



**Making and Breaking the Humanitarian
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Sparrows in the Cuckoo's Nest: The Moral Economy of *Bei Jingshenbing* in Post-Socialist China

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Despite the legalization of Mental Health Law, which envisages a new dawn for mental health reform in China, the issue of *bei jingshenbing*, a neologistic catchphrase in Chinese society referring to the experience of being misidentified as having symptoms of mental illness resulting in mental hospital admission, still reflects a long road ahead for the Chinese to achieve substantial mental wellbeing. The adoption of such law is hoped not only to adjust the potential political abuse of psychiatry, but also to popularise community mental health services, regulate professional and disciplinary functions of psychiatric science, and provide legal grounds for appropriate psychiatric treatments. The new Mental Health Law, which is going to be administrated on the 1st of May, 2013, represents the state's humanitarian intervention from legal perspective. It, however, did not stop public defenders and other human rights activists from concerning patients or normal individuals' rights and the legal execution force of the new law.

As stated by the distinguished political scientist, Yu Keping, '[Psychiatric patients] deserve humanitarian treatment; but they don't have human rights,' modern psychiatry in China remains a grey area situated among disjunctive acceleration of social, cultural, medical and legal modernities and prone to manipulation. In this presentation, I set out agenda based on my pilot field work in Shenzhen, commenting on *bei jingshenbing* from socio-historical, medical and legal perspectives. I argue that the rapid spread of this neologism and the presentation of the Mental Health Law immediately following suggest the complexity and urgency of mental health reform in China. This is not to say that China must catch up, and align itself, with the so-called universal value of *the humanitarian*, but rather that scholars and policy makers should develop a profound, holistic understanding of the challenges faced by contemporary Chinese civil society. Aside from the national epidemiological survey already being undertaken, legalisation is only the first of many steps in the long process towards developing a robust mental health system in China.