In 1927, Mao Zedong famously wrote that a revolution is “not the same as inviting people to dinner” and is instead “an act of violence whereby one class overthrows the authority of another.” From the establishment of the People’s Republic of China (PRC) in 1949 until Mao’s death in 1976, his revolutionary vision became woven into the fabric of everyday life, but few years were as violent as the early 1950s. Rushing to consolidate power after finally defeating the Nationalist Party (Kuomintang, or KMT) in a decades-long power struggle, the Chinese Communist Party (CCP) threatened the lives and livelihood of millions. During the Land Reform Campaign (1948–1953), landowners, “local tyrants,” and wealthier villagers were targeted for repression. In the Campaign to Suppress Counterrevolutionaries in 1951, the CCP attacked former KMT activists, secret society and gang members, and various “enemy agents.” That same year, university faculty and secondary school teachers were forced into “thought reform” meetings, and businessmen were harshly investigated during the “Five Antis” Campaign in 1952.


2. Yang Kuisong, “Reconsidering the Campaign to Suppress Counterrevolutionaries,” *The China Quarterly*, No. 193 (March 2008), pp. 102–121; and Julia Strauss, “Paternalistic Terror: The Campaign to Suppress Counterrevolutionaries and Regime Consolidation in the People’s Republic of China, 1950–3,” *Comparative Studies in Society and History*, Vol. 44, No. 1 (January 2002), pp. 80–105. The number of people killed by the CCP is still subject to debate. Land reform was the deadliest, with at least two million killed. The official death figure for the Suppress Counter-revolutionaries Campaign was 700,000, but Yang argues that the true number was “much larger” (p. 120).

Nor were CCP officials exempt from harsh treatment. During the “Three Antis” (1951), cadres were prosecuted for corruption, “waste,” or excessively “bureaucratic” behavior in their dealings with citizens, driving some to suicide.4

But in a highly unusual historical twist, the CCP suddenly provided the opportunity for millions of these citizens to analyze and comment on what the party had just wrought.5 The surprising vehicle for this was the “national discussion” of the 1954 draft constitution (quan guo xianfa cao’an taolun). From April until September, emulating the Soviet model of constitutional deliberation in 1936, CCP officials and citizens analyzed the class and ideological foundations of the PRC (identifying the Communist Party with the interests of workers and peasants, and socialism as China’s future); the organization and function of state institutions; political and social rights (including freedom of speech, freedom of assembly, freedom of religion, freedom of the press, the right to education, and the right of “laborers” to time off); and obligations such as conscription, obeying the law, and “labor discipline.”6 State symbols

4. One could add to this list the hundreds of thousands who were killed during the Korean War, which was fought in part to strengthen political control. Moreover, several units that were dispatched to Korea had fought for the Kuomintang before transferring their loyalty to the CCP during the civil war and were thus considered politically unreliable.

5. Revolutionary states rarely solicit popular views on a core legal document only several years after taking power. This did not occur in France, the Soviet Union, Cuba, or Vietnam after their revolutions.

6. In “The Political Stalinization of China: The Establishment of One-Party Constitutionalism, 1948–1954,” Journal of Cold War Studies, Vol. 3, No. 2 (2001), pp. 70–88, Hua-yu Li writes that the national discussion lasted only two months, or half the time allotted to it in the original plan. However, Internal Reference reports run from April to September. Li’s interpretation appears to be based on the first rollout of the draft in Beijing (seventeen work units) and eighteen military units in Korea. After receiving comments from these institutions, the National Constitutional Drafting Committee circulated the revised draft nationally. Internal Reference includes material from the latter but not former discussions. Leading figures on the committee included Mao, Dong Biwu, Li Weihan, and Hu Qiaomu. Legal intellectuals such as Luo Longji, Qian Duansheng, Wang Tieya, and Zhang Bojun were also involved. The latter invoked constitutional arguments against their own persecution during the 1957 Anti-Rightist Campaign. See Glenn Tiffert, “Epistrophy: Chinese Constitutionalism and the 1950s,” in Stephanie Balme and Michael Dowdle, Building Constitutionalism in China (New York: Palgrave Macmillan, 2009), p. 71. On the Soviet origins of the PRC constitution, see Jerome Cohen, “China’s Changing Constitution,” The China Quarterly, No. 76 (December 1978), p. 800. Cohen calls the 1954 constitution “essentially a foreign product,” borrowed from East European people’s democracies and the USSR (p. 798). PRC legal scholars were well aware of the discussion period in the USSR—a volume on it was published in 1954. This view is confirmed by PRC scholars. See, for instance, Liu Jianping, “Sugong yu Zhongguo gongchandang renmin minzhu chuanzheng lilun de queli,” Lishi yanjiu, No. 1 (1998), pp. 78–96. The reasons for adopting the constitution are not entirely clear. Possible explanatory candidates include the influence of Iosif Stalin on Mao and the CCP as well as the long-term trajectory of political reform efforts since the late Qing dynasty (1944–1911) that focused on the connection between constitutionalism and modernity. For a comprehensive and
were also on the agenda: the 1954 constitution was the first to identify Beijing as the capital and the flag as a large star (representing the CCP) surrounded by four smaller ones representing the classes supporting the party. To ensure that the public understood this new “foundational” legal document, the CCP enlisted thousands of “constitutional propagandists” (xuanchuan yuan or baogao yuan), who were then dispatched by Liu Shaoqi, Mao’s second-in-command, to conduct “study sessions” with state officials and ordinary people. These meetings generated millions of questions and suggestions for revision, many of which were transcribed and summarized by local officials, and then forwarded to the National Constitution Committee, which was chaired by Mao himself. Most were ignored. On 20 September 1954, the newly established National People’s Congress approved the document, which remains the foundation of all subsequent Chinese constitutions.

Squeezed between the high drama of regime consolidation and war (1949–1953) and rapid socialist transformation after 1954, the Chinese discussion of the draft constitution has received scant scholarly attention. Those who have analyzed it—mainly legal scholars teaching in law schools—have focused more on its intellectual origins than on what was articulated by those who did the talking, questioning, and suggesting. In this article we take advantage of new materials on the constitutional discussion to address critical questions about early PRC history. As people learned and talked about their constitution, how did they assess the Communist revolution and its legitimacy? Standing at the precipice of rapid socialist transformation, what did they think about the future?


7. This included the petit bourgeoisie, the “national” bourgeoisie, workers, and peasants.

8. In some areas local officials might have “invented” popular reactions in order to satisfy higher leaders’ instructions and move on to more important things.


10. In addition to 1954, China promulgated new constitutions in 1975 (to reflect political changes during the Cultural Revolution), 1978 (to reverse these after Mao’s death in 1976), and 1982.


12. For example, see Cohen, “China’s Changing Constitution.” For a Chinese perspective, see Han Dayuan, 1954 nian xianfa yu xin zhongguo xianzheng (Changsha: Hunan renmin chubanshe, 2004). Political scientists have not studied the constitutional discussion.
Scholars of Chinese history, seeking to trace the origins of the PRC’s disastrous policy shifts in the late 1950s and 1960s, have grappled with these questions in recent years. Challenging characterizations of the early years of the PRC as a “honeymoon” or “halcyon” period between state and society that was shattered only by late 1950s radicalism, scholarship has reemphasized core elements of the classic totalitarian model: coercion and terror. Yang Kuisong has argued that the CCP rose to power using violence and continued to deploy it as a principal method of realizing its objectives after its victory. Violence was baked into the regime’s foundations and modus operandi. Joseph W. Esherick has suggested that the Communist revolution simply substituted one form of domination with another: No “liberation” took place in 1949.

We do not dispute that political terror of the classic variety—mass arrests, police investigations, and executions—was a staple of political control in the early PRC. We also concur that the terms “golden years” and “honeymoon” should best be avoided in studies of state-society relations in the PRC. Instead, we propose two variations on this theme. First, we find that the more prosaic concept of “anxiety” does a better job of capturing many people’s reactions to early CCP policies than “terror,” with its connotations of boundless fear. People were mainly worried—about loss of jobs, educational opportunities, status, conscription, and loss of identity. Such anxieties had an impact on all strata of society as well as CCP officials, who are typically seen as the purveyors of terror in the totalitarian model. Second, contrary to much
of the existing literature on the constitution and its drafting process, we find little evidence to support the notion that it helped legitimate the new state because it enjoyed “overwhelming popular support,” “elevated” socialist and patriotic consciousness, and expressed people’s “strong desire for socialism.”

In short, we reconceptualize the promulgation of the draft constitution and the discussion period around it as events that generated a great deal of anxiety and worry by consolidating in legal form people’s ambient fears of state policy, whether based on fact or rumor. Among the upper classes this was probably by design; among the lower-strata perhaps not. But even if the goals of national leaders were benign, in both situations the constitution helped pave the way toward socialism, which was highly unpopular.

What gave the document this power were (1) coded keywords in the text that were correctly read by audiences; (2) terms and concepts that were misunderstood by readers; and (3) interpretation of the constitution through the prism of previous political experiences, a vague understanding of Communist policy, and gloomy expectations for the future. Owing to multiple shortcomings in the constitutional education of local cadres, many critical questions about the constitution remained unanswered, and people’s anxieties were rarely assuaged.

A preview of these voices is enough to force us to rethink the mechanisms of politically generated anxiety. They reveal that immunity was not provided by geographical distance from the capital, official status, gender, or occupation. For instance, officials in Inner Mongolia who were responsible for educating people about the constitution read out the document verbatim because they were afraid of making a mistake and incurring the wrath of the party.

Another official worried that he and his compatriots would “go to jail” for

18. For the claim that the constitution enjoyed “overwhelming popular support,” see Kam Wong, “Human Rights and Limitations of State Power: The Discovery of Constitutionalism in the PRC,” Asia-Pacific Journal of Human Rights and Law, No. 1 (2006), p. 6 nn. 20–21. The argument also tracks Stalin’s argument to the CCP leaders that a constitution would help legitimate their regime. For the argument that the constitution was an expression of the people’s desire for socialism, see Han Dayuan, 1954 nian, pp. 293–294, 302, 304. These reactions are not pure fabrications. They are, however, decidedly unrepresentative, reflecting the comments of preselected individuals (usually various regime “models”) reading from a script. This usually occurred at the beginning of each meeting. See n. 33 below for more elaboration on this process.


20. For an extensive account of this in one community, see Edward Friedman, Paul Pickowicz, and Mark Selden, Chinese Village, Socialist State (New Haven: Yale University Press, 1993).

21. “Wudong xian qi qu you bu shao nongmin bu liaojie xianfa cao’an de yiyi” [In Wudong County’s 7th district not a few peasants do not understand the significance of the draft constitution], Neibu Cankao (NBCK), 21 August 1954, p. 300.
their mistakes. The constitution, he griped, “protects everyone—except the Public Security Bureau.” Some businessmen did not share this generous assessment. In Taiyuan, Shanxi, the constitution was compared to a “noose” around their necks: “make a mistake and you’re punished,” like a “counterrevolutionary.” In Guangdong some managers compared articles dealing with the bourgeoisie to “slipknots” and “capitalists” to dogs: “the more we resist, the tighter the knot, and they have no choice but to be good little pups and obey.” In Panyang in the northeast, constitutional propagandists described “capitalists” as depressed, hopeless, and “awaiting death” after they read Article 10, which stipulated that “the state protects ownership by capitalists of the means or production and other capital according to law” but also that “the policy of the state toward capitalist industry and commerce is to use, restrict, and transform them.” In Shanghai, they were described as “jittery” after reading the constitution. “Bourgeois” women lamented, “Our class is done for” (wandan). Teachers were very concerned that the constitutional push for “realizing socialism” would be a pretext for conducting class struggle against them.

These anxious voices, unexceptional at the time, rarely appeared in the official media. Nor have they surfaced in Western and Chinese accounts of

23. “Taiyuan, Wuhan deng di ge jie renmin dui xianfa cao’an de fanying” [Reactions to the draft constitution among different sorts of people in Taiyuan and Wuhan and other places], NBCK, July 1954, p. 106.
25. “Panyang shi ge jiguan, gongchang taolun xianfa cao’an zhong de pianxiang he ge jieceng renmin de sixiang dongtai” [The erroneous tendencies and recent trends of thinking among different social classes in Panyang enterprises and institutions], NBCK, 10 July 1954, p. 163. There is surely some degree of reportorial exaggeration here. By 1953 many businessmen had good reasons to be suspicious of the CCP. The constitution’s contribution to anxiety was less about new information than the legal veneer it placed over previous policies. The discussion was about the constitution, after all, not just any law.
26. “Benshi jianbao,” n.d., in SMA, A22-2-1525, p. 59. Here, again, there was likely an effort to produce a dramatic narrative.
29. Kam Wong relied mainly on official media for his study of constitutionalism in the PRC. Siegelbaum and Sokolov, in Stalinism as a Way of Life, p. 161, have noted the wide discrepancy between official sources and archives in the USSR. Even so, the media coverage of the constitutional discussion was still more “liberal” in the USSR. According to Wimberg, Izvestia under Nikolai Bukharin’s editorship was “consistently and openly critical” of local officials who dragged their feet implementing the
Reading (and Misreading) the Draft Constitution in China

constitutional development in the PRC. They emerge instead from a large collection of classified intraparty reports called “Internal Reference” (Neibu Cankao) stored in the archives of the Chinese University of Hong Kong, as well as from hundreds of documents gathered from several district and municipal-level archives on the mainland. Neibu Cankao was mainly written by journalists working for the New China News Agency (Xinhua) who observed the constitutional discussions and filed reports to senior leaders. These articles tended to focus on issues that were considered important to political leaders, hence they give disproportionate attention to the views of “capitalists,” non-Communist Party members, urban elites, and midlevel officials. The archival materials have a broader scope, encompassing transcripts of meetings of officials “in the trenches” of constitutional education, women, workers, teachers, students, storekeepers, villagers, minorities, and other citizens. Moreover, in contrast to Neibu Cankao, archival documents, particularly those at the lower district level, were often handwritten and had limited circulation. They rarely were reproduced for mass circulation within the bureaucracy and were only lightly edited. Although written in standard Communist narrative style, the views about the constitution are often forthrightly presented. This is not as surprising as it might seem: 1954 was several years national discussion, whereas Pravda and Trud (like People’s Daily in China), emphasized the “positive elements” of the draft. Unlike Xinhua reporters, Izvestia newsmen “consistently put local officials on the spot,” and its editors featured an “almost daily column” along with highly critical reports. See Wimberg, “Socialism, Democratism and Criticism,” pp. 313, 318, 320. Getty, in “State and Society under Stalin,” pp. 24, 35, shows that Moscow removed close to 15,000 deputies from office in a constitution-centered campaign to centralize power. No similar event transpired in China. The regime had gained power only five years prior to the constitution and was therefore too insecure. By 1936 in the USSR, in contrast, few truly “dangerous” regime enemies remained for the regime to murder. This security seems to have “created one of those rare moments when the role of the state in people’s lives, if not their role in the life of the state, was open for consideration and could be queried.” See Siegelbaum and Sokolov, Stalinism, p. 16.

30. In this article we refer to the “constitutional discussion” either as the title of the mobilization effort (as it appears in official documents) or as the back-and-forth between citizens and officials during meetings. We use the term “constitutional education” in reference to the more structured pedagogical element of the campaign.

31. We place quotation marks around “capitalist” because this category was hardly objective. One could be deemed a capitalist without owning much capital. For an elaboration of Neibu Cankao, see Li, “Death of Stalin,” p. 3.

32. Overall there is more material on cities and suburbs than on the countryside, particularly in remote locales. This reflects weak “infrastructural power” in recently conquered areas, as well as the dearth of literate party members. Rural data are far richer in the Soviet case. See Siegelbaum and Sokolov, Stalinism as a Way of Life, p. 170.

33. These archives include the GPA, the SMA, and the archives of Huangpu, Songjiang, Qingpu, and Baoshan districts in the Shanghai suburbs.
away from the mass repression of political critique during the Anti-Rightist Movement of 1957.\textsuperscript{34}

We should, of course, treat these sources cautiously. First, documents were not written by uninterested observers. Officials were required to demonstrate success in “turning around” (\textit{niuzhuan}) at least some “backward,” “confused,” or “erroneous” views of the constitution. As a result, reports sometimes overemphasize both—rousing support and confusion. Second, the politicized atmosphere of the time had the dual effect of silencing some people with problematic backgrounds or behaviors (ordinary citizens and officials) while encouraging others to manufacture enthusiasm to curry favor with the regime. The former reaction produced gaps in the materials; the latter a constitutional fairy-tale.\textsuperscript{35} Third, constitutional propagandists and discussion leaders did not hold freewheeling talks about every article in the constitution. Instead, they matched articles to perceived group interests. For example, women were told to focus on Articles 86 and 96, which dealt with women’s rights; the urban middle class examined property-related clauses; intellectuals talked about the rights to free speech and publishing; workers zeroed in on socioeconomic rights and “labor discipline”; officials discussed the structure of the state and proper procedures for arresting counterrevolutionaries. Assessing “popular” views on the constitution thus requires piecing together documents from multiple settings rather than one all-inclusive report or survey.

We address these challenges in several ways. To avoid unwarranted generalizations based on group or region, we use sources from different state institutions, a variety of provinces, cities, and archival collections. We resist the gravitational pull of the state’s self-congratulatory narrative structure by discounting overly exuberant praise of the constitution while treating critical commentary with somewhat less skepticism, particularly when it cuts across gender, occupational, class, and official/non-official lines. While this does run the risk of replacing one form of bias with another, we are confident that it captures the gist of popular reactions to the constitution in 1954. Indeed, the 1955 \textit{sufan} campaign (purging “counterrevolutionaries” within the CCP) exposed the real face of the CCP’s effort to “legally legitimize” its dictatorship.

\textsuperscript{34} In this form, the document describes examples of success (generally citing various “model” citizens or cadres), followed by problems and how these problems were eventually resolved through the hard work of the authors.

\textsuperscript{35} This suggests that even more critical views of the constitution never found their way into documents. For example, a report from a beer factory in Shanghai notes that “those with problems offer fake support and expressions of happiness; those under supervision don’t speak up at all.” See “Xianfa cao\’an gongbu hou sixiang qingkuang huibao,” 21 August 1954, in SMA A51-1-182, p. 134. Our analysis might actually be overly rosy as a consequence.
In what follows, we examine multiple sources of fear and anxiety that were expressed in and generated by the 1954 draft constitutional discussion. Because discussions were led by officials who needed to be trained before going in front of an audience, we begin with their reactions to the constitution and what happened when these cadres attempted to explain its political significance. We then turn to the constitution as a source of anxiety, focusing initially on accurate textual analysis by participants and then the many misunderstandings that occurred as novel legal, political, and sociological terms were activated in a highly charged political atmosphere. Our final section addresses the emotions produced when people interpreted the constitution through the prism of pre-1954 political experiences. The constitution, we suggest, was given meaning in the present through its associations to the past as well as an uncertain future. Throughout we emphasize the omnipresent feelings of anxiety and worry in this period. Although “terror” in its classic sense can be seen in struggle sessions and executions, the discussions surrounding the constitution tend to stress anxiety spreading throughout society in ever-wider political and social circles.

Why Study a Constitution?

The 1954 constitution was not China’s first. Constitutionalism was not developed in the Confucian legal tradition, but reformers of all stripes in the late Qing dynasty (1644–1911) arrived at the consensus that modernity and a strong state could not take root without it. During the Republican period (1911–1949) two constitutions were drafted (1923, 1947), but owing to the authoritarian political style of political elites and wartime conditions, the documents had little impact. Knowledge of constitutional law was limited to highly literate urban elites with some exposure to legal training or experience, some of whom went on to advise the new Communist government. Despite this shallow foundation, Mao, likely at the urging of his Soviet advisers, launched a country-wide campaign to legitimate the constitution by teaching ordinary people about it and soliciting their suggestions for revision. Propaganda emphasized the novelty of this endeavor. Only socialist countries, it

36. By this we refer to constitutions drafted by central governments and formally promulgated under their authority. China had provincial constitutions as well as other legal regimes designed to be the functional equivalents of a constitution.

37. On the role of legal elites, see Tiffert, “Epistrophy,” p. 60. He writes that “the 1954 Constitution bridged a century of intellectual trends and political movements, joining together several generations of jurists in an authentically Chinese discourse knit from disparate traditions.”
was argued, cared about what ordinary people thought about law and made a concerted effort to familiarize them with their constitution.\footnote{This was the familiar Marxist critique of “bourgeois law.” Ordinary Americans did not have much opportunity to comment directly on the U.S. constitution. This was left to their delegates to the ratification convention. See Pauline Maier, \textit{Ratification: The People Debate the Constitution, 1787–1788} (New York: Simon & Schuster, 2010). The question of whether constitutions are better if discussed by people directly or their representatives is beyond the scope of this article. That said, the history of the twentieth century does not speak well of the Chinese and Soviet constitutional methods.}

Such bold aspirations, whether authentic or contrived for legitimization purposes, were quickly deflated by a basic feature of political and social life in the early PRC—an array of overlapping political campaigns, production drives, and mass meetings.\footnote{This reminds us of Oscar Wilde’s quip about socialism requiring too many meetings. On the character of the aspirations, see Feng Xiaocai, “Reflections on the Usurpation of Popular Politics and the ‘Political Culture’ of China, 1912–1949,” \textit{Frontiers of History in China}, Vol. 8, No. 2 (2013), pp. 202–222.} Discussions about the draft constitution did not take place in serene seminar rooms but in offices, factories, and fields where people were already busy. In the countryside, village officials might have to drop their hoes and travel several miles to the county seat where meetings were held. According to many reports, when local officials received orders to study the new constitution, reactions veered from anger to incredulousness, resulting in a bare-bones “education” that left little time for questions and answers or clarification of contradictory articles, real or perceived. For example, a report from a cadre training session found that constitutional education was “rushed” and accomplished little because few understood the constitution’s role in politics and lacked “experience with constitutional thinking.”\footnote{“Jiangxi sheng de xian, shi, renmin daibiao dahui de daibiao dui xianfa cao’an de fanying” [The reactions of representatives from Jiangxi’s counties, cities, and people’s congresses to the draft constitution], \textit{NBCK}, 19 August 1954, p. 263.} In a factory in Wuxi, it lasted roughly an hour. Even so, frustrated officials complained that it “had too much content” and that they had difficulty remembering it.\footnote{“Wuxi shi ge gongchang dui xianfa cao’an de xuanchuan taolun bu shen bu tou” [The propaganda and discussion of the draft constitution in Wuxi factories is shallow], \textit{NBCK}, 31 July 1954, p. 522.} In Zhejiang Province, cadres were said to have been unprepared for constitutional training. Many complained: “Shit! Why am I being called to deal with this trivial stuff?”\footnote{“Zhejiang sheng ge ji ganbu pubian bu zhongshi xianfa cao’an de xuexi” [Zhejing Province cadres of all grades do not take constitutional study seriously], \textit{NBCK}, 31 July 1954, p. 518.} Reports from the Light Industry Bureau in Shanghai noted that officials “had no time to study the draft constitution.”\footnote{“Guanyu xuanchuan taolun xianfa cao’an de gongzuo zongjie,” 30 September 1954, in SMA, A48-1-272, p. 12.}
In the suburbs and countryside, officials voiced similar objections. As a result, “muddle-headed” (hutu) understanding was said to be widespread.44

Confusion was soon wrapped in political anxiety when cadres discovered that Mao had drafted the constitution and was in charge of the National Constitutional Committee. Did this mean they could freely raise questions, or would they be punished for implying, simply by questioning, that the chairman’s draft was incomplete and imperfect? Not surprisingly, many hedged. In rural Jiangxi, the “majority” of cadres adamantly refused to propose any revisions, noting that it was written by Mao and “revised by the Center word for word.” Those who had a “historical blemish” in their dossier—not an unusual circumstance in China—were said to be “very quiet,” afraid that if they “said the wrong thing, others would criticize them.”45 Elsewhere, village officials were similarly hesitant. Even a three-day study session at the county seat did little to correct “very many errors and incomplete views.”46

The assumption that people would not be inhibited by Mao’s role in drafting the constitution was not the only impediment to conveying the core ideas of constitutionalism. In the Soviet Union, the 1936 constitutional discussion took place almost two decades after the Bolsheviks came to power and in the context of a reasonably literate and urban intellectual society where such matters where routinely hashed out. In early 1950s China, however, more than 80 percent of the population still lived in villages, literacy was lower, and legal knowledge, particularly of abstract political concepts, minimal. Citizens did not have enough time to learn how to “speak Bolshevik” in Stephen Kotkin’s conceptualization.47 For example, few had ever heard of a xian fa (constitution), and even fewer believed it had any relevance to everyday life (unlike contract or marriage law). In district- and city-level reports, constitutional propagandists frequently noted that officials “had no idea what constitution

44. “Ben qu [Gaoqiao] xianfa cao’an er zhou lai de xuanchuan taolun qingkuang,” September 1954, in SMA, A71-2-974, p. 101; and “Hebei sheng, Ding xian, Cao cun xuanchuan xianfa cao’an de qingkuang” [Propaganda of the draft constitution in Cao village, Ding County, Hebei Province], NBCK, 31 July 1954, pp. 519–20. In the USSR there were comparable problems. Political incompetence was evidenced by “their inability to answer the most elementary questions or make a decision on their own.” See Siegelbaum and Sokolov, Stalinism as a Way of Life, p. 167.

45. “Jiangxi sheng bufen ganbu zai taolun xianfa cao’an zhong de sixiang qingkuang” [Some Jiangxi Province cadres’ thoughts during the discussion of the draft constitution], NBCK, 22 July 1954, p. 353.


47. See Stephen Kotkin, Magnetic Mountain: Stalinism as Civilization (Berkeley: University of California Press, 1995). Again, part of this problem was the timing of the constitutional discussion. Kotkin notes that the Stalinist regime engaged in “perpetual explication” (p. 356), but this was beyond the capacity of the Chinese state after only five years of holding power.
is and how it is related to socialism. Nor do they care.” In Shanghai’s working-class Zhabei district, mostly illiterate street-level female cadres complained that lectures were “too deep” and that they “did not understand.” Even district-level cadres in an elite neighborhood complained they “don’t get it” and “lack the capacity” to comprehend the importance of the constitution. As one griped, “I understood it when I heard it, but then forgot half of it on the way home. By the time I arrived only a couple sentences were left in my head.” Even senior officials could not quite comprehend it. In a three-hour study session in Shanghai, they devoted most of their time to parsing one concept—“base and superstructure.” The remainder of the session focused on why China’s constitution was “socialist” and its basic features. Nonetheless, the most common reaction was “we don’t get it.” Remedial courses did not help: “the more people heard, the more confused they became,” one writer lamented.

Alternative constitutional interpretations soon appeared in this legal haze. For some officials and citizens the tonal nature of Chinese helped bridge the gap between highfalutin constitutional concepts and how it was understood. For example, some elderly women in Shanghai called the constitution “The Celestial Law” (仙法) because “Celestial” was also pronounced “xian.” In other cases, propaganda from other campaigns and local news blended into constitutional education. One woman asked, “Does the constitution mean that we’ve liberated someplace else?” apparently in reference to Tibet or promises to liberate Taiwan. Another asked whether the constitution was brought to China by a recent delegation from North Korea. Many asked constitutional propagandists about political and legal ideas: “What is the difference between ‘people,’ ‘citizen,’ and ‘national’?” “What is the difference between the constitution, a statute (falü) and a rule (fagui)?” “What is ‘public

49. Diqu jingxing xianfa,” in SMA, B2-2-58, p. 14
51. “Chongqing shi you xie xianfa cao’an de baogao yuan cuowu de jieshi xianfa cao’an de neirong” [In Chongqing municipality there are some constitutional propagandists who make mistakes explaining the content of the draft constitution], NBCK, 3 July 1954, p. 44.
54. “Panyang shi ge jiguang,” p. 163.
morality’ (gongde)?” “Are we a ‘state institution’?” “What is a ‘state’?” “Does the term ‘public ownership’ (suoyouzhi) apply to the new marriage system too?”

In the rush to complete constitutional education by the deadlines, many challenging questions remained unanswered. In the second stage of the campaign, cadres who received constitutional training were required to lead study sessions and answer participants’ questions about the text, even if their knowledge of legal and political issues remained minimal. Further complicating cadres’ assignment, many people took their reading seriously, peering into the constitution for tell-tale words that would decide their political and social status and the responsibilities of their positions. When these were identified, panic often ensued. Constitutional propagandists, confused and lacking confidence in their own abilities, not only proved incapable of assuaging anxieties but added to them with pregnant silences or incorrect answers.

**Textual Analysis**

In the early 1950s Chinese worked diligently to get an accurate read on the intentions of the new regime. The state’s signals were rarely consistent—policies toward rich peasants, for example, changed multiple times within two years—and so the sudden promulgation of the draft constitution was a golden opportunity to pick up a clear tone amid the din. Social elites (including intellectuals, the urban middle classes and businessmen), many of whom had been treated harshly from 1949 to 1953, scoured the constitution for clues about how “the bourgeoisie”—a still undefined term in the political lexicon—would fare in the still-evolving polity. Workers, in whose name and interests the revolution was conducted and whose “leading” status was now enshrined in Article 1, sought reassurance that policies would not harm their livelihood


56. Given that the CCP did not have a significant presence in southern, western, central, and most of eastern China prior to taking power in 1949, this is not very surprising.


58. The CCP suppressed many elites but was careful to cultivate a select few using exclusive perks such as privileged access to information and material and status-related inducements. See Eddy U, “Dangerous Privilege: The United Front and the Rectification Campaign of the Early Mao Years,” *The China Journal*, Vol. 68 (July 2012), pp. 32–57. He writes, “the deference, honors and authority, as well as knowledge, connections and resources which the elites acquired through the United Front tended to draw them personally, intellectually and even emotionally to the regime” (p. 34).
and working conditions. Party officials, accustomed to largely untrammeled political power, worried about new restraints and possible punishment for infractions. Regardless of official status and ideological position, free-floating anxieties originating from multiple locations solidified as people perused the text of the draft constitution and then talked about it.

Article 1 did not bode well for elites. In contrast to the Common Program of 1949, which identified the CCP with its traditional constituency of workers and peasants as well as the “national bourgeoisie,” the 1954 constitution left the latter out in the cold. Its draft stated: “the PRC is a people’s democratic state led by the working class and based on the alliance of workers and peasants.” Readers were immediately alarmed by this difference. Business elites in Shanghai’s commercial center raised “the most objections” to this article because they “realized that the revolution was now targeting” them and they would “be eliminated in its second stage.” Others noticed that Article 10 of the constitution used “it” (ta) to refer to their class. Did this mean that the “regime considers us less than human?” In Harbin, a manager of a private enterprise said: “The draft of the constitution only mentions working class leadership . . . why is there no mention of the bourgeoisie? It means that our end is quickly approaching.”

59. These were the middle and upper classes that did not support the CCP but were still deemed “patriotic.” For more background on the evolution of the Common Program, see Kevin J. O’Brien, Reform without Liberalization: China’s National People’s Congress and the Politics of Institutional Change (Cambridge, UK: Cambridge University Press, 1990), pp. 22–25.

60. In Jiaxing County, Zhejiang, they said, “Before it was about ‘uniting’ all the democratic classes, but now the state is led by workers and peasants.” “Quan guo gedi renmin dui xianfa cao’an de fanying” [Reactions of different people around the country to the draft constitution], NBCK, 25 July 1954, p. 399.


62. “Hunan sheng ge jie renmin dui xianfa cao’an de fanying” [Reactions to the draft constitution among a variety of people in Hunan Province], NBCK, 9 August 1954, p. 136.

63. “Sichuan, Jiangsu deng di ge jie renmin dui xianfa cao’an de fanying” [Reactions to the draft constitution among a variety of people in Sichuan, Jiangsu, and other provinces], NBCK, 2 July 1954, p. 14. Also see “Jiangsu sheng ge minzhu dangpai he gongshang jie de shangceng renshi dui xianfa cao’an chugao de fanying” [Draft of the reactions of democratic party and business elites to the draft constitution in Jiangsu Province], NBCK, 28 April 1954, p. 285 (they “got scared” noticing the omission); and “Quan guo ge di,” NBCK, 24 July 1954, pp. 403–404.

Reading (and Misreading) the Draft Constitution in China

enemies.”

In Guangdong Province, members of the bourgeoisie darkly predicted that if Article 1 was not revised during the drafting process, their status “will be even more hopeless” and “we will be on the road toward death.”

Many articles in the constitution contributed to this “mixed message” about the fate of the bourgeoisie. Party officials frequently pointed out that elites spotted many “contradictions” in the text, which served to increase their anxiety and confusion. In Guangdong, for example, a businessman called the constitution a “cunning” and “crafty” document because it included conciliatory language—promising that capitalists’ property would be “protected according to law” (Article 10) but also, in the very same article, that “the policy of the state toward capitalist industry and commerce is to use, restrict and transform them.”

In Tianjin and other cities, business elites consoled themselves with Article 2, which stipulated that “all power belongs to the people” (a phrase they assumed included them), but they were suspicious of politically loaded language in other articles such as “expropriate” (zhengyong), “requisition” (zhenggou), “ownership by all of the people” (quanmin suoyouzhi), and “nationalize” (shougui guoyou). Some identified a problem with the design of the PRC flag (article 105). With the impending “death” of the bourgeoisie, the flag should have two small stars, not four. Officials who attended these meetings duly jotted down these questions but rarely provided answers.

Fear of political persecution was not limited to the upper classes, who, by 1954, were already the “usual suspects” in political campaigns. Perhaps there was some degree of poetic justice when state officials read the draft

67. “Taiyuan, Wuhan deng di,” p. 110. Inclusion of the phrase “according to law” was seen as the CCP’s “out clause.” This language also appeared in the conservative Meiji constitution in Japan (1889). Its preamble states: “We now declare to respect and protect the security of the rights and of the property of our people, and to secure to them the complete enjoyment of the same, within the extent of the provisions of the present Constitution and of the law.” Article 29 was similar: “Japanese subjects shall, within the limits of law, enjoy the liberty of speech, writing, publication, public meetings, and associations.”
69. “Zhejiang sheng ge jie renmin zai taolun xianfa cao’an tichu le bu shao yiwen” [People from all walks of life in Zhejiang raised not a few queries about the draft constitution], NBCK, 13 July 1954, p. 212; “Jiaou xianfa xuanchuang taolun qingkuang baogao,” 12 July 1954, in SMA, A71-2-973, p. 28; and “Xianfa cao’an taolun zhong yiwen,” in Huangpu District Archives, 3055-1-14, p. 37.
constitution and also picked up on language that threatened their status and livelihood. An internal report on the constitutional discussion in the Shanghai Public Security Bureau, for example, found that “not a few” officers who had bourgeois family background were worried about their future now that “the working class in alliance with peasants are the dominant classes.”

Village cadres, despite their exalted political status, also found little to appreciate in the constitution. In Jiangxi Province, they fretted about the state’s takeover of grain purchasing, land use, and production resources. They asked constitutional propagandists, “If the state wants to build a road through my land and I don’t agree—what property rights do I have? What would we eat?” Others remarked that the state’s right to “requisition public grain” contradicted Article 8, which stipulated that the state “protects in accordance to law peasants’ land ownership rights and rights to other production resources.” They asked: What happens if peasants dredge land for a pond or reclaim a barren field? Does the state own these resources? They “worried” that abiding by the constitution “would leave them no way to get by.”

Fear of a subsistence crisis caused not merely by “policy” but by higher status “law” operated in the background here. Some rural officials were using the new constitutional status of collectivization policies to force recalcitrant peasants into cooperatives. In Sichuan, a villager heard about the constitution at a meeting, went home, and told his family, “Let’s enter a cooperative right away—it’s in the constitution so not joining one is a legal violation.”

Although the language and framework of revolution drew much of the attention of China’s lay legal eagles, other constitutional clauses provoked comparably anxious questions and comments. Workers, for example, raised concerns about citizens’ obligation to “observe labor discipline” (zuoshou laodong jilü) in Article 100, which they believed targeted them. Many were
irritated and worried by the inclusion of a relatively “trivial,” work-related problem into a document as grand as a constitution: “How is it that labor discipline got into the constitution? Now violations of labor discipline will be legal violations.”74 Workers who were in the habit of leaving work before the whistle blew were distressed that the constitution criminalized their behavior. Including labor discipline in the constitution was “too fierce” (lihai), they complained.75

Even more alarming than the prospect of facing arrest for oversleeping or absconding from work was the “sacred duty” of every citizen to “defend the fatherland” through “glorious” military service (Article 103). For many people this was a matter of life and death. Surely prompted by years of war, including the most recent one in Korea, nervousness surrounding this article enveloped all classes, age groups, officials, and even women, who traditionally did not serve in the army. In the northeast and Beijing, observers of constitutional discussions found workers and peasants “panic stricken” about possible service, worried about how their families would manage in their absence, and desperate to find loopholes.76 Some observed, correctly, that Article 103 did not specify the length of service, age, or gender limitations. Did this mean that someone could serve for a lifetime? Could old people be forced to enlist? Or young women who needed to start a family?77 In Shanghai, officials panicked: “We have to enlist! Isn’t this the same as the Nationalists” (who had often used corvée labor).78 Business elites—who otherwise had little in common with CCP officials—shared this concern.79 People from all walks of life objected to the term “sacred” in the context of a legal obligation, particularly in an

75. “Bufen zhigong zhong cunzai de bu fuhe xianfa yaoqiu,” 10 November 1954, in SMA, B122-2-31, p. 18; and “Guanyu xianfa cao’an xuanchuan taolun gongzuo de zongjie,” 27 September 1954, in SMA, A38-2-144, p. 3. Labor discipline was a problem in PRC factories. See “Bufen zhigong,” n.d., in SMA, B122-2-31, pp. 18–19. Other investigations focused on gambling, sex, and false reporting. Workers are mistaken, it noted, “thinking that they will be bosses and forgetting about labor discipline.” See “Guanyu xianfa cao’an,” 27 September 1954, in SMA, A38-1-144, pp. 6, 36.
76. “Anshan shi de gongren, shimin dui xianfa cao’an de fanying” [Reactions of Anshan (Liaoning Province) workers and city residents to the draft constitution], NBCK, 6 July 1954, p. 86; “Panyang shi ge jigujuan,” p. 162; and “Beijing shi ge jiceng renmin dui xianfa cao’an de fanying” [The reaction of people from a variety of social strata in Beijing to the draft constitution], NBCK, 23 June 1954, p. 282. This included pointing out that the constitution stipulated that China was a peace-seeking nation. If this was the case, why was a military even necessary? See “Ben shi jianbao,” p. 3.
79. Ibid., p. 59; and “Quan guo ge di,” NBCK, 25 July 1954, p. 400. As anticipated by Steve Smith, in Xiamen, Fujian Province, the constitutional discussion generated anxiety because of a rumor that
But perhaps more than anyone, mothers of prospective soldiers expressed extreme anxiety about constitutionally mandated military service, particularly when constitutional discussions were run by poorly trained officials. In Chuansha County in the Shanghai suburbs, an old woman emerged from a meeting in a panic and immediately phoned her son, telling him that he needed to be “more careful” because the new constitution “called for a press gang.” An official happened to overhear her and asked who had said this. She answered, “Chuansha isn’t Shanghai—they said it at the mass meeting.”

Textual Misanalysis

Neither the framers of the PRC constitution nor its on-the-ground propagandists intended to cause these worries. At the same time, the constitution did include an article about conscription without mentioning how it would take place and what its boundaries were. In the shadow of a Korean War not long ended, people’s textual analysis was reasonable. On the other hand, it is also evident that panic, much like that experienced in Chuansha, also resulted from miscommunication and misinterpretation. These, in turn, were caused by the novelty of the character “constitution” (宪) in ordinary discourse, the prevalence of homonyms and use of tones in Chinese, and widespread confusion about policy and world affairs among officials and citizens.

Most ironically for the CCP, the constitution unwittingly linked its vanquished predecessor’s politics (such as corvée labor) to its own, supposedly more legitimate, revolutionary project. In many locations, for example, citizens panicked because during the 1940s the Nationalist government had called its military police, which had a reputation for coercing people into military service, “xian bing” (宪兵) or “constitutional police.” Rather than seeing the CCP as a liberating force, many thought it was resurrecting the Nationalists’ despised institution. In Shanghai’s Luwan district, people were upset by the new “military police law” because the military police were “bastards.” People asked: “Are there any xian bing things in the constitution?” Elsewhere in the city participants wondered, “Now that there’s a constitution...”

“a war between Germany and Russia will start and everyone over eighteen will be taken to the army.”

will there be a military police force, too?” and confessed that “I heard the
constitution and immediately thought about xian bing.” This “constitution-is-the-military police” misunderstanding also occurred outside Shanghai: “If
there is a constitution there will also be military policemen [xian bing].”

Another xian homonym was equally disturbing and confusing. Xian, written 限 rather than 允 (for “constitution”) means “to restrict,” transforming
“constitutional law” into “restriction law” (reports noted this phenomenon
mainly in Beijing and the northeast, probably as a result of dialect). Even
though this was a misunderstanding, it was not entirely coincidental. After all,
people had already experienced several years of Communist rule. But others
understood “restrict” and “law” in ways far removed from domestic politics.
Because the word “law” (fa; 法) was also an abbreviation for “France,” and
France had recently been in the news because of its war in Vietnam, warn-
iness of an imminent French invasion of China made sense. The constitution,
therefore, “restricts an invasion by France.”

This was not all. In addition to meaning “military police,” “France,” and
“restrict” (as well as “county” and “current”) xian can also mean “danger”
(险). In non-Mandarin dialects it had still other meanings. 险 was used as
either a metaphor or a direct interpretation of the constitution in the coun-
tryside, where peasants had just witnessed several executions. They called
it a “law for punishing people” and a “trap” (quantao) set by the govern-
ment. In Shanghainese, xian was pronounced xi (using the second, rising
tone), which could mean anything from “death law” (si fa) to “theatrical law”
(xifa) or “performing conjuring tricks” (bian xifa). Seemingly innocuous on
the surface, misinterpreting the constitution in the context of theater and
performance was a “canary in the mine” statement about CCP governance.
The CCP, many felt, was penetrating society so deeply that it even desired
a law controlling theaters. Others said the constitution was all about CCP
fakery and trickery—conjuring up a pretend world in which law mattered.
In either case, the constitution was far more worrisome than legitimating.

83. “Ben shi jianbao,” p. 3.
84. This was in Panyang in the northeast. See “Quan guo ge di renmin,” NBCK, 22 July 1954, p. 400.
For Wuxi, see “Wuxi shi ge gongchang,” p. 522.
85. “Beijing shi ge jie,” p. 281; and “Panyang shi ge jiguan,” p. 163.
86. “Quan guo ge di renmin,” p. 402.
87. “Sichuan sheng you xie diqu nongmin,” p. 213.
88. “Quan guo,” NBCK, 24 July 1954, p. 397; and “Jiceng funü ganbu he zhigong jiashu,” 2 July
1954, p. 9.
Experience and Knowledge-Based Interpretation

In many reports, misinterpretations of “constitution”—from “danger” all the way to “theater”—were attributed to cadres and citizens’ weak grasp of basic legal and political concepts. This interpretation was largely correct. In the early 1950s the Communists held local elections (called “Democratic Reform”) that purged “class enemies” and brought to power “good class” workers and poor and lower-middle-class peasants, many of whom had never completed primary school. At the same time, it was also incomplete. Equally significant was the fact that the Communists were still a relatively new political entity in most regions of China and had requested popular input on a constitution—a novel political idea. To help close the gap between what they read (or heard) and their low knowledge base, ordinary citizens and officials sometimes interpreted the constitution through previous political experiences or general knowledge of Communist policies. This was yet another pathway for anxiety to seep into people’s reading of the constitution.

Land reform was the first and perhaps scariest interpretative framework or reference point for urban and rural elites. Even though urban residents did not live off the land, many experienced land reform through peasants who entered cities to either capture or “settle accounts” with “despotic landlords” (eba dizhu) who had fled there. Many business and intellectual elites committed suicide under this pressure. Moreover, the constitution’s political vocabulary (such as “ending exploitation” and “expropriating” property for the state) invoked the land reform process. Comparing the experiences of the rural elite to their own predicament was an easy imaginative leap. In Shanghai, for example, “small and mid-size capitalists” asked officials during the constitutional discussions whether they were “non-people” such as landlords, even though there was nothing specific in the constitution that would indicate this. State policy toward rural landlords, they said, was “first attack, then be courteous” [xian bing, hou li], but “for us it is ‘first be courteous [in the Common Program], then attack’ [xian li, hou bing] [via the constitution].” Local officials, perhaps relying on their prior political experiences, encouraged this interpretation. In Shanghai’s elite Jing’an district, they said: “During land reform land was redistributed. Why aren’t the homes of ‘big landlords’ in the city?”

Rural elites, particularly so-called rich peasants, were probably even more anxious when they heard how local officials understood the constitution. In Guangdong Province, a report noted that the constitution prompted a rumor among township and village cadres according to which “in past we eliminated the landlords, but now, with the constitution, we’ll finish off the rich peasants, and after them, the middle peasants.” Panicked, wealthier villagers fled to the city but told officials they were going “to visit their relatives and friends.”

Other experiences with CCP rule also sowed confusion and panic, particularly when people read or heard about the constitution’s more liberal articles, such as those granting political and social rights. Many could not resolve the contradiction between Communist political tactics and the document they were asked to discuss. Was the constitution a trick? What exactly was the CCP up to? For example, during the “Five Antis” Campaign the CCP conducted “struggle sessions” against many “capitalists,” confiscating their assets in “We’ll make you an offer you can’t refuse” deals or worse, but the constitution promised “protection” of their private property. In Hunan Province, business complained that local residence committees had “already entered their homes looking for food and asked, ‘Isn’t this a violation of the constitution?’” In Shanghai, they were worried and “suspicious” about the constitution because the word “struggle” was mentioned several times. “Why mention struggle” if the constitution is committed to “peaceful” change in the preamble, they asked. Others observed that it was the CCP that made the “law” that “protects” them: “it looks like protection but it’s really not.”

Far apart as they were in political status and power, CCP cadres, some of whom surely conducted “struggle” against the upper classes, shared this anxiety. They, too, experienced political fear during the 1951 “Three Antis” campaign and interpreted the constitution in this light. During constitutional training at the Red Star car factory in Shanghai, for instance, cadres had little interest in political education. “Having been burned during the Three Antis, they are afraid of making a mistake,” an analysis concluded. Their attitude toward the local party committee was “respect it, but keep your distance.”

96. Ibid., p. 32.
97. Ibid., p. 30.
Guangdong Province, local officials interpreted the constitution as the state’s “basic great law.” Caution was the watchword: “if we speak out carelessly and say the wrong thing people will criticize our political standpoint.”\(^{98}\)

Other officials were anxious about the constitution and the discussion surrounding it not because they endured persecution but because they had grown accustomed to turning the screws on others. The new law threatened to restrain their power and potentially hold them more accountable.\(^{99}\)

Understanding that the CCP rose to power by taking advantage of a relatively liberal legal environment in the 1920s and 1930s and then ruthlessly pursuing its enemies after 1949, cadres looked with trepidation on a document that ostensibly provided rights to citizens and limited the arbitrary exercise of police power (in part by requiring the Public Security Bureau to obtain judicial approval prior to arrests). In Shanghai, officials queried the constitutional propagandists: “We took advantage of freedoms against the Nationalists but now we have the same laws. Won’t our enemies take advantage?\(^{100}\)

Policemen responsible for inspecting household registration (\textit{bukou}) were “worried”: “what will happen if the bourgeoisie in their high-rise apartments refuse to let us in?”\(^{101}\) In Jiangxi, local officials opposed the constitutional clause protecting the privacy of communication, which they felt provided an opening for their political enemies to regroup and mount a counterrevolution.\(^{102}\) Others were concerned about their careers. If rights were protected by the constitution and people used them to contest arrests, the opportunities for committing a prosecutable “political error” rose significantly. “One wrong move and you’ve violated policy and will be punished by law,” they complained.\(^{103}\)


\(^{99}\) This was a Western-influenced idea of what constitutions were intended to do. According to Chris Thornhill’s Western-centric account, constitutions are a “legal order impacting on the exercise of political power” that “cannot easily be suspended” without “societally unsettling controversy” and are designed to “contain or restrict egregiously mandatory use of power in both public and private functions.” See Chris Thornhill, \textit{A Sociology of Constitutions: Constitutions and State Legitimacy in Historical-Sociological Perspective} (Cambridge, UK: Cambridge University Press, 2011), p. 10. The CCP’s relationship to “constitutionalism” remains a controversial issue insofar as the party has never held itself accountable to the constitution.

\(^{100}\) “Ben shi jiannao,” p. 17.


\(^{102}\) “Jiangxi sheng de xian,” p. 265.

Intellectuals were probably those most likely to call out the police on this account. More than other social groups, they could easily read the constitution, decode its text, and notice the gaps between political practice and normative ideals. They also, based on their experience, could detect signs of danger. In Shanghai, they barraged constitutional propagandists with questions: If there’s “freedom of the press,” why has my book been censored? Why is pornography forbidden? Will we have “freedom of assembly” if we shout out that we “oppose the CCP”? Why do we need to present a petition to march? During the “Three Antis” campaign, they pointed out, “some schools locked people up,” and during the “Five Antis” Campaign, “very many people were detained for over 24 hours without being transferred to the courts” as required by the constitution. “Real power” was still “in the hands of state personnel,” they observed.

Despite their privileged constitutional status, workers and villagers were also suspicious of the constitution in light of their experiences with state repression. According to a report compiled by the Bureau of Heavy Industry in Shanghai, a worker complained about the right to “freedom of assembly”: “On Labor Day I had a dance party but the cops came by and put the kibosh on it. They also took the records. Why did they do this?” In a poor rural region in the northwest, villagers were more concerned about survival than dancing. Having experienced grain confiscations (intended to fund industrialization), some called the constitution a “subtraction law” (jian fa) and a “grass law” (cao fa) owing to fears of starvation when the CCP pushed the economy further toward socialism.

People of faith also worried that the CCP might use the constitution to undermine their lives. Key to their interpretation of the text was Article 88: “Citizens of the PRC have the freedom of religious belief.” This article contradicted decades of state-led attacks on popular religion as “superstition” and a source of China’s backwardness, and on Christianity as a tool of...
Western imperialism (particularly by the CCP). From 1949 to 1953, the CCP destroyed Buddhist temples and religious shrines and dispatched leaders of various folk sects to labor reform. Others were executed in the campaign against “counterrevolutionaries.” Because rural officials objected to Article 88 on the grounds that it would “encourage superstition,” people were concerned about CCP intentions: “Does the CCP really believe in Buddha now?” someone in rural Heilongjiang asked. Catholics worried about the constitutional discussion and, especially, the “small groups” that focused on religion. Muslims, Catholics, and Buddhists strongly suspected that the CCP had included Article 88 for propaganda purposes or as a way of fooling them into thinking that their property was safeguarded when in fact “religions have no future in China.” According to some reports, Muslim leaders were “extremely worried” that the constitution would lead to the demise of their faith. If the constitution guaranteed religious freedom, how could they prevent intermarriage?

Anxiety was also generated by Article 88 in the context of other constitutional clauses. Much concern centered on the word “reform,” which appeared in the seemingly liberal phrase, “Every minority group has the freedom to preserve or reform [gai ge] its own beliefs and customs.” By 1954, however, gai ge was inextricably linked to state-led, involuntary social and political transformation, such as “land reform” or “democratic reform.”


111. “Heilongjiang sheng bufen diqu zai xianfa xao'an xuanchuan zhong chansheng bu shao quedian” [In some areas of Heilongjiang there have been not a few shortcomings in draft constitution propaganda work], NBCK, 18 August 1954, p. 78.

112. “Guanyu zuzhi Shanghai minzhu renshi,” p. 34.


114. “Gansu sheng Linxia shi zongjiao shangceng renshi dui xianfa cao’an zhong guiding xinjiao ziyou guli hen da” [Minority elites in Linxia, Gansu Province, have many concerns about freedom of religion in the constitution], NBCK, 30 July 1954, p. 502.

to a summary report on the reactions of religious figures to the constitution, “Except for some political activists, most are unhappy” with this article. The majority thinks, “if you believe, you believe, if not, don’t. You can’t just ‘reform.’” Catholics in particular were said to be extremely worried about gai ge, seeing it as a CCP plot to subvert religious organizations. According to an official analysis of Catholics’ reactions: “They think the implication of the term is that the government encourages the reform of religion. They say that this will generate tension in each religion between those who favor reform and those who do not. They will then have to fight it out.” Reading between the lines, and perhaps into the future, some Catholics “completely resisted” the constitution. Some refused to look at it, or called its goals “militarist,” a concept linked both to the dreaded warlord period in China and to the brutal Japanese occupation during World War II.

**Conclusion**

In hindsight, the CCP’s promulgation of a constitution in 1954 is somewhat curious. The Soviet dictator Iosif Stalin, who in the last years of his life had applied pressure on Mao to enact a constitution, died a full year earlier, so the political costs of dropping the effort would have been negligible. Then, after devoting substantial resources to training cadres and launching the “national discussion,” the party in 1955 conducted another campaign to “Suppress Counter-revolutionaries” (sufan) that violated many of the constitution’s central provisions. In 1957, several hundred thousand “rightists”—people who criticized the CCP during the Hundred Flowers Movement—were persecuted, and Mao himself disavowed the constitution. Not surprisingly, many scholars have dismissed the 1954 constitution as a sham, unworthy of efforts to uncover its interior meaning or significance.

We resist this temptation on historical, interpretational, and predictive grounds. In the former perspective, recently unearthed documents from the Hundred Flowers Movement, the Anti-Rightist Campaign and the Democracy Wall movement (1976) reveal that the constitution was deployed to criticize political terror, and it remains a staple of counterregime discourse among

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116. “Guanyu zuzhi Shanghai minzhu renshi,” p. 34; and “Xi’an shi ge jie renmin zai taolun xianfa cao’an zhong tichu de wenti” [Questions raised about the constitution by a variety of people in Xi’an], *NBCK*, 22 July 1954, p. 349.

117. “Guanyu zuzhi Shanghai minzhu renshi,” p. 35.
all social strata to this day. The infant constitution may have died in its crib as a counterweight to state power—often the Western standard for evaluating the power of a constitution—but definitely not as a communicative mechanism through which citizens could signal their dissatisfaction with politics and the gap between ideals and reality. The CCP made its own bed here: It promulgated a constitution primarily to legitimize or “legalize” its rule and accomplish its political objectives, but also included rights and protections. When people invoked liberal articles of the constitution to protest injustice, the CCP could not brush them off without calling into question the critical decision made in 1954.

The interpretational track is the one we have pursued here. We argue that the reactions to various provisions of the constitution constitute a quasi “social survey” of citizens and officials about the revolution itself and, particularly, their political experiences of the late 1940s and early 1950s. Our documents reveal confusion, misunderstanding, and much anxiety, some of which was generated by the constitution itself, perhaps intentionally. More than legitimizing the regime or enhancing support for it as some have suggested, we proposed the opposite argument. When people read and understood, read and misunderstood, or interpreted the constitution through experience, anxiety and apprehension followed. We have attempted to interpret the constitution from an “originalist” position—as most of those who read it in 1954 did—not from the perspective of the present or through the eyes of state propagandists in official public media.

That said, a present-based perspective on the constitutional discussion reveals just how savvy people were as political and economic prognosticators. Worries about the state exploiting peasant labor because of the lack of

118. See, for example, “For China to Rise, So Must the Status of Its Constitution,” Caixin, 12 December 2012, http://www.caixinglobal.com/2012-12-12/101010590.html. The authors note that the drafting of the Magna Carta in England gave birth to the constitutional law that is now the foundation of many societies. History shows that its essence is the restriction of power.” For constitution-based critiques, see, among others, Xu Zhangben, “Tantan zhenli he zhidao xixiang wenti” (19 January 1957), Wu Yaozong, “Guangyu guanche zongjiao zhengce de yixie wenti” (9 March 1957), and Cheng Qianfan, “Cong tongzhi tandao hongsi zhuanjia” (30 April 1957), in Yongyi Song, ed., Zhongguo fanyou yundong shujuku 1957 [China’s Anti-Rightist Campaign database] (Hong Kong: Chinese University of Hong Kong Universities Service Center, 2010). These articles cite the constitution on issues such as freedom of thought, religion, party control of universities, and the 1955–1956 sufan campaign (“a large-scale trampling of the constitution, turning it into wastepaper”).

119. Until scholars gain access to the Central Party Archives, the question of motivation cannot be answered conclusively.

120. Yet another perspective that could be developed is a systematic comparison between the constitutional discussions in China and the USSR. Because of space constraints, we did not pursue this line of inquiry.
property rights and “eating grass” because of the constitution’s endorsement of socialism were realized (and much worse) five years later in the catastrophic famine following the Great Leap Forward. People’s anxiety that the constitution was part of a broad campaign to undermine religion proved correct during repeated crack downs on religious belief in the 1950s, the Cultural Revolution, and into the 21st century.\textsuperscript{121} Intellectuals continue to “call out” the party for violating core constitutional promises, while the party reenacts the 1954 script praising the constitution while ignoring its more liberal provisions. The ambivalent status of China’s business class in the early 1950s finds its early 21st-century echo in conflicting views toward entrepreneurs, who have been allowed to join the CCP but remain dependent and vulnerable.

The predictions of one group from 1954, however, proved entirely unjustified: the police. From the Mao era until the present, the power of the security forces has been curtailed only at the margins, and their constitutional accountability to citizens is non-existent. State-induced political anxiety, albeit in a more sophisticated guise known as “relational repression,” has remained a constant of the Chinese political scene.\textsuperscript{122}

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\textsuperscript{122} “Relational repression” refers to the method of mobilizing the relatives of petitioners and demonstrators to pressure them to stop or prevent activism. The state, by inserting itself in marital, friendship, and kin relations, applies “micro-terror” in the name of maintaining social stability. See Yanhua Deng and Kevin J. O’Brien, “Relational Repression: Using Social Ties to Demobilize Protesters,” \textit{The China Quarterly}, No. 215 (September 2013), pp. 533–552.