

***Wuxia* Film:  
A Qualitative Perspective of Chinese Legal Consciousness**

## Introduction

With the increase of economic liberalization in the last three decades, intellectuals, optimistic China observers and members of the Chinese government view the law as a great potential social stabilizer and perhaps, more importantly, a precursor to political reform. The Chinese Communist Party (CCP) first created the contemporary legal system of the People's Republic of China (PRC) to build an institutional framework that could support economic growth and development in late 1978.<sup>1</sup> This initial system successfully facilitated economic development<sup>2</sup> particularly in the way it took measures to establish commercial law conducive for foreign direct investment and international trade. By strengthening and developing laws and legal institutions that are more attuned to economic needs, and then expanding the scope of laws to social and political needs, the rule of law can regulate citizen behavior. It can also protect citizens' individual rights. As such, it will become more difficult for the CCP to sustain its authoritarian single-party rule in an increasingly liberalized China as Chinese society begins to see the law as a means to defend citizens' rights or even to facilitate eventual democratization.

Indeed, several recent studies have pointed to a seeming increase in Chinese litigiousness<sup>3</sup>—indicated by the passage of hundreds of new laws, the rise in the number of legal professionals and a statistical increase in the use of courts—to argue that China is undergoing a change in legal consciousness,<sup>4</sup> or that China sees the law as a means for social change. Yet,

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<sup>1</sup> Randall Peerenboom (a). "Law and Development of Constitutional Democracy: Is China a Problem Case?" Law, Society and Democracy: Comparative Perspectives. Eds. Robert W. Pearson, Lawrence W. Sherman, Richard E. D. Schwartz. Thousand Oaks: The Annals of the American Academy of Political and Social Science, Vol. 603 (Jan, 2005).

<sup>2</sup> Suisheng Zhao, *Debating Political Reform in China: Rule of Law vs. Democratization*, East Gate Book: Armonk, NY (2006).

<sup>3</sup> Randall Peerenboom (b). "Reassessing the Rule of Law in China." AAS Annual Meeting: China and Inner Asia Session 15. Marriott Hotel, San Francisco. April 6-9, 2006.

<sup>4</sup> By Chinese legal consciousness, I refer to the perspective in which Chinese society is aware of the power of law to protect citizens' rights, whether economic or socio-political. More importantly, to have legal consciousness in this context is to have faith in the (potential) protective ability of the law. This power of the law, then, allows for certain

other studies criticize this optimistic assessment, arguing that this seemingly increased participation in the law by lawyers and court-goers is limited by the specific, economic nature of the laws and that the growing access to legal services that a burgeoning economy provides only benefits the upper classes. The question is, then, whether this rise in Chinese litigiousness is truly indicative of a transformation of Chinese legal consciousness, and whether the Chinese have faith in the law as a vehicle for eventual social and political reform?

*The Debate: Current Assessments of Chinese Legal Participation*

From an optimistic view, the perceived increase in Chinese litigiousness is sometimes interpreted as a change in Chinese legal consciousness, or more specifically as indicative of Chinese belief or faith that the law really can propel the country to engage in greater political reform and social change. In trying to promote a “rule of law” system to satisfy social complaints Xiao Yang, who is the president of the Supreme People's Court and the country’s highest ranking judge, claims that “belief in and loyalty to law is of vital necessity *in the move of ruling the country according to law*, while mass media can play the role of publicizing and enhancing the belief and loyalty [my emphasis].”<sup>5</sup>

Shifting the governance of China from purely authoritarian rule to a system that relies exclusively on the rule of law can be seen as the government’s effort to make concessions in the face of rising social and political discontent. The Chinese Ministry of Public Security reported that in 2003 there were more than 58,000 “mass incidents”—the term used to describe public protests—involving three million people.<sup>6</sup> The primary issues included wage disputes,

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rights to be exercised without fear of political backlash from the government (the CCP). If rights are protected by a strong rule of law, citizens can make demands of the Party for social and political liberalization, a social movement that could result in eventual democratization.

<sup>5</sup> “Chinese Citizens Urged to Enhance Belief in Law.” *People’s Daily*. Jan 22, 2001. <[http://english.people.com.cn/english/200101/21/eng20010121\\_61096.html](http://english.people.com.cn/english/200101/21/eng20010121_61096.html)>, Accessed: 4/29/07.

<sup>6</sup> Louisa Lim. “Chinese Protests on the Rise.” *BBC News*. Jun 8, 2004. <<http://news.bbc.co.uk/2/hi/asia-pacific/3786541.stm>>, Accessed: 11/13/07.

employment problems, the restructuring of state-owned enterprises and evictions. While a country under the rule of law is not the same as a country ruled by democracy, the law can serve to insulate and protect citizens from arbitrary political whims. Specifically, when a government acquiesces to the rule of law, the rights as detailed by those laws will help protect its citizens. Yet, even as the CCP submits to demands of Chinese society for greater social rights and liberalization, it can still maintain its hold on power by shaping the specific contents of the law. To achieve this compromise, the government has taken actions to promote the law, offering services and access to courts to endorse the vision of China as governed by the rule of law.

That the CCP encourages respect and awareness of the law as an important public service as well as more citizen involvement is one explanation for the increasing Chinese litigiousness. For instance, the CCP publicly urges lawyers to lower fees and make litigation economically feasible for the everyday citizen.<sup>7</sup> Moreover, a common argument for the power of law to promote social and political change is one that Martin Dimitrov articulates. He argues that the current laws can be divided into political rule of law and economic rule of law.<sup>8</sup> The laws are further categorized as being laws that apply countrywide or are geographically limited. Thus, the increasing strength of economic rule of law as spurred by economic reforms will spread from local regions to a greater, national level. Scholars who subscribe to this view argue that the efforts by the government to encourage use of courts, as well as the increased opportunity as facilitated by economic opening up, have contributed to the increased participation of ordinary citizens in the legal regime. Despite the CCP's outward efforts at promoting a rule of law system, however, the road to change may not really be so clear or smooth.

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<sup>7</sup> Stuart S. Nagel. *Handbook of Global Legal Policy. Public Administration and Public Policy*. Dekker Inc.: New York, NY (2000).

<sup>8</sup> Martin Dimitrov. "Disaggregating the Rule of Law in China." Unpublished manuscript. Dartmouth College, Hanover, NH.

In a more moderate view progress in legal reforms has been slow and broader social and political liberalization through the law is a transition riddled with difficulty. For instance, Mary Gallagher, argues that there is a generational gap within the citizenry itself, between those who are coming of age during this most recent reform and the older generations whose lives have been framed by socialist institutions.<sup>9</sup> She looks at the institutional variation at the workplace, education and skill specificity that characterizes each generation, arguing that the generational differences mark a profound change for the state-society relationship in China. Yet, while the post-reform generation makes “new and difficult demands of the legal system, including fairness, transparency and due process,” they make “fewer demands on the state to provide social welfare, stable employment” or substantial political reform. Their demands also fail to address the concerns of older workers in the new system of contract labor relations as they increasingly deal with problems of employment insecurity, age discrimination and declining legal protections.<sup>10</sup>

Neysun Mahboubi, on the other hand, looks at the impediments to change in administrative law, or law that deals with the decision-making of administrative units of government. He argues that the “prospect of litigation alone simply cannot deliver any meaningful constraint on official behavior in an authoritarian state” although “the process of administrative litigation, along with the discourse surrounding it, is helping [to develop]...the sort of political pluralism” necessary to constrain official behavior.<sup>11</sup> In other words, the process of using, developing and refining laws at the administrative level (e.g. boards, tribunals or parliament) can diffuse decision-making power from the central government and distribute it to

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<sup>9</sup> Mary Gallagher. “What's Just? What's Legal? Generational Effects on Legal Mobilization in China.” Unpublished manuscript. University of Michigan—Ann Arbor, Flint, MI.

<sup>10</sup> Mary Gallagher. “China’s Older Workers: Between Law and Policy, Between Laid-Off and Unemployed.” Unpublished manuscript. <<http://sitemaker.umich.edu/maryegallagher/files/gallagherxiagang.pdf>>, Accessed 12/2/07.

<sup>11</sup> Neysun Mahboubi, “Administrative Law and Political Transition in China.” Unpublished manuscript. Yale University, New Haven, CT.

different groups. In particular, his research focuses on the gradual empowerment of Chinese lawyers, judges, officials and law professors to function independently from the CCP.

A more pessimistic view, however, argues that the government is not going to change, and any changes in the law are really to serve its specific strategic interests. First, even though increased participation may benefit elites and the upper-middle class, there is unequal access to the law. Margaret Woo examines the operation of courts in seven provinces in China, focusing on the effect market principles have on the delivery of civil justice.<sup>12</sup> She questions the fairness of the emerging public-private divide. Going to court requires time, money and knowledge of the law which poorer, less educated members of society may not have at their disposal. The context of authoritarian Taiwan, for example, has indicated that a rise in numerical participation does not necessarily mean that citizens from different social strata are part of the legal process.<sup>13</sup>

Furthermore, those who are skeptical of China's political reforms as promulgated through the law point to the 17<sup>th</sup> National Party Congress in October 2007; President Hu Jintao repeated the word "democracy" over sixty times, but only spoke in broad sweeping terms about inner-party democracy and did not mention initiatives for substantial changes.<sup>14</sup> The 17<sup>th</sup> Party Congress is just one, if major, indication that the CCP may publically support China moving towards a rule of law regime but in practice, it may not push beyond superficial efforts to establish democracy. The proliferation in laws may also be seen as a way of state control and regulation rather than an empowerment of individuals and private parties. Some scholars point to

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<sup>12</sup> Margaret Woo. "Markets and Civil Justice in China." Unpublished manuscript. Northeastern School of Law, Boston, MA.

<sup>13</sup> Michael J. Moser. "Law and Social Change in a Chinese Community: A Case Study from Rural Taiwan." Review author[s]: Austin T. Turk. *Contemporary Sociology*, Vol. 13, No. 4. (Jul,1984), pp. 439-441. <<http://links.jstor.org/sici?sici=0094-3061%28198407%2913%3A4%3C439%3ALASCIA%3E2.0.CO%3B2-C>> Accessed: 11/2/07.

<sup>14</sup> Joseph Kahn. "In China, the More Things Change..." *New York Times*, Oct 23, 2007 <[http://www.nytimes.com/2007/10/23/world/asia/23china.html?\\_r=1&oref=slogin](http://www.nytimes.com/2007/10/23/world/asia/23china.html?_r=1&oref=slogin)> Accessed: 11/11/07.

a need for impartial rule of law, which will be difficult to achieve in China as there are very close ties and similar interests shared between judges and Party officials in the current state.<sup>15</sup>

Generally, it may seem to some that the participation of ordinary citizens has increased in the kind of legal regime that the CCP is advocating. But there are criticisms about the authoritarianism of the CCP, the economic nature of the laws, equality of access to the law and effectiveness of the law to initiate change. Many scholars and China watchers believe that an assertive civil society must still emerge in order to see greater legal reforms, to challenge the one-party monopoly on power and, eventually, mobilize social and political change. Thus, despite the great legal progress that has been made in recent years and the rise in court usage by Chinese citizens, China still lacks a strong rule of law. Unchecked state power is still a major barrier for building an effective rule of law regime. As such, I ask whether the Chinese have trust, or faith, in the law as a means for social change and whether their legal consciousness is truly undergoing some kind of transformation. In this thesis, I seek to add a qualitative assessment of this issue to existing statistics and both institutional and structural arguments.

### **Addressing the Gap**

While I agree with some of the more moderate and skeptical scholars who argue that China's road to political reform through the law will be one that is difficult and uncertain, I would like to take the critique one step further. I acknowledge the statistical increase in Chinese litigiousness as a positive trend, but I also recognize the limitation that the CCP's authoritarian rule places on the extent and degree of both legal and social change. The reasons that Chinese legal consciousness has not undergone a transformation, however, cannot be answered simply by pointing to structural and institutional limitations or a lack of confidence in the CCP.

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<sup>15</sup> Hu Yong. "BMW's and Chinese Justice." Daily Times, Jul 16, 2004.  
<[http://www.dailytimes.com.pk/default.asp?page=story\\_16-7-2004\\_pg3\\_5](http://www.dailytimes.com.pk/default.asp?page=story_16-7-2004_pg3_5)> Accessed: 11/2/07.

In this thesis, I will suggest that the very nature of the laws and legal institutions being implemented, as both economic-focused and Western-based, generate distrust and reveal a hesitation of the population to embrace the current laws in China as a vehicle for social change. The distrust of law to facilitate social transformation has roots in the fact that Chinese legal reforms from 1978 onward are based on Western conceptualizations.<sup>16</sup> China is not simply borrowing bits and pieces of Western law; the West is actively imposing its legal model on China through economic interaction, inter-governmental efforts to establish agreeable trade conditions and even private interest practices. For instance, the American Bar Association-Asia has “been working to promote good governance and increase public advocacy in China” since 2002.<sup>17</sup> While the ABA-Asia works with local Chinese partners to implement a series of pilot programs, the process receives overwhelming direction from this Western organization. In other words, the law is not simply an oppressive tool used by the CCP, but law as it is being established in China connotes Western meddling that reflects China’s historic experiences, particularly with an imperialist and imposing West.

Of course, some scholars have suggested that because the acceptance and practice of imported foreign legal culture necessitates discarding traditional norms, the adoption of a Western system effectively displaces Chinese conceptions of legality.<sup>18</sup> This could have fomented a hesitation to invest full confidence in the law. There is an element of truth in this perspective, but I think that it is too simplistic. Current scholarship regarding Chinese litigiousness neglects the historical context that has shaped Chinese identity. I take into account how China’s historical experiences with the West, particularly during the imperial era, have

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<sup>16</sup> Randall Peerenboom (a).

<sup>17</sup> ABA Rule of Law Initiative, “China Project.” [China Asia Law Initiative](http://www.abanet.org/aba-asia/projects/china.shtml). American Bar Association. Jan 24, 2007 <<http://www.abanet.org/aba-asia/projects/china.shtml>>, Accessed: 11/2/07.

<sup>18</sup> Pitman B. Potter. *The Chinese Legal System: Globalization and local legal culture*. New York: Routledge Studies on China in Transition (2001), 7.

shaped its understanding and treatment of itself through the law. I am not suggesting that the lack of trust in Western forms of institutionalized law and courts is just simply the result of a “China versus the West” mentality. This view does not account for the complexity of the Chinese position in regards to both historical and social conditions. I argue, rather, that China’s traumatic historical experience has created a specific environment that informs the way China has modernized and influences how China approaches its current, Western legal reforms. The historical trauma that China underwent at the hands of the Western world constitutes “a time of cultural crisis,” that has profound and resounding effects on Chinese subjectivity.<sup>19</sup>

To clarify, I view subjectivity as a historical construct in which a person’s identity, perceptions and behavior are shaped and established by past experiences. *Chinese* subjectivity, then, refers to the historical experiences, perceptions and interpretations that a subject or person socially positioned as *Chinese* would generally have of the world. Object relations, a form of psychoanalytic theory,<sup>20</sup> provides a framework for understanding how such historical conditions inform the emergence of a particular experience of being. According to object-relations theory, the manner in which infants are treated or “handled” by their primary caretaker is the foundation for subjectivity.

Christopher Bollas, a clinician whose practice is informed by object-relations theory, has written eloquently on how a subject’s historical experiences inform the way a subject treats the self as an object. More specifically, one’s experience as an object of care is informed by how the caretaker meets the infant’s need and “transforms his internal and external realities. Alongside the infant’s subjective experience of being transformed is the reality that he is being transformed

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<sup>19</sup> Rey Chow. *Primitive Passions: Visuality, Sexuality, Ethnography, and Contemporary Chinese Cinema*. New York: Film and Culture Series of Columbia University Press (1995), 18-22.

<sup>20</sup> My use of psychoanalysis to define Chinese subjectivity is specific to object-relations theory, which argues that subjectivity is directly linked to historical experience.

according to the [caretaker's]...aesthetic of handling.”<sup>21</sup> Ultimately this “aesthetic” experience informs the development of personal character, “the utterance of self through the manner of being rather than the representations of the mind.”<sup>22</sup> The idiom of care received influences the way a subject handles himself, it affects all future ways of being with the other; it constitutes a model for how internal and external transformations are experienced. Therefore, our handling of our self as an object “partly inherits and expresses the history of our experience” as an object, so it is appropriate to say that our subsequent actions and self-perceptions are always related to the activity of handling the self as an object.<sup>23</sup>

In this discussion, it is important to note that aesthetic experiences “are not always beautiful or wonderful occasions—many are ugly and terrifying but nonetheless profoundly moving because of the existential memory tapped.”<sup>24</sup> A person’s character, according to Bollas, “is a subjective recollection of the person’s past, registered through the person’s way of being with himself and others.” With a “good enough mother, a tradition of generative transformations...is established. Continuity of being is maintained.”<sup>25</sup> But there are other potential outcomes of being handled, particularly when the experience is traumatic. Of significance to my analysis of the emergence of legal consciousness in modern China is the possibility that some forms of handling may lead to “compliance followed by dissociated splitting” of one’s true self.<sup>26</sup>

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<sup>21</sup> Christopher Bollas. *The Shadow of the Object: Psychoanalysis of the Unthought Known*. New York: Columbia University Press (1987), 33.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid, 51.

<sup>24</sup> Ibid, 29.

<sup>25</sup> Ibid, 33.

<sup>26</sup> Ibid.

### *Object-Relations Theory as Applied to China*

Bollas' theory is helpful to explain how a collective historic experience, which led to a collective transformation, may be understood as an initiatory event that shaped Chinese notions of legal subjectivity. I suggest that China's treatment by the (imperial) West during the eighteenth and nineteenth centuries constitute an extremely traumatic aesthetic of handling which, to this day, informs Chinese identity socially, economically and politically. The forced opening of Chinese markets and the Western-imposed standard of modernity, in particular, characterized China's experience. The defeats China suffered in the First and Second Opium Wars, which were followed by a series of "Unequal Treaties" with its aggressors, are considered an especially humiliating part of Chinese historic memory.<sup>27</sup> China was effectively forced to pay significant reparations, open its ports to foreign imports and trade, cede territories for extended periods of time, agree to extraterritoriality for foreigners and make many concessions of sovereignty to Western and Japanese powers. China saw itself as being unjustly stripped of its stature as the grand, ancient "Middle Kingdom" by a marauding and dishonorable West.

While traumatic and humiliating, China's experience at the hands of the West is also recognized as constituting the beginning of a transformation toward modernity. According to Bollas, the internal and external realities of one's existence are transformed by how one is handled as an object, usually by the mother.<sup>28</sup> Similarly, China's treatment by the West constitutes the (motherly) aesthetic that has shaped China in the beginning of its modernization.<sup>29</sup> Because it saw itself as one of the most advanced civilizations in the world, the shock and trauma that China experienced under Western semi-colonial rule was especially acute.

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<sup>27</sup> Rhoads Murphey. *A History of Asia*. 5, New York: Pearson Longman (2006).

<sup>28</sup> Christopher Bollas, 32-36.

<sup>29</sup> Modernity is often seen as a Western concept, but it was an idea that was imposed on China which made it see itself as backwards in regard to Western standards. The Chinese response to this treatment generated an entire discourse within China on how to modernize in order to face the West.

China was originally positioned as a powerful dynastic power that received tribute from its trade partners. It viewed the West as backward and inferior. But the country began to decline in the following centuries, resulting in the defeats suffered in the Opium Wars. The realization that the West was more advanced served as a “wake-up call” that transformed the way China understood its position in the world and had enormous ramifications in how it altered Chinese subjectivity.

China’s treatment by the West greatly changed Chinese perception of itself—from one of the most advanced civilizations in the world to one that was humiliated by and backward in comparison to the West—as the treaties that forcefully opened Chinese markets to imperial powers exposed China to updated technology and Western thought, changing its external realities.<sup>30</sup> They also altered internal realities<sup>31</sup> by generating a social reaction from China that rejected Western-imposed modernity while urging Chinese-driven change and strengthening of the nation to expel its invaders. China’s memory of its traumatic experience is thus inextricably linked to its transformation: the “existential recollection” of an experience of being handled directly influences the subsequent transformation.<sup>32</sup>

The nature of the transformation ultimately informs a person’s way of being with himself and others. Similarly, the West’s treatment of China as an object has informed Chinese subjectivity and China’s treatment of itself. Under the care of the West, China was very much treated as an object or commodity, divided by and redistributed to colonizing Western powers for their own economic and political means. China’s current legal reforms also extend that idiom of

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<sup>30</sup> Some of the external realities that changed after its interaction with the West include exposure to Western trade, medicine, religion, new military machinery and weapons like modern firearms, as well as more interactions with foreigners due to an influx in soldiers, traders, missionaries and others.

<sup>31</sup> In regards to internal realities, the Chinese perception of China as the grand Middle Kingdom was rattled. There was an entire spectrum of mixed degrees of adulation, interest, skepticism and even hate against Western things. Many Chinese learned foreign languages and wore Western clothing while many others resisted Western modernity, sometimes with violence. For instance, the Boxer Rebellion was an anti-foreign, anti-imperialist and anti-Qing movement in northern China that lasted from 1899 to 1901.

<sup>32</sup> Christopher Bollas, 34.

care; China's laws are largely focused on commodifying and exporting itself for profit reasons and economic growth. Thus the West functions as the caregiver, or the mother, whose treatment of China as an object transformed China's subjectivity. The conditions that actualized the transformation to modernity are an essential feature of modern Chinese subjectivity; they comprise the object that recaptures an unarticulated but ever present historic memory which is constitutive of one's subjectivity.

I acknowledge that much has occurred in China between its experience with the imperial West and now, but as Yomi Braester argues, trauma is "never perceived in real time" and "it is long after the originary event that the mental wound returns to haunt the mind."<sup>33</sup> Braester asserts that Chinese thinkers in the late nineteenth century "saw modernity as the sign of historical redemption,"<sup>34</sup> that China could reverse its backwardness, strengthen itself and counter the Western perception that it was the sick man of the East. He points out that, later, the "foundation of a Chinese nation-state in 1912, the mass movements of the 1910s and 1920s, the reunification of China under Mao in 1949 and the Cultural Revolution were all interpreted as the coming of History, the final maturation" in which China "found its place in history." As such, the Chinese response to the experience and memory of an imperialist West is not static.

Furthermore, Prasenjit Duara emphasizes how striving for a strong Chinese nation-state framed historic memory as an instrument of the nation's survival. He argues that the evolution of nations "through competition into modernity has been truly monumental" in China, and led to creation of historic narratives in the name of progress "to justify the brutality of dominant

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<sup>33</sup> Yomi Braester. *Witness Against History: Literature, Film and Public Discourse in Twentieth Century China*. Stanford: Stanford University Press (2003), 7.

<sup>34</sup> *Ibid*, 14.

ideologies.”<sup>35</sup> The trauma China experienced under an imperialist West generated a reaction that influenced its internal turmoil during the Maoist era.<sup>36</sup> Therefore, the perception and response to trauma do not necessarily occur in a linear fashion, as Bollas so clearly states. Thus, the period of Western imperialism holds relevance in shaping Chinese subjectivity even today.

The distrust that the Chinese have of the current legal reforms as an agent for social change reflects Chinese subjectivity as it is shaped by specific historical experiences at the hands of the West. In order to better understand and characterize Chinese legal subjectivity in relation to these reforms, I investigate how China represents itself by focusing on a cultural phenomenon—a surge in the popularity and production of *wuxia*, Chinese martial arts, film. *Wuxia* film, as a source that has been neglected in discussions about legal consciousness despite being a genre of films identified by scholars as expressing implicit commentary on this very issue,<sup>37</sup> offers a qualitative dimension to the overall formation of Chinese legal consciousness.

#### *A Different Approach through Film*

Subjectivity has often been used to investigate the significance of visual fiction;<sup>38</sup> film theorists focus on how subjectivity is presented and reflected in cinema as a medium for expression. Although it may seem obvious to reinterpret “the past as a way to conceive of the present,” the communication of the subjective often “finds its most appropriate material

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<sup>35</sup> Prasenjit Duara. *Rescuing History from the Nation: Questioning Narratives of Modern China*. University of Chicago Press (1995), 50, 87-111.

<sup>36</sup> Specifically, I refer to the Great Leap Forward, the 100 Flowers Campaign and the Cultural Revolution as responses, to varying degrees, against historical foreign treatment against China. Even part of the CCP’s claim to legitimacy before its victory in 1949 (during the Chinese civil war between Nationalist and Communist forces) was that it had ousted foreign powers while the Nationalists were collaborators.

<sup>37</sup> John Christopher Hamm (a). *Paper Swordsmen: Jin Yong and the Modern Chinese Martial Arts Novel*. Honolulu: University of Hawai’i Press (2005), 162.

<sup>38</sup> Torben Grodal. *Moving Pictures: A New Theory of Film Genres, Feelings and Cognition*. Oxford: Oxford University Press (1997).; Toby Miller and Robert Stam, Eds. *A Companion to Film Theory*. Mladen, MA: Blackwell Publishers (1999).; Edward R. Branigan. *Point of View in the Cinema: A Theory of Narration and Subjectivity in Classical Film*. Berlin: Mouton Publishers (1984).; Jerome Silbergeld. *China into Film: Frames of Reference in Contemporary Chinese Cinema*. London: Reaktion Books (1999).

expression in film.<sup>39</sup> Thus films, as a visual and experiential interface, have the particular ability to reflect society's positioning of itself in relation to a larger, national or even global context.

Investigating Chinese legal subjectivity through *wuxia* film offers insights into the distrust and hesitation of the Chinese to embrace its current legal system as a vehicle for social reform, despite the seeming increase in Chinese litigiousness. Essentially, *wuxia* films constitute an idiom of representation of object relation—handling the self as an object—where the film objectifies, imagines, analyzes and manages the Chinese self through identification with others who have been involved in that very task, namely the West. In terms of their production and content, these films constitute a commentary on Chinese conceptions of subjectivity within a Western legal context that has been unexamined as of yet. While *wuxia* as a genre predates modern times, its function in China today must be viewed within this newer analytical framework due to the recent use of *wuxia* for contemporary political commentary.<sup>40</sup> Of particular relevance here is the “dissociated splitting” of the self that occurs because the idiom of care generates an integrative response, as China has received treatment by the West. In a way, this demonstrates the Chinese perception that institutionalized law as conceptualized by the West is unable to be a source of a positive integrative experience for China.

### **The Significance of *Wuxia* literature and film in Chinese Identity**

The *wuxia* hero originated in Chinese adventure literature,<sup>41</sup> in which the most frequently used definitions for *xia*<sup>42</sup> are knight and knight-errant. The historical knight-errant,<sup>43</sup> what would later become the basis of the *wuxia* hero, has a long legacy in Chinese history. The knight-errant

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<sup>39</sup> Rey Chow, 23.

<sup>40</sup> John Christopher Hamm (a), 162.

<sup>41</sup> Ibid.

<sup>42</sup> I use “*xia*” interchangeably with “*wuxia* hero.”

<sup>43</sup> I use “knight-errant” to describe those of the historical social class and I use “*wuxia* hero” or “*xia*” to describe the literary characters.

first appeared on the Chinese historical scene during the Warring States period between 403 and 221 BC against a backdrop of political instability, social unrest and intellectual ferment.<sup>44</sup> There is some debate as to the social origins of the knight-errant,<sup>45</sup> but more important are the function of the knight-errants in a legal context and the cultural significance of *wuxia* literature and film in regards to Chinese identity. I will first address the legal context of *wuxia* literature and film<sup>46</sup> as related to the traditional Chinese understanding of justice and the law. Then I will address the controversy of *wuxia* as a legitimate source of social analysis.

### *The Wuxia Hero as a Figure of Traditional Justice in a Legal Context*

The historic knight-errants operated outside of state laws and threatened the authority of the central government so they were often persecuted as outlaws from the Han dynasty onward. They were eliminated from official history compiled by Confucian scholars because they were seen as disruptive to the hierarchical social order of respecting the central authority.<sup>47</sup> Yet, later historians distinguished the knight-errant from other types of outlaws. According to James Liu, the chivalric tales documenting their deeds truly flourished for toward the end of the Tang dynasty in the ninth century. At this time, the empire was “dominated by military governors who fought and intrigued against each other while oppressing the common people” which “encouraged wishful thinking on the part of writers and readers for knights-errant to redress wrongs.”<sup>48</sup> Thus the reputation of the knight-errant changed over this period. This change seems to have happened simultaneously with the public’s recognition of the government as corrupt and self-indulgent. The rebellious figure of the knight-errant became more desirable and even noble,

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<sup>44</sup> James J. Y. Liu. *The Chinese Knight-Errant*. London: Routledge and Kegan Paul (1967).

<sup>45</sup> *Ibid*, 4.

<sup>46</sup> Many of the basic characteristics (storylines, characters, legal context, criticisms) of *wuxia* literature are still relevant to a discussion of *wuxia* film. Because so much of the basics apply, I will begin by referencing the literature and then moving the analysis to that of film in the modern context.

<sup>47</sup> Qian Sima, Xianyi Yang, and Gladys Yang. *Selections from Records of the Historian*. Peking: Foreign Languages Press (1979).

<sup>48</sup> James J. Y. Liu, 86-87.

a reputation that stuck and eventually earned them an idealized heroification in which their “exploits became legends and lore; history morphed into fiction.”<sup>49</sup>

The glorified *wuxia* heroes are usually portrayed as independent hired swords who are skilled in martial arts. They resolve conflict through the use of force and violence, but their actions are tempered by a personal sense of justice and honor. This justice is an exalted form of justice<sup>50</sup> and is superior to the governmental version, which is portrayed as inept, corrupt or even nonexistent. The ideals that shape the code of the *wuxia* hero include courage, individual freedom, personal loyalty, and honor.<sup>51</sup> In some ways, the knight-errant can be likened to the Western mythology of Robin Hood: an honorable and generous hero who does not necessarily obey (state) authorities, but has considerable fighting skills that are used to help others rather than for personal gains.<sup>52</sup> For instance, the *xia* often acts to save an innocent person from a murderer or to help a poor farmer stand up to a cruel and greedy tax official. In other words, the state might stipulate that it is unlawful to fight, but when the *wuxia* hero subdues the bad guy in a flurry of punches and high-flying sword-yielding maneuvers, he does so to right a moral wrong.

As *wuxia* literature evolved from the mid-1600s onward, the hero was also portrayed as one who protects the rare upright official and helps him eliminate criminals, even if the general political context is volatile and corrupt. The hero becomes more than a moralistic rebel but also a guardian of the law, if that law is moral.<sup>53</sup> Thus, despite the less romanticized description of the knight-errant that can be drawn from some historical accounts, their strong moral code was

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<sup>49</sup> James J. Y. Liu, 75.

<sup>50</sup> Dora Shu-fang Dien. *The Chinese Worldview Regarding Justice and the Supernatural: the Cultural and Historical Roots of Rule by Law*. New York: Nova Science Publishers (2007), 74.

<sup>51</sup> James J. Y. Liu, 3-6.

<sup>52</sup> There are obvious differences and limitations in comparing the Western Robin Hood to the Chinese *wuxia* hero, but the key here is to illustrate that Robin Hood challenges authority when he feels that people are being wronged by that authority. The “steal from the rich to give to the poor” concept seems to encapsulate his *raison d’être* and, to an extent, that of *wuxia* hero as well.

<sup>53</sup> James Liu, 117.

idealized in *wuxia* fiction as “traditional” justice, particularly when placed within a corrupt political context in which state law did not provide justice. Upright officials, however, are rare and the *wuxia* hero usually approaches them with a level of suspicion at least initially because of their association with a disreputable state.

The political context in the *wuxia* genre mirrors China’s historical experience in the corrupt world of international politics and imperialism. After China was defeated in the Opium Wars, international law was seen by many Chinese as being unable to protect China from exploitation; in fact, it was instrumental in stripping China of its dignity. Treaties by nature are intended to be legally binding and are governed by international law.<sup>54</sup> Thus China’s distrust of law as a transformative power is reflected in the Chinese perception that the Unequal Treaties, as a form of law drafted and imposed by the West, further perpetuated China’s humiliation by legalizing and institutionalizing its objectification.

#### *Wuxia’s Political Nature: Shaping the Struggle for Self-determination*

*Wuxia* literature and film are not simply about fighting to right moral wrongs or glorifying the traditional concept of justice: the *wuxia* hero exists outside the law and, more importantly, actively challenges the state’s authority. The *xia* is a figure that is explicitly based on a distrust of the law and yet he is idealized by the Chinese. The *xia* is ideally positioned as an unmistakably political and symbolic character whose politicization is historically rooted in the *xia*’s practice of traditional Chinese martial arts.

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<sup>54</sup> Robert E. Dalton. “US National Treaty Law and Practice.” Eds. Monroe Leigh, Merritt R. Blakeslee and L. Benjamin Ederington. *Studies in Transnational Legal Policy*, No.30. Washington DC: American Society of International Law (1999), 191.

Martial arts are considered the “most famed and supposedly authentic genre of Chinese physical culture”<sup>55</sup> and are deeply connected to and influenced by China’s Republican-era push for modernization. Before Republican-era China, there was much popular disregard for Chinese martial arts. Around 1910, however, this was reversed as a rush of anti-Qing sentiments made the “consciously ‘Chinese’ martial arts seem like a useful anti-Qing weapon” through which martial artists could form a community that could unite urban residents who had similar interests and concerns.<sup>56</sup> In this era, the martial arts community framed the practice as an important skill that would strengthen the Chinese nation against foreign influence and act a declaration of Chinese solidarity and self-reliance.

The martial arts community was “inspired by trends of patriotic concern and faith in the people as an agent of positive change”<sup>57</sup> and led many efforts to establish martial arts schools that could provide and arm more Chinese citizens with the skills and the resolve to crush the foreigners who were seen as corrupting and humiliating China.<sup>58</sup> The theme of beating sneering foreign bullies into submission is not a new invention, but the Republican-era martial arts movement was more than this. The martial arts community “set out to define martial arts as an indigenous brand of physical culture” that was “just as useful and important as the modern sports and exercises of foreign origin were” in strengthening China.<sup>59</sup> Imitating the West was no longer considered necessary; practicing martial arts offered a Chinese way of doing things, of modernizing but maintaining a distinct Chinese identity.

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<sup>55</sup> Andrew D. Morris. *Marrow of the Nation: A History of Sport and Physical Culture in Republican China*. Berkeley: University of California Press (2004).

<sup>56</sup> Ibid.

<sup>57</sup> Ibid, 187.

<sup>58</sup> Kuang Wennan and Hu Xiaoming, *Zhongguo tiyu shihua*. Chengdu: Badu Shushe (1989), 219.; Wu Wenzhong. *Zhongguo jin bai nian tigu shi*. Taipei: Taiwan shangwu yinshuguan (1967), 40.; Jing Zhihe. “Aiguo de Jingwu tiyuhui,” *Shanghai tiyu shinhua* Vol. 30 (February, 1999), 36.; Han Xizeng, “Jianping chen Yingshi faqi chuangan Jingwuhui,” *Shanghai tiyu shinhua* Vol. 29 (December 1990), 32.

<sup>59</sup> Andrew D. Morris, 188.

Using martial arts to strengthen the nation against foreign devils and oppressive or collaborative governments is a theme that has been repeated in post-WWII and even modern *wuxia* literature and film. Within these stories and films, *wuxia* goes beyond entertainment, acting as a demonstration of Chinese solidarity. In post-war China, for instance, after the Nationalists fled to Taiwan after being defeated by the Communist forces, prevalent sentiments regarding the eventual and victorious reunification with the mainland were reflected in several *wuxia* films made by directors from Taiwan.<sup>60</sup> The heroes of these stories often used traditional martial arts to help fellow Chinese defend themselves against foreign invaders and to teach them survival skills. Though these films did not position China against the West, they illustrate the desire to create a common identity through which to strengthen the nation. In fact, Christopher Hamm,<sup>61</sup> Jeff Yang,<sup>62</sup> Ann Huss and Jianmei Liu<sup>63</sup> have all written that *wuxia*—whether film or literature or both—depicts a nationalistic fight for Chinese identity, solidarity and self-determination in the changing political landscape from the 1950s to the present.

### **Methodology – Cinema as a Lens**

In a way similar to how the West objectified and commodified China through the Opium Wars and Unequal Treaties, China has idealized and exported its own identity, through a seemingly plastic and “traditional” cultural icon: *wuxia* film. As a glorified hero who challenges state law, the *xia* embodies the Chinese distrust of the law; these misgivings have become more prominent in light of the emphasis that the CCP has placed on establishing a rule by law system of governance. The trauma and humiliation of the West’s treatment of China through treaty law

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<sup>60</sup> Jeff Yang. *Once upon a time in China: a Guide to Hong Kong, Taiwanese, and mainland Chinese cinema*. New York: Atria Books (2003).

<sup>61</sup> John Christopher Hamm (b). *The Sword, the Book, and the Nation: Jin Yong’s Martial Arts Fiction*. Dissertation. University of California, Berkeley (1999).

<sup>62</sup> Jeff Yang.

<sup>63</sup> Ann Huss and Jianmei Liu. *The Jin Yong Phenomenon: Chinese Martial Arts Fiction and Modern Chinese Literary History*. New York: Cambria Press (2007).

has also informed the way the Chinese view themselves in relation to the West. The dynamic within the films reflect the struggle for self-determination against foreign influence; the current Western-imposed legal reforms constitute just such an intrusion. The *wuxia* films reflect Chinese legal subjectivity and the doubt that a Western legal model can achieve justice and social transformation. In order to explore the Chinese perception that the developing legal regime is unable to generate social change, I present a close reading of five *wuxia* movies produced in the last eight years: *Hero* (2002), *House of Flying Daggers* (2004), *The Promise* (2005), *The Banquet* (2006) and *Curse of the Golden Flower* (2006).

Each of these movies was made very recently and within only a few years of each other, indicating a spike in popular *wuxia* production and illustrating a kind of *wuxia* “fever” that suggests a deep resonance with audiences. I discovered this spike by examining a list of Chinese movies made by mainland directors from the 1920s to 2007 through a search on the Internet Movie Database (IMDb.com). In a scatter graph, the production of *wuxia* films dip dramatically during Communist rule. The proliferation increases slightly in the 1980s and 1990s, peaking in the years following 2000 and 2001. The spike in *wuxia* films from the mainland occurred after China joined the WTO in 2001 and began to adhere to the organizations’ reforms by changing its domestic policies, especially those specifically related to economics—opening its markets, reforming its politics on trade, and more importantly updating its legal structures to accommodate foreign investment—reflecting the Chinese experience under imperialism. I chose these films in particular because they were widely viewed, both domestically and abroad. I also chose the movies on the basis that their directors are from mainland China. Directors from Hong Kong or Taiwan may have different perspectives as to their subjectivity, which were shaped by historic experiences that were markedly different from that of the mainland.

To examine Chinese legal subjectivity in *wuxia* film, I did a detailed content analysis of the films and relate my findings of the films to trends in Chinese conceptualizations of identity and objectification through historic contextualization. This method is modeled after Yomi Braester's approach.<sup>64</sup> He argues that films from the 20th century reflect a mindset that constitutes a reaction against history as it was perceived or conceptualized, acting as witnesses against history. His interpretations are based on close reading of the films as texts, and on how they are contextualized within broader social and historical forces. The texts that Braester analyzes proclaim a certain faith in modernity, and yet indubitably reflect a doubt in the possibility of changing the course of history. Similarly, I chose films that suggest a certain hesitation and distrust in the law as an agent for social change in China.

Following Braester's method, I analyze contemporary *wuxia* films from mainland directors released after the year 2000. In order to take into account the contributions of historical experience to Chinese subjectivity and to show changes in the *wuxia* films in recent years, I compare them with *wuxia* films from the 1980s and 1990s. For both the 1980/1990s and contemporary films, I conduct a comparative analysis of the *xia* in his/her identity as a hero and his/her relationship with non-*xia* characters. To do this, I divide my analysis into two parts: the analysis of the 1980s/1990s films and the analysis of contemporary films.

#### *Analyzing films from the 1980s and 1990s*

In the first part of my analysis, I extract a common archetype of the *xia* from 1980s and 1990s *wuxia* films to highlight characteristics of the most recent representation of the *xia* preceding that of the contemporary version. I develop this archetype by reading material from scholars on *wuxia* film in this earlier time period as well as watching several of the films from the 1980s-1990s. I look for generalizations of what constitutes acceptable conduct for a *xia* and

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<sup>64</sup> Yomi Braester.

create a dichotomy of its opposite; that is, what would be unacceptable. The character of the *xia* establishes the social context in which they interact and shapes the relationship that the non-*xia*, non-primary-antagonist characters<sup>65</sup> has with the *xia*. This context also shapes how the non-*xia* contribute to the plot and how they are physically positioned in relation to the *xia* on camera.

It is important to remember that the *xia* is traditionally seen as an agent of justice. And in many traditional representations, this agent of justice either acts outside of established political and legal authority, suggesting that authority's limits or inefficacy, or actively opposes itself to it, suggesting that authority's corruption or illegitimacy. There are important exceptions: Judge Bao stories, for instance, have the *xia* aiding a righteous official. In any case, the role of the *xia* is to achieve justice through the means ordained by his code of conduct, which I discussed earlier. Through assessing *wuxia* films from the 1980s and 1990s, I develop a clearer understanding of this more traditional portrayal of the *xia* by not only picking out what actions or traits can be deemed as "honorable" but also in assessing and comparing the negative traits of the antagonist to the those of the *xia*.

In regards to the relationship of non-*xia* characters to the *xia*, there are two ways of characterizing their interaction. The first is to identify how the non-*xia* characters or their circumstances drive the actions of the *xia*; the second is how the *xia* and secondary characters are presented vis-à-vis each other on camera. In particular, Jerome Silbergeld's art historian approach to film analysis reminds us that the visual image on film can be just as telling as the

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<sup>65</sup> Clearly, this group of characters ranges widely. In regards to their social identity, they can include commoners from lower socio-economic classes as well as wealthier minor officials, soldiers or nobility. In their narrative role, they can be faceless or nameless characters and extras that do not drive the plot. They can also include characters that drive the plot but are neither the *xia* or the clear antagonist. Their importance in shaping the plot also varies greatly whereas some are crucial to the progression and some are not. I group all these characters together because the most important trait that they share is that they are not the *xia*; because they do not belong to this extra-legal class or have the same narrative role, their relationship to the *xia* speaks to how regular people interact with the figure of justice regardless of their social identity or narrative role in the film. I differentiate the non-*xia* from the primary antagonist because they are not able to stand up to or challenge the *xia* in the same way or to the same degree that the main antagonist does.

script. He argues that films often provide directors with an “answer to the censor has come not in the form of text (which the censor may understand all too well) but in the departure from text through cinema’s visuality (which censors apparently know much less well).”<sup>66</sup>

Following his approach, I assess the function of the protagonist in relation to non-*xia* characters by looking at the effect of camera angles in placing the individual versus the group. When other characters are in a scene, their interaction with the hero—grouped tightly together and behind or alongside the *xia* versus scattered and distant—can reveal how the Chinese perceive their interaction with extra-legal justice. I also look at the relationship between the camera and the object being photographed; that is, the angle of the camera and how it portrays both the *xia* and the non-*xia* characters. I look to see who is shot from a high angle, low angle, eye-level or canted angle and whether the camera treats the *xia* differently from the non-*xia*.

#### *Changes in the films after 2000*

In the second part of my analysis, I first compare the older model of the *xia* to the one that exists in the contemporary films by assessing how the commonly accepted traits of the *xia* are drastically changed, notably in that it is much more difficult to identify the hero in contemporary *wuxia* films. Sometimes it seems that s/he does not exist at all. In fact, in these newer *wuxia* films the traditional corrective to an absent rule of law—the *xia*—is variously compromised, co-opted, or made irrelevant. As such, the typical *xia* no longer exists in what are still characterized as *wuxia* films. Showing that the *xia* is eliminated will comment on why the *xia*, or a more effective substitute, is necessary in order for justice to prevail.

The un-idealization of the *xia* as a hero also affects his/her relationship to the non-*xia* characters. When the *xia* is prevented from fulfilling his role as a figure that provides extra-legal

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<sup>66</sup> Jerome Silbergeld. *China into Film: Frames of Reference in Contemporary Chinese Cinema*. London: Reaktion Books (1999), 9-11.

justice, the question remains as to how the non-*xia* characters see him/her or interact with him/her now that s/he is changed. I apply the same approach I use in assessing the 1980s and 1990s films as I do to the current ones by looking both at how the secondary characters drive the *xia*'s motives to fight, if at all, and how non-*xia* characters are physically positioned on camera in relation to the *xia*. I show that this two-part shift, through the increasingly ambiguous character of the *xia* and his estranged relationship to non-*xia* characters, reflects the skepticism that many Chinese have of the law as a mechanism for social change.

To summarize the literature review, I have discussed the recent debate on supposedly increasing Chinese litigiousness, China's subjectivity as shaped by its traumatic historical experience with the West and how the *wuxia* genre can be a useful medium through which to explore Chinese legal consciousness as shaped by those experiences. Next I turn to the actual analysis of the films in which the traditional version of the *xia* is somehow compromised and no longer represents an alternative to a lack of or corruption of state law. I argue that the decay or removal of the *xia* from the *wuxia* genre and the resulting problems embodies the distrust that the Chinese have of current legal reforms to truly transform or reshape society. Moreover, the lack of interaction with non-*xia*, non-antagonist characters shows an inaccessibility of the public to the state (law) and the ambiguity of relying on an extra-legal force (the *xia*, who is now a less reliable or honorable fellow). Thus, my approach to comparing the *wuxia* films from the 1980s and 1990s with the contemporary films indicates Chinese perception of the law as an ineffective mechanism to generate social change.

### **The Analysis**

The following investigations demonstrate that the role of the *wuxia* hero in the context of Chinese legal reforms is multi-faceted and conflicted. In taking a traditionally idealized figure of

justice and un-idealizing it, the contemporary *wuxia* films reflect a skepticism of the law that is rooted in a distrust of institutionalized law. In the following section, I first offer an analysis of general trends that characterize the *xia* and his/her relationship to non-*xia* characters in the *wuxia* films of the 1980s and 1990s. Then I address the differences that the newer versions of *wuxia* have with those of the past, paying close attention to the change in the conduct of the *xia* as well as the relationship of *xia* to non-*xia*, through my analysis of the following films: *Hero*, *House of Flying Daggers*, *The Promise*, *The Banquet*, and *Curse of the Golden Flower*.

### **Wuxia Film in the 1980s and 1990s**

Although there were changes in *wuxia* films in the 1980s and 1990s the basic elements of *wuxia* still exist in these films,<sup>67</sup> particularly in regards to the conduct and character of the *xia* as well as the primary function of the *xia* as protector of innocents. In this section, I offer a brief overview of the identity of the *xia* as s/he exists in the 1980s and 1990s films; I also characterize the relationship the *xia* has to non-*xia* characters through assessing how non-*xia* characters motivate the *xia* to fight and how they interact with the *xia* on screen.

It must be noted that in analyzing the 1980s and 1990s films, I do not limit myself to merely mainland movies for two primary reasons. First, the *wuxia* phenomenon was just making a comeback to the mainland in this time period. During the Cultural Revolution, *wuxia* fiction and films were banned as trashy or superstitious. The genre revived itself but slowly and many films during this period were poorly distributed, underfunded productions. Also, many of the movies that were filmed on the mainland were shot by Hong Kong or Taiwan directors. Many directors originally from the mainland in this period had also gone to Taiwan and Hong Kong for their film educations. Second, the characteristics of the *xia* and his/her relationship to the non-*xia*

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<sup>67</sup> Chen Mo 陈墨. *Zhongguo wuxia dianying shi* 中国武侠电影史. Beijing: Zhongguo dianying chubanshe 中国电影出版社 (2005).

characters is very similar in the films from this period whether they are directed by mainland, Taiwan or Hong Kong directors. Moreover, the 1980/1990s films that are discussed in the studies I cite, as well as the films I watched personally, were widely viewed on the mainland, as well as in Hong Kong, Taiwan and even abroad. As many of the ideas in circulation in this time period are similar in Hong Kong, Taiwan and the mainland, I analyze films from all these locations.

In developing the identity of the *xia*, it is most important to determine which actions and behaviors fit within the *xia* code of conduct; that is, what is honorable and what is not. In the 1980s, the heroes of the films are still bound to the code of conduct that guided previous models of *xia* but are much more complex than in previous generations: the hubris or stubbornness of the just-minded *xia*, for example, is given emphasis to make him more human and relatable.

As one iconic example of a complex *xia*, in *Shaolin Temple* (*Shaolin Si*, 少林寺1982) the main protagonist, Xiao Hu or Little Tiger, is introduced as an endearingly naughty youngster who constantly challenges and breaks the rules of the Shaolin monks. While Xiao Hu is not always a dignified hero who exercises wise judgment, viewers can still easily distinguish him from the enemy. The basic characteristics of the traditional *xia*—loyalty, courage and honor—are clearly expressed in him. He demonstrates great loyalty to his family in consistently pursuing his primary goal: to avenge the death of his father who died at the hands of a corrupt and cruel official. He is also loyal to his Shaolin master and his fellow monks because he comes back to the Temple to defend it from the officials who are looking for him; he is unwilling to let others suffer for concealing him. Despite the danger of fighting armed soldiers, Xiao Hu also courageously and willingly risks his life to protect his friends. When he finally challenges the official whom he hates, he honorably fights his enemy face to face, neither using shadowy means nor unfair advantage. On the other hand, the antagonist is dishonorable; he tries to throw muddy

water and sand into Xiao Hu's eyes to subdue him. Thus Xiao Hu, while not the exact replica of a traditional *xia*, embodies the same values of loyalty, courage and honor.

In another film, *Kids from Shaolin* (*Shao Lin xiao zi*, 少林小子 1984), two families named Leng and Feng practice two competing forms of martial arts. Their rivalry is exploited by a gang of bandits who pose as Taoist priests and exacerbate tensions while encouraging the two families to engage in combat. While the protagonists temporarily fall into this trap, the two families discover the truth and cooperate to defeat the bandits. The value they place on truth and friendship, as well as loyalty to the family and its martial arts tradition, is placed in sharp contrast against the deceit and manipulative measures of the bandits. The *xia* in this film are also portrayed as innocent and trusting; they take the words of the bandits as true because they themselves are honest. When they fight, they battle openly in a contest of skills; they do not use trickery or fight when an opponent's back is turned. Another example of the honorable *xia* can be found in the film *Yellow River Fighter* (*Huang he da xia*, 黃河大俠 1988). The plot revolves around To Hong, a swordsman, who on returning home finds his family murdered, embarks upon a quest to find the culprit only to be blinded when he is caught in the politics of competing warlords. Nevertheless, he is undeterred in his mission for justice to avenge the innocent lives of his wife and children. Along the way, he defends the helpless, downtrodden or unfairly treated.

In the 1990s, there was a rise in nationalist themes in the *wuxia* genre, but the same basic traits of the *xia* were maintained. For instance, in the films *Once Upon a Time in China* (*Huang Fei Hong*, 黃飛鴻 1991), legendary martial arts hero Huang Fei Hong must defend China against foreign plunderers and imperialists as his martial arts school and local militia become involved in fierce battles with foreign and local government. In the sequel, *Once Upon a Time in China II* (*Huang Fei Hong: nan er dang zi qiang*, 男兒當自強 1992), he fights against the White Lotus

society, a fanatical martial arts cult seeking to drive Westerners out of China through violence, even attacking Chinese who learn Western ways. Huang must also defend Dr. Sun Yat Sen, a revolutionary who dreams of China as a republic, from the military.

In both of these films, Huang is portrayed as an honorable man who fights with his skill, rather than relying on what Huang considers “cowardly” guns or by striking from behind. He is not swayed by politicians, who are usually corrupt Qing officials or greedy foreigners and try to convince him to join them; he stays true to his morals and is loyal to his country and friends. Moreover, he does not condemn Chinese individuals for their interest in the West; while he is uninterested himself, he believes that it is wrong to arbitrarily apply violence against innocents. Finally, a supposedly evil henchman fails to best Huang even though he attacked Huang from behind. He is soundly beaten and later disabled by his former boss for failing to kill Huang Yet, Huang forgives him and heals his wounds, teaching the henchman moral conduct and how to fight honorably by harnessing his skills through discipline.

Similarly, in *The Legend* (*Fang Shi Yu*, 方世玉 1993) and *The Legend II* (*Fang Shi Yu: xu ji*, 方世玉: 續集 1995), the young hero Fang must help the Red Flower Society overthrow the corrupt Manchu government. In the first film, he defends and refuses to abandon his father who is caught and tortured by the state. When his opponent challenges him to a fight, the stakes are named: his father’s freedom or his own death, along with the death of his father and all the people in the Red Flower Society. His opponent cheats and uses metal spikes on his boots to subdue Fang while Fang only retaliates with his bare fists, fighting honorably with his skill alone. He refuses to abandon his father or the cause of revolution in which he believes. Here he exhibits the ultimate resolve of the traditional *xia*, selflessness and unwavering loyalty.

Finally, in *Twin Warriors* (*Tai Ji: zhan san feng*, 太極：張三風 1993), the protagonist Junbao and his blood brother Chin Bo leave a monastery to make their fortunes in the neighboring city. The two friends part ways and Chin Bo becomes corrupted by his lust for power. When they meet again, Junbao still believes Chin Bo to be good; despite having been separated for many years, the protagonist exhibits the same traits of loyalty and honesty that all *xia* from this period of films share. Chin Bo, however, acts as a contrast to these ideal values and betrays Junbao and their friends; he is false and exploits the loyalty of the protagonist. Overall, these films depict a general trend of how the traditional *xia* can be characterized: s/he is loyal, courageous, fair, honorable and honest.

*Crouching Tiger, Hidden Dragon* (*Wòhǔ Cánglóng*, 臥虎藏龍 2000), also portrays the traditional *xia* as the admirable hero who is reserved, honorable and interested in justice. It is arguably the most important “contemporary” *wuxia* film, one that that sparked *wuxia* production on the mainland and generated debates ranging from changing gender roles<sup>68</sup> to the globalization of film culture.<sup>69</sup> It is also a film on the cusp of two eras which, for the purposes of my analysis, falls more definitely into the 1980s/90s category than the contemporary one. Li Mu Bai, the primary *xia*, is a renowned master swordsman. When he decides to place his ancient and powerful sword, Green Destiny, into the custody of an old friend it is stolen. When he finds the culprit, a young girl trying to avoid an arranged marriage, he does not punish her. Instead, he tries to train her in the just ways of the *xia*. He is self-restrained and puts aside his own desires so that he can help others. For instance, he has always loved his *xia*-counterpart Yu Shu Lien, but

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<sup>68</sup> Kim, L.S. “Crouching Tiger, Hidden Dragon: Making women warriors—a transnational reading of Asian female action heroes.” *Jumpcut: a Review of Contemporary Media* v.48 Winter 2006. Accessed: 12 Apr 2008 <<http://www.ejumpcut.org/archive/jc48.2006/womenWarriors/index.html>>; Chan, Felicia. “Crouching Tiger, Hidden Dragon: Cultural Migrancy and Translatability.” In Chris Berry, ed., *Chinese Films in Focus: 25 New Takes*. London: BFI Publishing (2003), 56-64.

<sup>69</sup> Chan, Kenneth. “The Global Return of the *Wu Xia Pian* (Chinese Sword-Fighting Movie): Ang Lee's *Crouching Tiger Hidden Dragon*.” *Cinema Journal* 43, 4 (2004), 3-17.

she was married to his friend who passed away long ago. To honor his friend's memory and so that he could continue to travel and serve the needy, he refrains from pursuing his love. Thus he demonstrates the same loyalty and self-sacrifice, even to a friend long gone, that characterizes the *xia* from the 1980s and 1990s films.

These films also elucidate a crucial dimension of the relationship between the *xia* and non-*xia* characters; the plight of the non-*xia* characters often drive the *xia* to fight for justice. For instance, in *Shaolin Temple*, the *xia* Xiao Hu was originally a captive slave whose father was originally a martial arts champion. When Xiao Hu is rescued by the monks at the Temple, he arrives at the beginning of a wave of refugees that have been displaced, terrorized and cruelly mistreated by the corrupt regional officials. The monks also qualify as *xia*; they are skilled in martial arts and demonstrate the values of honor, courage and loyalty. This group is divided on the issue of what they can do for the starving, injured people that arrive at their temple. Most of the monks, and particularly Xiao Hu, believe that it is the duty of the temple and of people with martial arts skills to protect the innocent and to defend the sanctuary offered by the Temple. The monks of the Temple are poor under the cruel regime—they wear cheap clothes and eat thin gruel—but they do not take up arms on their own behalf. They argue that fighting is not justified in and of itself, but it can be used for the good of society. In fact, they initially try to engage the officials peacefully; only when the officials burn their highest ranking master alive and threaten to kill any villager housed in the Temple do the monks retaliate. As such, the suffering of the population drives them to fight against the officials.

On camera, the relationship that the monks have with the commoners is further elaborated by how they are filmed against one another. For instance, the monks often shield the weaker commoners from the cruel officials with their own bodies. They also lean over the

injured and gently tend to their wounds or feed them. They are set apart from the non-*xia* characters in that they are wearing the attire of monks and that they are the only ones present in fight scenes, but they are also shot on the same level as the non-*xia* characters in a way that still portrays them as protectors. Their clothes are not better and they are squatting on the ground with the poor refugees. There is a connection between the *xia* and non-*xia* characters, both physically and emotionally as many of the monks like Xiao Hu began as refugees themselves, that is emphasized by the manner in which *xia* and non-*xia* are presented together on film.

The relationship that the *xia* has with non-*xia* characters is similar in *Yellow River Fighter*, where protagonist To Hong fights to avenge the death of his innocent family and makes it his life goal to defend the poor and weak against the rich and oppressive. In both of the *Huang Fei Hong* and the *Legend* films, the protagonists only use violence to defend weak or mistreated individuals or to make an assertion of national pride for China as a weak and mistreated country. In one specific scene from *The Legend*, Fang is trying to fight the underhanded and formidable antagonist, protect the list of Red Flower Society members and hold onto a burning rope that would release the heavy blade of a guillotine to decapitate his father. In a particularly emotional moment, he shouts to his father that he will either win to save his father's life or die trying and that he could never give up the list of names of his revolutionary countrymen who are seeking to free the Chinese people from oppressive rule. As he wraps the charred end of the rope around himself and bears the attack of the antagonist, his looming martyrdom and his great loyalty mobilizes the crowd of commoners present at the execution.

The camera portrays Fang away from the crowd of spectators who are being held back by soldiers. Hearing his brave words and watching him struggle as the lone figure against injustice, an elderly peasant and two young children break away from the crowd to help him with the

weight of the guillotine. More and more of the commoners suffering under the oppression of the regime push against the soldiers to help until, empowered as a collective by Fang's valor, they help save Fang's father so that Fang can finish the showdown with the antagonist. The camera watches from a high angle as the crowd swarms forward as one cooperative team to join the *xia*. Thus the *xia* is not an undefeatable savior who swoops from the heavens to save the people; rather, the *xia* inspires the non-*xia* to engage, together on equal terms, in achieving justice.

Finally, in *Twin Warriors*, Junbao and Chin Bo initially befriend kindly shop keepers who suffer from unfair taxation, indiscriminate beatings and harassment by corrupt government officials. Chin Bo leaves his friends to pursue his political goals while Junbao stays on to see and experience the suffering of his friends and neighbors. When he meets Chin Bo, who by this time is corrupted, they concoct a plan to infiltrate the nearby army camp in the efforts to overthrow the leadership of the cruel and corrupt regime. Chin Bo betrays them, however, and many of their friends are hurt or killed. Junbao returns, first failing and then succeeding, to defeat Chin Bo in battle. The primary driving factor that motivates the *xia* to fight is the suffering of non-*xia* characters. The second motivation is the unjust deaths of other *xia* by the hands of a traitor.

On screen, after the battle is won, Junbao walks away from the army encampment where he defeated Chin Bo and returns to town to be among the commoners. In the final scene, Junbao stands before a courtyard full of students dressed in white. He leads them in a series of exercises in their martial arts training. The camera looks up at Junbao from a low angle, making him tall and elevating him as a model *xia*. The camera then pans over hundreds of his students, uniformly engaged in drills from a high angle to indicate that they are novices, but that with Junbao at the front, he can empower and inspire them to preserve justice.

In the 1980s and 1990s films, the *xia* maintains his traditional code of conduct in which s/he is honest, courageous and honorable; the *xia* is driven to fight for justice for the poor or regular citizen, whether it is for his family, friends or country. I use this standard for comparative purpose to illustrate how dramatically the character of the *xia* and his/her relationship to non-*xia* has evolved in the contemporary *wuxia* films. To explore these changes and their implications, I now move on to analyze the *wuxia* films that have been produced after 2000.

### **Contemporary *Wuxia* Films**

In this section, I look exclusively at films from mainland directors. While there is still significant exchange of ideas between Taiwan, Hong Kong and the mainland in regards to *wuxia*, there are unique changes in the mainland films that are not shared by films from Taiwan or Hong Kong. To investigate this phenomenon, I first summarize the significant points of the plot of each of the movies under analysis. Then I expose the sense in which the *wuxia* hero is un-idealized and what is different from traditional value sets of more idealized heroes, specifically in regards to whether the actions they take to achieve their goals are considered honorable by the more traditional code of conduct. Finally, I identify the relationship that non-*xia*, non-antagonist characters have with the *xia*. I pay particular attention to whether they drive the plot and how, if at all, they factor into the *xia*'s motivations and decisions to engage in conflict with the enemy. I also look at how they are visually positioned on camera in relation to the *xia*. Throughout this process, I compare and contrast these films in order to determine patterns and discrepancies. I also connect these analyses to my overall argument.

#### **Case 1: *Hero* (Yīngxióng, 英雄)**

*Hero*, directed by Zhang Yimou, was released in 2002. Set in ancient China during the end of the Warring States era, the Nameless prefect of a small jurisdiction (Jet Li) arrives at the

King of Qin's palace. He is granted an audience with the King (Chen Daoming), who lives alone in an empty palace since an assassination attempt failed three years ago. The King always wears his battle armor and forbids visitors from coming within 100 paces of his throne. As Nameless kneels before the King, he displays the weapons of legendary assassins Flying Snow (Maggie Cheung), Broken Sword (Tony Leung) and Sky (Donnie Yen). The King, impressed that Nameless killed three of his most feared enemies, invites him to sit within ten paces of the throne to tell his story. Three versions of the events are told, of which only the third one is true.

In the first version of the story, Nameless tells of how he subdued each of his enemies. First, he defeats Sky by skill alone at a Go parlor with the King's guards bearing witness. Then, he travels to the state of Zhou to ask Sword, who is posing as a master at a calligraphy school, for a scroll of the word "sword." There he exploits the estranged romance between Snow and Sword by reminding them of Snow's illicit love affair with Sky. Sword invokes her jealousy and she kills him, bests his mistress-servant Moon (Zhang Ziyi) and is distracted by her emotions during her fight against Nameless, thus succumbing to his skill.

The King expresses his disbelief at the verity of Nameless' story, claiming that he had met both Snow and Sword and thought neither were as petty as Nameless described. The King tells a second version, imagining Sky's sacrifice to help Nameless in his goal. Snow must have injured Sword so that she could sacrifice herself in his stead. After her death, Sword most likely gave up his weapon so Nameless could complete the goal. The King views each of the assassins as admirable, ideal heroes. He theorizes that the brave and loyal assassins only invested their lives because Nameless has an unstoppable technique that would guarantee the King's death.

Nameless corroborates some of the King's suspicions, such as his unique skill of "Death in 10 Paces," but shows that the *xia* are not as infallible as the King believes. He reveals the final

version of the story, explaining that Sword abandoned the assassination attempt of the King three years ago and, in anger, Snow refused to speak to him since. She agrees to Nameless' plan and instead of killing his collaborators, Nameless uses surgical precision to avoid vital organs while causing a wound that appears fatal to watching guards. As Snow recovers, Sword asks Nameless to spare the King. He writes "under heaven" in the sand, explaining that killing the King, seen by most as a tyrant, would plunge fragmented China into further war and shatter all hopes for peace. Nameless goes to the palace as planned, but Sword's words give him pause before his attack.

The King, deeply moved by the tale and Sword's understanding of his true intentions, throws his sword to Nameless and turns his back on the assassin. Unafraid of death, he turns to the scroll written by Sword, now hanging behind his throne. Reading it, the King exclaims that the scroll explains the ideal warrior who paradoxically should have no desire to kill. Realizing the wisdom of these words, Nameless spares the King and marches into the courtyard to await his fate. The King, to uphold his laws, reluctantly orders Nameless's execution. The closing text declares that the King unites the Kingdom, standardizes the Chinese language, its weights and measures system, completes the Great Wall of China and ushers in the Qin Dynasty.

### *The Un-Idealization of the Xia*

In *Hero*, the actual behavior and values of the *xia*, as told in the truthful third version of events, seem much closer to those of the traditionally portrayed *xia*, but there are still significant differences in the contemporary *xia*. These differences do not necessarily corrupt him/her but do make him/her irrelevant as a figure of extra-legal justice. There are four main *xia* in *Hero*: Sky, Sword, Snow and Nameless. The first version of events evinces an impassioned and somewhat corrupted version of the *xia* while the second version displays a self-restrained, idealized version. I focus my analysis on the third version of the interactions between the *xia*, which is the true

sequence of events and synthesis of the two prior versions. This is particularly valuable because it is the combined but counter-acting forces of passionate vengeance and sage understanding of the various *xia* in the final version, as neither corrupt nor ideal figures, which I show disables the *xia* as a plausible mechanism for social change.

I first turn to an analysis of Sky whose actual defeat is fairly close to that of the initial telling, but a nuanced meaning of Sky's sacrifice emerges when taking into account his approach to his purpose: assassinating the King. More traditionally portrayed *xia* are often stubborn and rarely defer their goals to other *xia*. Sometimes, they initially allow another *xia* to face the enemy alone, but then they would be overcome by a sense of obligation and appear, perhaps in the final scene, to help. Of course, Sky shares many characteristics with a more traditionally portrayed *xia*: he fights well and honorably, bowing to Nameless before the battle and revealing his signature weapon to identify himself openly. In contrast to previous *xia*, however, Sky defers responsibility over the King's assassination to Nameless. He has reasonable cause to do so because Nameless's ploy allows him to approach the King's throne to assassinate him at close quarters. He is committed to his cause because he allows Nameless to injure him deeply. Yet, even with reasonable causes, a traditionally represented *xia* would not defer a personal vendetta or commitment to justice. Moreover, Sky's injury does not prevent him from pursuing his goals, as Nameless mentions that Sky is fully recovered from their staged battle. Allowing Nameless to assassinate the King indicates that Sky does not, like previous *xia*, feel fit to complete the objective. Although Sky is instrumental in the pursuit of justice, he ultimately relinquishes the position of *xia* by deferring the execution of the plot to Nameless.

As another potential hero, Snow fails to fulfill the role of the *xia* because, similar to Sky, she defers the responsibility of the assassination to Nameless and is overly vindictive to Sword.

Snow's father died as a general of Zhou, a state that was conquered by the King. In her search for vengeance, she fell in love with Sword. They stormed the palace three years prior to meeting Nameless but for reasons unbeknownst to Snow, Sword aborts the mission. She never forgives him, but nor does she try to complete her mission alone. She tells Nameless that the guards are nothing to worry about; indeed, in a flash-back Snow easily sends hundreds of guards flying in every direction. If avenging her father is her priority, however, she would conceivably continue in her endeavor regardless of what Sword thought, just as a more traditional version of the *xia* would. Furthermore, when she catches word of Nameless's failed attempt, Snow draws her blade against Sword in a fury and he allows her to kill him. Overcome by regret, she takes her own life. She not only kills her true love, but also revokes any chance to fulfill her filial obligation and vow for revenge as earlier *xia* would have. As such, Snow does not fulfill her function as a *xia*.

In contrast to Sky and Snow, Sword seems a likely candidate for the role of a *xia* because he does indeed fulfill his goal of saving the King, is fair-tempered and rational. Yet, his goal is entirely contrary from his previous one and he has become so un-*xia*-like that he is rendered ineffective as a figure of extra-legal justice. The King, as he himself recognizes, is considered a despot even by his own advisors. To conquer the state of Zhou he employs deadly archers that fire a volley of arrows so thick that a city's walls are colored black by the destructive missiles. The destruction of the city and the loss of human life are devastating but the King expresses jubilation at the thought of unifying not only each of the six states, but conquering several surrounding countries as well. A totalitarian ruler, the King is hated and feared by everyone but Sword, who convinces Nameless to abandon the assassination. Rather than righting the injustice of slaughtering countless innocents, Sword believes that the deaths are a necessary sacrifice for peace and submits to the dictatorship of the King, a view very different from that of previous *xia*.

As the mastermind behind the plan to kill the King, Nameless is initially portrayed as the ultimate *xia* in the film; however, his characterization shifts constantly between being a hero and being a failed *xia*. For instance, Nameless was orphaned at a young age by the King's army and spent his life developing "Death in 10 Paces." He is untiring in his pursuit of his life-long goal: to seek vengeance for his family and his state. These are honorable goals. He is not underhanded in the same way that many of the characters in *The Banquet* are, which I deal with in more detail later, but he tricks his way into the King's presence by fabricating the first story in his attempt to fulfill his goal of assassinating the King. Yet, as Snow's casual defeat of hundreds of soldiers in her effort to storm the palace illustrates, it is likely that a *xia* of Nameless's skill could openly fight his way into the throne-room to dispatch the King. Nameless is still honorable when his lie is discovered by the King, however, because he does not run away or try to deny his true intentions. He sits calmly discussing the truth with the King. So while Nameless uses deception to gain audience with the King, he does not rely on deception alone to pursue his mission.

Thus Nameless has many of the admirable qualities of a *xia*, but many of these admirable qualities are expressed in situations that a more traditionally represented *xia* would not have placed him/herself in. For instance, he is admirable because he faces his fate, his death, with composed resolve. He does not plead for mercy or try to justify his actions. In sacrificing his life, he supposedly dies for a greater good. Yet, Nameless is only subject to death after he questions his plan at Sword's urging and sees for himself the greater good that the King hopes to achieve. But as a source of extra-legal justice, Nameless ought to assassinate the King, end the despotic reign and avenge his family and country. By failing to kill the King, Nameless cannot be considered a *xia* and is rendered ineffective as a provider of extra-legal justice. Overall, none of the *xia* in *Hero* fulfill their role of providing extra-legal justice, not least because none of them

successfully remove the cause of injustice: the King. Instead, they either fail to follow through on their goals (Sky and Snow) or are convinced that widespread injustices done to individuals is justifiable if peace is attained through their suffering (Sword and Nameless).

#### *Interactions with Non-Xia Characters*

In *Hero*, very few non-*xia* characters are present on screen at all and without direct interactions the relationship between the *xia* and the non-*xia* feels somewhat superficial. This relationship is particularly interesting in that all the assassins want to, at some point, remove the King for the good of society; thus the non-*xia* do motivate the actions of the *xia*. Still, the problem is that the injustices done upon the people of the six states do not drive the *xia* to a successful completion of retributive justice, as it would have done for previous *xia*. In addition, the *xia* proclaim that s/he fights to avenge family and country, but s/he rarely interacts with anyone who is not another *xia*. In *Shaolin Si*, for instance, Xiao Hu has a flashback that cues the audience in to the closeness of his relationship with his family and how the tragic death of his father forever instills in him the motivation for justice. In *The Legend* and *Once Upon a Time in China*, the heroes often interact with citizens in the marketplace, at school or have friends who are non-*xia*. When the non-*xia* friends are hurt by antagonists, the *xia* is driven into action. In *Hero*, however, the relationship of the *xia* to their families is underdeveloped and the motivation for vengeance is abstract and less potent than in previous *wuxia* films.

Moreover, when the *xia* in *Hero* acts to benefit people in need, they seem to have their own motives apart from seeking justice for non-*xia* individuals. When Nameless goes to the calligraphy school to request a scroll from Sword, the King's army attacks the city of with a bombardment of arrows. Sword, Snow and Nameless are on the upper level of the school and, underneath them, students are being massacred. Sword is engrossed in completing the scroll,

with arrows flying around him; at one point, an arrow snaps his brush but he replaces his brush with another arrow. Only when the attack proves to be an annoyance to Sword do Nameless and Snow act. They charge onto the terrace to deflect the arrows. The school is ruined but the remaining students are saved. Yet the question remains whether the *xia* acted to save the people or provide Sword a peaceable environment in which to finish his calligraphy. It first seems that the *xia* move to protect the people against the terrible onslaught. On closer inspection, however, viewers realize that the rest of the city is laid to waste. The school is but one building in Zhou, yet this is the only building that the *xia* protect. They also took their time to preserve it: many students are killed and more than one volley is fired before Nameless or Snow act. Perhaps it is not the peril of the people that drive the *xia* to act and rather their own interests.

The distant relationship between the *xia* and non-*xia* is also mirrored in their physical separation on camera. The *xia* wave their arms or brandish their swords to dispel the arrows and fly effortlessly through the air while the students in the room below crawl about painfully to continue practicing calligraphy. Many of their peers lay dead or dying around them. The non-*xia* calligraphy school students are shot within a physically lower level of the building than the *xia* and the camera looks down at them from a high angle. Some of the students are injured, others are propping up their friends and some sit silently. Their movements are halting, jarred by the pain inflicted upon them through the destruction of their school and their lives. The physical distance between the *xia* and non-*xia* suggests that the *xia* are out of touch with the non-*xia*.

In contrast, the *xia* are physically positioned above the non-*xia* to demonstrate that *xia* are consumed by their own plots and are disconnected from society. The camera shoots them from eye-level or from a low angle, looking up at Snow and Nameless as they deflect the arrows. The roof on which they stand completely sets apart the differing experiences of the *xia* and non-*xia*.

The *xia*, capable of defending themselves, are unscathed, physically elevated. The non-*xia*, however, are devastated, subdued on a lower floor. Also, after the attack, the *xia* do not descend to the students' level to help the injured or to rebuild homes as previous *xia* would have. Instead, the *xia* meet in an undisturbed library to discuss whether Snow or Sword will fight Nameless in front of the King's army. The *xia* are literally placed above the non-*xia* and, when they descend to the same level, the *xia* congregate in a place secluded from the non-*xia*. The physical loftiness and separation of the *xia* emphasizes his/her detachment from society and it becomes questionable as to who the *xia* are fighting for if not the suffering individuals below them.

Aside from the calligraphy students, the other non-*xia* characters present in the movie—Snow's servant, the army, guards at the palace and official advisors of the King—neither play a driving role in the plot or are portrayed as important on camera. Snow's servant is treated kindly by her and plays a benign role as a messenger. He is always shot at a distance or in the background behind the *xia*. The army is simply used as a pawn by Nameless to trick the King when it bears witness to the defeat of the assassins and corroborates Nameless's first version of events. On camera, the army is virtually a part of the scenery, as the soldiers rather passively watch the *xia* battle. The guards at the palace that fight Snow and Sword in the third retelling of events are soundly defeated by the *xia*. Even then, the camera does not shoot the soldiers in close-ups; they are anonymous, scattered and knocked around in great numbers, powerless against the *xia* who they usually surround. When Nameless exits the throne-room, guards also encircle him but do not act against him at their own volition. The palace officials surge forward to surround the throne, reciting a seemingly orchestrated mantra to "kill him, kill him, kill him" in regards to Nameless. Unable to dislodge the King or challenge his rule, these non-*xia* are

either victims or in fact try to impose the King's rule on others; either way, they are powerless to influence the direction of the plot and are portrayed as inconsequential on camera.

Overall, when the *xia* gives up his/her duties and is co-opted by or submits to the state, the people are not empowered to change the status quo. The *xia* in *Hero* seem to be motivated by a cost-benefit analysis than righting an injustice. The *xia*, specifically Nameless and Sword, decides that an injustice ought to be accepted for the greater good. This is a dramatic shift from previous *xia*, for whom justice is unquestionable and the suffering of innocents is unjustifiable. Also, a tyrannical official is always at odds with the *xia* in previous *wuxia* films, a relationship that usually culminates in the *xia* besting the tyrant. Yet, *Hero* deviates from these traditional depictions when the *xia* is co-opted and convinced by the King's justification for tyranny. Also, that the despotic King is portrayed as a rather honorable and rational ruler seems to temper the need for extra-legal justice. Finally, the *xia* in *Hero* generally treat all the non-*xia* characters equally: as relatively insignificant. While they are never cruel to non-*xia* characters, the *xia* have higher priorities than to protect the non-*xia* (such as dispelling arrows or, in the case of fighting the guards, to reach the King). The physical and emotional detachment of the *xia* to the non-*xia* further indicates their disinterest in serving the non-*xia*'s needs. Thus, the *xia* do not see the non-*xia* as motivations for removing social obstacles and fail to help the non-*xia* achieve justice.

The underlying message in *Hero* is nuanced: as a showcase for the removal of the *xia*, the film suggests what may happen even if the ruler who removes the *xia* is honorable. It is not a film simply about good and evil, or an acceptance of totalitarianism as many critics have suggested.<sup>70</sup> *Hero* shows that, through the removal of the traditionally portrayed *xia*, perhaps

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<sup>70</sup> Stephen Hunter gave the film a strongly positive review, but mentioned his concern that the film endorsed the views presented by Qin Shi Huang, concluding "That was the King of Qin's reasoning and it was all the other big bad ones' as well: Hitler and Stalin and most particularly that latter-day king of Qin named Mao, another great unifier who stopped the fighting and killed only between 38 million and 67 million in the process." Hunter, Stephen.

unity and progress can be achieved without an extra-legal instrument for social change. The cost of that development is very high, however, as exemplified in the destruction of Zhou.

*Hero* calls into question whether the Chinese are willing to make this sacrifice. As many of the negative reviews indicate, the answer may very well be no. Namely, the *xia* is co-opted into the state structure and the people do not gain justice. In reality, the law in China is a developing state institution, shaped mainly by Chinese elites and Western powers. Many of the processes are still unclear or inaccessible to common citizens. Both the *xia* and the law become part of the state and its promise of progress, but neither the *xia* nor the law empower the people who are suffering from China's slow (legal) reforms by providing them justice. Thus, *Hero* illustrates that the statistical increase in Chinese litigiousness does not necessarily indicate a change in legal consciousness; instead, the film suggests that the Chinese people are still wary and skeptical of the law providing a means for social change.

**Case 2: *House of Flying Daggers* (Shí Miàn Mái Fú, 十面埋伏)**

Directed by Zhang Yimou and released in 2004, *House of Flying Daggers* takes place when the great Tang Dynasty is in decline. The government is corrupt, unrest is spreading throughout the land and rebel armies form in protest. The largest and most prestigious is an underground alliance called "House of Flying Daggers." Captain Leo (Andy Lau), a government official, suspects that Mei (Zhang Ziyi), a beautiful dancer at the local Peony Pavilion, is actually the daughter of the previous leader of the rebels. Leo conceives a plan to arrest her and bring her in for questioning. When Mei refuses to disclose any information, Leo sets up a plan in which

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"'Hero': An Ending That Falls on Its Own Sword." *Washington Post*. 27 Aug 2004  
<<http://www.washingtonpost.com/wp-dyn/articles/A37325-2004Aug26.html>>, Accessed: 4/12/08. In China, many viewers also expressed a fair amount of outrage over what Zhang's perceived acceptance of authoritarianism. Evans Chan. "Zhang Yimou's *Hero*: The Temptation of Fascism." *Film International* 8 (March 2004)  
<<http://www.filmint.nu/netonly/eng/heroevanschan.ht>>. Accessed: 2/11/08.

Captain Jin (Takeshi Kaneshiro) will rescue Mei from prison, earn her trust and escort her to the secret headquarters of the Flying Daggers, leading the officials to their hideout.

To add authenticity to the deception, Leo and his men ambush the pair. The fight is staged, however, and the soldiers are easily defeated by Jin. The plan works flawlessly until, on their journey to find the Flying Daggers, Jin and Mei fall in love. Further on, they are attacked by soldiers again, but this time their assailants aim to kill. Jin and Mei battle for their lives, saved only by an unseen knife-thrower. Furious, Jin confronts Leo who explains that he reported the matter up the chain of command and the General took over the pursuit. Jin realizes he is expendable. On his return to camp, Mei quarrels with him and rides off in a huff. Jin pursues her and, once reunited, they are attacked by the General's men. Far outnumbered, they are saved just in time by the Flying Daggers. Jin and Leo are both captured and taken to headquarters.

At this point, the truth is uncovered. Mei is not blind, nor is she the old leader's daughter—she was merely pretending to be. Leo is in fact an undercover agent for the House of Flying Daggers, and has engineered the chain of events to draw the General into a decisive battle. In addition, Leo is in love with Mei: he has waited three years for her while working undercover. Mei, however, loves Jin. As Jin is now a liability, Mei is ordered by the leader of the Flying Daggers, Nia, to kill him. Instead, Mei frees him. Jin begs Mei to flee with him but she is torn between her love, her duty to the House and her guilt over Leo. Jin rides away alone.

In the final scene, Mei decides to follow Jin but is ambushed by Leo who is embittered by her rejection and consumed by jealousy of Jin. Leo throws his daggers at her and Mei, not realizing that the daggers were doubled, only manages to ward off one knife while the other strikes her in the chest. As Mei lies dying, Jin returns for her and confronts Leo. Mei regains consciousness and threatens to pull the dagger from her chest to kill Leo with it if he kills Jin

with his throwing dagger. Jin begs her not to sacrifice herself for him; pulling out the blade would cause her to bleed to death. Infuriated by their love, Leo throws his arm out as if to throw a knife at Jin. Mei throws the dagger from her chest to deflect Leo's attack and save Jin rather than kill Leo in revenge. Leo, however, never throws his dagger. Mei dies from the loss of blood. She smiles before collapsing, as she knows Leo will spare Jin's life on account of her sacrifice. In the final scene, Jin cradles Mei's lifeless body as Leo walks off into a blizzard.

### *The Un-Idealization of the Xia*

In *House of Flying Daggers*, it would seem clear that Mei is the *xia*; but she uses deception in the pursuit of anti-authoritarian justice, which eventually becomes a pretext for personal melodrama that effectively renders her irrelevant as a provider of justice. At face value, Mei shares several similarities with a more traditional *xia*, the most important of which is her membership in the Flying Daggers. Her goal and function as part of this organization is to remove a corrupted government. In her conversations with Leo and Nia it is also revealed that she has been involved in many perilous undercover missions, evincing her commitment and loyalty to the rebels. They specifically reference Mei's use of her beauty to infiltrate and lure the enemy out during her covert missions however, recognizing Mei's comfort and use of deceptiveness—characteristics that seem so alien to previously represented *xia*. Her role as an undercover agent is indicated by Nia to have been highly successful in the past, but in *House* Mei's deception sets the moorings for her star-crossed love for Jin.

Mei begins her journey with Jin to try to win him over for the purposes of the rebellion; but her loyalties clearly waver when she chooses her enemy over her rebel cohorts. For example, she tells Jin that when she had quarreled with him at their camp, her true intention was to abandon him so he would not be hurt by the Flying Daggers. Once they are reunited, she cannot

bear to kill him even at the orders of her superior, Nia. Mei's choice could have had disastrous effects for the Flying Daggers. Once released, Jin could have informed the General of the Flying Daggers' plan and given the army time to prepare for the battle. Mei mixes up her priorities and risks the lives of many of her comrades for Jin who had, a few days earlier, been her enemy. Her actions diverge from those of Xiao Hu from *Shaolin Si* who relinquishes his love for a sheep-herding girl to devote his life to the Temple. Mei is also disloyal to Leo, with whom she had a romantic relationship in the past. This is very different from the relationship between Li Mu Bai and Yu Shu Lien in *Crouching Tiger, Hidden Dragon* in which the two *xia* withhold their love for each other to pursue practical goals and social justice. Mei betrays the Flying Daggers, Leo and her position as a justice-seeking *xia* by fraternizing with an official of the enemy state: Jin.

Jin could be a potential *xia* because in traditional representations, upright officials often fulfill such a role but, similar to Mei, his moral reliability is questionable. In particular, he seems rather uncaring of the looming battle between rebels and the state; he is more interested in following his own desires, which are indecisive and subject to change. In one scene, as a patron at the Peony Pavilion, Jin flirts outrageously with the girls there. Then, when plotting with Leo to discover the hideout of the Flying Daggers by using Mei, Jin expresses a lack of interest, asking why he ought to go through all the trouble to help the General uncover the rebels. After Leo argues that Jin's womanizing abilities are best suited for this job, Jin accepts the task and jokes that he would like the chance to flirt with Mei. As he travels with Mei, Jin peeks at her while she is bathing and, unlike previous chaste *xia*, he is capricious and sleazy.

Moreover, Jin lacks the traditionally portrayed *xia*'s commitment to either people he has affections and responsibilities for or a greater social cause. For instance, despite his growing affection for Mei, he abandons her twice: first, when they quarrel over a rather insignificant

disagreement and second, when she releases him from the custody of the Flying Daggers. Jin returns to Mei both times, but his lack of constancy is very different from the extreme loyalty of the *xia* from previous *wuxia* films, such as Fang in *The Legend* when he refuses to leave his father even at the risk of death. And when he does return to her, it is not for devotion to justice but his own selfish passions. Finally, when Mei releases him from the custody of the Flying Daggers, Jin tells her “You and I are just pawns on a chessboard. Nobody cares if we live or die. Let’s go away together and roam the world as free as the wind.” Jin cares not about the rebellion, his loyalty to the state, or Mei’s commitment to the Flying Daggers. He just wants to follow his impulses, much as inconsistent gusts of wind. Lacking moral convictions and commitment to an unselfish cause, Jin does not qualify as a facilitator of justice.

In contrast to Mei’s and Jin’s flighty natures, Leo seems much more constant in his exhibitions of loyalty to both Mei and the Flying Daggers; yet, far from the self-sacrificing and self-restraining *xia*, Leo demonstrates that he is in fact deceitful and unable to let go of his obsessive passions. As a secret agent, it is implied that he had to be underhanded to achieve the greater good that would ostensibly follow the success of the Flying Daggers rebellion. Yet, more traditionally portrayed *xia* would reject living the life of duplicity that Leo does. Furthermore, like Jin, Leo pursues his passions but does so in a more extreme way. At the headquarters of the Flying Daggers, Leo reasserts his love for Mei and recounts his time as a double-agent, saying “I was all alone for years. You were in my mind every single moment.” But Mei’s rejection sends him into a rage. Leo tries to rape her and is only stopped by Nia. Leo does not possess the self-restraint that the *xia* from previous films demonstrate and instead follows his obsessive passions.

Leo’s actions and words also suggest that perhaps he is more consumed by his personal passions than his commitment to the Flying Daggers and the rebellion. When Leo leaves at Nia’s

command, he turns to Mei saying “I have sacrificed three years for you. How could you love Jin after just three days?” This makes it sound as though his commitment to his post was for Mei rather than the cause of the Flying Daggers. In addition, Leo disobeys Nia’s orders to return directly to the General; instead, he waits to ambush Mei. In his obsessive love for her, he is more willing to take her life than allow her to join Jin and even shirks his duties to the Flying Daggers to do so. By disobeying Nia’s command, Leo could arouse the General’s suspicion by failing to return immediately, thereby endangering the Flying Dagger rebellion. As a potential *xia*, Leo does not fight for justice or a greater cause and simply pursues his own selfish interests.

#### *Interactions with Non-Xia Characters*

Non-*xia* characters only appear in this film as performing girls at the Peony Pavilion or soldiers, and their relationship to the *xia* is strictly business. Rather than developing a friendship in which the *xia* is protective of the non-*xia*, Jin is a patron that drinks and flirts with the girls in a manner very unbecoming of a *xia*. Far from being benign or helpful, Jin approaches Mei too aggressively in his drunken state, tearing her skirt and causing mayhem at the Pavilion. On the other hand, Leo is simply there to arrest Mei. He enters, creates a spectacle of Mei’s martial arts skill by which to convict her and drags her to the prison. He speaks politely but firmly to the madam, who he fails to realize is actually Nia in disguise, and does not look at or talk to any of the other girls.

In relation to the soldiers, the *xia* simply fight them. Unlike the camaraderie or sympathy that drives traditionally portrayed *xia* into action, the relationship of the *xia* to the non-*xia* in *House of Flying Daggers* is impersonal and even adversarial at times. When Leo and Jin initially hatch their plan, the faked fight with the soldiers from their precinct is pre-arranged. No one gets hurt. In the ambushes by the General’s soldiers, the *xia* have to fight and kill them in order to

survive. At first, Jin expresses some remorse at having to kill the soldiers until he realizes his life is at stake. Afterwards, he acts as necessary to stay alive and does not express further scruples. Other than indirect or vague references to the effects of the state's corruption on the country, non-*xia* characters are not referenced as motivating the *xia* to fight for justice.

Similar to the other contemporary films I analyze, few non-*xia* are ever present in *House of Flying Daggers* so viewers do not get the sense of a deep relationship between the non-*xia* to the *xia* through their physically positioning against each other on camera. As I have noted, previous films generally place non-*xia*, for whom the *xia* fight to achieve justice, interacting closely with the *xia* on screen to illustrate how their circumstances drive the righteous *xia* to act. In *House of Flying Daggers*, the impoverished citizens suffering under Tang rule that are referenced in the opening text of the film never show up in the film itself. The camera's portrayal of the *xia* against the richly dressed Pavilion showgirls is superficial because the non-*xia* simply flit around the *xia* in a wheedling, flirty manner and are not distressed by Tang rule. Even the soldiers, who come to arms with the *xia*, usually throw javelins or fire arrows from a distance. When they come closer, the non-*xia* ride or run around the *xia* on whom the camera is fixed; the non-*xia* and their circumstances are secondary to the *xia* on screen. Thus in both the narrative and on screen, the relationship between the *xia* and non-*xia* is very impersonal in comparison to that of *wuxia* films from the 1980s and 1990s.

In sum, *House of Flying Daggers* is more a love story than a story about justice. While it does not seem to condone authoritarian governance in the way that some viewers may interpret *Hero* does, the rebellion against a corrupt regime is really only a backdrop for personal melodrama. Interestingly, reception of the film in the West is overwhelmingly positive, gaining a

rating of 87% on Rotten Tomatoes<sup>71</sup> and 89% on Metacritic.<sup>72</sup> In China, however, many people criticized its lack of message and meaning.<sup>73</sup> As just one element of the movies that Chinese people reacted against, the trivialization of the *xia*'s function in the film reflects the expectation that the *xia*'s role is not to engage in passionate love affairs but to pursue justice for the non-*xia*. The non-*xia*, however, are largely absent from the film and the pursuit of justice for the non-*xia* is secondary to the competing desires of the would-be *xia*, rebels and the state. Just as they are not distracted by a superficial storyline, the Chinese are not mesmerized by the country's current legal reforms as a fix-all for their social ills. The law is being shaped by contesting but equally formidable desires of the elites, both in the West and in China, while the people themselves are left out of the process. The immobilization of the *xia* in *House of Flying Daggers* thus reflects the sentiment that China's current legal reforms cannot serve the needs of Chinese citizens.

### **Case 3: *The Promise* (Wújí, 無極)**

Released in 2005 and directed by Chen Kaige, *The Promise* is set in a time when gods and men lived side by side. A Kingdom lies between the Land of Snow and Barbarian Territory. The starving orphan Qingcheng (Cecilia Cheung) meets the Goddess Manshen in the war-torn land and accepts the goddess's offer to become the most coveted beauty of beauties, cursed to lose any man she loves unless time moves backwards and the dead come back to life.

Years later, the slave Kunlun (Dong-Kun Jang) helps the Great General of the Crimson Armor Guangming (Hiroyuki Sanada) to defeat a barbarian army of seven times more warriors. Guangming receives word that the traitorous Duke, Wuhuan (Nicholas Tse), has besieged the

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<sup>71</sup> Rotten Tomatoes. House of Flying Daggers Movie Reviews, Pictures.  
<[http://www.rottentomatoes.com/m/house\\_of\\_flying\\_daggers/](http://www.rottentomatoes.com/m/house_of_flying_daggers/)>, Accessed: 4/12/08.

<sup>72</sup> Metacritic. House of Flying Daggers (2004): Review.  
<<http://www.metacritic.com/film/titles/houseofflyingdaggers/>>, Accessed: 4/12/08.

<sup>73</sup> IGN Entertainment. "Topic: House of Flying Daggers." [Weblog IGN Entertainment Message Boards.] 19 Aug 2004. Fox Interactive Media, Inc.. 6 May 2008 <[http://boards.ign.com/hong\\_kong\\_flicks/b6721/62909927/p1/?15](http://boards.ign.com/hong_kong_flicks/b6721/62909927/p1/?15)>.

King's castle. On his way to defend his monarch, Guangming gets lost in the forest. He is wounded by Snow Wolf (Ye Liu), Wuhuan's shady assassin. Kunlun disrupts the fight and Snow Wolf retreats. Guangming sends Kunlun to save the King in his crimson armor. Kunlun, who has never seen the King, accidentally kills the King when he threatens Princess Qingcheng with a blade. Kunlun is stopped by the army and Wuhuan offers him a deal: jump off the cliff to save Qingcheng or perish. Never revealing his face, Kunlun tells Qingcheng to live on and jumps off the cliff. Qingcheng falls in love with the man in the red armor, who she believes is Guangming.

Angry at Kunlun for killing the King, Guangming sends him to rescue Qingcheng. Kunlun is captured as Guangming and Qingcheng escape. Snow Wolf saves Kunlun and takes him to the Land of Snow. Kunlun recollects his past and learns that Snow Wolf is also from the Land of Snow. Their people were eradicated by Wuhuan but Snow Wolf survived by subjecting himself to torture and becoming Wuhuan's servant. A slave, Snow Wolf wears a robe of eternal life but will die when it is removed. Snow Wolf teaches Kunlun the ways of their people and how to run back through time. Soon after, Kunlun decides to face Wuhuan and save Qingcheng.

Meanwhile, Qingcheng and Guangming live happily together but Wuhuan sends one of Guangming's former subordinates to trick him into returning. The soldiers are in reality loyal to Wuhuan and Guangming is imprisoned to await his execution in the name of killing the King. Qingcheng sends Kunlun to retrieve Guangming, but the captured Guangming is defeated. Kunlun replies that Guangming is unworthy of Qingcheng's love and vows to wear the crimson armor to reveal to Qingcheng that he had been her true rescuer. Unfortunately, Qingcheng is kidnapped by Wuhuan, who attacks Kunlun when he tries to steal the crimson armor. Snow Wolf gives up his own life to save Kunlun by removing his robe and giving Kunlun the crimson armor.

At Guangming's trial, Kunlun reveals his true identity to Qingcheng. Guangming, Qingcheng and Kunlun are all sentenced as conspirators and placed under Wuhuan's custody. He ties them in a courtyard to await starvation while watching their loved ones die. Guangming tricks Wuhuan into untying his bonds by promising to be Wuhuan's slave and to don Snow Wolf's robe. Guangming attacks Wuhuan with Snow Wolf's sword. They fight to a standstill until Wuhuan slips past Guangming's guard and stabs him fatally. Kunlun frees himself and kills Wuhuan, but not before Wuhuan mortally wounds Kunlun. With his dying breath, Wuhuan frees Qingcheng and mocks her, saying that every man she loves will indeed die. She rushes to Kunlun, who sends her to Guangming's side. Guangming dies, but Kunlun dons Snow Wolf's jacket and Qingcheng's curse is broken. Together, Qingcheng and Kunlun fly into the heavens.

#### *The Un-Idealization of the Xia*

In Guangming's effort to defend his King he exhibits the loyalty that a *xia* ought to possess but he does not fulfill the role of a *xia* within the narrative of the film because he is ruthless as a military leader, lies about his identity to win Qingcheng's heart and is selfish. To win the great battle against the barbarians Guangming sacrifices over a hundred starving slaves, whom he bribes with food, as a decoy for the enemy. Though he is more than willing to sacrifice the slaves for victory, traditionally portrayed *xia* refrain from placing innocents in danger even if doing so is strategically advantageous. Moreover, Guangming reveals himself to Qingcheng and acts as though it were he who killed the King to save her. Guangming is actually angry at Kunlun for doing so, but is not too abashed to reap the benefits: Qingcheng's affection. A true *xia* would neither take credit for someone else's actions or use deception to get what they want.

In addition, Guangming illustrates his selfish and deceitful traits when he is tricked by his former subordinate to return as their general and in his interactions with Wuhuan. Qingcheng

begs him to stay with her, but he wants the glory of being a general again. He suggests that Qingcheng goes with him but when she refuses, he leaves. His love for her is strong and he often protects her, but he is selfish in wanting both his position as a general and her love. There is no indication that he rides off to battle for the good of society; he often expresses his love of battle, blood and victory while mistreating non-*xia* slaves. Finally, when Guangming promises to be Wuhuan's slave to get free of his bonds, he immediately breaks his promise and attacks Wuhuan. A true *xia* would rather free him/herself without degrading him/herself with insincere promises of being a slave to the enemy. As a slave, the *xia* must submit to the evil will of the enemy but breaking such a promise makes the *xia* dishonorable. Neither of these options is viable for a traditional, honor-bound *xia* but Guangming willingly embraces corruption and selfish interests.

In particular, Guangming shares several similarities with the decidedly evil and crafty antagonist of the film, Wuhuan. The best example is in the final scene, when they have fought to a standstill. Wuhuan threatens to kill Qingcheng with a knife if Guangming does not loosen a cord choking Wuhuan. They both note that they cannot trust each other if one acts first, so they agree to slowly lower the knife and loosen the cord at the same time. Once Wuhuan drops his knife, Guangming quickly tightens his hold on the cord again; simultaneously, Wuhuan grabs another dagger and, as he is pulled toward Guangming, he stabs him in the chest. As they look at each other, Wuhuan remarks that neither of them is honorable or trustworthy. More like the antagonist than the *xia*, Guangming is decidedly not a figure of justice in *The Promise*.

Snow Wolf is potentially a *xia* in that he refrains from carrying out Wuhuan's cruel orders after he meets Kunlun, but although he is reformed and even sacrifices himself for Kunlun, he lacks the tenacity that is necessary for a *xia* to act decisively. In the past, Snow Wolf is cowardly and forsakes the people from the Land of Snow by aligning himself with Wuhuan.

After meeting Kunlun, he defies Wuhuan because he does not want to kill the only remaining clansman that he has and regrets his past. Yet, while he finds peace with himself, he never actively challenges Wuhuan's tyranny. In a swordfight with Wuhuan, Snow Wolf hides, sweating and fearful. When Kunlun joins the fray, they are surrounded by guards and escape seems impossible. Snow Wolf offers up his life in exchange for Kunlun's freedom. Self-sacrifice for a friend is very *xia*-like; but the problem is he does not go down with a fight. Previous *xia* would continue fighting despite impossible odds. Snow Wolf simply takes off his robe of immortality and disintegrates. By doing Wuhuan's work for him, he meekly submits to Wuhuan's superiority rather than challenging it as a true *xia* would.

Of all the potential *xia* in the film Kunlun is the most likely to fulfill the role as a figure of justice but, upon closer inspection, he is similar to the would-be *xia* in *House of Flying Daggers* in that he is motivated largely by his desires. Early in the film, Kunlun is unable to think for himself or disobey his master Guangming. He even helps Guangming trick Qingcheng, who Kunlun loves, into believing that Guangming killed the King. He is weak and submissive like Snow Wolf, rather than strong like a true *xia*. When Snow Wolf informs Kunlun of his past, Kunlun becomes more assertive. Yet this assertiveness is reflected only in his pursuit of the object of his desire: Qingcheng. For example, when Snow Wolf sacrifices himself for Kunlun, Kunlun does not object. He is saddened by the loss of a friend, but to win Qingcheng, Kunlun feels that Snow Wolf's death is justified. Also, true *xia* are willing to die for others; the *xia* accepts his/her death when fatally injured as long as their loved ones are safe. Kunlun, who wants to be with Qingcheng, pulls on Snow Wolf's robe when he is wounded by Wuhuan. He does not offer it to Guangming, who is also clinging to life. Kunlun defeats Wuhuan but cannot be the hero because he also acts selfishly once he has the power and perspective to do so.

### *Interactions with Non-Xia Characters*

The would-be *xia* of *The Promise* only interact with three non-*xia* characters: slaves, soldiers and Qingcheng. As I mentioned earlier, the slaves are treated very poorly by even the potential *xia*. When Guangming orders them to stand, the slaves look confused and one man explains that they only know how to kneel. They are poor, unkempt and willing to do anything for Guangming at the prospect of having a full meal. Matted hair covers their faces and their features are indistinguishable from one another. In previous *wuxia* films, the *xia* is usually honor bound to go out of his/her way to help the poor. Rather than causing Guangming and his men to help and feed the slave out of generosity, however, the pitiful state of the slaves drives the soldiers to ridicule the slaves, tormenting them with a promise of food. None of the potential *xia* seek to free the slaves or help them; even Kunlun, who would best understand their suffering, is simply interested in the food Guangming offers. As such, the relationship between the *xia* and the slaves is characterized by the utility and exploitation of the poor.

On camera, the slaves are always shot from a high angle, apart from the soldiers which emphasizes their lowliness. The camera does not identify anyone in the muddy brown crowd of slaves; the only time it is level to one of their faces is when it zooms in on Kunlun, but he does not stay a slave for the duration of the movie. The soldiers, in contrast, are dressed in pristine and glinting armor. They stand or look down over the groveling slaves from the same vantage point as the camera to emphasize how physically and socially downtrodden the slaves are.

The soldiers in *The Promise* play a more active role than other non-*xia* soldiers in contemporary *wuxia* films, both within the narrative and on screen, by enforcing the antagonist's will. The soldiers take part in the cruel torment of the slaves under Guangming's leadership and proudly praise Guangming for his tactical use of the slaves. When Guangming's name is

tarnished for assassinating the King, he loses political favor and his once-loyal men beat him up. The men switch sides to join Wuhuan and trick Guangming into a trap at Wuhuan's arrangement, by remorsefully imploring Guangming to return as their leader. When Wuhuan makes a sardonic comment about the defeated Great General Guangming, the soldiers smirk and snigger cruelly at their former superior. The soldiers are not simply pawns of the elite; they are decided allied to the "bad" side of the state, where their loyalties switch between the stronger of two antagonists.

On camera, they are always shot in an actively supporting position, behind or around their antagonist leader, much as a group of hoodlums would back up a gang leader with their arms crossed or fists waving. For instance, when Wuhuan offers Kunlun the ultimatum of saving Qingcheng or jumping off the cliff, he is physically supported by the soldiers who are organized in a clam-shell formation, in the center of which Wuhuan sits. Some of the soldiers are positioned lower and some of them are higher, but the camera catches the scene from a long shot of the entire formation. This full shot portrays the soldiers surrounding Wuhuan, in silver armor that matches him, almost as a part of his body. If he became weak, like Guangming, they would abandon him but they are loyal, meticulously unified extensions of his will as long as he is strong and powerful enough to retain them. Thus the camera portrays the non-*xia* soldiers as part of the elite structure, corrupt in and of themselves as well as supportive of state actions.

Qingcheng is the only non-*xia* character that interacts to any large extent with the would-be *xia* but, in the plot and on the camera, she is treated more as a beautiful object than a person suffering from injustice. This may be because she does not suffer from an injustice, but from her own choices which bring upon her curse of beauty. All the men who seek to possess her, or claim to love her, fall in love only with her beauty. Wuhuan treats her like a trophy or an exotic bird on display, placing her in a giant golden cage. When Kunlun steals her for Guangming, he ties a red

cord over her feathered robe and runs so fast that she flies in the air like a toy kite. On camera, Qingcheng is constantly thrown around, caught by this man or coddled by another; she is physically handled by the *xia* as an object to be coveted. For instance, when Guangming first approaches Qingcheng, he looms over her, grabbing her roughly in his effort to seduce her. In a physically tense tug-of-war, Qingcheng is pulled back and forth across the screen. Qingcheng's objectification is very different from how previously presented *xia* tend to protect the non-*xia*, to treat them respectfully and as a friend. She does not drive the *xia* in their search for justice, as her curse is brought on by her, and rather is objectified on screen.

*The Promise*, in a similar vein to *House of Flying Daggers*, reveals itself as more a film about love than a commentary on extra-legal justice. The film takes on a superficial quality that reflects the same kind of "glossing over" of underlying social ills as that of an overly exuberant rhetoric surrounding fix-all legal reforms in China. Underlying the overwhelming CGI effects and brilliant colors, for instance, is the environmental damage caused while filming in Yunnan. The production damaged the plants and natural scenery in the area and the surrounding Lake Bigu from filming and set construction, also leaving behind a large amount of un-disposed household waste.<sup>74</sup> Those with the money and the power got to complete their project and pursue their interests in completing the film a certain way; the local people, however, have to live with the consequences and could not challenge the film production. Moreover, Qingcheng's beauty is coveted as something desirable, but her curse is a catalyst for conflict and ruin. Only when the impossible occurs, with time reversing itself and the dead reviving, can she and her loved one achieve peace.

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<sup>74</sup> Reuters, "China film director hailed for harming environment", November 1, 2006, <<http://uk.news.yahoo.com/01112006/80-132/china-film-director-hailed-harming-environment.html>>, Accessed:4/16/08.; Moqing Zhu and Liu hao, Zhang. "Filmmakers despoiled Shangri-La". *Shanghai Daily*. May 11, 2006.; Minnie Chan. "Fine over damage caused by epic film." *South China Morning Post*. August 12, 2006.

Similarly, the law can be used to create something pretty and neat: a well-ordered society. At the same time, however, that law can be used to gloss over and bulldoze dissent and social unrest. Without an extra-legal means of achieving justice, the people are subject to the status quo and the whims of the state, thus China does not fully trust in the capability of the legal reforms to provide justice that benefits the country as a whole. More reforms, ostensibly very difficult to achieve, are necessary for the efficacy of the law. Perhaps it is better to resort to efforts that ensure social change and the empowerment of the people outside of the structures and institutions of the state.

#### **Case 4: *The Banquet* (Yè Yàn, 夜宴)**

*The Banquet* was released in 2006, directed by Feng Xiaogang. It is a tale of revenge set in 10th century China during the Tang Dynasty. The film opens three years after the Crown Prince Wu Luan (Daniel Wu) and “Little Wan” (Zhang Ziyi) fell in love with each other. They could not be together because Prince Wu Luan’s father, the Emperor, married her and she became Empress Wan. The Prince, hurt by this, fled to the South to practice music and dance. The Emperor was then murdered by his brother. The plot truly begins when the new Emperor (Ge You) sends assassins to dispatch the Prince. The widowed Empress sends an envoy to protect the Prince and marries the usurper, the new Emperor, both to protect herself and to gain his trust in a plot to assassinate him with the help of the Chief Minister (Ma Jingwu). To avoid estranging the Empress, who still loves the Prince, by openly killing the Prince the Emperor sends him as an “ambassador” to the neighboring country of the Khitans. He orders the Prince to be killed en route, but the son of the Chief Minister saves the Prince on orders of the Empress.

The intrigue is brought to a climax when the Emperor hosts a lavish banquet, where Qing (Zhou Xun), the Prince’s fiancé and the Chief Minister’s daughter, innocently performs a play to

express her love for the exiled Prince. Out of pity for her and to honor her devotion, the Emperor offers her wine from his own glass, only to discover that it has been poisoned by the Empress when Qing dies. The Prince unmask himself in the presence of the court to confront the Emperor. In shock at the Empress's betrayal, the Emperor commits suicide by finishing the remainder of the wine. As the Empress entreats the Prince to take the throne, Qing's brother, the Chief Minister's son, attempts to avenge his sister with a poisoned blade. The Prince stops the blade, is poisoned and dies but gives the Empress time to kill the Chief Minister's son. In the final sequence, the Empress gloats over her victory over her enemies and celebrates her power.

#### *Un-idealization of the Xia*

The Empress is a likely heroine, but she fails to fulfill the role of the *xia* because she is selfish and jealous unlike traditionally portrayed *xia*. She expresses persistent love for the Prince, despite sometimes losing her temper with him, and even risks significant peril to protect him; similarly, a traditionally portrayed *xia* would protect loved ones and friends regardless of danger. With him, she prefers her name "Little Wan" to "Empress" and is self-sacrificing as a *xia* should be. Yet, towards others she is selfish and jealous, unlike older representations of *xia*. When Qing expresses love for the Prince, for instance, the Empress has her whipped. She also threatens to punish Qing further if her father, the Chief Minister, refuses to help her in her scheme to murder the new Emperor. She seeks the Emperor's death because she cared for the previous Emperor and hopes to protect the Crown Prince. Her outward motive is that of revenge, a common and honorable goal for traditionally represented *xia*. At the end of the film, however, she exults in her triumph as the sole remaining holder of power, indicating her pursuit of selfish ambitions rather than the retributive justice that previous *xia* worked for.

Moreover, the Empress is further un-idealized as the *xia* in her use of deceptive and manipulative methods to achieve her aims. Interestingly, the Empress displays great skill as a swordswoman throughout the film: she engages in a playful, dance-like encounter with the Prince and also saves his life in a dangerous “mock” battle against the Emperor’s personal guards. Yet, she never uses her martial skills in open combat and prefers more backhanded ways. For instance, she purchases a deadly poison from an alchemist in a bazaar to use against the Emperor. A *xia* from the 1980/1990s films would not use poison because it is dishonest and requires no skill. The Empress also seduces the new Emperor in order to gain his trust while a traditional *xia* is portrayed as chaste. Honor as embodied by the traditional *xia* goes hand in hand with sexual integrity and personal restraint, as exemplified in Li Mu Bai and Yu Shu Lien’s relationship in *Crouching Tiger, Hidden Dragon*. The Empress clearly violates these values and is a corrupted version of the *xia*. While still sharing some similarities with the traditional *xia*, she is portrayed as dishonorable and backhanded in comparison.

The Crown Prince is a character that demonstrates many similarities to a more traditionally represented *xia*, such as extreme honesty and loyalty to his father. Traditionally portrayed *xia* fight in the open with their faces and identities exposed. Though the Prince often wears masks, he relies on his mask only to practice acting and removes it in confrontations. When the Empress deflects a killing blow to save the Prince in a mock-battle turned real, she scoffs at the Prince for making the naïve mistake of thinking a deadly game was just a play. She alludes to the fact that she wears a metaphorical mask when she is in a seat of power, when she must be devious and scheming—the opposite of a more traditionally portrayed *xia*. The Prince, on the other hand, brashly and honestly places himself in dangerous situations. When he speaks to the Emperor, the Prince is hateful and blunt rather than nuanced and diplomatic. In their final

confrontation, he tears off his mask and openly challenges the Emperor to fight. He does not have the same comfort with politics and lying that the Empress has. In this sense, he displays similarities to an overly-honest *xia* even if that honesty is potentially harmful to himself; yet, he does not quite succeed as a full-fledged *xia*.

While he is loyal to his father and honest in confrontations, the Prince still fails to fulfill the role of the hero because he is very selfish. In his pursuit for revenge, he is uncaring or unaware of whom he might harm. For instance, he treats Qing extremely harshly although she loves him deeply. He does not return her affection until she is poisoned and dying. There is another scene when the Prince rapes Qing in a fit of rage. In the traditional portrayal of the *xia*, the *xia* would not find honor in treating an innocent, like Qing, so harshly. The Prince is also extremely bitter towards the Empress, despite all her efforts to protect him from the new Emperor. He does not pity the fact that when she married the Prince's father, she was powerless to resist. Nor does he appreciate that the Empress often acquiesces to the demands of the new Emperor to protect the Prince. Moreover, she still loves him and hopes he will succeed the Emperor. Overall, the Prince is self-absorbed, moody and inconsiderate of others unlike a more constant *xia* who often puts others before him/herself.

Lastly, Qing's brother, the Chief Minister's son, could also have been a hero in the story but his conduct and motivations become dishonorable as he is drawn deeper into the politics of the court. On one hand, he is portrayed as honest and honorable in the beginning of the film. When his father is insulted by another court official, he draws his sword to openly defend his father's reputation. He is also loving and protective of his sister, comforting her when she is neglected by the Prince. On the other hand, he is unable to protect Qing when the Empress whips her. His father also instills in him the desire to become the new Emperor and they plot to kill the

Empress with a poisoned sword. The conduct of the Chief Minister's son, particularly in regards to using a poisoned blade as opposed to sheer swordsmanship and skill, is ignoble by the standards of a true *xia*. Moreover, his motivations for killing the Empress are tainted by his desire to take her place on the throne. The traditional *xia* would not only resist the seduction and allure of political power, but would also fight for justice in an honorable manner. As he accomplishes none of these things, the Chief Minister's son fails as a *xia*.

In addition to his corrupted motivations and conduct, the Chief Minister's son is also decidedly not a *xia* because he is not empowered as a figure of extra-legal justice. For example, the Chief Minister's son saves the Prince, who is sent away as an envoy to the Khitans, from assassins at the command of the Empress. The Prince angrily refuses to wait in exile and plans to return to the Palace. The Chief Minister's son admonishes the Prince for being selfish and uncaring of what would happen to others if he returns. In particular, the Prince's return would place Qing in danger because her love for him is politically precarious. The Chief Minister's son points to a pile of bodies—the guards he had saved the Prince from—sadly saying that these “poor guards” needlessly “threw their lives away” to carry out the elites' plans. He indicates his awareness of the plight of these soldiers, but he does nothing to save them; he cannot while his sister lives in the palace in the presence of the Empress and because he is too preoccupied by his own plot for power. He is stuck within the state structure due to his desire to advance his political position. Therefore even he, as a *xia*-like character, is decidedly not a *xia* because he is unable to challenge or change the existing structures that cause injustice.

#### *Interactions with Non-Xia Characters*

Few of the non-*xia* characters depicted in *The Banquet* are from lower socio-economic classes and the *xia* rarely interact with non-noble, non-*xia* characters in the narrative or on

camera; when they do, the contemporary *xia* are neither compassionate or friendly. For instance, the Empress travels through a bazaar on her way to purchase poison from the alchemist but she does not interact or reveal herself to any of the people in the marketplace. In her only personal exchange in the entire movie with a non-noble, the Empress forces the shabby alchemist to grovel before her as she asks about the poison she purchases. When she is satisfied, she cruelly offers a small packet of arsenic as payment to the alchemist, implying that his oath of silence is his death. On camera in a medium-shot, the Empress is portrayed as tall and imposing in her rich, black-colored garb, out of place in the alchemist's earth-toned apothecary. The alchemist is shot from a high angle, with his palms flat on the ground, body prostrate and head cowed. Coupled with his physical positioning on camera, the alchemist's nervous demeanor suggests his lowly position and his fear of the Empress. She is only in the same frame as the alchemist when she offers him the arsenic, suggesting that she only lowers herself to his level to offer him death. Unlike previous versions of the *xia*, who are kind to someone from the alchemist's low socio-economic position, the Empress as a contemporary *xia* treats with cruel contempt.

The other non-*xia* characters in the film are usually portrayed as nobles or have a position in the royal court but are relatively helpless and trapped within the royal power of the court. One official asserts his loyalty to the Empress and the previous, murdered Emperor. When the Empress does not defend him or reward his loyalty, he is beaten to death with all the members of his clan in a wide alley-like arena. The Empress, as an un-idealized *xia*, watches from a distant seat at the highest point of the wall and expresses some regret at his death but does not take the Emperor's offer to end the punishment. She allows her loyal subject to die a terrible death so that she can avoid open confrontation with the Emperor and pursue her secret plot against him.

The camera, in an extreme long shot, captures the Empress in the distance before slowly panning up the walls of the arena and across observing officials, zooming in on her immobile face as she looks coldly down at the scene. The official is trapped by the walls of the arena, which is lined with politicians of the court and the tyrants who have preponderant control of the non-*xia*, reflecting his oppression by the state. His loyalty would mean a great deal to a more traditionally portrayed *xia* and perhaps even move the *xia* to leap from the ramparts to save him from further punishment, but with the corrupted nature of the *xia* in contemporary films, his devotion is far from rewarded. Overall, the treatment of the non-*xia* official by the Empress and his portrayal against her on camera illustrates the *xia*'s detachment from the suffering of the non-*xia* and indicates the willingness of the *xia* to sacrifice the non-*xia* for his/her political ends.

The relatively helpless position of the non-*xia* is exemplified in a conversation that the Prince has with the Chief Minister's son about the pawn-like soldiers: far from moving the contemporary *xia* to fight and seek justice, the non-*xia* characters are often disregarded. When the Prince escapes the first assassination attempt, the Emperor sends word to the would-be assassins that they failed. To protect their families, the soldiers commit suicide on a back-door bridge over a river. The camera pans down over their mutilated bodies and follows their blood as it drips into the river. The only acknowledgement that the soldiers died was a shouted order by a eunuch to "clean the bridge" of their blood. The camera does not show viewers what happens to the bodies. It cuts to the next scene without any acknowledgement of the soldiers' deaths. The brief scene indicates that non-*xia* characters, pawns of the royal elite, are easily sacrificed. They are unable to challenge their circumstances and simply submit to their deaths. Moreover, a hero does not challenge this cruel reality, either in the narrative or on screen; in fact, the *xia* are all within the palace walls and none of them are present at the scene of the soldiers' deaths.

The masked soldiers and actors are faceless and numerous; the contemporary *xia* never recognizes an individual by name or interacts with them aside from ordering them around, fighting or sacrificing them. Masks physically erase the faces of non-*xia* characters. For instance, similarly masked and armored soldiers fight each other during the first attempted assassination of the Prince. One group is sent by the Emperor to kill the Prince and another group is there to protect him. It is often unclear which soldiers belong to which group. Without faces, they are just a blur of weapons, armor and blood. The group that is supposed to protect the Prince is quickly killed by the second group. This second group massacres the remaining actors in the theater. The actors, too, are wearing masks. They are unarmed and powerless to resist the soldiers. Only one actor, the decoy, fights back. He is beheaded with his mask still tied to his face. The anonymity of these characters reflects their relatively unimportance in the film and to the *xia*.

Moreover, the only person who is entirely innocent from collaboration or intrigue is Qing, who exemplifies how non-*xia*, non-antagonist characters are powerless to change the outcomes of a situation. Her actions are driven by her pure love of the Prince, for which she is whipped by the Empress. The manner in which the camera positions her against the Empress offers particular insight into the corrupted relationship between the *xia* and non-*xia* in contemporary *wuxia* films. After Qing is whipped, the Empress pays her a visit. On camera, she sits behind a tear-stained Qing, who is lying on her side in bed, and traces the wounds on Qing's back with a sharp nail. The camera shoots the scene from Qing's eye level, which is close to the low surface of the bed; the Empress looms over Qing, tormenting and mocking her. This is very different from older *wuxia* movies such as *Shaolin Si*, in which the monks gently cradle wounded non-*xia* character who seek refuge in the Temple. They embrace the wounded and prop them up, while the Empress's position above Qing is oppressive and intimidating.

It is important to note that, while many of the themes of individual justice and revenge are similar to those found in more traditional *wuxia* films, there is no definite *xia* in *The Banquet* because each potential hero is corrupted in some way by the politics of the court. The traditional portrayal of the *xia*'s relationship to non-*xia* characters, both in the plot and on camera, is completely altered. The use of masks, deceit and intrigue allude to the social implications of distrust that the Chinese may have in regards to the law. The court is the equivalent of the modern capital, where policy decisions and state institutions are shaped and made. But those with power, as those who should be providers of order, are in disorder and the nobles quarrel over political control and dominance. The officials underhandedly and dishonorably use poison to achieve their ends, rather than righting injustices by open confrontation. Similarly, the law is shadowy and indiscernible, still dominated and manipulated by those in power. There is no clear code of justice and no extra-legal means exists; those with power seem to function only within the court itself, vying for power of existing structures.

As a showcase for the removal of the *xia* as an extra-legal means of achieving justice, *The Banquet* illustrates the pitfalls of relying on state structures to generate social change. Co-opting and corrupting the *xia* by thrusting them into the court suggests the inability for justice to exist when confined only within the bounds of politics. Placing the *xia* in the royal court also prevents the non-*xia* from building a relationship with the *xia*. As such, non-*xia* characters are without access to an extra-legal means of justice and are disempowered by the lack of alternate means to reach the state because the state institutions themselves are corrupt. Similarly, the law in China is not constructed in a democratic manner; it is being shaped by Western foreigners and Chinese government elites. This shapes Chinese perspective of institutionalized law as being controlled by the elites, to favor the interests of the elites. In being removed from this process,

the general populace's needs and desires are not considered in the making of the law. Thus, *The Banquet* provides insight into the view of the Chinese that institutionalized law cannot bring about social change in a way that speaks to the common Chinese citizen.

**Case 5: *Curse of the Golden Flower* (Mǎnchéng Jīndài Huángjīnjiǎ, 滿城盡帶黃金)**

Also known literally as *When Golden Armor Covers the Entire City*, *Curse of the Golden Flower* was directed by Zhang Yimou and released in 2006. Set in China in the Later Tang Dynasty, the film begins with the palace bustling with preparations for a ceremony to welcome Prince Jai (Jay Chou) home from battle. On the eve of the Chong Yang Festival, with golden flowers filling the Imperial Palace, the Emperor (Chow Yun Fat) unexpectedly cancels the ceremony and meets with Jai, his second son, in secret. He fights Jai in a show of dominance, reminding his son to only take what the Emperor offers. They return to the palace together the next day.

The Emperor married the Empress Pheonix (Gong Li), his second wife, for political reasons and does not love her; he blames her dour mood on an illness, for which he has forced her to take medicine of his own concoction every two hours for the past ten years. The Emperor harbors clandestine plans to which only the Imperial Doctor (Ni Dahong) is privy: he has changed the ingredients of her medicine by adding a black fungus that will drive the Empress mad in two months. He threatens to kill the Doctor's family should anyone divulge the secret.

The Empress is outwardly obedient throughout the marriage but has recently grown suspicious of the medicine, due to a change in its taste and subsequent stomach pains. Her submissiveness also conceals the fact that she and Crown Prince Wan, the Emperor's son from his previous wife, have engaged in an affair for three years. When Wan expresses his guilt about the affair and ends it against her wishes, the Empress discovers that he has a second secret affair

with Chan (Li Man), daughter of the Imperial Doctor. Wan's overriding desire is to escape the palace, which he has never left, and to see the outside world with Chan.

Meanwhile Jai, the faithful son, grows worried over the Empress's health and her obsession with golden chrysanthemums. She feverishly embroiders thousands of silken scarves for the upcoming Festival. She reveals to Jai that her medicine is poisoned. Jai is shocked, and at first refuses to take part in her plan for a coup. When she drinks the medicine in front of him, he is swayed and agrees to attack the palace to force the Emperor to abdicate the throne. When Wan discovers the Empress's plan for the coup, he and the Empress quarrel after which Wan stabs himself in attempted suicide. The Emperor visits him and, overcome by guilt, Wan tells him about the coup. The Empress warns Jai that their plan is out, but decides to continue as planned.

The Emperor relocates the Doctor's family from the Palace to a remote area, hoping to eliminate any who know about the poison in the Empress's medicine. Just as the Doctor's family arrives at their new home, mysterious assassins dressed in black attack them. Chan and her mother, Jiang Shi (Chen Jin) are forced back to the palace. Their return sets off a tumultuous sequence of dark surprises. The Empress reveals that Jiang Shi is actually Wan's birth mother, which makes Chan his half-sister. Jiang Shi had been imprisoned and her entire clan assassinated by order of the Emperor over twenty years ago. Driven mad by these words, Chan runs out screaming, only to be killed by assassins. Her mother avenges her and also dies in the process.

As the Imperial Family continues its charade in a palatial setting, thousands of golden armored warriors charge the palace. The Emperor is prepared. Silver-clad palace guards bulldoze the golden army with giant barriers. In the palace, all are surprised when Yu (Junjie Qin), the youngest prince who is usually ignored, stabs Wan and kills him. Yu screams that he is disgusted by the intrigues of his family and concludes that he must take the throne. Backed by his personal

guards, he orders his father to abdicate but the Emperor's assassins descend from the rafters and kill his entourage. Then, in a rage, the Emperor beats Yu to death with a heavy golden belt. He stalks outside where Jai is still fighting; the Empress, accepting defeat, nods to Jai to desist.

The Emperor calmly executes remaining members of the golden army and sits at the banquet table to eat. He reminds Jai not to take what is not given to him. In a show of power, he names Jai Crown Prince and offers to waive Jai's punishment for rebellion—to be drawn and quartered—as long as Jai administers the Empress's medicine personally every day. Defeated, Jai tells his father that he rebelled not for the crown but for his mother. He apologizes to her for his failure and takes his own life. The gong sounds the hour for the Empress to take her medicine. In a fit, she smashes the glass on the table, turning an embossed chrysanthemum black.

#### *The Un-Idealization of the Xia*

The Emperor is the first of several characters that can be eliminated as potential *xia* based on clearly cruel and scheming behavior, similar to many of the characters in *The Banquet*. The Emperor is a skilled martial artist, as he demonstrates in his mock-fight against Prince Jai, but rather than supplying justice the Emperor is better suited for the role of the antagonist in that he resorts to poison to oppress his wife and his powerful position to intimidate others. Rather than simply ordering the execution of the Doctor, the Emperor backhandedly “promotes” the Doctor as the magistrate of a rural precinct to eliminate him in relative quiet. As the head of the state structure, he enforces his rules: he monitors closely the exact dosage of the Empress's medicine and when she refuses to drink every single drop, he makes her sons beg her until she consents. He then lectures them on the obligations, duties and the proper role each of them must fill, all of which fall under his command. Thus, far from the justice-seeking *xia*, the Emperor is the tyrant.

Similarly, the Empress does not qualify as the *xia* either because she is manipulative, unlike a traditionally represented *xia*. She clearly has personal motives against the Emperor, for he is poisoning her and she wants justice against his ill treatment of her. She does not display any fighting abilities, however, and resorts to deception to achieve her goals. She clearly loves Wan and tries to save him from slaughter by embroidering a chrysanthemum into his jacket, but she is also vindictive and jealous of his love for Chan. She exploits this relationship and revels in driving Chan mad. Moreover, her love for Wan is adulterous and incestuous. In contrast, as mentioned earlier, a traditionally represented *xia* prizes self-restraint and chastity. The Empress also loves Jai as her firstborn son, but manipulates his emotions to use the golden army. When she informs him of her poisoned medicine, he is shocked but initially refuses to turn against his father, whom he respects. She tells him that she could never blame him for refusing to do what he is unwilling to do and that she would continue her coup without him. With a sense that the conversation is over, the gong sounds and a cup of medicine is delivered to her while Jai is still in her presence. She willingly drinks the poison in front of him. Overcome by grief for her pain, Jai relents and helps her plan the coup. Knowing exactly when her medicine would come, the Empress had sent for Jai at the precise time of its administration in the hopes of convincing him to join her coup. The Empress is backhanded in a manner similar to the Empress in *The Banquet*.

Prince Wan, as the oldest son, is clearly not a *xia*. First, he commits a great betrayal of his own father by engaging in an affair with his step-mother. Then, when he cannot convince the Empress from aborting her plan, Wan stabs himself in frustration rather than trying other means of solving the conflict. Even in that, he fails to actually commit suicide. Finally, he is also unable to achieve a limited, selfish goal: to escape the palace with Chan, who he uses as a distraction from his unhappiness. When the Empress reveals the truth, that they are half-siblings, he looks

on in horror and asks “why did you have to tell us?” Instead of setting things right and seeking truth, he preferred a pleasant falsehood. Before Chan runs from the room to her death, he expresses no concern for her physical wounds or emotions and focuses on berating the Empress. Overall, both he and the Emperor note that he is talentless and weak, qualities that motivate the Emperor to rename Jai as Crown Prince and disqualify Wan as an effective *xia*.

The youngest son, Yu, is also clearly not a *xia* because he seeks personal gain rather than justice and relies on his soldiers to force his father to abdicate the throne. Throughout the film, he lurks in the shadows and spies on the events in the palace. Though he is sickened by the corruption of his family, he does not reason with them or try to achieve justice; he resorts to senseless violence. He announces his anger by stabbing and killing Wan, the weakest Prince who has no interest in the throne, without warning. When the Emperor approaches him in anger, he retreats behind his guards who are quickly killed by assassins. Terrified, Yu attempts to fight the Emperor but is quickly beaten. Weak, volatile and selfish, Yu is unfit as a figure of justice.

The most likely *xia* is Jai, who fights to defend his mother from the abuse of his father and is not driven by prospects of his own political gain; yet he also falls short as a *xia* in that he ultimately fails to stand up for his cause. Of course, he fights valiantly and untiringly against the silver-clad palace guards. He only ends his endeavors at his mother’s command. But when confronted by the Emperor with the ultimatum of either helping to poison the Empress or to die, Jai does not stand up for his mother. Instead, he submits to his failure, kills himself and abandons her. This is a dramatic contrast to previous *xia*. In *Twin Warriors*, Junbao fails to subdue his corrupt blood-brother Chin Bo the first time, but trains himself until he is able to challenge Chin Bo’s despotism. By acquiescing to his defeat, Jai does not demonstrate the loyalty, dedication and staunchness that the *xia* must possess when faced with even overwhelming odds.

### *Interactions with Non-Xia Characters*

The non-*xia* characters in *Curse of the Golden Flower* only include the palace servants, black-clothed assassins, palace guards and soldiers, but similar to the other contemporary films I have analyzed, the non-*xia* and *xia* rarely interact in a manner that goes beyond their superficial roles. The palace servants serve the *xia* constantly, regardless of the chaos in the palace, in a mechanical manner that shows their inability to challenge the corruption of the royal family as well as their detachment from the *xia*. Every two hours, the servants recite a poetic verse to announce the time and send the Empress her medicine. At the end of the film, after a horribly bloody battle is found on the palace grounds, the servants ring the gong and bring out the medicine. They ignore Prince Jai who is sitting beside the Empress completely covered in blood. Moreover, after the battle itself, when the golden army invades the palace, is defeated and then slaughtered by the silver-glad guards, they leave the entire courtyard covered in bodies, blood and trampled chrysanthemums. Without missing a beat, the servants scamper out to remove the bodies, wash the blood from the ground and replace the chrysanthemums.

The camera shoots them filing out, methodically rearranging the decorations to cover up the treachery of what just occurred. The would-be *xia*—the Emperor, Empress and Prince Jia—sit atop a giant platform, looking over the servants' efforts far below them. The royal "*xia*" are usually positioned higher than the servants, with the servants bowing low, walking backwards when leaving the presence of the royal family and never making direct-eye contact. No words are spoken by *xia* to servant or servant to servant; everything seems normal. The corruption and its cover-up occur in silence. The camera catches the transformation of the dark and stained palace grounds as they become bright and cheery again. The evidence of the rebellion is quickly

removed, and the cloying beauty of the palace is restored by the servants as the *xia* look on. The servants are just part of the scenery, rather than an integral part of the plot.

The assassins, guards and soldiers all serve a similar purpose in the film as soldiers do in *The Banquet*; they are faceless and anonymous, often masked or veiled. The assassins wear black and are the command of the Emperor. They simply carry out his bidding. The soldiers wearing gold, which is often lined with a red scarf or face-guard, are loyal to the Empress and Prince Jai. In one scene, as Jiang Shi and Chan escape back to the palace, the black-clothed assassins are detained long enough by gold and red soldiers so that they can get away. In a visual clash of dark and vibrant colors, as the assassins and soldiers kill each other, viewers may wonder at the futility of these deaths. They are not dying for a just cause or greater social purpose; they are simply extensions of the conflict between members of a dysfunctional royal family. In effect, they are the same, regardless of whether they are loyal to the Emperor or the Empress: they simply serve the desires of their superiors who do not care for their lives. Moreover, during the final battle, Prince Jai leads the golden army at the front, shouting to them to advance. After his army is defeated, he does not stand with them; he abandons them on a physically lower level to join his father on the platform. The soldiers' faces are covered by their hair and their scarves; even close up shots cannot distinguish them as individuals. They are beheaded for rebelling. Thus the *xia* order the soldiers, as anonymous and unimportant individuals, to do their bidding and to sacrifice their lives for the intrigues of the court.

Overall, *Curse of the Golden Flower* illustrates the corruption of the *xia* and his/her detachment from the non-*xia* in a manner similar to that in *The Banquet*. The *xia* fight each other for their own purposes through underhanded strategies and manipulation. Their actions are completely insulated from the actions of the non-*xia* who can only hope to plod along with their

daily chores without being harmed in this feud. Without figures of justice that work outside of the state structure in the pursuit of justice, social change seems impossible. Non-*xia* characters obey the orders of the elites and are simply unable to challenge the rulers; they can only do so, perhaps still unsuccessfully, with a *xia*-like figure. Once the *xia*-like figure abandons them, they do not and cannot fight back.

In conclusion, the rottenness of the royal family in the film cannot be masked by its beautiful surroundings; similarly, the inequalities and social strife experienced by many Chinese cannot be easily glossed over by a reliance on the law. Laws and rules, which the Emperor in the film so emphasizes to his family, cannot guarantee social justice if those rules are unfair or unjust. As such, laws that are insulated from the general Chinese population can be manipulated by elites. Without access to their formation, without transparency rather than a front of pleasant political jargon, the people remain un-empowered as pawns or inconsequential extras in the backdrop of an elite struggle for power.

### **Synopsis**

Each of these films reflects a dynamic within Chinese legal subjectivity that contradicts the recent statistical increase in Chinese litigiousness. *Hero* signals the first step towards the un-idealization of the *xia*. All of the *xia* retain admirable traits although they eventually submit to the tyrannical King in the hopes of achieving a greater good. *House of Flying Daggers* and *The Promise* advance the devolution of the *xia* by focusing on a superficial plot that avoids a deep discussion of the suffering promulgated by a supposedly corrupt political atmosphere. Instead of dedicating their attention to righting social wrongs, the *xia* are caught in their own melodramatic passions. Finally, in *The Banquet* and *Curse of the Golden Flower*, the *xia* is completely corrupted and ensnared by the politics of the court. The would-be heroes are venomously

manipulative towards one another and are completely removed from the plight of non-*xia*. While each of these films is different and shows varied perceptions about Chinese legal subjectivity, together they create a pattern that reveals the concern of the Chinese in the inefficacy of current legal reforms in China.

The un-idealization of the *xia* as a hero also affects his/her relationship to the non-*xia* characters. When the *xia* is prevented from fulfilling his traditional role as a figure that provides extra-legal justice, the question remains as to how the non-*xia* characters see him/her or interact with him/her now that s/he is changed. By watching and analyzing *wuxia* films from the 1980s/1990s, I realized that these older films retain the “traditional” characteristic of the *xia* while recent films seem to deny the *xia* this role.

Indeed, the films I analyze often deny the existence and role of the *xia* altogether. As the *xia* is greatly altered in his role as a hero, his interactions with the non-*xia* also change. Even more striking is the trend in which the social identities of the non-*xia* who engage with the *xia* also change from those in the lower and middle classes to those of the nobility or soldiering classes. And when these non-*xia* characters are not present at all, the image implies that the fight for justice is a mysterious process and is veiled or hidden from the public, if it is occurring at all. The *xia* is out of touch with the non-*xia* and the common citizen neither has the ability to shape or gain access to an ideal form of justice. Shots of only the *xia* or that set the *xia* physically far apart from non-*xia* offer a striking contrast to those of modern opera and films that characterized the socialist propaganda during the Cultural Revolution in which there was always a hero, but he was always only part of the collective.<sup>75</sup> The image in propaganda films emphasized the importance of cohesion and fairness to all levels of society. In contemporary *wuxia* films,

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<sup>75</sup> Jeff Yang, 21.

however, the visual placement of the *xia* away from or among the non-*xia* gives us insight into the unstable relationship between the population in general and a figure of extra-legal justice.

In sum, all of these contemporary *wuxia* films showcase an underlying dynamic of Chinese legal subjectivity: fear of what happens in a world without the *xia*, or an extra-legal means of justice. If the law as an authority was able to replace the *xia* as an effective route to justice in these films, perhaps the *xia* would become obsolete and unnecessary to provide social change, peace and stability would naturally ensue. When the *xia* is indeed eliminated in one form or another, however, the result is an ostensibly undesirable outcome. This is because the existing state infrastructure, which includes the law, is unable to provide justice. Similarly, if the current legal reforms in China are so effective, we would assume that there would be a decrease in arbitrary authoritarianism and corrupt officials while also generating some kind of social change and progress. Yet, extra-legal means are still being used by the Chinese people to protest the lack of or sluggish change, the most obvious of which is rioting and demonstrations. Thus, the removal of the *xia*, as an alternative to justice, from these films reflects a skepticism of the Chinese people in the efficacy of the laws to provide social change and indicates that perhaps something else is needed in order to transform China.

## **Conclusion**

Domestically, Party dominance is still deeply entrenched in China's legal system and legal culture. The vast majority of judges, for instance, are Party members.<sup>76</sup> The official statements about the proper role of law in contemporary China suggests that Chinese legal culture draws on a reservoir of Chinese tradition derived from Confucian assumptions about

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<sup>76</sup> J.A. Cohen. "Reforming China's Civil Procedure: Judging the Courts," *American Journal of Comparative Law*, Vol. 45, no. 4. (1997), 793-804.

authority and hierarchy in social organization.<sup>77</sup> While the contemporary CCP leadership chose to emphasize the value that this ideology placed on social order, it also had to respond to the necessity for law in business and commercial transactions as a result of globalization. As such, legal reform is largely a political consequence of changing socio-economic conditions. This official legal culture generates a perception within the leadership that law is instrumental and can be used to privilege the state's authoritarian role, but that it is also tailored to fit market demands. In turn, these stipulations are seen as coming mostly from Western nations and institutions. My analysis of *wuxia* films suggests that this perception is also shared by the general population.

My research is based on the recognition that *wuxia* films are often framed within a legal context and are produced for a global audience; indeed, they are often recognized within global popular culture as “representing” China. While *wuxia* film has been in production since the 1920s<sup>78</sup> and has received foreign influence,<sup>79</sup> it was never globally popular. Then, director Ang Lee did something new: he made a *wuxia* film “cool” and accessible for mainstream Western audiences.<sup>80</sup> *Crouching Tiger, Hidden Dragon* reflects the influence of truly internationalized *wuxia* film production,<sup>81</sup> although the post-2000 *wuxia* films that follow have departed most drastically from its predecessors. As *wuxia* spreads through international popular culture, the reception of contemporary *wuxia* films offers a unique perspective into the relationship the films

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<sup>77</sup> K. Zweigert, H. Kotz. *An Introduction to Comparative Law*, 3 ed. Clarendon Press: Oxford (1998), 289.

<sup>78</sup> Stephen Teo. “History, Nation, Trans-Nation, and the Wuxia Film.” *Film and History Conference*. RMIT: afi research collection. The XIIIth Biennial Conference of the Film and History Association. Melbourne, School of Applied Communication (2006).

<sup>79</sup> The films were dominated by strong fantasy and magical elements in the 1950s and early 1960s: Mark Pollard. “Categories: Wuxia Pian.” *Kung Fu Cinema: Screen Fighting News and Review*. Kung Fu Cinema (2004). <<http://www.kungfucinema.com/categories/wuxiapien.htm>>, Accessed: 5/27/07 In the mid-60s, it was heavily influenced by bloody swordplay in Japanese samurai action films and then a new generation of filmmakers in Hong Kong’s New Wave: David West. *Chasing Dragons: An Introduction to the Martial Arts Film*. New York: I.B. Tauris (2006).

<sup>80</sup> Gary Morris. “Beautiful Beast: Ang Lee’s *Crouching Tiger, Hidden Dragon*.” *Bright Lights Film Journal*. Issue 31. (2001). <<http://www.brightlightsfilm.com/31/crouchingtiger.html>>, Accessed: 5/27/07

<sup>81</sup> Ang Lee. Eds. Linda Sunshine, James Schamus, Richard Corliss, and David Bordwell. *Crouching Tiger, Hidden Dragon: A Portrait of Ang Lee’s Epic Film*. 1st ed. New York: Newmarket Press (2001).

have to audiences in China and in the West. For instance, many critics argue that the films' glossy surfaces and fabricated historicity exoticizes Chinese culture to seduce Western viewers and that the director "should pay more attention to his ideological orientation and bear in mind the social influence of his works."<sup>82</sup> Despite these views, I believe that production for a foreign audience is not tantamount to pandering to the West. As my research suggests, *wuxia* films reflect a complex and sophisticated form of self-portrayal and understanding. In other words, appealing to the West through visual grandeur or historic fabrication is not done only to penetrate the international film market or to garner the economic means to produce high-end films, but also to portray Chinese subjectivity to a Western audience.

In relation to object-relations theory, the aesthetic moment, which informs the development of personal character, can be seen as a discernible pause or "caesura in time when the subject feels held in symmetry and solitude by the spirit of the object"<sup>83</sup>—in this case, film. Once experienced, the illusion of fitting with an object can spur the subject's profound attachment to that object. Thus, the aesthetic is a response to an object that is evoked because of how it touches on or resonates with a particular *transformative* experience: specifically, Western-style modernization and the objectification of Chinese subjectivity.

It is important to remember that transformational objects are significant not so much because of the desire for change exemplified by the subjects' search for them, but rather the implicit certainty that the object will bring about change.<sup>84</sup> As Bollas points out, art in particular can function as a medium for the source of this transformation for "certain cultural objects afford memories of ego experiences... [and] in the arts we have a location for such occasional

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<sup>82</sup> Yuankai Tang. "Rotten Tomatoes for Zhang Yimou." *China Today*. (2005)  
<<http://www.chinatoday.com.cn/English/e2005/e200503/p50.htm>> Accessed: 4/12/08.

<sup>83</sup> Christopher Bollas, 31.

<sup>84</sup> Christopher Bollas, 27.

recollections: intense memories of the process of self-transformation.”<sup>85</sup> Thus, *wuxia* films are implicitly believed to have transformative power, precisely because they, or the issues of justice and law that structure and permeate them, are identified in terms of the early ego memories associated with China’s experience with the West.

As my research indicates through the analysis of Chinese legal subjectivity as reflected in *wuxia* film, however, the Chinese do not perceive institutionalized law as a source of a positive integrative or transformative experience for China. Rather, the Chinese are skeptical of the laws as conceptualized by the West, to empower the people and provide them a means for social and political change. By variously corrupting, compromising, co-opting, or making irrelevant the *xia*, the contemporary *wuxia* films present the potential negative outcome of Chinese citizens placing complete trust in China’s current legal reforms to transform society. The films reflect concerns of that the reforms are out of touch with the general public and that the laws are influenced or manipulated by Chinese elites or Western powers to serve selfish economic or political interests.

Of course, it is difficult to project what the current legal reforms in China will actually mean in the near future. Will China democratize or, perhaps less likely and much more undesirable, undergo a mass grass-roots revolution? Will it successfully transition from an authoritarian regime to a rule of law? Given the vibrant economic, social and political dynamics in China, any answer is speculative. The hope for China, and the world, is that ultimately they can discover a means for peaceful social change. But if history and modern cinema are indicators, China still has a long way to go.

## **Epilogue**

My personal interest in China’s legal system led me to my thesis topic. It was sparked on my trip to Nan-tong, a rural town outside of Shanghai that was the home of my father’s father

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<sup>85</sup> Christopher Bollas, 28-29.

when I was in high school. My family was searching for the long-lost niece of my grandfather. After several dead-ends, we found her. Illiterate, she spoke only a local dialect that we did not understand and my grandfather had forgotten. A translator related her story, beginning from the purges of Mao's Cultural Revolution and ending in a conflict with a neighbor who wanted to steal her land. She could not afford a lawyer and found little help from local officials. Trying to settle her grievances with the neighbor privately proved disastrous. He attacked her, hoisted her into a tree and beat her unconscious. He went unpunished. As a farmer, ownership was especially important to her in a society highly attuned to social class. She refused to give up the land. The neighbor then poured concrete on her meager plot, making it into a ramp for his driveway.

Understanding the complex underlying issues of such a richly unique culture in China, the ingrained roots of corruption and the need for the rule of law as one outlet for societal complaints is only the first step. The second, and far more difficult question, is what can be done by foreigners. How can the United States, or its citizens, influence domestic affairs in another nation without violating its sovereignty? Moreover, in light of China's historically contentious relationship with the West, how much should the United States do? I still do not have answers to my questions. I do know, however, that I challenge the idea that law can only be created by the elites of society or that one country ought to impose what it unilaterally perceives as a superior vision of the law onto another.