The Narrative Construction of the Female Criminal Responsibility:
The Study on the Deng Ru-Wen Case

Chia-Wen Lee[*]

Abstract

Legal narrative analysis is part of the recent Law and Literature Movement. The theoretical assumption of this methodology is that law is also a kind of text. Its creation and apprehension equally require literary skills, such as rhetoric and interpretation. Therefore, the analysis techniques developed in literary critics can be similarly applied to the legal research, particularly if researchers are interested in the ideologies hidden in the allegedly neutral languages of law. Among legal texts, the high-profile trials, which prompt sensational news stories and agitate heated debates, are ideal sites to examine the interrelationship between text, ideology and the law. This article will use a famous trial in mid 1990s – the Deng Ru-Wen case, which Deng killed her outrageously abusive husband, to demonstrate that ideologies are tightly woven into the rhetoric and the structure of a legal narrative. Thus, when different narrators argue about what really happened in Deng's case, they do not just debate on her criminal responsibility; they also participate in the broader ideological debate about gender role in the society. Through analyzing narratives concerning Deng's criminal responsibility advocated inside/outside her trials, this paper intends to show that legal narratives are by no means neutral as claimed. Instead, they always endorse certain ideologies. When the defendants are ex-/inculpated, the ideologies the narrators embrace are consequently reinforced.

Keywords: Legal Narrative Analysis, Law and Literature Movement, Gender Studies, The Deng Ru-Wen Case, Domestic Violence, Battered Woman Syndrome, Self Defense, Subjectivity

[*] Assistant Professor, National Cheng-Kung University, Department of Law & Institute of Law in Science and Technology.