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Taiwan as a Transcultural Battlefield: Dialogues and Conflicts between Transcultural Legal and Feminist Discourses (1968-1987)

Taiwanese women have strived for gender equality through reforming or repealing patriarchal laws. Surprisingly, this was the case even in the 1970s and 80s when people's freedoms of speech, assembly and demonstration were limited under Martial Law. At that time, information was disseminated largely through print media. Studies on Taiwanese women's movements point out that women activists adopted writing and publishing as modes of civic participation. However, previous research still leaves open interesting questions such as: What foreign influences and transcultural dynamics did women amplify or consciously dampen to make their arguments fit the local context and culture? What conflicts occur among transcultural flows from different foreign countries, for instance, English-speaking nations versus those in Continental Europe?

I use materials across disciplinary borders, including feminist publication, mainstream newspapers and magazines, governmental files, legal documents such as Official Gazettes of the Legislature, and literary works on women's issues. Among various women's issues, I will focus abortion, domestic violence and sexual violence. Transcultural dynamics play a significant role in discourses on the three issues. Interactions between local and traveling discourses, as well as conflicts among different transcultural flows, have shaped the root and route of legal reforms and feminist developments in Taiwan.

Methods

Based on a feminist standpoint, I will carry out historical analysis and discourse analysis, along with feminist literary critique and feminist legal theories to analyze my materials. This project uses resources from both legal and literary fields, and attempts to apply the "law and literature" approach.

When we think of law, the first image to come to mind is rarely a feminized one. But for the very reason that women have been marginal or excluded from the mainstream legal field, there is much benefit to studying their legal consciousness with a historical approach. On the other hand, literature reveals women's experiences which had been ignored and erased from legal documents. While oppressed groups may produce knowledge that is uniquely powerful, Sandra Harding has claimed that to investigate women's experiences in the plural is the best way to understand history and social reality (Harding, 1987).

Thus, since law and literature are intimately related in the representations and real lives of women, I will follow feminist scholars in law and in literature who have devoted to combining these two subjects to "recover the other traditions", to see women who have written, spoken, acted, claimed, and judged (Carolyn Heilbrun and Judith Resnik, 1990).



Schlüsselbegriffe: Transkulturelle Dynamik, Frauenbewegungen, Feminist Standpunkt, Recht and Literatur

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