

**DIAMANT, Neil J. 2022.**  
*Useful Bullshit: Constitutions in Chinese Politics and Society.*  
 Ithaca: Cornell University Press.

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The book, despite its provocative title and tentative claims that the Chinese Communist Party (CCP) used the constitution to manipulate emotions, that is to induce “feelings of uncertainty, jealousy, apathy, helplessness, fear, frustration, and confusion” (p. 192), sheds new light on popular constitutionalism. Ironically, it offers a hopeful perspective on the constitutional future in China, arguing that citizens can envision the utility of a constitution beyond its original intent. Focusing on the public consultation of the 1954 draft Constitution organised by the Party, the book presents a diverse range of public opinions, including frank, open, and lively criticisms that are not typically associated with authoritarian states. These opinions come from individuals with various political and economic backgrounds, actively utilising the constitution to their advantage.

The book makes three significant contributions to the academic study of the Chinese Constitution. Firstly, it provides a nuanced understanding of popular constitutional discourses, specifically centred on the 1954 draft Constitution. The author highlights the book’s primary contribution as its detailed exploration of how ordinary people perceived and discussed the constitution. The constitution is seen as more than appellate court decisions, scholarly commentaries on high-profile but unrepresentative cases, or official rhetoric; it is also shaped by the demands and voices of the people, as well as their imagination of what a constitution could and should be. Even in a Party-controlled state like China, the constitution holds credibility or lack thereof in the eyes of the people. The author extensively documents the wide range of perceptions towards the 1954 Constitution, including indifference, ignorance, cynicism, constructive critique, and expectations.

During the discussion, ordinary people exhibited a deep understanding of constitutional consequences and posed thought-provoking questions such as those about the role of the state chairman (p. 76). This demonstrates their sophisticated comprehension of constitutional design and abundant constitutional

wisdom. As the author aptly describes it, “given a pinhole of an opening, participants wordsmithed” (p. 179). The discourse surrounding the 1954 Constitution was vibrant, sharp, and filled with wit, while subsequent discussions on later constitutions paled in comparison. This decline in depth and breadth of constitutional discussion reflects the historical context of the 1954 Constitution-making process and the subsequent political suffocation in the following decades.

This leads us to the second strength of the book, which is its ability to provide continuity in the study of Chinese constitutional discourse. While focusing on the 1954 Constitution, the book recognises that constitutional discourse did not begin at that point. It highlights the historical flow of constitutional discourse across different regimes. Readers, especially those who grew up and studied law under the CCP, will find the debate on legal continuity and the inheritance of law intriguing. Despite the CCP-led government’s attempts to abolish laws and dismantle the legal system, denying legal continuity, it has become evident that China’s legal system owes as much to the late Qing and Republican legal innovations as it does to its socialist legacy. Returning to the key thesis of Diamant’s book, it is clear that people’s legal consciousness survived regime changes and could not be erased easily, even when the government dismantled institutions such as the Ministry of Justice and the legal profession, and attempted to destroy law books from the previous regime from the late 1950s and the late 1970s.

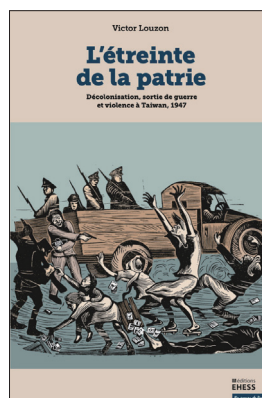
The discussion surrounding the 1954 Constitution was particularly intriguing due to the comparisons drawn between the CCP-led constitution-making process and its predecessor, the 1947 Constitution, which had been crafted just seven years earlier. The 1947 Constitution emerged from a lengthy political dialogue between rivalling forces, primarily the Nationalists and the Communists. This dialogue can be traced back to the formation of a united front in 1936, followed by the triumph of the Anti-Japanese War, the failed constitutional settlement led by John Marshall, and the subsequent withdrawal of the Communist Party from the constitution-making process. Despite the passage of time, social and economic elites who still held memories of the 1947 Constitution were bold enough to offer meaningful critiques of the new constitution. It is worth noting that the 1954 Constitution continued to legitimise capitalist ownership (Article 5) and allowed for the gradual replacement of capitalist ownership with collective ownership (Article 10). Diamant’s data effectively capture the anxiety and struggles of this vulnerable group, referred to as having rights consciousness or rules awareness. Their future was soon overshadowed by economic nationalisation and political repression. In that sense, the 1954 Constitution was aspirational, but it inspired a different normative order, hence the fear and anxieties it generated.

Finally, the book explores constitutional continuity in China across different regimes. Ultimately, a constitution is a living and evolving document rooted in people’s perceptions, expectations, and historical continuity. It must be assessed over a longer historical duration, and different constitutional instruments should be examined holistically. This book exemplifies this approach. While it primarily focuses on popular constitutionalism centred on the 1954 draft Constitution, it also situates the critiques within a broader context that encompasses discussions of subsequent constitutions.

Each constitution was created with unique historical backgrounds and specific political objectives. The 1954 Constitution may have sowed discord, jealousy, uncertainty, and fear (p. 135), ultimately aiming to weaken the organisational basis for broader action against the CCP (p. 147). The author may be on firmer ground in suggesting that Stalin had less influence on the 1954 Constitution-making process (p. 9). However, when viewed as part of the larger continuum of constitution-making under the CCP and in China, these points about motivation and drivers of the 1954 Constitution fade into historical oblivion. The 1982 Constitution, building upon its predecessors, holds more legitimacy and serves as an aspirational constitution in the larger historical context.

Despite the harsh criticisms of the 1954 Constitution and constitutions under the CCP, the book also presents a perspective of constitutional progression. It highlights how important issues that were inadequately addressed, omissions, and ambiguities that were subject to criticism and ridicule, attracted wide popular critiques and received firmer answers decades later. The continuity of the constitutional order under the CCP is a significant point made by Diamant, with later constitutions offering much-needed corrective measures to previously unaddressed matters. For example, the Three Represents (*sange daibiao* 三個代表) were inserted into the 1982 Constitution in 2004 to bring the bourgeoisie into the alliance of political power, while a national anthem was introduced through constitutional amendment, a missing element in previous constitutions that was universally lamented. We may add that incremental protection of peasant rights, promotion of human rights and socialist legality, enhanced control of bureaucrats, and other items on the wish list of the commentators in 1954 were partially realised through subsequent constitutional making.

As a whole, this book provides readers with rich data, offering a rare opportunity to examine popular assessments of the 1954 Constitution that challenge its legitimacy. Despite the title and the repeated claim that the constitution was intended to sow fear and create division, it is valuable reading and reference material.



**LOUZON, Victor. 2023.**  
*L'étreinte de la patrie.*  
*Décolonisation, sortie de*  
*guerre et violence à Taiwan,*  
*1947.*  
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What could be left to say about one of the most important – and discussed – events in Taiwan’s modern history? Victor Louzon masterfully answers this question in *L'étreinte de la patrie. Décolonisation, sortie de guerre et violence à Taiwan, 1947* (The Embrace of the Fatherland: Decolonisation, War Aftermath, and Political Violence in 1947 Taiwan). Stemming from his PhD dissertation, his book provides a reexamination of the so-called 28 February Incident (*er'erba shijian* 二二八事件) – or 228 Incident – based on “an interpretation of the *forms* of violent action that unfolded [during the event]” (p. 30).

Victor Louzon asserts that violence is a relevant object of study for political history as “a form of social action” (p. 31), a behaviour that has meaning for the agent, implies a relationship with others, and unveils a certain past. Applied to the 228 Incident, this approach requires several heuristic shifts from the existing academic literature. In this instance, one of Victor Louzon’s main innovations lies in the new light shed on the violence perpetrated by the tens of thousands of Taiwanese individuals who participated in the uprising. According to the author, these insurgents have too often been considered an “indistinct masse” (p. 29), eclipsed by an allegedly correct yet incomplete interpretation of the event – that is, a struggle for local autonomy led by the Taiwanese elite, and ultimately crushed in bloodshed by the Republic of China (which had taken control of the former Japanese colony in October 1945). Conversely, Louzon points out that the brutal suppression of the uprising by the ruling power has been the subject of more reports and denunciations than genuine analyses.

The aim here is not to put the Taiwanese insurrection and the Chinese repression on an equal footing, but to analyse these two types of violence through the same lens, that is by describing their forms, their conditions of possibility, the meanings invested in them by the protagonists, as well as the emotions thus elicited. The