MODERNISM AND ITS AFTERLIFE

Since the late 1980s, Zhang Yimou has established himself as the most recognised filmmaker from the People’s Republic and a celebrated name brand in world cinema. After a rapid rise to fame, his works now invite an approach rarely afforded to PRC film artists (except perhaps in the case of Xie Jin), namely to have their entire corpus studied as a singular visual world bearing the signature of its auteur. Such recognition, to be sure, represents the pinnacle of an inherently aesthetic hierarchy that is nominally but not substantively repudiated by today’s literary criticism, film and cultural studies. It comes with a tacit acceptance of the film authors’ insistence that they be read within the parameters of the world of their own creation, and with the foremost resistance to any attempt to collapse the visual and the aesthetic into the immediate socio-political.¹

Rather than reject from the outset such auteurist mythology, which today no longer seems to be a challenging intellectual task, I would like to use the residual values of such notions as autonomy, freedom and creativity, to trace and reconstruct the procedures of codifying in film texts the economic, social, and cultural-ideological world while establishing a critical distance between a necessarily politicised world of life and its necessarily aestheticised representation. Such a distance, while determined by the nature of artistic production, is above all made mandatory by the logic of historical analysis. One simply cannot tackle the historical overdetermination and political complexity of the ‘content’ of Zhang Yimou’s recent films – understood here as something pertaining to the more general questions of the continuity and reinvention of tradition, the legacy of Chinese socialism, and the political nature of contemporary China – without a radical detour to...
or mediation in the realm of ‘form’, in this case the minute cinematic
operations in both visual and narrative terms.
It is intriguing to note that, although the modernist aesthetic
(notions of symbolism, aesthetic intensity, stylistic innovation
and self-consciousness, formal autonomy or self-referentiality, etc.)
remains crucial in Zhang’s competitive edge vis-à-vis other contenders
at international film festivals, its centrality can no longer be limited
to a photographic ontology aimed at capturing the ‘physical
reality’ of a historical moment of post-Mao Chinese reforms, as
was the case during the 1980s. Rather, in his work in the 1990s,
the ontological dimension is mingled seamlessly with the political,
the latter understood not so much in terms of government policies
and political doctrines, but the everyday world of Chinese society
framed by its massive transition into the market system guided by
an authoritarian party-state. This has required a shift away from the
sculptural monumentality of the early Fifth Generation filmmakers
demonstrated in Yellow Earth (Chen Kaige 1983), Red Sorghum (Zhang
Yimou 1988), or To Live (Zhang Yimou 1994) to a more subtle and
supple narrative form, one which suggests a new collective sensibility
embedded in Chinese everyday life conditioned by the so-called
‘socialist market economy’. The formal, stylistic articulation of
this new collective sensibility not only concerns the aesthetic and
philosophical innovativeness of contemporary Chinese literature
and culture, but indeed can provide a way by which to rethink
intellectual and political issues related to the larger context of the
nation state versus global imperial order, community and culture
versus the prevailing rhetoric of the universal, historical continuity
and discontinuity, and the singularity of the sovereign versus the
generality of the abstract and the exchangeable. It is with these
questions in mind that I turn to a close analysis of a film text, Zhang

CULTURAL POLITICS OF DAILY LIFE

The Story of Qiu Ju is based on a story written by a neo-realist (xin
xieshi) Chinese writer, Chen Yuanbin, entitled ‘The Wan Family’s Law
Suit’, which was published in 1992. In the title of the literary version,
the character ‘wan’ is both a common family name (therefore my
above translation of ‘The Wan Family’s Law Suit’) and the number
‘ten thousand’. The resulting meaning, tinged with homophonetic
playfulness, is ‘a myriad of lawsuits’, which is never lost in the
uniquely sensitive background of Zhang Yimou’s deceptively relaxed
filmic version.

Zhang Yimou, who has a record of butchering the literary text to suit
his own cinematic vision, proves to be quite loyal to the story of the
Wan family lawsuit, whose simple thematic and narrative structure is
centred on stubbornness, repetition, contradiction, and the dialectic
between multiplicity and singularity, which also constitute the formal
and moral substance of his film adaptation. The story is about a
peasant woman, Qiu Ju, who is determined to see justice done after
her husband is kicked between the legs by the village chief as a result
of a minor dispute. The dramatic substance of the film comes almost
entirely from Qiu Ju’s repeated – and repeatedly frustrated – journeys
through which to appeal to ever-higher offices for justice as she is
not satisfied with the mediation, compromise and verdict offered
by lower-level offices. The film’s self-consciously documentary style
marked a sharp turn in Fifth Generation cinematic language. It allows
the film to descend from a compulsive aesthetic and philosophical
height to address those important social issues such as rural justice
and government, and Chinese legal and political reform in general.
It continues the Fifth Generation tradition of observing Chinese rural
life with an anthropological, sociological fervour and seriousness, but
what sets The Story of Qiu Ju apart from a Yellow Earth is the fact that
rural life, stylised by a modern cinematic language, no longer serves
as the aesthetic basis for a fundamentally political and philosophical
critique of tradition or the political culture of the communist state.
Instead, rural or peasant life occupies the film screen as a being in
itself, that is, as a form of life with its own historical and moral
substance, even aesthetic self-sufficiency. The early Fifth Generation
poetics of backwardness, so central to its cinematic distinction, is here
replaced by a narrative form which can articulate the rhythms and
material specificity of daily life. The embeddedness of the modernist
sensibility in peasant life is evident in the strikingly suggestive image
of the red chilli peppers hung to dry outside the house. These red
chilli peppers exist in perfect harmony between use value (that is,
value determined by quality and usefulness) and exchange value
(prevailing market price), and between exchange value and aesthetic
value. They are ‘self-sufficient’ symbols of a peasant form of life
and when sold in the market they generate cash that funds Qiu Ju’s
repeated pursuit of justice as she understands it. A daily necessity
and a reminder of material production, the red chilli peppers are an
indication of the inherent aesthetic texture of manual labour and
village life, even the latent moral dignity, unruliness and defiance of the Chinese peasantry.

In simple and misleading terms the film is a legal drama culminating in the court decision. The centrality of the legal, however, comes with its own ambiguity, even subversion. The sheer focus and intensity of the story gives rise to a kind of allegorical flight, as if everything in this film means something else. The central plot of the film, namely a lone peasant woman taking on the state apparatus in pursuit of justice, only triggers a different chain reaction leading to a different set of questions. If the film were about (in)justice and (il)legality in Chinese society, it would be nearly impossible for it to avoid the simplistic themes of state versus society, official versus non-official, modernity versus tradition, city versus country, and so forth, that is, binary opposites which still hold sway in much of the conventional media and academic writings about contemporary China. The fact that *The Story of Qiu Ju* does not seem to fall into the usual and uninteresting traps of those binaries has caused much uneasiness among its critics. In vague terms, some have suggested that the film (and Zhang Yimou as an increasingly successful filmmaker in China today) can be read as an endorsement of the Chinese government because it presents a somewhat humane, at least stable and tolerable, image of the everyday world in contemporary China. Such a transparent reading lacks resonance with and misses the complexity of a cultural text. It is imaginable, though, that the critics from both the far right and the far left, who, for radically different reasons, are unwilling to concede any legitimacy to the post-socialist state in name or in substance, will find their own ideological frameworks unfit for handling both the simplicity and the complexity of Zhang’s cinematic narratives and, by extension, his latent cultural politics.

Before we move on to address the central questions regarding this film, let us take a look at the way it begins, which offers a telling clue to the significant change in both style and cultural politics of the filmmaker. The opening of *The Story of Qiu Ju* readily reminds us of the opening of Zhang Yimou’s first film, *Red Sorghum* (1988). That is to say, the opening shots of the two films are diametrically opposed to one another. *Red Sorghum* notoriously starts with a sensuous, voyeuristic close-up of Gong Li trapped inside a wedding sedan, basking in amorous red colour. The striking image unmistakably announces the arrival of Zhang Yimou as a key figure in the Fifth Generation. It serves not only as a sign of objectified social desire, but also as a recognisable, indeed unforgettable, visual archetype and
Repetition and Singularity in The Story of Qiu Ju

The cinematic logo of many of Zhang Yimou’s films to come. This naked, over-aestheticised human face can be read as a not-so-subtle Mona Lisa of a post-Mao Chinese secularisation. It reveals a social landscape, indeed a social libido, under the aesthetic veil called the ‘modern cinematic language’. The aestheticised face of Gong Li, which evokes desire in the watching spectator, is also the first shot of a shot-reverse-shot between Gong Li and her object of desire, namely the half-naked sedan carrier. This is the standard Hollywood technique for suturing together a desiring subject and his/her ‘object of desire’ (the message: one is not a subject until you start desiring!). The shock effect was largely confined to the early years of the Chinese economic reform. For the jaded eyes of today’s film critic, what is noteworthy about that image in a formalistic sense is its situational exclusiveness, namely the scene being inside the wedding sedan, a thoroughly enclosed space, and its relentless visual focus and homogeneity, namely the female face, the colour red, and the symbolic uniformity which gives the sequence both a visual pleasure almost as from an advertisement and a reassuring touch of high modernism. These are not to mention the implicit political rebelliousness in unleashing the mechanism of the daydream in the face of the still rigid, clumsy state discourse of the ‘Four Adheres’ (to Marxism and Leninism; to the socialist system; to the leadership of the Chinese Communist Party; and to proletarian dictatorship). In retrospect, the political ontology of early post-Mao culture requires such a sharply concentrated and ruthlessly exclusive optical situation to accomplish its aesthetic-philosophical build-up for the articulation of social desire.3

The opening scene of Qiu Ju, no less shocking, can be read as a social deconcealment of a different kind. It reveals, rather, exposes the concreteness and irreducibility of the everyday world by means of a patient and fascinated sociological-anthropological observation. One will recall the visual resemblance of the opening scene of Qiu Ju to a documentary on small-town life in rural China. Unlike the scene discussed above, in which the camera penetrates deeply into the physical texture of the everyday world and is literally ‘inside’ the wedding sedan, moving among objects of desire themselves (reminiscent of Walter Benjamin’s famous observation that photography is a surgeon’s scalpel cutting into the human body whereas traditional oil painting is a witch doctor’s hand moving around it), the opening shot of Qiu Ju is made with a fixed hidden camera whose presence is predicated on its presumed absence or, better still, its secured, unnoticed being as part of the site. What faces
the audience, what is presented by a supposedly passive camera that seeks to capture the world intact, is the continuous, endless flow of the crowd in a typical village bazaar. The shot lasts as long as two minutes (an eternity for a fixed shot in which ‘nothing happens’), with Gong Li appearing, barely recognisable at first, in the last ten seconds. Revealed as a pregnant peasant woman, with her injured husband on a pushcart accompanied by her sister-in-law, played by an amateur actress, she thoroughly blends into the background. She comes to the fore not by means of a cinematic zoom-in, but rather through a patient, almost leisurely, long-take in which she approaches the hidden camera in the least ‘self-conscious’ manner. In the meantime, life swirls by, as indicated by the swarms of relaxed, slow-moving and semi-indifferent crowds in a small town market place. It takes a following series of horizontal-movement shots to set the main protagonists apart from the rest of the crowd, and at this point the narrative sequence of the story begins. If the initial shot is a declaration of the documentary impulse of the film, the following shot makes clear the melodramatic intent of it. The frontal encounter with the crowd is replaced by a scroll picture depicting a stream of quotidian life, a narrative reproduction deliberate in its shapelessness and contingency and yet structured in terms of a cinematic formation. In other words, the cinematographic device used to separate the central character is also meant to press her evenly and more firmly into the mosaic of the everyday world to which she belongs and from which she emerges almost indiscernibly as one among many.

One may be tempted to speculate that such a non-judgemental camera permits Zhang Yimou to cast a sympathetic light on the Chinese state, as it is itself considered a cluster of conflicting and coexisting moral and cultural codes from within and but one participant in the emerging and reconfiguring social sphere from without. It is in this light that such secondary characters in the film as the local policeman, the village chief, and the Director of the Public Security Bureau in the city must be viewed, that is, not as mere organs of an indifferent and abstract modern bureaucracy, but as mediators of an integral yet internally differentiated, even fragmented social totality, whose value system owes its very survival and legitimacy to the multiplicities and specificities of part-socialist Chinese everyday life.

To those utopian neo-liberal revolutionaries who are impatient with the existing Chinese socio-political reality, Zhang’s film certainly
would look like an apology for the status quo, which is too sluggish, messy and backward for a clean-cut free market complete with clear legal codes protecting private ownership and the political procedure of parliamentary democracy. Zhang may as well be considered guilty as charged, but his real or potential accusers easily forget the fact that his films are equally subversive to the unreformed loyalists for the old party-state, its fantastic central plans, and its unmediated, indifferent and often brutal reach into the social space. Indeed it is precisely the fantastic absolutism demonstrated in both the planners of socialist modernity and the visionaries of global capitalist homogeneity that is cast in doubt by Zhang Yimou’s films about the commoners in the post-socialist Chinese everyday world. Against the ideological excess there emerges a new horizon and a new cultural politics that exist as the invisible social referent of his cinematic narrative.

LEGALITY VERSUS LEGITIMACY

In *The Story of Qiu Ju*, one must realise that the central polemic, the ‘end’ being pursued by the narrative, is not justice in a legalistic sense of the word, but something prior to it, which forms its historical and moral basis or ‘pre-understanding’ and constitutes its social, political and even cultural (one may dare to say) foundation. The conflict or antagonism cannot be described as a pristine, spontaneous civil society (one must not forget this concept’s original Hegelian-Marxian connotation, namely bourgeois society) facing the grim superimposition of law by a modernising bureaucratic state. Nor can it conversely be viewed as a chaotic, backward peasant world indulged (at least for a few decades) by Chinese socialism and impossible to modernise, that is to say, to be brought into a commercial society complete with positive or procedural law as legal elaboration of the new socioeconomic contracts based on private property. What is deceptive – deception here constitutes the drama as well as providing the clue to putting together a narrative puzzle – in the film of *The Story of Qiu Ju* lies in its cinematic drama focusing on the legal mechanism or, rather, the comic ways by which a simple-minded peasant woman keeps missing it and missing its point in the same way as she keeps getting lost in the modern big city. Yet any careful and fruitful reading of the film will have to base itself on the plain observation that the film is about anything but formal, instrumental procedures and formulas (of law as well as of ideology). In *The Story of Qiu Ju*, the subject matter, which is legal, even legalistic, serves its truth
content which is decidedly non-legalistic and indeed against abstract
generality and exchangeability. The Law to be understood in Zhang
Yimou’s film is not a legal coding; it is not even culture – understood
either naively in terms of ‘natural psyche’ or, with more intellectual
sophistication, in terms of Jacques Lacan’s ‘symbolic order’ (which
turns the cultural back to the legal, albeit only ‘metaphorically’). Rather, the Law here is something prior to the legal codes, something
unwritten but rooted in and indicative of that which, even though
not technical or formalistic, is constituted like a language – the
nameless structure of a historically inherited ethical world.

I want to get into this analysis by noticing a slight yet crucial
translation problem (isn’t it true that, literally, one can say that all
the problems of Chinese modernity, as a translated modernity, were
caused by translation!) which comes with the film’s international
release, thus its transnational afterlife. The keyword in the film is
‘justice’ or ‘apology’, the two things which Qiu Ju is so determined
to obtain and around which the film narrative unfolds. Whereas
English subtitles render the keyword smoothly as either ‘justice’ or
‘apology’, often alternating the two as if they are interchangeable,
the word consistently, stubbornly repeated by Qiu Ju throughout the
film is, actually, ‘shuofa’. The meanings and implications of ‘shuofa’
are not so much legal but moral, not putative but persuasive, not
authoritative but communitarian and consensual, not judgemental
but descriptive (or, better still, narrative). It is, indeed, close to
something like ‘explanation’, as, literally as well as in everyday
usage, ‘shuo-fa’ means the way things are discussed, talked about
and, eventually, understood and accepted without coercion. The
moral-cultural point of ‘shuofa’ is that the way things are must be
accepted by those to whom it is explained; that the political-legal
order must rest on a tacit agreement, a consent given by those to
whom things are explained.

Notably and importantly, the English translation in the subtitles
is a mistranslation because it ably and precisely ‘translates’ –
anticipates and captures – the ways in which ‘shuofa’ is understood
in the contemporary Chinese context and by the average Chinese
audience as well, that is, as ‘justice’ and ‘apology’. This observation
may pre-empt any tendency to formulate the ‘cultural’ – here as
a mere shorthand for the moral-political constitution of a people
shaped by revolution and socialism – in terms of a false opposition
or conflict between Chinese and Western societies or ‘ethics’. In
light of this close linguistic, pragmatic examination, what Qiu Ju
demands, first and foremost, is not justice in the sense that an abstract general law must apply to all equally and indifferently, as a peasant versus mayor story seems to suggest, but for her values defined by her immediate surroundings to continue to make sense. It may not be an academic hyperbole to suggest that Qiu Ju’s is not a legal battle but a hermeneutic struggle to ensure the coherence and integrity of the world of meaning and value, of understanding and, indeed, of being. She is not so much to litigate as to heal, above all her own peace of mind, for which an adequate notion of justice and individual dignity is indispensable but hardly sufficient.

The main thrust of the film goes against the grain of the notion of ‘rule of law’ introduced by the modernising state for its political legitimacy, but whose philosophical justification lies historically in the bourgeois pursuit of indifferent abstract generality based on exchange value and the universal individual as the social figure of property rights. Why does the husband get into a fight? It has to do with the fuzzy and overlapping property rights in rural China, a grey area between the government and the written law, on the one hand, and, on the other hand, peasant culture, everyday practice and plebeian sense of right and wrong as a sedimentation of Mao’s China. The fact that the dramatic logic of the film is completely beyond the realm of the legal does not mean that the unfolding of the dramatic tension can develop without a legalistic logic. While the film covers Qiu Ju’s fight at all levels of political administration below and at the provincial level (hence its everyday, if not comical, flavour), the real legal consequence that forces all the characters eventually to take Qiu Ju seriously is the possibility that she might, and she indeed threatens to, take her fight beyond the relative autonomy and normality of the local.

This possibility is indicated, comically and in passing, by a neighbour’s cracking a joke on Qinglai, Qiu Ju’s injured husband, by warning him to keep his legs tightly closed, in case he gets kicked again. For then Qiu Ju will sue all the way to Beijing. The sense of entitlement in, and the real probability of a peasant going to Beijing to appeal to the highest authority reveals a crucial and vital link of the individual to the absolute sovereign which exists above and beyond the rules, regulations, due process, and proper procedures. In purely formalistic terms, this shows a resemblance to a peasant’s belief in the good and benevolent emperor, and to the popular practice of ‘appealing to the Emperor’ (gao yu zhuang) in imperial China. Yet the history and socio-ideological density of the Chinese revolution and
socialist modernity have given new substance to this belief and the
PRC, at least in theory, still defines the sovereign that is above the law,
a figure implicit in Mao’s notion of mass democracy and proletarian
dictatorship. Here lies the narrative device responsible for the film’s
comic touch as well as its intellectual-theoretical complexity: Qiu
Ju perceives and fights against a lawlessness at the lower level of
government where law, procedure and rules prevail as normality; but
she seeks the rule of law at the highest level of government, that is,
the realm of the sovereign, which is, by definition, outside and above
the law but defines its moral-political constitution. In other words,
she looks for justice in terms of moral substance where only justice
defined by procedure and positivity can be given; and she searches
for law where the law simply does not exist, that is, it exists only as
something to be shaped, animated and simultaneously dissolved by
the absolute concept of the sovereign. This is the legal-philosophical
reason why Qiu Ju’s repeated trips are doomed to fail.

There is no villain in this film; nor is there any indignant
denouncement of lawlessness under totalitarianism. In that sense it
is not a frontal assault on the communist regime. Yet the film puts
the entire rational-legal foundation of the modern state system on
trial at a deeper level and in an intellectually and politically more
compelling way. Here the irony is threefold. First, the peasant fails
the state by not understanding its effort at modernising its legal
system, which alone protects their rights. Second, the state fails
the peasantry by not understanding their inarticulate moral and
political codes that constitute and underscore any real, substantial
order. Third, Qiu Ju’s quest for justice is bound to fail because a
general, indifferent, legalistic justice is not what she wants and does
not solve her problem, and yet is all that the modern rational social
and state organisation has to offer. One may say that Qiu Ju makes
explicit the unconscious fighting its own becoming-a-language, as
becoming-a-language entails in itself and often manifests itself in
reification and alienation. That is the reason why throughout the
film we the audience feel both amused and frustrated, as Qiu Ju is
either aiming too low or too high; she is either being too kind or
too unrelenting, either too generous or too unforgiving; she is either
asking too much or too little. Her stubbornness drives everyone crazy,
both in and outside the film!

The dramatic and philosophic complexity of the film, in a way,
is captured by the linguistic ambiguity of the word 留法. The
combination of the characters ‘shuo’ (to say, speak and talk about)
Repetition and Singularity in The Story of Qiu Ju

and ‘fa’ (law; method; the way) produces the following three semantic possibilities: A: ‘Speaking of law’; B: ‘A way of explanation’ (discussed above); and C: ‘To talk about, or to comment on, the law’. One can see that the dramatic as well as philosophical unfolding of the film follows the ways in which the meaning of ‘shuofa’ evolves from A to C: it starts with a question regarding the law, in terms of a perceived injustice; it quickly moves on to becoming a persistent demand for an explanation; ultimately, the film becomes a commentary, a reflection on law and its limits. This is well beyond a problem of translation, but the difficulty of translation stands as a perfect metaphor for the multiplicity of forms of life and conflict of value which always pronounce themselves as a challenge to meaning and interpretation. It proves nearly impossible to render explicit and precise semantic meaning, let alone the pragmatic significance of this peasant usage, shuofa in this context. In a sense, the The Story of Qiu Ju is a sustained cinematic effort – a trial-by-error experiment of the ‘uses of language’ worthy of a late Wittgenstein – to determine the meaning of shuofa by examining its use in different everyday situations and contexts. To want an ‘explanation’ in these contexts, it gradually dawns on us, is to set in motion the quest for truth in a larger context as the articulation of something as yet undefinable. Thus, the difficulty the heroine encounters in this film is not so much the legal order understood as an abstract and general norm, but the value system of the everyday life in contemporary China struggling with its own fundamental moral, and political, self-understanding.

In the film narrative, the decisive conflict takes place in the city, in terms of an encounter between the urban and the rural, between formal-procedural law and the unwritten moral-ethical codes of the peasantry tinged with the political legacy of Chinese socialism, and between the modern rationality and what it sets out to overcome, which includes but is not limited to those conventional rubrics such as ‘popular habit’, ‘social custom’, ‘natural right’, or ‘tradition’. This is the site in which the bureaucratic-legalistic machinery of the modernising state tries to show itself in abstract yet specific, impersonal yet socially ‘responsible’ terms. The reading of this effort by popular wisdom, the substitute for ‘public opinion’ where a free media is not in place, adds another layer of comic twist to the drama. The manager at the ‘Workers’ and Peasants’ Guesthouse’, an old man, confidently and, in fact, quite sensibly, predicts that Qiu Ju is going to win the lawsuit because, as he observes, the government, which is seldom known for its role in promoting the rule of law, needs to lose...
a few publicised trials to the ordinary folks to convince the public that this time it is being serious and playing fair. Yet the fact that Qiu Ju ends up losing the case only shows that the government is in fact more fair and more serious than conventional wisdom expected. The government, despite its sympathy for Qiu Ju – this sympathy embodied by the Director of the Public Security Bureau – cannot do anything about the legal procedure. This time the legal system seems all but determined to run its own course independent of meddling officialdom, personal sentimentalities and moral inclinations.

Yet the healing, the solution in real ethical and moral senses, is attainable only within the parameters of village life. If there is an emotional turning point in Qiu Ju’s pursuit of ‘justice’, it is when the village chief saves her and her baby’s life on New Year’s Eve. For the village chief, that is merely the right thing to do as a fellow and elderly villager. It has nothing to do with the ongoing legal dispute between him and Qiu Ju. Yet this moment of harmony in the value system of daily life, so to speak, also provides a narrative solution outside the legal framework. The New Year, like the birth of the baby boy, is not a mere coincidence. For the festival and the delivery of Qiu Ju’s baby emphasise community, mutual dependency and rebirth. Yet the ending of the film is nonetheless a harmony tinged with unsolved conflict – the conflict between a ‘pre-modern’ harmony within a rural community and the spread of modern positivistic rationality; the conflict between a culturally embedded notion of justice that remains prior to law and the modern realisation of law at a necessarily abstract, over-coded level. It is within this general ideological, or, rather, cultural-political framework, that a misplaced lawsuit sets in motion the fundamental discrepancies, conflict and coexistence of different systems of value, culture and social conduct – as a comedy but not a tragedy, in a documentary but not modernistic style.

This, to be sure, is but another way of looking at the historical conflict between the world of use value and that of exchange value. In light of this widening gap, the peasant concept of justice, as we realise in the film, is both less strict and rigid than the Law and, simultaneously, more demanding and inflexible than the Law in that it entails punishment from a higher, that is, more internalised, authority. So for people like Qiu Ju, the problem is not that the system is not modern or modern enough, but that it is too modern in an abstract, autonomous, impersonal or ‘neutral’ fashion and thus it threatens to separate itself from a concrete yet inarticulate value system which defines their daily life.
One should recall that the final verdict, which gives the village mayor a two-week jail term, is made belatedly and based on the new medical ‘evidence’ – an X-ray photo showing broken ribs, which elevates a civil dispute into ‘aggravated assault’. The timing of the emergence of this new piece of legal evidence cannot be worse. Indeed it seems ridiculous, at least from the standpoint of a by-then reconciled village community. The X-ray photo proves to be an uncanny reminder – if not a metaphor in itself – of the philosophical differentiation between the legal and the legitimate as the distinction between two language systems. As a negative picture and a mirror-image of an isolated, ‘deeper’ and abstract fact, the X-ray photo speaks the positivistic language of technology and legal procedure, yet it is a language invisible and incomprehensible to the peasants as they still live in a pre-technological, pre-legalistic world. It registers a happening in a realm and a logic almost completely outside and independent of the Lebenswelt of the peasants. The only way by which the peasant world participates in the world of abstraction and positive law is linguistic mimicry and cultural pastiche, as performed by the old man in the market place who ‘lends his pen’ to the illiterate villagers seeking litigation. The hilariously hyperbolical but deadly precise legalistic-bureaucratic mimickeries such as ‘in gross violation of the national birth control policy’, ‘intent on homicide’, and ‘must be punished with the full force of the law’ – all in reference to Qinglai’s being kicked between the legs during his fight with the village chief – capture the comical but absurd discrepancy between the abstract legal codes and the everyday world lived by the villagers who cannot find their representation in the former.

**REPETITION AND SINGULARITY: FURTHER THOUGHTS ON THE SELF-AFFIRMATION OF THE EVERYDAY WORLD AND PEOPLE’S SOVEREIGNTY**

The law and justice a modern society promises to all, once so remote and unattainable, eventually reaches this peasant woman, but what it delivers is contrary to what she wants in the first place. Those who habitually and compulsively read anything from the People’s Republic of China as either transparently pro-government or anti-government messages are understandably baffled and disappointed; and they are not alone in trying to decide whether this Zhang Yimou film is just an unabashed apology for the lingering communist state by bestowing it with a touch of normalcy under its tutelage, or, conversely, whether the unexpected twists and turns of the story
of Qiu Ju in fact reveals a complicated and yet to be defined mix of forces at work in China today. Few, however, can dispute the fact that there is a discrepancy between the independent, impersonal legal(istic) procedure and what actually does and does not work for people like Qiu Ju in China today. What is clear, then, is that justice in the legalistic sense is not the point in this film.

In that light, the female protagonist’s desire to ‘find an explanation’ must be seen as an allegory of the social-intellectual search for meaning, based on what is going on in contemporary China. The critical edge of the film is therefore not its exposing the rudimentary state of rule of law in China. In fact the film casts an overall positive or at least, understanding eye on the somewhat hasty implementation of a modern legal structure in a post-socialist society. Rather, what is critical and provocative is the way in which the film situates its dramatic intensity squarely in the structural gap between the legal and the political. The latter (the political) is no longer limited in its narrow confines to mean party politics, but ranges from value judgement based on a particular form of life to the moral courage and assertiveness by which to justify and defend it.

This invisible and inarticulate framework is prior to the legal and the legalistic order, yet it constitutes the very foundation of the latter. It persists in the rising money society in the form of Qiu Ju’s pig-headed rejection of any abstract or formal equation between pre-legal and legal orders, between the unwritten law governing her universe and the elaborate and impersonal rules and codes which guarantee the smooth yet abstract functioning of a modern society. It is not about justice done in legalistic terms, but about ‘right and wrong’ in terms of ‘natural right’ rooted in the singularity (not generality) of a peasant community.

In one occasion early in the film, Qiu Ju’s husband fumes that ‘you ren guan ta’ or ‘there will be someone to set [the village chief] straight’, which is translated, again quite mistakenly, as ‘justice will be done’ in the English subtitles. In light of these conflicting interpretations, the ultimate message or the central conflict of The Story of Qiu Ju is that the positivistic concept of a law is alien to the Chinese peasants, who uphold a notion of justice (and equality) which, as unwritten law, governs their world of everyday life and informs their moral and political behaviour. This unwritten law does not easily find its articulation in the symbolic order of the modern legal-social-political structure, but somehow can be converted to and achieve currency in the world of the modern as a relevant form of the utopian idealism of
collectivity. Qiu Ju is still not happy at the end of the film. Once the social-moral chasm – which is merely alluded to by the distinction between the legal and the legitimate – becomes pronounced in social terms, she will never be happy again. But the last hint of this Zhang Yimou film seems to be that even the impossibility of happiness is not really a problem, as long as the subject here is not a bourgeois individual but someone embedded in and constituted by a collective. The being-in-the-world with a larger social being does not alter the life situation Qiu Ju faces, but the presence or survival of the concept of the people's sovereignty might change the ways it is approached, recognised and even transformed.

For Zhang Yimou, the sociological reality of contemporary China, like the mental world of Qiu Ju, simply exists. What is represented, then, is rather something unrepresentable, something which rejects mediation in the abstract 'symbolic' sense, but demands its own articulation through a different logic of narrative and expression. This, I would like to propose, is the logic of repetition and immediacy; of singularity and its irrepressible return. Zhang Yimou's approach to this narrative logic is that of comedy rather than tragedy. But in doing so he unambiguously indicates that the Chinese state form and peasant world must be viewed as actually existing forms of life whose justification (their 'shuofa') comes from their own internal differentiations, contradictions, unevenness, and their constant negotiations with one another. Such a perception of a mixed mode of production and its overlapping social, ideological and moral orders is made explicit by the random coexistence of political and commercial logos. One example is the 'cheapest inn in town' where Qiu Ju stays, which is called 'Workers' and Peasants' Guesthouse' (gongnong lüshe). The image not so much stands out in its own glaring and ironical anachronism, as it calmly and unself-consciously exists next door to a typical 'New Fashion Salon' (xinchao fawu). This 'flat' model of coexistence is coupled with a sort of 'depth' model that works only by means of its not working: while wandering on the street, utterly disoriented, Qiu Ju and her sister-in-law are told by well-meaning people to 'dress up like an urban dweller' so as to avoid being ripped off, which means to cover up their country-bumpkin clothes with fashionable urban attire. But when they re-emerge from the department store, new dresses on top of the old, they do not look a bit more urban, but just have more layers of what Ernst Bloch famously called 'non-synchronic contemporaneity'.

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The multiple trips Qiu Ju takes to search for an explanation may look repetitive. However, repetition can be said to be the most effective narrative device that helps the evolution of the idea, which is represented with astonishing immediacy as something uncoded and thus pre-linguistic. Each round of negotiation, mediation or conflict eliminates one possible solution and by exclusion sharpens the film’s focus on the nameless ‘way of things’ as an explanation. Money, or financial compensation, is the first to go, as Qiu Ju does not accept the compensation the village chief pays off but in an insulting way. That is followed by the idea of a kind of culture-based rationalising effort made by the village policeman. The gift (two boxes of cakes) Officer Li brings to Qiu Ju, a reversed bribe, so to speak, is a comical but poignant way of highlighting the communal wisdom underlying the legalistic thinking required by the policeman’s socio-political and bureaucratic functionality. It does not work, either. The last casualty in Qiu Ju’s dogged pursuit of ‘explanation’ is, as we have discussed, the modern legal system itself.

Indeed, repetition as a narrative design seems to break its rigid, formal rhythm to suggest something philosophical, or what Roman Ingarden has identified as the ontological or metaphysical stratum of the work of art embracing ‘represented entities’ beyond the strata of word, syntax and semantics. In light of the film’s tendency against the abstract and the general in favour of the particular, repetition is a narrative device in service to the self-affirmation, if not self-assertion, of an as yet undefined and undefinable quality.

In *Difference and Repetition*, Gilles Deleuze provides a unique intuition into repetition as conducive to the evolving, self-differentiating, multiple, affirmative and productive dynamism of sameness. He writes:

> To repeat is to behave in a certain manner, but in relation to something unique or singular which has no equal or equivalent. And perhaps this repetition at the level of external conduct echoes, for its own part, a more secret vibration which animates it, a more profound, internal repetition within the singular.

Deleuze, by re-establishing the conceptual and categorical links between his work and the questions of Bergson, Nietzsche and Spinoza, allows us to see the crucial historical, political, as well as philosophical mutual relevance between our own times and their prehistories, which together form the discontinuous continuity of the
modern, capitalist society in its own ‘eternal return’. Here, at a dizzying conceptual height but with sharp references to history, Deleuze shows how the residues of the past, the overcome, the redundant, and the repressed and the premature are always part and parcel of time and experience, which we try in vain to regulate, formalise and generalise, first in the name of mythology and metaphysics (Culture); then in the name of rationality and the modern (History). Yet in light of Qiu Ju, what Deleuze seeks to show is that all the identities and forms of life, like all the desires, fantasies and unfulfilled wishes, always come back in disguise for their own satisfaction and self-assertion instead of being happily ‘negated’, disappearing into the dustbin of universal history for good. It is in the unruliness of those identities and forms of life that their singular political nature manifests itself through repetition. And in light of Deleuze, the story of the Wan family's lawsuit is a fable of a historically, politically shaped form of life in search of its own affirmation, its own ‘eternal return’. In The Story of Qiu Ju, each time the peasant woman in pursuit of justice comes home empty-handed, the audience is, in frustration and in awe, one step closer to capturing the meaning of that amorphous concept and to the understanding of the possibility of the impossible. Each repetition on Qiu Ju's part is an affirmation of something that is non-existent, missing or denied by the order of the world as a coding system for the general and the exchangeable; yet it is something concrete and singular which vibrates with a larger context beyond the formal institutions of modern rationality. In a literary sense, repetition in Zhang Yimou's film is a ‘transgression [which] puts law into question, it denounces its nominal or general character in favor of a more profound and more artistic reality’.9 Each repetition is to ‘repeat the unrepeatable’ which is the singularity of a concrete form of life. Thus, each trip made by Qiu Ju will not merely add one more time to the previous one, but, as Deleuze puts it, will ‘carry [the first time] to the nth power’.10

The narrative-cinematic articulation of the dialectic of repetition and singularity in this Zhang Yimou film must not be taken as an articulation of a moral, let alone cultural, essence (of Chinese peasantry or of Chineseness as such). Rather, it is the historicity of the ongoing Chinese socioeconomic change – and its implicit or explicit friction and conflict with the prescriptive, normative ‘universal’ – that are brought to the fore before critical contemplation. As long as that prescriptive, normative universal is still defined in terms particular to Euro-American history of the bourgeois subject
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– private property, contractual rationality, rule of law, universal rights, and the political ontology of exchange value, Qiu Ju's story ought to be read as a collective allegory of a form of life negotiating its cultural and political legitimacy between various traditions which constitute a natural history beyond the self-enclosed, moral-political self-understanding of the middle class.

A rigorous Marxist notion, natural history (Naturgeschichte) searches for a ‘essential being’ that is not ‘essence’ or ‘genesis’ in the metaphysical or mythological sense, but ‘origin’ (Ursprung), which contains and comprehends that which ‘emerges from the [historical] process of becoming and disappearance’. What is original, as Walter Benjamin tells us, ‘is never revealed in the naked and manifest existence of the factual; its rhythm is apparent only to a dual insight’:

On the one hand it needs to be recognized as a process of restoration and reestablishment, but, on the other hand, and precisely because of this, as something imperfect and incomplete. There takes place in every original phenomenon a determination of the form in which an idea will constantly confront the historical world, until it is revealed fulfilled, in the totality of its history … The principles of philosophical contemplation are recorded in the dialectic which is inherent in origin. This dialectic shows singularity and repetition to be conditioned by one another in all essentials.

In this light, we can conclude that what is unravelled and thrown into question by a simple peasant woman's pursuit for an ‘explanation’ is not so much the social-legal fabric of China under reforms, but indeed the sacrosanct codifications of universal rationality and law which lie at the bottom of the ideological assumptions of Chinese modernity. Conversely, the irrepressible feeling that Qiu Ju's strivings are not local but universal may serve as a reminder or confirmation that a solution that can completely satisfy her will have to call for a thoroughly transformed social system.

NOTES


5. Here my discussion of the extra-legal nature of the sovereign, therefore the limits of the bourgeois positive law, is inspired by Carl Schmitt’s intellectually brilliant but politically dubious works on the subject, organised around his proposition that ‘the sovereign is that which decides on the exception’. Particularly relevant to the issues at stake are two of Schmitt’s seminal texts: *The Concept of the Political* (translated and introduced by George Schwab, Chicago: University of Chicago Press, 1996) and *The Crisis of Parliamentary Democracy* (translated by Ellen Kennedy, Cambridge, MA: MIT Press, 1985).


