

Critique of Law in a Martial Arts Thriller: the Peril of Emotions, Limits of Rationality, and Pluralistic Laws

Janny HC Leung

Introduction

This paper explores the cinematic treatment of a cluster of themes – law, justice, morality, human emotions and social relationships – in what appears in genre to be a fairly straightforward Chinese martial arts film, *Wu Xia* (2011). The film is atypical for its genre, however, both in the characters it depicts and in the narrative it constructs. In particular, *Wu Xia* has only three fight scenes and is heavy with dialogue (both in the broad, conversational sense of spoken dialogue and in the more technical, Bakhtinian sense of dialogism (1992)). In a striking departure from genre conventions, the film develops what amounts to a cinematic commentary on jurisprudential debates about free will, punishment and ways of attributing responsibility and blame for human behaviour (for legal discussion of these issues, see Rawls 1999). Taking Bordwell (1989)'s approach to interpreting filmic meaning as exemplary in its attention simultaneously to conventional form, distinctive rhetorical styles, and historicity, I will offer an analysis of what might be called the 'cinematic experience of justice', a reading of *Wu Xia* that is especially concerned with interconnections between the film's formal characteristics, its stated and implied meanings, and

its likely impact on specific cinema audiences. Focusing on the film's distribution simultaneously in two different Chinese language versions, one released in Hong Kong and the other throughout mainland China, the analysis compares significant language choices made in the film's soundtrack and relates them to the respective social, political and historical contexts of film's distribution in its two different cuts. This paper suggests that *Wu Xia* is highly distinctive in several ways: in how it depicts the practice of law as being starkly at odds with the emotional experience of being human; in how little faith it expresses in the rule of law; and, perhaps most significantly, in its open ridiculing of a formalistic approach to justice. I will conclude by discussing the significance of these aspects of the film in the political dynamics of China and postcolonial Hong Kong.

Before embarking on the main process of explication, let me provide some preliminary background about the film and its cinematic context. Peter Chan Ho-sun (hereafter Peter Chan), born in Hong Kong, is an award-winning film director and producer. From the early 1990s onwards Chan has produced critically acclaimed films in an impressive range of genres (including action, drama, war, love, horror and comedy). Within this varied output, his 2011 work *Wu Xia* is ostensibly a martial arts film. Historically, the martial arts genre gained popularity during the early 1920s in China but was censored in 1932 by the Nationalist government and later banned in the People's Republic of China for three decades, from 1949 onwards (Ye and Zhu 2012). Across the border in British Hong Kong, however, the genre experienced a golden age during the late 1960s and began to emerge in the international market in the early 1970s. This international recognition was caused, in part, by the emergence of a new style of film developed by the Shaw Brothers Studio. The Shaw Brothers style significantly reduced melodrama and emphasised action and sensory stimulation (Desser 2005). The resulting 'new' style also replaced swordplay with kung fu,¹ a form of fighting between characters which typically consists of unarmed combat (as seen in performances by Bruce Lee). With the rise to stardom of Jackie Chan, who introduced a comedic element into stunt work and freestyle into Chinese martial arts, the genre enjoyed a revival from

the late 1970s onwards.

Acknowledging this complex history as well as engaging with contemporary tastes, *Wu Xia* tribute to Zhang Che's classic work *One-Armed Swordsman* (1967). The film evokes Che's hallmarks, including father-son conflict, the 'bad father' character, male bonding, limited female presence, limb amputation, heroic sacrifice and death (Desser 2005). While acknowledging a debt to the past, Chan also endeavours to reinvent the martial arts genre. He does this by blending ancient Chinese medicine, human physiology, and modern forensic science into the film in what amounts collectively to renewed focus on drama, emotions and philosophy rather than more direct, blood-and-guts fight scenes. Chan's bold attempt in these respects led to polarised reception among the film's viewers, with criticism especially from martial arts fans who found the film too quiet and too slow.² Although *Wu Xia* was not particularly successful at the box office, it was nevertheless listed by *Time* magazine as among its Top 10 Best Movies of the year (ranked number 8 in 2012).³

For the reader who does not understand Chinese, the title *Wu Xia* calls for comment. In English, the film's title was rendered as either *Dragon* or *Swordsmen* for its international release, though neither of these titles represent a satisfactory translation; *Dragon* accentuates the film's oriental appeal (without any particular substance or reflection in the film itself) while *Swordsmen* fails to capture the rich connotations of the original. Because of shortcomings with either English language title, this article retains the transcribed Chinese title, *Wu Xia*. The character *Wu* denotes militaristic or martial qualities, and *Xia* refers to chivalry, gallantry, qualities of knighthood and heroism (Teo 2009). Thus, *Wu Xia*, which literally refers to a martial knight-errant, is not only the name of this particular film but also the name of a whole genre of Chinese fiction and films whose imaginative conception is loosely based on actual knights-errant who first appeared during the Warring States period (ca. 475-221 BC). The actions of such knights-errant were often necessitated by a failure of government to administer justice (Liu 1967). A *Wu Xia* narrative, accordingly, is often organised around a

martial arts practitioner who helps people in need, motivated by a code of chivalry; the plot often conveys righteous values and moralistic messages (Sek et al. 1994/2001). In terms of social characteristics, the martial knight-errant is usually someone who does not belong to any aristocratic class or institution, and prefers to act alone; but the code of chivalry on which he acts is understood as something broader and cultural, rather than individual or maverick.

As a film genre, Wu Xia films are often action-filled, with ample screen time devoted to martial arts techniques. Good and evil characters are clearly delineated and the contrast between them accentuated for dramatic effect; the former always eradicates the latter, and the hero who represents the good usually survives. Wu Xia films were banned in China because of their portrayal of power which could potentially be used against the state. Another reason for the ban is the representation of the supernatural, specifically the supernatural qualities that Wu Xia masters are portrayed to have). When the ban was lifted, the genre was subsequently manipulated to promote nationalism with a focus on strength of cultural tradition (Teo 2009).

Obvious parallels can be found between the Wu Xia genre and Hollywood-style hardboiled superhero films, except that the former is loaded with Confucian ideals. *Wu Xia* is set in a fictional rural village in southwestern China in 1917, a geographical and temporal setting commonly employed in a martial arts film partly in order to avoid dealing directly with the current political regime. 1917 was the year in which the last attempt to restore the Qing Dynasty (1644-1911) was made; situated within the warlord era in Republican China, this time was a transitional period marked by extreme chaos. Detective Xu (played by Takeshi Kaneshiro) arrives to investigate the death of two fugitives whose plan to rob the villagers has been interrupted by a fellow villager Liu (played by Donnie Yen). Xu is portrayed as an incorruptible detective who rigidly holds to the established legal order. Suspicious regarding how Liu, an unarmed papermaker, has managed to kill the two kung-fu-trained fugitives, Xu stays on in the village to observe Liu. Through a series of tests (including throwing Liu into a

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river and stabbing him with a sickle), Xu becomes convinced that Liu must be a kung fu master himself.

Xu is right; it turns out that Liu is second in command of an ethnic minority clan called 72 Demons, who have made it their mission to kill Han Chinese in revenge for occupying their state and dispersing their people. Liu, it is gradually revealed, was born into that clan, of which his father is leader. After one particularly brutal massacre which he led, however, Liu turns his back on his clan and changes his name. For 10 years Liu has been leading a peaceful life in this rural village, marrying a local woman and having two sons. After discovering Liu's true identity, Xu rushes to arrest him, hoping to bring a murderer to justice, but is betrayed by a magistrate who informs the clan of Liu's whereabouts.

Having reached the village before Xu, the clan kill many villagers in their attempt to apprehend Liu. To prevent the clan from causing further damage to the village, Liu cuts off his own arm in accordance with a clan rule and declares that he is longer related to his clan. Nevertheless, Liu's father, the Master of the clan, visits the village to kidnap his grandson. Xu, moved by Liu's reformed character, risks his own life to save Liu

The ending of this complex narrative, and its possible thematic and social significance, are discussed below, as they become relevant to arguments developed later in the article.

1 Conceptual Frameworks

Films gain their overall effect through two main dimensions. The first is comprised of traditional matters of content: the variously developed ideas, themes and values conveyed by the trajectory of the narrative or expressed more directly through interaction between characters in the dialogue. The second dimension refers to matters of form, language, and style through which meaning is implied. In both respects, cinematic techniques embody choices made by the filmmaker that create meaning. Films have a multilayered semantic character. This multivalence can, in part, result from the depiction of various

different characters presenting alternative perspectives on the depicted social reality.⁴ Multiple meanings can also derive from the complex division of labour involved in producing films; as such, any particular film reflects collective rather than individual speaker intention (Sellors 2007). Further, since a major dimension of a film's meaning is also contributed by the viewer, variation of audience membership and demographic prompts interpretive divergence.

Such multidimensionality does not preclude analysis of a film's meaning potential; rather, it is a reminder of the numerous levels of analysis required. In attempting such an endeavour for *Wu Xia*, I draw inspiration in particular from two conceptual frameworks. These frameworks come from different academic disciplines, but some of the insights they offer converge. The first conceptual framework is Bordwell's analysis of film interpretation through the lens of rhetoric and poetics (1989). Bordwell criticises contemporary approaches to film analysis which emphasise interpretive conventions foregrounding implicit and symptomatic meanings that are abstract, narrow and theory-specific at the cost of ignoring features of surface narrative and thematic exposition. Bordwell also urges a return to close attention to form and style, and invites film critics and theorists to broaden their perspective by paying greater attention to the poetics and historicity of film. He suggests that evidence in support of the audience's comprehension may be found in perceptual, cognitive and linguistic research.

The second approach I draw on in my account of *Wu Xia* is that of Manderson (2012), a work which addresses a different interdisciplinary conjunction of the fields of law and literature. My conception of the 'cinematic experience of justice' is in fact borrowed from Manderson's notion of 'a literary experience of justice' (2012: 6). In this provocative analysis, Manderson lists two 'enduring weaknesses' of the intellectual movement known as 'law and literature': (1) concentration on substance and message (a mimetic fallacy); and (2) the romantic fantasy that literature can be used to cure law or perfect justice (2012: 9). He argues that it may be simplistic to search in a film for answers to jurisprudential

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questions that lawyers are struggling to formulate; it should not be presumed that a filmmaker will know better. Even if a filmmaker does have something specific to say about justice, the question will still remain of how film as an art form is more apt in expressing legal insights than a more direct, argumentative statement.

Each of the two frameworks outlined here offer simultaneous guidance and caution in tracing meaning and implications at different levels of a filmic text. In the analysis that follows I try to avoid the trap of an instrumental analysis that simply asks what message the film seeks to convey; instead, I base my discussion on analysis of a combination of aspects of form, language, style, character and plot development, kept in contact with the social, political and legal contexts in which the film was produced and in which it has been exhibited.

2 Code Choice, Audience and Context

Code choice, or the variety of language or dialect chosen for particular voices in the film, potentially allows the same narrative to convey distinct, possibly divergent messages to different audience groups. This aspect of the film raises especially interesting questions in relation to China and postcolonial Hong Kong.

Although the director Peter Chan is from Hong Kong, the film is a mainland Chinese/Hong Kong co-production, and two versions of the film were released, one in Hong Kong and one in mainland China. The two versions targeted different audiences with overlapping but distinct histories in terms of political system, ideological formation, and cinema history. In the Hong Kong version of the film, locals from the peaceful village, including Liu, speak in Cantonese. The two fugitives who came to rob the village, in contrast, speak Mandarin. The righteous detective Xu, on the other hand, speaks Cantonese. The 72 Demons clan, including the Master, speak Mandarin. Thus, the overall pattern is that the good guys, including those who show mixed characteristics such as Liu and Xu, speak Cantonese, while the overtly bad guys speak Mandarin. Because Cantonese being the local tongue of Hong Kong, this pattern of code choice allows audience identification

with the good people. This has a persuasive effect.⁵ If point of filmic identification rests with the Cantonese speakers, Mandarin speakers (despite representing the common language of China as a whole) are excluded from identification, presented as powerful outsiders who come to invade and destroy.

One of the strengths of the film form is to express, in some mediated form, social tensions and historical changes. These social representations may vary between realistic forms of reflection through to often extravagant forms of imaginative idealisation (such as in a fantasy or polemic film). As noted by Sek (1980), the resurgence of the martial arts genre in the 1960s occurred as the Cultural Revolution was taking place in China; this is no mere coincidence. Similarly, it is no coincidence that riots in Hong Kong broke out in the same year as the release of *One-Armed Swordsman* (1967), or that Hong Kong films released before or about the time of the handover often expressed anxiety about identity.⁶ The change of sovereignty in particular triggered an acute tension in the mind of Hong Kongers who were not able fully to identify themselves with either the British nor mainland Chinese.

Unsurprisingly in this context, the presence of mainlanders in Hong Kong films has frequently been politically symbolic. In *Expect the Unexpected* (dir. YAU 1998), after a team of policemen have successfully solved a crime (the portrayal of which occupies most of the screen time) their celebrations are cut short when they are shot by a seemingly random group of mainland robbers who have had only appeared briefly earlier in the film. The event is unexpected and leaves the audience in shock as seemingly peripheral characters violently take over the main plot and bring the story to an unsettling ending. The fact that mainlanders suddenly steal the stage at the end of the film seems to express anxiety of unexpected changes to the society following the resumption of Chinese rule.

Linguistic identification codes have since begun to shift. In 2007 (ten years after the handover), a series of educational short films were produced for school children by the Education Bureau in Hong Kong

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(available on hkcdcity.net). These films provide a curious contrast to those mentioned above: all of the characters speak Mandarin except for the Cantonese-speaking villain, who must be eradicated. If these films are viewed as propaganda to Mandarinise Hong Kong, code choice is one obvious tool being used in the manipulation they attempt.

This analytical ‘jump cut’ from innovative martial arts cinema to education video is not as odd as it may seem. In fact, it is difficult to resist comparison between *Wu Xia* and the circumstances of post-handover Hong Kong. This is especially the case in the last few years, which have seen a significant number of conflicts between Hong Kong and the mainland. These range from the national education plan, which is seen by many locals as a brainwashing campaign (Bradsher 2012),⁷ to competition over local resources such as hospital beds (LaFraniere 2012),⁸ to the closing down of local businesses in order to make way for luxury shops that cater to newly rich mainlanders (Wassener 2013). The latest conflict (the 2014 Umbrella Movement), widely reported in international media, concerns disagreements about the election method of the city’s leader.

The above comparison is even more intriguing if one considers the fact that the antagonistic Master in *Wu Xia* is Liu’s father, and that Liu finds peace only when he is away from the clan and does not want to go back. This relationship could be read as analogous to the relationship between mainland China and Hong Kong; Hong Kong was returned to the motherland China after more than a century of British colonisation. Despite the blood relation, the parent-child relationship is strained by ideological differences and the parent and child now speak different languages.

As I mentioned above, the version of *Wu Xia* released in mainland China differs from the Hong Kong version. In this version, there is no simple reversal of code choice through language; thought has clearly gone into deciding what language each character should use. Significantly, Cantonese is not heard at all. Everybody, except for detective Xu, speaks Mandarin. Xu speaks a non-standard, regional dialect of Sichuanese (a dialect spoken in southwestern China). In fact,

while most actors in the film are Chinese, the actor who plays Xu is half Japanese and half Taiwanese; his character is made to stand out just as the actor's personal background does.

What does this code and actor choice communicate to a mainland audience? I believe, on a symbolic level, that the character of Xu represents an imagined embodiment of the ideal of the rule of law. As a representative of the rule of law, his character is made to stand out in the mainland Chinese version of the film by speaking a regional dialect with a foreign accent.⁹ Xu's righteous, incorruptible character is in contrast to the institution of which he is part, in which the magistrates and investigators portrayed are either overtly corrupt or cowardly. Xu is a man of reason, relying on logical deduction and evidence in his investigations; but these ideals are soon tested, with Xu quickly realising he cannot uphold them in the 'real world'. Situating this symbolism in relation to China, a reasonable extrapolation might be that in law enforcement, principled and idealistic personnel are perceived as being in a minority. Moreover, it is clear from Xu's experience that legal order as a means to achieve justice is constrained by complex, intertwined relationships between legal and political systems. In relation to the symbolic development of this theme, it might be noted how, in recent years, the Chinese government has emphasised supremacy of the Communist Party and warned against infiltration of 'Western' rule-of-law concepts (Minzner 2012).

3 Symbolism in Character Development

The detective Xu, I have suggested above, functions symbolically as an imagined embodiment of the rule of law. As a law enforcer, Xu is – literally – a *representative* of the justice system depicted in the film. Moreover, cinematic representation of the rule of law as expressed through the character of Xu extends beyond such institutional affiliation. Xu is noteworthy not only for who he is and what he does, but also how he behaves by comparison with other characters who are also part of the depicted justice system in the film.¹⁰

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Xu is righteous, rational, and sceptical. Like the justice system at large, he is *obsessed with records*; he writes down all the details he observes. In fact, the resulting diary entry structures the narrative voice of the film. Unlike his colleagues, he is *clean and incorruptible*; he chooses to stay in a third-grade guest room and does not take bribes. The only time Xu is involved in bribery is when he is forced to offer money to a corrupt magistrate in order to obtain an arrest warrant which will allow him to bring a criminal to justice. Xu worships *objectivity* and sees human emotions as a hindrance to the pursuit of justice. In one voice-over, Xu tells the audience that the strong sense of compassion he was born with led him make mistakes – such as releasing a delinquent from custody only to learn that he subsequently killed his foster parents. Xu uses acupuncture to suppress his ‘overdeveloped’ meridian (along which qi flows). According to traditional Chinese medicine, this allows Xu to control emotions and empathy and think with pure reason.

Such apparent tension between law and humanity (especially human emotional experience) is a recurrent theme in Xu’s life. For example, the film includes a sub-plot in which Xu arrests his father-in-law for selling placebo drugs, offending Chinese filial ethics. Xu explains to his estranged wife that ‘it wasn’t me. It was the law’. Xu will arrest anyone who offends the law, regardless of if they are his close relative. Xu’s wife challenges this stance, asking him ‘is the law really more important than humanity?’. Xu also has the tendency of ascribing human behaviour to a physical, biological cause internal to the individual rather than to social and environmental factors outside of the individual’s control. Xu’s inner voice tells him, ‘you can’t trust humanity; only physiology and the law don’t lie’.

Xu is presented repeatedly as being evidently interested in applying *the scientific method* in his work; he is a keen believer in *evidence and testing*. Xu stages a series of tests by which to gauge Liu’s martial arts skills. These tests include pushing Liu off a bridge to see whether he would fall into the river, or stabbing him with a sickle to see if the sickle can cut through his skin. The tests sound absurd but are applied in the film with evident seriousness. When Liu appears to be struggling as

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a result of the tests, Xu is shown as being busy making calculations in his head, and shows no sympathy. In sum, the embodiment of the rule of law in the character Xu is at the edge of caricature, verging on mockery at times.

If Xu may be seen as an imagined embodiment of the rule of law, Liu embodies a vision of humanity, identified in the film as a source of tension with law. Like almost all the other characters, Liu is shown as leading an imperfect life. He has obviously 'sinned' within the moral universe presented by the film, but his upbringing and social forces are also presented as playing a role in the sins he committed earlier in life. With such forces beyond his control, the film suggests that Liu did not choose to be born and raised in his killer clan. The portrayal of his childhood emphasises this point; Liu recalls how his father would kill Liu's favourite pets and make him eat the resulting meat in order to toughen him up. Inclusion of such descriptions directs the audience's sympathy towards this character rather than towards his father's values. Accordingly, the film arguably seeks to explain the intricacies of human relationships and moral responsibility through the voice of Liu:

The fabric of existence is composed of a myriad of karmic threads; nothing exists in and of itself. Everything is connected. No one truly has free will. When one man sins, we all share his sin. We are all accomplices.

This statement challenges a fundamental idea in criminal law which assumes that a guilty act is a voluntary performance. To this jurisprudential comment, Xu asks, 'You are saying a killer doesn't have free will when he kills?'. Such episodes of dialogues do not only delineate the characters but illustrate show how atypical *Wu Xia* is as a martial arts film: prominent philosophical debate about free will, agency, determinism, moral philosophy, social versus personal attribution of blame, all presented through different stances taken up by the characters.

The film's symbolic universe is also populated by other characters in many supporting roles. It might be said, for example, that The Master character is also trapped by the fate of his clan. However, as leader and

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father, he is also in a position of power and authority. In that position, however, he has, in effect, distanced himself so much from evidently humane values that there is little sympathy directed towards him in the film's portrayal. Transposing this Master role as father into terms more recognised in gender and postcolonial theory, The Master's symbolic role as father and paternal power is likely to be read as prominent among 'symbols of the colonizing metropolis' (Dai 2005: 90). Thus, for an audience in postcolonial Hong Kong, The Master offers a condensed representation of control exercised by the motherland.

If, as I have suggested, Xu represents the ideal of the rule of law, then his colleagues reflect the ugly reality of a legal system in which the delivery of justice is hampered by corruption, indifference and cowardice. The Captain, Xu's boss, is shown enjoying a massage when Xu reports his investigation to him. He is presented as a kind of law enforcer who was once passionate about his job but has over time succumbed to the reality he finds himself in. When Xu tells him he wishes to arrest Liu, the Captain challenges him, reminding him that 'you worked for me for 10 years, and are still so naïve?'. The Captain then goes on to confess that his law enforcement team consists of cowards and bums who would not be able to fight Liu, and that Xu probably would not want to hire criminals to catch a criminal either. In another episode, Xu tells the Captain that he will report a judge, after being forced by the magistrate in the warrant department to pay a bribe of 20 taels of silver (which is 5 times what Xu makes in one year), only to be told that that would be 'nonsense'. These portrayals cast a vote of no confidence in the ethics of legal reinforcement personnel.

4 Cinematic Treatment of and Critical Commentary on Law

Overall, the film *Wu Xia* structures anticipated audience response and offers its own commentary on the issues it raises. At the same time, the film also invites open-ended audience response to its characters and judgments regarding the rule of law. In achieving these effects, there are a number of interrelated processes going on at different levels of the film's construction. For example, because of the symbolism discussed

above, critical evaluation applied to characters in the narrative implies further critical judgments as regards aspects of law.

Frequently it seems that, for all its debt to generic conventions, *Wu Xia* places law and humanity at opposite ends of a notional spectrum. This polarisation reinforces a popular conception that law is cold, rigid about rules, and to some extent anti-human. This conception is dramatised visually by the need for Xu to perform acupuncture in order to be capable of functioning according to the law. Xu's previous trauma appears to have taught him that the law may be cured by removing human emotions and relying exclusively on rationality, logic and evidence instead. The film then highlights how human lives and relationships are severed by an obsession with such a scientific method when applied in achieving justice.

In its deployment of filmic techniques, the film clearly sides with humanity. Comical music, for example, is played in the background when Xu studies corpses and while he carries out the tests on Liu. As has been shown by Gorbman (1980), music sets the mood and tonalities in a film narrative, regardless of whether such music is diegetic or non-diegetic (that is, whether the source of the music is identified or not); music is structurally tied to other formal colours of the filmmaking palette and creates meaning through a combination of inference and affective response. In these scenes, music not only provides a comic counterpoint to relieve what would otherwise be scenes giving rise to audience anxiety, but creates an additional means for the film to undermine Xu's supposedly rational way of thinking.

Similar low-key satire of Xu's approach to detective work is also evident in two scenes in the film which explicitly ponder the purpose of lawful punishment. In one of those scenes, as Xu is struggling to prove Liu's true identity, he engages in this discussion with his assistant:

Xu: I found no proof.

J: Then leave him alone. He's a reformed man.

Xu: We are not here to reform criminals.

J: Then what's the purpose?

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Xu: To serve the law!

J: If the law doesn't help reform people, what good is it?

Xu: He may appear to be a good man, but he is still a killer...

Here Xu avoids confronting with the moral relevance of law, and focuses his attention on the enforcement of legal rules. This brief episode of dialogue also draws attention to a general legal problem to which Xu struggles to articulate his response: if the purpose of punishment is rehabilitation, then what point is there in arresting a reformed man? In a later scene, when Xu is leading a team of police to help him arrest Liu, the police officers back out of the arrest attempt when they learn that the clan will also be there. They would prefer just to let the parties kill each other and simply return later to pick up the corpses. In the view expressed by one of them, 'he will die anyway' (if we arrest him), implying that it does not matter who executes him, since the outcome will be the same. To this piece of reasoning, Xu replies with an equally uncertain viewpoint, 'what use is there, if they are all dead?'. The police officer asks Xu what he really wants, to which Xu responds, 'I want to put them in a trial.'

Retribution and utilitarianism are typical justifications for criminal punishment. In his conversation with the junior detective, Xu does not seem to think people can change or be reformed, so he does not believe that the purpose of law and punishment is rehabilitation. Xu (and so the symbolic position he represents) does not think that justice will be served if Liu is simply dead if that death is not officially sanctioned; in other words, he does not believe that punishment is for the purpose of practical crime prevention or retribution. To the extent that he believes in retributivism, such retribution needs to be performed in a prescribed manner by authorised actors, within a ritualised framework. From the somewhat tautological response Xu gives to his junior detective (that legal enforcers exist to serve the law), it may even seem that punishment to Xu is not something explicable in utilitarian or retributivist terms but rather a psychological need to be satisfied by legal ceremonies,¹¹ making nonsense of contemporary concern with the rule of law and tolerating a huge gap between law and justice. By introducing the possibility of

alternative routes to purported moral outcomes, these scenes seem to tease a formalist approach to justice.

5 Pluralistic Laws and Transitional Heroism

The film also explores alternative means of achieving justice in a legally pluralistic society (referring to how legal norms exist outside of state law, see Merry 1988), and addresses conceptual conflicts between those alternative means. Xu obviously represents state law, and his view of justice would be classified within a Chinese juridical terminology as Legalistic, which stands in contrast with the Confucian legal tradition. For example, like a Legalist, he believes that human beings are born selfish. Because of this assumption, Legalism (Watson 2003) promotes the use of rewards and punishments to maintain social order. A Legalistic approach promotes rule by law, takes a top-down view of legal power, and emphasises the importance of the social collective rather than the individual.

The philosopher Han Feizi (ca. 280-233 BC), who advanced the doctrine of Legalism in ancient China, criticised knights-errant for transgressing the law of land in their use of martial arts (Ye 1993, cited in Teo 2009: 3). At the same time, as has been discussed above, Xu's conception and practice of law is more modern and westernised than such a Legalistic view, which chiefly provided a means of state control and justification for protecting the absolute authority of the king (Liang 1989). In ancient Chinese law, social status and kinship are linked to degrees of punishment; even today filial piety is written into modern Chinese law (Wong 2013). When Xu arrests his father-in-law it is on the strength of a belief that everyone is equal before the law; he is presented as trusting legal procedures over moral judgment (which is the essence of ancient Chinese law) and sees the law as an end not just a means, as is characteristic of western rule of law (Liang 1989).

On the other hand, the clan itself, which may be considered symbolically in the film as a colonised ethnic society, has its own system of rules which govern the meaning of loyalty and morality and punishment for violations by its members. The leader of the clan, the

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Master, has absolute power to adjudicate and execute punishment. An arm that has been used to kill for the clan is cut off in order to pay back symbolically what the clan had given Liu. Even in such circumstances, however, it is significant that he still follows the order of the clan until he is forced to resist in order to protect his family; the active resistance represents a kind of alternative punishment, a form of incapacitation, for his earlier sins. Potential clash of laws happened when state law enforcers had to decide whether to wait till the clan members finished killing its traitor before they intervene.

Another aspect of justice in the film is seen when villagers gather to sing aloud – in folk song style – their judgment of an event or a person. The villagers praise Liu for having caught the robbers and condemn Xu for hurting Liu in his tests. Significantly, a mix of elderly men and women, adults and children are depicted in such scenes, participating in the singing. Such laypersons may not know everything about the truth but they are guided by intuitive judgment as to who is right or wrong. Such public opinion is shown as exerting pressure on the law enforcer in his actions.

To gain a fuller sense of how the film resolves tension created between the different conceptions of punishment and different systems of justice it introduces, it will of course be helpful to know what happens at the end of the story, since narrative resolution functions not only to achieve closure but also to introduce an evaluation (Labov and Waletzky, 1967). In the case of *Wu Xia*, the end of the story is described by Scott (2012) as ‘a Shakespearean climax of filial rebellion and paternal rage’.

As the film reaches its conclusion, Xu and Liu have to fight the Master, who is storming the village to capture Liu’s son. Liu, now single-armed, is losing the fight. Xu is useless in martial arts but risks his life and throws himself towards the Master to insert acupuncture needles into his body. Neither Liu’s remaining strength nor Xu’s needles have managed to hurt the Master. However, within a fraction of a second the Master is seen dead, struck by lightning attracted by the needles on his body. This may be a cinematic way of saying that the

Master may be the most powerful martial artist, and may have killed hundreds, but he is not stronger than forces of nature. This ending also avoids offending the Confucian notion of filial piety by not having Liu kill his father.

Although Xu's needles have played a role in causing the Master's death, natural law seems to be the ultimate justice or sanction that transcends the rule of law. Such justice, in the film's terms, need not oppose the rule of law but supplements it where it fails; in fact, all the forces involved in pluralistic justice systems seem to work together to lead to a somewhat happy ending that saw the eradication of the villain. Both for the symbolic legal argument and for the cinematic experience, it appears no single system of justice suffices. Historically, resolution by natural forces is not alien to the Chinese justice system, which is rooted in a cosmological worldview (Dien 2007). For instance, spring was the season to bestow rewards and honours; autumn was the time for carrying out punishment. Natural disasters (such as earthquake or drought) or unusual sightings (such as a certain star alignment or auspicious animals) could prompt the government to review potential cases of injustice or grant a general amnesty. Thus natural order and legal order are organically intertwined and united.

If Xu is the principal symbol of the rule of law, what does the film ultimately show about him? Xu's moment of enlightenment, when he regains faith in humanity, seems to be the film's turning point. This is marked by his change of mind – from being eager to arrest Liu to being willing to help him escape. His rigidity and cynicism are dissolved by Liu's reformed character; Xu rebels against his old self and sacrifices his own life in trying to save an outlaw. Xu's death scene is full of evident symbolic significance: a ghostly figure, bearing the face of his skeptical, rational inner voice, leaves his body and sheds a tear. Spectral presence represents a kind of continuity, a sense of survival beyond the end of a physical life, and can be used to comfort negative emotions brought about by deaths in the plot. However, this ghostly figure sheds a tear, and tears generally signify sadness. What that tear means in this context remains open to interpretation perhaps more

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than the many other symbolic parallelisms and contrasts in the film. For some audience, the tear may symbolise the unwilling departure of Xu's skeptical self, or despondency about the gap between law and justice. Alternatively, it might serve as a signifier of human emotions which have finally found their way into a rational system as a result of the way in which the plot developed. The ambiguity of the image – a key dramatic moment in the film – seems to provide, without offering a specific answer, an instantiation or emblem of the tension created in the film between law and humanity.

For Manderson, western style superhero films like Superman and Batman laud

a figure of vigilante justice who subscribes to no law and to whom the social and the physical constraints of the world do not apply. Yet this monstrous figure is heroic precisely because his actions transcends law, whether those of physics or of society (2012: 37).

Where existing law and order are found to be impotent, the hero jumps in to bring justice through solitary action outside of law. The movement from crisis through law to justice is ensured by the hero's noble character, motives and personal power. Although transcendence from law is a common thread, the formula seems different in *Wu Xia* (2011). It is not even clear, for example, who the hero is – despite the film's title. Some reviews readily identify Liu as an unassuming hero (see Scott 2012), but the evidence for such a view is ambiguous. Xu does not know martial arts, and Liu does not stand on the high moral ground. Other than killing the fugitives, Liu acts mostly to protect himself and his own family, not for higher values like justice. The most significant acts of courage Liu shows are probably when he decides to flee his clan and start his life all over again, and when he cut off his arm to indicate his strong will to sever himself from his past. On the other hand, if Xu is the hero then he is an atypical one, for he is rule-abiding and physically weak. If there is any heroism in Xu, it lies in his act of breaking away from the system he belongs to when he ceases to suppress his emotions and empathy. In both characters heroism, if there is any to speak of, is not derived from inherent characteristics

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or personal powers but consists of transitional states of enlightenment of the mind.

The main point of narrative reversal in the film (Lodge 1992), which consists of a change of thought, stands in stark contrast to traditional *Wu Xia* stories, which usually hinge on a breakthrough in martial art technique. The protagonist is often depicted undergoing a tough training regime that focuses on self-improvement and development of fighting skills; he then heroically eradicates the villain using his newfound strength, self-discipline and skill. If the symbolic rule of law is found to be dead in the end, and the breakaway from order and structure seen as heroic, then *Wu Xia* might be construed as a critique of a formalistic approach to law which emphasises logic, objective rules and reason, and a bold attempt to redefine heroism in relation to the established concerns of the martial arts genre.

In the represented world of the characters, what appears just to them depends on their roles, experiences, and thoughts. For The Master, eradication of Han Chinese is appropriate retribution. For Xu, at least before he changes his viewpoint, those who break the law must be sanctioned by law. It may be seen that justice is a human and personal experience and a fluid notion, especially in a pluralistic society, where it is a challenge for each social group to entertain their idea of justice without running into conflict with each other.

6 Rule of Law, Postcolonial Hong Kong, and China

Part of the historical situatedness (Bordwell 1989) of any film lies in its place and role in development or transformation of a particular genre. The ambivalent relation of *Wu Xia* to the genre of martial arts films has been discussed earlier; this final section of the article concludes by placing the discussion in the wider sociopolitical context in which the film was produced and continues to circulate. Although much can be said about the mainland version of the film, my concluding discussion here relates to the Hong Kong version of the film, giving particular attention to the fact that both the director and scriptwriter come from Hong Kong.

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From a Hong Kong film culture perspective, what is perhaps most interesting about *Wu Xia* is not so much its discussion of justice in the abstract, or its ways of influencing audience response, as its timely prompt to an act of cultural interpretation and reaction. The film's invitation to its audience to participate in reflecting and judging, foregrounds the importance of jurisprudential issues at a particular historical moment when inevitably open-ended current issues may not have simple solutions. In watching the film, members of the audience are witnesses and jurors at the same time. The manner in which issues are presented to the film's particularly targeted audience is also evidently carefully modulated in its relation to conventions of martial arts cinema. What makes the film most distinctive, accordingly, is its capability to open up jurisprudential debates in the form of a tangible or palpable experience, by placing a popular audience on jurors' seats and presenting them with pertinent but digestible questions that might otherwise be too abstract for non-lawyers to grasp.

Hong Kongers are sometimes described as politically 'apathetic' or passive (Lau 1982/1984), though there are definite signs of change after the handover (as seen for example in the proliferation of political parties and development of an active culture of protest). The rule of law has become an important rhetorical *topos* in postcolonial Hong Kong, used by both pro-establishment and anti-establishment camps: the rule of law can be seen as one of Hong Kong's greatest strengths, and a 'core value' of Hong Kong that distinguishes the city from the rest of the country. Since the handover, on the other hand, the rule of law and the authority and independence of the judiciary inherited from British Hong Kong have been repeatedly threatened: in 1999, when the Hong Kong government sought a re-interpretation of the Basic Law from The Standing Committee of the National People's Congress to overrule decisions made by the Court of Final Appeal in two rights of abode cases; then more recently, in 2011, when the Hong Kong court sought a Standing Committee interpretation in what is known as the *Congo* case (all three cases discussed in Bokhary 2013). Considering that the film was released not long after these cases and public debate which surrounded them, the cinematic discourse created in the film

about the rule of law, its limitations and Xu's illustrative loss of faith in it speaks powerfully to the present, despite its historical setting.

Through an argument that follows films released by one production company chronologically, Pang (2005) argues that post-handover films are characterised by a persistent sense of entrapment and powerlessness. Such a sense of entrapment and powerlessness is attested in *Wu Xia*, where both main characters are insecure and unsettled (for Xu, inner conflicts that need to be suppressed by needles; for Liu, the need to hide and change his identity due to fear), being placed in situations over which they have little control, and both struggle with core aspects of their identity. The helplessness of these characters is exemplary in the narrative's conclusion: Liu only survives because some incidental external force (symbolically, natural justice) comes to his rescue. This appears almost diametrically opposite the kind of male confidence displayed in earlier Hong Kong gangster, action and martial arts films, in which the protagonist's personal strength, hardwork and will power ultimately overcome any challenge.

In *Wu Xia*, breakthroughs achieved by the main characters require letting go of the past and transformation of the self. If the kind of symbolic reading I have developed above is allowed, and if Hong Kong were therefore the protagonist of the story, the perceived vulnerability I am describing may be attributed to the fact that Hong Kong's high degree of autonomy and the 'One Country, Two Systems' principle are perceived to be under threat (Ching 2012). It seems unsurprising therefore that conflicting desires for resistance and escape - persistent themes in the film - should resonate with sentiments in Hong Kong society today, at least for pessimists. Indeed, Hong Kong is seeing both a culture of protest and a new wave of outward migration (a reminder of Liu who has chosen to leave his roots).

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On the other hand, the filmic experience may be somewhat different to the mainland Chinese audience. The Master, after all his evil deeds, is not punished by the corrupt state authority but by natural justice. The incorruptible Xu, the odd figure in the film, keeps running into ideological conflict with his colleagues and family, representing struggles in the implementation of the rule of law in a culture that seemingly prioritises self-interests and personal relationships. The tragic death of Xu projects a gloomy view of the justice system in China, but the ambiguous scene with the tearful ghostly figure leaves room for an unwritten development of the narrative.

As Manderson (2012) has emphasised, there is no reason to assume that a film is allegorical or to count on a particular film to cure the law or other societal problems. Although all my conjectures are made at the risk of over-interpretation, this risk is offset by the need to explain how apparently simple narrative pleasures are energised into the kind of powerful cultural imaginary associated with cinema. These interpretations present at least one kind of dialogue the film has with present day Hong Kong and China.

Notes

Janny Leung is Associate Professor of English, University of Hong Kong (hiuchi@hku.hk)

- 1 *Kung Fu* is a Cantonese term and *Wu Xia* is a Mandarin term.
- 2 'Chan seems surprisingly disinterested in delivering any sort of conventional take on what most fans of the wuxia genre would expect from a film of that title' Todd Brown, retrieved on 9 August 2013 on <http://twitchfilm.com/2011/05/cannes-2011-wu-xia-review.html>
- 3 See <http://entertainment.time.com/2012/12/04/top-10-arts-lists/slide/dragon/>
- 4 The work of Barthes (1975) on the 'hierarchy of discourses' within a text and the notion of discourse 'polyphony' in Bakhtin (1984) are helpful theoretical starting points for an analysis of multiple meanings within a text.

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- 5 Identification has been analysed by Aristotle as one form of persuasion; for a more recent discussion, see Burke (1969).
- 6 For example see analysis of the 1997 film *Too Many Ways to be Number One* in Martin-Jones (2006).
- 7 Tens of thousands of protesters gathered to oppose the education plan. See New York Times (2012).
- 8 Pregnant mainland women flock to give birth in Hong Kong to enjoy its medical and welfare system.
- 9 The actor did not speak Sichuanese and had to learn it for the film. He therefore spoke Sichuanese with an accent.
- 10 In the analysis that follows, the English translation of all dialogue is taken from the film's subtitles.
- 11 August Sturm, in *Fiktion und Vergleich in der Rechtswissenschaft* (1915), argues that punishment is a psychological necessity (*und damit Punktum*). Cited in Fuller 1967.

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