Questions and Reflections: Thoughts on the Method of Class Analysis in Law

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ABSTRACT

As a basic research method of Marxist jurisprudence, the explanatory power of class analysis in the field of jurisprudence has long been questioned. By reviewing and reflecting on the application of class analysis in law, this paper focuses on the problems of dogmatism, labeling and ideologicalization in the study of class analysis in law. It holds that only by correctly grasping the scientific connotation of class analysis in jurisprudence and avoiding misinterpretation and misuse, can the vitality of class analysis in jurisprudence be revitalized.

Keywords: study of law, class, class analysis

I. INTRODUCTION

In Marxist methodology of jurisprudence, class analysis methods are always at the forefront and foundation. However, this prominent position has always been accompanied by indescribable embarrassment and helplessness. As some scholars have said: "Class analysis as the basis of Chinese jurisprudence has always been valued by people. This emphasis stems from the conscious maintenance of its 'orthodoxy' on the one hand: the class analysis method is a theoretical tool of Marxism; on the other hand, it comes from the reasonable doubt of the "validity" of the theory: class analysis methods often 'fail' when analyzing specific legal issues."[1] The strong contrast of this kind of theoretical scene makes the author think that it is necessary to examine and reflect on the use of the class analysis method in law, so as to rejuvenate the explanatory power and vitality of the class analysis method in law to the legal phenomena and legal problems during the social transformation period.

II. QUESTION 1: DOGMATISM OF CLASS ANALYSIS METHOD IN LAW

The initial image of Chinese jurisprudence was formed by people's legal analysis and interpretation of social phenomena using class analysis methods. Its use follows the basic logic embodied in the following proposition: "Socio-economic foundation — social relationship split — class division — class struggle — class will — class dictatorship — state will — legal will. What this chain highlights is the class will of law, and it is regarded as the essential attribute of law, and it also highlights the dependence of law on the state."[2] The above view is very insightful, but this view is dogmatic in the use of class analysis methods. This dogmatism is manifested in that it only recognizes and affirms the political dimension of class analysis, emphasizes the relationship between the development of law and certain political factors, and strives to establish logic connection between law and the concepts of class, class nature, class struggle, state, power. The class analysis of the political dimension framed "class struggle" and "revolutionary dictatorship" as the social and academic background of research in law. The complicated social life and social relations, regardless of their specific forms, are regarded as the hostile and struggle relations between the classes of the subjects in various fields of society. The result of the dispute must also be that a certain class has control of regime and power. The law at this time was monopolized by the ruling class as its tool for state management and social control. However, people used the "class struggle" as a clue to study the law in the struggle between different classes. Therefore, the study of Chinese law at that time had a strong leftist color. Professor Yao Jianzong pointed out in this regard: "The overall understanding of the practical function of law in the legal profession is almost a tool for class struggle, whether it is Chinese domestic law or international law. The academic views of the law are also that they either serve the proletariat or the bourgeoisie. The main focus of the "academic" theoretical study of law is the international and domestic political situation and political needs. The main purpose of this legal theory research is to provide theoretical arguments and explanations for the actual international and domestic political line struggles, the implementation of political principles, and the implementation of specific political policies. Among academic or theoretical works, the most distinctive feature of language is not only the popularity of the language of 'class struggle' and

becoming the mainstream discourse in academic theory and social practice, but also the unification of the discourse of 'class struggle'."[3]

III. QUESTION 2: LABELING OF CLASS ANALYSIS METHOD IN LAW

Another issue of contemporary Chinese law in the use of class analysis methods is labeling. It shows that the class attribute becomes the basic standard and scale for the setting of the subject range, the choice of research objects, and the introduction of academic resources. According to the basic logic of "class struggle" thinking, all the topics and concepts studied by bourgeois law must be eliminated, and all the legal works of bourgeois scholars must be rejected. This led to the following characteristics of China's legal research before reform and opening up: first, the labeling of class analysis artificially narrows the discipline of law, and its research scope is strictly limited to the legal departments that can serve the class struggle. Secondly, the labeling of the class analysis method artificially sets the research object of Chinese law. The legal phenomena and legal problems originally exclusive to the domain of law are deliberately excluded by the patent label of bourgeois scholars, which has led to many theoretical forbidden areas and collective aphasia in the field of law. Finally, the labeling use of class analysis cites academic resources based on political correctness, resulting in a single and limited resources in law. On the one hand, considering foreign non-Marxist academic theories and academic works, considering that it reflects the will and interests of the bourgeoisie to some extent and in certain aspects, its focus and use of it remain completely on "reflection" and "criticism". On the other hand, a large number of theoretical articles in the jurisprudence are filled with the exposition of classic Marxist writers such as Marx, Engels, Lenin, and Mao Zedong. This prevents legal research from directly facing the specific problems of the real legal life, and completely treats the theoretical exposition of the country and law in the classic literature of Marxism-Lenin as the only truth in the legal world that cannot be doubted and shaken.

IV. QUESTION 3: POLITICAL IDEOLOGY OF CLASS ANALYSIS METHOD IN LAW

The third issue in the use of class analysis methods in contemporary Chinese law is political ideology. Science of law is a discipline with a strong sense of the times and closely related to social and political practice. The discipline of law shows a highly unified ideology with the background of the times. This ideology has led to the departure of legal research from the internal logic and theoretical context of law. The disappearance of "legal thinking" eventually made Chinese law lose its independent academic status, independent research

method, and unique academic theory. Applicable to this is that the independence of legal scholars' academic personality, the freedom of academic research spirit, and the equality of academic research attitudes have also disappeared in China's academic field in law. Instead, they tend to observe, analyze and study legal phenomena and legal issues with an extremely "left-leaning" "political thinking", and the logic of political thinking and the set of political thinking are deeply entrenched. When jurists in China think about legal issues, they almost instinctively recognize, understand, analyze, and grasp the practical issues of the law and academic theories from the perspective of actual political practice and actual political needs. In this theoretical atmosphere, the use of class analysis methods also shows a strong ideological color. Specifically, the result of the development of social productive forces is the generation of classes and the change of class society of different historical types. However, the existence of a class in a specific life field is extremely multi-faceted due to the richness of its constituent elements, that is to say, the existence and practice of a social class are diverse and in various forms. The social class it displays is based on multiple dimensions such as economic aspirations, psychological characteristics, ethical relationships, social representations, and political claims derived from its economic status. Therefore, the class analysis method is not single and one-sided, but class analysis under political ideology has greatly restricted and narrowed the research horizon and scope of the study, and what remains is the political dimension of the class analysis method. In this dimension, the class analysis method's consideration of social relations and social phenomena loses the diversity and complexity it should have. The social interactions and social relations of different classes of society have been characterized as the struggle relations of the hostile classes in different fields and different spaces through the scanning of class analysis methods. The fierce political struggle has caused the legal studies to lose themselves, and the rational thinking of the academic responsibility and social responsibility of the legal sciences has been impacted and dispelled by the revolutionary passion of revolutionary idealism.

V. REFLECTION: THE SCIENTIFIC CONNOTATION OF CLASS ANALYSIS METHOD IN LAW

Class is the basic concept of the class analysis method in law, and it is also an important category in Marxist theory. Marx also named the title of the last chapter (Chapter 52) of the third volume of "Capital" as "class". Unfortunately, Chapter 52 is very short, only two pages long, and the manuscript is interrupted and not finished. By sorting out the historical context and knowledge spectrum of Marxist class theory, the

concept of Marxist "class" has gradually become clear, and the "class" that exists in various fields such as economy, politics, and society can be seen. When many "class actions" and "class phenomena" were collected, summarized and promoted, the final answer to "what is class" will be gotten. The class expresses that a person's social role and social positioning is determined by his economic status and the resulting social psychological self-suggestion and social ethics comprehensive concept, which is reflected in the political requirements based on the above political attributes.

The application of the class analysis method to legal research is to comprehensively reflect and express the differences and demands in interests of different classes based on a comprehensive examination of the economic status, social roles, social positioning, psychological implications, social ethics and political demands of different classes of society. That is to say, the detailed description and strong contrast of the five dimensions of class existence by the class analysis method are to show the differences in interests and conflicts of interests of different classes in different social fields such as economy, politics, and culture in the same social structure. The formation of Marxist jurisprudence theory is precisely the use of class analysis methods by Marx and Engels to objectively grasp the interest relationships and conflicts between different classes of society through complex social representations, and regard this interest relationship as the basic social background of the relationship between specific individuals to study the theoretical results of law. Through the use of class analysis methods, it is possible to explore the interest standards and values of a certain class or class hidden behind a specific legal system. The publication of the "Communist Manifesto" marks that Marxist legal theory has entered a new historical development stage, in which Marx and Engels have analyzed and exposed the class nature and characteristics of bourgeois law, and profoundly pointed out: "Your law (referring to the bourgeoisie-to draw attention) is just the will of your class who is enshrined as law", and "the content of this will is determined by the material living conditions of your class".[4] It can be seen from this that the essence of the class analysis method in law is an interest analysis, which is an analysis of class interests. When examining the legal phenomena of society, the class analysis method naturally projects the sight on the social stratification, interest relations, and interest structure of real life. The dominant social class will reflect its own interests and interests through legal system design and behavioral arrangements, and use legal norms to choose and operate to maintain its common interests (the class's economic interests, political interests, and cultural interests).

As a basic method of legal research, class analysis method has been fully affirmed by the value of

traditional textbooks: for the theoretical construction of law, the class analysis method can be seen in the deep social structure and interest relations through the legal system design and actual operation, so it becomes a necessary guide to avoid entering the misunderstanding of idealistic law; for the historical investigation of legal phenomena, the class analysis method can find the causal chain between law and class and class interests in the historical phenomenon of confusion and chaos, thus becoming a basic clue for exploring the evolution of the legal system and legal history; for the qualitative research of the legal system in China and foreign countries, the class analysis method can be confusing and form an accurate qualitative between different legal systems without being confused by formalities and differences, thus becoming a powerful analytical tool; for legal practice, the class analysis method can make the specific allocation of rights and obligations reflect the class nature and class structure of contemporary Chinese society, thus becoming a theoretical reference for establishing and adhering to the fundamental purpose of China's legal system. [5]

In addition, the significance and value of the class analysis method in law may be due to its high degree of conformity with the social background on which the contemporary Chinese law institute relies. This background is the historical change of the social structure characterized by Chinese social transformation. According to the basic theories and knowledge of sociology, class is the basic term for describing and analyzing changes in social structure. Through class analysis methods, Chinese society can be meticulously presented as a profound social change triggered by the 1978 Chinese reform. It can be said that the traditional era is a political era, where politics replaces or overrides all social affairs, and all social factors are also "politicized." In this context, the description and analysis of the class of the legal world and the legal world of the class by the class analysis method are also "politicized". It only focuses on the political dimension of the class. The class is used purely as a political concept, while other dimensions and rich connotations of the class are basically ignored. Class analysis is transformed into a simple political analysis. The class analysis method in law also measures, judges, and analyzes legal phenomena according to political standards, thereby becoming a dogmatic, labeling, and political ideological analysis tool. Contemporary China in the transition period has undergone profound historical changes. In this transformation, a new type of social stratification and social structure are taking shape. The process of formation is also the process of differentiation and reorganization of social resources and social interests. In this process, different classes and strata are silently sharing the victory results of system reform, and also sharing the historical cost of social transformation. Changes in the structure of

interests have caused changes in the lifestyles and survival styles of different groups. It is necessary to use the class analysis method to study this, use the legal mechanism to guide the social stratification during the period of social transformation, resolve the conflicts and conflicts of interest between the different classes and strata, and jointly promote the rationalization of social stratification, thus constructing a modern legal order that reflects fairness and justice. An "era of the rule of law" has arrived, it is a must to use class analysis to comprehensively consider the interests and claims of different classes and classes, and make the protection of rights and legal remedies truly control all classes and strata of society, especially the vulnerable groups of society. Therefore, the future destiny of the class analysis method in law and the historical construction of the social scene of the "rule of law era" are accompanied by each other. The scientific method and the great era will jointly describe the "ideal picture" of a modern country ruled by law.

VI. CONCLUSION

At present, Chinese society is in a deep water period of reform, and profound changes in social structure, interest structure, and ideology are urgently awaiting rational thinking and prudent responses from the Chinese legal community. In the context of the reorientation of the main contradictions in Chinese society, in the face of the interest demands of different classes, strata and social groups and their contradictions and conflicts, it is necessary to "return" to class analysis. Through the research perspective and methodology of class analysis, it is important to comprehensively consider the conflicts of interest, institutional design, and social integration functions of the law during the social transformation period, in order to eliminate and make up for the individualization of mentality and its inherent shortcomings in the methodology of liberal, thereby rejuvenating the vitality and explanatory power of class analysis in guiding legal research and legal practice law. But as the first and necessary basic premise, it is a necessity to take class analysis seriously.

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