

“Words matter”: Judicial discourse on domestic violence in China

Sara D’ATTOMA, Tenure-track Researcher
Department of Foreign Languages and Literatures
University of Verona, Italy
sara.dattoma@univr.it

ORCID: <https://orcid.org/0009-0000-7658-1882>

Abstract: The discourse about domestic violence focuses on power and control by the abuser among the victim through different means, one of those is the language. Besides the domestic walls within the abuses are perpetrated, a more institutional and usually regulated language on family violence is traceable in the public discourse, specifically in the People’s Court judgments. In cases regarding family matters, especially divorce proceedings, Chinese judges do often use paternalistic and educational language towards the couple. The aim of this paper is to carry out a preliminary research and analysis on the judicial discourse about domestic violence in order to evaluate to what extent, how and whether these paternalistic and educational nuances emerge in the language and statements used by judges in those cases. This research will be carried out firstly by building a corpus of judgments on “domestic violence” issues, and then by comparing data and analysing the specific language used by the authority using digital tools.

Keywords: domestic violence; judgments; corpus; legal language; China; divorce.

“Le parole sono importanti”: la violenza domestica nel discorso giudiziario in Cina

Abstract: Il discorso sulla violenza domestica si concentra sul potere e sul controllo che l'abusante esercita nei confronti della vittima attraverso diversi mezzi, uno dei quali è il linguaggio. Al di fuori delle mura domestiche in cui vengono perpetrati gli abusi, un linguaggio più istituzionale e solitamente regolamentato sulla violenza familiare è rintracciabile nel discorso pubblico, in particolare nelle sentenze dei tribunali del Popolo. Nei casi riguardanti le questioni familiari, in particolare nei procedimenti di divorzio, i giudici cinesi utilizzano spesso un linguaggio paternalistico ed educativo nei confronti della coppia che qualora si sia in presenza di abusi va a detrimento della vittima. L'obiettivo di questo articolo è quello di condurre una ricerca e un'analisi preliminare del discorso giudiziario sulla violenza domestica post covid per valutare in che misura, come e se queste sfumature paternalistiche ed educative continuino a emergere nel linguaggio e nelle dichiarazioni utilizzate dai giudici in questi casi. Questa ricerca sarà condotta in primo luogo costruendo un corpus di sentenze su questioni di “violenza domestica”, quindi confrontando i dati e analizzando il linguaggio specifico utilizzato dall'autorità con strumenti e software digitali.

Keywords: violenza domestica; sentenze; corpus; linguaggio giuridico; Cina; divorzio.

1. Introduction

“Words matter” says Michele Apicella (Nanni Moretti) in a famous line from his 1989 film “Palombella rossa” (Red Wood Pigeon); and they are even more important and meaningful when they are uttered by a judge in a courtroom and transcribed in the grounds of a judgement. Especially when they are addressed to a victim of family abuse in the context of divorce proceeding, often the only way out of abuse.

In China, there is a famous expression stating that “even the wisest judge finds it difficult to decide family matters” (*qingguan nan duan jiawushi* 清官难断家务事). This idea, that someone outside the family cannot really understand the complexity and inner dynamics of a couple, is quite common and emphasises that the domestic sphere remains a private place where justice should be administered by an entity or actors who are not external to the household. In this view,

conflicts should find a more conciliatory method of resolution within the family itself, as if it had its own endogenous rules and antibodies.

Recently, domestic violence has begun to cross the threshold. Victims are more inclined to come forward than in the past, but they often have to contend with a society that is still patriarchal and unprepared to cope with such cases. Governments are dealing with an increase in cases of violence in the domestic sphere, especially against women. In China, as elsewhere, during the lockdown due to anti-covid measures,¹ abuses in the home have been a plague to which the authorities have often failed to respond adequately (Zhang 2020).

In a society where the family is officially the basic unit, and where the legal system and the government seek to preserve family harmony at all costs, divorce and domestic violence are perceived as elements of instability. Indeed, Article 1 of the 2016 Law Against Domestic Violence of the People's Republic of China reiterates that one of the aims of the law is to “promote family harmony and social stability” (*cujin jiating hexie, shehui wending* 促进家庭和谐、社会稳定) and to ensure equal, harmonious and civilised family relations.²

In addition to the political and legal discourse, this quest for family harmony and stability is also evident in the judicial sphere, in the texts of judgments handed down by the lower courts (He 2021; D'Attoma 2020).

This practice and rhetoric are not new in the judicial system to the extent that it is also present in the literature. A short story titled “A Divorce Case” (*Yi jian lihun an* 一件离婚案), written in 1981 by Jiang Zilong, one of the most important authors of the “new realism” in the late 1970s and published in the collection “New Year's Greetings” (*bainian* 拜年) in 1984, is a very clear example of the court discourse in family matter cases (Sabattini, Santangelo 2008: 225–226).

The narrative alternates between the testimony of the plaintiff (the wife) and that of the defendant (the husband), followed by the judge,

¹ “Violence is not confined to the battlefield. For many women and girls, the threat looms largest where they should be safest. At their own homes. And so, I make a new appeal today for peace at home-and in homes-around the world. We know lockdowns and quarantines are essential to suppressing COVID-19. But they can trap women with abusive partner” said UN General-Secretary Antonio Guterres in a statement and video in multiple languages (Guterres 2020).

² Interestingly, in the Domestic Violence Prevention Act (1998) of the Republic of China, the expression “preserving family harmony” as an aim of the law has been removed in the second version in 2007 to emphasize the protection of the victims over the family (Gao 2020: 4).

who repeatedly tries to show that there are still feelings between the spouses, while the wife tries to make them understand the divergences and differences that led her to file a petition for the dissolution of the marriage. On several occasions, the court provokes the woman with phrases such as:

"This means that your feelings have changed, that you have become ambitious and that you consider yourself superior to your husband. You are responsible for the separation" (Sabattini, Santangelo 2008: 228; translated by D'Attoma);

and again:

"All right. You refuse to talk about your relationship with your husband in court. This means that you are still emotionally attached and afraid of hurting each other. [...] So you want to divorce your husband because you don't like him being too honest. Is that so?" (Sabattini, Santangelo 2008: 230; translated by D'Attoma).

The attitude changes when the judge, turning to the defendant, does not find the classic opposition that he has seen in so many cases in his long experience in the courts, and feels a surge of sympathy and compassion for the man who is asking for nothing more than custody of his two daughters. For a moment, the situation is reversed and it is the woman who says that she no longer wants to separate if she cannot keep the children with her. The judge will then give the couple time to confront each other and will then issue the divorce decree as long as the parties have reached an agreement.

In the story, the court will insist that the spouses take some time to reflect, comparing their relationship to the *root of a broken lotus* whose fibres remain united. In this case, the judges were unable to change the minds of either party, but it was a kind of divorce by mutual consent. Even though this was a novel, the plot realistically reflects the dynamics and rhetoric that can be found in court rulings,³ even nowadays, especially in unilateral divorce petition.

It may be surprising that such an educational role of the judge can still be found in the courts nowadays, especially in contentious divorces where the wife files the petition. But throughout Chinese

³ Moreover, at the time this story was written, there was a difficulty for judges in interpreting the macro-category of "breakdown of mutual affection", which led the lawmakers to intervene in 1989 with an opinion of the Supreme People's Court.

history, judges in family cases, especially divorce proceedings, have often used paternalistic and educational language towards the couple and so it is today.

2. Divorce and language

Generally, the number of judgments rejecting divorce petitions after the failure of mediation is higher than the number of conciliations; paradoxically, however, these data are not contradictory if one considers that in many cases the rejection of divorce petitions is made precisely with the aim of persuading the spouses to find reasons to invest in the marriage again, instead of asking for its dissolution. The rejection itself can be seen as a kind of mediation (D'Attoma 2022: 39).⁴

As pointed out earlier, judges in rejecting applications often use paternalistic and educational language such as:

现原告未提供证明夫妻感情破裂的依据，被告也积极要求和好，故本院暂无法认定原、被告的夫妻感情已经破裂，原告要求离婚的诉讼请求不予支持。⁵

On the basis that **the plaintiff did not provide evidence** to support the ground of breakdown of marital affection and moreover **the defendant vividly asks to become reconciled**, therefore this court for now is unable to firmly ascertain the breakdown of marital affection. The plaintiff divorce petition is not granted.

Or:

原告未能举证证明双方夫妻感情已经完全破裂，说明原、被告感情尚有修复的可能。因此，对原告的离婚请求，本院不予支持。⁶

⁴ It is no coincidence that the Civil Code of 2020 also introduced a 30-day cooling-off period for divorces by mutual consent between the filing of the divorce petition at the registry office and the issuance of the divorce certificate.

⁵ Shi Moumou su Wang Moumou lihun jiufen an, (2010) Chong min yi (min) chuzidi 1184 hao, Shanghai shi Chongming xian renmin fayuan 施某某诉王某某离婚纠纷案, (2010)崇民一(民)初字第 1184 号, 上海市崇明县人民法院 [Divorce lawsuit: Shi XX vs. Wang XX, first instance, civil judgment n° 1184, civil section n°1 of Chongming County People's Court, Shanghai, 2010].

⁶ Yang Moumou su Liu Moumou lihun jiufen an, (2011) shi min chuzi di 2596 hao, Shandong sheng Jinan shi shizhong qu renmin fayuan, 杨某某诉刘某某离婚纠纷

The plaintiff **did not give evidence of the irreversible breakdown** of mutual marital affection, showing that the relation between them has chance to be restored. Thus, this Court rejects the plaintiff's divorce request.

And again:

婚姻的美满和家庭的幸福需要夫妻双方共同努力。原、被告应当积极地想办法改变现状，协调好今后的工作和生活。只要原、被告能够**珍惜相互间的夫妻感情，相互理解，相互体谅，遇事加强沟通与交流，及时化解矛盾**，还是能够重归于好，共同生活。虽然双方经过一次离婚诉讼，但原、被告双方未产生实质分歧，**原、被告之间夫妻感情尚未破裂**，对原告的离婚请求，本院不予支持。⁷

Happiness in marriage and family requires great efforts from both spouses. The parties should effectively think about how to change the present conditions and coordinate work and life in the future. As long as they can **cherish each other's marital affection, understand each other, be considerate of each other, strengthen communication and dialogue when something comes up, settle disagreements promptly**, they will be able to reconcile and live together. Although both parties have already gone through a divorce process, there hasn't been any significant disagreement and **the marital relationship hasn't broken down**. The court dismisses the plaintiff's petition for divorce.

As can be seen from the sentences in bold, the expressions used by the judge almost all have a paternalistic undertone, trying to emphasise the "mutual"(*huxiang* 互相) efforts that the couple should make to maintain the family bond through appreciation, communication and dialogue. Comparing these expressions with those used in Jiang Zilong's story, we can see that fiction and reality are not so different.

As several studies (He Xin 2021; Michelson 2022; D'Attoma 2022) have shown, this happens in many divorce cases where only one party files the petition, but a similar attitude in a judge's reasoning in a

(2011) 市民初字第 2596 号，山东省济南市市中区人民法院 [Divorce lawsuit: Yang XX vs. Liu X, first instance civil judgment n°2596, civil section of the central district of Jinan city People's Court, Shandong province, 2011].

⁷ Huang XX su Zhao XX lihun jiufen an, (2011) Shi min chuzi di 2816 hao, Shandong sheng Jinan shi shizhong qu renmin fayuan 黄某某诉赵某某离婚纠纷案, (2011) 市民初字第 2816 号，山东省济南市市中区人民法院 [Divorce lawsuit: Huang XX vs. Zhao XX, first instance civil judgment n°2816, civil section of the central district of Jinan city People's Court, Shandong province, 2011].

family dispute involving domestic violence can create several risks for the victim.

In divorces involving domestic violence, an adjudicated denial can be a potential damages and risk for the victim of further abuses. Of course, with the 2016 Law against domestic violence of the PRC a victim can apply for personal protection order to stop violence, but divorce is still a sort of “emergency exit” to escape from the abuser.

3. Domestic violence and language

The term “domestic violence” (*jiating baoli* 家庭暴, literally “family violence”) was introduced into the Chinese legal system in the 1990s in some local regulations and for the first time in a national law in 2001, the Marriage Law of PRC (Palmer 2005). Before the 1990s the only expression used in official text was “maltreatment” (*nüedai* 虐待). These improvements were the result of the UN Conference on Women held in Beijing in 1995. Since then, many campaigns have been carried out by women’s associations, and in 2016 the Chinese lawmakers enacted a specific law to fight domestic violence. The path that led to this law can be divided into four stages: 1995 UN Conference on Women; 2001 Marriage Law; from 2001 to 2011, the term “domestic violence” was introduced in many regulations and national laws and a specific Guideline was issued in 2008; 2016 Law against domestic violence of PRC (Guo 2017: 2, 3).

According to the China Justice Big Data Service Platform (2018), 91.08% of divorce cases were not consensual, and in first-instance cases, 73.40% of plaintiffs were female. Among the alleged grounds for divorce cited by couples in first-instance cases, domestic violence is the second one (14.86%), just after *ganqing polie* 感情破裂 breakdown of mutual affection (77,51%). Guangdong, Guizhou and Guangxi ranked first in the number of cases involving domestic violence among the first instance of divorce disputes in the country (Figure1).



Figure 1. Number of domestic violence cases in China. Source: China Justice Big Data Service Platform (2018).

The 91.43% of cases is related to intimate partner violence (between men and women), especially physical violence (such as hitting). Psychological violence comes last. This data is not surprising, as it is very difficult for victims of psychological violence to provide evidence to the court, although it is very common and is often combined with other forms of abuse.

Domestic violence can take many forms: physical, psychological, sexual, economic, to name but a few. The presence of one does not exclude the existence of another. Moreover, the means by which it manifests itself can be either physical (beatings, restriction of freedom, etc.) or verbal and non-verbal (insults, threats, apparently non-violent behaviour) (Parish et. al. 2004). Language can be a very powerful form of violence and control over the victim that is not easy to prove.

But while on the one hand we have the verbal violence of the perpetrator, who uses language that is often derogatory and aimed at undermining the victim's self-esteem, on the other hand, beyond the domestic walls within which the abuse takes place, a more institutional and usually regulated language of family violence can be discerned in public discourse, particularly in the judgments of the People's Court.

4. Methodology: building a corpus

In order to assess to what extent, how and whether paternalistic and educational nuances emerge in the language and statements used by judges, I decided to start by analysing judicial discourse, in particular the motivational part of judgments⁸ in recent divorce cases involving domestic violence. To answer this question, I've used corpus-based analysis, focusing on a few specific words and phrases.

Thus, the first step was to build a small corpus on divorce proceedings involving domestic violence, which could act as a sort of sample to start this research. It covers a short time period (2022 and 2023), but confirms a trend highlighted by previous studies (He Xin 2021; Michelson 2022). In building the corpus, it was necessary to set some criteria: all cases should be civil judgments issued in 2022 and 2023; they should be first-instance divorce proceedings; and they had to contain the term “domestic violence” in the text.

Due to the high percentage of the adjudicated denial (in which domestic violence occurred) in the first instance, the focus has moved to this type of judgment in order to understand the language used by judges in rejecting instances where the element of abuse was present.

The term “not granted” (*buzhun* 不准) was used to narrow the field of research and the collection of texts was 50 judgments for 2022 and 127 for 2023. In all cases, the expression “domestic violence” appears one or more times, and not just as a quotation of the Civil Code article, which is quite common in divorce proceedings, but in the text of the plaintiff's or defendant's statements. Basically, therefore, in all the denials that have been pronounced by judges, an alleged situation of domestic violence is claimed by the party, usually the one filing the petition (plaintiff). By adopting this approach, it was not possible, at least at this stage, to outline judges' profile, because it would have required an intervention on individual cases. Locations were highlighted when necessary for the analysis. In 99% of the proceedings the plaintiffs were women.

Based on this corpus and analysed it through LancsBox (Lancaster University's corpus toolbox), it was decided to build a second corpus based on the first one, but including only the court's

⁸ All texts have been downloaded from the China Law Info database available online (<https://www.pkulaw.com/case?way=topGuid>).

reasoning⁹ and excluding the rest of the judgment¹⁰. Working on this second corpus the focus on the words list was not on the more frequent ones, because usually are words very common for adjudications like "plaintiff" (*yuangao* 原告), "defendant" (*beigao* 被告), but on terms involving educational, motivational feelings, such as "mutual understanding", "to communicate", "to respect", to name but a few.

5. The hidden violence

As these were cases of alleged abuse, the first step was to check whether the term "domestic violence" had been used in the motivation.

In 2022, the term *domestic violence* is mentioned in the 10% of the reasonings and among this 10%, the 80% is the quotations from the Civil Code article on divorce.

In 2023, the term *jiating baoli* is mentioned in the 29,26% of the reasonings and among this percentage the 33,3% are quotations from the above mentioned Civil Code article. This means that in the majority of cases (90% in 2022 and 70,74% in 2023) the element of violence is dismissed in the court's reasoning, while it is present in the parties' statements¹¹.

Another word that appears in both corpora (2022 and 2023) is "to communicate/communication" (*goutong* 沟通). In 2022 it is possible to find the term in the 32% of the court reasonings, while in 2023 in the 62,6%.

"To communicate/communication" is often linked to the verb "to strengthen" (*jiaqiang* 加强)¹². Some of the examples are:

⁹ That is that part of the adjudication starting with "the court believe" (*benren renwei* 本院认为).

¹⁰ I've made this operation for both 2022 and 2023, with the results of four corpora (2 all text and 2 corpora with reasonings).

¹¹ It is worth noting that if we look at the texts of all the judgments and not just at the reasonings, the term "domestic violence" appears a total of 73 times in the texts of 2022 and 198 times in those of 2023.

¹² For instance, in 2023, it is possible to find "to strengthen" at the left of 沟通 in 32 cases.

1.只要双方今后**加强沟通**、坦诚相对，切实从对方的角度多考虑问题，互相体谅、相互迁就和相互包容，夫妻感情是可以修好的。¹³

As long as the two sides **strengthen communication** and honesty in the future, consider more issues from the other side's perspective, mutual understanding, mutual accommodation and mutual tolerance, the relationship between husband and wife can be repaired.

2.在今后的生活中双方应**加强沟通**和理解，互谅互让，信任对方，多一点宽容，少一些计较，妥善处理好家庭事务和琐事纷争，理智处理夫妻关系，夫妻和好是可能的。¹⁴

In the future life, both sides should **strengthen communication** and understanding, mutual understanding, trust each other, a little more tolerance, be less fussy, properly handle family affairs and trivial disputes, rationally handle husband and wife relations, husband and wife reconciliation is possible.

In the sentences above, in addition to the use of the phrase “to strengthen communication”, the judges used many other words to emphasize the efforts that the couple should make to keep the family together, such as “trust each other”, “tolerance”, “understanding”, and in both cases the plaintiff was claiming domestic abuse. The language is characterised by paternalistic speech and a kind of sentimental educational feeling. Furthermore, the analysis of judgments also showed that the same judge often tended to use the same sentences in different cases, as if they were established formulas.¹⁵

“To safeguard/maintain” (*weihu* 维护) is a verb that in 2022 occurred in the 20% of the court judgments and in about the half of this percentage the expression in which the term has been used is:

本院认为，婚姻家庭受国家保护，家庭成员应当维护平等、和睦、文明的婚姻家庭关系。

The court believes that marriage and family are protected by the state, and family members shall maintain equal, harmonious and civilized marriage and family relations.

This phrase was used in cases decided by courts in Shandong Province, but in a different county. It looks like a kind of fixed

¹³ This phrase appears in three different judgments issued by the same judge in Shangshui County.

¹⁴ This phrase appears in two different judgments issued by the same judge in Dangchang county.

¹⁵ See footnotes 13 and 14.

expression, since the first part (marriage and family are protected by the State, 婚姻家庭受国家保护) for example corresponds to Article 1041 of the Civil Code, and the second part (maintain equal, harmonious and civilised marital and family relations 维护平等、和睦、文明的婚姻家庭关系) is a quotation from Article 1043 of the Civil Code.

In the corpus of 2023, the same phrase appears 12 times in the reasonings of various courts in Shandong Province, and a similar one in the Pingdu City People's Court, in which the idea is defined as a kind of principle:

本院认为，家庭成员之间应当平等、和睦、文明相处，夫妻亦应以维护婚姻家庭关系稳定为原则。

This court believes that family members should get along equally, harmoniously, civilly, and husband and wife should also maintain the stability of marriage and family relations as a principle.

Furthermore, not surprisingly, *weihu* is often associated with the word "marriage" (*hunyin* 婚姻), meaning "to safeguard marriage", and "family stability" (*jiating wending* 家庭稳定).

In a 2023 proceeding starting in 2022¹⁶ in which the word "domestic violence" appears 9 times in the text, the judge states that "in order to better maintain family stability" (*weile genhao de weihu jiating wending* 为了更好的维护家庭稳定) he decided to reject the divorce petition. Moreover, in the reasoning it is possible to find other two relevant statement:

根据原告提供的报警回执、医疗门诊病历、照片、音频视频记录等证据，对于原告所称“被告酒后对其进行打骂”的事实应可确认，但程度尚属轻微，并未达到受伤的程度。

According to the alarm receipt, outpatient records, photos, audio and video recordings and other evidence provided by the plaintiff, the fact that the plaintiff claimed that "the defendant hit and scolded her after drinking" should be confirmed, but the degree is still minor and does not reach the level of injury.

And then:

¹⁶Lin X1 su Lin X1 lihun jiu fen an, (2022) Yue 0113 minchu 18709 hao, Guangdong sheng guangzhou shi Panyu qu renmin fayuan 林某1诉林某2离婚纠纷案, (2022) 粤0113民初18709号, 广东省广州市番禺区人民法院 [Divorce lawsuit: Lin X1 vs. Lin X2, first instance civil judgment n°0113/18709, civil section of Guangzhou city, Panyu district People's Court, Guangdong province, 2022].

同时考虑到被告有酗酒习惯、原被告每次发生争吵、打斗均在被告酒后，亦不能排除被告酒后言行失控的可能性。

At the same time, considering that the defendant has a habit of drinking and that every time the defendant quarrels and fights, the possibility that the defendant's words and actions are out of control after drinking cannot be ruled out.

The text indicates that the abuses exist, and the violence has been recognised by the court itself but are not sufficient to be defined as “domestic violence”, and that it cannot be excluded that it was just the defendant's drinking habit that leads him to commit acts of violence against his wife, as it was a sort of mitigating factor. Nevertheless, the judge decided to reject the petition in order to maintain family stability.

Another expression suggesting an educational or at least emotional feeling is “mutual understanding and mutual accommodation” (*huliang hurang* 互谅互让), which occurred in the 18% of judgments in 2022 and in the 22,76% in 2023. This phrase is often associated with terms such as “to communicate”, “to strengthen”, “understand” and “conflict”:

因家务琐事产生矛盾后，应互谅互让，积极沟通，彼此宽容 [...]¹⁷

When conflicts arise over household chores, there should be mutual understanding and accommodation, active communication and mutual tolerance [...].

Similar expressions can also be found in some variants, such as “mutual respect and love” (*hujing huai* 互敬互爱) or “mutual understanding” (*xianghu lijie* 相互理解).

Many other expressions also appear in the list of words, reflecting the Chinese judges' intention to reconcile the parties, emphasising the importance of finding common ground in order to preserve the marital relationship, but the above mentioned are the more common ones.

¹⁷ Wang X1 su Zhou X1 lihun jiu fen an, (2023) Yu 1624 minchu 877 hao, Henan shen Shenqiu xian 王某 1 诉周某 1 离婚纠纷案, (2023) 豫 1624 民初 877 号, 河南省沈丘县人民法院 [Divorce lawsuit: Wang X1 vs. Zhou X1, first instance civil judgment n°1624/877, civil section of the Shenqiu County People's Court, Henan province, 2023].

6. Conclusions

The analysis, carried out both using the LancsBox software and by reading individual judgements issued by Chinese courts between 2022 and 2023, shows that the topic of domestic violence is not a priority and, above all, does not prevent the authorities from using educational and paternalistic language to reject the claim.

It seems that the courts use a kind of refrain in the reasoning section, in which the aspect of violence is dismissed with a kind of refrain and often ignored it by using phrases such as "the plaintiff did not have relevant effective evidence to prove that the feelings between the parties had been completely broken down" (原告未有相关有效证据证明原、被告的夫妻感情确已彻底破裂).

In all judge's reasonings in which the "domestic violence" alleged by the plaintiff is not included it's even not possible to distinguish it from an ordinary divorce. The rhetoric used by the courts is basically the same.

It is not possible to find very specific features in the language of court decisions in the rejection of divorce cases involving domestic violence in comparison with ordinary divorce cases, but this could itself be a distinctive trait. In addition, it should be taken into account that the judges, in their rejections, couldn't confirm a ground that should have led to the acceptance of the divorce petition. Sometimes even when abuses are recognized by the court, they are underestimated. As Michelson (2022) has already pointed out, claim of domestic violence by plaintiffs does not increase their chance of obtaining divorce.

However, the analysis confirmed the hypothesis that even today, in the public language of judges' motivations, expressions and terms are used that omit the element that led one of the two parties to file for divorce in favour of preserving family unity. This is done through a paternalistic language that recalls family law texts and principles found in Chinese political and judicial rhetoric.

As mentioned earlier, the element of abuse is perceived in the background, and sometimes not at all, leading to the conclusion that once again the language of violence is unfortunately the silence.

Conflict of Interest Statement

The author declares no conflicts of interest to disclose related to this manuscript. If any conflicts arise in the future, the Author will promptly inform the journal.

AI Use Statement

The author confirms that artificial intelligence (AI) tools were not used in any aspects of this research.

Bibliography

- Chen, Min. 2013. *Shejiating baoli anjian shenli jineng 涉家庭暴力案件审理技能* [Courts skills in divorce proceedings involving domestic violence]. 北京: 人民法院出版社 [Beijing: Renminfayuan chubanshe].
- China Justice Big Data Service Platform. 2018. *Sifa da shuju zhuanli baogao lihun jiufen* 司法大数据专题报告离婚纠纷 [Report on judicial big data on divorce proceedings]. <https://bit.ly/3Nw537r>.
- China Law Info database. <https://www.pkulaw.com/case?way=topGuid>. Accessed September 3, 2024.
- D'Attoma, Sara. 2020. "To promote family harmony and social stability": is the anti-domestic violence law of the People's Republic of China an effective legal response?. *Journal of Comparative Law*, 15(2): 112–125.
- D'Attoma, Sara. 2022. *Famiglie interrotte. Violenza domestica e divorzio nella recente legislazione della Repubblica Popolare Cinese*. Venezia: Edizioni Ca' Foscari. https://edizionicafoscari.unive.it/media/pdf/books/978-88-6969-603-9/978-88-6969-603-9_dA148tU.pdf

- Gao, Fengxian. 2020. *Jiating baoli fagui zhi lilun yu shiwu* 家庭暴力法規之理論與實務 [Laws on domestic violence: theory and practice]. Taipei: Wunan Publishing Co. Wunan Publishing.
- Guo, Jianmei. 2017. "Xuyan 序言" (Preface). In: *Yang fazhi zhi jian cheng jiabao zuili* 揚法治之劍懲家暴罪戾 (Raise the Sword of Law and Punish Domestic Violence Crimes), ed. Lü Xiaoquan. Beijing: Zhongguo Renmin Gong'an Gong'an Daxue Chubanshe.
- Guterres, Antonio. 2020. "Make the prevention and redress of violence against women a key part of national response plans for COVID-19". <https://www.un.org/en/un-coronavirus-communications-team/make-prevention-and-redress-violence-against-women-key-part>. Accessed August 30, 2024.
- He, Xin. 2021. *Divorce in China: Institutional Constraints and Gendered Outcomes*. New York: New York Press.
- Michelson, Ethan. 2022. *Decoupling: Gender Injustice in China's Divorce Courts*. New York: Cambridge University Press.
- Palmer, Michael. 2005. "Patriarchy, Privacy and Protection: Chinese Law Slowly Gets to Grips with Domestic Violence". In: *Forging a Common Legal Destiny. Liber Amicorum in honour of William E. Butler*, eds. Natalia I. Erpyleva, Maryann E Gashi-Butler, Jane E. Henderson, 786–812. London: Wildy, Simmonds & Hill Publishers.
- Parish, William L., Wang Tianfu, Laumann, Edward O., Pan Suiming, and Luo Ye. 2004. "Intimate Partner Violence in China: National Prevalence, Risk Factors and Associated Health Problems". *International Family Planning Perspectives*, 30(4): 174–181. DOI: <https://doi.org/10.1363/3017404>.
- Sabattini, Mario, Santangelo, Paolo. 2008. *Il pennello di lacca, La narrativa cinese dalla dinastia Ming ai giorni nostri*. Bari: Editori Laterza.
- Su, Lin. 2017. "China's New Domestic Violence Law: Keeping Victims Out of Harm's Way?". *Yale Law School Paul Tsai China Center Working Paper*, 1–11. https://law.yale.edu/sites/default/files/area/center/china/document/domesticviolence_finalrev.pdf. Accessed August 30, 2024.
- van der Valk, Marius Hendrikus. 1956. *Conservatism in Modern Chinese Family Law*. Leiden: E. J. Brill.
- Zhang, Wanqing. 2020. "Domestic Violence Cases Surge During COVID-19 Epidemic". *Sixth Tone*.

<https://www.sixthtone.com/news/1005253>.

September 3, 2024.

Accessed