Executing Justice: Gender Perspectives on Inspector Wu Hongyan in »Night Train« by Diao Yinan (2007)

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Abstract The paper analyzes the choice of a female 'legal professional' and its outcome from gender and intersectionality perspectives in director Diao Yinan's film »Night Train«. Female inspector Wu Hongyan is also the local small city's executioner, and her shooting a female defendant is part of the film.

Keywords China, Cinema (after 1989), Gender Perspectives · Diao Yinan (b1969), Yeche 夜車 (2007)

Cinema for me is always something very close to justice. When you see a great film, Charlie Chaplin's or Edward Yang's (Yang Dechang 楊德昌), it's about justice; it's there. You see the problems better. You go home, thinking.

«Night Train» as the Second of Three Films by Director Diao Yinan

Diao Yinan directed only three films, the most recent two focusing on

1 Quoted from Ho Yi, »Pedro Costa’s Thoughts on Film«, Taipei Times 10 Sep 2015 <taipeitimes.com/News/feat/archives/2015/09/10/2003627348> (last retrieval 10 Sep 2015).
different legal professions. He won the Golden Bear in Berlin for the newest one, Black Coal, Thin Ice (Chinese title  

Bairi yanhuo 白日焰火) in 2014.\(^2\) Whereas Black Coal, Thin Ice focuses on (former) policemen, the main actor of the previous Night Train (Yeche 夜車, 2007) is female: a court inspector who also personally executes the death penalty. Night Train describes the court and the prison as a women’s place. The supervisor of the court inspector is male, but otherwise the inspector works with a (younger) female colleague and women defendants. And she shares her private life with the prostitute in the neighboring apartment and the female custodian.

Night Train contrasts the executor Wu Hongyan 吴红燕 with the compassionate court staff Wu Hongyan, who rescues the fainting defendant and shows a certain empathy for another female prisoner wanting to hide her face (she has been beaten by her cellmates). While her colleague cries although on duty and in the open, Wu Hongyan does not show her emotions. However, she acts out of a similar compassion and female solidarity when refusing to report her prostitute apartment neighbor to the police.

The professional life of a court inspector is only half of the life of Wu Hongyan. She regularly commutes to a different city after work to join a marriage agency as a client. The two places cannot be separated any longer when she meets Li Jun 李军, the widower of Zhang Lingling 张玲玲, whom she executed. Wu Hongyan actually impersonates her own definition of ‘justice’ when she confronts the husband, taking from him the knife and ax that are possibly meant to kill her in revenge. The director questions the possibility of dividing professional (legal) and private spheres, and he shows how they are inevitably interlinked. The analysis hopes to show the placement and the ramifications of a legal profession in daily lives.

The gender perspective reveals Night Train as a women’s film. The main characters are women, although their predominance does not make the film feminist. Director Diao Yinan has never talked about his motives in choosing

female actresses, and he does not always do so. His Black Coal, Thin Ice has mostly male actors. Still, in all his films, Diao Yinan thematizes the male–female relationship. All films, beginning with Uniform (Zhifu, 2003), include a love affair in the development stage. The gender perspective allows such love tangles to be addressed, but also less feminine aspects. The article gives an example of the productive use of the gender perspective.

»Night Train«—The Story

Diao Yinan is not only the director of Night Train, but also its scriptwriter, thus the film fully reflects the script. The story has none of the omissions that occur when a novel is turned into a film, or are made deliberately.

Night Train focuses on 30-years old court inspector Wu Hongyan, whose husband died several years before. After work, she takes the train to visit a marriage agency in a neighboring city. Before Li Jun, she experiences relationships with two men. The first attempts to rape her against her will. She finds the second with another woman and discovers that he is hired by the agency to ‘care for’ the agency’s female clients. Li Jun first chases her through a cemented lifeless urban landscape, before they spend the night together. When Li Jun invites Wu Hongyan to the reservoir he guards, she finds evidence that she just executed his late wife.

The Execution

Zhang Lingling, the unfaithful wife of Li Jun, is executed for killing the pimp who introduced her into prostitution. The act might have been the spontaneous outcome of a quarrel between lovers, but no explanation or excuse is discussed. The film is not aware of the ongoing debate in China about reducing a woman’s penalty where domestic violence is involved:

Judicial officials and scholars have jointly launched pilot schemes at the local level to examine the use of reduced sentences for women convicted of murdering their abusive husbands. A volume of selected criminal cases published in 2007 shows
that courts in various provinces have handed down reduced sentences for women defendants based on past domestic violence, caretaking responsibilities and confession. The cases also show precedent for granting suspended sentences to domestic-violence survivors convicted of capital crimes like murder and aggravated assault.

China has yet to develop a national sentencing standard, and most women who commit violent crimes as a result of domestic violence receive severe punishment ranging from death with reprieve to 10 years’ imprisonment. As pointed out by an article in China Women's News [Zhongguo funü báo 中国妇女报], some local courts justify the use of severe punishment on the grounds that leniency would encourage more women to commit violent crimes at home.¹

Instead of addressing potential violence in the relationship, the film concentrates on the compensation that the surviving dependants demand and that Zhang cannot deliver or contribute to. Diao Yinan obviously uses the court process for a social criticism.

_A Greedy Society_

The film cites four articles of the Chinese Criminal Code of which two deal with monetary compensation. These make up the majority.⁴

Art. 36¹

Where the victim has suffered economic loss as a result of a criminal act, the criminal element, in addition to receiving criminal sanctions according to law, shall

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⁴ Art. 57 on the Deprivation of Political Rights is not applicable to this case.

⁵ The articles are cited according to the official Chinese English language translation. The translation makes use of a racist terminology, e.g. 'criminal elements' instead of the professional 'perpetrators'. A necessary critical revision of the English translation is not part of this paper.—Cf. Documents of the Fourth Plenary Session of the 18th Central Committee of the Communist Party of China (Beijing: Central Compilation and Translation Press, 2015).
in accordance with the circumstances be sentenced to make compensation for the economic loss.

Where the criminal element bears responsibility for civil compensation and is also imposed a fine, if his property is not enough to pay the compensation and fine in full or if he has also been sentenced to confiscation of property, he shall first pay civil compensation to the victim.

Art. 64

All articles of property illegally obtained by the criminal element shall be recovered or he shall be ordered to make restitution or pay compensation for them.

The legitimate property of the victims shall be promptly returned. Contraband and articles of the criminal's own property used for committing the crime shall be confiscated.

Articles of confiscated property and fines shall be handed over to the national treasury and shall not be diverted or otherwise disposed of.

A sizable part of the trial shown in the film shows the bereaved family members' financial demands, documented in stacks of bills to be presented at court. Diao Yinan contrasts this elaborate documentation of petty sums with the proof consisting of the knife with which the victim was killed and the bloody cloth that Zhang Lingling left with her victim. The two items are presented by Wu Hongyan to Zhang Lingling for verification. The film shows Wu Hongyan extremely bored, yawning during the rest of the trial. The family members later lie in wait for Zhang Lingling on the gloomy stairs in order to beat her—in revenge for her inability to pay. Diao Yinan is obviously fascinated with Wu Hongyan protecting the accused on the one hand, and preventing individual revenge, while killing her as part of her professional duties a short time later.
Several commenters find a criticism of the death penalty in Night Train. But Diao Yinan refuses to see Night Train as a film about the death penalty and its application, and does not join the legal criticism of Art. 232.

Art. 232 of the Chinese Criminal Code provides a wide range of possible convictions:

Whoever intentionally kills another is to be sentenced to death, life imprisonment or not less than 10 years of fixed-term imprisonment; when the circumstances are relatively minor, he is to be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment.

In minor circumstances, the offender can get away with three years imprisonment. Even if the offender is sentenced to death, the execution of the death penalty is very often postponed. Such suspension of the execution for several years often means that the death penalty is changed into lifelong imprisonment afterwards (although officially this depends on the excellent behaviour of the offender).

»Intentional killing« sentenced by death very often means the murder of more than one person in addition to a variety of other crimes like treason or...
bribery and seems not to be applicable to the stabbing of the pimp in Night Train. Diao seems more interested in the individual consequences of having executed the death penalty. He never enquires about the responsibility of the judge or the court, but asks—like Wu Hongyan—about justice in the personal lives of the actors.

At the end of the film, Wu Hongyan stops her effort to escape and returns to the reservoir. She repacks Li Jun’s bag and deliberately includes the axe that she expects is meant to kill her with. She behaves as if she believes that Li Jun is entitled to revenge, and that by enacting it against her, justice will be served.

The Role of Gender in Court Procedure

Diao Yinan’s camera focuses on Wu Hongyan, although the court is dominated by men and the court spokesperson is a man. By concentrating on Wu Hongyan, the court is gendered. This gendering goes beyond the representation of women in Chinese courts. In 2010, 42.5 per cent of civil servants in all levels of government (including judicial administration) were women, women are nearly half of all students in China (48–49 per cent), but they rarely fill leading positions. On the other hand, women make up only 6.3 per cent of prisoners in China, though since 2000, their number has risen more than four times faster than in the US. Director Diao Yinan seems neither aware of this recent trend nor of the marginal position of women in the Chinese prison system. Diao Yinan needed a female court inspector to get along with his love story between the husband of the criminal and the court lady. As a Taiwanese scholar commented informally: »A homosexual relationship would have been more representative, but this is even impossible to think of in China.«

8 Lu Hong & al., China’s Death Penalty, 100.
Diao Yinan: A Lack of Gender Sensivity If Seen From Taiwan

Diao Yinan navigates the Chinese state press censorship and taboo topics very successfully. His films have not been banned in China, but also have never had much of an audience. After the win of Black Coal Thin Ice in Berlin, the film was nominated for the Golden Horse competition in Taiwan in eight categories, but lost out in seven and only got a 'booby prize' for the best design, a category that is at best indirectly related to the director.

When in Taiwan, Diao Yinan gave a very good impression of someone who has grown up in the Chinese way of thinking. In an interview, he compared the election campaign in Taipei City with its songs and marches to the ‘Cultural Revolution’ (45 sui 2014) that he only experienced himself as a small child. Equating a local democratic election with one of China’s most undemocratic and dictatorial periods seems unreflected at least, and is representative of Diao Yinan’s mindframe.

Hidden Humans: The Role of the Uniform in Diao Yinan’s Love Stories

Diao Yinan has directed three films, and in all of them clothing, especially uniforms, play a significant role. Diao Yinan named his first film »Uniform«. It is the story of a young man empowered by the police uniform he wears. The uniforms highlight another focus of Diao Yinan’s films, which is the police.

10 Yuan Fusheng, «Ruhe tilian lijie Diao Yinan de guanjianci» 如何提煉理解刁亦男的關鍵詞 [How to Understand the Key Terms of Diao Yinan in a Refined Way], 北京青年報 21 Feb 2014 <opinion.haiwainet.cn/BIG5/n/2014/0221/c23260120311395.html> (9 Sep 2015).

When predicting future films, Diao Yinan mentioned that they will deal with the police somehow. His obsession with the police can be understood as a reflection of the Chinese urban reality, where uniformed police are omnipresent.

A deeper reaching analysis would suggest that daily life in China’s cities is impossible to imagine without a police presence. Diao Yinan’s depiction of the police is positive or neutral. Their uniforms are neat and attractive compared to factory workers’ outfits (the dirty steel worker’s clothes of Li Jun) or the civilian clothing of village cadres. The uniforms correspond to shiny cars or formal court settings. The viewer gets a long shot of the wall slogan *renzui fufa chongxin zuoren*（“Acknowledge one’s crime and submit to the law, then make a fresh start in life”）. The shot is ironic as it directly precedes the execution of Zhang Lingling who does not get a second chance. If there is a hidden criticism against the death penalty in the film, it can be found in this scene.

Diao Yinan does not have a crew of established actors as do many of his directors colleagues. Instead, he chooses locals from his home province and unknown actors. Diao Yinan’s films do not intend to make them famous. The unknown actors are useful in representing ‘normal people’, and, as a second consequence, do not distract from the contents of their role. In addition, Diao does not encourage them to ‘act’. Faces are devoid of feelings, and talk in his films is extremely limited. Diao Yinan deliberately has the film ending openly, but when asked about the possibility that Li Jun kills Wu Hongyan, he offers a whole set of hints that Li Jun has already abandoned his thoughts of revenge. To understand the film in this way, special attention must be paid to actions and rather than words, as when a hot drink is served, or Wu Hongyan is given a scarf against the cold. ‘Actions’ do not include body language (of which the unexperienced actors are possibly not capable of). In contrast to other minor figures—like the relative who has taken Li Jun’s son and physically throws him out of the building—, Wu Hongyan and Li Jun never explode into fits of temper. They do not offer the viewer an opportunity to connect emotionally, and their love story lacks romantic feelings. Nevertheless, the mutual attraction does not originate with Wu Hongyan’s police uniform in the way it does in Uniform, but can only develop outside of her official, uniformed face. While the policeman in Uniform derives his authority from his uniform, Wu Hong-
yan immediately trades her uniform for regular clothes when she is home. Her direct contact to Li Jun is limited to her civilian self only, and is only possible as such. Nevertheless, she cannot get rid of her uniformed self through a change of clothes. Her inner doubts are reflected in her reaction to the discovery of Li Jun’s identity.

Media–Film Coverage of the Death Penalty

Media organizations, particularly the broadcast media, have become extremely important actors on the public stage over the last three decades. As a result, what the media chose to cover and how they chose to cover it is an important question. That is magnified when the media turn their attention to a public policy issue like the death penalty that already possesses profound social significance. In no other area of public policy can the state impose its will so completely and finally on an individual citizen.¹² Yanich found a certain media interest in executions. The media—or film—picture is important, because the majority of the audience does not have first-hand knowledge of the procedure. Thus, the film picture is understood as a depiction of reality. This aspect is confirmed by Diao Yinan who filmed the trial in a real courtroom with regular court staff.¹³ He only changed real circumstances by moving Wu Hongyan and her role and interactions into the foreground.

The film does not include any spoken ambivalence about the necessity and the righteousness of the death penalty, and there are no discussions about the pending execution in the film. This seems to be the opposite of the two differing voices (and opinions) in Truman Capote’s (1923–1984) novel In Cold Blood (1965) and the film of the same name.¹⁴ On the other hand, the silent—or wordless—actions by Diao Yinan’s main characters Wu Hongyan and Li Jun

¹³ Amnesty International, Schweizer Sektion, »Ein Film aus China bricht Tabus«.
¹⁴ Yanich, »Making the Movies Real«, 303.
enforce the impression of cruelty evident in the court process. Diao Yinan has
gone a step further: In his depiction of the death penalty, there is no longer a
question of right or wrong. The punishment does not make sense in any way:
The plaintiffs are only interested in financial compensation that the offender is
not able to provide.

**Women’s Clusters: The Appartment and the Court**

Women executioners are rare in China, and Diao Yinan remembers that he
spent some time to find a role model for Wu Hongyan. She operates in a male-
dominated world (her male colleagues as court inspectors, the judge, the male
majority of the court staff), where her gender does not seem to play a role. On
the other hand, she builds female networks both at the court, in prison and
around her apartment. There, the (female) housekeeper wants her help in
taking a (female) neighbor to court, because she suspects this lady of pros-
itution. She expects Wu Hongyan to help ‘because of her uniform’ that gives
her more authority (for uniforms see above). Wu Hongyan refuses, and also
accepts the thanks and invitation of the neighbor lady once who works at a
club. They do not build a relationship, but do promise each other not to be
inquisitive. Diao Yinan uses the living circumstances of Wu Hongyan to stress
her loneliness and solitude. Her only contact—also between women—is with a
female colleague at court and with the women prisoners she guards. In both
cases, Wu Hongyan is acting as the critical superior, while her concrete
behaviour documents a certain empathy. When Zhang Lingling faints after
hearing her sentence, she holds her up during the duration of the trial like a
mother bracing her child, while dispatching her colleague for help. She finds
this colleague crying in the court hallway a little later, and criticizes her
because she is in public, uniformed and at her workplace. Wu Hongyan can
obviously consider crying herself, but she would never do it in the open and
while wearing her uniform.

When Zhang Lingling refuses to sign the verdict and desperately cries, Wu
Hongyan picks the pen up that she has thrown away and admonishes her to use
the opportunity and write a letter to her child explaining her actions and
disappearance. When her colleague wants to force women prisoners to uncover their heads, Wu Hongyan inquires about the refusal of one of the women, and when she finds out that she has been beaten badly and wants to hide the scars, Wu Hongyan gives the order to let her refuse.

Wu Hongyan takes the women’s alliance to its end, when she shoots Zhang Lingling. But in fact, an alliance does not exist. Wu Hongyan offers a degree of solidarity to other women, but not because of their gender, and she does not get a gender-specific response. In the end, she remains alone, and her solitude is not linked to her gender. She tries to find a partnership in marriage, and the visits to the marriage agency are probably a women-specific solution, as is the belief that as a woman a relationship can only be a private one, namely, marriage and family.15

**The Location. Applying a Gender Perspective to the Landscape(s)**

Director Diao Yinan was born in northern Shaanxi Province in 1969. All his films go back to the colourless, dry, barren desert landscape of his home province. Shaanxi is full of the rotten remains of heavy industry. Although Diao Yinan’s scenery is smoggy (meaning foggy with the fog covered in dirty grease) and colours are black-and-white at best, Angela Köckritz finds a certain tenderness of the author/director/screenwriter towards his characters.16 The bleak and mundane surroundings are reflected in a general lack of expressions.

In an interview, Diao Yinan stressed that he does not like big cities and deliberately chooses small cities for his films.17 Furthermore, it is probably easier for him to get funding in his home province. Local sponsors would de

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17 ZT, »Dui Diao Yinan guanyu “Yeche” de zhuankan«.
mand locating the film plot locally. Diao Yinan was able to use the local court and even the local court staff to film the trial in Night Train.

Diao Yinan is obsessed with roads, including waterways (a channel), motorcycle taxis, the local railways and the long roads along which court inspector Wu Hongyan often walks. She is the only character moving by train, car and foot. Water is the only element occupied by the leading male character, Li Jun, and his boat trip on the local channel is illegal because he has stolen the boat. Water continues to be his way to deal with, or escape reality. He is transferred from steel production to guarding a water reservoir. His employer sees this transfer as a means for Li Jun to deal with the death of his wife and the loss of his son. Li Jun invites Wu Hongyan to the reservoir, introducing her to his element, the water. In Taoism, water (and valleys) are feminine, *yin*, and symbolize haven, the womb, a protected and protective realm. This association of water with women is still deeply rooted in folk customs and beliefs in today's China and probably reflects this background for Diao Yinan. The film ends with Wu Hongyan giving herself up to the boat, the water and to Li Jun, though she is aware of the risk of vengeance. The water adds some blue, the only colour in the film, and might symbolize freedom beyond the uniformed life. The water is contrasted with the only other bright colour in the film, namely, the whiteness of the gloves Wu Hongyan wears for execution. She has a whole drawer full of such white gloves. Her ceremonial attitude towards the execution begins with her opening the drawer and selecting a pair of them. Night Train shows her burning the used gloves after the execution, similar to a burial. The gloves are a part of her uniformed, professional life that enters her private apartment.

The reservoir also indicates nature and an empty, non-urban space. The long distance between the reservoir and the city is indicated by the walk Wu Hongyan takes when she becomes aware of the identity of Li Jun and his danger to her life. The film shows her walking a long empty road partly covered with snow.

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18 D'Auvergne, »Women and Femininity in Early Chinese Philosophy«, 17.
Closing Remarks

The contents of this paper is a gender review of Diao Yinan’s “Night Train”. The analysis finds that Diao Yinan is no feminist, and neither sensitive nor aware of women’s issues and concerns. In this, he is representative of his generation of Chinese in their forties and fifties who grew up in a China flooded with nominal total equality of women and men. His choice of a female lead character does not lead to either a sense of her feminist empowerment or agency.

Diao Yinan overlooks the parts of the film that are of specific gender interest: Firstly, in Zhang Lingling’s motives for killing her pimp and leaving her husband, marital violence might have been involved. Secondly, the (attempted?) rape of Wu Hongyan by the marriage agency fellow. Chinese women’s self-defense against widespread domestic violence is a leading reason for the explosion of females state prisons.

Women in Night Train are single and unmarried. The film represents the recent Chinese trend of ‘leftover women’, who are mainly successful, professional women working in urban jobs who are selective about men. Wu Hongyan is not a good example for them. Her only action are her regular visits to the marriage agency. The agency is not shown as a model to follow. There, she passively waits for a man to approach her and fails most of the time. She does not find somebody satisfying or even truly willing to court her and to marry her later. She does not make her own expectations very clear and she is not able to feel or to express solidarity with her gender. The film does not highlight the attractions she might have to offer to men. Instead, she is stuck with a man who is considered mentally unstable by his fellow workers, and transferred to an even more remote and lonely job. He might be able to live upon his fondness for water, but is not shown doing so in the film. He has lost his first wife to another man, and is obviously not successful financially, and therefore no catch for Wu Hongyan. The film does not offer either of them an opportunity or a possibility to do better. This includes woman’s emancipation and gender diversification; and therefore, this film cannot be considered as a positive work relevant for gender studies. It might be a warning, though, of the
lack of gender awareness of internationally famous younger Chinese film directors—like Diao Yinan.

**Further Readings**


Rayns, Tony. »All Tomorrow’s Parties«. *Sight & Sound* 14,5 (2004), 42.


Uniform. A Film by Diao Yinan <globalfilm.org/catalogue/uniform.htm> (29 Aug 2015).