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BMWs and Chinese justice

COMMENT

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IN MOST PLACES, THE NAME BMW implies luxury and exclusivity. But in China, the brand has unwittingly found itself enmeshed in tales that illustrate the powerlessness of ordinary Chinese against the powerful and corrupt.

The first scandal occurred last year, after a tractor filled with green onions scraped the side

of a BMW in Harbin. The drivers of both the tractor and the metallic-silver luxury car were 45-year-old women, but any similarity between them ended there: the former was a peasant, the latter the wife of a wealthy businessman. After a confrontation between the two, the wealthy wife drove her BMW into the growing crowd of spectators on the roadside, killing the peasant woman and injuring 12 others.

The case went to the local court, where the judge ruled it an "accidental traffic disturbance" and gave the driver a two-year suspended sentence. The judge's ruling spurred rumours that he went easy on her because her husband was related to senior provincial officials. It quickly became a story of "rich versus poor", widely cited as an example of high-level corruption.

Over the next few months, newspapers and television stations ran with the story as it snowballed into a national obsession. Alarmed by the public reaction, the Harbin magistrate ordered the case reopened, only to have the suspended sentence confirmed when the case was closed this March. The big BMW story of late 2003 resurfaced quietly, before being buried again forever.

That same month, a lottery scandal threw the BMW brand into the limelight once again. Lottery officials in Shaanxi province rejected a winning ticket, calling it a fake and denying its bearer, a 17-year-old security guard named Liu Liang, the grand prize of a \$58,000 BMW and 120,000 yuan (\$14,510) in cash.

Liu became so angry about being accused of fraud and denied the car that he climbed atop a high advertising billboard and threatened to jump as a show of innocence. But the story

didn't end when police officers managed to talk him down. News broadcasts covered his continued insistence that he did not forge his ticket, along with the lottery centre's claims that their rejection of the ticket was legitimate.

The police finally stepped in and, after a careful investigation, announced that they had found the true criminal: Yang Yongming, a private businessman whom the local lottery administration had contracted to organise ticket sales. Yang had conspired with the government officials directing the lottery, who were arrested for malfeasance, to fraudulently obtain the top prizes. In June Liu Liang finally got what he deserved — a BMW-325i sedan and a sincere apology from the lottery centre.

If the first scandal was a tragedy, the second was more like a farce. But both offer keys to understanding contemporary Chinese psychology. The outcry after the first BMW case was not really about the light sentence given to a rich woman, but about the lack of confidence ordinary people have in China's judicial system. In China, power, money, and connections trump the law. Even as they are becoming ever more litigious, many Chinese believe that they have no hope of securing justice against the powerful. The apathetic response of the dead peasant woman's husband to the \$10,000 in compensation he received was telling. "I don't care about the verdict and whether it is justice or not", he said.

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Similarly, in the second BMW case, people didn't blame a corrupt businessman; they ascribed culpability to the lottery centre, a government body. So instead of mistrusting one person, they grew suspicious of an institution — even of government itself. When a stubborn teenager went up against the mighty lottery authority with its army of auditors and inspectors and initial alibis, this individual, not the system, was the clear winner of the public's admiration.

Liu Liang may have been just a working-class kid, but there was wisdom in his words that there is still a "silent majority" who can affect the workings of China's fragile society. He refused to settle privately, because he believed that if he let corrupt government officials off the hook, "they'll keep scamming the public". Thanks to his perseverance and the media's investigation, the fraud was laid bare.

Power corrupts everywhere, but individuals in China such as Liu have come to form a countervailing force. Even so, such marginal forces do not yet constitute a system for redressing grievances. While pop music fans in China can listen to whatever they like, including Madonna singing "I'm gonna shake up the system", ordinary Chinese need courage to speak such messages aloud. As one saying goes: "There is not want of conscience in Chinese, but there is want of courage". —DT-PS

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