

Domestic Violence Governance in China: Frontline Discretion, Legal Discourse, and the Implementation Gap

Ruining Shi*

University of Sussex, UK

*Author to whom correspondence should be addressed.

Abstract: *This article analyses how institutional failure materialises at the frontline of China’s anti-domestic violence regime. Framed by three questions—how practitioners understand the state, why these understandings take shape, and how they guide implementation—it integrates MacKinnon’s dominance approach with Smart’s critique of legal discourse into an “institution–discourse–practice” lens. Based on semi-structured interviews with nine cross-sector practitioners (police, community/subdistrict officials, Women’s Federation/social workers, lawyers), the study employs reflexive thematic analysis and juxtaposes interview accounts with legal/policy texts. A testable process model is advanced—“Declaration–Implementation–Reclassification–Reinfusion.” Textual proclamations of equality/neutrality are naturalised as a priori facts; operationalisation proceeds via proceduralisation and segmented authority; in zones of indeterminacy, street-level discretion reclassifies cases; failure is then reinfused through justificatory narratives (“resource scarcity,” “individual choice,” “family harmony”) that inoculate against structural scrutiny. Three mechanisms emerge: (1) responsibility externalisation, shifting public protection onto survivors as self-risk management; (2) mechanised implementation, where record-keeping and interdepartmental referral substitute for outcomes of violence cessation and sustained safety; (3) discretionary reclassification, which raises severity thresholds, downgrades labels, and familises violence, even substituting accountability with “order restoration” through public shaming. Conceptually, the article theorises a “state-constituted field of discretion.” Policy recommendations centre evaluation on violence cessation and sustained safety, hard-wire triggers/lead-backstop/escalation timelines, expand evidentiary proxies for coercive control and patterned abuse, reorient metrics toward demonstrable risk reduction, empower social work beyond projectification, ensure accountable inter-agency coordination, and prohibit public-shaming “mediation.”*

Keywords: Domestic violence governance; Street-level bureaucracy; Policy implementation; Institutional discretion; China.

Cited as: Shi, R. (2025). Domestic Violence Governance in China: Frontline Discretion, Legal Discourse, and the Implementation Gap. *Journal of Theory and Practice in Humanities and Social Sciences*, 2(5), 16–36. Retrieved from <https://woodyinternational.com/index.php/jtphss/article/view/308>

1. Introduction

As a salient manifestation of gender-based violence (GBV), domestic violence remains globally widespread and persistent, while often hidden and under-reported (Wang, Fang and Li, 2013; UN Women, 2021). World Health Organization (2021) reports that nearly one in three women worldwide have experienced physical and/or sexual violence by an intimate partner over their lifetime. In China, data from the All-China Women’s Federation (2011) indicate that approximately 24.7% of married women reported having ever experienced domestic violence. My interest stems from long-term observation of public discourse on several high-profile cases and from a structural gap identified while examining the subnational application of the Anti-Domestic Violence Law (Standing Committee of the National People’s Congress, 2015): a disjuncture between rule-of-law commitments and institutional practice. In my previous study, *A Regulator or a Reproducer of Violence? Implementation of China’s Anti-Domestic Violence Law in Local Contexts* (Shi, 2024), I traced tensions between legal language and judicial pathways—“mediation-first,” evidentiary hurdles, and resource constraints—and concluded that legal texts and case law alone cannot disclose institutions’ operative logics in practice.

Notwithstanding the law’s entry into force and a multi-agency governance network, structural deficiencies persist at the level of implementation, undermining effectiveness and protection. Existing studies highlight shortcomings

across four dimensions:

Weak implementation of personal safety protection orders (PSPOs). Courts often set high evidentiary thresholds—police records, injury examination/medical certificates, witness statements as “conclusive” proof—so many applicants are denied for failing to meet the burden. Some judges continue to frame domestic violence as a “family matter,” favouring mediation and depressing issuance and enforcement (Zhang & Chen, 2021).

Insufficient police intervention. Frontline officers frequently treat incidents as ordinary disputes and prioritise mediation. Even with authority under the Standing Committee of the National People’s Congress (2015), written admonitions are rarely issued; those issued are non-standard and lack follow-up, blunting deterrence (Zhao Y., 2017; Zhao M., 2025).

Largely formalistic multi-agency coordination. Although design mandates coordination among the Women’s Federation, civil affairs, judicial authorities, education, and health-care sectors, agencies operate in silos and pass responsibility. The Women’s Federation lacks enforcement powers and resourcing; other departments provide formalistic services with limited follow-up (Wu, Wu and Liu, 2025; Cao, 2024).

Non-uniform standards and discretion-heavy enforcement. Street-level personnel variably interpret eligibility for written admonitions—some tying them to criminal/administrative thresholds, others relying on personal judgement—producing uneven enforcement and protection gaps (Zhao M., 2025).

In sum, while China’s legal architecture on domestic violence exists, gaps across judicial implementation, interdepartmental coordination, evidentiary assessment, and PSPO enforcement persist. Statutory provisions are weakened, proceduralised, and at times rendered symbolic, impeding effective response—particularly for women subjected to prolonged abuse (Mo, 2022; Cao, 2024). Yet research has largely interrogated texts, institutional design, or case adjudication, seldom asking: how, in day-to-day governance, do such deficiencies arise? Who implements, interprets, and reshapes these institutions?

Domestic violence governance does not stop at statutory texts; its effectiveness hinges on who enacts institutions at the frontline—and how. Policy implementation research shows that “street-level bureaucrats” (police, community officials, Women’s Federation staff, social workers), interacting directly with citizens, exercise substantive discretion amid resource scarcity and rule ambiguity and thus “make policy in the course of implementation” (Lipsky, 2010). Socio-legal scholarship on GBV likewise shows norms must be translated by local intermediaries into actionable practice (Merry, 2006). In China, the State Council notes that written admonitions, PSPOs, and multi-agency coordination depend on the concrete operations of public security organs (police), the Women’s Federation, community/subdistrict authorities, and social workers; across localities there is marked variation in interpretive understandings and implementation (State Council, 2023).

Accordingly, this study turns to a frequently overlooked constituency: frontline personnel who enact the anti-domestic-violence regime in the everyday—public security (police), community officials, Women’s Federation staff, and grassroots social workers. As micro-level intermediaries, their discourses and practices illuminate how institutions are implemented, interpreted, negotiated—and at times resisted or transformed—in everyday life.

Against this backdrop, the study poses three research questions:

How do frontline professionals understand the state’s institutional role in domestic violence governance?

Why do frontline professionals come to hold such understandings?

How do these understandings shape their modes and strategies of implementation?

This study addresses the absence of the implementer’s perspective by drawing on semi-structured interviews to examine how frontline implementers understand the state, deploy institutional mechanisms, and under what conditions legal protections become effective—or lapse into symbolic compliance and depoliticisation. Departing from research centring survivor narratives or legal texts, it attends to institutional insiders—public security (police), community officials, Women’s Federation staff—to develop a comprehensive account of operative logics and

implementation challenges, thereby filling the knowledge gap on how the state is materialised through micro-practice. It also contributes China-based insights to global feminist debates on how different political systems address GBV. Focusing on non-liberal, non-Western governance contexts, it examines how state power is experienced, enacted, and negotiated—potentially challenging or extending prevailing understandings in feminist jurisprudence regarding the state, law, and gendered power.

Structure of the study

Chapter One (Introduction) states the three research questions and outlines research background, scholarly and practical significance, core concepts, and original contributions. Chapter Two (Literature Review) maps three strands—feminist legal theory; institutional design and judicial practice; grassroots governance and micro-level practice—synthesising shared contributions and limitations and delineating this study’s point of entry and lacunae. Chapter Three (Theoretical Framework) integrates MacKinnon’s dominance approach and Smart’s critique of legal discourse into an “institution–discourse–practice” lens, specifying dimensions of operationalisation and analytic indicators. Chapter Four (Research Design and Methods) details sample and recruitment; semi-structured interviews and reflexive thematic analysis (RTA); textual analysis informed by feminist legal critique with triangulation by juxtaposition; and ethical protocols and researcher reflexivity. Chapter Five (Empirical Analysis), following a “from ideas to practice” trajectory, first presents frontline actors’ presuppositional understandings of the state—an a priori assumption of “already-achieved equality” and upward consolidation of interpretive authority—then analyses three derivative mechanisms: responsibility externalisation, mechanised implementation, and street-level discretion in zones of indeterminacy; each section is keyed to the three research questions and read alongside relevant legal and policy texts. Chapter Six (Conclusion and Discussion) synthesises answers to the research questions, presents the explanatory model and its theoretical–methodological contributions, derives institutional and policy implications (resetting trigger thresholds; strengthening interagency coordination and backstop guarantees; reorienting towards outcome-oriented accountability), and reflects on limitations and directions for future research.

2. Literature review

Existing scholarship on domestic violence governance in China has developed along three dimensions. First, drawing on feminist legal theory, scholars interrogate how law—at macro-institutional and discursive levels—reproduces gendered hierarchies, including the risk of “patriarchalisation” in the localisation (vernacularisation) of global norms and China-based critiques engaging familial ideology and state formation. Second, work on institutional design and judicial practice exposes structural impediments to implementing the Standing Committee of the National People’s Congress (2015) and the obscuring effects of gender-neutral discourse, underscoring the disjuncture between law on the books and law in action. Third, grounded in grassroots governance, research documents the ineffectiveness of multi-agency coordination, professional capacity constraints in social services, and the delegitimation/exclusion of women’s lived experience within the court system. Taken together, these strands—spanning macro theory, institutional structures, and micro practice—illuminate the state’s multiple roles in domestic-violence governance and their gendered implications, furnishing the theoretical backdrop and research basis for this article. The discussion proceeds accordingly, addressing each strand in turn.

2.1 Theoretical Critique and Macro-Institutional Analysis

Within feminist jurisprudence—internationally and in China—scholars have theorised how law and state discourse entrench gender inequality across institutional and cultural domains. The literature coalesces around two dimensions.

On the first, international scholarship shows that during localisation (vernacularisation) legal discourse is entangled with patriarchal cultural structures, diluting equality goals. Levitt and Merry (2009), working from the vernacularisation of global human-rights discourse, demonstrate that international frameworks are “culturalised” and “patriarchalised”—recast to fit local moralities—through selective interpretation and implementation by local elites and law-enforcement actors, enabling gender-equality discourse to reproduce existing inequalities in practice. Through analysis of the Irish Constitution, case law, and international mechanisms, Mullally (2005) shows how the state, invoking “cultural sovereignty,” resists protecting women’s reproductive rights and constructs “gendered

citizenship”: women’s citizenship is juridically and culturally framed as maternal/caregiving, depriving them of standing as autonomous rights-bearing subjects. Even under international legal/moral pressure, the sovereignty/nationhood discourse retains traction, and reproductive rights remain subordinated to state legitimacy claims. Mullally (2005) thus shows law can be mobilised within nationhood/state-formation projects to reinforce inequality. Across diverse contexts, legal reform alone struggles to disrupt patriarchal logics at structural and cultural levels.

On the second, recognising limits of international theorising for China’s context, China-based scholars develop locally grounded critiques. Ma (2013a), comparing trajectories of feminist jurisprudence in China and the West, argues both deploy gender analytically, yet differing social conditions, cultural traditions, and modernisation paths produce divergences in research orientation, topic selection, and praxis. Western feminist jurisprudence—rooted in the women’s movement—shows theoretical pluralism and incisive critique, supporting structural challenges to patriarchal legal orders; in China, advanced largely top-down by intellectuals without a robust movement base, it remains fragmented and often ambivalent, tending to formal equality and struggling to challenge institutionalised domination. Ma (2013b) further contends an “unfinished project of legal modernisation” frames the predicament: within nationalism and state-led modernity, women’s emancipation is subsumed into national-development narratives, weakening the autonomy and critical capacity of feminist jurisprudence. Building on this, Ren (2019) argues women’s domination in China cannot be adequately captured by Western frameworks centred on “nuclear-family centrism.” A familialised social structure—under “intergenerational support” and “familial affection”—legitimises parental intervention into adult households, producing a negotiated yet asymmetrical family-governance logic. Women are located in a dual regime of domination spanning natal and affinal families, facing discipline and role expectations from husbands, parents, and children. Ostensibly intimate and mutual-aid-based, this order operates “in the name of love” to impose covert but entrenched domination. Ren (2019) thus proposes a familial feminist jurisprudence centred on power mechanisms embedded in kinship to respond to China’s realities and open an autonomous trajectory for local theory.

This China-based corpus reckons with limits of international frameworks while noting local theory still concentrates on macro-institutional/cultural levels, with insufficient systematic elucidation of concrete manifestations in judicial practice and grassroots governance. Accordingly, frontline implementers confront “dual embeddedness”: on one side, state institutions ostensibly neutral yet inflected by patriarchal logics; on the other, locally patriarchal culture organised around familism and a shame-based ethic. Together, these co-constitute frontline imaginaries of “the state” and are operationalised in case labelling, intervention thresholds, and procedural trade-offs. Thus, macro-level theorising not only situates how the state is constructed institutionally and discursively; it also provides purchase for analysing frontline role understandings, logics of action, and interpretations of institutional arrangements.

2.2 Dilemmas in Legal Institutions and Judicial Practice

“Violence against women (VAW)” is defined by the United Nations Declaration on the Elimination of Violence against Women (1993) as “any act of gender-based violence against women, whether occurring in public or private life, that is likely to result in, or has resulted in, physical, sexual, or psychological harm or suffering.” The United Nations Special Rapporteur on violence against women observes that “domestic violence” often stems from women’s positionality within the family; it refers to direct or indirect acts of family-based violence against women on the basis of gender (Coomaraswamy, 1996). Article 2 of the Standing Committee of the National People’s Congress (2015) defines domestic violence as conduct between family members inflicting physical or psychological harm—by beating, binding, maltreatment, restricting personal liberty, or recurrent verbal abuse/intimidation, among others. The Law applies to (1) family members and (2) cohabitants who are not family members.

A substantial critical literature shows that the Standing Committee of the National People’s Congress (2015) and the wider legal architecture exhibit structural shortcomings vis-à-vis gender-justice goals. Chief among these are the insufficient incorporation of women survivors’ lived experiences into design, and the persistence of procedural barriers and ideological bias in practice. The literature divides into two complementary strands.

The first, grounded in gender-justice jurisprudence, foregrounds structural biases internal to legal institutions. Li

Chunbin (2021) examines the exclusionary application of “self-defence” in criminal law to women subjected to long-term abuse, arguing that the regime over-privileges “immediacy,” overlooking the continuity, covert character, and cumulative dynamics of domestic violence. Psychological violence is almost entirely excluded; verbal/controlling conduct not posing an “actual threat to bodily integrity” is treated as insufficient to trigger self-defence. In domestic-violence cases, authorities mechanically apply traditional standards; coupled with limited gender sensitivity, survivors’ resistance is misread as excessive/unjustified. “Formally neutral” standards thus exclude women’s lived experiences, producing substantive inequality.

The second, anchored in institutional implementation/judicial practice, uses empirical evidence to expose downstream failures in state arrangements. Research identifies three compounding thresholds that compress the ADVL’s rights commitments—rendering the law “procedurally present but substantively absent.”

2.1.1 Technico-procedural threshold

Drawing on decisions denying personal safety protection orders (PSPOs), Zhang and Chen (2021) finds courts’ application is technocratic/formalistic: applicants (typically survivors) shoulder onerous proof burdens; continuity of abuse and coercive-control dynamics are discounted absent “immediate, visible” evidence; judges reframe violence as “family conflict” or “marital emotions,” depressing PSPO issuance and enforcement.

2.2.2 Substantive evidentiary threshold

Huang Yue (2022), analysing judgments, shows fact-finding dominated by “single-incident evidence,” overlooking patterned/cumulative abuse. For key remedies—divorce, damages for mental distress, and PSPOs—judges adopt conservative approaches, invoking “mediation-first” and “family harmony,” thereby marginalising women’s experiences within adjudicative justification.

2.2.3 Governance-chain threshold

From a process-chain perspective, Yang Qi (2017) shows survivor-initiated PSPO applications—compounded by complex procedures and heavy evidentiary burdens—raise activation costs; mediation is applied to asymmetrical violence, displacing perpetrator accountability; anaemic criminal accountability civilises cases; and ambiguous inter-agency mandates/lines of accountability produce stepwise attrition across application, acceptance, adjudication, and enforcement. Together, the thresholds downgrade and privatise judicial responses, contextualising how frontline implementers make strategic choices in labelling, intervention thresholds, and procedural trade-offs.

In sum, despite a veneer of neutrality, the institutional framework structurally overlooks women’s lived experiences. For frontline personnel, implementation unfolds in an environment simultaneously bounded by legal prescriptions and constrained by procedural/ideological strictures. How they construe the state’s “neutrality” and “authority,” and how they find room for manoeuvre amid constraints, complexity, weak coordination, and gender bias, directly shape strategies of implementation. This furnishes essential context for this study’s questions regarding frontline role understandings and modes of operation.

2.3 The Emergence of Research on Grassroots Governance and Micro-level Practice

Recent scholarship increasingly examines how institutional biases are instantiated in grassroots practice. While the textual architecture sketches a closed-loop division of labour among public security (police), courts, the Women’s Federation, and social workers, operations reveal a top-down chain of failure: front-end activation is impeded by overlapping mandates and communication barriers; the intermediary tier is “hollowed out” by project-based provision and resource scarcity. The analysis proceeds along this three-tier structure.

2.3.1 Institutional design.

China’s intervention mechanism is multi-agency, aiming for a closed-loop, professionalised response. Following an incident, public security organs (police) are first responders: they receive/register reports, dispatch, halt violence, and may issue written admonitions—a non-punitive administrative warning intended to prevent recurrence through behavioural constraints and procedural linkage, while furnishing preliminary evidentiary support for later remedies

(Li Tingting, 2020). The Women's Federation and protection centres handle intake, risk assessment, inter-agency meetings, psychosocial support, and resource coordination; courts, as core judicial-relief institutions, issue PSPOs (emergency injunctive relief) to secure survivor safety. Under the Standing Committee of the National People's Congress (2015), survivors, close relatives, or relevant organisations may apply; courts shall promptly accept and decide (Zhang & Chen, 2021). The procuratorate exercises judicial supervision; judicial administration, civil affairs, education, healthcare, and others provide legal aid, shelter, psychological intervention, and medical treatment per their mandates. The women's-shelter system has developed into three models: government-led, with corporate involvement and civil-society support, aiming to provide temporary refuge and empowerment (Goodman & Epstein, 2008; Zhang Cui'e, 2011). Social workers are involved across the process—case management, safety planning, counselling, and community education (Wu, 2022; Zheng, 2021). Overall, the system follows a professional logic of “intake/assessment—crisis intervention—resource linkage—follow-up,” with clear responsibilities and layered responses.

2.3.2 Activation phase.

Using Shenzhen's L District “1+12” multi-agency network, Peng Sai (2022)—based on interviews and policy documents—outlines design goals/frameworks and identifies practice-level problems: unclear responsibilities, disproportionate authority/accountability, data silos, and communication breakdowns. These delay emergency response and shift responsibilities. Front-end coordination failures directly impede activation of legal mechanisms, undermining timely admonitions and protection orders and weakening deterrent/protective power.

2.3.3 Intermediary tier.

In a Guangzhou social-work organisation case, drawing on interviews with 11 social workers, Zheng Danying (2021) highlights inadequate professional capacity, ethical conflicts, and resource scarcity—leading to burnout/resistance and impairing risk assessment/referrals, which hinders activation of legal mechanisms. Analysing a Suzhou district network, Mo Yajuan (2022) argues project-based provision marginalises anti-domestic-violence services, with resources skewed to “performance-controllable” areas (e.g., child protection, community correction). Social workers are instrumentalised as short-term executors, losing institutional empowerment and professional autonomy. The intermediary level thus shows “the system exists but lacks support capacity,” leaving courts and police without sustained professional input.

In summary, intermediary-level studies reveal that under social-work resource scarcity and projectification, the coordination chain fractures at referral, shelter, and psychological/legal assistance, producing “rules present—support absent.” This has two implications for this study. First, it contextualises the organisational ecology in which frontline workers operate, suggesting their everyday imaginaries of “state/law” are shaped by such experiences. Second, it indicates pathways by which these imaginaries may be institutionalised and stabilised via division of responsibilities, performance assessments, and training standards. On this basis, this study sets interview and text-based observation points to track whether, and how, these associations unfold in frontline practice.

2.3.4 Limitations and Implications

A common strength of existing research is its use of localised, practical materials to show how the system weakens at the implementation level—grassroots coordination, evidentiary thresholds, and “family-centric/gender-neutral” discourse—providing a solid foundation for understanding the institutional context of frontline work. Overall, the state is experienced as “providing rules, with procedures in place but no guaranteed outcomes,” informing frontline intuitive perceptions.

At the same time, this literature remains insufficient: it focuses on regional case studies with descriptive tilt rather than mechanism; rarely centres frontline imaginaries of the state; and does not fully explore how such understandings are shaped/stabilised within organisational discipline, performance assessments, and local cultural discourses. Processual explanations are lacking for how these understandings translate into strategies at key decision points—intervention thresholds, procedural orientations, reclassification/downgrading, and responsibility externalisation.

Building on this, the present study does not revalidate macro-level “institutional failure,” but, taking it as premise, foregrounds overlooked micro-mechanisms. Using multi-role frontline interviews as core material, combined with reading and reflexive thematic analysis of legal/policy texts, it specifically addresses three gaps: how frontline workers understand the state’s role in domestic-violence governance, why this understanding is formed, and how it influences methods and strategies of implementation—advancing existing conclusions into a testable cognitive–practice process explanation.

3. Theoretical Framework

To analyse the role of the state in domestic-violence governance and its gendered implications, this study integrates two complementary critical paths. First, following MacKinnon’s (1989) dominance theory and her critique of the prevailing legal logic of equality, it examines legal discourse as a power mechanism in constructing gendered social orders. Second, drawing on Smart’s (1989) critique of legal discourse, it synthesises these insights with the concretisation of judicial practice to develop a critical account of how state and law operate.

3.1 MacKinnon’s dominance approach

MacKinnon (1989) theorises gender not as a natural difference but as a product of patriarchal power that sustains women’s systemic subordination. Patriarchy governs through sexual control, threats of violence, coerced reproduction, and the appropriation of women’s reproductive labour, institutionalising motherhood and moralising domestic roles. Domination unfolds across gendered and generational axes: women lose sexual autonomy under the identities of “wife” and “mother,” which secure patriarchal order. The legal system obscures this dominance by recognising only physiological difference and by universalising male experience as the standard of “human” while casting women as exceptions. Women are then channelled into two losing options: (a) relinquish their lived experience to “be the same as men,” gaining only formal equality; or (b) accept special “protection” as “different,” which re-marks them as outside the universal. Even when women achieve “sameness,” entry into the male-normed arena demands disproportional effort and does not ensure equal outcomes; meanwhile, men can invert formal equality to claim that any “special protection” for women is discriminatory. Substantive equality, therefore, requires integrating women’s specific experiences into law itself rather than forcing women to adapt to male-shaped frameworks. On this basis, the study asks whether China’s domestic-violence governance truly incorporates women’s experiences and challenges patriarchal mechanisms embedded in family, gender and generation—or whether practice continues to rely on logics tailored to male experience, thereby reproducing patriarchal order (MacKinnon, 1989).

3.2 Smart’s critique of legal discourse

While MacKinnon foregrounds institutional power, she attends less to positional structures within legal language and execution. Smart (1989) argues that law is not only a technical tool but a productive discourse: it operates power by constructing “truth,” positioning itself as the legitimate arbiter of knowledge. Law expresses and sustains patriarchal will while shaping a normative discourse space—defining who may speak, what counts as relevant, and how claims must be expressed. Experiences that fall outside its normative logic are excluded as “non-legal,” and subjects are simplified and standardised. In rape adjudication, for instance, procedures naturalise male desire and stigmatise women’s testimony as “unreliable,” “sexualised,” or “manipulative,” erasing women’s subjectivity and forcing a false binary between “voluntary submission” and “slander” (Smart, 1989). By dictating what is “reasonable” or “legitimate” evidence, legal discourse constructs a culturally produced figure of “woman” that does not arise from women’s lived realities but from patriarchal norms embedded in procedural language.

Both theories understand the state–law nexus as productive of gendered social order, but they explain different mechanisms. Dominance theory reveals how institutional equality is saturated with patriarchal logic, helping explain frontline understandings within organisational rules and power structures (MacKinnon, 1989). Discourse critique shows law as a producer of “hearable experience” through naming, evidence and procedure, offering tools to see how frontline workers linguistically construct “the state” (Smart, 1989).

3.3 Alignment with the research questions.

- How frontline workers understand the state (RQ1): analyse discursive practices—how legitimacy resources (“by law,” “neutral,” “harmonious,” “standpoint”) are mobilised to imagine/present the state.
- Why this understanding is formed (RQ2): trace institutional conditions—divisions of authority, procedural requirements, performance assessments, training manuals—through which certain explanations are internalised.
- How this understanding shapes implementation (RQ3): observe translation into choice points—case naming/categorisation, intervention thresholds and evidence paths, and shifts between procedural and outcome-oriented orientations.

Practically, the study integrates both theories into an interconnected perspective: (1) use legal/policy texts, organisational processes and training materials to map institutional constraints; (2) analyse verbatim interview data to identify key vocabulary, narrative practices and justificatory resources constructing the state’s image; (3) examine decision points in case narratives as windows onto how understandings become operational strategies. Rather than pre-empt conclusions, the framework transforms the two traditions into testable dimensions to address “how it is understood—why it is formed—how it influences,” advancing macro accounts of “institutional failure” toward a mechanistic explanation of frontline understanding and practice (MacKinnon, 1989; Smart, 1989).

4. Methodology

4.1 Research questions.

1. How do frontline professionals understand the state’s institutional role in domestic-violence governance?
2. Why do frontline professionals come to hold such understandings?
3. How do these understandings shape their modes and strategies of implementation?

The study employs semi-structured interviews with frontline roles (police; community/street officials; Women’s Federation; social workers; judicial/legal actors), paired with reflexive thematic analysis (RTA) to identify how interviewees invoke justificatory language (“by law,” “neutral,” “harmonious,” “standpoint”) and role metaphors. It concurrently tracks the conditions shaping these understandings—organisational rules/processes, performance and resource constraints, training, and local norms. To trace translation mechanisms from cognition to strategy, analysis focuses on key decision points: case naming/categorisation; intervention thresholds and evidence collection paths; procedural vs outcome orientations; and documentation/referral habits. A feminist legal critique-based textual analysis supplies a gender-critical checklist for legal/policy texts (e.g., ongoing violence; coercive control; triggers for protection orders; family/harmony discourse), enabling cross-reference with interview themes. Triangulation then juxtaposes “institutional design” with “practical implementation” to provide a mutually corroborative, mechanism-oriented explanation (Galletta, 2012; Rubin & Rubin, 2004; Braun & Clarke, 2006, 2021; Braun, Clarke and Hayfield, 2022).

4.2 Interview Analysis and Reflexive Thematic Analysis (RTA)

Semi-structured interviews are treated as a dynamic process of meaning-making: language is constructive and context-embedded (Brinkmann and Kvale, 2015). This suits a gender-critical stance attentive to the interweaving of power and discourse. RTA holds that themes are not discovered but constructed through researcher–material interaction (Braun and Clarke, 2006: 79), aligning with this study’s feminist legal critique. The researcher thus acts as an engaged, reflexive analyst (Braun, Clarke and Hayfield, 2022: 1397).

Unlike content analysis, RTA does not seek coding consensus or inter-rater reliability; it emphasises theoretical positioning and reflexive practice. The aim is to identify patterns of shared meaning that answer the research questions, rather than frequency counts (Braun, Clarke and Hayfield, 2022: 1398). The six flexible phases are: (1) familiarisation; (2) initial codes; (3) constructing themes; (4) reviewing themes; (5) naming/defining themes; (6) writing (Braun and Clarke, 2006). Theme construction follows theoretical sensitivity to ensure both analytic tension and research significance. Each theme will be presented in a three-tier structure—researcher interpretation, original quotes, and theoretical response—embedding feminist legal critique to expose institutional power’s operational logics (Braun, Clarke and Hayfield, 2022: 1402).

In line with the research questions, the analytic outline examines: (RQ1) how interviewees imagine and position “the state”; (RQ2) how organisational rules, processes and local norms shape/stabilise this understanding; (RQ3) how understandings translate into actions at decision points (naming/categorisation; thresholds and evidence paths; procedural vs outcome orientation). Supplementary modules include retrospection on daily decision paths, interdepartmental coordination/boundaries, resource/performance constraints, and proposals for mechanism improvement (see Interview Outline/Appendix).

4.3 Textual Analysis

Legal texts are treated as linguistic practices through which state power builds gendered orders. The study conducts a feminist legal critique-based reading of the Anti-Domestic Violence Law, judicial interpretations, and templates for written admonitions. The “gender-critical checklist” functions as a sensitising guide (not a scoring tool) to attune coding and writing to four recurrent phenomena: camouflage of neutrality, prioritisation of family/order, concealment of structural inequality, and the “ideal woman” script (MacKinnon, 1989; Smart, 1989). For cross-reference at the institutional layer, a separate “Legal Element Extraction Checklist” records: obligation modalities (“shall/should/may/when necessary”), triggering timeframes/tools (e.g., 24/72-hour windows; no-contact/move-out/shelter), responsible entities and backstop provisions, and alternative evidence pathways (police records, admonitions, assessments). This is used for writing/auditing the appendix trajectory only and does not alter RTA theme generation.

This table is a sensitising concept checklist, designed to guide the theoretical orientation of theme analysis. The corresponding legal article references are solely for juxtaposition in writing and appendix auditing, and do not constitute a quantitative scoring tool or a consistency check for coding.

1. Does the legal language present as ostensibly “neutral” while substantively encoding a patriarchal standpoint?	Derived from MacKinnon’s (1989) critique of the “myth of legal neutrality”: she argues that while law proclaims “equality for all,” it universalises male experience as the human norm, relegating women’s experiences to “special” exceptions warranting compensation. This insight directly prompts an inquiry into whether ostensibly “neutral” legal formulations conceal the universalisation of a male standpoint.
2. Is domestic violence constructed as a private, rather than a public, issue?	Derived from MacKinnon’s (1989) critique of how the state evades public responsibility by familialising and privatising violence. When domestic violence is not framed as a human-rights violation but is subsumed under the rhetoric of “family harmony” and pedagogical functions, law becomes an apparatus for maintaining family order rather than a mechanism for safeguarding citizens’ rights.
3. Does the law use vague terminology to downplay the severity of violence?	Drawing on MacKinnon’s (1989) analysis of the “difficulty of proof” in legal practice and Smart’s focus on the ambiguity constructed by legal language, both scholars highlight how law often employs vague terminology when addressing violence against women. This not only raises the threshold for institutional intervention but also makes the definition of violence “negotiable” rather than “verifiable.”
4. Does the law prioritize “family harmony” over individual rights?	Drawing on Carol Smart’s (1989) critique of legal moral discipline, she argues that law is not only a mechanism of governance but also a system of normative construction. Through language, it establishes “proper” social relations. When legal texts frequently emphasize terms like “family harmony” and “social stability” over “individual rights,” it indicates that the law’s disciplinary function takes precedence over its emancipatory potential.
5. Is gender equality symbolically written but lacking	This question focuses on Smart’s (1989) critique of how “gender equality” is hollowed out into symbolic rhetoric within the law. While the law may use phrases like “protecting women,” if it fails to acknowledge women as the primary victims of

substantive implementation?	violence and does not propose institutional solutions, such statements become merely politically correct symbols, lacking substantive impact.
6. Does the discourse performatively construct an “ideal woman” script?	This is derived from Smart’s (1989) discussion of "constructive discourse" in law. She emphasizes that law not only describes reality but also produces roles and norms. When legal texts frequently emphasize family ethics such as "mutual assistance," "tolerance," and "fulfilling duties," these moral discourses often fall upon women, re-disciplining them into the role of the "good wife and mother."
7. Does the law overlook structural inequality and institutional barriers?	Drawing on MacKinnon’s (1989) critique of patriarchy in social structures, it is argued that understanding domestic violence solely in terms of individual behaviour overlooks deeper structures such as male privilege, judicial indifference, and unequal law enforcement. If the law fails to address these institutional barriers, it cannot truly respond to the root causes of violence.
8. Is the state cast as a “moral guide” rather than an accountable duty-bearer in the text?	MacKinnon (1989) argues that the state often maintains male dominance through institutional structures, and when it evades protective obligations in law while emphasizing mediation and education, it effectively reaffirms patriarchal structures through moral governance. Smart (1989) emphasizes that legal discourse is constructive, and when the state portrays itself through non-rights-implementing language, it reflects its focus on maintaining order and stability rather than advancing gender justice.

4.4 Juxtaposed Comparative Triangulation

During writing, interview-constructed themes are juxtaposed with extracted legal elements within the shared theoretical framework (Denzin, 1970; Flick, 2004). Triangulation here is a theory-driven comparative reading, not repetitive “validation.” Interviews reveal how frontline workers understand/apply the system; texts show how the state builds institutional intentions and gender-governance logic via language. Each item is judged as: Convergence (text and practice reinforce; mechanism: alignment), Complementarity (text supplies tools; practice adds specificity; mechanism: supported adaptation), Divergence (text obligates; practice delayed by resources/interpretations; mechanism: constraints/variations), or Silence (text lacks triggers/backstops; practice fills with individualised solutions; mechanism: moralised discretion). A guiding chain is: Textual language features → End-level interpretation/discretion → Disposal path → Survivor outcome. RTA remains core; cross-reading provides institutional grammar and discourse resources.

4.5 Epistemological and Methodological Stance

Anchored in constructivism, the study treats knowledge as socially generated through interaction, consistent with analysing institutional practitioners’ meaning-making in interviews. Methodologically it adopts a critical feminist legal stance (MacKinnon, 1989; Smart, 1989), foregrounding how power and discourse shape legal/institutional practices. The researcher intervenes as a “critical insider,” aiming not for neutrality but for exposing mechanisms of gendered domination.

4.6 Data Sources, Sampling and Recruitment

Nine frontline participants were recruited: community police officers, grassroots Women’s Federation staff, judicial/legal personnel, street/community officials, government enforcement, and social workers. Purposive sampling targeted “information-rich” cases (Patton, 2015). Initial attempts via personal networks failed: Women’s Federation contacts cited organisational prohibitions (“The organisation has regulations that prohibit any form of interviews”), and others declined without reasons—likely reflecting sensitivity around “state system” topics. Recruitment shifted to Xiaohongshu (Little Red Book) for a privacy-favouring, tag-based cold start. Posts used professional keywords (“frontline workers,” “police,” “community workers”); appropriate financial compensation was offered; and professional identity verification was required (work certificates/organisation IDs with sensitive parts masked). Nine participants completed interviews. An incentive to recommend others yielded no referrals,

suggesting ongoing safety concerns even on semi-anonymous platforms.

4.7 Participant profile (IDs; role; region; area type; gender):

Participant ID	Occupation	Region	Area Type	Gender
1	Community Worker	North China	First-tier City	Male
2	Street Office Staff	East China	Third-tier City	Female
3	Police	Northwest China	First-tier City	Female
4	Community Worker	North China	Rural Area	Male
5	Police	East China	Third-tier City	Male
6	Social Worker	North China	First-tier City	Female
7	Lawyer	Central China	First-tier City	Female
8	Government Enforcement Officer	East China	Rural Area	Male
9	Women's Federation	Central China	First-tier City	Female

4.8 Heterogeneity and rationale

While not statistically representative, the sample achieves maximum variation across institutional identities, regional levels, economic foundations and administrative structures—supporting analysis of how “the state” is practised and understood in differing contexts.

4.9 Limitations

Coverage omits Northeast, South, Southwest and border ethnic regions; platform recruitment may bias toward more articulate or critique-aware practitioners; and the study lacks systematic comparisons by age, seniority or job level, limiting intersectional analyses. Future work should expand samples, enable horizontal comparisons, and model the institutional chain panoramically.

4.10 Reflections on the Truthfulness and Constructiveness of Interview Discourse

“Truthfulness” refers not to a single verifiable “fact” but to how participants construct understanding within social-institutional contexts (Kvale & Brinkmann, 2015). Interviews are co-constructed practices; discrepancies (e.g., strict proceduralism affirmed in one moment, admissions of weak follow-up on protection orders in another) signal tensions between institutional rationality and practical constraint rather than disqualifying testimony. The analysis treats discourse as meaning-making situated in institutional environments.

4.11 Ethics

Participants received an electronic “Informed Consent Form” outlining purpose, format, data handling and rights, with time for questions. As interviews were online, recorded verbal consent followed a reading of the form (“agreement/disagreement” explicitly stated), ensuring voluntariness and withdrawal rights at any time. To enhance psychological safety, the researcher provided the academic advisor’s email so participants could contact a supervisory authority regarding concerns, mitigating power asymmetries and improving trust.

No real names, precise organisational affiliations or directly identifying details were collected. Recognising re-identification risks via combinations (position × region), reported attributes were de-identified and cross-masked. Interviews were labelled by ID (e.g., “Participant 2”); audio/text were stored in encrypted cloud with dual authentication, accessible only to the researcher, and retained for five years per University of Sussex policy before permanent destruction. Given topic sensitivity (domestic violence; state institutions), the researcher avoided probing trauma, monitored affect and consent continuously, and maintained respectful, non-coercive, ethically compliant conduct.

4.12 Research Strategy and Researcher Reflection

Future work would prioritise cold-start platforms (e.g., Xiaohongshu) over familiar networks, which were constrained by institutional gatekeeping and identity concerns. The online, semi-anonymous environment better surfaced willing participants. Sampling would be further optimised to include wider ranges of experience, rank and responsibility, enabling layered analysis of role perceptions along the institutional chain.

The researcher reflects on “de-emotionalised” responses during sensitive disclosures (e.g., personal experiences of domestic violence). Striving for “neutrality” risked “unethical detachment.” A better balance would combine professional ethics with humane presence—brief affirmations or silent support—recognising the researcher as guardian of a safe space as well as analyst. This reflexivity is consistent with a constructivist, feminist legal methodology that treats interviews as co-produced knowledge (Brinkmann and Kvale, 2015; Braun and Clarke, 2006, 2021; Braun, Clarke and Hayfield, 2022).

5. Analysis

This chapter moves from theory to practice. First, it outlines frontline workers’ presuppositions about “the state”—treating the legal declaration of equality as already realised, with interpretive authority concentrated “upwards.” It then traces how this premise crystallises into three implementation logics: (1) externalising poor outcomes to resources, culture, or individuals; (2) substituting completion of procedural steps for the outcome goals of “stopping violence and ensuring safety”; and (3) rewriting cases through discretionary judgments in zones of institutional ambiguity using local consensus or gendered bias. These are not parallel but staged unfoldings of the same premise, co-producing a routine in which “the state is correct and women’s experiences are marginalised” (MacKinnon, 1989; Smart, 1989).

5.1 Premise: Imagined “already-achieved equality” and centralised interpretive authority

5.1.1 Treating textual proclamation as factual reality

Participant 7, describing marriage registration, emphasised staff verifying voluntariness and equality:

“The Civil Affairs Bureau... will ask, ‘Are you doing this voluntarily? Is your marriage legal?’ ... so, in normal circumstances, marriage between a man and a woman should be equal.”

Here, the National People’s Congress(2020)’s textual declaration—voluntary and equal marriage (National People’s Congress, 2020, Arts. 1041, 1046, 1049)—is presumed to guarantee actual equality once the procedure is completed; “special attention” focuses on visible vulnerability (e.g., disability), mirroring rights-protection clauses (Art. 1041) and prohibitions on forced marriage, trafficking, and domestic violence (Arts. 1042, 1046), with post-facto annulment remedies (Art. 1052).

Yet structural inequalities (economic control, reputational/familial pressure, long-term dependence) are not institutionalised for ex ante screening at registration: Who probes the risk context behind “voluntariness”? Are separate inquiries or information isolation mandatory? Can staff delay registration and initiate protection/referral when doubts arise? The legal text is largely silent. Thus, “formal equality” (text) is treated as evidence of “factual equality” (relation), obscuring structural risks. This manifests both MacKinnon’s critique—neutral standards de-structuralise asymmetry—and Smart’s claim that legal categories produce what counts as “hearable” fact. The window thereby produces an institutional reality of “already-achieved equality,” shaping later decisions on labelling, thresholds, and procedures (MacKinnon, 1989; Smart, 1989).

5.1.2 Default subordination to hierarchical interpretive authority

Participant 9 repeatedly invoked “higher political standing”:

“My political standing is relatively low... leadership’s political standing is much higher... I can only represent my

personal opinion.”

Design and interpretive authority are imagined as residing at higher levels with “deeper intentions.” The legitimacy of institutional proclamations is thus taken for granted, while implementation is framed as executing within a circumscribed space—insufficiencies are practical, not design flaws. Consistent with Smart (1989), the authority to define “equality” fixes the boundary of legally actionable experience.

Summary of the premise. At entry, textual equality is taken as factual equality; interpretive power is centralised “upward.” Together they stabilise the state as “already correct/neutral” and the frontline as the procedural executor. This addresses RQ1 (state imagined as neutral/correct), reveals formation/maintenance mechanisms for RQ2 (procedural entry + centralised interpretation), and grounds RQ3, which the next sections elaborate via three derived pathways.

5.2 Derived Mechanism I: Responsibility externalisation

Under the premise of “achieved equality + centralised authority,” poor outcomes are reattributed away from institutional design to external variables. Five recurrent narratives appear: resource scarcity, sporadic implementation, culture, pre-emptive individualisation, and post-hoc individualisation.

5.2.1 Resource scarcity

Frontline accounts shift from legal duties to capacity limits. Participant 9 on protection orders:

“With limited police resources, it’s impossible to provide 24-hour protection for one person.”

The Anti-Domestic Violence Law (ADVL) mandates prompt police response and assistance (2015, Arts. 15, 28, 32) and requires timely judicial decisions on personal safety protection orders (PSPOs). Yet capacity narratives convert mandatory obligations into recommendations for victim self-protection/avoidance. Protection thus becomes risk management borne by the victim (find safe housing, cut off exposure, face stalking/harassment), while the system awaits judicial milestones. The evaluative criterion shifts from “has violence stopped/is safety ensured” to “what is reasonably achievable within resource constraints”—classic formal-equality displacement of structural scrutiny (MacKinnon, 1989).

5.2.2 Sporadic implementation

Participant 8 described courts that had “never issued” PSPOs and judges lacking experience:

“If everyone worked together to promote this... the law should be sufficient... The problem is that no one is working together to push this forward... ‘let it go’...”

Despite ADVL deadlines (24 hours for emergencies; 72 hours otherwise: Arts. 23, 28), acceptance/rulings are delayed or shelved through passivity and responsibility-shifting. “The law is fine; people aren’t pushing” exceptionalises systemic failure as individual laxity (MacKinnon, 1989), explaining RQ2 (persistence via exceptionalist narratives) and driving RQ3 outcomes (delayed triggers/stagnation).

5.2.3 Cultural factors

Participant 3:

“‘Family shame should not be made public,’ so domestic-violence victims are reluctant to seek help... Neighbors... avoid trouble.”

Participant 4 on patriarchal property logic:

“This is my wife... I paid to marry her... it’s my own family matter.”

Cultural shame and “family autonomy” depress reporting, testimony, and intervention. Textually, ADVL promotes family harmony/virtue and people’s mediation (Arts. 3, 6, 10), which can be mobilised to normalise “handle internally.” Yet the law also centres rights/safety and mandates protection/accountability (Arts. 1, 5, 33). In practice, shame/autonomy frames can eclipse rights triggers, raising help-seeking thresholds and shifting burdens back onto private networks—cultural legitimization for non-interference (MacKinnon, 1989; ADVL Arts. 1, 3, 5, 6, 10, 33).

5.2.4 Pre-emptive individualisation (“prevention”)

Participant 7 (P7) emphasised women’s early risk screening and boundary-setting in intimate relationships:

“If, during dating, a woman notices that the man’s temper is unstable or uncontrollable, she should leave quickly.”

The interviewer then asked: “From the standpoint of prevention, should priority rest with state authority (e.g., police intervention, written admonitions, PSPOs) or with the personal level?” P7 replied: “From the personal perspective.” In other words, P7 places the centre of prevention on individual recognition/relationship management and early exit, rather than first activating formal mechanisms (police response, shelter, or protection orders)—a stance that sits in tension with the ADVL’s prevention-first design that equips early and immediate public protections (Standing Committee of the National People’s Congress, 2015, Arts. 5, 15, 18, 29).

5.2.5 Post-hoc individualisation (disposition)

Participant 3 on victims retracting at critical points, Here, (“they/them” refers to some victims; “he” refers to the perpetrator.):

“If it really comes down to something... they would say ‘It’s fine’ and change their story... Why protect him?”

Case “failure” is attributed to victims’ “weakness/stubbornness,” not deficits in safety, psychological, or economic support. Textually, ADVL instructs respect for victims’ wishes, offers alternative evidence routes (police records, admonitions, injury assessments), and early protection instruments (harassment bans, move-out orders) (Arts. 5, 20, 29). But practice often interprets retraction as “her choice,” rationalising institutional withdrawal. Individualised narratives integrate with “we completed our part,” immunising the system.

Summary of externalisation. Governance failure is detached from institutions (resources, sporadicity, shame/autonomy), while pre-emptive/post-hoc individualisation shifts public protection to women’s self-management. For RQ2, resource discourse + exception narratives + culture–text convergence legitimise “no fault in the system.” For RQ3, protection triggers are delayed, thresholds raised, and evaluation pivots from “stop violence/safety” to “process/achievability.”

5.3 Derived Mechanism II: Mechanised implementation

Once failure is externalised/individualised, “completing assigned actions” suffices to justify responsibility. Indicators move from outcomes to process-compliance. While the text lists numerous procedural duties (follow-ups after admonitions; legal education; optional psychological counselling; assistance enforcing PSPOs), outcome measurement and end-point accountability are weak, so “record-keeping compliance” substitutes for “stopping violence/reducing risk” (ADVL Arts. 17, 22, 32).

5.3.1 Completing prescribed actions within divisions

One high-risk case involved a volatile abuser threatening staff safety. The court suggested subdistrict mediation; the subdistrict refused, citing lack of coercive powers and returned the case to court/police:

“The subdistrict office has done everything it could... we truly can’t do anything.”

This fits the legal positioning of grassroots mediation (townships/subdistricts organise prevention; people's mediators resolve disputes: ADVL Arts. 8, 10). Procedural obligations abound—admonitions, follow-ups, education, assistance with PSPOs—but the text is largely silent on who escalates, when to escalate, and how to assign fallback responsibility if procedures fail (Arts. 16–17, 22, 32). Consequently, “actions within authority” documented via delivery/follow-up/notification become proof of responsibility; cases pass to the next node. Goals shift from “stop violence/ensure safety” to “perform duties/produce paperwork/transfer onward.” As Smart (1989) argues, legal discourse slices complexity into operable units, narrowing recognised aims; here, process eclipses outcomes.

5.3.2 Ambiguity in interdepartmental responsibility and blame-shifting

Higher-level provisions require governments to organise/coordinate/fund, and departments to “carry out anti-DV work,” but are abstract and do not designate leads, triggers, timelines, information-sharing, or accountability indicators (ADVL Art. 4; cf. Arts. 7–9). In practice, ambiguities spur category slippage (e.g., economic control down-coded as “economic dispute” at community level; no clear ownership of psychological support, abuser re-education, or post-intervention placement), producing a juxtaposition of “closed processes—absent outcomes” (Arts. 10, 18, 22).

Participant 4 listed comprehensive manuals and legal routes (reporting, evidence, PSPOs, custody/property rules) but observed poor results:

“These contents are ‘quite comprehensive,’ but in practice... results are poor... recurrence is very high.”
On economic control:

“Community treats it as an economic dispute; judiciary says it is domestic violence... In the end, no one recognises it, and it gets passed around... No one follows up... no supervision... There is no clear ‘responsibility checklist.’ Who handles psychological support or rehabilitation? Who follows long-term? Who re-educates the abuser?”

Abstract coordination in text and operable justification on the ground reinforce each other: each stage self-certifies “our part is done,” while substantive risk persists. With recurrence/follow-up/escalation absent from performance metrics, accountability lacks traction (Smart, 1989; ADVL Arts. 4, 7–10, 18, 20, 22, 29). Predictably, “process-completion = responsibility fulfilled,” while “stop violence/safety” recedes—precisely where discretion fills gaps (see next section).

Weak outcome evaluation + divided authority + abstract authorisations with responsibility vacuums normalise “process = legitimacy” (RQ2). Practically (RQ3), cases traverse delivery–follow-up–referral chains, shifting responsibility downstream. Conceptually (RQ1), the state is framed as a neutral process-provider, reinforced by daily execution wherein process precedes outcome.

5.4 Derived Mechanism III: Discretion in institutional ambiguities

Process self-certification does not answer “when is it severe/who triggers what/where is fallback.” At these interfaces, discretion is mobilised. With “a priori equality” and centralised authority as backdrop, frontline staff fill textual silences with local consensus and gendered bias, reconstructing case nature and actionability (MacKinnon, 1989; Smart, 1989).

5.4.1 Local consensus fills the system's gaps

Without operational severity gradations or a mandated sequence (“mediation first” is not required), people's mediation (ADVL Art. 10) is widely read as the state's priority intent, elevating severity thresholds and delaying judicial triggers. Participant 10 described a stepped routine—home mediation → mediation room “deterrent” → push toward reconciliation:

“If mediation can conclude the case, we try our best to mediate... Otherwise, why have a mediation step?”

When asked for a legal basis, he traced it to traditional beliefs—“宁拆十座庙，不毁一桩婚” (“better to tear down ten temples than end one marriage”)—and to protecting children from single-parent families:

“They should try to reconcile and return to family life... because divorce impacts the child.”

Severity thresholds become localised (“bruises are not severe; fractures trigger judicial action”), raising entry bars. Textually, ADVL also mandates special protection and rights guarantees (Art. 5). The convergence of mediation discourse and familist norms can thus conflict with rights-oriented timeliness (Arts. 5, 10). In MacKinnon’s terms, privileging marital integrity subordinates women’s victimisation to patriarchal value (1989). For RQ2, tradition authorises discretion; for RQ3, it produces “entry screening/exit reconciliation,” reinforcing the RQ1 image of a procedural state.

5.4.2 Reconstructing institutional meaning via gendered bias

Participant 7 introduced the stereotype of “women abusing the law,” warning against “wasting police resources”:

“Sometimes women can be quite 强势... the boyfriend thinks it’s ‘just the right amount of force,’ but the woman calls the police... we also advise the women not to waste police resources.”

He referenced an online divorce case and, despite lacking legal confirmation, took alleged infidelity as fact to frame the woman as “maliciously exploiting the system.” In a separate case, an assault caught on camera was downgraded because “she was laughing a second ago,” leading to “mutual criticism and education”:

“In practice, it still depends on my own subjective judgment.”

While ADVL instructs respect for victims’ wishes and offers alternative evidence routes and early protection tools (Arts. 5, 20, 29), bias reorients “naming” toward motive-morality rather than harm/risk. Protection that should trigger is downgraded, aligning with Smart’s analysis of reclassification by holders of interpretive authority (1989). For RQ2, biased discourse becomes the semantic anchor; for RQ3, protection tightens/downgrades; for RQ1, the “neutral procedure” is reproduced.

5.4.3 Patriarchal honour: public shaming as “order restoration”

Participant 10 recounted a case with strong moralised narration:

“... the husband caught her cheating... stripped her, tied her to a tree... whipped her... everyone in the village knew.”

Institutional presence appeared as verbal warning:

“Police told the perpetrator: ‘Your actions have already violated the Anti-Domestic Violence Law’—using the law to intimidate him.”

The case then moved quickly to mediation:

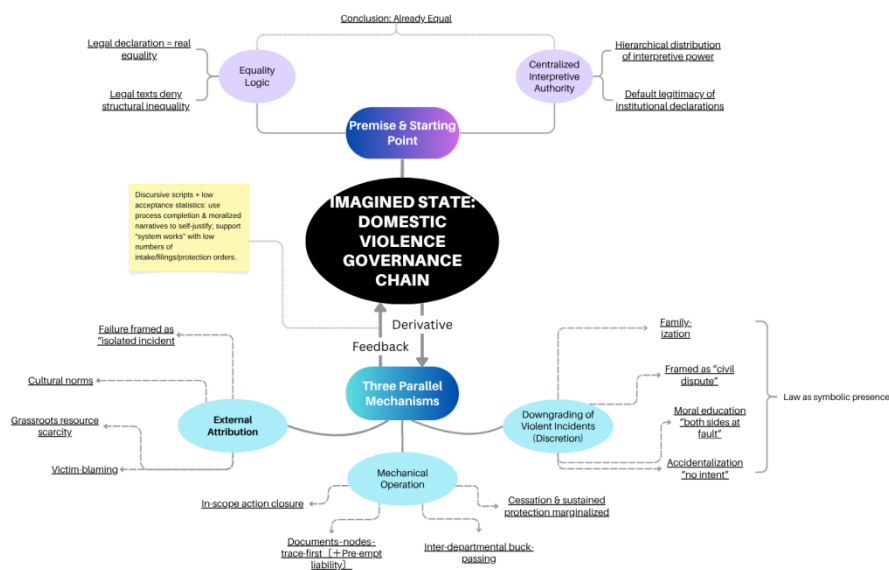
“She compromised and went back... both families persuaded them... they made up.”

Despite potential illegal detention/insult/intentional harm, the response was “law present (in discourse) / withdrawal (in practice),” culminating in reconciliation—a return to the “family matter” frame. ADVL prohibits domestic violence and provides protective/accountability tools (Arts. 29, 33), but the moral grammar of chastity–motherhood–family integrity reclassifies actionable harm as negotiable. MacKinnon (1989) and Smart (1989) explain how patriarchal order is reproduced through proceduralised discourse.

Threshold elevation, reclassification, and public shaming together enable the retreat of outcome-oriented obligation and the silencing of women’s actionable experience. In RQ1 terms, the frontline does not merely “execute” but uses procedural legitimacy to construct a state-infused discretionary space that participates in

reproducing violence. For RQ2, institutional gaps, abstract authorisations, responsibility voids, familist consensus, gendered suspicion, and performance/resource constraints translate managerial discretion into procedural violence. For RQ3, a linked chain—threshold adjustment → reclassification → public shaming—delays triggers, downgrades to mediation, retreats accountability/continuous protection, and re-loads risk onto victims.

5.5 Summary: The governance cycle



Centred on the “domestic-violence governance chain under the imagined state,” this analysis shows how the state is made at the chain’s end. Two premises launch the cycle: (1) equality in text is taken as equality in fact; the silence on structural inequality is read as evidence of equality; and (2) interpretive authority is centralised, legitimising bureaucratic design by default. The state is thus imagined as a “rule-provider/presence in process,” not an “outcome-responsible duty-bearer.”

Operating on this premise, three interlinked mechanisms stabilise practice:

External attribution. Failures are explained by isolated or individual factors. Cultural inertia and resource scarcity justify “we did all we could,” and victims are tasked with self-risk management.

Mechanised operation. The loop of documents—warnings—records—transfer becomes the work’s completion standard; “stop violence/ensure ongoing safety” is marginalised. Without clear accountability/escalation timelines, cross-departmental action often yields “no responsibility” outcomes.

Discretionary reclassification. Where the system is ambiguous, thresholds are raised; violence is reframed as “domestic dispute” or “non-malicious,” and coercive tools give way to “education” and “reconciliation.” Consequently, cases are retyped as not requiring protection.

Together they sustain a discourse where low acceptance and high “completion” appear as indicators of good operation. Procedure and narrative narrow accountability for results, while “her choice,” “limited resources,” and

“we’ve done everything” testify to system effectiveness. This discourse then re-feeds the cycle’s start—reaffirming “already equal” and centralised interpretive authority. The state appears as a “symbol of rule of law,” while the criteria of ongoing safety/risk reduction remain marginal.

The cycle is not linear but recursive: declaration → execution → reclassification → reintegration. Textual declaration posits the a priori; execution proceduralises and decentralises; discretionary judgment rewrites case meaning; and reintegrative narrative legitimises institutional immunity. This explains why, even as the state is imagined as neutral and present, the substantive goals of stopping violence and ensuring protection are displaced from the governance objective (MacKinnon, 1989; Smart, 1989; Standing Committee of the National People’s Congress, 2015; National People’s Congress, 2020).

6. Conclusion

This study, centred on frontline enforcement of anti-domestic violence in China, identifies a recursive governance loop of “prioritised equality → process first → discretionary supplementation → reclassification → reinforcement.” The legal declaration of equality is implicitly treated as social fact at entry; interpretive authority is centralised “upwards,” normalising the assumption that “the state is already correct.” On the enforcement end, completion of procedures becomes proof of responsibility. In the system’s gaps, discretion fills the void, frequently recasting domestic violence as a “family matter” to be mediated within local consensus and gendered suspicion. Failures are then reframed through resource narratives and individual agency, de-structuring the problem (MacKinnon, 1989; Smart, 1989).

RQ1. How do frontline professionals understand the state’s institutional role?

Reading across institution–discourse–practice (integrating MacKinnon’s institutional domination with Smart’s legal-discourse critique), frontline professionals largely perceive the state/law as a neutral adjudicator that provides rules and ensures procedural presence. Textual proclamations of equality and neutrality anchor an a priori; the Anti-Domestic Violence Law (ADVL) and supporting mechanisms are operationalised through proceduralisation and division of responsibilities. Interpretive power is then centralised in bureaucratic hierarchies and guidance, while outcome responsibility is displaced downstream. Under this understanding, “compliant execution” becomes the primary response to the state’s role. The state appears less an outcome guarantor (“stop violence, ensure ongoing safety”) and more a framework/provider of procedures, thereby legitimising end-level discretion as “technical handling within the rules.” In daily casework, the state is thus materialised as procedural presence, ready-to-hand in forms, referrals, and files, rather than as a duty-bearing protector.

RQ2. Why do frontline professionals hold such understandings?

Three forces align:

1. Institutional design. Abstract authorisations, silence around triggers/backstops, and weak outcome accountability together create space for “process = due diligence.” Leaving procedural traces is narrated as sufficient responsibility.
2. Administrative pressures. Resource constraints, performance metrics, and projectified social services squeeze collaboration and shrink sustained support. This encourages task completion over outcome pursuit, shifting protection burdens onto victims.
3. Local culture × legal language. Familist ideals of harmony/integrity and gendered suspicion converge with legal discourse on mediation and order, normalising raised severity thresholds and discounting continuity/coercive control. Through resource and individual-choice narratives, structural critique is immunised: failures are individualised; the prior “equality” and centralised interpretation are reproduced; the state is re-imagined as procedural presence only.

RQ3. How do these understandings shape implementation strategies?

Practice stabilises into a reproducible chain. Textual declaration enters execution as proceduralisation/decentralisation; end-level discretion then reclassifies cases (raising thresholds, downgrading to “disputes,” routing to mediation). Ultimately, narratives of individualisation, resources, and morality are recycled to immunise the institution, completing the loop. Direct manifestations include:

1. Public protection → private risk management (delayed triggers; victims carry safety planning).
2. A documentation–transfer loop substitutes for the outcome goal of “stop violence—ensure safety.”
3. Under blurred responsibility, strong shame norms and fear of single-parenthood encourage procedural violence (e.g., public-shaming “mediation” displacing accountability/protection).
4. Where evidence chains are clear and interdepartmental coordination functions, phased protection can result—but often remains case-bound, not consolidated into replicable outcome logic.

Synthesis: The governance loop

Summarising RQ1–RQ3, the loop “priori equality → process priority → discretion → reclassification → recycling” explains procedural presence with absent results. At the endpoint, procedure is “performed”; the state is procedural rather than outcome-responsible. Under abstract authorisation, resource/performance pressures, and local gendered discourses, “process equals responsibility” is legitimised, and failures are recast as individual narratives. This framework clarifies how outcome goals are displaced and offers an interface for reconstructing outcome-oriented approaches (MacKinnon, 1989; Smart, 1989; Standing Committee of the National People’s Congress, 2015).

Policy implications: Re-centring outcomes

To pivot from procedural presence to substantive protection, policy should:

1. Re-anchor evaluation in outcomes. Make violence cessation and sustained safety the core metrics. Shift performance from process compliance to risk reduction, using recurrence rates, measured risk deltas, and continuity of protection as primary indicators.
2. Harden triggers and accountability. Specify lead agencies, trigger thresholds, and escalation timelines within enforceable SLAs (service-level agreements). Define backstop responsibilities to avoid responsibility vacuums.
3. Substantively recognise coercive control/ongoing abuse. Reform evidence rules to centre continuity and control, operationalise alternative evidentiary paths (police records, admonitions, medical records, audio-visuals), and lower practical burdens consistent with ADVL’s rights logic.
4. Make PSPOs usable/enforceable. Simplify access, expand content (e.g., no-contact, move-out), standardise supervision, and tighten violation consequences.
5. De-projectify social work capacity. Fund stable posts; integrate joint follow-up with police/courts; attach shared accountability for continuity of care.
6. Prohibit public-shaming “mediation.” Ban “order-restoring” rituals as substitutes for accountability/protection; ensure rights-based interventions are not displaced by moral discipline.

Limitations and future research

This study’s sample size and regional coverage are limited; online cold-start recruitment may bias toward more articulate/critically aware practitioners. The absence of process data from judgments/enforcement files constrains longitudinal tracing. Future work should pursue multi-site comparative and process-tracing designs, reading the judgment–execution chain to identify organisational/cultural configurations that stabilise discretion on the non-harm side and yield replicable outcome logics. Expanding to ethnic minority/border regions can test boundary conditions and generalizability.

By revealing how equality-as-premise, process-as-proof, and discretion-as-glue together reclassify violence and recycle failure, the study shows why governance so often performs procedure while missing results—and how a redesign oriented to triggers, accountability, evidence, PSPOs, capacity, and bans on shaming rituals can move the system toward stopping violence and ensuring sustained safety.

References

- [1] All-China Women’s Federation and National Bureau of Statistics. (2011) Main Data Report of the Third Survey on the Social Status of Women in China. [online] Available at: <https://www.chinanews.com/sh/2011/10-21/3406051.shtml> (Accessed 24 Jul. 2025).
- [2] Brinkmann, S. and Kvale, S. (2015) *InterViews : learning the craft of qualitative research interviewing*. Third edition / Svend Brinkmann, Steinar Kvale. Los Angeles: SAGE.

- [3] Braun, V. and Clarke, V. (2006) 'Using thematic analysis in psychology', *Qualitative Research in Psychology*, 3(2), pp. 77–101.
- [4] Braun, V. and Clarke, V. (2021) 'One size fits all? What counts as quality practice in (reflexive) thematic analysis?', *Qualitative Research in Psychology*, 18(3), pp. 328–352.
- [5] Braun, V., Clarke, V. and Hayfield, N. (2022) 'A worked example of Braun and Clarke's approach to reflexive thematic analysis', *Quality & Quantity*, 56, pp. 1391–1412.
- [6] Braun, V., Clarke (2006) "i naturfagdidaktiske studier: A critical discussion of "thematic analysis following Braun and Clarke (2006)" in science education research', *Nordina : Nordic studies in science education*, 20(1), pp. 57–71. Available at: <https://doi.org/10.5617/nordina.10094>. (Accessed 24 Jul. 2025).
- [7] Cao, B. (2024) Research on the Protection of Civil Rights of Women Victims of Domestic Violence. Master's thesis, Harbin University of Commerce. <https://doi.org/10.27787/d.cnki.ghrbs.2024.000678> (Accessed 30 Jul. 2025).
- [8] Coomaraswamy, R. (1996) Report of the Special Rapporteur on violence against women, its causes and consequences: Violence against women in the family. UN Doc E/CN.4/1996/53. Geneva: Commission on Human Rights.
- [9] Denzin, N.K. (1970) *The Research Act: A Theoretical Introduction to Sociological Methods*. Chicago: Aldine.
- [10] Zheng, Danying. 2021. A Study on the Dilemma and Countermeasures of Social Work Intervention in Women's Anti-Domestic Violence Services [Master's thesis]. East China University of Science and Technology. DOI: 10.27149/d.cnki.ghdgu.2021.001575. (Accessed 24 Jul. 2025).
- [11] Flick, U. (2004) Triangulation in Qualitative Research. In: U. Flick, E. von Kardoff and I. Steinke (eds.) *A Companion to Qualitative Research*. London
- [12] Galletta, A. (2012) *Mastering the semi-structured interview and beyond : from research design to analysis and publication*. New York: New York University Press.
- [13] Goodman, L.A. and Epstein, D. (2008) *Listening to Battered Women: A Survivor-Centered Approach to Advocacy, Mental Health, and Justice*. Berkeley: University of California Press.
- [14] Huang, Yue. (2022) An analysis of the judicial dilemma of women subjected to domestic violence in China [Master's thesis]. Jilin University. DOI: 10.27162/d.cnki.gjlin.2022.001858. (Accessed 24 Jul. 2025).
- [15] Lipsky, M. (2010) *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services*. 30th anniv. ed. New York: Russell Sage Foundation. Available at: <http://www.jstor.org/stable/10.7758/9781610446631>. (Accessed: 30 August 2025).
- [16] Li, Chunbin. (2015) 'Challenges and Responses: Domestic Violence and Justifiable Defence in the Perspective of Gender Justice--An Introduction to the Family Law Philosophy of the Anti-Domestic Violence Law', *Journal of Liaoning Normal University (Social Science Edition)*. 38(02), pp.170–174. doi:10.16216/j.cnki.lsxwbk.201502170.(Accessed 24 Jul. 2025).
- [17] Li, T. (2020) A Study on the Admonition System under China's Anti-Domestic Violence Law [Master's thesis]. Shandong University. Available at: <https://kns.cnki.net/KCMS/detail/detail.aspx?dbname=CMFD202001&filename=1020354109.nh> (Accessed: 17 August 2025).
- [18] Levitt, P. & Merry, S.E., 2009. Vernacularization on the ground: Local uses of global women's rights in Peru, China, India and the United States. *Global Networks*, 9(4), pp.441–461.
- [19] MacKinnon, C.A. (1989) *Toward a feminist theory of the state*. Cambridge, Mass; Harvard University Press.
- [20] Merry, S.E. (2006) *Human Rights and Gender Violence: Translating International Law into Local Justice*. Chicago: University of Chicago Press.
- [21] Ma, S. (2013a) 'A comparative study of feminist jurisprudence in China and the West', *Hebei Law Science*, 31(4), pp. 154–160. doi:10.16494/j.cnki.1002-3933.2013.04.007. (Accessed 24 Jul. 2025).
- [22] Ma, S. (2013b) 'Zhongxifang nüxing zhuyi faxue yanjiu zhi bijiao [A comparative study of feminist jurisprudence in China and the West]', *Hebei Faxue [Hebei Law Science]*, 31(4), pp. 154–160. doi:10.16494/j.cnki.1002-3933.2013.04.007. (Accessed 24 Jul. 2025).
- [23] Mo, Y. (2022). Master's thesis. East China Normal University. DOI: 10.27149/d.cnki.ghdsu.2022.002675. (Accessed 27 Jul. 2025).
- [24] Mullally, S., 2005. Domestic violence asylum claims and recent developments in international human rights law: A progress narrative? *Human Rights Quarterly*, 27(2), pp.559–595.
- [25] National People's Congress of the PRC (2020) *Civil Code of the People's Republic of China [Zhonghua Renmin Gongheguo Minfa Dian]*. Order of the President No. 45; adopted 28 May 2020; effective 1 January 2021. Beijing: The State Council of the PRC. (Accessed: 17 August 2025.)
- [26] Peng, S. (2022) Working mechanisms of social work interventions in anti-domestic-violence services from a collaborative perspective [in Chinese]. Master's thesis, Shenzhen University. doi:10.27321/d.cnki.gszdu.2022.002329. (Accessed: 24 July 2025).

- [27] People's Republic of China (2016) Anti-Domestic Violence Law. Available at: https://www.gov.cn/zhengce/2015-12/28/content_5029898.htm (Accessed: 24 July 2025).
- [28] Rubin, H.J. (2004) *Qualitative interviewing: the art of hearing data*. Second edition. Edited by I. Rubin. Los Angeles, [Calif.]; SAGE.
- [29] Ren, M. (2019). Family feminist jurisprudence: An initial exploration—Based on practice in China, *Journal of Zhejiang University (Humanities and Social Sciences)*, 49(5), pp. 53–65. doi: 10.3785/j.issn.1008-942X.CN33-6000/C.2019.01.173(Accessed: 24 July 2025).
- [30] Shi, R. (2024). A Regulator or a Reproducer of Violence? Implementation of China's Anti-Domestic Violence Law in Local Contexts. Master's coursework paper. University of Sussex.
- [31] State Council of the People's Republic of China (2023) Report on the Work Concerning Anti-Domestic Violence. Presented at the Fifth Meeting of the Standing Committee of the 14th National People's Congress on 28 August 2023. Beijing: National People's Congress (NPC). Available at: https://www.npc.gov.cn/c2/c30834/202309/t20230901_431398.html (Accessed: 30 August 2025).
- [32] Standing Committee of the National People's Congress (2015) Law of the People's Republic of China on Countering Domestic Violence [Zhonghua Renmin Gongheguo Fan Jiating Baoli Fa]. Order of the President No. 37; adopted 27 December 2015; effective 1 March 2016. Beijing: The State Council of the PRC.
- [33] Smart, C. (1989) *Feminism and the power of law*. London; Routledge.
- [34] United Nations General Assembly (1993) Declaration on the Elimination of Violence against Women. UN Doc A/RES/48/104, adopted 20 December 1993 (48th session, 85th plenary). New York: United Nations.
- [35] Wu, J., Wu, X. and Liu, M. (2025) 'Leveraging Empowerment: Action Strategies of the Women's Federation's Rights Protection Work from the Perspective of Collaborative Governance—A Case Study of the Women's Federation in City W on Preventing and Stopping Domestic Violence', *Journal of the CPC Hangzhou Municipal Party School*, (2), pp. 57–65. <https://doi.org/10.16072/j.cnki.1243d.20250219.001> (Accessed: 17 August 2025.)
- [36] World Health Organization. (2021). Violence Against Women Prevalence Estimates, 2018. Geneva: WHO. Retrieved from <https://www.who.int/publications/i/item/9789240022256> (Accessed 14 Jul. 2025).
- [37] Yang, Q. (2017). Cheung Kong University. Available at: https://kns.cnki.net/kcms2/article/abstract?v=4OORb77KhuKLVf73x6KWjz42rigzK_9Ah0ezylhs72GXmUuK2V6n2UvHkY6Le1ihzxMCROi6WvLhmO11m0_-6UIz8p1mXmOkBvH2bfZGZPmRqC9y578kEAaJeJwAs1cRwwAe7Ny5it3LbmIDqQxRzifF1sVLUBM8T5TXx0qQfsHWeyOqA4VRwJmhHMhEqrGp485Pz6AsvGI=&uniplatform=NZKPT&language=CHS (Accessed: 22 July 2025).
- [38] Zhang, H. and Chen, A. (2021) 'Why are their personal safety protection orders rejected by courts: A grounded theory study based on court rulings', *Hebei Law Science*, 39(4), pp. 185–200. doi:10.16494/j.cnki.1002-3933.2021.04.013.
- [39] Zhao, M. (2025) 'Yuanhe "gaojie", heyi cheng "shu"?—jiating baoli gaojieshu de shiyong fanwei, neirong ji xingshi', *Shehui Faxue Pinglun*, 6(1), pp. 68–79.
- [40] Zhao, Y. (2017) 'Jiabao anjian renshen anquan baohuling zhixing zhong jingchaquan de quanxian ji xingshi', *Lanzhou Xuekan*, (12), pp. 72–80.
- [41] Zhang, C. (2011) 'The Development Status and Problems of Women's Shelters', *Journal of South-Central University for Nationalities (Humanities and Social Sciences Edition)*, 31(4), pp. 80–84. doi:10.19898/j.cnki.42-1704/c.2011.04.017. (Accessed 17 Jul. 2025).

Disclaimer/Publisher's Note: The statements, opinions and data contained in all publications are solely those of the individual author(s) and contributor(s) and not of Woody International Publish Limited and/or the editor(s). Woody International Publish Limited and/or the editor(s) disclaim responsibility for any injury to people or property resulting from any ideas, methods, instructions or products referred to in the content.