



DISSOCIATION AND RE-IMAGINATION: THE PUBLICITY OF CHINESE MARRIAGE LAW AND DIVORCE NARRATIVE IN THE 1950s



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Keywords: Chinese Marriage Law. Publicity. Divorce narrative in the 1950s.

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Résumé: Après la promulgation de la loi sur le mariage de la République populaire de Chine en 1950, les œuvres littéraires dérivées du besoin de publicité ont des implications politiques et une signification disciplinaire distinctes. Parce que le problème du divorce a la rationalité des "droits libres" et la sensibilité de l'agitation sociale, le récit du "divorce" à cette époque se situe dans une certaine mesure entre la politique et la réalité. D'une part, les œuvres littéraires doivent promouvoir positivement le concept juridique de "liberté de divorce" et, d'autre part, elles doivent être soumises à un traitement narratif insensible. Les récits de divorce sont donc vagues et capricieux. Toutefois, la littérature a comblé dans une certaine mesure le fossé entre la loi et la réalité en réimaginant les problèmes réels causés par le divorce.

Mots clés: Loi chinoise sur le mariage. Publicité. Récit de divorce. 1950s.

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DISSOCIATION AND RE-IMAGINATION: THE PUBLICITY OF CHINESE MARRIAGE LAW AND DIVORCE NARRATIVE IN THE 1950s

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Abstract: After the promulgation of the Marriage Law of the People's Republic of China in 1950, literary works engendered from the exigencies of publicity held distinct policy implications and disciplinary significance. Given that the issue of divorce encapsulates both the rationale of "free rights" and the sensibility of social disorder, the narrative of "divorce" during this period is, to some extent, situated between politics and reality. On the one hand, literary works must positively advocate the legal concept of "divorce freedom", while, on the other hand, they must also undergo a delicately nuanced narrative processing to circumvent sensitivities. Consequently, the depiction of divorce narratives is characterized by ambiguity and capriciousness. Nonetheless, literature has to some extent bridged the gap between law and reality by reimagining the genuine predicaments triggered by divorce.

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INTRODUCTION

China's divorce tradition has always hidden the repression of women by the patriarchal system. China's laws and customs in the past did not adopt the "prohibition of divorce doctrine", but divorce was often a "privilege of men", and women's request for divorce was limited to the "Judges' judgments" (Chen, 2017, p. 176), showing the inequality between men and women in this issue. Lu Xun, a Chinese writer, introduced Ibsen's play *Doll's House* in his 1923 article *What happens when Nora leaves?* He believed that when women in China want to leave their unhappy marriage and family like Nora, they can only have two outcomes, either degenerate or return to their husbands (Lu, 2005, p. 173). The promulgation of the Marriage Law in 1950 provided more freedom and legal rights for "Nora" in the dilemma of divorce. This has added new avenues and imaginations for 'Nora'. However, the promulgation of the Marriage Law not only brought freedom of divorce to women, but also had a certain impact on the social reality at that time. The emergence of arbitrary divorce and the "divorce tide" gave rise to the need for literary promotion of the Marriage Law, which made the relationship between divorce narrative and society and law very complex at that time.

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

On May 1, 1950, the Central Committee of the Communist Party of China (CPC) officially promulgated and implemented the Marriage Law of the People’s Republic of China. As the first legal document of the People’s Republic of China, Mao Zedong referred to it as “[...] the fundamental law second only to the Constitution” (Chen, 1950, p. 94.), attesting to its enormous importance. The first principle of the “Marriage Law” is to abolish the feudal marriage system that abolish the compulsory male respect and disregard the children’s interests. The new democratic marriage system for men and women’s marriage freedom, monogamy and men and women’s equal rights protect women and children’s legitimate rights and interests. On the issue of divorce, the marriage law has overturned the tradition of strictly restricting divorce in the past. It requires that if both men and women are voluntarily divorced, they are allowed to divorce. When the man or the woman strongly demands a divorce, it is allowed to be divorced when the regional people’s government and the judicial organs are mediated and the mediation is invalid.

The legal provisions on the freedom of divorce in the 1950 Marriage Law are mainly derived from the marriage and family theory and women’s liberation thought put forward by Marx and Engels, which the CPC has adhered to since the 1920s. According to Marxist views on marriage and family, love should be the only foundation of marriage. Engels believed that because of monogamy and men’s control of private property, men had sexual oppression on women. Liberation can only be achieved by destroying private property, the foundation of monogamy and autocratic relations (Geiger, 1968, p. 16). They believe that if emotions have indeed disappeared or have been excluded by new and passionate love, it will make divorce a blessing for both parties and society. At the same time, Marx and Engels did not pursue complete freedom of divorce. They believed that

[...] only the unity of love and obligation can make the love between husband and wife more specific, pure, consolidated, and fulfilled. Any behavior that only emphasizes love, does not emphasize obligation, and is irresponsible towards spouse and children is never true love (Li, 2013, p. 189).

In addition, according to the Marxist thought of women’s liberation, after the monogamous family became the cell of the private property society, women’s oppressed status began to take shape. With men as the center, the system of inequality between men and women became the fundamental law of the private property society, and men’s slavery against women was solidified (Xu, 2008, p. 16). It is necessary to liberate women, who have been enslaved by patriarchal rights from the feudal marriage system, to liberate and develop productive forces. So, implementing freedom of divorce is, undoubtedly, the most direct method.

The CPC has obviously implemented this idea since the 1920s, and carried out marriage reform in the liberated areas and base areas in the 1930s. In 1920-30s, the CPC found, in the revolution, that Chinese rural women were severely oppressed by the husband's power. So, it tried to implement the policy of "absolute freedom of divorce" in the Chinese Soviet Republic to help women get rid of the shackles of feudal marriage. But soon, it found that it caused social unrest in the local area. Mao Zedong observed that "[...] after the Chinese Soviet Region women filed for divorce, their husbands went to the village Soviet to cry, and the young men and women almost fought with weapons" (Mao, 1982, p. 180). Later, in the liberated areas, it was adjusted to conditional freedom of divorce, which eased the social conflicts caused by divorce issues.

The most controversial issue, in the legislative process of marriage law, is whether divorce should be completely free. The majority of the legislative group opposed the idea, arguing that it could lead to chaos if implemented. However, Deng Yingchao and a few others believed that social upheaval was inevitable in the process of overthrowing the old society. They argued that the bourgeois marriage laws, despite beautifully outlining the concept of marriage freedom, did not provide most working people with the actual freedom of marriage (Deng, 2010, p. 33). Considering the gradual process of public acceptance of the Marriage Law, a compromise was reached in the draft. The principle of voluntary divorce is established, but the government would still intervene in disputes to maintain social stability. If a man and a woman divorce of their own accord, divorce will be granted. However, if one of the parties insists on a divorce, and mediation by the district people's government and the judicial organ fails, divorce may still be granted. As such, the Marriage Law established core principles that balanced the needs for individual freedom and social stability.

[...] abolish the feudal marriage system in which forced marriage is arranged, men are superior to women, and children's interests are ignored. A new democratic marriage system featuring freedom of marriage between men and women, monogamy, equal rights between men and women, and protection of the legitimate rights and interests of women and children shall be implemented. (Liu, 2020, p. 100).

The fundamental spirit of the Marriage Law is characterized by its mandate to actively assist women, protect children and eradicate the remnants of feudalism (Gu, 1951, p. 54). When it was formally established in 1950, the Marriage Law represented a significant departure from traditional marriage systems and stood as a powerful statement in support of modern ideas concerning gender equality and the protection of women's human rights.

With the passage of the Marriage Law of 1950, the feudal and obsolete marriage system that had prevailed in Chinese society for centuries was abolished. The enactment of this law is seen as a momentous occasion as it represented a radical departure from traditional models, introducing instead a progressive and modern system. The development of this new marriage system held significant implications for all aspects

of social life. Firstly, for the immediate happiness of young people and the interests of future generations. The proper implementation of the Marriage Law would foster the rapid development of people's democracy and production undertakings throughout the country, thus transforming society in meaningful ways (Shen, 1950, p. 34).

Neil J. Diamant (2000, p. 4) believes that the promulgation and implementation of marriage and family laws in China have shown “[...] a clear modernizing impulse”. This modernization impulse has led to a large number of divorce cases after the promulgation of the marriage law. Women are demanding divorce and this ‘modern impulse’ has also led to negative results.

Although the Marriage Law guaranteed the freedom of marriage for many young people, it also generated a lot of misconceptions. Numerous individuals wrongly assumed that the Marriage Law was synonymous with the “Divorce Law”. The prospect of women possessing freedom instilled fear that there would be “chaos in the world”. In effect, many cadres opted to “keep secrets” and refrained from publicizing them. They were anxious that “burning incense leads to ghosts”. Consequently, they adopted a passive attitude towards abusing women and interfering in the freedom of marriage. In certain regions, judicial cadres misconstrued the tenets of the Marriage Law, resulting in rushed divorce judgments and the phenomenon of facile divorce rulings. Wang Ruqi (1952), who participated in the drafting of the marriage law, observed that, after the promulgation of the marriage law, legal profession in some places even “abused the women who asked for divorce” or forced “mediation”, and many people delayed the verdict after accepting it. This has led many women to commit suicide or be brutally murdered due to despair. More alarmingly, one year after the enactment of the Marriage Law, the Central People's Government's State Council issued the “Directive on Inspecting the Implementation of the Marriage Law”. The report revealed that,

[...] incomplete statistics show that women in various regions have either been driven to suicide or killed due to their lack of autonomy in marriage. These figures should serve as a grave warning to the people's governments at various levels (Liu, 2014, p. 10).

Thus, it was deemed essential to “address and rectify illegal occurrences”, and local governments were instructed to conduct an immediate assessment of the implementation of the Marriage Law. The Supreme Court and the Ministry of Justice jointly issued the Notice on Earnestly Implementing the “Instructions on Inspecting the Implementation of the Marriage Law” of the Administration Council of the Central People's Government.

However, in the midst of the “Three Anti” movement, numerous areas ignored and abandoned the application of the Marriage Law or relaxed its enforcement. Consequently, since the onset of spring, there has been an influx of transgressions resulting in fatalities (Lin,

2022, p. 169; Gruss, 2022, p. 80). As the number of fatalities resulting from marriage-related issues continued to escalate, the CPC Central Committee and the Administration Council of the Central People's Government released implementation directives for the Marriage Law on November 26th, 1952, and February 1st, 1953, respectively. The directives stipulated that March 1953 would be the Campaign Month dedicated to the implementation of the Marriage Law, obliging, "All areas, except for ethnic minority regions and sites where land reforms had not been completed, irrespective of urban or rural locales, to publicize the implementation of the Marriage Law throughout March 1953" (Liu, 1953, p. 38).

The *People's Daily* also published a letter from readers in support of the Marriage Law:

[...] Literary and Art Workers Should Create a Large Number of Works to Promote the Marriage Law' (ZHOU, 2004, p. 35). Got a reply from the All-China Federation of Literary and Art Circles (ACFLAC): We think this is a good idea. Now the National Literary Association, Artists Association, Theatre Association, Musicians Association and opera Association as well as various cultural departments have organized artists to publicize and implement the Marriage law (Wang, 2021, p. 55).

On July 16th, 1954, more than 30 writers and literary and art workers were invited by the office of the Central Committee for the Implementation of the Marriage Law Campaign Committee to hold a symposium. The symposium aimed to use the form of literature and art to promote the implementation of the Marriage Law in line with the general task of the country in the transition period and the principle of socialism. Liu Zhiming, Vice Minister of Culture, emphasized that marriage and family are important themes in literary and artistic creation. During the symposium, he called on literary and artistic workers to reflect and promote happy and harmonious marriages and families with socialist morality and fashion in their creations, while opposing and criticizing those influenced by feudalism and capitalist thought. Although the formal campaign to promote the implementation of the Marriage Law was only bounded by March, the publicity work continued until the late 1950s.

2 POSITIVE LITERARY PROPAGANDA OF THE SPIRIT OF "DIVORCE FREEDOM"

Throughout the process of publicizing and implementing the Marriage Law, literary and art workers played an important role in raising awareness and promoting the provisions of the law. Many literary works were published that promoted the Marriage Law, based on major publications, such as *People's Daily*, *People's Literature* and *Talk and Sing*. Works, such as Ma Feng's *Marriage* and Zhao Shuli's *Registration*, have been collected into books and even adapted into *Pingju*, drama and film scripts that have been widely used in the publicity campaign of the Marriage Law. These works typically have a similar theme and narrative

approach, focusing on the publicity requirements of the Marriage Law. They often depict the obstacles rural men and women face in fighting for the freedom of marriage and the support they receive from the government and the law to achieve a happy and harmonious family life. They celebrate the young men and women's courage in resisting their parents' arrangements and criticize the decadent marriage concepts influenced by feudalism and capitalism.

Novels promoting freedom of divorce have two characteristics. On the one hand, novels tend to strengthen the rationality of women's divorce by describing the painful women in the arranged marriage relationship and, sometimes, show the superiority of the new marriage system by comparing the unhappy women in marriage with the happy women after free marriage. These works became the mainstream of promoting "divorce freedom" in the early 1950s.

As described in Wang Kai's novel *The Divorce of Qun Ni*, a young woman Qun Ni was forced to marry a mute man. After marriage, Qun Ni not only took on all the farm work, but also was tortured by her husband's family, "Like bowl of a pipe, being hit at will." When the Communist Party liberated the village, Qun Ni divorced and was liberated (Wang, 1951, p. 85).

Also Jin Jian's play *Zhao Xiaolan* describes that Zhao Xiaolan's sister, Zhao Xiulan, was arranged by her father to marry. After marriage, she was regarded by her mother-in-law as a "Jinx". Her husband beat her up and her mother-in-law bullied her. Xiulan went back to her mother's house to cry about divorce, but her father Lao Zhao gave her a headache and scolded her. Finally, her sister Zhao Xiaolan lived happily after "Freedom of Marriage". Xiulan also went through divorce procedures accordingly (Jin; Zhao, 1952, p. 35). Li Wenyuan's novel *Marriage* also tells the story of Lian Niu's cousin and husband who have a disharmonious relationship and suffer because of her mother-in-law. When the cousin returns to her family to cry, they do not receive sympathy. On the contrary, she was scolded by her conservative and backward father Li Erhu for not following the women's rules, and she shed tears every day. Seeing the tragic experience of her cousin's marriage, Lian Niu's mother supported her request for free marriage (Li, 1955, p. 1). In these novels, divorce is not the narrative center, but rather highlights the advantages of free marriage through two women's different marital situations. Divorce has become a mere formality of the "instrumental" aspect.

On the other hand, divorce novels often encourage divorced women to remarry through love, and compare the happy life of remarriage with the previous marriage to illustrate the rationality of divorce. Ge Wen's novel *Bride*, written in May 1950, depicts a divorced woman's story, who successfully remarries. Liu Erni wedded into her husband's family at the tender age of fourteen and was treated like a slave. She underwent extreme torture at her father-in-law's and husband's hands, which resulted in her seeking a divorce after nine years of bitter married life. Post-divorce, Liu Erni relied upon her industrious and

capable qualities to support herself. Despite her self-sufficient nature, she realized that her plump and beautiful appearance was integral in obtaining remarriage. Liu Erni eventually remarried a proletarian but educated factory worker. On her wedding day, her ruddy cheeks and glowing appearance elicited admiration from the captain of the Women's Self-Defense Forces, who exclaimed: "You are fresher than the first time you were a bride!" (Ge, 1951, p. 61). In Marriage Law publicity novels, published after the promulgation of the law, divorce stories typically received brief mention before shifting focus to establishing new family and social relationships. Writers emphasized the superiority of the new marriage law through their narratives and aimed to guide and discipline the people's concept of marriage. The 1950s revolution in Chinese marriage aimed to form new production relationships, thus subduing the divorce problem and dominating it through politics. Consequently, the issue became ambiguous in novels, and the rationality of divorce was restrained through the comparison of different women's fates. Remarriage narration replaced or continued the discussion of the divorce problem.

Aside from Ge Wen's *Bride*, a number of short stories also explicitly publicized the Marriage Law, 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*. These four stories follow similar narrative patterns. In most cases, the women are married off to the husband's family like a piece of property and subjected to severe mistreatment. However, with the aid of the cadres and the protections afforded by the Marriage Law, these women divorce their abusive husbands and marry practical, hard-working and progressive men. After remarrying, the husband and wife work well together, help each other, and make progress in production and thought.

3 THE GAPS PRESENTATION OF DIVORCE NARRATIVE AND PUBLICITY

In 1950, the Marriage Law was promulgated and clarified the freedom and right of divorce. This led to a significant increase in divorce cases, forming a mutual echo between the law and societal attitudes towards marriage. Statistics showed that, since the promulgation of the Marriage Law, the judicial organs at all levels have experienced a significant increase in the number of marriage cases. For example, in Beijing and other 21 big and middle cities, the number of cases in the four months after the Marriage Law was promulgated increased by 91 percent compared to the previous four months. This increase in divorce cases was seen both in urban and rural areas, with demand for the freedom of marriage increasing due to the peasants' heightened awareness, especially after the land reform. It is worth noting that the majority of those raising questions of marriage were women. The Marriage Law became an important tool in liberating the broad masses of women from the feudal marriage system (Shi, 1951).

The “Divorce Tide” reached its peak in 1953, affecting the stability of Chinese society: “This is due to publicity and implementation of the marriage law. A large number of feudal marriage relationships need to be lifted. This year’s total number of cases is 1.1 million” (Bai, 2008, p. 158). According to court statistics, the majority of divorces are initiated by young women: “[...] two-thirds are initiated by the woman, and the majority are young women between the ages of 20 and 30” (Bai, 2008, p. 160).

An important reason why women dare to divorce is the land reform carried out by the CPC. In the land reform movement in the 1940s, the CPC focused on solving the problem of women’s land tenure. Cai Chang, who was a member of the CPC Central Committee at that time, pointed out that “[...] women need land and they need to turn over” (Cai, 1988, p. 125). The women’s turnover and the land reform were mutually causal, and the CPC directly stipulated that women also had the right to land distribution. Article 6 of the Outline of China’s Land law issued by the Communist Party of China in 1947 stipulates that

[...] all land and common lands of landlords in the countryside shall be taken over by the rural farmers’ associations, and together with all other land in the countryside, shall be uniformly and equally distributed according to the entire population of the countryside, regardless of men, women, old and young. (CCP, 1948, p. 4).

Ensuring and extending women’s personal rights. In addition, Article 13 of the Marriage Law stipulates that, when a couple divorces, in addition to the wife’s premarital property belonging to the wife, the court shall make a judgment based on the principle of “[...] taking care of the interests of the wife and children and promoting the development of production” (Chen, 1950, p. 33). Land is clearly an important part of Chinese family property, and it also stated in the report drafted by the Marriage Law that “[...] women should be recognized for their ownership of the land they received during the reform of the upper land” (Chen, 1950, p. 85). Women have the right to demand the division of family land in the event of divorce.

Therefore, the “freedom of divorce” is strongly opposed by men, especially rural men. Rural men often view their wives as “personal belongings” due to the high price of the “dowry” paid during marriage. Divorce will cause them to “lose their wives and property”, and after divorce, women will divide up a portion of the family’s land. Therefore, they are the most resistant to the provisions of the Marriage Law, especially the “freedom of divorce”. The divorce issue has developed into a dangerous situation that endangers the women’s personal safety. A large number of women were injured or even killed because they wanted to dissolve their marriage. In 1951, more than 10000 people committed suicide and were killed in the Central South District to fight for freedom of marriage. By the end of 1952, the death toll in East China had reached 11500. “The number of dead people and the tragic circumstances are shocking” (Ge, 1999, p. 62).

Nevertheless, we still need to see the enormous significance of the “divorce freedom” clause for the women’s liberation movement in China at that time. Due to the launch of the “Marriage Law” promotion campaign, it is necessary to continue to promote the legal provisions of “divorce freedom”. However, due to the serious social problems caused by divorce, writers have also begun to be cautious in creating literary works with divorce themes. In sharp contrast to the prevalent divorce trend, the Marriage Law publicity in the 1950s contained minimal works touching on the topic of divorce. This is unlike the notable works by Zhao Shuli’s *Registration* and Ma Feng’s *Marriage*, whose themes ardently advocated for the rejection of arranged marriages and the pursuit of marriage freedom. Divorce was a rarely-explored concept in novels of the time, with Liu Xi’s *Widow Liu’s Marriage*, Ge Wen’s *Bride* and Gao Yanchang’s *After Divorce* being some of the few representative works (Zhou 1953, p. 1). Although divorce was not the central subject of these works, it was often employed as a “tool” for plot progression. In most cases, such occurrences were concealed behind the happier themes of “marriage”. However, the portrayals of marital unhappiness and divorce outcomes were ambiguous and failed to accurately reflect the reality experienced by couples. Hence, there was a significant gap between the literary publicity and actual circumstances.

In Shaohua’s short story *Children’s Own Affairs*, Lao Chen Tou’s character exemplifies a feudal-minded father who selfishly arranges his eldest daughter, Jinlan, to marry an unsuitable family in Laohubei village with the ulterior motive of gaining more betrothal gifts. Unfortunately, Jinlan’s marriage leads to an unhappy existence, wherein the couple constantly argues, the mother-in-law mistreats the daughter-in-law, and the husband commits adultery and even beats Jinlan at his mother’s instigation. Despite Jinlan’s desire for a divorce, Lao Chen Tou perceives a divorce as a societal scandal and forbids her from taking that route, forcing Jinlan to suffer in silence. In the novel, Jinlan’s divorce serves as only a secondary plot, intercalated with the main story of Yulan’s revolt against Lao Chen Tou. Yulan, Jinlan’s sister, and Liu Zeng, a member of the publicity committee in the village, fall in love freely. However, Lao Chen Tou demands that Yulan marry a man of his choosing but Yulan vehemently refuses claiming that she cannot marry a man that her sister dislikes (Gu, 1951, p. 63). Yulan holds the belief that her sister’s time has passed due to three reasons. Firstly, the land reform that has granted Yulan ownership of the land. Secondly, her ability to support herself through labor. And finally, the government’s legalization of independent marriage. These three guarantees instill a sense of confidence in Yulan, allowing her to summon the strength to leave her marriage. In contrast, Jinlan lacks such guarantees, rendering her unable to resist the coercive and oppressive forces that surround her. Yulan’s newfound happiness emboldens her to take a stand, and with the local officials’ assistance and her own determination, she successfully separates from her husband and remarries Liu Zeng in a modern wedding ceremony. The novel highlights the stark contrast between Jinlan’s endurance of humiliation and divorce and Yulan’s resilience and courage, underscoring the importance of upholding marriage

autonomy. However, the novel falls short in illustrating the struggle of young people's quest for freedom and their spiritual aspirations regarding divorce. The depiction of the novel about divorce freedom is subpar, with Lao Chen Tou ultimately responsible for handling Jinlan's divorce. Furthermore, the novel leaves the reader with an ambiguous understanding of the outcome of the divorce.

4 LITERARY IMAGINATION AND REPAIR OF THE DEFECTS OF DIVORCE LAW

Following the promulgation of the "Marriage Law", the role of the law in protecting women faced a significant practical problem: how to provide for divorced women. In the past, many regions in China only allowed men to inherit family property and land, and men were also permitted to go out and earn a living, thereby providing them with the means to manage their own divorce. Women, on the other hand, were often confined to domestic roles as housewives, depriving them of the freedom to pursue their rights. How could women, in situations similar to Nora's in *A Doll's House*, escape from their feudal families and enter a new society? While the marriage law provides for the distribution of land and property in the wake of a divorce, many women still face public pressure and even life-threatening situations, making it difficult for them to live in their husbands' or parents' homes. On October 23, 1951, *People's Daily* published a letter from Ganu titled "Safety Guaranteed for divorcing Women", which stated,

[...] they want a divorce because they have been abused, or have already filed for divorce, but cannot find a safe place to live [...] I think one of the concrete tasks for women to relieve their sufferings through the Marriage Law is to find ways to guarantee the safety of oppressed women in advance (Gan, 1951, 76).

In addition, there was a need for efforts to integrate divorced women into society, stabilize social order and turn them into a productive force for society. The new China needed to develop and liberate productive forces rapidly, and as such, a combination of education and coercion via the law was needed to hasten the decline and death of the feudal system of marriage while safeguarding the development and growth of the new democratic system of marriage, thus paving the way for the development of new family structures and social constructions. More importantly, the law aimed to solve the problem of marriage, liberate productive forces, and establish a liberal social relationship that would promote development (Chen, 1950, p. 36). The Marriage Law was enacted, not only to protect and liberate women or promote new concepts of marriage, but, most importantly, to serve as a key to the solution of the marriage problem, and facilitate the liberation of productive forces and the formation of new social relations that promote development.

Revolution often brings about pain and social problems, and laws and policies may not always be able to solve these issues in time or provide clear guidance for the divorced women's settlement. However, divorce narratives at the time served to fill this gap through literary imagination. These narratives envisioned a future in which women's divorce rights were protected. They eventually remarried, established new family relations and production orders, built stable family units with new husband and wife relationships of "mutual respect and love" and "common progress", and, ultimately, developed a new social production order. In essence, these narratives fell within the purview of the "Marriage Law" and its protective framework.

In addition, some special reasons have led to different divorce situations in urban and rural areas. Due to the revolutionary strategy of the CPC of "encircling the cities from the countryside", a large number of Communist Party cadres carried out revolutionary work in the countryside before the founding of New China, and therefore married rural women. But after the establishment of the People's Republic of China (PRC), the center of political power shifted to cities, and these cadres returned to the cities to work. They began to dislike their wives in rural areas who were outdated and liked the fashionable women in the cities. And casually abandon the original wife. This became a prominent phenomenon in the "divorce wave" of the 1950s, which was the "abandon the old for the new" style of divorce. The divorce demands of these cadres clearly comply with the legal spirit of "divorce freedom" in the Marriage Law, but their arbitrary divorce and remarriage have led to many wives being displaced as a result. But, in the early days of the founding of New China, there were not mature conditions to support and accept so many divorced women. Due to the sensitivity of this issue, literature has shown a cautious and ambiguous attitude towards reflecting such phenomena.

At that time, there were also novels that reflected the complexity and ambiguity of urban divorce issues. *After Divorce*, a short story published in the *People's Daily* in 1957, portrays the aftermath of a divorce. The plot is relatively simplistic, following Zhao Fengshan's story, a security officer in a machinery factory, who desires to marry his typist, Xiao Zhang. As a result, he asks his wife, Hu Xiuying, for a divorce (Xie, 1984, p. 1267). The narrative depicts the family's life after the divorce officially gets settled. Hu Xiuying decides to give up custody of the child Bao Er, yielding to the reality of her situation, even though as a mother, she feels reluctant to do so. The divorce process in the novel aligns with the principles of "freedom of divorce", emphasizing the importance of procedural justice. However, it covertly reveals the women's passivity in divorce issues. The novel portrays Zhao Fengshan citing four reasons for his request of a divorce, including an arranged marriage, the inability of the two parties' characters to harmonize, the wife's inability to read, and the woman's lack of consideration and affection. Although the novel initially suggests that Zhao Fengshan's primary desire is to marry Xiaozhang, the numerous charges aimed at Hu Xiuying for the divorce place

the blame on her. This confirms the initial controversy surrounding the marriage law that allowed for “one party insisting on divorce and divorce without any conditions”. It exposes the hidden danger of divorce without conditions, in which men with higher economic and social status are more likely to have discourse power and can choose to abandon their wives as they please. For housewives, finding a way out after divorce poses more significant challenges. Hu Xiuying’s predicament in *After Divorce* resonates with this fact. She is not only kicked out of her home by Zhao Fengshan, but also faces difficulty finding a job due to the responsibility of taking care of Bao Er. Unable to bear the thought of parting with her child, she becomes trapped in a vicious cycle (Gao, 1957, p. 8). However, despite presenting the dilemma of divorce, the novel does not delve into the psychological and ethical aspects of the situation or attempt to resolve the problems brought about by divorce. Although the narrative of the novel is straightforward, it reveals the underlying psychological conflicts and contradictions within the couple.

On the one hand, it shows Zhao Fengshan’s inner satisfaction with the divorce and his disinterest in Hu Xiuying. “He looked back at her impatiently, then glanced back at the divorce papers on the table” (Gao, 1957, p. 10). On the other hand, it reveals the harm that the divorce causes to Hu Xiuying. “Looking at him, anger rises from her chest, but she touched her chest to push the anger down” (Gao, 1957, p. 13). The story appears to lack intense character conflict and a plot climax that one would expect from this subject matter. Instead, the second half of the story revolves around the issue of Hu Xiuying’s inability to part with Bao Er. Although readers expect more from the narrative, the potential conflict resolves quickly, and the author leaves most of the psychological and ethical implications of the situation unexplored.

The reason for the abrupt ending of the novel lies in the way the author links the divorce to the general context of the Marriage Law publicity. The legal and political aspects of the story are intentionally arranged, and although brief, they are central to its plot. The divorce process operates entirely within the framework of the Marriage Law, yet the reasons for the divorce contradict one another. Zhao Fengshan’s excuse for divorce is “parental arrangement”, which is not in line with the “free rights” guaranteed by the Marriage Law. As a reason for divorce, this charge is irrefutable, but the real reason for the divorce is “love the new and hate the old,” which is unacceptable morally and legally, as the “[...] people’s government, on the one hand, guarantees the freedom of divorce and, at the same time, opposes hasty and careless divorce” (Liao, 1950).

Thus forms the first layer of contradiction at the core of the novel. Moreover, the details of the novel highlight the irreparable nature of the couple’s relationship, indicating a second layer of contradiction. The text suggests that “[...] the painful family, as a unit of

society, is an unhealthy cell, a negative factor in social production, detrimental to both the socialist revolution and the cause of socialist construction” (You, 1957).

In fact, the divorce case of cadres like Zhao Fengshan was not an isolated case at that time, but formed a trend,

The issue of ‘liking the new and hating the old’ reflects a significant problem in contemporary divorce cases. The Tanggu District People’s Court reported that 78 percent of all divorce cases filed in the first half of the previous year were due to reasons such as this. Some couples have a good relationship, but changes in their living environment or conditions, or an improvement in the man’s position and salary, lead them to despise their partner and seek a divorce (Wang, 2018, p. 32).

It was once thought that the divorce phenomenon characterized by “liking the new and hating the old” was a reflection of “bourgeois ideology” among cadres. In 1955, the high-profile “Luo Baoyi, Liu Lequn divorce case” triggered a national debate. The 11th issue of *Women of China* published Liu Lequn’s open letter, in which she accused her husband, Luo Baoyi, of displaying a drastic change in attitude before and after their marriage (Liu, 1955, p. 6). She further accused him of cheating on her and “[...] falling into the abyss of the bourgeoisie.” The letter prompted readers to examine the notion of a common standard for marriage. Many concluded that “[...] in today’s society, there are still some who remain contaminated by the bacteria of the bourgeoisie and have failed to rid themselves of it”. Therefore,

While opposition to bourgeois ideology is crucial, the focus must be on opposing the remnants of feudal ideology concerning marriage. Placing anti-bourgeois ideology at the forefront may give rise to the continued promotion of feudal marital bonds and the persistence of lingering feudal ideas. This would ultimately undermine the freedom of marriage, particularly for young women (You, 1957, p. 56).

On the one hand, maintaining a passionless marriage that requires constant effort is not in line with Marx’s concept of marriage and family, nor does it comply with the legislative spirit of marriage law. Such marriages are also detrimental to productivity. On the other hand, the trend of divorce among cadres who embrace new experiences while discarding the old may reflect capitalist thought and contribute to a negative marriage atmosphere. This trend should not be publicized as it fails to meet the publicity requirements of the marriage law at the time. Although literature aims to explore the complexity of divorce from a psychological perspective, there exists a contradiction with the political situation at the time. Politics and law prevent a more profound literary narrative. The writer is politically self-conscious, making the sudden ending of *After Divorce* understandable.

CONCLUSIONS

In the contemporary society, Nora was taught to bravely flee from the polity and seek refuge in the law. However, Nora disappeared without either falling or returning after escaping. As a form of social imagination, literary publicity repaired and enhanced the shortcomings of the system and provided Nora with a way out, that is, to form a new family that falls within the ambit of protection offered by the Marriage Law. The new family is distinct from the old one, representing the old and new social systems, and the new husband is different from the previous one. Women are no longer subject to servitude and repression under feudalism. The new couple can enjoy bliss through labor and progress. Women's emancipation now has an outlet. The establishment of a new family injects new hope and motivation in women, and they derive joy from their labor and production. This sense of fulfillment yields positive benefits for the country by accelerating its development and progress. Consequently, the narrative of divorce and the manner it was handled, during this era, was characterized by a coherent and self-contained logic.

In essence, the divorce narrative that emerged during the enforcement of the Marriage Law underscores the complex interplay among politics, law, reality and literature in that era. While literary productions serve the purpose of publicity, they are inevitably constrained in their abilities to portray the discrepancies between politics and reality due to publicity restrictions and political discipline. Nevertheless, literature begins at itself, reimagining the genuine issues resulting from divorce and rectifying, to a certain degree, the gap between law and reality.

REFERENCES

- BAI, W. **The Role of Women in the Media and Modernity 1990-1999**. Liaoning: Liaoning Ethnic, 2008. p. 158-165.
- CAI, C. **Cai Chang Deng Yingchao Kang Keqing's Selected Works on Women's Liberation (1938-1987)**. Beijing: People's, 1988. p. 125-132.
- CCP. **Outline of China's Land law**. Binzhou: Bohai Xinhua, 1948. p. 4-6.
- CHEN, G. Y. **A History of Marriage in China**. Shangai: The Commercial Press, 2017. p. 176-179.
- CHEN, S. Y. **Marriage Law and Related Documents**. Beijing: People's, 1950. p. 33-97.
- DENG, Y. C. A Report on Chinese People's Marriage Law. **Literature of Chinese Communist Party**, n. 3, p. 33-31, 2010.
- GAN, N. Give Security to Divorcing Women. **People's Daily**, v. 2, Oct. 23, 1951.
- GAO, Y. C. After Divorce. **People's Daily**, n. 3, p. 8-13, 1957.
- GE, W. **Committee of the Harvest Literature and Art Series**. Beijing: Workers', 1951. p. 61-64.

- GE, Y. B. **Glorious Women** - Commemorating the 50th Anniversary of the All-China Women's Federation. Beijing: China Women's, 1999. p. 62-63.
- GEIGER, H. K. **The family in Soviet Russia**. Cambridge: Harvard University Press, 1968. p. 16-17.
- GRUSS, S. Massinger's Strange Pirates Strangeness, Law(s) and Genre in The Double Marriage and The Unnatural Combat. **Critical Survey**, v. 34, n. 2, p. 80-92, 2022.
- GU, Y. **Twisting Melons Are Not Sweet**. Shanghai: New Literature and Art Press, 1951. p. 54-57.
- JIN, J.; ZHAO, X. L. **Script**, n. 1, 1952, p. 35-108.
- LI, D. **Marxist theory of women's liberation and its contemporary value**. Harbin: Heilongjiang University Press, 2013. p. 189-21.
- LI, W. Y. **Marriage**. Zhengzhou: Henan People's, 1955. p. 1-39.
- LIAO, Y. F. Divorce Should Solemnly Answer Comrade Liao Yuefen's Questions. **People's Daily**, v. 3, 28 Oct. 1950.
- LIN, Z. Who is Related: The Strategic Turn and Discourse Construction of the 1950 Marriage Law Propaganda. **Open Times**, n. 4, p. 169-196, 2022.
- LIU, J. F. Summary Report of the Central Committee for the Implementation of Marriage Law Campaign on the Implementation of Marriage Law Campaign. **Shanxi Renmin Zhengfu Gongbao**, n. 22, p. 38-42, 1953.
- LIU, L. Q. Why Did Our Marriage Break Down? **New China Women**, n. 11, p. 6-31, 1955.
- LIU, W. F. On Historical Investigation of the Implementation of *The Marriage Law of the People's Republic of China Promulgated in 1950*. **Journal of China Women's University**, n. 32, p. 100-106, 2020.
- LIU, W. F. On the Historical Evolution of the Marriage Law of the People's Republic of China. **Contemporary China History Studies**, n. 3, p. 10-14, 2014.
- LU, X. **The Complete Works of Lu Xun**. Beijing: People's Literature, 2005. p. 173-178.
- MAO, Z. D. **Investigation of the Scourge**. Collection of Mao Zedong's Rural Investigations. Beijing: People's, 1982. p. 180-181.
- NEIL, J. D. **Revolutionizing the Family**. Berkeley: University of California Press, 2000. p. 4-10.
- SHI, L. Conscientiously Implement the Marriage Law. **People's Daily**, v. 3, Oct. 13, 1951.
- WANG, C. L. Promotion, Response, and Supervision: The Public Opinion Anti Corruption of People's Daily in the Early Stage of New China. **Studies on Mao Zedong and Deng Xiaoping Theories**, n. 10, p. 55-68, 2021.
- WANG, K. **The Divorce of Qun Ni**. Beijing: East China People's, 1951. p. 85-106.
- WANG, R. Q. "It is necessary to thoroughly reform the judicial work and eliminate the impact of the pseudo *the Family Code of Civil Law* to protect the legitimate rights and interests of women in New China", **People's Daily**, v. 3, Sept. 11, 1952.

WANG, Y. P. **A Study of Divorce in Tianjin at the Initial Stage of the Founding of New China.** Tianjin: Tianjin University of Commerce Press, 2018. p. 32-35.

XIE, J. Z. **Diary of Xie Juezai** – V. II. Beijing: People's, 1984. p. 1267-1271.

XU, W. X. **Introduction to Marxist Women's Liberation and Development.** Beijing: China Women's, 2008. p. 16-19.

YOU, T. Analysis and Opinions on Current Divorce Issues. **People's Daily**, v. 7, Apr. 13, 1957.

ZHOU, E. L. The Directive of the State Council of the Central People's Government on Implementing the Marriage Law. **Gazette of the People's Government of HeiLongjiang Province**, n. 3, p. 1-2, 1953.

ZHOU, Y. Q. **The Changes of Marriage Law in Contemporary China (1949-2003).** Beijing: Party School of the Central Committee of CPC Press, 2004. p. 35-42.