*, Tianjin University Press, 2008 edition, pp. 57-85.



classify the post-2012 feminist movement as the fourth wave, because compared with the previous three waves of feminist movement, the fourth wave has undergone significant changes, showing different movement characteristics. Correspondingly, the current stage of the feminist movement in China also shows some different characteristics from the past, and even deviates from the core propositions of feminism, reflecting a certain degree of regressive alienation.

#### 4.1 Return to the Ideological Trend of "Female Victimology"

Unlike the feminist movements in Western countries, which have been carried out many times throughout history in the form of dramatic marches, in contemporary China, feminist movements almost always take place in cyberspace, where the technological development and wide application of social media have made it possible for every member of the public to have the ability and energy to speak out on cyber-platforms where there are equal possibilities, which has led to a significant change in the way in which women are aggregated and in the channels through which they can express their interests and demands. Especially in recent years, the feminist movement is basically a heated discussion among the public around the relevant issues after the emergence of hotspot events. However, because of this, these hotspot events are often exposed after women have been oppressed or harmed, such as the "Shanghai wife-killing and cold storage case"<sup>1</sup>, the "Zhengzhou air hostess taxi murder case"<sup>2</sup>, the "Ram case"<sup>3</sup>, and other events. The bloody facts are the most impactful. This has led to the emergence of women as victims on online platforms, and "victimhood" has become a weapon for women to fight against men in this movement. However, as more and more voices express women's vulnerability, the same argument that women should be valued by men because of their

inherent vulnerability has emerged in the female community. Many women positioned themselves as victims who were unable to act positively and could only passively accept men's instructions. As the American feminist writer Helen Pluckaros points out in response to a similar phenomenon in the United States, feminists of her mother's generation strongly resisted the notion that women were too timid and vulnerable to play a role in the public sphere. But this effort "is threatened by a cultural shift within feminism that transforms a movement aimed at empowering women into one oriented toward victimhood. It threatens to undermine the progress women have made."<sup>4</sup> The rise of "female victimology", which tends to promote a cultural tendency in society that women are themselves vulnerable to victimization on the basis of their biological sex, while ignoring the economic reasons behind gender inequality, is clearly not conducive to Chinese women's further struggle for their rights.

#### 4.2 Excessive Emotional Outbursts Resulting in Antagonistic Crises with Men

As mentioned earlier, due to the fact that the Chinese feminist movement at this stage is mostly centered around hotspot events on the Internet platform, extreme cases can easily lead to participants being filled with emotions; and the anonymity of the Internet makes it possible for such emotions to be vented almost without reservation, so that the Internet platform is no longer a platform for discussing gender issues, but rather a place for independent individuals to take advantage of the excuse to vent their emotions, and the purpose of all textual expressions is no longer the demands that the feminist movement is fighting against, but merely for the purpose of emotional venting. The purpose of all textual expressions is no longer the demands that the feminist movement has been fighting for, but merely the venting of emotions.

In this process, women's accusations against men do not need to be based on strict legal and factual grounds, but are based solely on their own experiences and perceptions of the men around them, and this is precisely what arouses empathy among some women and triggers a

<sup>1</sup> See <https://baike.baidu.com/item/%E4%B8%8A%E6%B5%B7%E6%9D%80%E5%A6%BB%E8%97%8F%E5%B0%B8%E6%A1%88/22230956?fr=aladdin>, accessed 5/1/2022.

<sup>2</sup> See <https://baike.baidu.com/item/5%C2%B76%E9%83%91%E5%B7%9E%E7%A9%BA%E5%A7%90%E6%89%93%E8%BD%A6%E9%81%87%E5%AE%B3%E6%A1%88/22572396?fr=aladdin>, accessed 5/1/2022.

<sup>3</sup> See <https://baike.baidu.com/item/%E6%8B%89%E5%A7%86/53931619?fr=aladdin>, accessed 5/1/2022.

<sup>4</sup> Quillette. (2022). Are Women Really Victims? Four Women Weigh In, <https://quillette.com/2017/11/22/women-victims-four-women-respond/>, accessed January 5.

powerful force of public opinion. This also creates a certain degree of panic to men, many innocent men are also wrapped up in it, and the posting of women in a heated argument, but the two sides are often not on the matter and after rigorous logical argumentation, and therefore often end up becoming men and women in the network platform irrational scolding. This is very likely to lead to widespread hatred between men and women, and to a constant intensification of the confrontation between women and men, which will inevitably distort the original intent of the feminist movement to combat sexism and the goal of transforming the patriarchal power structure.

#### *4.3 Emphasizing the Gender of Men and Women While Ignoring Internal Differences and Contradictions*

At this stage, many of the representations of the differences between men and women in the Chinese feminist movement are violent cultural representations, many of which emphasize the differences between the sexes. But when we adopt essentialist definitions such as “what a man is” and “what a woman is,” too many other parts of the object of the expression are ignored due to the obscuring nature of the expression itself. But these non-essential things are undeniably part of the object of expression, and if they are ignored, it is easy to create an incomplete cognition.

When we emphasize only the differences between the sexes, we are in fact emphasizing the commonality between the single sexes, which suppresses the differences between the single sexes. Such a division between the sexes creates a set of cultural representations that deny us the opportunity to really look at the extent to which the biological differences between the sexes contribute to the cultural differences between the sexes. Because the difference is now a male-dominated expression of power, all of our representations of women as “beautiful” and “evil” express male needs and fears, and there is no opportunity to show how, because of biological differences, the two sexes are different, socio-behavioral differences between the sexes.<sup>1</sup>

The idea of gender difference limits feminist

thought, confining feminism to a generalized framework of sexual opposition: men and women are different. Perhaps men and women are different, but the differences between men and men and women and women may be greater. To limit oneself to gender differences would make it difficult to show intra-feminine differences, to distinguish an individual woman from a universalized woman.<sup>2</sup>

#### *4.4 Gender as a Symptom of Other Social Problems*

Looking at the feminist movement in China at this stage, one can draw a very pessimistic conclusion: all the gender issues are taking place within a single class, namely the middle class and the white-collar class. Women in this class tend to be better educated, work in the cities, and are familiar with the Internet, and are able to make their voices heard on online platforms after being “enlightened” by feminism. But how much do these women have in common with women in the countryside, laborers in the primary and secondary industries, and female workers? Are the gender issues hotly debated by middle-class white-collar women really related to the gender oppression suffered by the majority of women?

It is because of the limitations of the subject matter of gender issues that they are focused more on the problems encountered by this class and are clearly confined to the path of thinking of this class. Time and again, people from other classes have seen the issues raised by the white-collar middle class, a class with obvious vested interests in their eyes, as a target to divert some social anger or despair or helplessness. So the gender war or the gender issue in China, which is dominated by the white-collar middle class, is in fact a twisted presentation of problems in other areas of society, because it is the only outlet, and other issues are lost in translation, so they can only be shifted to the gender issue. The social problems are “made up” to be released through the gender war.<sup>3</sup>

#### *4.5 Increased Commodification of the Feminist Movement*

In capitalist society, one of the direct aims of the

<sup>1</sup> See Kam Wah Tai's 2015 Master of Cultural Studies (MCS) program at Lingnan University, which focuses on feminist-related topics, <https://b23.tv/BV1FF411v7DR>, accessed January 5, 2022, in collaboration with Lingnan University.

<sup>2</sup> Shen Yifei. (2020). The Third Women's Movement: From “Seeking Common Ground” to “Preserving Differences”, *Shanxi Normal University Journal* (Social Science Edition), (4).

<sup>3</sup> See Jinhua Dai's 2021 program, Unfinished Dai Shu XI, on the topic of gender, on the Kok Yan Global University Hall account, <https://b23.tv/BV1a64y167Hm>, accessed on January 5, 2022.

feminist movement is to get rid of capital's commodification of women's bodies and spirits and to truly realize women's labor subjectivity in public service. However, the exploitative nature of private ownership determines that labor, which is the essence of human beings, will gradually lose its original freedom and self-awareness and become alienated.<sup>1</sup> Although China is a socialist country and the government has a good regulatory system for capital, capital still exploits women as a profit-making tool in various ways, either illegally or legally. The female body, in particular, has also become an object of control and manipulation by capital for profit. Women's desire for beauty and the psychological expectation of being recognized by society have increased their consumption demand for their own beautification, and the direction of women's consumption has shifted more to the shaping of themselves. In our lives, we are filled with images of women in commercial advertisements. Women's bodies are objectified and commodified, and women are reduced to a "physical" existence that is widely consumed as an object. It has become an important means for commercial capital to promote consumption by utilizing women's physical characteristics as a selling point to attract attention and arouse people's desire to consume in order to gain profits.<sup>2</sup>

Similarly, in order to attract traffic, capital has stirred up gender confrontation and hyped up the topic of women's rights. For example, Yang Kasa's comment on "men are ordinary but confident" in "Talk Show (Season 4)" was hyped up by capital and triggered a lot of attention and heated discussion on Weibo, which eventually became a way to attract traffic for the relevant parties, programs and Weibo, while the real issues of men and women were put aside and ignored. In addition, some brands under the banner of "women's rights" are just using it as a slogan to attract more consumers. Commercialization has distorted the current feminist movement in China, not only making non-consumptive, ordinary women who are not young enough to be beautiful disappear from

the mainstream discourse, but also making the original movement, which was trying to get rid of the objectification of women, become a tool, a complete regression of the feminist movement.

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<sup>1</sup> Wang Baomin and Yuan Bo. (2021). The Flux and Alienation of the U.S. Feminist Movement from the Perspective of Marxist Jurisprudence, *Frontiers of Foreign Social Sciences*, (3).

<sup>2</sup> Cheng Mingli. (2015). Consumer Society Looks at the Commodification of the Female Body, *Humanities Magazine*, (9).

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