Available Online: 3 June 2026 DOI: 10.54254/2753-7080/2026.34182

Reunderstanding the material foundations and dimension of freedom in Marx's legal thought—a reflection on Vyshinsky's "class will theory of law"

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Abstract. Against the backdrop of a highly centralized political and economic system, Vyshinsky, drawing on Stalin's theory of the "intensification of class struggle", constructed a "jurisprudence of class will", which for a long period dominated legal theory and practice and led to a distortion of Marxist legal thought. Vyshinsky neglected a holistic examination of Marx's theory conflated the fundamental categories of law and legislation, and misinterpreted the relationship between law and the state. He failed to recognize that relations of production constitute the true foundation of law, reducing the complex framework of historical-materialist jurisprudence to a simplistic instrumentalist narrative of class struggle. In contrast, Marx, on the basis of his critique of Kant's and Hegel's legal philosophy, revealed the real determinacy and formal universality of legal relations. He accomplished a shift from an "ontology of will" to an "ontology of material conditions", clarifying the decisive role of relations of production in shaping the legal superstructure. By taking civil society as an entry point, Marx analyzed the dialectical relationship between law and the state, and, from the two dimensions of material conditioning and historical freedom, articulated the internal logic of his conception of the rule of law. This also laid an theoretical foundation for the adapting Marxism legal theory to the Chinese context and the needs of our times.

Keywords: rule of law thought, class will, material interests, freedom, Vyshinsky

1. Introduction

The issues of the rule of law and modernization are closely interrelated. General Secretary Xi Jinping has pointed out that "The question of rule of law versus rule of man is a fundamental issue in the history of human political civilization, and it is also a major issue that all countries must confront and resolve in the process of achieving modernization" [1]. The construction of an independent Chinese system of legal knowledge has therefore become an important scholarly agenda. In the 1950s, Soviet Union legal theory, represented by the "class will theory of law", was introduced into China and exerted a profound influence on the formation of China's rule-of-law system. Although since the 1980s the academic community has conducted extensive critiques of Vyshinsky's jurisprudence, the latent inertia of its conceptual framework remains a core issue that must be re-examined in advancing Marxist legal theory.

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Existing domestic and international scholarship has critiqued Vyshinsky's legal thought from multiple perspectives. Western Marxist scholarship has largely criticized it for subordinating legal authority to political power [2], emphasizing its damage to democratic politics and the erosion of law's function of social integration [3, 4], and some studies regard it as a historical root of contemporary Russia's rule-of-law dilemmas [5, 6]. In recent years, scholars have focused on criticizing its reduction of law to an instrument of rule, thereby undermining the authority and long-term stability of law [7, 8]. From the perspective of legal politicization, it has been argued that it conflates state theory with legal theory and obstructs the development of democratic rule of law [9]. From the perspective of the nature of law, critiques emphasize its reduction of law to a single attribute of class will [10], while also recognizing that economic and social relations constitute an important dimension of law's social character [11, 12]. From the perspective of rights relations, scholars emphasize the individual "rights-based orientation" of law [13]. However, these critiques largely remain at the ideological or institutional level and fail to deconstruct its distortion of Marxist legal thought through the category of "freedom". As a result, they have not fully broken free from the theoretical constraints of this tradition in legal scholarship [14], and the project of the adapting Marxism legal theory to the Chinese context and the needs of our times thus remains a long-term task.

Current research on Marx's theory of the rule of law generally holds that its intellectual sources include rational natural law [15] and humanism [16]. Its theoretical development is seen as a transition from rational critique to materialist jurisprudence under conditions of material interest conflict [17]. In this process, Marx places law and freedom within a unified theoretical framework, arguing that law should transcend individual will and formal equality to safeguard substantive freedom in practice, thereby clarifying the pathway to the realization of freedom [18]. Regarding the essence of law, scholarship generally holds that Marx, within the framework of the relationship between civil society and the state, revealed the fundamental determinative role of relations of material production in shaping legal relations, thereby establishing a worldview and methodology for legal science [19].

It is noteworthy that theoretical innovations in contemporary China have expanded the interpretive space of Marx's theory of the rule of law [20]. However, existing scholarship still exhibits notable limitations. First, it neglects Marx's fundamental standpoint in addressing the question of law during the transformation of his thought, leaving the intellectual trajectory insufficiently clear. Second, there remains disagreement regarding the relationship between law and freedom, with competing claims that "law affirms and promotes freedom" [21] and that "law restricts and obstructs freedom" [22]; many studies rely on abstract categories for deduction and lack concrete examination of "real individuals" in practice, resulting in conceptual tension. Third, some studies attempt to introduce Western positivist and analytical approaches into the study of Marxist legal theory; although these efforts fill certain gaps, they do not reach the essence of legal relations [23].

This article systematically critiques Vyshinsky's "class will theory of law" for its distortion of Marx's legal thought. By returning to Marx's original texts, it examines the internal logic and value orientation of his theory of the rule of law, thereby providing theoretical support for the development of socialist rule of law with Chinese characteristics. The study first analyzes the errors in Vyshinsky's theory, namely the absolutization of "class will", its detachment from material foundations, its reduction of law to an instrument of struggle, and its rejection of the value of freedom. It then traces Marx's intellectual development from his critique of legal philosophy to the formation of a historical materialist jurisprudence, explicating his revelation of the real determinacy of legal relations within the framework of civil society and the historical role of law in safeguarding substantive freedom and promoting human emancipation. Finally, grounded in Chinese practice, the article explores how the value goals of law can be internalized into the promotion of the substantive freedom and comprehensive development of "real individuals", thereby advancing the adapting Marxism legal

theory to the Chinese context and the needs of our times and making the rule of law a solid foundation for social justice and the well-being of the people.

2. Vyshinsky's "class will theory of law" and the practical dilemmas of soviet rule of law

Against the backdrop of the Soviet social transformation, Vyshinsky, drawing on Stalin's theory of the "intensification of class struggle", developed the "class will theory of law". This jurisprudential framework not only consolidated Soviet political power but also embedded latent contradictions that later contributed to the demise of the Soviet Union.

2.1. Formation context and core tenets of vyshinsky's legal thought

The creation of Vyshinsky's legal theory was closely intertwined with the development of Soviet socialist construction. In the 1930s, the Soviet Union implemented large-scale policies of rapid industrialization and comprehensive agricultural collectivization. Under Stalin's leadership, a highly centralized political and economic system gradually took shape. The Soviet Union society was undergoing profound transformation, in which economic development coexisted with latent structural crises. Between 1927 and 1928, agricultural productivity in the Soviet Union continued to rise and the level of agricultural mechanization improved; however, state grain procurement unexpectedly declined. This contradiction occurred precisely when the *First Five-Year Plan* urgently required an agricultural-industrial "scissors gap" to provide primary capital accumulation for industrialization, thereby triggering a severe grain crisis. In 1928, a major explosion occurred at the Shakhty coal mine in the Donbas region. Stalin attributed the incident to old intellectuals and engineers who had deliberately designed defective mines and damaged equipment in order to sabotage Soviet Union industry. Subsequently, Stalin interpreted both the grain crisis and the mining disaster as hostile attacks by international capitalist elements against the Soviet economy and state power. He argued that "as we advance, the resistance of capitalist elements will intensify, and class struggle will become more acute" [24], thereby elevating class struggle to the principal domestic contradiction. Any emerging social or economic problem was increasingly interpreted through the lens of class conflict, leading to the formulation of the "theory of the intensification of class struggle" [24]. In addressing this escalating class antagonism, Stalin found theoretical justification in Lenin's writings, in which Lenin had proposed that during the proletarian revolutionary period, new and specific forms of class struggle must be adopted, including the "cultivation of new discipline" [25]. On this basis, Stalin conceptualized revolutionary legality as a specific form and instrument of proletarian revolution, and advanced the doctrine of the dictatorship of the proletariat in its three fundamental dimensions, emphasizing the use of state apparatuses and legal instruments to suppress internal and external enemies and safeguard proletarian power.

The promulgation of the 1936 Soviet Constitution marked not only the institutionalization of socialist transformation in legal form, but also signaled a profound shift in the Soviet Union legal system and legal theory. Building upon Stalin's theory of intensified class struggle, Vyshinsky argued that "the proletariat needs the state, needs state institutions, and needs the establishment of a definite state order, namely a socialist legal order" [26], thereby constructing a jurisprudential view that defined law as the expression of the ruling class's will. He launched a forceful critique of the legal theories of Stuchka and Pashukanis. According to Vyshinsky, Stuchka's simultaneous emphasis on law's class character and its social character as social relations amounted to equating legal relations with relations of production and reducing law to a reconciliation of class interests, as it was "in essence a distortion of Marx's classical theory" [26]. As for Pashukanis, his legal theory allegedly

violated Marx's principle that law is still necessary in the transitional period, leading to a misunderstanding that legal forms would disappear entirely in the stage of Soviet socialism. Vyshinsky also criticized Duguit and similar theorists for conceiving the state as "the unity of the internal meaning of legal principles, a manifestation of social solidarity" [26], opposing their normative and idealist interpretation of law as social norms, and rejecting what he saw as a formalist definition of legal norms based merely on linguistic expression, which he regarded as a distortion of Marx and Engels' conception of law.

In 1938, at the First All-Union Conference on Legal and State Sciences, Vyshinsky presented a definition of Soviet socialist law: "Law is a set of rules of conduct expressing the will of the ruling class, formulated in legislative form, together with customs and public habits recognized by state power, and guaranteed by coercive force, in order to protect, consolidate, and develop social relations and order favorable and agreeable to the ruling class" [26]. This definition not only emphasized the decisive role of state power in recognizing behavioral norms through legislation, but also stressed the necessity of state authority in safeguarding legal enforceability. Vyshinsky further maintained that even during the dictatorship of the proletariat in the transition toward communism, law continued to exist and remained "a class category" [26]. He regarded law as an instrument used by the proletariat to consolidate socialist relations of production and the Soviet political order during the transitional period, as well as a tool for combating opportunists and hostile forces. In this framework, law was assigned a functional role in securing the revolutionary transition toward communism. On this basis, by rejecting theories of the "withering away of law", Vyshinsky asserted that "a society composed of such law is a truly state-form society, thereby theoretically excluding all hostile theories that attempt to argue that the state must wither away at the present stage" [27], thus providing a theoretical justification for the legitimacy and permanence of the Soviet state apparatus.

2.2. The impact of Vyshinsky's legal thought on soviet rule-of-law practice

From a positive perspective, Vyshinsky's legal thought played a certain role in consolidating Soviet state power. His jurisprudential theory explicitly affirmed the existence of Soviet law and rejected earlier tendencies toward the "withering away of law". Since the establishment of the Soviet republic was based on armed struggle and violent revolution, and in its early years it still faced the counteroffensive of domestic bourgeois and feudal remnants as well as the geopolitical pressure of hostile imperialist powers, a legal system imbued with a strong class-struggle orientation and marked state authority was seen as better suited to mobilize popular revolutionary commitment. It helped unite broader social forces for large-scale socialist construction, maintained Soviet social order, and to some extent facilitated the formation of the Soviet socialist legal system.

However, Vyshinsky's jurisprudence also inevitably became an instrument of political struggle, encroaching upon the freedom of the populace and severely undermining socialist democracy and the rule of law. In the late 1930s, Stalin denounced alternative views within the Party concerning the development path of Soviet socialism as "right-deviationist opportunism", and used state coercive apparatuses to suppress dissenting Party members, intellectuals, state officials, and ordinary citizens. The most notorious manifestation of this was the Moscow Trials, which shocked the world. Vyshinsky, then Prosecutor General of the Soviet Union, served as the chief public prosecutor in these cases. During the proceedings, Vyshinsky largely disregarded objective evidence, and convictions could be secured primarily on the basis of confessions and denunciations. This practice violated fundamental principles of freedom and due process, resulting in a series of miscarriages of justice and wrongful convictions, and seriously obstructed the development of Soviet legality [28].

Beyond this, the Soviet Union not only established a highly centralized economic system but also developed a similarly centralized judicial structure. The procuracy effectively exercised multiple functions simultaneously, including criminal prosecution, supervision of judicial organs, and oversight of other state institutions. As a result, although the Soviet Union constructed a relatively comprehensive legal framework, its practical operation suffered from insufficient enforcement capacity. Public affairs that should have been resolved through legal procedures were often dependent on administrative intervention, and "judicial adjudication was in fact entirely influenced by administrative orders and ideological considerations" [29]. Within this context, Vyshinsky's legal thought became an auxiliary instrument for political campaigns. This substitution of law by political mobilization seriously undermined socialist democracy and the rule of law, causing substantial damage to Soviet socialist construction and planting latent structural risks that ultimately contributed to the demise of the Soviet Union in the late twentieth century.

3. A historical-materialist critique of Vyshinsky's legal thought

The reason why Vyshinsky's jurisprudence became an instrument of a highly centralized Soviet political system—and, in doing so, embedded latent risks that later contributed to the demise of the Soviet Union, lies in its fundamental misinterpretation of core principles of Marxist legal theory.

3.1. Confusion between the concepts of "law" (*Recht*) and "legislation" (*Gesetz*)

In Vyshinsky's writings, Soviet sectoral branches of law and socialist law are often discussed interchangeably, without recognizing that "law" in the philosophical sense is not identical with its codified and formalized expression in statutes. He thus fails to maintain a necessary analytical distinction between law and legislation. This conflation can be partly attributed to the fact that Marx's own early writings did not always focus on the technical forms of legislation. However, in the works that Vyshinsky himself drew upon, Marx had already developed a historical-materialist conception of law, emphasizing that "law" and "legislation" constitute a dialectical unity of distinction and interconnection. It is precisely this conceptual tension that requires clarification.

In German philosophical terminology, *Recht* refers to abstract "law" or "justice", whereas *Gesetz* denotes codified rules enacted through state legislation. Marx inherits and critically transforms this conceptual distinction within the German intellectual tradition, treating "law" and "legislation" as a pair of core categories that are simultaneously differentiated and interrelated. He also sharply criticizes Stirner for equating law with legislation and thereby smuggling in an idealist jurisprudence under the guise of conceptual ambiguity. For Marx, *Recht* designates the social relations and corresponding social order formed within the process of material economic activity. It is only "the relation between two wills, and is the reflex of the economic relation" [30], representing the juridical demand directly arising from material conditions of production—an objective form of social consciousness independent of individual will. In contrast, when discussing *Gesetz*, Marx links it more directly to the institutional structure of the state and systems of social regulation, emphasizing the mediating role of the state in the formation of law. As he states, "the law becomes true law only when the unconscious natural laws of freedom have become the conscious law of the state" [31]. Thus, abstract legal necessity (*Recht*) acquires universality only through the mediating function of the state, taking the form of social norms that regulate the complexity of real economic relations and provide political conditions for the realization of human freedom. At the same time, legislation (*Gesetz*) is not identical with objective spirit; rather, it represents the selective recognition and articulation of objective social regularities by the ruling class through the state. In this sense, law necessarily embodies an orientation of interests. Although

Recht and *Gesetz* are distinct, both ultimately reflect the material conditions of social life. Their difference lies not in essence, but in the degree and form of mediation through which this reflection is realized.

3.2. The origin of legal relations: will of the ruling class or relations of production

Vyshinsky's jurisprudence mistakenly reduces law to a mere expression of the will of the ruling class, thereby neglecting the fact that relations of production constitute the fundamental basis of legal relations. Vyshinsky takes as his theoretical point of departure Marx's statement that "the individuals who rule in these conditions … must give their will, which is determined by these definite relations, a universal expression as the will of the state, as law" [32]. The key question, however, is: what are these "definite relations"? They are precisely what Marx previously identified as "their mutually limiting mode of production and mode of intercourse" [32]. Vyshinsky overlooks the crucial qualification in Marx's formulation that "the expression of their will determined by their common interests is the law" [32]. By omitting the term "common interests", he fails to recognize that such common interests arise from social relations formed among mutually interdependent individuals on the basis of their needs. As a result, he draws the erroneous conclusion that both state and law are merely expressions of the will of the ruling class.

The question then arises: why does Vyshinsky make such an error? One reason lies in the fact that Marx and Engels did not provide a detailed blueprint of law in future society, but instead primarily emphasized the importance of the revolutionary dictatorship of the proletariat during the transitional period. A more fundamental reason, however, lies in Stalin's instrumentalist interpretation of Marxist theory—namely, "his one-sided treatment of the problem of class struggle" [33], in which class struggle was elevated to the primary objective of Soviet socialist construction. Consequently, when Vyshinsky confronted Marx and Engels' statement that "your very ideas are but the outgrowth of the conditions of your bourgeois production and bourgeois property, just as your jurisprudence is but the will of your class made into a law for all, a will whose essential character and direction are determined by the material conditions of your existence" [34], he focused exclusively on the idea that law expresses the will of the ruling class. In doing so, he neglected the decisive role of material conditions of social life in shaping the content of law, and also overlooked the fact that class relations themselves are only one manifestation of relations of production.

In essence, the political victory and dictatorship of a class signifies only that this class has become the leading political force of the state. It does not necessarily imply that it has achieved dominance in the sphere of material production and economic relations. Accordingly, the laws promulgated by the state express only the will of the politically dominant class, rather than the will of the class that dominates economic life. Therefore, only by tracing legal analysis back to real relations of production can one move beyond the surface appearance of the modern state and legal form, and grasp the essence of law at the level of real class relations.

3.3. The alienation of freedom and the overreach of the state

After the 1950s, the Soviet "all-people law" (*vsenarodnoye pravo*) theory gradually moved beyond Vyshinsky's class-will jurisprudence and developed in new directions. Alekseyev argued that "social freedom acquires its class and political character precisely within the sphere of the state, … and is objectified as a special institutional formation—law" [35]. In this view, law enables the wills of mutually independent individuals in society to be expressed in the universal form of state will, thereby transforming freedom from an abstract rational concept into an objective, socially binding norm shared by all members of society. Although the state plays an indispensable role in the realization of freedom, it is within the more fundamental and extensive sphere of civil society that law ultimately originates. As Alekseyev notes, "the development of society brings about the transformation of human beings into individuals, into persons with independent status,

and generates the necessity of social freedom that both reflects and secures the social relations among participants in society" [35]. It is precisely the economic relations formed among individuals in civil society, driven by private interests, that give rise to the phenomena of both the state and law. Vyshinsky's legal theory, however, treats the coercive power of the state as the guiding principle of social relations within civil society, thereby reversing the proper relationship between the state, law, and civil society. In doing so, he focuses exclusively on the repressive function of law in a socialist state, while neglecting its role in safeguarding and promoting the freedom of the masses.

The relationship between law and freedom is therefore profoundly dialectical. On the one hand, law sets relatively limited boundaries for human conduct and, through its authority and the coercive power of the state, protects freedom of action and will. In this sense, law appears as something external to freedom and seems to stand in opposition to it at a superficial level. On the other hand, law is also the institutionalized expression of the shared pursuit of freedom by the majority of society, articulated through the state. As Marx states, "a statute-book is a people's bible of freedom" [31]; without freedom, law ceases to be law. In essence, the function of the state lies in enabling law to fully perform its role as a regulator of social relations. By stabilizing the relations of production within a given historical period, law frees social interaction from contingency and arbitrariness, thereby transforming it into an institutionalized expression of human freedom. This function is manifested, first, in guaranteeing the maximization of social welfare and transforming abstract legal rights into the concrete capacities for realizing freedom, thus providing objective conditions for the active realization of individual freedom [36]; and second, in supplying certainty and forward-looking structure to free human activity [37, 38], thereby creating the conditions for humanity's transition from the "realm of necessity" to the "realm of freedom".

3.4. Neglect of Marx's early texts

Marx and Engels themselves consistently emphasized the integrity of their theoretical system and opposed any fragmented or one-sided interpretation of their writings. In a letter of 1865, Marx explicitly stated: "Whatever shortcomings my writings may have, they have the advantage of forming an artistic whole" [39]. Accordingly, any study of Marxist legal thought must pay close attention to the holistic trajectory of Marx's early texts.

In fact, the concept of freedom runs throughout the entire formation of Marx's legal thought and is closely bound up with human practical activity. Drawing on Hegel's idealist dialectics, Marx undertook an ontological inquiry into the question of freedom. Through his analysis of ancient Greek natural philosophy, he insightfully observed that the individual can overcome mere arbitrariness only through objectified movement, thereby escaping contingency and attaining necessity; in this transformation, human practical activity plays a decisive role. During his period at the *Rheinische Zeitung*, Marx further developed the subjectivity inherent in the concept of freedom, stating: "Where law is true law, i.e., the existence of freedom, it is the real existence of human freedom" [31]. Here, he emphasizes the intrinsic connection between law and human subjectivity, taking the self-producing individual in practical life as the starting point for legal analysis. From this perspective, law is not a mere objective entity or abstract concept, but rather a product of human-centered social life and a form of social norm created through human activity. Consequently, one must move beyond abstract conceptualization and instead ground any discussion of law and freedom in the concrete reality of social life in which individuals actually exist.

4. Reconstruction of Marx's historical-materialist jurisprudence

Returning to Marx's early writings allows for a systematic reconstruction of the internal logic of his conception of the rule of law and a fundamental deconstruction of the idealist foundation of Vyshinsky's "class will theory". From this standpoint, a materialist theory of law can be clarified along two interrelated dimensions: its grounding in material conditions and its historical unfolding of freedom.

4.1. The real determination and formal universality of law

Freedom constitutes the value orientation of law, as well as its internal requirement and its real determination. In Hegel's view, "the basis of right is the spiritual in general and its precise location and point of departure is the will. The will is free, so that freedom constitutes the substance and determination of right" [40]. As the embodiment of free will, law, in its self-determining movement, negates itself and becomes the unity of being-in-itself and being-for-itself. However, the actualization of freedom is not arbitrariness; on the contrary, it is the negation of pure arbitrariness. The realization of freedom depends precisely on the limitation of arbitrariness and the restriction of absolute freedom. That which is capable of limiting individual freedom and arbitrariness—while enabling it to exist in accordance with a universal rule without opposing the freedom of others—is law. Hence, Hegel arrives at the definition: "Any existence, being the existence of the free will, is right" [40]. Through the negation of its own conceptual abstraction, law departs from the realm of pure idea and enters the empirical world of real existence. In this dialectical movement of spirit, law resolves the metaphysical difficulties present in Kant's philosophy of law and becomes a norm jointly recognized and observed by members of society, thereby acquiring formal universality and conforming to its natural determination. It is precisely through the analysis of the real relations of rights and interests underlying customary law that Marx gradually moves toward an understanding of social problems grounded in material life, thereby laying the foundation for the formation of historical materialist jurisprudence.

Marx's sublation of customary law reveals that the formal universality of law must be unified with its real determination embedded in social material life. This dialectical relationship is vividly illustrated in contemporary practice of forest protection customary rules on the Tibetan Plateau in China. This normative system originates from ecological ethics and communal will formed by local populations over long-term adaptation to a fragile ecological environment. It is concretely expressed in belief-based taboos that regard mountains and forests as "sacred mountains" and "sacred trees", as well as in indigenous classificatory practices such as "do not cut dry trees, only cut living ones". These rules emerge from specific social relations formed in long-term pastoral production and interaction in plateau regions. They have been continuously practiced and collectively observed by social actors and constitute a form of rational customary law consistent with both the "natural essence of things" and an "instinctive awareness of law". On this basis, *Law of the People's Republic of China on Ecological Protection of the Tibetan Plateau* incorporates these reasonable elements of customary law through the principle of "promote the excellent ecological culture in the Tibetan Plateau" [41], while simultaneously requiring the "comprehensive strengthening the protection of natural forests in the Tibetan Plateau" [41]. This practice demonstrates that the perfection of the rule of law requires a positive interaction between codified law and customary law, so that law can genuinely realize its value orientation of safeguarding social freedom and ecological justice through the unity of formal universality and substantive rationality.

4.2. From an "ontology of will" to an "ontology of material conditions": a revolutionary shift

The formation of Marx's legal thought begins with the transcendence of the modern philosophical "ontology of will". Kant defined law as "the universal law of external freedom", thereby constructing a transcendental philosophy of law centered on free will. Within this framework, human action is evaluated through a dual standard of moral and formal validity, producing a persistent gap between what "ought to be" and what "is". Marx already discerned this limitation during his university years and engaged in a serious process of self-critique. He abandoned rationalist premises and instead "turned to reality itself in search of ideas" [42], thereby approaching legal problems from the standpoint of existence and initiating a methodological revolution in legal studies. During his period at the *Rheinische Zeitung*, Marx confronted debates such as those surrounding the theft of timber laws, where conflicts of material interest became clearly visible. He came to recognize that the rational state is not an ethical embodiment of human freedom, but rather an instrument through which aristocratic landowners realize their partial and particular interests. Meanwhile, Hegel's concept of civil society, with its pronounced economic character, provided Marx with an entry point for examining the economic foundation of social relations. In the *Deutsch-Französische Jahrbücher* period, through his analysis of the "Jewish Question" within civil society theory, Marx further discovered the decisive role of material interests in shaping human essence, and the state appeared as a form of alienated spiritual existence of man.

For Marx, material production and the social relations arising from it constitute the origin of legal relations. Through his examination of human history, he demonstrates that the real, sensuous individuals engaged in practical, object-oriented activity are the starting point for any theoretical inquiry. Accordingly, freedom is no longer a right bestowed from above, but rather the real capacity of individuals in lived reality to realize their own needs. Its realization can only be achieved through the historical practice of transforming society. Since human beings must secure basic material necessities—food, clothing, housing, and transportation—in order to survive, they necessarily engage in material production, which in turn produces social relations. For this reason, the universal realization of freedom cannot rely on isolated individuals; it must shift from the "independent individual" to the "relational individual" [43], and be realized within the community of human society. Likewise, freedom cannot be separated from concrete social reality. As Marx states, "Only in community with others has each individual the means of cultivating his gifts in all directions; only in the community, therefore, is personal freedom possible" [32]. Only under such conditions does law cease to function as a mere expression of class interests and instead become an internal regulatory mechanism of a community of free association, thereby enabling the comprehensive development of individual freedom.

Law, as a fundamental normative system of human society, has long been interpreted by idealist jurisprudence as the embodiment of "universal reason" or "eternal justice". Marx fundamentally overturns this tradition by revealing that law is rooted in the material relations of social production. As he states, "Idea of law. Idea of state. The matter is turned upside-down in ordinary consciousness" [32]. Thus, it is not consciousness that determines social life, but social life that determines consciousness. Law, as a component of social consciousness, reflects the material conditions of a specific historical stage. Accordingly, when the proletariat undertakes revolutionary transformation, it must dismantle the old bourgeois legal system and establish legal institutions that reflect new relations of production and safeguard the interests of the working masses, thereby advancing the liberation of humanity from oppression and exploitation toward freedom. Given that class relations constitute the foundation of the emergence and development of law, in a communist society —where class antagonisms and private property are abolished—the function of law as an instrument of class domination will gradually wither away, giving rise instead to the self-regulating norms of a "free association of individuals".

With the rapid development of the digital platform economy, China's relations of production and social structure are undergoing profound transformation. Marx noted that "legal relations as well as forms of state could neither be understood by themselves nor explained by the so-called general progress of the human mind, but that they are rooted in the material conditions of life" [44]. At present, platform workers—as carriers of emerging labor relations—exhibit features such as the "de-institutionalization of employment relations" and "flexible employment", which expose the lag of traditional social security systems based on stable employment. In response, guided by Marxist legal thought and grounded in the relations of production in contemporary Chinese socialism, China has introduced policies such as the *Guiding Opinions on Safeguarding the Labor Security Rights and Interests of Workers in New Forms of Employment*, clarifying platform responsibilities and continuously improving and innovating the social security system. Through the exploration of a "tripartite classification" approach to labor relations recognition and the gradual enhancement of pension and work-injury insurance systems, China is building a resilient social security framework characterized by shared social responsibility and adapted to the platform economy. This framework responds positively to the protection of platform workers as "relational individuals" within the social community, thereby ensuring their rights and interests. In this way, the Chinese socialist system of laws becomes an institutional guarantee for the comprehensive development of each individual in the ongoing realization of a "free association of individuals".

4.3. The tension between law and the state: a path of freedom toward human emancipation

In his exploration of law and human freedom, Marx relatively downplays the notions of the causes of freedom and of duty [45], focusing instead on how freedom can acquire reality and universality. Building on Kant's concept of practical freedom, he further develops the idea that the object of legal regulation is not the human mind or consciousness, but human conduct as governed by free will. He firmly rejects the Prussian government's censorship decrees that sought to constrain thought and morality, stressing that: "For the law, I simply do not exist apart from my actions, for I am not an object of law" [31]. Only when human conduct manifests a specific demand in the objective world does it become meaningful for law. If action remains at the level of internal intention, it falls outside the domain of legal regulation. Hence, the Prussian censorship decree, while claiming to protect civil freedom, in reality constituted the arbitrariness of political power and a direct violation and betrayal of human freedom.

In Marx's writings, his attitude toward the state reveals a dual character. On the one hand, he inherits Hegel's conception of the state as a universal entity that transcends particular interests. He holds that "the perfect political state is, by its nature, man's species-life, as opposed to his material life" [46]. The state thus becomes a sphere in which citizens, despite non-political differences, engage in universal interaction, forming a moment in the return to human species-being. Within the framework of historical materialism, law—as the core component of the superstructure—has its form, content, and function determined by the economic base, i.e., the totality of relations of production. Since the state becomes the form through which each member of the ruling class realizes common interests, this determination is mediated through the state. "Hence the illusion that law is based on the will, and indeed on the will divorced from its real basis—on free will" [32]. Yet this is not the case. If the will of the ruling class, expressed through the state, is taken as the foundation of law, then individual property relations are reduced to mere conceptual rights, and social relations risk becoming arbitrary and contingent—ultimately threatening the collective interests of the ruling class itself.

On the other hand, Marx also emphasizes that although the political state should represent the universality of human species-being, the modern state can overcome its inherent limitations only by acknowledging the dominance of civil society over it. Within the structure of modern society, "In the state, on the other hand,

where he is regarded as a species-being, he is the imaginary member of an imaginary sovereignty, he is robbed of his real individual life and endowed with an unreal universality" [46]. The state thus loses its concrete reality and becomes an abstract universality, detached from actual human life. By contrast, civil society becomes the most immediate sphere in which human freedom is realized, the domain in which species-being actualizes itself. Consequently, a state built on non-sensuous foundations can only be an illusory existence. The forces of human emancipation must therefore be sought within civil society. As Marx argues, "Only when the real, individual man re-absorbs in himself the abstract citizen… only then is human emancipation complete" [46]. Only by starting from civil society and restoring legal relations to human relations can individuals achieve genuine freedom and emancipation. In this stage, social norms no longer rely on coercive state law but are regulated through the self-conscious coordination of the community. Until then, however, law —and the state itself—cannot simply be abolished through artificial means.

Xi Jinping Thought on the Rule of Law represents the latest development in the inheritance and advancement of Marxist legal theory under new historical conditions. The *Constitution of the People's Republic of China* clearly stipulates that "all power in the People's Republic of China belongs to the people", vividly expressing the historical agency and subjectivity of the people. This demonstrates that China consistently upholds a "people-centered" approach as the fundamental position of its rule-of-law development. Law, as the concentrated expression of the people's collective will, serves as a powerful instrument for safeguarding the fundamental interests of the overwhelming majority and ensuring the people's principal status. At the same time, the aspiration for a "expectation of the people for a better life" is established as the value orientation of China's rule of law, transforming the forward-looking ideal of "the comprehensive development of human freedom" into a concrete and realizable value. By emphasizing the protection of substantive freedom and rights, promoting common prosperity, and advancing the development of social relations toward greater freedom, equality, and harmony, China's legal system provides both institutional guarantees and enabling conditions for the free and all-round development of the people.

5. Conclusion

This article systematically examines the theoretical foundations and practical dilemmas of Vyshinsky's "class will theory of law", revealing its serious deviation from Marxist legal thought. Grounded in Stalin's theory of the "intensification of class struggle", Vyshinsky reduced law to a mere instrument of the ruling class's will, conflated the distinction between *law* and *legislation*, and neglected the fundamental determining role of relations of production in shaping legal relations. These theoretical distortions severely hindered the development of democracy and the rule of law in the Soviet Union and contributed to latent structural problems that later culminated in its dissolution. In contrast, Marx, through a philosophical shift from an "ontology of will" to an "ontology of material conditions", established a historical-materialist paradigm of jurisprudence. By rooting his analysis in the concrete reality of civil society, he revealed that law is grounded in the material relations of social production, and emphasized that the formal universality of law must be unified with the real determinations embedded in social life. Within this framework, law is no longer an abstract expression of will, but an institutional force that safeguards substantive freedom and advances the transformation of social relations toward greater justice and rationality. Marx's dialectical account of freedom of action and legal norms, together with his profound analysis of the relationship between the state and civil society, provides a scientific foundation for understanding the essential function of law. In the new era of socialism with Chinese characteristics, it is necessary to proceed from China's concrete realities in examining questions of rule-of-law development, integrate the fundamental principles of Marxist legal theory and

freedom with contemporary Chinese legal practice, and further combine them with the fine traditions of Chinese legal culture. In doing so, China can achieve the continued development of Marxist legal theory while providing a robust institutional guarantee for the all-round development of human freedom.

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