



Mind Control and Abused-Related Suicide: The Criminal Justice Response to Intimate Partner Violence Against Women in China

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Abstract

Mind control is a new form of intimate partner violence. It involves the abuser verbally humiliating and intimidating his or her partner in order to increase his or her emotional dependence. The consequences are self-doubt or self-denial on the part of the abused person, fear of resisting the abuser, or even self-mutilation or suicide at the abuser's instigation. Recently, a Chinese court ruled in a case where mind control led to the suicide of his girlfriend, sentencing the defendant, Mu Linhan, to three years and two months in prison for abuse. This case brings the form of violence known as mind control officially into the public view. In this case, the court made a breakthrough in determining that a non-marital cohabitation relationship establishes a family member relationship, and recognized the causality of mind control on suicide. In recent years, China has effectively contributed to the protection of women's rights and interests through the Anti-Domestic Violence Law and criminal law. However, shortcomings in the law limit the ability of rules to combat domestic violence. China should introduce additional criminal law provisions on new forms of domestic violence and improve the scope of criminal law regulation of domestic violence offences.

Keywords: Mind Control; Intimate Partner Violence; Domestic Violence; Crime

Introduction

For a long time, violence against women has been a major ongoing global public health problem and the most pervasive human rights violation worldwide [1]. According to an analysis of data released by the World Health Organization, over a quarter of women aged 15-49 years who have been in a relationship have been subjected to physical and/or sexual violence by their intimate partner at least once in their lifetime (since age 15) [2]. It is undeniable that women are more likely to be physically or mentally abused in the family or in intimate relationships than men. Globally, countries have been working to eliminate intimate partner violence

against women. In 2015, China enacted the Anti-Domestic Violence Law, an important symbol of a new stage in China's legal push against domestic violence. On August 28, 2023, the Chinese government released its Report on the Work of Anti-Domestic Violence. The report points out that seven years since the promulgation and implementation of the Anti-Domestic Violence Law, the number of personal injury crimes involving domestic violence in China has continued to decline.

According to 2021 survey data, the proportion of women in marriages subjected to physical and mental violence by their spouses was 8.6 percent, a decrease of

5.2 percentage points from 2010 [3]. However, as society develops and changes, the forms of intimate partner violence are gradually changing. 2020, Chinese media reported an incident in which a girlfriend committed suicide due to her boyfriend's mind control, bringing the form of violence in intimate relationships, mind control, into the public's view and generating widespread discussion in society. In 2023, a Chinese court issued a criminal judgment against Mu Linhan, the defendant in this case. Mu Linhan was sentenced to three years and two months in prison for the crime of abuse and was also ordered to pay over 730,000 yuan (\$101,754) in compensation to the victim's mother. In the Mu Linhan case, the Chinese court, in keeping with the aim of effectively protecting women's rights, interpreted the criminal law crime of abuse in line with the context of the times, without compromising *Nulla poena sine lege*. The Mu Linhan case is a positive response by the Chinese criminal justice system to the crime of intimate partner violence. Therefore, using the Mu Linhan case as a perspective, this paper discusses the following issues: first, it briefly analyses mind control, a non-traditional form of intimate partner violence. Second, it discusses the points of legal issues in the Mu Linhan case and the reasons for the court's judgement. Third, it makes several suggestions for the Chinese Criminal law to be able to better regulate intimate partner violence crimes in the future.

Mind Control: A Non-Traditional form of Intimate Partner Violence

According to psychosocial analyses, mind control is defined as the act of "brainwashing" by depriving a person of perceptions and emotions, instilling forced thinking, and making the person subject to the manipulator's will, or as the manipulation of a person's mind to bring about a qualitative change in the person's psyche or behavior [4]. In intimate relationships, mind controllers generally reinforce their partner's emotional dependence by keeping their partner in a state of anxiety, fear, and self-blame for a long period of time in order to achieve the goal of keeping their partner under their complete control.

Generally speaking, abusers generally use the following ways to exercise mind control over their partners. Firstly, by taking advantage of the partner's weaknesses, or by making the partner believe that he or she has certain weaknesses, the abuser dwarfed the partner's personality for a long period of time, to reinforce the partner's emotional dependence on himself or herself. For example, in the Mu Linhan case, Mu took advantage of the fact that his girlfriend had had sex with other men. So as to instill in Chen the concept of female chastity, making her believe that it was wrong for her to have sex before marriage, thus creating in Chen a strong sense of shame, guilt and self-denial. Secondly, threatening

the partner with serious consequences so that the partner dares not resist. For example, Mu Linhan, in his relationship with Chen, asked Chen to take private photographs or videos, forcing Chen not to dare to resist by exposing the photographs and videos. As well, he threatened to kill himself with poison if she broke up with him, so that she would not dare to end the relationship. Thirdly, the abuser takes advantage of the partner's fear or guilt to force the partner to commit degrading acts and frequently trains the partner in obedience. For example, in the Mu Linhan case, Mu forced his girlfriend to become pregnant and terminate the pregnancy in order to prove her loyalty to him. He also ordered Chen to slap herself and leave a tattoo of the words "I am your dog" on her body.

There is no doubt that mind control brings destruction and torture to the human spirit and has the characteristics of mental abuse. Yet it is more complex than mental abuse intent to cause mere mental suffering. The mind controller's aim is to completely manipulate the behavior of the person being controlled. In intimate relationships, the mind controller sometimes encourages the controlled person to commit suicide in order to achieve this goal of total control.

Issues in the Case of Mu Linhan and Criminal Justice Response

Mu Linhan's use of mind control to cause his girlfriend to commit suicide immediately aroused widespread concern in the community when the incident came to light. While lamenting Chen's tragic experience, the public discussed more about what responsibility Mu should take. Should Mu be held responsible for Chen's death? This section briefly summarizes the key facts of Mu Linhan's case and analyses the rationale of the Chinese courts.

Facts and Issues

In August 2018, Mu Linhan and Chen established a romantic relationship. From 16 September 2018 to 9 October 2019, they had lived together in a student flat in Beijing, at Chen's home, and at Mu Linhan's home. From January to February 2019, Mu and Chen met with each other's parents. During the duration of the romantic relationship, Mu Linhan exercised mind control over Chen on the pretext that she had had sex with other man and subjected Chen to prolonged and high-frequency verbal humiliation and berating.

On 13 June 2019, they erupted into a heated argument, which made it difficult for them to maintain their romantic relationship. Mu Linhan verbally mentioned that Chen had promised to commit suicide after the breakup, causing Chen to slit her wrists and self-harm. On 30 August of the same

year, Chen swallowed medication after an argument with Mu Linhan, who then sent her to the hospital for gastric lavage and other rescue measures. 9 October, in the afternoon, after the argument, Chen went out alone to stay in hotel and committed suicide by taking medication purchased on the Internet. On the same day, Mu Linhan tried to contact and find Chen in many ways. In the evening of the same day, Chen was sent to the hospital to rescue. 11 April 2020, Chen died of respiratory failure due to the drug [5].

There are several controversial legal issues in this case. Firstly, whether Mu Linhan constituted the offence of intentional homicide. Secondly, Mu Linhan and Chen had not established a marital relationship. Could Mu constitute the crime of abuse under this circumstance. The Chinese Criminal Law considers that abuse must occur between family members, and Mu Linhan's relationship with Chen involves an understanding of the scope of family members. Thirdly, if the crime of abuse is established, whether Mu Linhan should be responsible for the death of Chen. The Chinese Criminal Law provides that those mistreat their family members, if the case is serious, are to be sentenced to two years or less in prison, or put under limited incarceration or surveillance. Those mistreat their family members and causing the victims to severe injuries or death are to be sentenced to two to seven years in prison.

Decision and Rationale

Firstly, the Court found that Mu Linhan did not commit the crime of intentional homicide. Mu Linhan did not commit the act of murder. After Chen committed suicide by taking medication alone, Mu Linhan attempted to find her and bring her to the hospital. This shows that Mu Linhan did not actively pursue or allow the death of Ms Chen to occur. There is no evidence in this case that Mu Linhan's abetment caused Chen's suicidal intentions.

Secondly, the Court found that Mu Linhan and Chen, although not married, had formed a substantial relationship as family members. According to the Article 260 of the Chinese Criminal Law and the spirit of the legislation, the crime of abuse refers to the act of physically and mentally destroying and torturing a family member who lives together by means of beating, scolding, freezing and starving, forcing to work excessively, withholding treatment for illnesses, restricting liberty, or abusing the personality, and so on.

The crime of abuse is a typical crime of domestic violence. The court held that the criminal law's definition of the subject in abuse should be consistent with the scope of family members in the Anti-Domestic Violence Law. The Anti-Domestic Violence Law stipulates that it shall apply,

mutatis mutandis, to the violence inflicted between those living together who are not family members. In this case, Mu and Chen's purpose was to build a family together. During the period of their relationship, they cohabited and purchased cohabitation items to furnish their home in order to create a family atmosphere. From the attitude of the parents, both parents regarded them as son-in-law and daughter-in-law. In addition, during the period of living together, Mu Linhan and Chen had frequent financial transactions. Summing up the above factors, the court found that Mu Linhan and Chen had a relatively stable life together, and that they were emotionally dependent on each other, economically helpful to each other, and had established a substantial family member relationship.

Thirdly, the Court held that Mu Linhan was responsible for Chen's death. Mu Linhan's high-frequency, prolonged and persistent abusive behavior was the decisive factor that led to Chen's elevated risk of suicide. Prior to her relationship with Mu Linhan, Chen was cheerful and outgoing. After her relationship with Mu Linhan, Chen's emotional dependence on Mu Linhan deepened due to his mind-controlling behavior. Mu took advantage of Chen's emotional dependence by persistently verbally abusing and blaming, pushing Chen continuously to the tipping point of mental breakdown. Chen's actions of slitting her wrists and committing suicide by taking medication after arguing with Mu Linhan in June and August 2019 can prove that her state of extreme mental vulnerability is directly related to Mu Linhan. However, Mu Linhan, knowing that he created Chen's suicide risk, not only failed to reassure Chen in order to reduce and eliminate the risk, but continued to mentally abuse Chen, which reinforced and escalated Chen's suicide risk. In addition, on the day of the incident, Mu verbally stimulated Chen, which ultimately led to her suicide. Therefore, the court held that Mu Linhan was responsible for Chen's death and increased the criminal penalty.

Recommendations for Developing Laws and Practice

In the Mu Linhan case, the court get rid of the kinship conception to recognize the *de facto* relationship of family members, and confirmed the existence of a causation between mind control and death. This is undoubtedly a major breakthrough in China's fight against domestic violence, and a judicial response to the new type of domestic violence crimes, which is conducive to the effective protection of women's rights. However, this case also exposes many deficiencies of Chinese Criminal law in the management of domestic violence crimes. This section makes several recommendations for the future development of criminal justice in China.

Special Provisions for Domestic Abuse-Related Suicide should be Added to the Criminal Law

In the Mu Linhan case, the court found that Mu Linhan did not have the intent to abet suicide, and therefore denied that Mu Linhan was guilty of intentional homicide. China's criminal law provides for the crime of intentional homicide, but not abetment of suicide, so whether abetment of suicide constitutes a crime has always been a controversial issue. Some scholars have argued that abetment of suicide should not be criminally punishable, based on the German theory of victim's self-responsibility [6]. The scholars who support that abetting suicide constitutes a crime also have different opinions on the culpability of abetting suicide. It should be recognized that, on the one hand, the act of abetting suicide should not be regarded as constituting the crime of intentional homicide because it undermines the stereotypical nature of the perpetrating act of intentional homicide; on the other hand, the practice of setting up a special criminal law norm on abetting suicide likewise undermines the logical integrity of the criminal law system [7]. Therefore, the judge's consideration of abetment to suicide in the Mu Linhan case lack a criminal law basis. In fact, serious acts of mind control are not mere acts of abetting suicide, but have the nature of an indirect perpetrator. Whoever, by virtue of some power or by taking advantage of some special relationship, prompts another person to commit suicide and die by means of violence, threat or other methods of coercion of the heart, establishes the indirect perpetrator of intentional homicide [8].

Similar provisions exist in China's criminal law, such as organizing or utilizing a cult organization, creating or spreading superstitious and evil doctrines, and organizing, planning, instigating, coercing, abetting, or assisting its members or others in committing suicide or self-inflicted injuries, shall be punished in accordance with the provisions of intentional homicide. Similar provisions should be added to the crime of abuse, so that if the mental control has reached the level of psychological coercion and caused the victim to commit suicide or self-injury, and if there is intent to kill, the crime of intentional homicide shall be imposed. In this way to solve the situation where the legal penalty for the crime of abuse does not fit the crime.

Interpretation of Criminal Law should be in Line with the Society Development

In the Mu Linhan case, the court held that the criminal law's definition of the scope of family members should be consistent with the provisions of the Anti-Domestic Violence Law in order to maintain the unity of the legal order. In fact, Anti-Domestic violence law does not recognize non-marital cohabitation as a family relationship. From the wording,

Article 37 of the Anti-Domestic Violence Law excludes people living together from being family members. This Law still adopts the criterion of "legal kinship" in determining the scope of family members. It is only in the chapter of supplementary provisions that additional provisions are made for persons who living together but not family members.

In practice, the criminal law does not need to directly adopt the concept of the Anti-Domestic Violence Law, but should adopt a substantive understanding of the scope of family members. As in this case, the court recognized that Mu Linhan and Chen constituted family members on the basis of the three elements of economic contacts, the willingness to live together, and the approval of the parents. In judicial practice, the courts should implement this interpretive path, breaking through the constraints of the Anti-Domestic Violence Law to recognize new types of intimate partnerships, such as non-marital cohabitation and same-sex cohabitation, in line with the facts of the case and the development of society.

Conclusion

This article reviews cases of intimate partner violence by mind control in the hope of drawing criminal justice attention to this form of violence. Forms of intimate partner violence take many forms in life. In particular, the development and spread of the Internet in modern society has made the forms of violence even more complex. The lagging nature of criminal law predetermines that intimate partner violence cannot be fully predicted. Therefore, judicial practice should give full play to its flexibility, adhere to the basic position of safeguarding human rights, and promote the advancement of criminal law norms with the times.

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