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Classical Chinese Philosophy**

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## Araştırma Makalesi/Research Article

# Mao Zedong And Legalism: A Lifelong Defense of a Classical Chinese Philosophy

Mevlan TANRIKUT\*

**Abstract:** The purpose of this study is to investigate a lesser-known facet of Mao Zedong's political ideology-legalism- and examine the effects it had on his leadership. Mao, the founder of the People's Republic of China (PRC), is widely known for his communist ideology and autocratic governance style. However, a lesser-known aspect of his political life is his fervent support for Legalism and his criticism of Confucianism, which has not been sufficiently examined in academic studies. Legalism, one of the four main traditional Chinese philosophies-along with Confucianism, Daoism, and Mohism-has had a profound influence on Chinese governance. By employing a qualitative analysis of historical texts and research articles, this study focuses on Legalist effect on Mao's life from the childhood, his debate surrounding Legalism and Confucianism, and the application of Legalist principles in his political practices. Findings in this paper indicate that Mao was a fanatic defender of Legalism despite officially embracing communism as the guiding doctrine of the Chinese Communist Party (CCP). His quasi-academic debate over Legalism highlights how research objectivity could be compromised under an autocratic regime. Furthermore, the study reveals Mao's despotic leadership formed by Legalism and Leninist-Stalinist Communism during the Great Leap Forward, showcasing the risks associated with his governance style. This article adds to the existing scholarship by providing a subtle understanding of Mao's ideology, highlighting his engagement with Legalism. It challenges the conventional view of Mao solely as a communist leader, revealing the impact of traditional Chinese philosophy on his governance and modern political practices.

**Keywords:** *Mao, Legalism, Confucianism, Guo Moruo, Great Leap Forward*

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## **Mao Zedong ve Yasacılık: Klasik Bir Çin Felsefesinin Ömür Boyu Savunusu**

**Öz:** Bu çalışmanın amacı, Mao Zedong'un siyasi ideolojisinin daha az bilinen bir yönü olan Yasacılığı araştırmak ve bunun liderliği üzerindeki etkilerini incelemektir. Çin Halk Cumhuriyeti'nin (ÇHC) kurucusu Mao, komünist ideolojisi ve otokratik yönetim tarzıyla yaygın olarak bilinmektedir. Ancak siyasi hayatının daha az bilinen bir yönü, akademik çalışmalarda yeterince incelenmemiş olan Yasacılığa olan ateşli desteği ve Konfüçyüsçülüğü eleştirmesidir. Konfüçyüsçülük, Taoizm ve Mohizm ile birlikte dört ana geleneksel Çin felsefesinden biri olan Yasacılık, Çin yönetimi üzerinde derin bir etkiye sahip olmuştur. Bu çalışma, tarihi metinlerin ve araştırma makalelerinin nitel bir analizini kullanarak, Yasacılığın Mao'nun çocukluğundan itibaren yaşamındaki etkisine, Yasacılık ve Konfüçyüsçülük etrafındaki tartışmalara ve Yasacı ilkelerin siyasi ve ekonomik reformlarda uygulanmasına odaklanmaktadır. Bu makaledeki bulgular, Mao'nun Çin Komünist Partisi'nin (ÇKP) rehber doktrini olarak komünizmi resmen benimsemesine rağmen, Yasacılığın fanatik bir savunucusu olduğunu göstermektedir. Yasacılık hakkındaki yarı akademik tartışması, otokratik bir rejim altında araştırma objektifliğinin nasıl tehlikeye atılabileceğini vurgulamaktadır. Dahası, çalışma, Mao'nun Büyük İleri Atılım sırasında Yasacılık ve Leninist-Stalinist yönetim metodu tarafından oluşturulan despot liderliğini ortaya koyarak, yönetim tarzıyla ilişkili riskleri göstermektedir. Bu makale, Mao'nun ideolojisine ilişkin ayrıntılı bir anlayış sunarak ve Yasacılık ile etkileşimini vurgulayarak mevcut literatüre katkıda bulunmaktadır. Mao'nun yalnızca bir komünist lider olduğu yönündeki geleneksel görüşe meydan okuyarak, geleneksel Çin felsefesinin onun yönetimi ve modern siyasi uygulamaları üzerindeki etkisini ortaya koymaktadır.

**Anahtar Kelimeler:** *Mao, Yasacılık, Konfüçyüsçülük, Guo Moruo, Büyük İleri Atılım*

### **Introduction**

Chinese civilization stands out as the sole civilization that has persisted uninterrupted into the present day, making it one of the most ancient civilization in the world. The extensive history of China has fostered the emergence of a wide array of political theories, a unique lifestyle, and a vibrant socio-political framework. The survival of this civilization can be linked to various factors: its natural geographical defenses, a stable language and writing system, and a centralized political framework. These factors have enabled Chinese political culture to thrive with ongoing enhancements rooted in its fundamental values (Yang, 2021). Much like developments in other regions, Chinese scholars have

also formulated various political ideologies in response to governance challenges. These intellectual movements stemmed from the “Hundred Schools of Thought” during the Warring States and Spring and Autumn eras, which spanned from 770 B.C. to 221 B.C., ultimately leading to the establishment of four primary philosophies: Taoism (Daojiao/道家), Mohism (Mojia/墨家), Confucianism (Rujia/儒家), and Legalism (Fajia/法家).

Mohism promotes governance through a blend of universal love (兼爱) and authoritarian rule, whereas Taoism advocates for ruling the world in accordance with the laws of nature and the philosophical principle of “non-action,” known as *wu wei* (无为). The Confucian approach to administration emphasizes managing society within a balanced hierarchical framework, where the ruler embodies benevolence as a sage and the subjects demonstrate loyalty in return. Conversely, Legalism underscores the significance of a stringent system for rewards and punishments, along with a highly centralized authority (Feng & Aydın, 2009: 77, 101, 137, 214). Mohism was excluded and disbanded early on, while Taoism, despite being one of China's influential philosophies, contributed to the formation of Legalism. Despotic and pragmatic Legalism, along with idealistic Confucianism, remained the most impactful political philosophies throughout Chinese history.

Confucianism emphasizes authority and obedience (Lin, 1936: 106) in the political system of “humane governance” (Renzen/仁政), highlighting the importance of ruling through virtue, moral integrity, and leading by example instead of relying on force or punishment. For instance, the ruler is anticipated to emulate the legendary wise figures like Yao (尧), Shun (舜), Yu (禹), Jie (桀), and Zhou (周). Confucianism posits that morality serves as the foundation of legitimacy in leadership. Governance ought to prioritize gaining the people's trust and their connection with the ruler, which is accomplished by demonstrating a sincere commitment to the welfare of the populace. In terms of leadership, the ruler should exemplify virtue and implement regulation through rituals, fostering a sense of shame and moral duty among the people instead of instilling fear (Bruce, 1998: 91,94,110). As a leader and exemplar, the ruler should care for the people as a parent cares for their offspring, catering to their needs, educating them, and serving as a model, promoting order, harmony, and mutual benefit (Mencius, 2016: 18). In exchange, ministers and citizens are expected to follow his lead, while princes should offer tribute through regular visits. Acknowledging the importance of law in a fair and just manner, Confucianism advocates for

non-coercive authority and believes that transformation and loyalty come from nurturing and compassionate concern rather than from dominance or utilitarian measures (Mencius, 2016: 22–25).

The ruler and citizens are central to this philosophy, and maintaining harmonious relations between them is crucial for a flourishing and cultured society. The ruler, regarded as the son of heaven and a societal role model, plays a pivotal role in the political framework and governance. With these attributes in mind, Confucian political ideology concludes with “rule by men,” opposing the Legalist principle of “rule by law” (Tanrikut, 2023b,45-96). The purpose of this sage ruler is to cultivate and safeguard the harmonious society where citizens exist within a structured socio-political hierarchy, possessing established rights and responsibilities according to their social standing.

In contrast to Confucianism, which is grounded in complex rituals, principles, and a hierarchical socio-political order, Legalism is characterized by its effectiveness and simplicity. For instance, Legalist law 法, developed by Lord Shang or Shang Yang (商鞅, 390-338 B.C), is brutal and strict, imposing heavy penalties for minor offenses, primarily targeting common people and soldiers. Meanwhile, the Legalist art 术 contributed by Shen Buhai (申不害, 400 –337 B.C), advises rulers to be crafty, mysterious, and skeptical, primarily applying to government officials. The concept of power 势 is invented by Shen Dao (慎到, 390-315 B.C), and it is viewed as the most reliable weapon in a ruler's hands and guarantee for implementation of Law and art. It provides rulers with pragmatic and ethics-free governance techniques. It is brutal, pragmatist, and sees state-citizens relations as zero-sum game, famous for its saying of “*When people are weak, the state would be strong; when the people are strong, the state would be weak* (民强国弱, 民弱国强)” (Shang, 2017: 144). Thus, Legalism advocates for the weakening of the people while empowering the state through its laws, the art of management, and the strategic power of the state, acquired through various means (Sun, 2011).

Legalism does not recognize any obligations of the ruler or the moral legitimacy of authority. Instead, it advocates for a centralized autocratic system, rejecting the notions of benevolence and mercy, as it views human nature as inherently bad. To Legalists, this bad nature must be controlled through harsh laws and severe punishments. They often mock Confucians, considering them naïve, backward, stupid, conservative and unrealistic (Tong, 2015: 560–561). For instance, Han Fei (韩非, 281-233 B.C), the systematizer of Legalist philosophy, criticized Confucians for their unrealistic expectation that rulers should emulate legendary sages like



Yao, Shun, Yu in governing the country. He argued that such virtuous leaders appear only once in a thousand generations. If a ruler abandons power and disregards strict laws, waiting for another Yao or Shun to bring peace, the country will suffer from chaos for a thousand generations and enjoy peace for only one (Hanfeizi, 2010: 605). Legalist philosophers believe that adhering to the old social system and ruling method couldn't solve the problem due to the progress of the society and that is why supporters of Legalism always claims that Legalism represents the progressive insights, as mentions below.

Before Dong Zhongshu (董仲舒, 179-104 B.C), the great Confucian philosopher of the Han Dynasty (汉朝, 202 B.C–220 A.D), established Confucianism as the official state ideology by incorporating elements of both Legalism and Confucianism in 136 B.C., the two schools fiercely competed for dominance. Legalism had been overwhelmingly favored during the Warring States period, a time of intense conflict between rival states, and continued its prominence throughout the Qin dynasty (秦朝, 221-206 B.C). The Qin, one of the warring states, ultimately unified China under its first centralized feudal dynasty by adopting Legalism as its guiding doctrine. Since then, Legalism has always been mentioned as a synonym of Qin style of governance system. After the successful synthesis achieved by Dong, Legalism and Confucianism became two sides of the same coin (Fu, 1996). Although Legalism was favored by rulers and prevailed over Confucianism in several key political debates, such as the *Discourse on Salt and Iron* (盐铁论) (Tanrikut, 2023a), it was not prominently advocated due to its explicit defense of despotism, harsh punishments, and amoral ruling methods.

Interestingly, Legalism has maintained its influence in Chinese politics, often disguised as Confucianism. The significance of Legalism in Chinese statecraft is evident in the comments of many influential figures across different periods, and the autocratic nature of all Chinese dynasties aligning with Legalist teachings. The great poet Su Dongpo (苏东坡, 1037-1101) of the Song dynasty noted, “*Since the Han dynasty, scholars have been ashamed to talk about Shang Yang and Sang Hongyang. The monarchs, however, were all taboo to mention Shang Yang's name on the surface, but they used their theoretical methods secretly*” (Dongpo, Volume 5, n.d.). Similarly, Tan Sitong (谭嗣同, 1865–1898), a modern reformist during the late Qing dynasty, remarked, “*The two thousand years of politics are the politics of the Qin dynasty.*” (Gao, 2022) Mao Zedong (毛泽东, 1893-1976) also observed, “*Rulers of all dynasties implemented the political system of the Qin dynasty*” (Jiang, 2006: 5–6).

Contemporary Chinese political philosopher Liu Zhihua (刘志华, 1949-) emphasized in his significant work, *The History of Chinese Political Thought*, that “*The basic monarchical power-centered political system established by the Qin Dynasty was something that all emperors do not want to abandon.*” Wang Shaobo (王晓波, 1943-2020), a professor at the Department of Philosophy, National Taiwan University, argued that “*Seemingly Confucianist, Reality Legalist*” is the mainstream of Chinese civilization (Wang, n.d.). As Professor Han Dongyu (韩东育, 1962-), Vice President of Northeast Normal University and Dean of History, remarked, “*No school of thought has been utilized for as long as Legalism, nor has any been criticized for an equally long time*” (Han, 2009: 1).

Although this is the case, a significant number of scholars and political leaders interpret Chinese civilization through the lens of Confucian philosophy, making it a conventional method to evaluate China from a Confucian or Communist viewpoint. While Confucianism has played a crucial role in shaping Chinese culture, it does not fully represent the whole of Chinese civilization. Particularly in the realm of governance philosophy, depending exclusively on Confucian teachings has consistently been insufficient. As a pragmatic governance approach valued by Chinese rulers throughout history, whether overtly or subtly, the impact of Legalism must be acknowledged. In this context, it is important to delve into the political thoughts and practice of Mao Zedong, the founder of PRC. Just as Chinese political philosophy has often been analyzed through Confucian principles, Mao’s ideological beliefs have predominantly been examined within the frameworks of communism and Leninist-Stalinist governance. However, a closer look at Mao's life reveals lesser-known aspects of his ideology, especially his role as a passionate advocate of Legalism and a critic of Confucian doctrines.

To this end, this paper seeks to explore how the Legalist approach to governance played a significant role in his political strategy and the resulting implications. Consequently, the subsequent part of this article is organized into four sections. In order to emphasize the contribution of this study, the first section is dedicated to a review of the literature, while the second section analyzes the development of Mao's Legalist political ideology during his formative years. The next section highlights Mao's passionate advocacy for Legalism, his attempts to “*revive the standing*” of Legalism and its prominent figures, as well as his eventual triumph in this mission. The final section investigates the socio-economic disasters that emerged from Mao's implementation of Legalist principles, especially during the Great Leap Forward.

## Literature Review

Several studies have been carried out regarding the topics of Mao, Legalism and Mao's the anti-Confucian campaign. A significant study titled "Anti-Confucianism: Mao's Last Campaign," authored by James Gregor and Maria Hsia Chang, centering on Mao's efforts against Confucianism. The analysis mainly delves into the enduring Marxist critique of Confucianism and the Anti-Confucian initiative, which aimed to consolidate and institutionalize political power, restore ideological unity, and enhance economic productivity. The authors noted that Confucianism was perceived as an obstacle to economic progress, with this supposed "weakness" in Confucianists being compared to the Legalists, who advocated for economic effectiveness and resource management (Gregor & Chang, 1979). While the research investigated Mao's anti-Confucian viewpoint, grounded in his interpretation of Confucianism as conservative or reactionary, it did not cover Mao's inclination towards Legalism. A similar theme and viewpoint are presented in "And Mao Makes Five: Mao Tsetung's Last Great Battle," a book that compiles several articles curated by Raymond Lotta. The text argues that Mao condemned Confucianism not just for the doctrines of this tradition but also for its exploitation by his political rival Lin Biao (Lotta, 1978).

Another notable work in this context is Fu Zhengyuan's book, titled *China's Legalists: The Earliest Totalitarians and Their Art of Ruling*. Fu endeavored to present Legalist political philosophy and its ramifications on Chinese governance to Western audiences. He sought to underscore the tangible effects of Legalism on institutions and state formation during China's feudal era. Like many Chinese intellectuals, from both imperial and modern times, Fu asserted that Legalism essentially embodies the principles of totalitarianism. He contends that Legalist thought has shaped the political dynamics of the Chinese Communist Party, inclusive of Mao's political behaviors. The author also notes the congruence between the Marxist-Leninist ideology of the CCP and Legalist governance (Fu, 1996). Indeed, nearly identical concepts are explored in his another 1993 study, *Autocratic Tradition and Chinese Politics*. Concerning the connection between Legalism and Mao, this work emphasizes Mao's utilization of law as a mechanism to fulfill his objectives, alongside the enforcement of harsh penalties for minor offenses, as proposed by Legalist thought (Fu, 1993). Nevertheless, in both studies, Mao is merely cited as one of many instances, with his long-standing admiration for Legalism from his youth and his actual efforts to uphold Legalism being overlooked.



Joyce C.H. Liu's work, "Paradoxical Routes of the Sinification of Marxism," analyzes the historical competition between Confucianism and Legalism, offering both praise and critique of the two philosophies throughout various eras. In addition to the sinification of Marxism, which seeks to decolonize Chinese ideological and political frameworks, this study also explores the latest efforts by Chinese scholars to integrate the legacies of Confucius, Mao, and Deng Xiaoping to establish a cohesive political order. When the topic of Confucianism and Legalism arises during the Cultural Revolution, it is approached through the lens of the power conflict between Mao and Lin Biao, rather than examining the issue from the perspective of Mao's ideological preference for Legalism (Liu, 2017).

Regarding the interplay between contemporary China and its ties to classical Chinese political philosophies, *Tradition in Chinese Politics* by Jyrki Kallio stands out. The research investigates the ways in which history and tradition are mobilized to validate the authority of the state in the PRC. It emphasizes how the Party-state reconstructs historical narratives and advocates for traditional learning, especially Confucianism, to fill the "spiritual vacuum" caused by the waning of communist ideology in a capitalist framework. This tactic seeks to bolster legitimacy and cohesion, which are vital for the Party's dominance. It also delves into the Party-state's efforts to re-establish an ideology reminiscent of "political religion." The author additionally notes the criticism of Confucianism for China's perceived stagnation compared to the West in the early 20th century, along with Mao's critique of Confucianism and his acknowledgment of Legalism, which are briefly addressed. However, this study views Confucianism as emblematic of Chinese traditional culture (Kallio, 2011).

In contrast to Kallio, Delia Lin advanced the discussion by exploring the type of tradition that China aims to revive during the Xi Jinping era, framed within the discourse of reviving traditions. In her article "The CCP's Exploitation of Confucianism and Legalism," Lin concentrates on Xi's contemporary strategy of merging Confucianism and Legalism into his governance framework, referred to as "Confucianized Legalism," to differentiate the Chinese governance system from Western political liberalism and to showcase "cultural self-confidence." By elucidating Xi's focus on "governing the country according to law" (依法治国), which aligns with the Legalist principle, and the use of law as a mechanism to reinforce the highly centralized authoritarian regime, this article does not reference Mao; rather, Mao's era is cited in relation to his employment of both schools as instruments (Lin, 2017). While this paper illuminates the

persistence of traditional Chinese political thought, which resonates with my paper's theme, it does not address Mao's preference for Legalism.

A literature review on this topic indicates that there is a scarcity of studies specifically dedicated to Mao's Legalist political philosophy and its influence on his leadership style. Although a few studies touch on his defense of Legalism, the underlying motivations for this defense are linked to the political conflicts with his adversaries and the political climate of Mao's time. Some other works merely draw parallels between Legalist doctrines and Mao's practices, while certain papers briefly mention the subject as part of their overarching arguments. Regarding the relationship between Mao and Legalism, Fu Zhengyuan categorizes Mao as a Legalist ruler, while the rest of the studies either do not focus on this topic in a detailed manner or explain Mao's pro-Legalist stance as a reaction against his pro-Confucian political opponents. Concluding Mao's ideology solely as Legalism could be problematic due to the communist ideological environment in which he lived and his embrace of Marxism. However, neglecting the influence of traditional Chinese political thought, particularly Legalism, on his ideology and political practice fails to uncover his complex ideology. Accepting Mao's ideology only as Marxism would be as misleading as regarding China solely as Communism. Therefore, besides filling the gap in existing studies, shedding light on the Legalist aspect of Mao contributes to understanding Mao in a more comprehensive way.

### **Mao and Legalism**

As the foremost leader of the CCP, Mao had a significant impact on the ideology and governance methods of the party. He drew inspiration from Western-originated Communism as well as traditional Chinese philosophies, including Taoism, Mohism, Confucianism, and Legalism. Studies of his life indicate that he conducted extensive research on these traditions. By integrating foreign communism with indigenous philosophies, Mao established a completely new ideology known as "Communism with Chinese Characteristics" or "Socialism with Chinese Characteristics" (Xu, 2013). In his early years and rulership as of 1949, Mao was renowned for his autocratic reign, his unwavering endorsement of legalism, and his recognition of Legalist politicians. At the same time, he was also widely recognized for his prejudice and discrimination against Confucianism. One of the rare Chinese rulers who has publicly lauded Legalism and opposed Confucianism was him. What's significant to note in this regard is that he even informed foreign leaders of his preference for

the Legalist ruler f Qin Shihuang (秦始皇, 259–210 B.C)(Party History and Literature Research Institute of the CPC Central Committee, 2013).

The *Mao Zedong Chronicle* series, authored by the Document Research Office of the Central Committee of the Communist Party of China, reveals that Mao was interested in Legalist writings, thoughts, and figures long before the establishment of the CCP. During his youth, he developed a strong emotional and ideological connection to these works. Just before the 1911 Revolution, at the age of 17, Mao cultivated a keen interest in Chinese history, admiring the accomplishments of notable figures such as Yao, Shun, Qin Shihuang (259-210 B.C), and Emperor Han Wudi (汉武帝, 156-87 B.C). While attending school, he wrote several essays focused on national revival, which resonated widely among his classmates. At this time, he greatly admired Liang Qichao and supported his proposals for legal reform, stating to his classmate Su San, “*We should prioritize enriching the country and strengthening the army*” (Literature Research Office of the CPC Central Committee, 2013a: 9), which is the motto of the Legalist school and Legalist Qin dynasty. During this period, according to Professor Yu Zhong, Mao was already drawn to and influenced by Legalist leaders. The only Chinese emperor to openly support legalism as a political theory, Qin Shihuang, was reportedly adored by Mao (Yu, 2018: 248). While attending Hunan Provincial No. 1 High School in 1912, he produced an article titled “*Establish Credibility by Rewarding People for Moving a Log*” that addressed Shang Yang's well-known reformation tale. He wrote in his article how much he respected Shang Yang and other legalists. He praised Shang Yang as a “*great statesman*” and praised his reformation of the system of rewards and punishments in the fields of agriculture and warfare based on a set standard (Literature Research Office of the CPC Central Committee, 2013a: 12).

The 1920s marked a time when China was experiencing major reforms and movements in both political and ideological domains. The prominent intellectuals of this era such as Chen Duxiu (陈独秀, 1879-1942), Hu Shi (胡适, 1891-1962), Cai Yuanpei (蔡元培, 1868-1940) etc were leaders of groups exploring the future of China. A shared belief among them was that Confucianism was primarily responsible for stagnation and served as a barrier to the advancement of democracy and science, which are fundamental to the contemporary world (Feigon,1983:115). Consequently, they viewed the Western democratic system and China's Legalism as possible solutions. This group of thinkers disseminated their ideas through the *New Youth* magazine, with Chen, the editor who later became the founder of CCP, being one of the most influential minds. Mao often took notes on his reflections on texts while perusing books and

newspapers. In 1919, he expressed his agreement with Chen after reading his article that criticized Confucian thought. Mao wrote about him "Long live," to signify that Chen was a luminary in the realm of ideas (Chen, 1996:208–210).

Chen and fellow contributors to the *New Youth* magazine initiated the New Culture Movement (1910s–1920s), a forward-thinking sociopolitical and intellectual initiative in China designed to modernize Chinese culture by dismissing conventional Confucian principles. Rather, it championed individual liberty, democracy, and principles of equality (Kuo, 2017). The New Culture referred to the combination of Western culture with Legalism that was revived and reinterpreted by the Chinese scholars of the time (Qin, 2015: 264). Emphasizing a progressive outlook, the movement aimed to supplant Confucianism with a fresh cultural paradigm grounded in modern values. In contrast to traditional Confucianism, Legalism was viewed as an advanced traditional ideology that could rescue China during chaotic times (Chang, 1935). In 1940, Mao wrote an essay titled "On New Democracy." He stated that Chinese people must transform China, which is ruled by the Old Culture, the Confucian culture, into such a China which is ruled by the New Culture. In his essay he advocates overthrowing the old one and establishing the new, suggested the battle between the cultures is a battle of life and death (Mao, 1967: 665).

In contrast to his admiration for Legalism, Mao holds a dismissive and prejudiced view of Confucianism. In 1917, he took notes on his thoughts while studying the works of German neo-Kantian philosopher and educator Friedrich Paulsen. He challenged Confucian philosophy in his comments, perceiving it as an unrealistic concept of wise individuals governing the state (Literature Research Office of the CPC Central Committee, 2013a: 29). In 1953, he said Confucius is undemocratic and lacking the spirit of self-criticism. He added Confucius ideas have the air of evil hegemonism and the flavor of Fascism (Literature Research Office of the CPC Central Committee, 1996: 113).

During war period between 1940s to 1950s, Mao was primarily engaged in political power struggles against Japan and the Nationalist Party. His focus was on propagating the communist revolution throughout the country to reduce Jiang Kai-shek's influence and to achieve both domestic power consolidation and ideological harmony. While he did not write or discuss extensively on Legalism during this period, his path to becoming the dominant leader of the communist regime and his efforts in territorial and ideological unification were



consistent with Legalist principles. As suggested by Legalist statecraft, Mao consolidated all authority in his hands by eliminating his political opponents through various revolutions and ideological movements. One of Mao's significant accomplishments in establishing himself as an unquestioned leader was the Sinicization of Marxism. While he initiated the Sinification of Marxism with the goal of decolonizing the doctrine and tailoring it to China's unique context, the process ironically led to internal power struggles and transformed Sinified Marxism into a tool for internal colonialism. By framing his policies and actions as crucial for the advancement of socialism in China, he solidified his power and centralized control (Liu, 2017).

It is noteworthy in this context that communism as a foreign ideology lost its significance long before the establishment of the PRC and Mao's thought, a combination of Chinese despotism and Soviet radicalism, had already begun to be the main leading ideology. For instance, in February 1942, when Mao initiated the Rectification, the movement involved study groups focusing on 22 designated documents, most of which were authored by Mao, although some works by Lenin and Stalin were included. Control over the press tightened, halting the publication of works by Marx, Engels, Lenin, and Stalin, leaving Mao's writings as the primary material (He, 2005). In other words, this movement aimed to establish Mao's Thought as the dominant ideology, resembling the ideological exclusivity of the Legalist Qin state. In the interim, Mao employed a mix of opportunism, deceit, and manipulation within the party to position himself as the ultimate leader. To advance either his personal agenda or that of the Party, he was notorious for intimidating and even eliminating party members and others. Mao's tactical decisions throughout the Long March, such as instructing Xiang to take a perilous path and withholding critical information from him, can be interpreted as acts of betrayal. These decisions were made with the goal of weakening his adversaries and solidifying his control over the military strategy (Benton & Tsang, 2006).

## **MAO'S LEGALISM OBSESSION VS HISTORICAL RESEARCH**

Since the establishment of the PRC in 1949, Mao became an enthusiastic advocate of Legalism, actively working to rehabilitate and whitewash Legalist politicians. Notably, he took it upon himself to exonerate historical Legalist figures, previously deemed immoral in Chinese history, and to revise their historical portrayals. The years between 1958 and 1975 marked a period during which Mao openly praised Legalism and demonstrated his strong preference for Legalist



figures. During this time, he frequently revisited the historical debate between Confucianism and Legalism, studied Legalist texts in depth, and increasingly articulated his Legalist views (Yu, 2017: 10).

Mao Zedong is well-known for his admiration of the Legalist emperor Qin Shihuang and his famous statement “Marx + Qin Shihuang,” made during the Great Leap Forward (1958-1961), one of the nationwide campaigns initiated by Mao. When the 8th National Congress of the CCP convened for the second time on May 8, 1958, Mao commented historian Fan Wenlan for his paper, “Historical Research Must Value Today and Despise the Past” (Xu, 2009). During the meeting, Mao stood up and remarked:

*Comrade Fan Wenlan wrote an article recently, and I was very pleased to read it. This article used numerous examples to demonstrate the historical tradition of honouring the present and dismissing the past. The article referenced Sima Qian, Sima Guang, but unfortunately, it did not mention Qin Shihuang, who was a strong proponent of 'valuing today and despising the past.*

Mao also noted that Qin Shihuang was an expert in this regard. Later, on August 19, 1958, during the first meeting of the directors of the cooperation district held by the Political Bureau of the Central Committee of the Communist Party of China in Bei Daihe, Mao stated that, in order to achieve the goal of producing 80 to 90 million tons of steel by 1962, the party must combine Marxism with the leadership style of Qin Shihuang. In contrast to Confucianism, which taught rule by man, Mao stated that Han Feizi preached rule by law and added “All of CCP decisions are legally binding, and any gathering we call is legally binding as well” (Xu, 2009).

Mao’s reverence for Legalist rulers and figures continued throughout his life. At the first Zhengzhou Conference in November 1958, he offered high praise for King Zhou of Yin (殷纣王, ?-1046 B.C), a historical figure often regarded as a tyrant, emphasizing his expertise in both literary and military matters. Mao also voiced concern over the unfavorable historical judgments of Qin Shihuang and Cao Cao (曹操 155-220), a Legalist politician from the Three Kingdoms period (222-280), both of whom he greatly admired. He argued that it was incorrect to cast them in a negative light (Wang, 2004: 10). Throughout 1958, Mao consistently defended Cao Cao, portraying him as a remarkable leader and a hero who emerged during a time of chaos, representing justice. In February 1959, Uyghur historian Jian Bozan<sup>1</sup> (翦伯赞, 1898-1968) published an article titled “The

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<sup>1</sup> Jian Bozan (1898–1968), was a prominent Uyghur Marxist historian from Taoyuan, Hunan, China. He was a pioneer in applying Marxist methods to reinterpret Chinese history, alongside Fan Wenlan. An advocate of Marxist historiography, Jian co-founded China's modern historical materialist school. He served as Vice

Need to Restore Cao Cao's Reputation,” in which he argued that Cao Cao was not only a prominent statesman, strategist, and poet of the Three Kingdoms era, but also one of the most remarkable figures in China's feudal ruling class. Jian contended that it was unjust to label such an exceptional leader as a traitor for so long and called for the removal of this false accusation. After reading Jian's article, Mao Zedong expanded on these ideas, stating that the proletariat must also discuss the importance of dictatorship (Xing & Xia, 2016).

As mentioned above, Mao greatly admired the Legalist emperor Qin Shihuang, openly praising his leadership while downplaying Confucius. During a meeting with a Malian delegation on June 24, 1964, Mao asserted Qin Shihuang's superiority over Confucius, emphasizing his role in unifying China, standardizing writing, and establishing enduring systems like weights and measures. Mao also noted that modern historians have increasingly recognized Qin Shihuang's contributions. Again, in September 1973, during a meeting with Egyptian Vice President Shafee, Mao emphasized Qin Shihuang's historical significance, noting that China was once called “Chin” (Qin). Identifying with the emperor, Mao remarked, “*I am also Qin Shihuang. Lin Biao<sup>2</sup> called me Qin Shihuang.*” He acknowledged the divided opinions on this emperor but praised his role in unifying China, standardizing writing, building roads, and centralizing government. Mao highlighted Qin's abolition of hereditary systems, replacing them with centrally appointed officials rotated regularly (Literature Research Office of the CPC Central Committee, 2013b: 500; Xiao, 2010).

To affirm Legalism and critique Confucianism, Mao imposed his preferences for Legalist figures and his will to revive their reputation on

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President and History Department Chair at Peijing University from 1952 to 1968. Jian was the editor-in-chief of “Outline of Chinese History” and the author of “A Textbook of Chinese Historical Philosophy”, “Collection of Essays on Chinese History”, “Outline of Chinese History”, “Collection of Essays on Historical Issues”, “Pre-Qin History”, “History of Qin and Han Dynasties”, etc. During the Cultural Revolution, he was persecuted as a “reactionary academic” and tragically died by suicide in 1968. In 1978, he was posthumously rehabilitated.

<sup>2</sup> Lin Biao (1907–1971) was a prominent Chinese politician and military leader who played a key role in the Communist victory during the Chinese Civil War, particularly in Northeast China from 1946 to 1949. As a general, he led decisive campaigns that secured the Communist takeover of Beijing and the coastal provinces in Southeast China. Following the war, Lin was appointed Vice Premier and later became the longest-serving Minister of National Defense, gaining influence in Chinese politics. He played a crucial role in promoting Mao Zedong's cult of personality during the 1960s and was named Mao's designated successor in 1966. Lin died in 1971 when his plane crashed in Mongolia, officially linked to a failed coup against Mao. Some speculate he fled due to fears of purging. Posthumously, he was condemned as a traitor and blamed for the Cultural Revolution's excesses alongside Mao's wife, Jiang Qing.

the Chinese academic landscape as well. This agenda was evident in his debates with historians such as Guo Moruo (1892–1978), who was a leading historian and archaeologist and served as the first President of the Chinese Academy of Sciences. Guo was known for his comprehensive approach to historical research and significant contributions, including his detailed work *Criticism on Han Feizi* (韩非子的批判) and the influential research volume *Ten Criticisms* (十批判书). These works positioned Han Fei as the main proponent of Legalism, portraying Qin Shihuang as a ruthless dictator who executed Han Fei's doctrines, including suppressing free thought by burning Confucian texts and burying scholars alive. Guo argued that these actions aimed to stifle intellectual freedom, a stark contrast to the flourishing of independent thought during the Spring and Autumn Period (Guo, 1996; Wang, 2001: 129–131).

Guo Moruo was also critical of Qin Shihuang's supposed accomplishments, asserting that unification of the warring states was due more to historical luck than Qin's personal strategy. The standardization of weights, measures, and road networks, he argued, reflected broader societal needs rather than innovative leadership by Qin. Guo contested that Qin Shihuang did not build the Great Wall but only connected already existing sections from the Warring States period. He also credited the military successes to the skilled generals of the Qin, particularly Wang Jian (王翦) and Wang Gui (王贲), rather than attributing them solely to Qin Shihuang (Guo, 1982: 447–452).

Guo's critiques were rooted in meticulous research into ancient social history and pre-Qin scholarship, positioning them as more than mere rhetoric. Yet, Mao remained unmoved by Guo's findings, dismissing not only Guo's interpretations but those of historians like Sima Qian as well. Mao asserted that these assessments of Qin Shihuang were misguided and maintained his admiration for the Legalist emperor. This stance was highlighted during the 2nd Session of the 8th National Congress of the CCP in 1958 when Mao addressed Vice President Lin Biao's comments on Qin Shihuang. Mao championed the idea of "honouring the present while dismissing the past," claiming Qin Shihuang epitomized this ideology. When Lin cited Qin's infamous book-burning and executions, Mao retorted, "*Who is Qin Shihuang? He only buried 460 Confucians, while we buried 46,000 of them*" (Mao, 1958).

In October 1968, Mao directly criticized Guo's *Ten Criticisms* as promoting Confucian ideals and opposing Legalism. This sentiment was echoed in Mao's conversation with Henry Kissinger in 1972, when he noted Guo's admiration for Confucianism (State, 2008: 395). Under Mao's

pressure, Guo acknowledged his previous “misjudgments” and suggested discarding his earlier work. This reversal, which included praising Qin Shihuang as a progressive ruler, left Guo and his scholarship in an awkward position (Wang, 2001, p. 129). In his play *Cai Wenji*, Guo even depicted Cao Cao, a traditionally vilian Legalist figure, as a heroic character. Chen Geng (陈赓, 1903–1961), a general in the PLA, ironically remarked that Cao Cao might now join the CCP, with Guo as his reference (P. Wang, 2018: 271; Lei, 2010).

Guo’s shift from criticizing to endorsing Legalism and aligning with Mao’s views was profound. However, this loyalty did not shield him during Mao’s “Criticize Lin, Criticize Confucius” campaign. Mao found himself Lin Biao’s accusation of employing Qin Shihuang’s draconian methods under the guise of Marxism-Leninism, with calls to “eliminate the contemporary Qin Shihuang” (Lotta, 1978: 18; Wang, 1974). In July 1973, Mao unexpectedly referenced Guo during a discussion Wang Hongwen (王洪文, 1945-1992) and Zhang Chunqiao (张春桥, 1917-2005), criticizing Guo’s humanistic stance in the *Ten Criticisms* as aligning with Confucian and Kuomintang ideologies and Lin Biao’s beliefs. Mao even wrote a poem, “To Guo the Senior After Reading ‘On Feudal System,’ Written in Qilü Style,” showcasing his continued scrutiny of Guo’s ideological shifts (P. Wang, 2018: 271):

*“My friend, please stop criticizing Qin Shi huang;  
His actions of burning books and burying the Confucians should be re-  
evaluated.  
The founding emperor is long gone, but the achievements of Qin remain,  
And notwithstanding its high renown, the learning of Confucius is in fact  
worthless chaff.  
All later generations followed the political-legal system of Qin,  
And your book Ten Critiques is not a good treatise.  
Please carefully reread the Tang thinker [Liu Zongyuan]’s “On Feudal  
System,”  
And don’t retreat from Liu to the King Wen of Zhou.”*

By openly criticizing Guo, he also ideologically attacked Lin Biao, and articulated his unequivocal stance on Legalism and discriminatory view against Confucianism.

Mao Zedong’s defense of Legalism spurred an unprecedented focus on Shang Yang and Han Fei, central figures in Legalist thought. Individuals from intellectuals and party cadres to factory workers and peasants were encouraged to embrace Shang Yang’s principles while denouncing Confucianism (Pines & Defoort, 2016: 60). Mao viewed



Confucianism as an obstacle to communism and a threat to his authority, prompting widespread campaigns against Confucian ideals. In June 1975, the pamphlet *Comprehensive Liquidation of Confucius' Educational Thoughts* was distributed nationwide, initially in Han Chinese and later in non-Han languages. Its popularity persisted even after the fall of the Gang of Four. However, its critique of Confucianism lacked rigorous analysis, relying on distorted interpretations, unfounded conclusions, and flawed reasoning, which undermined its scholarly value (Zhang & Li, 1979: 1).

Mao's immense influence permeated academia, reshaping it to align with political objectives. Instead of fostering independent inquiry, scholars were pressured to validate Mao's ideological views. This politicization echoed historical patterns of centralized power in Chinese dynasties, further entrenched under Communist rule. Academic disciplines, including literature, history, and science, were co-opted to serve the state's agenda, stifling creativity and intellectual freedom. For instance, during the Great Leap Forward, scientists fabricated "scientific" support for unrealistic agricultural goals, illustrating the extent of ideological manipulation.

To consolidate his ideology, Mao directed officials and the public to study Legalist texts. Between August 1973 and July 1974, he oversaw the annotation and publication of 26 Legalist classics, including *The Book of Lord Shang* and *Han Feizi*, aiming to affirm Qin Shihuang's historical achievements (Liu, 2009)<sup>3</sup>. Reflecting on this period, historian Qin Hui noted, "Under Mao's call, even I read *Han Feizi*. Its core idea, much like Stalin's view on *The Prince*, suggests it is greater to be feared than loved, a principle that resonated with Mao's political logic" (Qin, 2014). Mao's campaigns turned academia into a political tool, prioritizing ideological control over genuine scholarship and critical thought.

### The Ramifications of Mao's Legalist Stance

Mao's authoritarian approach stemmed from Legalist ideology, and the practices of Leninism and Stalinism had a profound influence on China's socio-economic landscape. While engaging in discussions about Legalism and its figures, he simultaneously implemented Legalist autocracy. As an unquestionable leader, Mao directed China toward relentless economic and political initiatives. Just as Guo Moruo submitted to Mao despite recognizing the authoritarian nature of Legalist

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<sup>3</sup> For the full list of Legalist works published under Mao's directive, see Liu, X. (2009). 毛泽东“文革”期间嘱影大字本“古籍”的回忆[Mao's recollections of annotated ancient books during the Cultural Revolution]. *当代中国史研究* (Contemporary Chinese History Studies).



governance, Chinese scientists and intellectuals failed to alert Mao to the negative impacts of his initiatives. The campaigns during the Great Leap Forward exemplify this situation.

In 1955, to rapidly boost agricultural production, Mao Zedong launched the “Four Pests” campaign aimed at eradicating rats, mosquitoes, bedbugs, and sparrows. Sparrows were considered particularly harmful to agriculture, as they were believed to consume large quantities of grain, depriving humans of vital nourishment. By January 1956, the campaign had officially commenced, leading to large-scale efforts across the country to kill sparrows, with reports of tens of thousands being eliminated within days. Although some Chinese scientists understood that killing sparrows would be detrimental to agriculture, they were unable to sufficiently oppose Mao's decision, and their warnings were largely ignored. On January 18, 1957, the *Beijing Daily* published an article by Zhou Jianren, a biologist and vice minister of the Ministry of Education, arguing that sparrows were harmful birds and should be exterminated without hesitation. Zhou criticized old societal beliefs that humans should passively accept nature rather than actively transform it. He also dismissed the “equilibrium theory,” which emphasizes the balance of nature, claiming it hinders efforts to reshape the environment (Lei Yi, 2009). His views aligned with Mao's campaign and the perceived progressive spirit of Legalism, which Mao frequently referenced. The results, however, demonstrated that the campaign was unscientific and harmful. It led to a reduction in the planting area, ecological disruption, and widespread demoralization and fatigue. These factors contributed to the decline in harvests in 1958 and 1959, the further decline in 1960, and the onset of the ensuing famine (Harrell, 2021).

During the Great Leap Forward, a tragicomic situation unfolded. In November 1957, at a gathering of Communist and Workers' Parties in Moscow, Mao set the ambitious goal of surpassing Great Britain in industrial output within 15 years. To this end, he launched the Great Leap Forward campaign, which lasted until 1962. Under this initiative, scientists and intellectuals were unable to alert Mao or the CCP about its flawed direction due to the oppressive atmosphere and political purges. Instead, scientists promoted unrealistic goals and harmful practices, while citizens struggled to navigate a false, ostentatious reality. A notable example was the exaggeration in agriculture. Urban officials imposed unrealistic quotas and encouraged harmful practices like multiple harvests and excessive fertilization (Chang, 2003: 225). Driven by competition and loyalty to Mao's vision, communes inflated grain production figures, with local leaders falsifying reports or risking

punishment. Fear of being labeled a “rightist” further motivated this behavior. Mao himself was misled by inflated crop yield reports during his inspections, reinforcing the illusion of success (Li, 1994: 278).

Propaganda also flourished to align with Mao's vision. In October, Xinhua News Agency reported that the Weixing Commune in Luocheng County achieved an annual yield of over 136,000 jin of dry grain per mu (78,000 kg per 0.066 hectare, or about 666.67 m<sup>2</sup>), while the Dongfeng People's Commune was said to have produced more than 37,000 jin of corn per mu (18,500 kg per 0.066 hectare) through dense planting methods (Yue, 2022). The New China News Agency also featured stories and photographs of fields allegedly so dense that they could support the weight of children, and of oversized produce, such as a 132-pound pumpkin and a giant radish paraded through the commune on trucks or palanquins (Chang, 2003: 225–226). The *People's Daily* even debated how to manage China's supposed surplus, resulting in increased grain exports, the replacement of food crops with cash crops like cotton or tea, and raising the tax rate on communes from 20% to 28%. This occurred despite a 30% decline in overall grain production between 1958 and 1960 (Becker, 1996, pp. 79, 81). Eventually, it became clear that all these figures were fabricated, and there was no such success in food production. Due to taxation based on false reports and widespread grain shortages, the Great Famine ensued, leading to the deaths of an estimated 23 to 40 million people (Smil, 1999).

In this disaster, scientists and intellectuals failed to intervene. While aware of the political risks, scholars conformed rather than spoke out. Some, like renowned physicist Qian Xuesen, supported unrealistic goals, claiming, “10,000 jin per mu is not a problem.” This lack of dissent emboldened Mao and the CCP. When Mao's secretary questioned the feasibility of 10,000 catties per mu, Mao referenced Qian's article, stating that solar energy could make such yields possible (Qin, Du, Wang etc., n.d.).

## Conclusions

Legalism, characterized by its pragmatic and ethic-free approach, contrasts with Confucianism, which is grounded in morality and idealism. While Confucianism promotes a benevolent ruler modeled after legendary figures and emphasizes adherence to traditional values and structures, Legalism advocates for a ruler who is realistic, adept at using reward and punishment, and open to reform. Due to its association with authoritarian rule and harsh punishments, Legalism has often been

criticized. Nevertheless, it was the state doctrine of the Qin dynasty. Although Legalism's strict laws and inhumane methods, coupled with the Qin dynasty's cruelty, led to its condemnation by rulers, philosophers, and the general populace throughout Chinese history, many significant figures such as Qin Shihuang, Cao Cao, and Mao Zedong were influenced by Legalist thought. The fusion of Legalism and Confucianism by Dong Zhongshu further obscured Legalism's presence in Chinese governance, but this synthesis allowed it to persist under the guise of Confucianism.

Throughout Chinese history, Legalism continued to influence many statesmen. This study examines the intricate relationship between Mao's political ideology and Legalism, highlighting an often-overlooked aspect of his governance. Mao's application of Legalism was not a simple replication of ancient practices, but rather a complex adaptation aligned with his vision of a modern socialist state. His strong Legalist stance significantly impacted Chinese academia and the economy, as evidenced by his relentless reforms. Prestigious historians like Guo Moruo were pressured to distort historical facts, and scientists were unable to voice concerns about the unrealistic goals of the Great Leap Forward and its disastrous consequences. This also demonstrates the difficulties of being scientifically objective and conducting scientific work for the benefit of society in a dictatorial political atmosphere.

Importantly, this paper does not disregard the impact of communist ideology on Mao's decision-making process. Rather, it aims to reveal the duality present in Mao's ideological structure, showcasing the intricacies of his governance, where the inflexible principles of Legalism existed alongside the fervent passion of communism. It is also significant that, since Xi Jinping took office, he has prioritized the revival of Chinese traditions and introduced the concept of "governing the state according to law" (依法治国). While China openly dismisses the Western political framework and its values, it is crucial to inquire about which tradition and legal system China aspires to revive and how they would relate to socialism with Chinese characteristics. As analyzed by Delia Lin, future academic studies should concentrate more on Legalism and its significance for modern Chinese governance.

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