

## LAW AND HUMOR IN JOHNNIE TO'S *JUSTICE, MY FOOT!*

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### INTRODUCTION

In Johnnie To's film *Justice, My Foot!*, a Chinese woman named Yeung Sau-Chun finds herself framed for the murder of her husband. The real culprits are Yeung's husband's brother and his wife, the Yiu-Tin couple, whose motive for the murder is to monopolize the family fortune. In order to save herself and her unborn child, Yeung flees from her native province, only to find herself abandoned and penniless in the countryside. By a stroke of good fortune, however, she meets the kind-hearted wife of the famous litigation master Sung Sai-Kit. Taking pity on the helpless, pregnant woman, Madam Sung takes Yeung back to the Sung residence. She further persuades her husband to defend Yeung against the true murderers in court so that she can clear her name.

The problem for Sung is that the trial is to take place in a Chinese legal system which is: plagued by corruption, bribery, and nepotism; marred by the abuse of judicial power; run by incompetent judges and vengeful law enforcement officers; and premised on the rule of man rather than the rule of law. The Commissioner of Shanxi province is the brother of Madam Yiu, and he attempts to use his position to ensure a favorable verdict for the murderers. Moreover, Sung had antagonized the Magistrate of Guangzhou through his flippant attitude and his lack of respect on previous occasions, and the magistrate is determined not to allow Sung to win the case. Finally, the Inspector General himself is biased against Sung. The court officials therefore seek to protect the guilty and to use the trial as an occasion for personal vengeance.<sup>1</sup>

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<sup>1</sup> *JUSTICE, MY FOOT!* (Cosmopolitan Film Productions Co. 1992) (directed by Johnnie To).

The film therefore contains all the elements of a legal tragedy involving a gross miscarriage of justice. However, the most striking aspect of *Justice, My Foot!* is that it is extremely funny. The use and role of humor in the filmic representation of a potentially tragic legal scenario in which a woman is framed and abandoned forms the focus of this Article. Sung is played by the comedian Stephen Chow, who is known in Hong Kong for a unique brand of humor known as “Moleitau”—a phrase which is difficult to translate but which loosely refers to a combination of slapstick, toilet humor, situational comedy, and word play.<sup>2</sup> This comic mode ensured the film’s popularity, and *Justice, My Foot!* became the most successful film in the Hong Kong Box Office in 1992.<sup>3</sup> One film critic gave it what is arguably the greatest praise one can give in the Cantonese language to a comedy: he commented that some parts of *Justice, My Foot!* are so funny that they make you “spit out your rice in laughter.”<sup>4</sup>

The question this Article asks is: Why did this particular and peculiar filmic representation of Chinese law appear at this historical juncture in Hong Kong?<sup>5</sup> In order to understand the significance of humor in the representation of law in *Justice, My Foot!*, it is necessary to place the film in the context of Hong Kong’s legal history. My overarching question is designed to establish a dialogue between the filmic text and its historical/legal context. I will examine both the way in which the film captures the anxieties and fears of Hong Kong society at a particular point in the city’s legal history, as well as the ways in which this history furthers our understanding of the role of humor that is central to the film itself. In other words, rather than using context to illuminate the filmic text in a unilateral way, I hope to show how legal history can enhance our understanding of film, and how film can also further our acquaintance with legal history.<sup>6</sup>

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All translations from the film are my own unless otherwise indicated.

<sup>2</sup> For further discussions of “Moleitau” humor, see Linda Chiu-Han Lai, *Film and Enigmatization: Nostalgia, Nonsense, and Remembering*, in *AT FULL SPEED: HONG KONG CINEMA IN A BORDERLESS WORLD* 231 (Esther C.M. Yau ed., 2001) and LISA ODHAM STOKES & MICHAEL HOOVER, *CITY ON FIRE: HONG KONG CINEMA* 249-53 (1999).

<sup>3</sup> The film grossed HK\$49,884,734 (approximately US\$6,395,479). See *HONG KONG FILMS 1992*, at 151 (1993).

<sup>4</sup> *Review of Justice, My Foot!*, *NEXT MAGAZINE* (P.R.C.), July 10, 1992, at 109.

<sup>5</sup> Even though my focus is exclusively on Hong Kong cinema, I have benefitted from the work of scholars who write on the representation of law in mainland China. See, e.g., *CINEMA, LAW AND THE STATE IN ASIA* 161-231 (Corey K. Creekmur & Mark Sidel eds., 2007); Alison W. Conner, *Don’t Change Your Husband: Divorce in Early Chinese Movies*, 40 *CONN. L. REV.* 1245 (2008).

<sup>6</sup> *Justice, My Foot!* is the remake of an earlier film (with the same Chinese name) entitled *THE JUDGE GOES TO PIECES* (Lianyi Film Co. 1948). To’s film differs significantly from the original, and pays comic homage to it by including two pictures of Ma Si-Tsang, the actor who played the original Sung Sai-Kit, on the family altar in the Sung residence. Ma is in effect cast as the parents of the current Sung. In one picture, Ma appears as himself (Sung’s father), while his

This Article also positions itself at the intersection of two fields of enquiry: the burgeoning area of “law and film” studies and the expanding investigation of Hong Kong cinema in film studies. Discussions of the interaction between the legal and the cinematic have so far largely focused on films produced in the West. On the one hand, the relative rarity of Hong Kong film in current discussions about filmic representations of law is understandable given the origins of “law and film” studies in the Anglo-American world.<sup>7</sup> On the other hand, the growing interest in Hong Kong cinema within film studies suggests that there is much to be gained from an expansion of the current “law and film” canon to Hong Kong films specifically, and to Asian films more generally.<sup>8</sup>

This Article is divided into three Parts. Part I situates *Justice, My Foot!* in the context of Hong Kong’s legal development around the time of its appearance in 1992 to argue that the film was responding to fears of Hong Kongers over the impending return of the colony to China in 1997. Part II interprets three scenarios in the film as the dramatization of the three options available to the Hong Kong lawyer who is confronted with the reality of the transition to a Chinese legal system. In Part III, I return to these three scenarios to discuss the dynamic of humor in greater detail, and I draw on a number of philosophical writings on humor—including the works of Henri Bergson, Simon Critchley, Sigmund Freud, and Herbert Spencer—to analyze the function of humor in the film.

### I. *JUSTICE, MY FOOT!* AND ITS LEGAL CONTEXT

To begin with the obvious, the events of *Justice, My Foot!* are set in mainland China during the Qing Dynasty. The Chineseness of the film is evident from the beginning: the opening sequence consists of a

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image is altered to look like that of a woman in the other picture (Sung’s mother). The presence of Ma in the film is of course a sign of respect to the makers and actors of the 1948 film, yet his position on the family altar suggests that the older film is already dead and has limited influence on To’s own version. The original may have responded to the legal changes of its own time in ways which are beyond the scope of this Article.

<sup>7</sup> PAUL BERGMAN & MICHAEL ASIMOW, REEL JUSTICE: THE COURTROOM GOES TO THE MOVIES (2006); ANTHONY CHASE, MOVIES ON TRIAL: THE LEGAL SYSTEM ON THE SILVER SCREEN (2002); STEVE GREENFIELD ET AL., FILM AND THE LAW (2001); LAW’S MOVING IMAGE (Leslie J. Moran et al. eds., 2004); WILLIAM P. MACNEIL, LEX POPULI: THE JURISPRUDENCE OF POPULAR CULTURE (2007); RICHARD K. SHERWIN, WHEN LAW GOES POP: THE VANISHING LINE BETWEEN LAW AND POPULAR CULTURE (2000); Peter Goodrich, *Screening Law*, 21 LAW & LITERATURE 1 (2009).

<sup>8</sup> For further discussions of Hong Kong Cinema, see AT FULL SPEED, *supra* note 2, BETWEEN HOME AND WORLD: A READER IN HONG KONG CINEMA (Esther Cheung & Chu Yiu-wai eds., 2004); STOKES & HOOVER, *supra* note 2; STEPHEN TEO, HONG KONG CINEMA: THE EXTRA DIMENSIONS (1997).

long shot of a scroll depicting traditional Chinese buildings, and the words of the opening credits appear on the screen as if they were the products of Chinese calligraphy or traditional Chinese ink stamps. Moreover, the costumes, the décor, and details such as the period-specific hairstyle together create the image of a courtroom with distinctly Chinese characteristics. The visual Chineseness underscores that the film is not simply dealing with injustice or judicial corruption in a general sense, but with forms of injustice and judicial corruption specific to China.

However, despite the overt references to the mainland, *Justice, My Foot!* has a distinctly Hong Kong flavor. First, both Stephen Chow, the actor who plays Sung, and the late Anita Mui, who plays his wife, are iconic Hong Kong celebrities. Stephen Chow is known for his unique brand of Cantonese humor, and Anita Mui was known as the queen of Canto-pop of her generation.<sup>9</sup> It would not be a stretch to say that the images of these two celebrities connote a certain Hong Kong identity. What the audience sees therefore is two iconic Hong Kong people caught in a mainland-Chinese legal dilemma. Moreover, Chow's figure constitutes a blatant historical inaccuracy in late imperial China: even though Sung is technically a litigation master, or *songshi*, he behaves far more like a common law lawyer familiar to a Hong Kong audience.<sup>10</sup> His character therefore functions as the connotation of a Hong Kong lawyer. Sung also conforms to a certain stereotypical Hong Kong self-image: clever, resourceful, entrepreneurial (Sung owns and runs an inn), but also materialistic and amoral. Finally, the language of the film marks it as a Hong Kong production: even though the setting is characterized by a distinctive mainland Chineseness, the dialogue is entirely in Cantonese (the dialect spoken in Hong Kong) rather than in Mandarin (the official language of mainland China). Significantly, not only is the dialogue in Cantonese, but much of it is in *colloquial* Cantonese whose vocabulary, structures, and expressions have no equivalent in Mandarin. This impossibility of translation suggests that what is at stake in the language of the film is more than a suspension of disbelief, in which the audience is implicitly asked to ignore the discrepancy between Mandarin and Cantonese. As the film critic Linda Chiu-Han Lai notes:

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<sup>9</sup> To notes that his original choice for Sung Sai-Kit was not Stephen Chow but Chow Yun-Fat, but the latter was unavailable due to a prior agreement with another film company. To praises Stephen Chow's style of acting as "excellent, full of energy and life." See the interview with To in MILES WOOD, CINE EAST: HONG KONG CINEMA THROUGH THE LOOKING GLASS 116, 123 (1998).

<sup>10</sup> For a detailed study of the figure of the litigation master, especially of his role in enabling a counter-hegemonic social contestation to take place within the legal arena, see MELISSA MACAULEY, SOCIAL POWER AND LEGAL CULTURE: LITIGATION MASTERS IN LATE IMPERIAL CHINA (1998).

The slang . . . specifically interpellates Cantonese speakers who live in Hong Kong today. The intense use of Cantonese slang privileges a distinct viewing community comprised [of] not just any Chinese person, nor even any Hong Kong citizen, but only those active residents who have partaken of everyday life and popular culture in the colony in recent years.<sup>11</sup>

The disjuncture between the visual and the verbal, between what we see and what we hear, thus consolidates a sense of Hong Kong identity amongst the viewers who are able to appreciate Chow's linguistic humor. It is possible to extend Lai's analysis further to posit that this consolidation of identity in turn activates a process of viewer identification. In other words, the distinctiveness of the film's language literally speaks to the audience members and makes it more likely for them to identify with the lawyer who represents Hong Kong.

The combination of the mainland Chinese setting and the distinctly Hong Kong elements within the film suggests that *Justice, My Foot!* is not simply another film about the problems of the mainland Chinese legal system. Rather, what it screens is an encounter between a Hong Kong lawyer and the problematic legal system of the mainland. The cinema becomes an imaginary space in which Hong Kong people of that period see themselves confronting all the problems that they regard as endemic to Chinese law and from which they believe they are shielded through the city's hallowed common law system, a legal regime imported from Great Britain due to Hong Kong's colonial past. The fact that the trial takes place in a Chinese court of the past—the Qing Dynasty—reinforces the image of the mainland Chinese court as backward and unenlightened.

The significance of the screening of this encounter between Hong Kong people and the mainland Chinese legal system becomes clearer if we place the film in context, because the problem of China dominated the moment in Hong Kong's legal history in which the film appeared. Britain and China had agreed in 1984 that Hong Kong would be returned to the People's Republic in 1997. Between 1984 and 1997, then, China loomed large in Hong Kong's collective imagination: decolonization became a reality, and people started to wonder what life would be like in the postcolonial era. Work began on the drafting of the Basic Law, the constitutional document that would guarantee the rights and freedoms of Hong Kong people when the city returned to Chinese rule in 1997. For much of the second half of the 1980s, Hong Kongers regarded China with a combination of suspicion, uncertainty, and cautious optimism.

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<sup>11</sup> Linda Chiu-Han Lai, *Nostalgia and Nonsense: Two Instances of Commemorative Practices in Hong Kong Cinema in the Early 1990s*, in *FIFTY YEARS OF ELECTRIC SHADOWS* 95, 95 (Law Kar & Stephen Teo eds., 1997).

The relationship between Hong Kong and China changed abruptly with the Tiananmen Square incident in 1989, just three years before *Justice, My Foot!* appeared. When the people of Hong Kong witnessed these atrocities on their television screens, the initial uncertainty about China turned into unequivocal fear and even panic. As Johannes Chan observes, the Tiananmen Square incident “not only broke the hearts of many Chinese people, it also seemed to sound the death knell for Hong Kong.”<sup>12</sup> The politics and the human rights violations associated with Tiananmen Square have been well documented, and for the purposes of setting To’s film in its legal context, my focus here is on how the incident affected the way Hong Kong people thought about China and about the continued viability of their city’s legal system after the handover.<sup>13</sup> I would like to highlight two reactions in particular.

The first is that there were widespread concerns that Hong Kongers could face the same fate as the student dissidents in the mainland after 1997. There was fear that the end of the colonial era would also signal the end of human rights and freedoms. The barrister-turned-politician Martin Lee notes that “[t]he Tiananmen Square Massacre had woken up a lot of people in Hong Kong to the fact that what happened in Beijing could happen to Hong Kong after 1997.”<sup>14</sup> In a similar vein, another barrister-turned politician, Margaret Ng, asks, “what would it have been like had Hong Kong been under Chinese sovereignty during these recent events?”<sup>15</sup> Johnnie To himself takes part in this exercise of prophesying when he observes, “where there are Chinese people, there is corruption, and I think this is the way Hong Kong officials will also behave after 1997.”<sup>16</sup>

The second significant aspect of Hong Kong’s reaction to the Tiananmen Square incident is that the incident was locally understood as a failure of law. The anxiety related to the impending collapse of Hong Kong’s hallowed common law system; people feared that the law would be insufficient to protect Hong Kong’s freedoms under a Chinese communist regime. The reaction in Hong Kong therefore took on a specifically legal tone. It is interesting to note that the language used to critique the law is often histrionic and hyperbolic, a mode of representation which underscores the ambient fears at the time. The *South China Morning Post* reports that the day after the massacre, one

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<sup>12</sup> JOHANNES M.M. CHAN, HUMAN RIGHTS IN HONG KONG, at viii (1990) (my translation).

<sup>13</sup> For discussions about the impact of the Tiananmen Square incident on Hong Kong identity, see William MacNeil, *Righting and Difference*, in HUMAN RIGHTS IN HONG KONG 86 (Raymond Wacks ed., 1992) and STEVE TSANG, A MODERN HISTORY OF HONG KONG 247-54 (2004).

<sup>14</sup> John Tang, *Lee Calls for Hong Kong-Mainland Confederation*, S. CHINA MORNING POST, June 8, 1989, at 7.

<sup>15</sup> Margaret Ng, Opinion, S. CHINA MORNING POST, June 6, 1989, at 29.

<sup>16</sup> *Review of Justice, My Foot!*, CITY ENTERTAINMENT (P.R.C.), May 28, 1992, at 36 (my translation).

local protestor publicly set fire to a draft of the Basic Law and broke down in tears. “The Basic Law is rubbish,” he says. “I don’t trust the Basic Law. It’s unfair and evil.”<sup>17</sup>

The mini-constitution was eventually enacted in 1990, but with the events of Tiananmen Square fresh in their minds, not all Hong Kongers were convinced that the legal safeguards it provided would be adequate against the arbitrary displays of power of the mainland Chinese government. Writing in the 1990 issue of the *Hong Kong Law Journal*, Albert Chen notes in his editorial that the final version of the Basic Law was “probably disappointing to most Hong Kong people.”<sup>18</sup> Robert Tang, the Chairman of the local Bar Association, argued that the Basic Law told what he called the “tragic story” of Hong Kong. The politician Huang Chen-Ya stated his view of the document in more colorful, though less polite, terms by comparing it to the bandage used in the Chinese custom of female foot-binding: he said that parts of the Basic Law were a “long, stinking foot-binding bandage that stunts the growth of democracy in Hong Kong.”<sup>19</sup> This metaphor captures the anger and fear of China immediately after the massacre: the law is represented as a tool with which the People’s Republic—here portrayed as a patriarchal figure—violently deforms the body of a democracy which is implicitly gendered as female.

In a desperate attempt to reassure the Hong Kong population and to stop the exodus of people from the city in the aftermath of Tiananmen Square, the government intensified its efforts to introduce a Bill of Rights. As an additional means of protecting freedoms, a draft of the Bill was published for public consultation in March 1990, and the bill was enacted in June 1991. But the new legislation failed to reassure Hong Kongers that the law could adequately protect their freedoms after 1997. Henry Litton, a Queen’s Counsel who later became a Hong Kong judge, opines that the Bill of Rights Ordinance is “a very odd document” and that “it gets more odd with closer acquaintance.”<sup>20</sup> Another commentator argues that it is “nothing but a Macbethian Witches broth” and that “some diabolical mind has been stirring in the pot.”<sup>21</sup> The presence of references to Western texts such as William

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<sup>17</sup> S.Y. Wai, *Protestors Ask NCNA Chief to Explain Violent Events*, S. CHINA MORNING POST, June 5, 1989.

<sup>18</sup> Albert H.Y. Chen, Editorial, *The Basic Law, the Bill of Rights and the British Citizenship Scheme*, 20 HONG KONG L.J. 145, 145 (1990). See also ALBERT H.Y. CHEN, *LAW AND POLITICS IN HONG KONG* (1990), for an interesting discussion of the major political and legal events in the late 1980s.

<sup>19</sup> Denise Wong, Joe Wu & Laura Chan, ‘*Stinking Bandage*’ in the Basic Law, HONG KONG STANDARD, Oct. 23, 1992.

<sup>20</sup> Henry Litton, *Much Wrong with the Bill of Rights*, S. CHINA MORNING POST, Apr. 3, 1990, at 29.

<sup>21</sup> Neville de Silva, *Bill of Rights Little More than Paper Tiger*, HONG KONG STANDARD, Mar. 26, 1990, at 15.

Shakespeare's *Macbeth* and the Bible in the assessment of the bill again reflects a fear of China; the language can be regarded as constitutive of a fantasy to use texts from the Western canon to counter a Chinese reality. In addition to concerns about the adequacy of the Basic Law and the Bill of Rights as legal instruments, China's intervention in the debate over the composition of Hong Kong's future Court of Final Appeal compounded fears about judicial independence in the postcolonial period.<sup>22</sup>

The appearance of *Justice, My Foot!* in 1992 can be read in the context of these local legal developments sparked by the events of 1989. The film's production largely coincided with the public debate about the Bill of Rights and the promulgation of the Basic Law, and its appearance overlapped with the discussion of the composition of the Court of Final Appeal. Between 1989 and 1992, the public in Hong Kong was apprehensive about whether Hong Kong's legal structure could be maintained after the handover. In that light, the film's depiction of problems like the abuse of judicial power, corruption, bribery, and judicial incompetence in the Chinese legal system can be interpreted as a filmic response to local concerns about the future of the Hong Kong judicial system under mainland Chinese rule. Through the film's screening of the encounter between Sung and the mainland legal system, the Hong Kong audience sees its worst fears about their home's legal future realized: the Hong Kong lawyer is trapped in a courtroom in which the rule of law has been replaced by the rule of man.

## II. THE HONG KONG LAWYER'S CHOICE

Faced with the imminent return of the city to the mainland and the subsequent replacement of the common law with what was regarded as an unreliable and corrupt judicial framework, what is a Hong Kong lawyer to do? What options are available to the Hong Kong lawyer as he looks into the near future? The film suggests that he has three options and also implicitly tells the audience which option he should take. He can (i) adopt the norm of the Chinese courts and become corrupt himself, (ii) retire from the world of law and pursue another career, or (iii) confront the problems of the Chinese legal system with courage and integrity. The remainder of this Part discusses three scenes that dramatize these options.

In the first scenario, the Hong Kong lawyer can choose to become a corrupt court official himself, accepting bribes from the guilty parties

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<sup>22</sup> For a useful discussion of the debate surrounding the composition of the Court of Final Appeal, see JOHANNES M.M. CHAN, ON THE ROAD TO JUSTICE 89, 89-101 (2000).



and thereby obtaining a financial gain for himself and his family through the sacrifice of those who are innocent but poor. Sung is presented with this option early in the film when he is asked to defend the son of a bank owner. The son, Chan Tai Man, has seriously injured another man in a brawl, and the victim later dies from his injuries. The bank owner knows that the family of the deceased will sue Chan and hopes to employ Sung to defend his son. Sung is offered a box of silver as a deposit. He initially refuses to help, but eventually agrees after the bank owner orders his servants to bring in two carts of gold. "If you win, all this will be yours," the bank owner tells Sung. Sung rises from his seat and emphatically responds, "No." For a brief moment, the audience believes that he has the integrity to refuse the offer, but this expectation is defeated when Sung continues his sentence: "No, I want half even if I lose." By choosing to forgo justice for financial gain, the Hong Kong lawyer chooses the path of the other corrupt Chinese officials.

However, the film suggests that this is not the path that the Hong Kong lawyer should choose. After he wins the court case for Chan, Sung is handsomely rewarded and returns home in high spirits. He brings a new toy for his newborn son in celebration, only to be told that his son had fallen into a well and drowned prior to his return. The audience is told that this is not the first time Sung has lost a child. In fact, none of his previous children had been able to stay alive beyond the age of one because of Sung's corrupt and immoral behavior; his willingness to defend the guilty for personal gain has led to divine retribution in the form of the premature death of his children. "Retribution. . . This is retribution," Sung laments to his wife. The film suggests that regardless of the Hong Kong lawyer's resourcefulness and intelligence, the deliberate failure to uphold the ideals of justice will lead to unhappiness and punishment outside of the courtroom.

In the second scenario, the Hong Kong lawyer chooses to retire from the law and pursue an entirely different career path. In other words, he chooses to avoid the problems of the legal system by reinventing himself altogether. This second option is reflected in Sung's decision to open the Yuet Loi Inn. Following the latest death of his son, Sung swears to abandon his life in the law and decides to run an inn, a career which he presumably believes to involve fewer morally contentious choices. When Madam Sung brings Yeung to their residence and urges Sung to help her clear her name, Sung resolutely refuses, insisting that his legal career is over and that he is now exclusively in the hotel and restaurant business.

However, the film seems to mock the idea that the Hong Kong lawyer could ever avoid the law entirely. Sung is repeatedly depicted as emasculated following the loss of his identity as a legal personage.

Since he is untrained in the hotel and restaurant business, there is little he can do at the Yuet Loi Inn, and in his boredom he begins to take an interest in his wife's toilette. Madam Sung is irritated by his behavior: "You're a man, why are you taking an interest in these feminine things? Do you have too much time on your hands?" Sung regards his own idleness as an erosion of masculine identity: "At my age, I can't be seen walking around with nothing to do, because people would laugh at me. It's a pity I've quit my job [in the law]." Madam Sung chastises him for "not being enough of a man" when he refuses to come to the rescue of the defenseless Yeung. The crisis of Sung's masculinity forms the basis of a comical exchange between him and his wife:

*Madam Sung:* You see that she's in despair and you refuse to help. What kind of a man are you?

*Sung:* Don't say that again, or I'll beat you.

*Madam Sung:* You're not a man!

*Sung* (raising his fist): Don't think I won't do it just because you're pregnant . . .

*Madam Sung:* You're not a man! You're not a man! You're not a man!

*Sung:* Okay fine. . . I'm a woman then. Hmph!

Sung's emasculation is made more explicit when he is attacked inside his own inn: he is unable to fight off the intruders and has to be rescued by his wife. At the end of the fight, Sung says, "It's a good thing not too many people saw that I had to be rescued by a woman." But when he raises his head he realizes that the entire village had witnessed the fight and was laughing at him. The sequence of the fight ends with the image of Sung humiliated, his head buried in the bosom of Madam Sung in a gesture of shame, sobbing while the rest of the village looks on.

It is possible to go further and argue that losing one's identity as a litigation master or lawyer constitutes not only a form of emasculation but also a form of castration in the film. The sexual politics of this scene are conservative, in part because they are structured by the gender hierarchy of Qing-Dynasty China: The phallus connotes knowledge and power. The Cantonese expression used for retiring from the law is "sealing one's pen" (in that a pen was needed in order to file a complaint to the court, and litigation masters constituted a relatively small class of literate people in Chinese society at the time). Significantly, the pen is represented as a phallic object in the story. As a way of ensuring that Sung will never return to the law, his wife forces him to take an oath before the entire village, and he swears: "If I ever pick up my pen again . . . then my next child will be born without a penis." The equivalence between "pen" and "penis" is made explicit in this oath. This oath was one reason for which Sung initially refused to

come to the aid of Yeung: "I've sealed my pen . . . . If I pick it up again and my child is born without a penis, can you give the penis back to me?" The loss of one's identity as a litigation master or lawyer (the loss of a pen) amounts to the loss of one's identity as a man (the loss of a penis). The logic of emasculation and castration in To's film is underpinned by a rigid gender hierarchy in which masculinity is positively depicted, and femininity negatively so.

In the third scenario, the Hong Kong lawyer chooses to face the problems of the legal system with integrity and valor, and to fight for justice despite seemingly insurmountable obstacles. In the final trial scene, Sung finds himself before four court officials who are hostile to him: the Commissioner of Shanxi, the Magistrate of Shanxi, the Magistrate of Guangzhou, and the Inspector General himself. This seems to be a lost battle from the beginning. In addition to the corrupt officials, the Yiu-Tin couple bribes Sung's key witness, Yeung's maid Xiao Mei, who had witnessed the poisoning, and Sung is cornered into admitting that he had committed the crime of stealing and reading a confidential government document. However, despite these difficulties Sung manages to win the case, because he possesses incontrovertible evidence—in the form of a letter written by the Commissioner to the Magistrate of Guangzhou—that a bribe of 5000 catties of silver had exchanged hands between the sender and the receiver.

By creating a distraction in the courtroom, Sung cleverly lowers the defenses of the officials and induces the wife of the Magistrate of Guangzhou to admit before the entire court that she and her husband had accepted the bribe. The film seems to suggest that when the Hong Kong lawyer complements his intelligence and resourcefulness with integrity and a commitment to justice, he will be able to surmount the obstacles brought about by the return to a Chinese legal system. Out of the three options available to him, this final option is therefore the desirable one.

### III. THE FUNCTION OF HUMOR

To return to the question of humor, one would think that a film that captures the anxieties of a population so terrified by the events of 1989 and so apprehensive about the future possibility of law would align itself more with tragedy than with comedy. Between 1989 and 1992, the number of Chinese who immigrated to other countries more than doubled; newspapers of this period regularly reported on Hong Kongers who queued overnight at various consulates and embassies in an attempt

to obtain an application form for a foreign passport.<sup>23</sup> To be forced to flee one's homeland due to worries about the impending collapse of its judicial edifice is no laughing matter.<sup>24</sup> So how can we think about this seemingly peculiar aspect of the film's representation of law?

One point of entry for thinking about humor in the film is to return to the three scenarios examined above. The audience's interest in each of these situations is sustained by various filmic techniques that create comical effects.

In the first situation, the trial of Chan for murder leads to a tragically unjust verdict: the family of the deceased is left without a remedy due to Sung's willingness to defend the guilty party in exchange for gold. Far from eliciting anger or pity, however, the trial scene provokes laughter through Sung's witty cross-examination. First of all, he subverts the legal requirement of causation through exaggeration and distortion. The victim was beaten by Chan the day before the trial and died on the day of the trial; hence, there is a time gap between the brawl and the death. Sung then asks, "If I hit someone, and he dies eight or ten years afterwards, can I be accused of murder?" Much of the comical effect is created by the establishment of such an absurd analogy; Sung retains a lawyerly analogical reasoning but twists its content to sidestep the issue of causation. He further argues that since death is inevitable, the question of whether his client caused the victim's death is irrelevant. When the father of the deceased counter-argues that the victim was obviously in the prime of his life and was therefore not someone who would die so suddenly, Sung reprimands him for his poor grasp of evidence: "Can you tell when I'm going to die? . . . If you can't tell when I'm going to die, how can you be sure that your son wasn't the kind of person who would drop dead all of a sudden?"

Once again, although the logic of Sung's speech—that since you cannot tell when I will die, you cannot tell when your son will die, and therefore your counterargument is fallacious—maintains the form of a conventional legal argument, its absurd content subverts its doctrinal underpinnings. The gap between form and content generates a comical effect. Sung's cross-examination creates a funny, topsy-turvy legal world, in which the plaintiff becomes the defendant and the defendant becomes the plaintiff. In addition to the dialogue, the figure of the magistrate also adds to the absurdity of the trial: he is old, frail, befuddled, stupid, and in constant need of guidance from Sung. The cognitive dissonance between the conventional image of the magistrate

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<sup>23</sup> See, e.g., Fanny Wong, *More Hong Kong People Plan to Emigrate*, S. CHINA MORNING POST, June 6, 1989, at 8.

<sup>24</sup> The number of people who emigrated from Hong Kong rose from 30,000 in 1987 to 66,000 in 1992. See HONG KONG 1994, at 412 (Renu Daryanani ed., 1994).

or judge as an august and learned figure and the ridiculousness of the judicial personage in this instance adds to the sense of comic absurdity.

In the second situation, in which Sung is presented as an emasculated figure due to his self-imposed exile from the law, the humor is heightened by the gender crossing that results from the demasculinization. When Sung wakes up the morning following his refusal to represent Yeung in court, he finds that his wife has dressed him in women's clothing, put makeup on his face, and given him a woman's haircut. His servant, Ah Fok, mockingly tells him through his giggles that Sung is even more beautiful than his wife in this ridiculous costume. Sung rushes off to court, only to be stopped by his servant who needs to take back the papayas that Madam Sung had stuffed into Sung's garment to give him female breasts; Ah Fok was in the middle of preparing dinner and the papayas were the ingredients for that evening's dessert. The literalization of the insult that Sung is not fit to be a man underpins the humor of the scene.

The humor of the third situation, in which Sung confronts the corrupt court officials in the final trial scene of the film, is brought about in multiple ways. First, as noted above, there is the strategy of inserting Cantonese colloquialisms or street language into the trial: the contrast between the solemnity of the courtroom proceedings and the lightness of the expressions underpins much of the humor. Second, there is the meshing together of disparate situational elements, which creates a sense of absurdity. For example, when Sung first enters the courtroom he receives bouquets of flowers from his fans, one of whom asks for his autograph. The superimposition of Stephen Chow's image as a movie star in real life onto his image as a litigation master in the film is comical. Third, there is the bickering between the Magistrate of Guangzhou and his wife; the intrusion of a domestic dispute into the courtroom forces even the stubbornest viewer to laugh. To also injects an element of slapstick comedy into the scene when the magistrate drops a document on the ground, picks it up, and then drops it again. More cleverly, there is a self-reflexive mockery of the conventions of Cantonese drama; the excessive crying and the exaggerated hand gestures of the women can be read as To's comment on the ridiculously contrived movements favored by his predecessors. Finally, there is Stephen Chow's signature toilet humor, as the trial is interrupted by farting magistrates and babies who poop in the courtroom.

The audience laughs at the silliness and absurdity brought about by the combination of contrasting or incongruous elements, but as philosophers of humor have pointed out, laughter is not necessarily associated with merriment. As part of his argument that laughter is a corrective response to human inelasticity, rigidity, and automatism, Henri Bergson argues that laughter is sustained by intimidation,

humiliation, and even cruelty. He cautions against examining laughter too scrupulously, because in doing so one would probably discern “a degree of egoism and . . . something less spontaneous and more bitter, the beginnings of a curious pessimism which becomes the more pronounced as the laugher more closely analyses his laughter.”<sup>25</sup> One could interpret this remark as suggesting that laughter masks something we do not wish to confront directly, something that we can only look at in mediated form. Simon Critchley both echoes and extends Bergson’s argument. In his discussion of Bergson’s thesis he notes that “[w]e often laugh because we are troubled by what we laugh at, because it somehow frightens us.”<sup>26</sup> Critchley goes on to point out that what troubles or frightens us may be related to our notion of place or nationhood: humor can “put one back in one’s place with anxiety, difficulty and indeed shame of where one is from.”<sup>27</sup>

In the context of *Justice, My Foot!*, I would argue that it is precisely feelings of anxiety or difficulty about *place* that humor both expresses and conceals. Through its narrative of a Hong Kong lawyer’s confrontation with a corrupt Chinese legal system, the film captures the uneasiness and concerns about the future of Hong Kong law—feelings that no Hong Konger would willingly confront, much less pay money to see screened. Yet through the mediation of humor, the film not only allows the local audience to come face to face with its worst fears, but enables it to be amused and entertained by them.

Humor in the film therefore performs quite complex work. On one level, it enables the local population to face up to its anxieties at a particular point in the colony’s legal history. But it does even more than that. It actively draws on issues close to the heart of every Hong Kong person and then transforms them into a form of entertainment by provoking laughter and reassuring the audience that justice will prevail despite our fears. The film’s commercial success is in large part due to a strategy that simultaneously taps into a source of cultural and social anxiety for its content and reworks this content into consumable filmic material by presenting it in the form of comedy.

Critics have noted that the three most often-cited theories of humor—the superiority theory, the incongruity theory, and the relief theory—are not really distinct theories as much as they are discussions that highlight different aspects of the same object. In this instance, it is perhaps the relief theory, as represented by Herbert Spencer and Sigmund Freud, that provides the clearest lens for viewing humor in the

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<sup>25</sup> HENRI BERGSON, LAUGHTER: AN ESSAY ON THE MEANING OF THE COMIC 199 (Cloudesley Brereton & Fred Rothwell trans., 1914) (1901).

<sup>26</sup> SIMON CRITCHLEY, ON HUMOUR 56-57 (2002).

<sup>27</sup> *Id.* at 74.

film.<sup>28</sup> In his 1860 essay, *The Physiology of Laughter*, Spencer notes that “nervous excitation always tends to beget muscular motion” and that laughter provides one route through which built-up nervous energy is released.<sup>29</sup> For Freud, jokes provide an “economy of psychological expenditure” whereby energy that would have been expended for suppressing certain urges is saved.<sup>30</sup> The pleasure of laughter therefore comes when energy associated with nervousness, anxiety, and worry is released.

In light of the grave concerns about Hong Kong’s legal development, the possibility of such release may explain the film’s popularity. Far from being a lightweight comedy with no jurisprudential value, it is paradoxically the fact that *Justice, My Foot!* is “only” a Stephen Chow comedy that allows it to function as the medium through which the audience of the time could confront its anxieties about the law. With a nod to Karl Marx, one newspaper editorial noted that the legal debates of the period were characterized by both “farce” and “tragedy,” and this characterization arguably also serves as a useful way of theorizing humor in *Justice, My Foot!*—the audience laughs, but what underpins the more silly or farcical elements of the film is the collective fear of an impending tragedy.<sup>31</sup>

#### CONCLUSION

Writing in the *South China Morning Post* less than one year after the events of 1989, a veteran journalist and broadcaster gives us the following anecdote:

A highly intelligent housewife says: “I simply cannot follow all this talk of mainstream models, electoral colleges, bicameral legislatures. I did read the agreement the British and the Chinese reached back in 1984—the Joint Declaration—and I thought that was a pretty good document. But what on earth has happened since? Aren’t we going to get a high level of autonomy?”<sup>32</sup>

He further notes that the “[t]he Hongkong man-in-the-street is puzzled

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<sup>28</sup> For a discussion of the major theories of humor, see JOHN MORREALL, *TAKING LAUGHTER SERIOUSLY* (1983). See also TED COHEN, *JOKES: PHILOSOPHICAL THOUGHTS ON JOKING MATTERS* (1999); AGNES HELLER, *IMMORTAL COMEDY: THE COMIC PHENOMENON IN ART, LITERATURE, AND LIFE* (2005); ELLIOTT ORING, *ENGAGING HUMOR* (2003).

<sup>29</sup> Herbert Spencer, *The Physiology of Laughter*, in 2 *ESSAYS: SCIENTIFIC, POLITICAL, AND SPECULATIVE* 452, 453 (1907).

<sup>30</sup> SIGMUND FREUD, *Jokes and Their Relation to the Unconscious*, in 8 *THE STANDARD EDITION OF THE COMPLETE PSYCHOLOGICAL WORKS OF SIGMUND FREUD* 138 (James Strachey ed. & trans., 1960).

<sup>31</sup> *End Farce Over Bill of Rights*, HONG KONG STANDARD, Mar. 5, 1990, at 16.

<sup>32</sup> Anthony Lawrence, *Agreement a Conundrum for the People*, S. CHINA MORNING POST, Feb. 18, 1990, at 13.

and confused” by debates about the future of the city’s law.<sup>33</sup> The anecdote serves as a reminder that there is a distance between legal history as it is presented to us in textbooks and academic monographs—in which the events are laid out chronologically and their significance dissected—and legal history as it was experienced by the average person in the street.

For legal academics, the study of “law and film” can contribute to our understanding of legal history, as the lived experience of history—which can elude legal historians—is often captured and refracted through the films of a particular period. As Lai notes, cinema contributes to our understanding of the past by commemorating rather than recording it. In other words, while monumental history “looks at dominant political events alone,” cinematic history “attends to the micro-levels and more everyday domain of human life, such as habits of mind, (structures of) feelings, conventions of speech, customary practices and other material forms left out of the framework of monumental history.”<sup>34</sup> In the case of *Justice, My Foot!*, filmic material gives an immediate sense of Hong Kongers’ worries and fears about the degeneration of their city’s legal system and the inadequacies of its human rights safeguards in a form which is both accessible and entertaining.

However, the study of “law and film” should not merely treat cinematic material as historical document. To do so would neglect the specificity of film as a medium and as an artistic form. Rather, the interdisciplinary legal critic should be attentive not only to the ways in which film illuminates legal history, but also to the ways in which legal history can enhance our understanding of important aspects of a film. In the case of *Justice, My Foot!*, the analytical move of placing the film in its historical and legal contexts sheds light on the role of humor in the film, and reveals its function as a way of alleviating anxieties by transforming them into a palatable comic form. Through the example of To’s film, this Article suggests that the “and” that links “law and film” should function as a bridge that ensures a two-way traffic between the two cultural forms, enabling each to further our understanding of the other. To use law unilaterally as a way of explaining film, or to use film simply as a historical document, would be to do an injustice to both “law” and “film.”<sup>35</sup>

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<sup>33</sup> *Id.*

<sup>34</sup> Lai, *supra* note 2, at 95.

<sup>35</sup> My discussion of the centrality of the word “and” in “law and film” is of course indebted to discussions about the importance of the conjunction in “law and literature.” See the two introductory essays in *LAW’S STORIES: NARRATIVE AND RHETORIC IN THE LAW* 2-22 (Peter Brooks & Paul Gewirtz eds., 1996).