

Film and Constitutional Controversy: Visualizing Hong Kong Identity in the Age of "One Country, Two Systems". By MARCO WAN. [Cambridge University Press, 2020. xiii + 176 pp. Hardback £85.00. ISBN 978-1-108-49577-6.]

Love, as much as law, is in the air in the constitutional controversies of Hong Kong. That is what Hong Kong films tell us. Or at least that is what Marco Wan's book on Hong Kong films tells us. In *Film and Constitutional Controversy*, Wan argues that "film can be approached as a set of images capturing the ways in which a selfhood interwoven with law is articulated" (pp. 2–3). Wan draws on a series of films across a range of genres to "demonstrate that film constitutes a medium that registers the impact of the constitutional controversies on identity" (p. 21). The result is a book that is as impressive in its breadth as it is penetrating in its depth. The book moves seamlessly from constitutional theory to film studies to cultural theory. Its interdisciplinary breadth is a breath of fresh air in constitutional scholarship, inviting the reader to plunge into the depth of the identity crisis that confronts the people of Hong Kong. By turning "our gaze from the hallowed chambers of the courtrooms and the legislature to the cinema screens" (p. 21), we find law as much as we find love at work in the construction of the identity of Hong Kongers.

The first film discussed in the book is Ng See-yuen's *The Unwritten Law* (1985). In Wan's interpretation of that film, the political bond between state and subject finds its counterpart in the personal bond between mother and child. Love of the motherland becomes an extension of the love of the mother. The affective affiliation between the family and the state, the personal and the political, the mother and the motherland goes back a long way in political philosophy. The family has traditionally been seen as a microcosm of the state and the state as one big happy family. What Wan does in the book is to let us see how that sentiment is brought to life on screen. Wan situates the cinematic expressions in the context of contemporaneous constitutional controversies in Hong Kong. "The transfer of sovereign power over the city to mainland China was often described through metaphors of family union and, more specifically, of a return of a child to the mother(land)" (p. 30). Once that metaphorical move is made, it is only a short step away from extending the same logic to love. Just as you love your mother, so you should love your motherland. Love becomes a political demand. Thou shall love.

The transfer of sovereignty gives the subject a new sovereign to love. The dramatic twist in the politics of love in Hong Kong is that the new sovereign turns out to be, not a new sovereign, but a long lost one, like one's long lost mother from whom one was separated at birth. 1997 was supposed to be the year when the wayward child would be reunited with the long lost mother, complete with a sentimental soundtrack playing in the background. However, Wan shows that love is never that simple, as anyone who has been in love will be able to tell you. Where love is, hate is never far away. Hong Kongers' love-hate relationship with China meant that "this 'love' was characterized by both belonging and alienation, warmth and wariness, closeness and remoteness, familiarity and foreignness" (p. 31). This feeling of ambivalence is exacerbated when the love is commanded, indeed demanded. When love is shoved down one's throat, one might just choke. Therefore, it is "unsurprising that the increasingly insistent nature of the calls to love the motherland made by the authorities after 1997 also ran the risk of becoming increasingly estranging" (p. 45). Demanding that someone love you is the surest way to make that person stop loving you.

One would expect to find law and love in the conceptual nexus between the family and the state. Wan deftly shows us that we also find law and love where we least expect to find it – in the constitutional controversy surrounding the Chief

Executive elections and gangster films. In 2014, the Standing Committee of the National People's Congress (NPCSC) in Beijing issued a Decision which states that Beijing will only appoint someone "who loves the country and loves Hong Kong" to be the Chief Executive (p. 121). That Decision makes patriotic love an explicit prerequisite for the political office of Chief Executive. This requirement of love for political office is parodied in Herman Yau's *The Mobfathers* (2016). "In a parodic reference to the language of patriotism in the 2014 NPCSC Decision, the Mobfather notes that the new triad leader can be a 'schmuck' as long as he 'loves the syndicate and loves us'" (p. 124). However, the Government does not have a monopoly on the language of patriotism. Both sides – whether pro-establishment or anti-government – claim to love Hong Kong. Both sides claim to be patriots. When the Government attempted to enact the national security law through the local legislature under Article 23 of the Basic Law, protestors appeared with placards saying "Protect Human Rights, Love Freedom" and "We Love Hong Kong! No to Article 23!" (p. 114). After the NPCSC issued the 2014 Decision on the selection of the Chief Executive, a massive movement of civil disobedience was launched under the banner of Occupy Central with Love and Peace. On the one hand, the anti-government protestors were criticised by the pro-establishment side for not loving the country. On the other hand, the anti-government protestors said that they did what they did out of love for Hong Kong. The protestors were overwhelmingly young. Youth is a time for love, but whom should they love? The central government wants their love, but that is precisely what they refuse to give.

The final film discussed in the book is Wong Kar-wai's *2046* (2004). Whereas Wan uses *The Unwritten Law* to illustrate the connection between political love and personal love, he uses *2046* to illustrate the connection between the promise of an unchanging system and the promise of an undying love. At the heart of that promise is fidelity. The various constitutional documents stipulate that Hong Kong's way of life shall "remain unchanged for 50 years", that is, until 2046, which is also the title of Wong Kar-wai's film. Wan asks what it means "to aspire to a legal regime in which time comes to a standstill" (p. 156), and he explores that question through *2046*. In the film, the protagonist was asked whether there is anything in this world that does not change. Love holds out the promise that, in an ever changing world, there is something that is unchanging, and that something is love itself. "In *2046*, the constitutional guarantee of changelessness is evoked through the promise of unchanging love" (p. 157). The film ends with the bitter truth, which Wan himself endorses, that "this obsession with unchangeability is, ultimately, an unhealthy one" (p. 159), for the wish for unchangeability is simply wishful thinking. Those who hold on to an illusion will be bound to be disillusioned: "those who insist on an undying love are doomed to repeat the cycle of disappointment and disillusionment over and over again" (p. 160). "It is unclear whether any promise, in love or in law, to 'remain unchanged' can be kept" (p. 160). On that poignant note, the book ends.

The book is about more than love, but my impression is that love is the thread that runs through the book. It is foregrounded in the first film as well in the last. Love is also the thread that runs from the personal to the political. On screen, when love appears, it often appears in the context of the family or in the context of a romantic relationship, which is a family in the making. Wan has to read the political in (or into) the personal. When Wan extrapolates from the personal to the political, the links are drawn by way of analogy and allegory. Is it possible for love to move out of the private setting into the public sphere? Hannah Arendt famously says no, while Wan says yes, and I am on Wan's side here. The constitutional controversies of Hong Kong, as seen through the lens of the films and on Wan's

interpretation of them, are contestations of love. They are about the competing objects of love. As Saint Augustine cautioned his listeners long ago, love is a risky business. Love, but be careful what you love, for you become what you love. That is no less true in the personal domain than it is in the political domain. When the mainland government demands that Hong Kongers love China, their hope must be that, in loving China, Hong Kongers would become Chinese. In response, the young protestors in Hong Kong claim that they love Hong Kong, not China. In loving Hong Kong, but not China, they are Hong Kongers, but not Chinese. Only time will tell who will be able to claim their love in the end. That political drama is still being played out in Hong Kong, and the rest of the world is waiting to watch its ending.

A good book will show, not tell. Wan's book has shown persuasively how film can give us an entry point into the normative universe of constitutional discourse in Hong Kong, and through it, we can find both law and love within that universe. The book, like the normative universe that it seeks to describe, is so rich and multi-layered that I can easily imagine different readers taking away different themes from the book. The book has something in store for different sets of audience. It speaks to constitutional theorists, lawyers who are cinephiles and anyone with an interest in this most fascinating jurisdiction that is Hong Kong.

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How to Measure the Quality of Judicial Reasoning. Edited by MÁTYÁS BENCZE and GAR YEIN NG [Cham: Springer, 2018. viii + 268 pp. Hardback £119.99. ISBN 978-3-31997-315-9.]

How can we measure the quality of judicial reasoning? This question has been around for a long time and several researchers, judges and sociologists have tried to answer it in an attempt to define the process of measurement. Despite a large body of studies being available, there are many diverse opinions and it is unclear what impact these studies have on the ways judicial decisions are justified. The reason for the difference of opinion and the difficulty in setting clear indicators can be attributed to the complexities involved in identifying the process that leads to the measurement of the quality of judicial reasoning. The present book is the product of a conference at the University of Debrecen in Hungary, at which the authors reflected on the subject. It is divided into 15 chapters. Its organisation allows the reader to readily appreciate the subject's complexities.

In Chapter 1, Mátyás Bencze and Gar Yein Ng introduce us to some of the general complexities. After reading this chapter, the reader may assume that a judicial system whose quality can be measurable is at risk of losing the spirit and symbol of justice.

Delving into the issue of the quality of judicial reasoning also means understanding what is happening in the judge's head. While it is well known that there is no methodology capable of reflecting convincingly the real quality of a judge's work, in Chapter 2, Zenon Bankowski seeks to identify what is that we expect a judge to do and to be. The author answers this question in the context of the ethical life of the law and the judge. In so doing, he depicts the essence of any judicial decision-making within the framework of a virtue theory of adjudication.