

The Interplay of Social Norms and Legal Systems: Unraveling the Complexity of Domestic Violence in China and Paving the Path for Change

Researcher: Jingyi Chen

In societies worldwide, the pursuit of justice and the rule of law often hinges on the intricate interplay between legal frameworks and social norms.¹ The study of domestic violence (DV) in China offers unique insights into how deeply ingrained social norms can reinforce institutional practices, hindering the effectiveness of legal mandates in addressing DV and perpetuating the harm inflicted upon victims. Since March 1, 2016, China has implemented the Anti-Domestic Violence Law (2016), which defines DV as “the inflicting of physical, psychological or other harm by a family member on another by beating, trussing, maiming, restricting personal freedom, recurring verbal abuse, threats and other means” and states that “the state prohibits any form of domestic violence” (Art. 2 – 3). Moreover, this legislation outlines general guidelines for various institutions to safeguard DV survivors and promoting anti-DV initiatives to raise public awareness. It also delineates penalties for DV offenders, including public security administrative sanctions and criminal liability. Notably, it introduces a new legal channel for individuals to receive protection from abusive spouse: individuals experiencing DV or facing “real danger” of DV can apply to the court for the Personal Safety Protection Order, which, if issued by the judge, can prohibit the perpetrator from approaching, harassing, or hurting the protected individual and mandate governmental entities, such as the public security organ (the police) and residents’ committee or villagers’ committee to assist in protecting the individual (Art. 23 – 32).

Before the Law, the amendment of the Marriage Law (2001), for the first time in China’s national legislation, stated the prohibition of DV, outlined the responsibilities of government entities to intervene, stipulated that courts should approve divorce in cases of DV, and conferred the right upon the abused litigants to seek remedies in divorce cases. However, for abused litigants, using evidence such as police records or witness statements to prove the existence of DV could be very challenging. The police tended to normalize DV complaints and frame them as “spousal quarrels” or “family trouble,” and the cultural norm of not intervening in other people’s family affairs (jiashi) led to neighbors’ and relatives’ reluctance to testify on DV in court, which made it difficult for the abused litigants to use police record or witness testimonies as evidence for DV (He & Ng, 2013). Without proving the occurrence of DV or other issues stated by the 2001 Law as legitimate grounds for granting a divorce, if one party of a couple initiated a divorce lawsuit, it was granted based on the failure of mediation and the “breakdown of mutual affection”

(ganqing polie) (Marriage Law, 2001). Scholars have contended that this criterion is notably equivocal, granting court judges considerable discretion in determining whether mutual affection between the couple no longer existed indeed (Michelson, 2019; Yu, 2022). As a result, if the abused litigant could not provide adequate evidence to prove the spousal abuse, obtaining a divorce from the court would be extremely difficult. On the other hand, in a divorce court case, even if DV was proven in the investigation stage, He & Ng (2013) found that DV was often ignored in the mediation process, in which judges tried to reach a settlement agreed by both parties. In order to achieve a compromise, the judges avoided bringing up issues like DV, which would lead to more tension and disputes between the spouses. As a result, the judges’ ignorance of domestic abuse on the mediation stage hindered the abused individuals from obtaining remedies.

In summary, existing literature indicates that prior to the 2016 Anti-Domestic Violence, individuals abused by their spouses often faced significant difficulties in protecting their rights. The official governmental newspaper People’s Daily described the enactment of the 2016 Law as “another important guarantee for the development of China’s human rights cause” (Cong, 2016). Compared to the 2001 Marriage Law, the Anti-Domestic Violence Law further affirms the rights and legal protections of domestic abuse survivors, marking a significant legislative advancement. Nonetheless, the effectiveness of the Law in practice remains questioned by scholars. Previously, scholars like Zhang (2018), Jiang (2019a), and He (2021) have investigated how the institutional practices of judges or police lead to the challenges for DV survivors to receive protection of their rights. Besides, some scholars suggest that cultural norms in China, such as prioritizing social stability and family harmony over individuals’ rights and treating DV as a “family affair” that others should not intervene, have undermined the state’s protection of abused women’s rights (Chia, 2013; Su et al., 2022).

This paper attempts to integrate both institutional and cultural factors into the analysis of DV in China, arguing that the social and gender norms legitimize and perpetuate the institutional practices that lead to the limited effectiveness of the 2016 Anti-Domestic Violence Law in protecting the rights of abused individuals. Focusing on specific DV cases and incorporating the meta-analysis of secondary empirical data, archived governmental reports, periodicals, interviews, Confucian writings, and prior scholarly insights, this study aims to shed light on the dissonance between the DV legislation and the concurrent social norms, which interact with institutional norms within governmental agencies and collectively shape the framing and responses to DV cases. The Social Norms theory (Bicchieri, 2017), employed as a theoretical framework for this research, is applied to the specific context of DV in China. The overarching objective of this research is to contribute to a deeper comprehension of the dynamics governing the efficacy of legal instruments in addressing complex social issues by studying the judicial and police responses to DV in China. Furthermore, it aims to provide a preliminary study that suggests future research agendas, exploring multiple aspects and methods to consider for research on this topic. Ultimately, this exploration can potentially serve as a significant step towards devising practical strategies to dismantle harmful practices, synchronizing legal and social norms.

¹ A social norm, according to Christina Bicchieri (2006, as cited in Bicchieri, 2017), is “a rule of behavior such as individuals prefer to conform to it on condition that they believe that (a) most people in their reference network conform to it...and (b) that most people in their reference network believe they ought to conform to it...” (pp. 35) A reference network refers to the range of people whom an individual takes into consideration when deciding one’s behavior (Bicchieri, 2017).

Overview of DV Prevalence in China

There have been relatively limited reliable data about the prevalence of DV in China. A survey conducted by the All-China Women's Federation states that about 30% of the total 0.27 billion families in China have various degrees of DV, and about 90% of the perpetrators are males (Zhou & Deng, 2002). The Fourth Survey on the Social Status of Women in China, conducted by the All-China Women's Federation and the National Bureau of Statistics of China in 2020, reported that 8.6% of women experienced physical or emotional violence from their partners in marriage (Wu & Wang, 2021). However, it is crucial to recognize that reporting DV in China may be discouraged due to the social norm that one should not air family troubles in public. Rooted in Chinese culture, which is profoundly influenced by Confucianism, individuals are expected to minimize family conflicts and issues to avoid "losing face" (mianzi), which implies bringing shame upon oneself and diminishing their family's honor and status in the community (Ho, 1990). Consequently, it is plausible that the actual prevalence of DV can be significantly higher than what surveys indicate, and there could be potential inaccuracies stemming from the survey methodology. In addition, it is important to recognize that DV affects not only women but individuals across genders. However, this paper will focus on women's experiences due to their disproportionate vulnerability to DV.

Complexities in Law Enforcement and Judicial Decisions on DV

On July 7, 2023, Xie, a woman living in Chengdu, China, shared her distressing experience with journalists from Daxiang News and Zhengguan News. She revealed that she had experienced DV sixteen times within two years. Despite her attempts to relocate and escape her abusive spouse, he managed to locate her every time. The most recent violent incident left her with severe injuries and permanent disability, including a broken duodenum and contamination of her internal organs with feces, resulting in a life bound to a fecal collector. Xie disclosed that there were five instances where the abuse was particularly severe, prompting neighbors or concerned strangers to contact the police. However, as suggested by the most recent violent incident after those previous instances, she had not been protected from the brutal and repetitive violence (Chen & Xie, 2023; Liu & Xie, 2023).

Xie's experience is not a unique case. Indeed, the police predominantly opt for mediation and separation while rarely imposing sanctions on the perpetrators. Although there

is a dearth of national data, regional data provide a snapshot of the police's behavioral patterns. According to the Liaoning Provincial Women's Federation Department of Rights and Interests (2020), until the end of 2020, in the past three years, out of a total of 18,169 DV cases against women or children reported to the police, approximately 95.8% of them were mediated, with only 487 written warnings issued, 168 cases involving administrative sanctions, and 18 cases involving criminal penalties. Written warnings are another legal mechanism introduced in 2016 by the Law to address DV, which can be issued when "the circumstances of domestic violence are lighter and public security administrative sanctions are not given in accordance with law" (Art. 16).³ The feminist scholar and advocate Feng Yuan also observed that written warnings for DV perpetrators had rarely been issued, and some local police departments only issued the warnings for 10% of all cases (Cai, 2021). It is evident that, when the Anti-Domestic Violence Law requires the police to

provide verbal education or issue a written warning for less severe offenses (Art. 16), the police typically choose the mildest form of intervention. Law enforcement officials often exhibit hesitation in becoming extensively involved in such cases. They tend to employ vague, neutral language such as "couple quarreling" or "family disputes" in their official records and rarely categorize incidents as DV unless incontrovertible evidence is presented (Yu, 2022). Moreover, when individuals suffered from DV bring divorce lawsuits, the courts typically demand police records that unequivocally establish the occurrence of DV, thus exacerbating the difficulties faced by these abused individuals in seeking divorce and remedies (Yu, 2022).

Survey data suggest that the Law effectively promotes attitudinal change among the police regarding DV but does not necessarily lead to more effective intervention. According to surveys conducted among police officers in Jiangsu Province, one of the most culturally and economically developed provinces in China, there are noteworthy correlations between the police's self-rated knowledge of the Anti-Domestic Violence Law and their attitudes and actions regarding DV. Specifically, police officers who rated themselves as having a better understanding of the Law tended to view policing DV as an important task but still believed in minimal police involvement. Interestingly, approximately half of the surveyed police officers did not consider DV as an offense that warranted arrest, and their attitudes toward arresting perpetrators were not significantly correlated with their knowledge of the Law (Lin et al., 2021).

Additionally, it was found by Li et al. (2021), drawing on a survey conducted in Hubei, Hunan, and Jiangsu Provinces, that many police officers across these provinces lacked comprehensive knowledge of the law, indicating potential challenges in

the transmission of central government guidelines to front-line law enforcement. Furthermore, the level of support for policing DV by police supervisors has a significant impact on police officers' attitudes. In all three provinces, greater support from supervisors was associated with police officers being less tolerant of and less likely to justify DV. Similarly, the research conducted by Lin et al. (2021) also suggests that higher organizational support at the local level is correlated with the police's higher willingness to perform general and proactive interventions. Conversely, Li et al. (2021) also found that police officers whose agencies provided mandatory training in handling DV cases were more likely to endorse tolerance and justification of DV. The findings suggest that both leadership within police departments and the content of agency training play crucial roles in shaping officers' attitudes toward DV. For the latter finding, Li et al. (2021) speculated that "the national objective of family harmony and social stability" may be emphasized in the agency training, which leads to the police's tolerance and justification of DV.

Similarly, court judges wield significant discretion in determining whether DV exists and how divorce lawsuits should be resolved. According to He (2021), judges were likely to deny the abused wife's petition for divorce in the first lawsuit, regardless of the wife's claims of DV experiences and the bad relationship between the couple. Occasionally judges orally educated and warned the abusers, but the effect was little. They were typically reluctant to acknowledge the existence of DV, even when documentation and witness statements substantially supported it. In divorce cases, judges tried to reach a settlement between the couple and avoided future disputes, so they often wiped out any discussions of DV in their rulings and did not attempt to hold the abuser responsible for

² The All-China Women's Federation is China's official state-sponsored women's rights organization. "As a people's organization under the leadership of the Communist Party of China (CPC), it serves as a bridge linking the party and the government with women and as an important social pillar of the state power" (All-China Women's Federation, 2023).

³ In addition, the Law states that, after a warning letter is issued, "residents' committees, villagers' committees and public security police substations shall make inspection visits of perpetrators and victims that have received written warnings and oversee that the perpetrator does not commit further domestic violence" (Art. 17 – 18).

DV or help the abused wife seek remedies. According to He (2021), it seems that judges tried to avoid “offending” the husband so that the husband would accept the decision and not create more troubles, and doing so was often at the expense of the abused wife’s interest and rights. Moreover, in some cases, judges framed DV as occasional and minor, even when there had been clear evidence of injuries, which the judges claimed as not serious enough to establish the occurrence of DV; neither the abused individuals’ statements nor more solid evidence from them were seriously considered by the judges (Zhang, 2018, as cited in He, 2021). Within the discretion granted to the judges, they often chose to “discount” statements and evidence from women in courts (He, 2021).

Furthermore, regarding the Personal Safety Protection Order newly implemented nationwide by the Anti-Domestic Violence Law, data suggest that it has not been functioning as an effective mechanism as expected. Locally, for instance, Liaoning Province accepted and heard only 23 DV cases and issued 31 Personal Safety Protection Orders for individuals experiencing DV from 2017 to 2020 (Liaoning Provincial Women’s Federation..., 2020). Nationwide, according to the Highest People’s Court, since 2016 until the end of 2018, all courts across China issued 3,718 orders (Jiang, 2019b). There are over 3,000 courts in China, so the number suggests that less than half of the courts nationwide issued at least one order per year. Moreover, the courts had issued 7,918 orders in total nationally from 2016 to 2020, and over 15,000 in total by 2022 (Sun, 2021; Huang, 2023). Considering the estimated prevalence of DV in China, the figures are particularly small. The abused individuals’ lack of awareness of the order and access to legal resources needed to apply for it may be one reason for the low figures. However, as He (2021) has argued, it is also because issuing the Protection Orders will create more work, such as investigating evidence, delivering the order, and educating the abusers, which need to be done by the judges. Also, the judges have to let the police

enforce the order, and the latter tend to be reluctant to take action (Kan & Liu, 2017, as cited in He, 2021). Typically, local governmental entities were not holding governmental officials accountable for not issuing warning letters or protection orders; such oversight was not included in the evaluation systems for them (Cai, 2021). Although cases in which the order was granted show that it has been effective in preventing the abuser from further harassing or hurting the wife, the orders were rarely issued and therefore had limited effectiveness in changing the predicament of most DV survivors.

He (2021) found that cadre evaluations are the key factor shaping the institutional practices of the judges. Because of the performance evaluation standards, judges are incentivized to handle cases as fast as possible and therefore to avoid addressing DV in court cases, which demand more work and time. Similarly, the internal bureaucratic evaluation system in Chinese Public Security Agencies prioritizes “the satisfaction of the people” and “stability maintenance” as goals and employs quantitative indicators, such as the number of successful mediations, to assess police officers’ performance (Li & Wang, 2013; Li, 2015; Jiang, 2019). The behavior suitable for meeting these indicators are sometimes inconsistent with what legal provisions expect the officers to do. As a result, both judges and police are incentivized to not address DV seriously, neither holding the perpetrators responsible nor trying to provide formal protection and remedies for the survivors.

The Discord Between Legal Norms and Social Norms

It has been evident that institutional practices, which are sometimes inconsistent with the Anti-Domestic Violence Law which guides governmental entities to seriously address DV and protect abused individuals, hinder the effectiveness of the legislation. Besides the institutional constraints, the lack of effective intervention can also be attributed, in part, to the prevailing social norm in China that considers DV as a “family affair” best left unaddressed by external authorities. Also, Li et al. (2021) found that the police who hold patriarchal values and perceive a high level of gender equality in China are more likely to endorse tolerance and justification of DV, which suggest gender norms also influence street-level officers’ behavior. Today, Confucianism has a profound impact on Chinese society. According to traditional Confucian beliefs, women are expected to exhibit obedience to men. An essential Confucian classic, “Records of Ritual Matters” by Dai the Elder, encapsulates this perspective, stating:

Women are supposed to be subject to men, and thus, there is no reason for them to be dominant. They should adhere to the Three Obediences principle: within their family, they should obey their fathers; after marriage, they should obey their husbands; after their husbands pass away, they should obey their sons. They should not dare to act according to their own will (Wang & Dai, 2002, pp. 350).

Gender ideologies suggested by the Three Obediences (sancong) principle rationalize DV and require women to be tolerant. Though the contemporary social norm does not explicitly require women to follow the Three Obediences principle, and people in the present are not likely to endorse these traditional principles anymore, the norms that rationalize DV and expect women to tolerate DV can potentially be traced back to this principle and other similar Confucian ideologies. The idea of women’s dependence and inferiority to their husbands also has a long history. In an ancient work, Chunqiu Fanlu, the Confucian Dong Zhongshu (179 – 104 BCE) states:

...yang is superior, and yin is inferior... The relationships between the monarch and the minister, the father and the son, and the husband and the wife are all regulated by the law of yin and yang... the husband is yang, and the wife is yin; the law of the yin cannot act independently... the wife can only earn achievements through her husband... the wife should obey her husband (Dong & Ling, 2002).

Dong’s ideology arguably has an important influence on Chinese society and may be the basis of the traditional Confucian norm of the wife’s obedience to her husband and the husband’s absolute control of his wife (Sun, 2013). These Confucian ideologies have passed through generations and become tacit gender norms. Though people in the contemporary times do not necessarily follow the traditional gender hierarchy, these ideologies can still implicitly shape the attitudes toward DV. Furthermore, Confucian social norms place a paramount emphasis on the stability and interests of the patriarchal family unit, often at the expense of individual interests (Chia, 2013). In this view, individuals form integral parts of family units, considered the fundamental pillars of Chinese society. Family units, therefore, are viewed essential to the maintenance of social stability. Individuals are expected to uphold family honor and interests, and avoid bringing shame upon it (Chia, 2013; King & Myers, 1977, as cited in Sullivan, 2005; Redding, 1990, as cited in Sullivan, 2005). This idea underscores the significance of collectivism and family and social harmony, necessitating the prioritization of family interests over individuals’ interests. Disputes are expected to be resolved within the family, while external intervention is often viewed as a violation of the social norm of family unity (Chia, 2013).

As women are positioned as inferior and mandated to obey their husbands by the traditional gender norms, their rights are disproportionately affected by the norm of family harmony and the expectation of sacrificing personal rights for the sake of maintaining "harmony." They are expected to endure and refrain from disclosing the DV they experience and maintain relationships to preserve family honor and harmony, which is considered as crucial to social harmony. Moreover, DV is expected to be not treated as a serious offense or be intervened by others, as the conflicts and disputes can disrupt social harmony and stability.

In summary, there is a discord between the legal mandates addressing DV and the social norm of avoiding external interventions on DV, even when an individual has been harmed. Gerry Mackie (2017) argues that when such circumstances occur, the effectiveness of laws aimed at prohibiting harmful social practices can be hindered. He points out:

Police and prosecutors are usually granted discretion to selectively enforce the laws, and are limited in resources. As a result, they will pursue crimes that enforcers and the local community most want to be punished. (Mackie, 2017, pp. 323-324)

This concept can be applied to the context of policing DV in China. Typically, the police in China believe that extensive intervention in cases of DV is not expected or desired by the public. Such intervention can be seen as a violation of the deeply rooted social norm that views DV as a private matter falling under the umbrella of "family affairs" that others should not interfere with. Also, people will expect that the police will not intervene despite the illegality of DV and the legal guidelines asking the police to take action (Anti-Domestic Violence Law, 2016). This discord between legal and social norms creates a challenging environment for law enforcement. Moreover, sometimes DV survivors may not actively seek justice due to the social norm of treating DV as a "family affair", leading the police, already burdened with a high workload, to be hesitant to invest substantial time and effort or take personal risks to intervene. Notably, in certain instances, the survivors' relatives and acquaintances might intercede and coax them to retract DV reports, using arguments like "every couple experience discord; airing family grievances is shameful" (Jiang, 2019a). In some cases, victims ultimately yield to this pressure. A police officer in Yunnan Province who was interviewed by Jiang (2019a) states that:

I can follow the legal procedure and perform my responsibilities exactly as your (referring to the DV survivor) allegations [against the perpetrator] require me to do. But tomorrow, perhaps, you would bring your elderly parents and little children here tearing my uniform, obstructing my patrol car, and complaining that it is me that smashed your family. Then, I will be criticized by my superiors, and have to write a self-criticism (jiantao) or even be disciplined (chufen). Ultimately, we are scared, so scared. When we were newcomers, we were not scared but soon got our lessons and were scared. We experienced police know this; political correctness and social harmony are our top priorities in dealing with these reports. (Jiang, 2019a)

This police's account resonates with the findings that more experienced police officers with longer years of service tend to endorse tolerance and justification of DV (Li et al., 2021), and officers with more exposure to DV cases also exhibit diminished willingness to apprehend perpetrators (Lin et al., 2021). This shift in attitude may arise from the possibility that these officers, informed by experience or anecdotes, assume the potential regret of DV survivors and their families because of the prevailing social norm discouraging external intervention and the police bearing the brunt

of their intervention. Concerned of potential social or even disciplinary repercussions, the police become disinclined to actively intervene in DV cases.

As previously discussed, the judges' decisions to deny abused wives' petition for divorce or to not hold the DV perpetrators responsible are oftentimes driven by the institutional expectations to maintain social harmony and handle cases fast; similarly, the police also face the incentives to mediate conflicts instead of investigating DV and penalizing the perpetrators and to avoid creating more work. However, the norms of preserving family and social harmony and avoiding external interventions on DV, as well as gender norms, implicitly legitimize and potentially reinforce these practices. In DV law enforcement, the discretionary powers afforded to the police in assessing the severity of cases and the appropriate interventions provide ample room for social norms to significantly influence their behavior. Despite the law signaling that the police should treat DV as a serious matter, they may still conform their actions to prevailing social norms and institutional practices followed by their peers. Proactive action against DV is unlikely to be taken, as the instructional standards and social view of DV as a family affair both suggest they should not treat DV seriously. Similarly, judges are discouraged by institutional and social norms from actively addressing DV complaints or holding the perpetrators responsible.

Furthermore, Mackie (2017) suggests when there is a significant discord between the new legal norm and the current social norm, policymakers should enact a new legal norm that is not too far from the current social norm and gradually increase the strength of the legal norm as obedience to the law increases and moral and social attitudes change. Additionally, he proposes that pedagogy may be a more morally and effective tool for change than negative legal coercion. The design of China's Anti-domestic Violence Law (2016) appears to align with this principle, as it was designed to be relatively moderate and vague, allowing flexibility for the police

to handle DV cases. The Law acknowledges the existing social norm that perceives DV as a family affair. It indicates that one of its purposes is "promoting family harmony and social stability" (Art. 1). Also, it provides moderate means to address the issue, such as educating the perpetrators and mediation (Art. 16 - 18), avoiding more direct intervention to penalize the perpetrator, which would be a significant deviation from the social norm of treating DV as a family affair. Also, as outlined by Cristina Bicchieri (2017) in "Norms in the Wild: How to Diagnose, Measure, and Change Social Norms", legislative intervention often serves a "signaling function," conveying the message that certain practices should be stopped and erasing the stigma associated with disobeying existing social norms. The Anti-domestic Violence Law did signal to the public that DV is illegal, and it is not only legitimate but also expected for the police and other governmental agencies to intervene, which could serve as a starting point for changes.

However, Bicchieri (2017) aptly points out that legislative efforts alone may not be sufficient to induce substantial social change. For changes to occur, individuals must believe that others within their reference network will also move away from old practices and social norms. As the cases of DV in China suggests, when the institutional and social norms are bundled together, both discouraging active intervention to protect the abused individual's rights, the effectiveness of the DV legislation in changing people's behavior and attitudes is even more limited. Over time, perpetrators have become aware that law enforcement officers and judges are reluctant to impose sanctions, and community members prefer to stay out of others' family affairs. The police and judges, too, understand that their peers are often unwilling to take DV offenses seriously, and they become assured that most people believe DV should be considered a family matter rather than an offense that the perpetrators should be held responsible for. This collective behavior can reinforce the social norm of regarding DV as a private

family issue rather than a legal transgression and a violation of individuals' rights.

It is also worth noticing that China's Supreme People's Court, Supreme People's Procuratorate, Ministry of Public Security, and Ministry of Justice (2015) jointly issued an instruction on handling cases involving DV for police departments and other relevant bodies to follow. The first "Basic Principle" explicitly states that intervention should be carried out in a timely and effective manner according to legal provisions, and individuals or organizations involved may not ignore or make excuses for DV on the grounds that it occurs among family members or is a family affair. However, in cases like Ms. Xie's, the legal norms were either ineffective or not implemented by governmental officials at all. The ambiguity of the Law, which would be expected to allow a smooth transition of social norms in line with new legal mandates, leaves considerable discretion to law enforcement officers and their supervisors in determining what constitutes timely and effective intervention. As a result, DV may not be adequately addressed, even when the offense appears to be serious and repetitive.

Another case may help further illustrate the effect of social norms in legitimizing the inaction. The Anti-domestic Violence Law (2016) designates "schools, kindergartens, medical institutions, residents' committees, villagers' committees, social work service institutions, relief management institutions, and welfare institutions and their staff members" as mandatory reporters of DV against persons under 18 years old to the police (Art. 14). It stipulates that higher authorities shall sanction those who do not report, which lead to severe consequences (Art. 35). However, in some cases, particularly in rural areas, mandatory reporters did not follow the legal mandate. On June 7, 2019, a 16-year-old girl Ruili was murdered by her father, who had been known by the neighbors to be extremely discriminative and abusive to his daughter for a long time. Before the murder occurred, there were at least two teachers in Ruili's middle school were aware

of the abuse. Approximately two months before the murder, Ruili hand-wrote a letter seeking help from her school, but despite providing psychological consultation for Ruili and a school dormitory for her to live in, the school and the teachers never reported DV to the police. Ruili and her aunt in-law also requested judicial mediation, and the mediators did not report the DV either. After the mediation, another DV incident prompted Ruili herself to call the police, and the police chose to mediate this case too. It is highly likely that the local villagers' committees also knew about the abuse, but they only attempted to mediate the conflict instead of effectively intervening to address the repetitive violence. Some of the adults said that it was difficult for them to intervene because this is other people's family affair (Li & Li, 2019).

A plausible explanation for non-compliance is that many police officers and mandatory reporters exhibit limited knowledge about the Anti-Domestic Violence Law and the associated procedural and supervisory guidelines. However, this deficiency not only suggests the inadequacy of organizational support and training within these institutions but also implies that individuals and local organizations tend to conform to social norms—expectations of how they should behave based on the actions of others—rather than seeking guidelines from the laws issued by the central government. Certainly, they will not violate the laws or guidelines in all circumstances. However, given the limited legal knowledge and the relatively vague legal provisions regarding how they should act, their actions align with social expectations in these situations. These dynamics may help explain why the survey conducted among police officers in Jiangsu Province revealed that while the police who know about the Law acknowledge the importance of addressing DV, they are often hesitant to intervene (Lin et al., 2021).

There may be other important reasons for the inaction of mandatory reporters and police in Ruili's case, such as the fear of retaliation from the perpetrator and local institutional

standards. However, if the abuse on Ruili was commonly viewed in the community instead as a human rights violation against a child instead of a "family affair", for instance, these individuals would at least face stronger moral and social pressures when making their choices. Similarly, the judges and police were incentivized but not required to not address DV. Based on the investigation in He (2021), in many instances, judges had the option to hold abusers accountable for DV based on the evidence and provide remedies for the abused, rather than dismissing the existence of DV and persuade the abused to compromise, though the former was obviously the preferred choice for them given the institutional constraints. Social norms discussed above provide an incentive and an excuse for their behavior, making their indifference seem socially acceptable. Changing the norms may not fundamentally alter their behavior, but it could elevate moral and social costs, partially counteracting institutional incentives.

Conclusion

This research provides an exploration of the persistent issue of DV in China, shedding light on the discord between the DV legislation and prevailing social norms. The Law's symbolic value alone is insufficient to bring meaningful changes without corresponding shifts in social expectations among law enforcers, DV survivors and perpetrators, and the wider public. The social norms often serve as a shield for inaction or inadequate responses to DV, legitimizing and enhancing indifference or ineffective actions toward survivors' complaints. The challenge lies in bridging the gap between legal mandates and ingrained social norms and institutional practices, particularly among police officers and judges who exercise significant discretion in responding to DV cases. Mackie (2017) points out that the interaction between legal and social norms needs to be carefully examined within specific contexts. In China, DV appears to be morally and socially condemned, yet the way governmental agents address these cases seems to be socially accepted. To pave the way for change, policies need to be crafted to foster a gradual shift towards a society that unequivocally rejects DV. The way forward entails a multi-faceted effort to reshape perceptions, challenge harmful norms, and ensure that the legal framework aligns with the collective aspiration for a safe and just society. Consequently, it becomes essential to identify practical approaches to address these factors and prevent harmful practices. For instance, local Women's Federations and other women's organizations can collaborate with local law enforcement agencies to educate police supervisors and front-line officers. This would ensure that officers receive sufficient support when intervening to aid DV survivors. Training for personnel in hospitals, schools, and social work institutions, all of whom are mandatory reporters of DV on children and adolescents, as well as for their supervisors, would be imperative.

To reduce the barriers for active intervention to protect DV survivors, fostering a favorable social attitude towards such action is essential. Notably, online civic engagement has demonstrated its potential in driving change by offering a vital avenue for sharing stories, rallying support against injustice, and applying pressure on authorities to initiate substantive reactions. A poignant example is the widely publicized incident of 2022, where a woman endured abduction and abuse for over two decades while chained (Wang & Dong, 2023). This distressing case ignited a groundswell of outrage across the digital landscape as netizens disseminated information and demanded government investigation and accountability for the perpetrators. Initially, the perpetrator claimed the abused woman was his mentally ill wife. There had been people contacting the local police regarding this problem, but the full investigation did not occur until the relentless pressure from the public compelled the government into action. While justice was belated and incomplete, it is plausible that this crime might never have come to light without online civic engagement.

Also, social media emerged as a valuable platform for sharing personal narratives and advocating against oppression. In the online campaign “Naked Chest against DV” in 2012, activists posted their personal stories written on their naked chests on Weibo, China's largest public social media platform, calling for 10,000 signatures for a petition for anti-DV legislation, which politicized personal experiences of violence and drew public attention to DV (Hou, 2020). In 2019, a famous blogger shared her experiences of domestic violence on Weibo, receiving 4.29 billion views and 412,000 discussions, followed by increased online public awareness of the issue and the investigations of governmental agencies into the incident (Xu et al., 2022). Instead of constraining DV within the institutional handling of cases, such campaigns brought the marginalized issue into public sphere, connecting it to a discourse about justice and protecting individuals' rights to counteract the cultural and institutional indifferences.

Indeed, in recent years, more women suffering from DV have stood up to protect their rights and share their experiences online to draw the public's attention to DV issues (Cai, 2021). As shown in the previous example (Wang & Dong, 2023), when the public recognized the issue as a severe injustice, the local authorities were pressured to take actions. Inaction no longer appeared acceptable as public perception of injustice outweighed hesitance to intervene in what might be once considered a “family affair.” Online activism can serve as a catalyst for meaningful social changes. The digital platform allows DV survivors whose needs are marginalized under institutional practices to amplify their voices. By leveraging the power of online civic engagement, the emphasis on individuals' rights and the perception of DV as a serious offense that should be actively addressed by the state can potentially alter the traditional cultural norms that tolerate DV and create social consequences for institutional indifferences, which can promote more active interventions to protect DV survivors' rights.

References

- All-China Women's Federation. (2023). About the ACWF. www.womenofchina.cn/https://www.womenofchina.cn/womenofchina/html/about/1503/2333-1.htm
- 反家庭暴力法 [Anti-Domestic Violence Law] (promulgated by the Standing Comm. Nat'l People's Cong., Dec. 27, 2015, effective Mar.1, 2016). Retrieved August 15, 2023, from https://www.pkulaw.com/en_law/ac57ba1df4413457bdfb.html (China).
- Bicchieri, C. (2006). *The Grammar of Society: The Nature and Dynamics of Social Norms*. Cambridge University Press.
- Bicchieri, C. (2017). *Norms in the Wild: How to Diagnose, Measure, and Change Social Norms*. Oxford University Press.
- Cai, Y. (2021, March 1). China's Anti-Domestic Violence Law at the Five-Year Mark. Sixth Tone. Retrieved March 4, 2024, from <https://www.sixthtone.com/news/1006903>.
- Chen, S., & Xie. (2023, July 7). 2年被家暴16次女子将起诉老公 [Woman to Sue Her Husband After Enduring 16 Counts of Abuse in 2 Years]. Zhengguan News. other. Weibo. Retrieved July 11, 2023, from <https://weibo.com/7299136456/N8Nyq6DRf?type=reply>.
- Chia, J. L. (2013). Piercing the Confucian Veil: Lenagan's Implications for East Asia and Human Rights. *The American University Journal of Gender, Social Policy & the Law*, 21(2), 379–412. <https://www.proquest.com/scholarly-journals/piercing-confucian-veil-lenahans-implications/docview/1506943205/se-2>
- Cong, Z. (2016, March 22). 反家暴法的出台是我国人权事业发展的又一重要保障 [The Enactment of Anti-Domestic Violence Law Is Another Important Guarantee for the Development of China's Human Rights Cause]. *People's Daily*. Retrieved February 25, 2024, from <https://www.oriprobe.com/peoplesdaily.shtml>.
- Dong, Z., & Ling, S. (2002). 春秋繁露注 [Chunqiu Fanlu with Annotations]. In *續修四庫全書* [The Renewed Edition of Siku Quanshu] (1st ed., Vol. 150, pp. 1–513). Shanghai Classics Publishing House.
- He, X. (2021). *Divorce in China: Institutional Constraints and Gendered Outcomes*. New York University Press.
- He, X., & Ng, K. H. (2013). In the Name of Harmony: The Erasure of Domestic Violence in China's Judicial Mediation. *International Journal of Law, Policy and the Family*, 27(1), 97–115.
- Ho, C. K. (1990). An Analysis of Domestic Violence in Asian American Communities: A Multicultural Approach to Counseling. *Women & Therapy*, 9(1–2), 129–150. https://doi.org/10.1300/J015v09n01_08
- Hou, L. (2020). Rewriting “the personal is political”: young women's digital activism and new feminist politics in China. *Inter-Asia Cultural Studies*, 21(3), 337–355. <https://doi.org/10.1080/14649373.2020.1796352>
- Huang, X. (2023, September 1). 国务院关于反家庭暴力工作情况的报告 [Report on Combating Domestic Violence by the State Council]. The National People's Congress of the People's Republic of China. http://www.npc.gov.cn/npc/c2/c30834/202309/t20230901_431398.html
- Jiang, J. (2019a). The Family as a Stronghold of State Stability: Two Contradictions in China's Anti-Domestic Violence Efforts. *International Journal of Law, Policy, and the Family*, 33(2), 228–251. <https://doi.org/10.1093/iaufam/ebz004>
- Jiang, P. (2019b, March 1). 亮利剑 铸强盾 绘蓝图 — 反家庭暴力法实施三周年暨人身安全保护令问题研究座谈会综述 [Sharp Sword, Strong Shield, Blueprint Drawing: Summary of Symposium on Anti-Domestic Violence Law Implementation Three Years After Its Enactment and Issues of Personal Safety Protection Order]. *People's Court Daily*. Retrieved March 1, 2024, from <https://www.chinacourt.org/article/detail/2019/03/id/3741503.shtml>.
- Kan, K., and Liu, J. (2017). 论反家暴法人身保护令的困境与出路 [On the Dilemma and Solutions of the Personal Protection Order in the Anti-Domestic Violence Law]. *Cognition and Practice*, (5), 34–40.
- King, Y., Myers, J. T. (1977). Shame as an Incomplete Conception of Chinese Culture: A Study of Face. *Chinese University of Hong Kong, Social Research Center*.
- Li, J. (2015). The Paradox of Performance Regimes: Strategic Responses to Target Regimes in Chinese Local Government: The Paradox of Performance Regimes. *Public Administration (London)*, 93(4), 1152–1167. <https://doi.org/10.1111/padm.12197>
- Li, J., & Li, S. (2019, June 25). 16岁女孩中考前被父亲杀害：长期遭家暴 死后还被污名化 [16-Year-Old Girl Fatally Killed by Father Before High School Entrance Examination - Long-Term Domestic Violence and Posthumous Stigmatization]. *China.Org.Cn*. Retrieved July 25, 2023, from <https://baijiahao.baidu.com/s?id=163727283543113681∓ufr=spider&for=pc>.
- Li, L., Sun, I. Y., Lin, K., & Wang, X. (2021). Tolerance for Domestic Violence: Do Legislation and Organizational Support Affect Police View on Family Violence? *Police Practice & Research*, 22(4), 1376–1389. <https://doi.org/10.1080/15614263.2020.1866570>
- Li, X., & Wang, Y. (2013). 社区民警岗位绩效评价构建的实证研究 — 以新疆公安派出所为例 [Empirical Study on Building the Community Police Post Performance Evaluation — Xinjiang Police Stations as an Example]. *Journal of Yunnan Police Officer Academy*, 2013(02), 108–112. https://oversea.cnki.net/KCMS/detail/detail.aspx?dbcode=CJFD&dbname=CJFD2013&filename=YNGZ201302025&uniplatform=OVERSEA&v=uf9yaQxSY_Bh0yOjF3Q5BLFvh8AP2mGRt7RU5v_L5qUWO-otNF-6iWeU53TPQynX
- Liaoning Provincial Women's Federation Department of Rights and Interests. (2020, December 7). 辽宁省召开反家庭暴力专项协商会议 [Special Coordination Meeting on Anti-domestic Violence Convened in Liaoning Province]. Women's Federation of Liaoning Province. Retrieved July 25, 2023, from <https://www.lnsfnlh.cn/lnsfnlh/zxyw/7EBE7C064A024BD8A20F48430AF44DA/index.shtml>.
- Lin, K., Sun, I. Y., Wu, Y., & Xue, J. (2021). Chinese Police Officers' Attitudes Toward Domestic Violence Interventions: Do Training and Knowledge of The Anti-Domestic Violence Law Matter? *Policing & Society*, 31(7), 878–894. <https://doi.org/10.1080/104439463.2020.1797027>
- Liu, Y., & Xie. (2023, July 7). 2年被家暴16次当事人后悔心太软 [Survivor of Domestic Violence, Enduring 16 Times in 2 Years, Regrets Being Too Forgiving]. *Daxiang News*. other. Weibo. Retrieved July 11, 2023, from <https://weibo.com/7308140398/N8MsGysm?layerid=4920929148212163>.
- Mackie, G. (2017). Effective Rule of Law Requires Construction of a Social Norm of Legal Obedience. In C. Tognato (Ed.), *Cultural Angers Reloaded: The Legacy of Antanas Mockus* (1st ed., pp. 313–334). essay. Harvard University Press.
- 婚姻法 [Marriage Law] (promulgated by the Cent. People's Govt. Council, May, 1, 1950, rev'd by the Standing Comm. Nat'l People's Cong., Apr. 28, 2001). Retrieved August 15, 2023, from https://www.pkulaw.com/en_law/1bad5c748927dd10bdfb.html (China).
- Michelson, E. (2019). Decoupling: Marital Violence and the Struggle to Divorce in China. *The American Journal of Sociology*, 125(2), 325–381. <https://doi.org/10.1086/705747>
- Redding, S. G. (1990). The spirit of Chinese capitalism. W. de Gruyter.
- Su, Z., McDonnell, D., Cheshmehzangi, A., Ahmad, J., Chen, H., Šegaló, S., & Cai, Y. (2022). What “Family Affair?” Domestic Violence Awareness in China. *Frontiers in Public Health*, 10, 1–9. <https://doi.org/10.3389/fpubh.2022.795841>
- Sullivan, P. L. (2005). Culture, Divorce, and Family Mediation in Hong Kong. *Family Court Review*, 43(1), 109–123. <https://doi.org/10.1111/j.1744-1617.2005.00011.x>
- Sun, J. (2013). “三纲”思想的内涵、发明权 和产生历史时期辨析 [On the Ideological Connotation, Invention and Produced Historical Period of “the Three Cardinal Bonds”]. *Social Sciences in Nanjing*, 2013(1), 139–144. <https://doi.org/10.15937/j.cnki.issn1001-8263.2013.01.004>
- Sun, X. (2021, February 27). Confronting domestic violence is in action [反家庭暴力一直在行动]. *Guangming Daily*. Retrieved March 1, 2024, from https://epaper.gmw.cn/gmrb/html/2021-02/27/nw.D110000gmrb.20210227_2-07.htm.
- Supreme People's Court, Supreme People's Procuratorate, Ministry of Public Security, Ministry of Justice. (2015). 最高人民法院、最高人民检察院、公安部、司法部印发《关于依法办理家庭暴力犯罪案件的意见》的通知 [Notice of the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security, and the Ministry of Justice on Issuing the Opinions on Legally Handling Cases Involving Crimes of Domestic Violence]. *PKULAW.COM*, CLI.3.244391[EN]. https://www.pkulaw.com/en_law/39aee262440b0824bdfb.html
- Wang, V., & Dong, J. (2023, April 7). Sentencing in China's ‘Chained Woman’ Trafficking Case Revives Online Outrage. *The New York Times*. Retrieved August 14, 2023, from <https://www.nytimes.com/2023/04/07/world/asia/china-chained-woman-sentencing.html?searchResultPosition=1>.
- Wang, Z., & Dai, D. (2002). 大戴禮注補 [The Records of Ritual Matters by Dai the Elder with Supplemented Annotations]. In *續修四庫全書* [The Renewed Edition of Siku Quanshu] (1st ed., Vol. 107, pp. 253–360). Shanghai Classics Publishing House.
- Wu, Y., & Wang, H. (Eds.). (2021, December 27). 第四期中国妇女社会地位调查主要数据情况 [The Fourth Survey on the Social Status of Women in China]. *China Women's News*, pp. 4. Retrieved July 18, 2023, from <http://epaper.cnuwomen.com.cn/html/2021-12/27/nbs.D110000zgfmb.1.htm>.
- Xu, H., Zeng, J., Tai, Z., & Hao, H. (2022). Public Attention and Sentiment toward Intimate Partner Violence Based on Weibo in China: A Text Mining Approach. *Healthcare*, 10(2), 198. <https://doi.org/10.3390/healthcare10020198>
- Yu, L. (2022). 制度与社会约束下的法官行为——以基层法院的离婚纠纷解决为经验 [Judge Behavior Under Institutional and Social Constraints — Experience from Based-Level Court's Divorce Dispute Resolutions]. *Law and Social Development*, (3), 105–125. Retrieved from <http://fzyshfz.paperonce.org/#/digest?ArticleID=869>.
- Zhang, Jianyuan. 2018. 家庭暴力为何难以认定? [Why Is Domestic Violence Difficult to Recognize?]. *Shandong University Journal*, (4), 103–111.
- Zhou, H., & Deng, S. (2002, November 24). 我国开始重视防治家庭暴力行为 维护妇女合法权益 [China Begins to Emphasize the Prevention and Treatment of Domestic Violence to Protect Women's Legal Rights]. *Xinhua Net*. Retrieved July 31, 2023, from <http://news.sohu.com/13/57/news204545713.shtml>.

Jingyi Chen

Biography

I am a second-year Political Science - Data Analytics student at UC San Diego. As a first-generation college student, I am deeply grateful for the opportunity to engage in undergraduate research through the TRELS, UC Scholars, and Faculty Mentor Programs. I currently serve as a Student Advocate in the Office of Student Advocacy and as a student representative on the UCSD Library Student Advisory Council. My research focuses on understanding the challenges faced by domestic violence survivors in China from a sociopolitical perspective. In the future, I aspire to pursue a Ph.D. in Political Science and a career in research.

Acknowledgements

I would like to express my deepest gratitude to the following individuals and organizations for their crucial support and assistance:

I could not have undertaken this research journey without the guidance and inspiration from my mentor, Professor Fonna Forman, whose support has meant a lot to me. I am profoundly grateful to Professor Kwai Ng for his invaluable feedback, which has played a vital role in shaping my paper revisions. This project would not have been possible without the generous support from the Division of Student Affairs and the Undergraduate Research Hub, which awarded me the UC Scholars research scholarship. I sincerely appreciate the program coordinators, Dr. Kirsten Kung and Dr. Sophia Tsai Neri, for their kind assistance during the program.

Many thanks to the Challenger Research Journal Team and my editor, Leanne Liaw, for their unwavering support throughout the publication process. Moreover, the exceptional resources provided by the UCSD Library have been crucial to my research, and I would like to extend my heartfelt gratitude to the Chinese Studies Specialist, Ms. Xi Chen, for her insightful guidance on finding sources in the library databases. Special thanks to my Writing Hub tutor, Angel S., for the valuable advice on revising my conclusion.

Lastly, I would like to acknowledge the support and encouragement from my family and friends, which have empowered me to overcome challenges throughout this journey.



“ Each stage of my research journey brings the thrill of uncovering new questions emerging from my current findings, which motivates me to delve deeper into the heart of the inquiry. ”

”