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COMMENTARY

China's Chilling 'Social Credit' Blacklist

A lawyer is barred from buying a plane ticket because a court found his apology 'insincere.'



Chinese journalist Liu Hu poses for a photo in Beijing on Sept. 16, 2015. PHOTO: MARK SCHIEFELBEIN/ASSOCIATED PRESS

By *Maya Wang*

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Apple CEO Tim Cook looks forward to a “common future in cyberspace” with China, he told the Chinese government’s World Internet Conference earlier this month. This was an embarrassing gesture toward a state that aggressively censors the internet and envisions a dystopian future online.

The experience of lawyer Li Xiaolin may give a taste of what that future looks like. During a 2016 work trip inside China, he tried to use his national identity card to purchase a plane ticket. To his surprise, the online system rejected it, saying he had been blacklisted by China’s top court. Mr. Li checked the court’s website: His name was on a list of “untrustworthy” people for having failed to carry out a court order in 2015. He thought he had resolved the issue, but now he was stranded more than 1,200 miles from home.

Mr. Li’s dilemma was due to the Chinese government’s ambitious “social credit system.” Launched by the government in 2012, it vows to “make trustworthy people benefit everywhere and untrustworthy people restricted everywhere” by the time it is fully implemented in 2020.

This is no anodyne credit score. By rating citizens on a range of behaviors from shopping habits to online speech, the government intends to manufacture a problem-free society. Those with low scores will face obstacles in everything from getting government jobs to placing their children in desired schools. It remains unclear exactly who will run the system, whether or how one could dispute scores, or even whether the system is legal.

As part of this scheme, the Supreme People’s Court has published lists of people who have failed to carry out local court orders since 2013. These untrustworthy “chronic cheats” are named, shamed and barred from flights and fast trains. Some local governments even put their pictures, full names and addresses on billboards. By 2017 it imposed such punishments more than seven million times.

How did Mr. Li get on the list? In 2013 he defended a man accused of rape. The lawyer gave a copy of his defense statement to the man’s family. Unknown to him, they posted it online. The alleged victim sued Mr. Li for defamation and won, and in 2015 a Beijing court ordered him to apologize. Mr. Li sent the court a written apology. He had forgotten the incident until he found himself blacklisted. He learned that the court inexplicably dismissed his apology as “insincere,” in part because he had dated it April 1.

In 2013 investigative journalist Liu Hu published an article alleging someone was an extortionist. Two years later the man successfully sued Mr. Liu for defamation. The court said it would issue an apology in a newspaper on his behalf and at his expense. He wired money to the court, but months later Mr. Liu abruptly found that he couldn't buy plane tickets. Only then did a court official say the payment had not been received. Mr. Liu immediately corrected the mistake.

There is nothing wrong about authorities enforcing legitimate court orders, but in the case of Messrs. Li and Liu, penalties were exacted in wildly arbitrary and unaccountable manners. And the courts failed to notify them, leaving them no chance to contest their treatment. While both found a loophole—using their passports to buy tickets in person—their lives were initially upended, and they have faced enormous difficulties challenging the designation.

When Mr. Li, the lawyer, was first blacklisted in 2016, it took three weeks before an official talked to him. The court requested a second apology, which he wrote, leading to his removal from the travel blacklist. But he remains on another list, about which he had not been previously informed, this one prohibiting him from applying for credit cards. The court has told Mr. Li to write another apology.

The journalist, Mr. Liu, remains blacklisted. The court now requires a payment several times the going rate for a newspaper apology in comparable cases. He sued the court for having abused its power but has had no response.

Chinese government authorities clearly hope to create a reality in which bureaucratic pettiness could significantly limit people's rights. As President Xi Jinping's power grows, and as the system approaches full implementation, more abuses will come.

Ms. Wang is a senior China researcher for Human Rights Watch.

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