THE CURSE OF THE LECHEROUS SPIRITUAL CHARLATANS: LAW, MORAL PANIC AND NEWSPAPER REPORTS OF RAPE BY RELIGIOUS FRAUD IN TAIWAN

Jianlin CHEN† & Shao Yuan CHONG††

ABSTRACT

Religious fraudulent sex (i.e., the use of religious-related deceptions to obtain sex) is regularly prosecuted in Taiwan as forcible sex (i.e., rape). This Article contributes to the legal and sociological understanding of this phenomenon. Legally, we highlight the legal peculiarities of the vigorous criminalization of religious fraudulent sex in Taiwan and demonstrate that it is not driven by any concerted or principled protection of sexual autonomy. Sociologically, we provide an explanation through examining newspaper reports of highly publicized religious fraudulent sex in three mainstream newspapers over a five-year period. Thematic and discourse analysis reveals an overarching moral panic narrative. Through the three themes of 1) lurid norm-challenging sex acts, 2) moral condemnation of the perceived outrageous religious falsehood, and 3) defilement of victim’s innocence, the newspaper reports vividly depict the religious fraudulent sex phenomenon as lecherous men entrapping naïve vulnerable young women into deviant religious practices. We argue that this moral panic narrative rationalizes and reinforces the vigorous prosecutorial enforcement and the determined judicial innovation that is otherwise absent for other forms of fraudulent sex.

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†† Research Assistant, Office of Core Curriculum, Singapore Management University
I. INTRODUCTION

Master Helped Female University Student “Activate Divine Eye”: Twelve Years Imprisonment for Abortion-Resulting Spiritual Practice.1

1 Wang Hongjun (王宏舜), Shifu Bang Nydaheng Kai Tianyan Lingxia Dao Duotai Pan 12 Nian (師父幫女大生「開天眼」 灵修到堕胎判12年) [Master Helped Female University Student “Activate Divine Eye”: Twelve Years Imprisonment for Abortion-Resulting Spiritual Practice], LIANHE BAO (聯合報) [UNITED DAILY NEWS] (Jan. 3, 2018).
Improving Luck Through Taking “Lovers’ Bath”: Religious Fraudster Sexually Assaulted Naive Woman.²

—— Zhongguo Shibao(中國時報) [China Times]

Fake Exorcism Real Sexual Assault: “Dragon God” Earning Money While Lying Down, Ordered to Compensate 4.09 Million.³

—— Ziyou Shibao (自由時報) [Liberty Times]

These headlines are regular occurrences in Taiwanese newspapers. These newspaper reports identify an intriguing social phenomenon. In a modern society with a technologically advanced economy and a highly educated population, women continue to be frequently swindled into sex by purported supernatural claims.⁴ Given that these newspaper reports are reporting on actual criminal


⁵ The victims are thus far all female. A rare possible exception is Supreme Court Judgment 102/1180: Zuigao Fayuan (最高法院) [Supreme Court], Xingshi 刑事 [Criminal Division], 102 Tai Shang Zi No. 1180 (102 台上字第 1180 號刑事判決) (2013) (Taiwan), where the victims of sexual assault involving religious fraud were male. However, that case does not involve fraudulent sex per se. The male victims were given stupefying drugs (under the false pretense of luck-improving rituals). They were not told that the rituals involved sexual acts and were unconscious when sexual acts took place.

cases in court, these newspaper reports also reveal a curious aspect of the Taiwanese criminal justice system. Religious fraudulent sex (i.e., the use of religious-related deceptions to obtain sex) is a prosecutorial priority with an extremely high conviction rate.\(^7\)

In this Article, we critically examine the legal and social dimensions of this criminalization of religious fraudulent sex and make two contributions.

First, we highlight the legal peculiarities of the vigorous criminalization of religious fraudulent sex in Taiwan and demonstrate that it is not driven by any concerted or principled protection of sexual autonomy. The Taiwanese courts use an innovative interpretation to circumvent a forcible-sex provision (i.e., the equivalence of rape in Taiwan) that does not readily cover fraudulent sex.\(^8\) This doctrinal maneuver selectively extends the forcible-sex provision to fraudulent sex involving religious elements to the exclusion of fraudulent sex involving verifiable falsehoods. This is notwithstanding that the infringement of sexual autonomy is no less serious for the latter, whether as a matter of general principle or as per actual cases.\(^9\)

Similarly, systematic empirical studies of sexual offenses enforcement find that outdated and legally erroneous expectations of force and resistance continue to permeate the legal process.\(^10\) In such context, the fact that courts have no qualms in sustaining convictions of religious fraudulent sex where no such factors are present is less a departure from the prevailing persistence of rape myths in the Taiwanese criminal justice system,\(^11\) but indicates that some other considerations are driving the determined criminalization.

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8 *Infra* II.C.

9 *Infra* II.E.


The second contribution extends the inquiry to the social dimension to better understand the exceptional treatment of religious fraudulent sex in the Taiwanese legal system. Proceeding on the premise that media reports on crime reflect and contribute to a societal understanding of criminalized conduct, we analyze how religious fraudulent sex is reported in Taiwanese mainstream newspapers. After reviewing three mainstream newspapers for cases that attracted coverage across multiple newspapers and began prior to court verdicts, we assembled a total of fifty-one reports across seven cases over a five-year period, from 2013 to 2018.

Thematic analysis reveals three themes that emanate from the reports. First, the reports emphasize the lurid details of taboo sex acts (e.g., sperm swallowing, intercourse during menstruation). Second, the reports subject the defendant to harsh moral condemnation for purveying outrageous religious falsehood. Third, the reports adopt a sympathetic, if also somewhat paternalistic, view of the victims whose innocence is defiled by the defendant. Combining these three themes using discourse analysis, we argue that the religious fraudulent sex phenomenon is framed as a moral panic, whereby lecherous men utilize deviant religious practices to entrap naïve, vulnerable young women into perverted sexual exploitation.

Connecting these findings to legal practice, we argue that this moral panic narrative reflects and reinforces the legal enthusiasm towards punishing religious fraudulent sex. By focusing on the perceived uniqueness and gravity of harm posed by the sexually perverted religious fraudsters, this narrative helps readers rationalize what would otherwise be a questionable singling out of religious fraudulent sex to the exclusion of other forms of fraudulent sex. The pervasiveness of such narrative in mainstream newspapers, in turn, reassures the legal actors that vigorous prosecutions (and convictions) of religious fraudulent sex conform with societal sentiments.

This Article is organized into six parts. Part II sets out the law on sexual offence and the peculiarity of religious fraudulent sex criminalization in Taiwan. Part III explains the methodology for analyzing the newspaper reports. Part IV presents the three themes that emerge from the newspaper reports and discusses how the themes

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13 Infra III.
14 Infra Part V.
constitute an overarching moral panic narrative. Part V contextualizes the legal peculiarity with the moral panic narrative. Part VI concludes this Article.

II. THE PECULIARITY OF RELIGIOUS FRAUDULENT SEX CRIMINALIZATION IN TAIWAN

This Part first sets out the sexual offence provisions, the judicial interpretation on religious fraudulent sex, and the pattern of enforcement, before highlighting how the exceptional treatment of religious fraudulent sex cannot be explained by considerations of sexual autonomy.

A. Structure

The Taiwanese Criminal Code was heavily influenced by the Japanese and German criminal codes.\(^{15}\) For sexual offences, the key distinction from common law jurisdictions is that the Taiwanese Criminal Code specifies the various offending manners of obtaining sex and categorizes them into distinct offences. In addition to the rape (forcible sex) provision that is premised on force and threat (article 221), there are provisions, respectively, for abuse of authority (article 228), taking advantage of physical, mental, or intellectual defects (article 225), and spousal impersonation fraud (article 229).\(^{16}\) This can be distinguished from the centrality of consent under the common law approach. Through pragmatic interpretation of consent vis-à-vis capacity to consent (e.g., unconsciousness or insanity)\(^{17}\) and certain types of fraud,\(^{18}\) the common law courts are able to

\(^{15}\) TAY-SHENG WANG, LEGAL REFORM IN TAIWAN UNDER JAPANESE COLONIAL RULE, 1895–1945: THE RECEPTION OF WESTERN LAW 175–82 (University of Washington Press 1999).

\(^{16}\) 刑法 (XINGFA) [CRIMINAL CODE] ch. 16 (2016) (Taiwan).

\(^{17}\) See Ralph Sandland, Sex and Capacity: The Management of Monsters?, 76(6) MOD. L. REV. 981, 983–86 (2013) (exploring the animal instinct doctrine in the context of consent); see also Janine Benedet & Isabel Grant, Hearing the Sexual Assault Complaints of Women with Mental Disabilities: Consent, Capacity, and Mistaken Belief, 52(2) MCGILL L.J. 243, 269 (2007) (suggesting evidence of non-consent should be considered before capacity of consent).

\(^{18}\) See Karl Laird, Rapist or Rouge? Deception, Consent and the Sexual Offences Act 2003, 2014(7) CRIM. L. REV. 492, 495-98 (2014) (discussing the evolution of courts’ evaluation of deception in consent for sex); see also Rebecca Williams, Deception, Mistake
criminalize sex that is not obtained through force or threat without the need for separate statutory provisions. By contrast, the existence of separate provisions dealing with non-violent and non-threat-based conduct have traditionally served as powerful restraints on any expansive interpretation of the rape provision in Taiwan.

This state of affairs was disrupted in 1999. The sexual offences portion of the Criminal Code was amended as part of a broader feminist-led reform to advance the legal status and protection of women. The original provision defined “rape” (強姦) as “engaging in extra-marital/improper sexual intercourse (姦淫) with a woman through force, threat, drug, hypnosis or other means that renders the woman unable to resist.” This was amended to “forcible intercourse” (強制性交) for anyone “who has sexual intercourse with a male or female by force, threat, intimidation, hypnosis or other means against the person’s will.” Beyond the changes to outdated patriarchal nomenclature, the core substantive reform is replacing the requirement of “unable to resist” with “against the person’s will.”


In England (prior to 2003) and other jurisdictions whose criminal law are based on English law, there is a lesser sexual offence that criminalized all sex that was procured by fraud. The original purpose was to combat sex trafficking. See Peter Aldridge, Sex, Lies and the Criminal Law, 44 N. IR. LEGAL Q. 250, 265-66 (1993). However, the provision has since been conceived by scholars and courts as a lesser offence to punish fraudulent sex that did not amount to rape. See Jianlin Chen, Fraudulent Sex Criminalization in Australia: Disparity, Disarray and the Underrated Procurement Offence, 43(2) U.N.S.W. L.J. 581, 584-86 (2020) (Austl.). Indeed, the provision has been regularly employed in Hong Kong to punish religious fraudulent sex. See Jianlin Chen, Lying about God (and Love?) to Get Laid: The Case Study of Criminalizing Sex Under Religious False Pretense in Hong Kong, 51(3) CORNELL INT’L L.J. 553, 566-70 (2018). For an example of such a lesser offence that may be restricted to certain types of fraudulent sex (e.g., relating to sexually protective devices or sexually transmitted diseases), see Jianlin Chen, Fraudulent Sex Criminalisation in Singapore: Haphazard Evolution and Accidental Success, 2020 SING. J. LEGAL STUD. 479, 491–94 (2020).

Hsu Tze-Tien (許澤天), Mianlin Hefa Ehai Weixie Xiae Xing Zizhu (面臨合法惡勢威脅下的性自主) [Sexual Autonomy Under Legal Duress], 181 TAIWAN FAXUE ZAZHI ( 臺灣法學雜誌) [TAIWAN L.J.] 120, 124–25 (2011).

Lin, supra note 7, at 169–76; Fa, supra note 10, at 92–100. For a discussion of Taiwan’s women’s movement and feminist discourse after the end of martial law, see DORIS T. CHANG, WOMEN’S MOVEMENTS IN TWENTIETH-CENTURY TAIWAN 118–55 (2009).

Fraud (XINGFA) [CRIMINAL CODE] art. 221 (1934) (Taiwan).

Fraud (XINGFA) [CRIMINAL CODE] art. 221 (2016) (Taiwan).

Fraud (XINGFA) YIDONG TIAOWEN YU LIYOU [LEGAL REASONS FOR CRIMINAL CODE AMENDMENT] art. 221 (1999). The addition of intimidation (恐嚇) is essentially superfluous since academic commentary and judicial interpretation had
B. Other Means and Fraud

The new qualifier “against the person’s will” to “other means” inevitably generated much debate among scholars and uncertainty in courts as to the extent to which the 1999 reform had changed the substantive law.25 The dispute is framed as the level of compulsion that the defendant has to exert on the victim before it constitutes forcible sex.26 On the one hand, scholars like Jung-Chien Huang27 and Tze-Tien Hsu28 argue that a high level of compulsion akin to force and direct threat (“high-level compulsion”) is required. On the other hand, scholars like Da-Wei Lin contend that there is no requirement of any level of compulsion (“no compulsion”).29 It would suffice if the victim subjectively did not wish to have sex with the defendant. Other scholars like Huang-Yu Wang advocate for the middle-ground, where some low-level of compulsion, rendering it “difficult” (but not “unable”) to resist, is required (“low-level compulsion”).30

The authoritative judicial interpretations issued by the Supreme Court have explicitly rejected high-level compulsion but did not elect between the low-level compulsion and no compulsion considered intimidation as the same as threat. See Tsai Sheng-Wei (蔡聖偉). *Lun Qiangzhi Xingjiaozui Weijian Yiyuan Zhi Fangga (論強制性交罪違反意願之方法) [Forcible Means in the Crime of Forced Sexual Intercourse].* 18 *ZHONGYANYUAN FAXUE QIKAN* (中研院法學期刊) [ACAD. SINICA L.J.] 41, 59–60 (2016).

25 See Lin, supra note 7, at 178-80 (discussing the poorly designed legal framework that, instead of selecting from alternative new models that flow from the purported objective of sexual autonomy, chose to retain the existing model with isolated modifications).


28 Hsu, supra note 20, at 124–25.

29 Lin, supra note 26, at 119.

30 Wang, supra note 26, at 398-400.
approaches. This in turn led to inconsistencies between the Supreme Court and the lower court (i.e., High Court). For example, a 2014 Supreme Court decision discussed the three approaches before proceeding to adopt the no compulsion view. This reasoning has in turn been replicated in a few subsequent High Court decisions. Nonetheless, there are other High Court decisions that continue to state that low-level compulsion is required for the purposes of article 221. Indeed, one High Court decision acquitted the defendant on the ground that the means employed by the defendant (as alleged by the victim) did not fall into the low-level compulsion category. Other High Court decisions have sought to avoid the issue altogether by simply, but unhelpfully, stating that forcible sex includes low-level compulsion.

On whether fraud would constitute forcible sex, current case law has thus far rejected the no-compulsion compulsion, which would have considered all forms of fraud as a punishable violation of will.
The courts have sustained convictions where the fraud involved a threat (e.g., a defendant pretending to be a policeman and threatened to arrest the victim)\(^{39}\) or deception as to the nature of the act (e.g., insertion of a penis instead of a medical instrument).\(^{40}\) As recognized by Taiwanese scholars, such convictions are uncontroversial since the fraud in question corresponds to, respectively, high-level compulsion and low-level compulsion.\(^{41}\) On the other hand, the courts have acquitted the defendant of forcible sex charges where the fraud relates to consideration (e.g., the promise of money)\(^ {42}\) or ancillary information (e.g., HIV positive status).\(^ {43}\)

C. Religious Fraudulent Sex

The current state of Taiwanese jurisprudence on fraudulent sex poses an obstacle for punishing religious fraudulent sex. Some religious fraudulent sex involves threat (e.g., the defendant claimed that the victim is possessed by evil spirits and will suffer grave injury without the defendant’s ritual) and would result in a guilty conviction even prior to the 1999 reform.\(^ {44}\) However, it is quite common for victims to take the initiative to seek out luck-improving or exorcism rituals.\(^ {45}\) Moreover, in all these instances, the victims would know...

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39 E.g., Supreme Court Judgment 95/7201: Zuigao Fayuan (最高法院) [Supreme Court], Xingshi 刑事 [Criminal Division], 95 Tai Shang Zi No. 7201 (95 台上字第 7201 號刑事判決) (2006) (Taiwan).
40 E.g., Supreme Court Judgment 98/3312: Zuigao Fayuan (最高法院) [Supreme Court], Xingshi 刑事 [Criminal Division], 98 Tai Shang Zi No. 3312 (98 台上字第 3312 號刑事判決) (2009) (Taiwan).
41 Wang, supra note 26, at 422–423.
42 Supreme Court Judgment 102/248: Zuigao Fayuan (最高法院) [Supreme Court], Xingshi 刑事 [Criminal Division], 102 Tai Shang Zi No. 248 (102 台上字第 248 號刑事判決) (2013) (Taiwan).
43 High Court (Tainan) Judgment 103/1567: Gaodeng Fayuan Taizhong Fenyuan (高等法院臺中分院) [High Court Tainan Branch Court], Xingshi 刑事 [Criminal Division], 103 Shang Su Zi No. 1567 (103 上訴字第 1567 號刑事判決) (2014) (Taiwan).
44 Supreme Court Judgment 56/2210: Zuigao Fayuan (最高法院) [Supreme Court], Xingshi 刑事 [Criminal Division], 56 Tai Shang Zi No. 2210 (56 台上字第 2210 號刑事判決) (1967) (Taiwan); Supreme Court Judgment 52/1024: Zuigao Fayuan (最高法院) [Supreme Court], Xingshi 刑事 [Criminal Division], 52 Tai Shang Zi No. 1024 (52 台上字第 1024 號刑事判決) (1963) (Taiwan).
45 E.g., Supreme Court Judgment 106/456: Zuigao Fayuan (最高法院) [Supreme Court], Xingshi 刑事 [Criminal Division], 106 Tai Shang Zi No. 456 (106 台上字第 456 號刑事判決) (2017) (Taiwan); Supreme Court Judgment 102/3692: Zuigao Fayuan (最高法院) [Supreme Court], Xingshi 刑事 [Criminal Division], 102 Tai Shang Zi No. 3692 (102 台上字第 3692 號刑事判決) (2013) (Taiwan).
that the purported religious rituals involved sex. Thus, they are not deceived as to the nature of the act.

In response to this potential doctrinal difficulty, the Taiwanese courts have carved out an approach towards applying the forcible sex provision to religious fraudulent sex. According to the 2013 Supreme Court Judgment 102/3692, there are two elements to consider. First, the victim is in a subjective state of psychological vulnerability, perhaps due to a combination of (a) setbacks in their relationship, health, and/or career; and (b) limitation of the victim’s intellect. Second, the defendant induces sexual intercourse through methods that cannot be verified by science (e.g., divine power, supernatural force, religion, or superstition) and which are contrary to prevailing social values.

There are three notable issues relating to this approach.

First, Supreme Court Judgement 102/3692 did not explicitly require the non-scientific methods to be false. Nonetheless, falsity has emerged as a de facto requirement. As demonstrated in a recent case study, all convictions thus far have premised upon judicial findings that the supernatural/religious claims were false. Indeed, the conventional label in Taiwanese literature for the criminalized conduct is “religious fraudulent sex” (宗教騙色).

Second, there is, arguably, a constitutional violation of religious freedom. Taiwan ostensibly adopted the Western liberal
democratic notions of religious freedom that prohibits the state from assessing the legitimacy of religious beliefs.\textsuperscript{50} This prohibition is contravened when the Taiwanese courts’ assessment of the veracity of purported supernatural/religious claims is, in practice, premised on an innate rejection of any purported ritual that involves sex.\textsuperscript{51}

Third, and most relevantly given this Article’s focus on sexual offences, the singling out of methods that cannot be verified by science in Supreme Court Judgement 102/3692 is highly curious. The problematic exclusion of non-religious fraudulent sex will be discussed below in II.E.

\textit{D. Rape Myth Persistence and Exception}

In addition to the doctrinal innovation that singled out religious fraudulent sex to the exclusion of other forms of fraudulent sex, there is another legal peculiarity vis-à-vis the judicial treatment of religious fraudulent sex. Religious fraudulent sex is a notable exception to the persistence of rape myths.

Rape myths persistence is the phenomenon where the stereotypical conception of “real” rape—namely rape is only committed by strangers using physical violence on women who are not sexually promiscuous—persists in the legal system despite explicit legislative changes to negate it.\textsuperscript{52} Research studies in U.K.,\textsuperscript{53} ZONGJIAO TUANTI YU FALU: FEI YINGLI ZUZHI GUANDIAN (宗教團體與法律: 非盈利組織觀點) [RELIGIOUS GROUP AND LAW: A NON-PROFIT ORGANIZATION POINT OF VIEW] 21–23 (2013) (describing Taiwan’s attitude towards religious freedom). For an overview of the constitutional and regulatory framework vis-à-vis religion in Taiwan; see generally JIANLIN CHEN, THE LAW AND RELIGIOUS MARKET THEORY: CHINA, TAIWAN AND HONG KONG 81–112 (2017).


\textsuperscript{51} Chen, supra note 7, at 206–16.

\textsuperscript{52} For a concise literature review, see Yvette Russell, Woman’s Voice/Law’s Logos: The Rape Trial and the Limits of Liberal Reform, 42 AUSTRALIAN FEMINIST L.J. 273, 277–78 (2016)

\textsuperscript{53} E.g., OLIVIA SMITH, RAPE TRIALS IN ENGLAND AND WALES: OBSERVING JUSTICE AND RETHINKING RAPE MYTHS 59-84 (2018) (discussing how pervasive rape myths are trials in the UK); Kayleigh A. Parratt & Afroditi Pina, From “Real Rape” to Real Justice: A Systematic Review of Police Officers’ Rape Myth Beliefs, 34 AGGRESSION & VIOLENT BEHAV.
U.S., Australia, continental Europe, and Asia have demonstrated how police officers, prosecutors, judges, and juries remained susceptible to these rape myths even after the passage of relevant law reform.

Unsurprisingly, similar findings have been made in the Taiwan context. A survey of 667 decisions over a one-year period immediately after the 1999 reform found that the evidence of physical injury and attempted resistance/escape remain a key driver of outcome despite the explicit removal of the resistance requirement in the 1999 reform. In subsequent research on rape acquittals in the Taipei, Taichung, and Kaohsiung district courts over a ten year period from 2000 to 2010, Chih-Chieh Lin and Mong-Hwa Chin found that

68, 78–79 (2017) (arguing that high attrition rates in the UK can be explained by rape myth conceptions).

54 E.g., Alondra D. Garza & Cortney A. Franklin, The Effect of Rape Myth Endorsement on Police Response to Sexual Assault Survivors, 27 VIOLENCE AGAINST WOMEN 552, 552-55 (2021) (examining the extent and impact of rape myth endorsement on police officer preparedness in responding to sexual assault calls for service); Jessica Shaw et al., Beyond Surveys and Scales: How Rape Myths Manifest in Sexual Assault Police Records, 7(4) PSYCH. VIOLENCE 602, 605–09 (2017) (finding that rape myth endorsement among police is evidenced in official sexual assault case records because they invoke traditional rape myths in documenting their investigations).

55 E.g., Rachael Burgin, Persistent Narratives of Force and Resistance: Affirmative Consent as Law Reform, 59 BRIT. J. CRIMINOLOGY 296, 302–11 (2019) (noting that that force and resistance narratives endure in the modern rape trials in Victoria, Australia); Anastasia Powell et al., Meanings of “Sex” and “Consent”: The Persistence of Rape Myths in Victorian Rape Law, 22 GRIFFITH L. REV. 456, 476–77 (2013) (finding that although deeply entrenched societal myths or discourses about rape continue to pervade Victorian courtrooms, there is some evidence of a shift towards a legal focus on the accused’s state of mind, in addition to that of the victim-complainant) (Austl).

56 E.g., Marisalva Fávero et al., Rape Myth Acceptance of Police Officers in Portugal, J. INTERPERSONAL VIOLENCE, Apr. 20, 2020, at 1. (examining rape myth acceptance among police officers in Portugal and its relationship with sociodemographic data, length of service, specific training in the field, and professional experience with victims of rape); Sokratis Dinos et al., A Systematic Review of Juries’ Assessment of Rape Victims: Do Rape Myths Impact on Juror Decision-Making?, 43 INT’L J. L. CRIME & JUST. 36, 46-47 (2015) (finding that rape myths impact juror decision-making and continue to be a problem for prosecutors); Ivana Radačić, Rape Myths and Gender Stereotypes in Croatian Rape Laws and Judicial Practice, 22 FEMINIST LEGAL STUD. 67, 72–76 (2014) (examining the presence of rape myths and gender stereotypes and the norms of sexuality they reflect and reinforce in Croatian rape laws).

57 E.g., Mally Shechory Bitton & Lea Jaeger, “It Can’t Be Rape”: Female vs. Male Rape Myths Among Israeli Police Officers, 35 J. POLICE & CRIM. PSYCH. 494, 497–500 (2019) (finding that male Israeli police officers are more likely to subscribe to myths about male and female rape, and that police officers accept myths about female rape more than students of either gender).

58 Fa, supra note 10, at 83–84.
the reasons for acquittal still regularly include factors such as lack of attempted resistance/escape, lack of immediate complaints, and continued interactions between victim and defendant.\(^5^9\) Indeed, in a related article based on largely the same dataset, Chih-Chieh Lin found that “there are few cases resulting in convictions in circumstances where two mentally capable adults engaged in intercourse after the defendant demanded the victim to submit to unwanted sex by non-forcible compulsion.”\(^6^0\)

However, religious fraudulent sex is one of the three exceptions to the de facto requirement of force and resistance. In addition to circumstances where the defendant used drugs or alcohol to cause the victim to lose consciousness or employed threat-based fraud,\(^6^1\) religious fraudulent sex is a long-standing special category where “prosecutors are willing to prosecute . . . because of courts’ demonstrated willingness to convict.”\(^6^2\) Indeed, searches of the online judgment database\(^6^3\) revealed that there are easily at least three to five religious fraudulent sex cases reaching the final appellate court (i.e., Supreme Court) alone annually, with the vast majority resulting in convictions.\(^6^4\)

E. Not Sexual Autonomy . . . What Then?

In summary, religious fraudulent sex in Taiwan is subjected to an unusually vigorous criminalization that is otherwise not

\(^{59}\) Lin & Chin, supra note 11, at 144–59.

\(^{60}\) Lin, supra note 7, at 184–85.

\(^{61}\) Lin described it as “involves threats, misleading statements, or falsehoods.” Lin, supra note 7, at 185. However, the illustrative example cited is where the defendant pretended to be a policeman and demanded that the victim (an illegal sex worker) engage in sexual intercourse with him. Id. As discussed above in II.A.2, such fraud is considered high-level compulsion given the existence of threat. Indeed, threat is the core element here since as long as the victim believed the threat to be real, the veracity of the threat is immaterial. See Tsai, supra note 24, at 60–61.

\(^{62}\) Lin, supra note 7, at 185.

\(^{63}\) To access the online judgment database, see Sifayuan Faxue Ziliao Jiansuo Xitong (司法院法學資料檢索系統) [Judicial Yuan Law and Regulation Retrieving System], https://law.judicial.gov.tw/FJUD/default.aspx (last visited Nov. 14, 2021).

\(^{64}\) Chen, supra note 7, at 200–01. In the rare incident of acquittal, the reason is not because the court doubted the veracity of the defendant’s religious claims, but that inconsistencies in the victim’s testimony cast doubt as to whether the sexual intercourse actually took place: e.g., Supreme Court Judgment 102/3088: Zuigao Fayuan (最高法院) [Supreme Court], Xingshi 刑事 [Criminal Division], 102 Tai Shang Zi No. 3088 (102 台上字第 3088 號刑事判決) (2013) (Taiwan).
extended to other forms of fraudulent sex. Tellingly, this criminalization is not driven by any concerted or principled protection of sexual autonomy.

The persistence of rape myths alluded to in the previous section disappointingly, but unsurprisingly, continue to impede the full realization of sexual autonomy protection that underpinned the 1999 reform. While the willingness to prosecute religious fraudulent sex may be seen as a welcomed exception, the exclusion of other forms of fraudulent sex indicates that the persistence of rape myths remains a salient factor at play. Fraudulent sex involves neither force nor threat, and the fraudster is typically not a stranger. This renders fraudulent sex essentially the antithesis to the “real” rape that underpinned the rape myths. Indeed, that fraudulent sex is not extensively considered as rape is the premise of Jed Rubenfeld’s controversial article in 2013. In the article, Rubenfeld argued that rape should be based on self-possession (and the corresponding requirement of force) rather than sexual autonomy. Rubenfeld based this argument on the perceived “riddle” where progressive law reforms that purportedly seek to advance sexual autonomy protection continue to largely maintain the non-criminalization of fraudulent sex. From this perspective, the failure to extend the criminalization to non-religious fraudulent sex in Taiwan is consistent with the general reservations towards full sexual autonomy protection.

Similar issues occurred for the doctrinal interpretation in Supreme Court Judgement 102/3692. Courts in civil law jurisdictions can, and do, develop judicial interpretations to meet ever-changing social circumstances.

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65 See Wang, supra note 26, at 409–10.
68 Rubenfeld, supra note 67, at 1392–98.
69 For discussion on judicial interpretation in civil law jurisdictions, see Thomas Lundmark & Helen Waller, Using Statutes and Cases in Common and Civil Law, 7 TRANSNAT’L LEGAL THEORY 429, 456-59, 469 (2016); Hans-Bernd Schäfer, The Relevance
individuals (or at least individuals in a vulnerable state) from sexual exploitation is a legitimate concern. The courts are arguably justified in developing doctrinal avenues to ensure that offending conduct is punishable under the existing sexual offence provisions. However, the key question is why such interpretation is limited only to methods that cannot be verified by science? Insofar as the victim is in a state of psychological vulnerability, the harm to the victim and moral culpability of the defendant does not appear to be qualitatively different in circumstances where scientifically verifiable methods are used. In other jurisdictions, defendants have preyed on vulnerable victims with fraudulent claims such as sexual intercourse is part of medical treatment, sexual intercourse is part of a mafia initiation ritual and a false promise of gifts. Furthermore, there is judicial and scholarly support for criminalization on account of the victim’s vulnerability in these fraudulent sex cases. Having recognized the need to protect vulnerable victims in scientifically non-verifiable fraud, the exclusion of these scientifically verifiable cases by the Supreme Court Judgement 102/3692 is arguably arbitrary.

Indeed, the Supreme Court Judgement 102/3692 can be contrasted with another Supreme Court decision of the same year. In Supreme Court Judgment 102/248, the Court held that there was an insufficient violation of will to constitute forcible sex when a defendant used the false promise of payment to obtain sex from a mildly intellectually disabled 12-year-old girl. By contrast, the psychological vulnerability necessary to sustain a conviction for religious fraudulent sex in Supreme Court Judgement 102/3692 appeared to be rather trivial. One victim was trying to reconcile with

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71 Macfie v The Queen [2012] VSCA 314 para. 1, para. 4, paras. 7-9 (Austl.).
72 R v Winchester (Qld) [2014] 1 Qd R 44 (Austl.).
73 E.g., id. at paras. 86-87, 135. (describing how the victim’s vulnerable status merited protections); see also Kirk v. R [2008] EWCA (Crim) 434 (Eng.) (discussing English law).
74 E.g., Jonathan Crowe, Fraud and Consent in Australian Rape Law, 38 CRIM. L.J. 236, 247 (2014) (examining the circumstances in which fraud will vitiate consent to sex for the purposes of Australian rape law) (Austl.); Ben A. McJunkin, Deconstructing Rape by Fraud, 28(1) COLUM. J. GENDER & L. 1, 9–12 (2014) (arguing that the rape by fraud doctrine can be seen as codifying existing limits on masculine status transfer).
75 Supreme Court Judgement 102/248: Zuigao Fayuan (最高法院) [Supreme Court], Xingshi 刑事 [Criminal Division], 106 Tai Shang Zi No. 248 (106 台上字第 248 號刑事判決) (2013) (Taiwan).
her boyfriend, while another victim was facing “some difficulties at work.” Both victims are adults. The inconsistency is glaring and cannot be explained by concern over protecting persons in a vulnerable state.

III. METHODOLOGY

Having identified the legal peculiarities in the previous part, this part sets out the research premise of media representation as to the information source of societal understanding before explaining how the newspaper report dataset is constructed and analyzed.

A. Media Representation and Societal Understanding

The legal analysis set out in the previous part is premised on primary legal documents such as statutes, legislative materials, judgements, and trial transcripts. The resulting findings are important, notably given the immediate real-life consequences arising from the legal proceedings, be it non-prosecution, conviction, or acquittal. It also raises an important question: why is there such unique legal enthusiasm towards punishing religious fraudulent sex in Taiwan.

This question guides the extension of this article’s inquiry into the social dimension. Obviously, there is no easy answer to the question of causation. There is a myriad of possible social, cultural, historical, and political factors that underpin the comprehension and enforcement of a particular aspect of law. As the first of such ventures in this area and given the confines of space, the sociological inquiry in this Article is necessarily preliminary in nature. Thus, this Article focuses on investigating how criminalized conduct is understood by the Taiwanese public.

In this regard, media reports on crime are valuable and readily available data sources. News media is the primary source through which the general public obtains information on the criminal justice

76 C.f., Huang Ying-Chieh (黃英捷), TAIWAN DIQU JIN SHINIAN LAI LIYONG ZONGHIAO DE XING FANZUI CHUTAN (台灣地區近十年來利用宗教的性犯罪初探) [A PRELIMINARY INVESTIGATION ON SEX CRIMES UNDER THE GUISO OF RELIGIONS FROM THE PAST TEN YEARS IN THE TAIWAN AREA] (2012) (using a survey of newspaper reports to examine the fact patterns of religious fraudulent sex and analyzing possible reasons why such frauds succeed in duping victims).
Even though readers exercise agency in interpreting the news reports, their interpretations remain influenced by the presentation, framing, and emphasis of media reports. In a similar vein, editorial decisions on story selection are driven by the perceived public appeal of the stories. This renders the causative relationship between societal understanding and new media reports dynamic and non-linear chicken or egg first conundrum. Nonetheless, the reports reflect and contribute to the societal understanding and are sufficient for this article’s modest goal.

B. Data Selection

The dataset used in this study is assembled firstly by extracting all newspaper reports on religious fraudulent sex that appeared in *Zhongguo Shibao* (中國時報) (*China Times*), *Ziyou Shibao* (自由時報) (*Liberty Times*), and *Lianhe Bao* (聯合報) (*United Daily News*) over a five year period from December 31, 2013, to December 31, 2018. Analysis of Taiwanese newspaper reports typically focused on the four largest newspapers, comprising of the *China Times*, *Liberty Times*, *United Daily News*, and *Pingguo Ribao* (蘋果日報) (*Apple Daily*).

This study seeks to investigate how

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77 Marsh & Melville, supra note 12, at 21–22.


80 Marsh & Melville, supra note 12, at 256–65.

religious fraudulent sex—with its potent mix of religion, fraud, and sex—is portrayed in Taiwanese mainstream media. Apple Daily is excluded from this study since it is notorious for sensationalized reporting and may unduly distort the findings. Notably, the three surveyed newspapers still span across the ideological spectrum. Liberty Times is considered to support the pan-green coalitions that advocate for Taiwan’s independence and conceive a Taiwanese identity that is markedly distinct from Chinese culture. China Times and United Daily News are considered to support the pan-blue coalition that is more sympathetic to the Chinese nationalist identity and favors closer cultural and economic linkage with China.

The newspaper reports were retrieved from Factiva using the following search terms: “sex” (性) together with any one of “religion” (宗教), “superstitious” (迷信), “fraudulent sex” (騙色) or “religious fraudster” (神棍). The resulting newspaper reports were organized by individual defendants. Since the full names of the defendants are often not stated in the newspaper reports, the process involved identifying and mapping all relevant and distinctive facts (e.g., age and geographical location of the defendant; age and number of victims; specifics of religious claims). Having sorted the newspaper reports, the data point for analysis is selected based on two criteria. First, the case was reported in at least two newspapers. This criterion ensures the focus is on the inquiry about cases that are perceived by Taiwanese media as more representative and salient. Second, the reporting began before a judgment was delivered. This criterion enables analysis as to whether the newspaper reports assumed the defendant’s guilt, as well as the extent to which the themes in the reporting are independent of the court’s judgment. In total, the...
dataset comprises fifty-one newspaper reports over seven cases (Table A).

Table A: Breakdown of Selected Data Points

<table>
<thead>
<tr>
<th>Defendant</th>
<th>Start Date</th>
<th>China Times</th>
<th>Liberty Times</th>
<th>United Daily News</th>
</tr>
</thead>
<tbody>
<tr>
<td>袁陽先 (歐陽显)</td>
<td>Dec. 31, 2013</td>
<td>3</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>李俊升 (李俊升)</td>
<td>Mar. 22, 2015</td>
<td>3</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>蘇建華 (蘇建華)</td>
<td>Apr. 21, 2015</td>
<td>6</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>陳西湖 (陳西湖)</td>
<td>Dec. 12, 2015</td>
<td>3</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>吳啟榮 (吳啟榮)</td>
<td>Dec. 28, 2015</td>
<td>2</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>黃睿平 (黃睿平)</td>
<td>May 13, 2016</td>
<td>2</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>鍾志成 (鍾志成)</td>
<td>Sep. 19, 2017</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td><strong>Subtotal:</strong></td>
<td><strong>20</strong></td>
<td><strong>18</strong></td>
<td></td>
<td><strong>13</strong></td>
</tr>
</tbody>
</table>

C. Data Analysis

All articles in the dataset were analyzed inductively using Braun and Clarke’s guidelines for thematic analysis. In accordance with these guidelines, the goal of the analysis is to detect and describe common patterns among the data rather than develop quantifiable results. We read each newspaper report within the dataset closely multiple times before developing codes on how the religious fraudulent sex was reported. We then organized and collated recurring and salient codes into potential themes across the newspaper reports. These initial potential themes were then reviewed,

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reorganized, and refined through a rereading of the dataset. Through this process, we identified the three themes of taboo sex, outrageous religious falsehood, and defiling innocence.

We then undertook a discourse analysis that seeks to connect the three identified themes. For the purpose of this analysis, we approached discourse as the routine and social production of knowledge. This approach conceptualizes discourse in the media reports as a means to provide readers with a connecting framework to meaningfully process the various strands of information contained therein. We found that the religious fraudulent sex phenomenon is understood and presented in the newspaper reports as essentially a moral panic narrative where lecherous men lured naïve vulnerable young women into sexually deviant religious practices.

IV. Findings

This Part presents the findings from the thematic and discourse analysis.

A. Theme 1: Taboo Sex

A striking and consistent theme across the newspaper reports is the emphasis on the taboo nature of sex that has occurred. There are two related components to this theme.

First, the lurid details of the sexual acts are prominently reported, especially where the sexual acts challenge the generally conservative sexual norms of Taiwan society.

86 See CAROL BACCHI, ANALYSING POLICY: WHAT’S THE PROBLEM REPRESENTED TO BE? 35 (2009) (“discourses are socially produced forms of knowledge that set limits on what it is possible to think, write or speak about a ‘given social object or practice.’”). For an example of using this type of discourse analysis on news media reports on crime, see Anne Fredrickson et al., “Devil’s Lure Took All I Had”: Moral Panic and the Discursive Construction of Crystal Methamphetamine in Australian News Media, 46(1) CONTEMP. DRUG PROBS. 105, 109–16 (2019) (using discourse analysis to examine Australian print media portrayals of crystal methamphetamine from 2014–2016).

87 CHRIS McCORMICK, CONSTRUCTING DANGER: EMOTIONS AND THE MIS/REPRESENTATION OF CRIME IN THE NEWS 9–12 (Fernwood Publ’g 2nd ed. 2010).

88 See Hwong Shu-ling (黃淑玲), Tony Lee Szu-Hsien (李思賢) & Chao Yun-Chin (趙運植), Taiwanren Xingtaidu yu Xingjiazhiguan Fenxi: Xingbie, Shidai yu Sanzhong Jiqun de Chayi (台灣人性態度與性價值觀分析: 性別、世代與三種集群的差異) [Sexual Attitudes and Values in Taiwan: Differences Among Gender, Cohort, and Three Cluster Groups], 18(1) TAIWAN XINGXUE XUEKAN (臺灣性學學刊) [FORMOSAN J. SEXOLOGY] 83.
Oral sex is an example. This is particularly so for the Su Jianhua case, given that the purported religious doctrine prescribed that the female adherents should swallow the defendant’s sperm to receive maximum divine blessing. Eight out of the fourteen reports mentioned this act of swallowing, with one report titled “Earning While Lying Down By Lying About Drinking Sperm: Dragon King Sexually Assaulted Adherents 235 Times” (誆飲精躺著賺 龍王性侵信徒 235 次). Moreover, six reports further depicted how the female adherents would lick up the sperm that are accidentally ejaculated on the defendant’s feet, at times providing vivid imagery of “rushing to lick” or “kneeling down to lick.”

Another example of the emphasis on oral sex is the reporting of the Chen Xihu case. A report led with the title “Religious Fraudster Lied About Improving Luck: Jailed for Bathing Together in Yin-Yang Water and Also Mouth Love” (神棍騙改運 調和陰陽水泡澡還得口愛判刑), before describing in the text that “the victim has to suck thirty-six times to absorb Yang-Qi” (王女必須吸取陽氣口交36 下). Including this one, six of the nine reports on this defendant

97–100 (2012) (concluding that the Taiwanese public is generally conservative in sex attitudes and values, despite the trend being more progressive and diversified).

98 See PAN SUIMING & HUANG YINGYING, XINGZHIBIAN: 21 SHIJIZHONGGUOREN DE XINGSHENGHUO (性之變: 21 世纪中国人的性生活) [CHANGES IN SEX: CHINESE SEX LIFE IN THE 21ST CENTURY] 210-18 (China Renmin Univ. Press 2013) (observing how the emphasis on reproductive sexual penetration in Chinese culture help entrenched oral sex and anal sex as relative sexual taboos in modern Chinese society); see also Courtney L. Crosby, et al., Six Dimensions of Sexual Disgust, 156 PERSONALITY & INTEGRATIVE DIFFERENCES, no. 109714, 2002, at 1, 10 (discussing how oral sex is one of the factors—together with taboo, promiscuity, hygiene, BDSM, and same-sex attraction—in the six-factor structure of the fifty most frequently nominated items of sexual disgust).


100 Id.


102 Guo Xuanbing (郭宜倍), Shengun Pian Gaiyun Tiaohe Yinyangshui Paozao Haidei Kouai Panxing (神棍騙改運 調和陰陽水泡澡還得口愛判刑) [Religious Fraudster Lied
similarly mentioned the thirty-six times that the victim was made to suck. Nonetheless, what is notable about this framing of the title is that the defendant in question did proceed to have sexual intercourse with the victim after the bath and oral sex. Thus, the title is arguably misleading by suggesting that the defendant was punished for the bath and oral sex when the core actus reus was the sexual intercourse thereafter.

It is worth noting that the mention of bathing together in the title adheres to the theme of emphasis on taboo sexual acts. Not only did all of the reports on the Chen Xihu case mention and often provide detailed descriptions of the act of bathing together, but a majority (five) also mentioned it in their titles, including the use of sexual
euphemism, “lovers’ bath” (鴛鴦浴). Other examples of the lurid details of the sexual acts include threesomes and striptease.

The second component focuses on the taboos associated with reproductive sex.

For example, in the Li Junsheng case, where the victim happened to be pregnant at the time of the offence, her pregnancy was prominently highlighted in the newspaper reports. Of the six reports, five used “pregnant woman” as the descriptor of the victim, with three mentioning the pregnancy status in the title itself. Indeed, the

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100 For a general discussion about reproductive sexual taboos in the U.S. and around the world, see Karen Ericksen Paige, Sexual Pollution: Reproductive Sex Taboos in American Society, 33(2) J. SOC. ISSUES 144, 145–52 (1977).

newspaper reports’ titles framed the victim’s pregnancy as an
aggravating factor, at least in the moral sense. For example, one
report is titled “Pretending She Cannot Move During An Exorcism:
Defilement of Pregnant Woman” (誇驅魔不準動 玷污孕婦).102
Another report is titled “‘God Resides Here, Kneel When Knocking’:
Despicable Religious Fraudster Sexually Assaults Even Pregnant
woman” (「裡面有神 跪著敲門」惡神棍 孕婦也性侵) (emphasis
added).103

Another example is menstruation.104 In the Wu Qirong
case, the victim was menstruating during one of the multiple exorcism sex
rituals. Out of the three reports on the case, two reports alluded to
this fact as an aggravating factor, with language such as “did not spare
the victim even during her period” (連月事來時也不放過).

Similar treatment is accorded to sterilization and abortion.
For the Su Jianhua case, a newspaper report led with the title “Foolish
Girl Sterilized for Dragon King: Signed 79.1 Billion Promissory Note

[https://perma.cc/US98-KGAY]: Wang Dingchuan (王定傳), Kuangqumo Bazhundong
Dianwu Yunfa (誇驅魔不準動 玷污孕婦) [Pretending She Could Not Move During
Exorcism: Defilement of Pregnant Woman], ZIYOU SHIBAO (自由時報) [LIBERTY TIMES]
[https://perma.cc/G5TN-N7L7].

102 Wang & Huang, supra note 101.
103 Wang, supra note 101.
104 The prevalent taboo against sex during menstruation has been given judicial notice in
District Court (Ciaotou) Judgment 107/9: Qiaotou Difang Fayuan (橋頭地方法院)
[Qiaotou District Court], Xingshi 刑事 [Criminal Division], 107 Qing Su Zi No. 9 (107 行督第9號刑事判決) (2018) (Taiwan). It is also relied upon in fact-finding. For example,
the fact that the victim was having her period is a factor that supports her contention that she
did not consent to the sexual intercourse in District Court (Tainan) Judgment 107/16: Tainan
Difang Fayuan (臺南地方法院) [Tainan District Court], Xingshi 刑事 [Criminal Division],
107 Qing Su Zi No. 16 (107 行督字第16號刑事判決) (2018) (Taiwan). On the flipside,
where there is dispute as to whether there had been sexual intercourse, that the victim was
having her period would support that the defendant did not have sexual intercourse because
a “men will not be interested in engaging in sexual intercourse with a woman during her period.” Lin, supra note 7, at 184.

105 Shao Xinjie (邵 心傑), Kuangchen Nutongxue Zhangdongxi Fushen Senan
Pinashangchuang Quxie (誇驅魔女同學髒東西附身 色男騙上床驅邪) [Lying to Female
Classmate About Her Being Possessed by Dirty Things: Lecherous Man Deceptively Used
Exorcism to Get Sex], LIANHEBAO (聯合報) [UNITED DAILY NEWS] (Sept. 22, 2017). The
other report is by Zheng Binzhang (程炳璋), Ni Beishang Beizhe Jigeren Kuangqumo Elang
Xingqin Nutongxue (你背上背著幾個人 誇驅魔 惡狼性侵女同學) [“You Are Carrying A Few People on Your Back”: Lying about Exorcism, Lecherous Predator Sexually Assaulted Female Classmate], ZHONGGUO SHIBAO (中國時報) [CHINA TIMES] (Dec. 28, 2015).
https://www.chinatimes.com/newspapers/20151228000398-260106?cbdtv
[https://perma.cc/G5TN-N7L7].
for Engagement” (痴女為「龍王」結紮 簽 791 億本票當婚約) and further detailed how out of the four “dragon girls,” two voluntarily sterilized while the other two used oral contraception to fulfill the “dragon covenant of forgoing dragon offspring.” Similarly, for the Huang Junpin case, a newspaper report lead with the title “Master Helped Female University Student ‘Activate Divine Eye’: Twelve Years Imprisonment for Abortion-Resulting Spiritual Practice” (師父幫女大生「開天眼」 靈修到墮胎判 12 年) and alluded to how the aborted pregnancy aggravated the harm to the victim.

B. Theme 2: Outrageous Falsehood by Reprehensible Man

The second theme that emerges from the newspaper reports is the outrageous religious falsehood purveyed by the clearly reprehensible defendants.

The purported religious claims used by the defendant are consistently treated by the newspaper reports as outrageously false. This intense skepticism can be implicit, such as when a particular claim is used in the title to capture the reader’s attention. For example, in the Wu Qirong case, the titles read, “‘You Are Carrying a Few People on Your Back’: Lying about Exorcism, Lecherous Predator Sexually Assault Female Classmate” (「你背上背著幾個人」誆驅 13 女假龍王判 27 ½ 年).
魔 惡狼性侵女同學)\textsuperscript{108} or “Must Have Sex to Exorcise Lecherous Ghost!: Female High School Student Sexually Assaulted Three Times by Real ‘Lecherous Ghost’” (要性交才能驅趕色鬼! 女高中遭真「色鬼」性侵 3 次).\textsuperscript{109} For the Huang Junpin case, the title read, “‘You Are My Wife of Three Past Lives’: Female University Student Sexually Assaulted by Religious Fraudster all Around the Island” (「你是我三世夫妻」 女大生遭神棍環島性侵).\textsuperscript{110}

The perceived outrageous nature of these religious claims may also be more explicit. For example, the statement of the specific claims in the title may be coupled with a question mark or a connector to emphasize the ridiculous nature of the claim. In the Chen Xihu case, in addition to the title “‘Improving Luck Through Taking Lovers’ Bath': Religious Fraudster Sexually Assults Naïve Woman” (「洗鴛鴦浴改運」神棍性侵單純女),\textsuperscript{111} newspaper reports have led with titles such as “Improve Luck Through Taking a Bath?: Lovelorn Woman Loses Chastity” (泡澡改運？失戀女失身)\textsuperscript{112} or “Woman had a Break-Up, Religious Fraudster Actually Claimed that Lovers’ Bath and Humping Can Improve Luck” (女失戀 神棍竟稱泡鴛鴦浴、炒飯能改運).\textsuperscript{113}

The newspaper reports may also directly call out the outrageousness of the claims. This is achieved by descriptors such as “nonsensical fabrication” (瞎掰),\textsuperscript{114} “preposterous reasoning” (歪...
“absurd” (荒謬), “bizarre supernatural claims” (怪力亂神) and “ridiculous to the extreme” (誇張至極). There may also be vivid expressions such as “so shocking that one would spurt out one’s food” (令人噴飯), or even direct appeal to readers “never believe nonsenses such as ‘I need to touch your body to catch ghosts!’” (「碰觸你的身體,我才能抓鬼...」這類鬼話,千萬別信!).

This emphasis on the perceived outrageous nature of the claims is best epitomized by the newspapers’ consistent presumption of guilt when reporting the cases prior to the trial verdict (i.e., during the investigation or prosecution phase of the case). Of the twenty pre-verdict reports across the seven cases, only one report properly acknowledged that the defendant should not be considered guilty prior to conviction with the title “Dragon King Allegedly Indecent Assault: Dragon Queen Suspected as an Accomplice” (龍王涉猥褻龍后疑為共犯). For the remaining nineteen reports, the newspaper depicted the defendant in question as guilty through using phrases such as “sexual assault” (性侵), “lied about” (誆), and/or “religious fraudster” (神棍). For example, a report on the Li Junsheng case was titled, “Thought She Encountered Ghost: Sexually Assaulted upon Seeking Exorcism from Religious Fraudster” (自認卡到陰找神棍驅魔遭性侵). Another example would be the
report on the Su Jianhua case that was titled, “Fabricating Miracle, Sexually Assaulted Thirteen Women, Conned Three Million” (虛構神蹟 性侵 13 女 詐騙 3 百萬).123 This inherent tendency to regard the defendant as guilty, notwithstanding the journalistic ethics, is best epitomized by a report for the Zhong Zhicheng case, titled, “[R]eligious Fraudster Detained for Allegedly Sexually Assaulting and Indecently Assaulting Female Adherents” (神棍涉性侵、猥褻女信徒被收押),124 with the otherwise correct use of “allegedly” undercut by labeling the defendant as a “religious fraudster.”

Indeed, “religious fraudster” (神棍) is a particularly popular descriptor, with eighteen newspaper reports using it to describe the defendant in the title, and more neutral occupational terms of “fortune teller” (命理師),125 “spirit medium (乩童)”126 and “wizard” (術士)127 used sparingly in isolated instances.

C. Theme 3: Defiling Innocence

The third theme revolves around the defilement of innocence. Consistent with the perceived outrageous nature of the religious falsehood, the newspaper reports would depict the defrauded victims as naïve. For example, the victim in Chen Xihu upon Seeking Exorcism from Religious Fraudster], Zhongguo Shibao (中國時報) [CHINA TIMES] (Mar. 22, 2015), https://www.chinatimes.com/realtimenews/20150321002711-260503?chdtv [https://perma.cc/3P7B-X3Z8].


125 Lin, supra note 94.

126 Lin Baoguang (林保光), Yaqiu Nuxinzhong Tuoyi Chenji Weixie Jitong Zao Jian Jiya Zhenban (要求女信眾脫衣趁機猥褻促女童遭檢羈押) [Required Female Adherents to Strip and Took Opportunity to Indecently Assault: Spirit Medium Detained and Investigated by Prosecutor], Lianhe Bao (聯合報) [UNITED DAILY NEWS] (Sept. 19, 2017).

127 Cai Zhangshen (蔡彰盛), Shushi Damiao Qian Kaidian Guai Nudasheng Paiqao Gatyuan (術士大廟前開店 拐女大生泡澡改運) [Wizard Opened Shop in Front of Big Temple: Lure Female University Student Into Luck Change Through Bath], Ziyou Shibao (自由時報) [LIBERTY TIMES] (June 5, 2016).
case, an adult university student, was described in three newspaper reports as “simple-minded” (心思單純),\textsuperscript{128} one of which was titled, “Religious Fraudster Sexually Assaulted Naïve Woman” (神棍性侵單純女).\textsuperscript{129} The victims in Wu Qirong, Su Jianhua, and Ou Yangxian cases have also been variously described as “naïve and awkward” (憨拙),\textsuperscript{130} “silly” (痴女),\textsuperscript{131} “foolish” (糊塗),\textsuperscript{132} and “ignorant” (無知).\textsuperscript{133} However, this portrayal of the victim’s naivety is not simply about explaining why the victim would fall for the perceived ridiculous lies. It emphasizes that the victim’s innocence has been defiled.

This emphasis on innocence defilement can manifest through explicit language. The newspaper reports may, at times, explicitly convey the idea of defilement through language such as “(sexually) humiliated” (凌辱),\textsuperscript{134} “ravaged” (蹂躏),\textsuperscript{135} “defiled” (玷污),\textsuperscript{136} and “lose chastity” (失身)\textsuperscript{137} in the titles and main text. The emphasis is also reflected in how the newspaper reports essentialized the victim as a student—a status that connotes unpolluted innocence when compared to those in the “real”

\begin{footnotesize}
\begin{enumerate}
\item \textsuperscript{128} Id.; Chen, supra note 97; Cai, supra note 112.
\item \textsuperscript{129} Chen, supra note 97.
\item \textsuperscript{130} Zheng Binzhang (程炳璋), Kuang Qumo Elkang Xingxin Nu Tongxue (誹驅魔 賤狼性侵女同學) [Using about Exorcism, Lecherous Predator Sexually Assaulted Female Classmate], ZHONGGUO SHIBAO (中 國 時 報) [CHINA TIMES] (Dec. 28, 2015), https://www.chinatimes.com/newspapers/20151228000398-260106?chdtv [https://perma.cc/G5TN-N7L7]; see also Shao, supra note 105 (describing a victim as “simple-minded” (憨厚)).
\item \textsuperscript{131} Wang & Xie, supra note 92.
\item \textsuperscript{132} Yang, supra note 98.
\item \textsuperscript{133} Wang Byou (王己由), Jia Lingsiu Xingxin Nu Jiaozhu Zhongpan Shiba Nian (假靈修性侵母女 教主重判 18 年) [Sexually Assault Mother and Daughter Through Fake Spiritual Practice: Religious Leader Subject to Harsh 18 Years Imprisonment], ZHONGGUO SHIBAO (中 國 時 報) [CHINA TIMES] (Dec. 27, 2014), https://www.chinatimes.com/newspapers/20141227000412-260106?chdtv [https://perma.cc/QTD5-XF63].
\item \textsuperscript{134} Lu, supra note 107; see also Lu, supra note 110 (discussing the humiliation the victim faced).
\item \textsuperscript{135} Wang Hongxun (王宏舜), Pian Tu Kai Tianyan Jiu Quanjia Shen Gun Roulin Nu Dasheng Zhi Bengkai (騙她「開天眼救全家」 神棍蹂躪女大生致崩潰) [Deceived Her with “Activate Divine Eye to Save Whole family”: Religious Fraudster Ravaged Female University Student Until She Broke Down], LIANHE BAO (聯合報) [UNITED DAILY NEWS] (Dec. 4, 2018); Xie, supra note 101.
\item \textsuperscript{136} Wang, supra note 101.
\item \textsuperscript{137} Cai, supra note 112.
\end{enumerate}
\end{footnotesize}
world—through the frequent and unnecessary reporting on the victim being a student. Terminologies such as “female university student” (女大生) or “female classmate” (女同學) are commonly used in the titles of the newspaper reports. Indeed, the usage of such terminology is the norm for cases where the victims happened to be students at the time of the offense, namely Chen Xihu, Huang Junpin, and Wu Qirong. Moreover, the terminology is repeated throughout the text whenever the victim is referred. An example is the following paragraph:

The female university student was screaming for help, but her mother and family thought that she was really possessed, and Huang was helping to improve her bad luck; later Huang even lied to the family of the female university student that ‘she is my wife of three past lives,’ that the female university student was possessed by a ghost, and he had to bring her around the island to pray. Huang thereby took the opportunity to sexually assault her in Twelve motels in Taoyuan, Hualian, Taichung, Miaoli, and other parts of Taiwan at a rate of one to three times per location. The female university student was pregnant and forced to abort.

(T當時女大生曾尖叫哭喊, 但母親等家人都認為她真的被鬼附身, 而黃男正在幫她消災解厄; 事後黃男更對女大生家人謊稱：「她是我的三世夫妻。」指女大生被鬼纏身, 要帶她去全台過境拜拜, 趁機在桃園、花蓮、台中、苗栗等全台 12 處摩鐵, 每處以 1 至 3 次頻率性侵得逞, 女大生一度懷孕、被迫墮胎。)

Tellingly, the persistent emphasis and references to “female university student” for Chen Xihu and Huang Junpin is unwarranted.

139 Lin, supra note 115 (“Sexually assault female university student: nonsensical fabrication of ‘improve luck through absorbing Yang qi’” (性侵女大生 瞎掰「吸陽氣改運」)).
140 Zheng, supra note 105 (“Lying about exorcism, lecherous predator sexually assault female classmate” (謊驅魔 惡狼性侵女同學)).
141 There were thirteen newspapers reports over the three cases. That is a clear majority of the total nineteen newspaper reports on those three cases.
142 Lu, supra note 107.
given that the defendants and the offending conduct are devoid of any connection to the university context. Similarly, while the allusion to the “female classmates” in the title may be explained by the fact that the defendant (Wu Qirong) was the victim’s classmate in her polytechnic class, it does not justify the subsequent referral of the victim as “female student” in the text.

Where the victims have graduated from university, as were the multiple victims in the Su Jianhua case, the newspaper reports instead used “young women” (年輕女子), or even “woman of fine young age” (妙齡女子). The emphasis of the latter is not isolated and is part of a broader pattern of alluding to the victim’s physical attractiveness in the report, with descriptors such as “beautiful” (貌美), “delicate and pretty” (清秀), “good looks” (姿色不错), “charming look” (美色), and “beautiful sisters” (姊妹花) and even “milf” (美魔媽).

Indeed, the beauty of the victims is often contrasted with the physical unattractiveness of the defendant. For example, in reporting

143 Shao, supra note 105.
145 Gan, supra note 106.
146 Lu, supra note 110; Guo, supra note 113.
147 Zheng, supra note 105; Shao, supra note 105.
148 Wang, supra note 135.
149 Yang, supra note 107.
150 Wang & Xie, supra note 92; Ye, supra note 106.
151 See Yang, supra note 98; Chen, supra note 98; Chen Lizhong (錢利忠), Shiqi Du Xingqin Shaonian, Yin Jiaozhu Pan Shish Nian (17度性侵少女 淫教主判14年) [Sexually Assaulted Teenage Girl 17 Times, Lecherous Religious Leader Was Sentenced to 14 Years Imprisonment], ZIYOU SHIBAO (自由時報) [LIBERTY TIMES] (Jan. 1, 2014), https://news.ltn.com.tw/news/society/paper/743159 [https://perma.cc/JYA6-UDLY]. The woman described as a “MILF” in the report is the mother of the underage victim. The woman was charged and convicted as a co-defendant for facilitating the sexual abuse of her daughter. The newspapers report do portray the woman as a victim who was deceived by the religious fraudster.
the *Ou Yangxian* case, a newspaper reported that the defendant “looked old and fragile” (盡顯老態) as compared to the defrauded woman, who was “fair and elegant” (她皮膚白皙、氣質出眾).

Similarly, in reporting the *Su Jianhua* case, not only did some newspaper reports note that the defendant was fat, one directly referred to the defendant as “fat dragon king” (肥龍王) in the title itself.

**D. Overall Narrative: Moral Panic of Lecherous Religious Fraudsters**

The three themes identified in the above analysis can be understood as the typical sensationalized news reporting that has long plagued Taiwanese news media. In particular, the vivid emphasis on sexualized details and the presumptuous judgment of the defendants reflect the much-lamented failings of Taiwanese news media. In sharp contrast to the pervasive state control of speech and media under the martial law that was lifted in 1987, the press in Taiwan currently enjoys a very high degree of freedom. However, the corresponding cut-throat competition for readership, in turn, induced the prevalent practices of sensationalized news reporting that while recognized as contrary to journalistic standards, are deemed necessary to boost circulation. In particular, this problematic sensationalization pervades reporting on sexual offenses.

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152 Qian, *supra* note 98.


155 For a concise account of the history and evolution of media regulation in Taiwan, seeHung, *supra* note 84, at 83–84


157 For discussions on the questionable practices and corresponding legal issues relating to media reporting on sexual offences in Taiwan, see generally Wong Hsiao-Ling (翁曉玲), *Xing Qinhaifanzui Xinwen Baodao Zhi Falu Jieixian Wenti (性侵害犯罪新聞報導之法律界限問題) [The Legal Problem on the Media Reports of Sexual Assault Crime]*, 12 *ZHONGZHENG DAXUE FAXUE QIKAN* (中正大學法學集刊) [NATIONAL CHUNG CHEN U.L.J.] 145 (2003).
Nonetheless, when the three themes are combined, they constitute a distinct narrative that can be understood as a moral panic, where lecherous men utilized deviant religious practices to entrap naïve vulnerable young woman into perverted sexual exploitation.

The classic definition of moral panic, as articulated by Stanley Cohen, is as follow:

A condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests; its nature is presented in a stylized and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians and other right-thinking people; socially accredited experts pronounce their diagnoses and solutions; ways of coping are evolved or (more often) resorted to; the condition then disappears, submerges or deteriorates and becomes more visible.158

David Garland further observed the symptomatic moral dimension of the threat distinguished moral panic from other widespread concerns about distinct sources of a dangerous threat.159 As such, the repulsive and deviant conduct as practiced by a marginalized group (sometimes called “folk devils”) often form the core of the moral panic.160

We argue that this dynamic is the connecting thread among the three themes. There is an identified dangerous protagonist of the religious charlatan, as typified by the widespread use of the derogatory label of “religious fraudster” (神棍). The charlatan clearly violated acceptable religious norms through ridiculous supernatural claims that must be false. Crucially and wretchedly, the charlatan’s religious falsehood involved perverted sexual acts, simultaneously corrupting the purity of religion161 and the prevailing sexual norms. Further aggravating the moral reprehensibility and societal threat, the charlatan targets young, naïve and vulnerable


160 Id. at 14.

161 See Supreme Court Judgment 102/4174: Zuigao Fayuan (最高法院) [Supreme Court], Xingshi 刑事 [Criminal Division], 102 Tai Shang Zi No. 4174 (102 台上字第 4174 號刑事判決) (2013) (Taiwan). (finding that the purported claim of curse-removal ritual involving sex acts is against the “chaste” nature of religions (宗教純潔性)).
women, whose innocence enabled the exploitation but is also the subject matter of the exploitation.

V. MORAL PANIC AND THE LAW

The usual implication from a narrative of moral panic is that drastic state action is perceived as necessary and desirable. In particular, criminal law is a popular tool to punish and deter the reprehensive and dangerous group that is the source of the grave societal threat. Indeed, the fear underlying the moral panic may justify and drive the employment of enhanced penalties, streamlined procedures, targeted new offences, and other legal mechanisms.

This dynamic is played out in Taiwan. As discussed in Part II, the criminalization of religious fraudulent sex in Taiwan stood out for the vigorous prosecutions and high conviction rates, which are facilitated by creative doctrinal interpretations that are applicable only to scientifically unverifiable methods. The exclusion of other forms of fraudulent sex and the general persistence of rape myths excludes sexual autonomy protection as the driving force behind this determined criminalization. Instead, the singling out of religious fraudulent sex is consistent with the moral panic narrative prevalent in the newspaper reports.

The villain in the narrative, the licentious religious fraudster, is a dangerous and reprehensible sexual predator. Harsh legal sanctions are required to punish the villain for the deep transgression of social moral order, and to protect the naïve vulnerable victim from sexual exploitation. This grave threat justifies the innovative

162 MARSH & MELVILLE, supra note 12, at 79–80.
163 Jennifer L. Klein & Danielle Tolson Cooper, Punitive Attitudes Toward Sex Offenders: Do Moral Panics Cause Community Members to Be More Punitive?, 30(6) CRIM. JUST. POL’Y REV. 948, 962–64 (2019).
164 E.g., Sarah Tosh, Drugs, Crime, and Aggravated Felony Deportations: Moral Panic Theory and the Legal Construction of the "Criminal Alien,” 27 CRITICAL CRIMINOLOGY 329, 337–41 (2019) (discussing the development and use of aggravated felony as a deportation tool to combat the perceived threat of criminal aliens); Mary Katherine Huffman, Moral Panic and the Politics of Fear: The Dubious Logic Underlying Sex Offender Registration Statutes and Proposals for Restoring Measures of Judicial Discretion to Sex Offender Management, 4 VA. J. CRIM. L. 241, 244–53 (2016) (discussing the media-fueled politics of fear that drive the draconian and at times misguided legislative actions on sex offenders).
165 See also Jianlin Chen & Phapit Triratpan, Black Magic, Sex Rituals and the Law: A Case Study of Sexual Assault by Religious Fraud in Thailand, 37(1) UCLA PAC. BASIN L.J. 25, 43–45 (2020) (describing how in Thailand where the rape offence is similar to pre-1999
interpretation of a statutory provision that did not expressly punish sex procured by fraud. In addition, this conceptualization of the defendant as a dangerous villain that is capable of manipulating victims with outrageous and obviously false religious claims renders religious fraudulent sex less of a departure from the myths of “real rape” that persist in the legal system.

Specifically, we argue that this moral panic narrative in newspaper reports supports the legal practices in two related—indeed mutually reinforcing—ways.

First, this moral panic narrative helps rationalize the targeted criminalization of religious fraudulent sex (but not other forms of fraudulent sex) for the public. This rationalization is particularly important given how the legal peculiarity is aggravated by the cursory representation of the law. The newspaper reports typically adopt a conclusory approach that directly connects the defendant’s fraudulent conduct with the convictions. For example, “the high court determined that [the defendant] lied by using the victim’s deep unquestioning religious and spiritual belief to persuade her that sex was necessary for luck improvement in order to sexually assault her” (高等法院認定陳男說謊,利用被害人對宗教等民俗信仰深信不疑心理, 告以性交始能改運加以性侵, 造成被害人身心受創). In another example from another case, “the judge found that the [defendant] used the deeply held supernatural and religious belief, lied to the victim so as to sexually assault her, causing great harm to her sexual autonomy and dignity” (法官認為, 李男利用小美深信宗教法術, 诓騙小美並性侵, 對她的性自主權及人格尊嚴戕害甚鉅).

Because the courts chose to emphasize the “fraud” element of the defendant’s conduct without explaining the underlying doctrinal approach, readers may be triggered by the inconsistent treatment between religious and non-religious fraudulent sex, including the common understanding that fraudulent sex is not rape per se.168

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166 Cai, supra note 127.
167 Wang & Huang, supra note 101.
168 See David P. Bryden, Redefining Rape, 3 BUFF. CRIM. L. REV. 317, 470–73 (2000) (discussing a survey of students, staff and faculty in 13 U.S. law schools that found that there is only limited support for a general principle of criminal liability for sex obtained by deception).
However, the moral panic narrative encourages the readers to overlook such issues since “justice” has been duly meted out against the dangerous and reprehensible villain. This in turn reduces the risks of any public push-back or query regarding the legal practices.

Second, this persistent and unchallenged moral panic narrative reassures prosecutors and judges that there is a widespread public acquiescence for the criminalization of religious fraudulent sex. There is well-established literature demonstrating that police, prosecutors, and judges are not immune to extra-legal considerations.\(^{169}\) In the realm of criminal law, there is a particular concern about “trial by media”, whereby legal outcomes are influenced by the media’s portrayal of the alleged crime.\(^{170}\) Taiwan is no exception, especially when the news media is not shy about levying harsh criticisms on judges (e.g., “dinosaur judge” (恐龍法官)) who deliver judgments that are perceived to depart from societal expectations.\(^{171}\) Unsurprisingly, empirical research on the perceived impact of media reporting on legal decision-making reveals that Taiwanese judges and prosecutors have significant concerns that the handling of cases by their fellow judges and prosecutors would be affected by media reports. This is especially true for media reports that play up the moral reprehensibility of the defendant and the


vulnerable/sympathetic circumstances of the victims,\textsuperscript{172} which incidentally correspond to the reporting on religious fraudulent sex.

In such contexts, the prosecutors and judges could take solace in the media’s moral panic narrative that the criminalization of religious fraudulent sex is consistent with the societal sentiment. Indeed, it is telling that the moral panic narrative is adopted in all three surveyed newspapers regardless of their respective ideological inclination. Media analysis has demonstrated how the different reporting, framing, and emphasis among the newspapers in Taiwan reflect their respective ideological stance.\textsuperscript{173} However, there is no such divergence for religious fraudulent sex. This is notwithstanding that one might expect the Liberty Times would be less judgmental and presumptuous about the allegation of religious fraud,\textsuperscript{174} given its persistent condemnation of China’s suppression of “evil cults” and other perceived false religions.\textsuperscript{175} Thus, this consensus among the

\textsuperscript{172} Peng Weng-Jeng (彭文正) & Hsiao Hsien-Wen (蕭憲文), 

\textsuperscript{173} Shyue-Shuo Huang (黃學碩), 2008 Nian Zongtong Daxuan Qianhou Baozhi Dui Zhou Meiqing Baodao de Lunshu Fenxi: Chengyuan Leishu Fenxi de Guandian (2008 年總大選前後報紙對周美青報導的論述分析: 成員類屬分析的觀點) [Discourse Analysis of the News Reports About Mei Chin Chou During the 2008 Taiwan Presidential Campaign: A Membership Categorization Analysis Viewpoint], 136 XINWEN XUE YANJUI (新聞學研究) [MASS MEDIA RSCH.] 135, 175–76 (2018); e.g., Li, supra note 81, at 32–33 (examining how the ideologies of four major newspapers affected their coverage).

\textsuperscript{174} The one newspaper report out of twenty that did not presume guilt is from United Daily Times. See supra text accompanying note 121.

\textsuperscript{175} See Editorial, Shangdi de Gai Shangdi Kaisa de Gai Kaisa (上帝的歸上帝 凱撒的歸凱撒) [Give Back to God What is God’s, and to Caesar what is Caesar’s], ZIYOU SHIBAO (自由時報) [LIBERTY TIMES], Mar. 16, 2013, at A02, https://talk.ltn.com.tw/article/paper/662349; Editorial, Xiayibu Huiba Falungong Liewei Xiejiao Taohao Zhongguo (下一步會把法輪功列入邪教 討好中國) [Next Step is to List Falungong as Evil Cult to Pander to China], ZIYOU SHIBAO (自由時報) [LIBERTY TIMES], Oct. 14, 2009, at A02, https://talk.ltn.com.tw/article/paper/342918. For a critical discussion of a similar disconnect between a vigorous critique on China’s religious policy but a support for aggressive and discriminatory state regulation of perceived religious fraud in Hong Kong, see Jianlin Chen, Hong Kong’s Chinese Temples Ordinance: A Cautionary
three newspapers on the moral panic narrative is particularly reassuring for legal actors in a society that is otherwise deeply divided on various social and political issues.\textsuperscript{176}

VI. CONCLUSION

The potent mix of sex, fraud, and religion inevitably ensures that religious fraudulent sex would receive prominent and sensationalistic media coverage. This is indeed reflected in the three themes that emerge from the article’s thematic analysis of Taiwanese newspapers reports. The newspaper reports emphasized the lurid taboo sex that occurred in the purported religious ritual. The religious rituals were contemptuously depicted as obvious and ridiculous religious falsehood from the media. In the process, the victims—vulnerable and deserving of protection—had their innocence defiled. Beyond representing shortcomings in journalistic ethics relating to crime reporting, these three themes constitute a moral panic narrative whereby the lecherous fraudster is a dangerous societal threat who corrupts naïve young women with sexual pervasion under the guise of religion. Tellingly, this narrative helps to explain the legally questionable practice of religious fraudulent sex criminalization that is not driven by a genuine desire to safeguard sexual autonomy. Rather, the vivid imagery of the repulsive religious fraudsters provides a rationalization avenue to the public and reassurance to the legal actors. Both can now ignore the otherwise unprincipled exclusion of other forms of fraudulent sex—fraudulent sex where the corresponding folk devils have yet to be constructed.

ANNEX: LIST OF DATA POINTS

Chen Xihu (陳西湖)

[Chen][2015-12-12][CT]: Chen Yuxian (陳育賢), Xi Yuanyangyu Gaiyun Shengun Xingqin Danchun Nu (「洗鸳鴦浴改運」神棍性侵單純女) [Improving Luck Through Taking “Lovers’ Bath”: Religious Fraudster Sexually Assault Naïve Woman], ZHONGGUO SHIBAO (中國時報) [CHINA TIMES] (Dec. 12, 2015).

[Chen][2015-12-12][LT]: Cai Zhangshen (蔡彰盛), Paozao Gaiyun? Shilian Nu Shishen (泡澡改運? 失戀女失身) [Improve Luck Through Taking a Bath?: Lovelorn Woman Loses Chastity], ZIYOU SHIBAO (自由時報) [LIBERTY TIMES] (Dec. 12, 2015).

[Chen][2015-12-12][UT]: Cai Xinying (蔡昕颖), Suanmingshi Shi Lang Gaiyun Gaidao Chuangshang Qu (算命師是狼改運改到床上去) [Fortune Teller is Lecherous: Change Luck Change Onto Bed], LIANHE BAO (聯合報) [UNITED DAILY NEWS] (December 12, 2015).

[Chen][2016-06-04][CT]: Guo Zhihan (郭芝函), Nu Shilian Shengun Jing Chen Pao Yuanyangyu Chaofan Neng Gaiyun (女失戀神棍竟稱泡鴛鴦浴、炒飯能改運) [As a Woman Had a Break-Up, the Religious Fraudster Claimed that Lover’s Bath and Humping Can Improve Her Luck], ZHONGGUO SHIBAO (中國時報) [CHINA TIMES] (June 4, 2016).

[Chen][2016-06-05][UT]: Wang Minxu(王敏旭), Qi Ta Shilian Shengun Pian Gaiyun Xingqin Nudasheng (欺她失戀 神棍騙改運 性侵女大生) [Taking Advantage of Her During Break Up, Religious Fraudster Lied about Changing Luck, Sexually Assault Female University Student], LIANHE BAO (聯合報) [UNITED DAILY NEWS] (June 5, 2016).

[Chen][2016-06-05][LT]: Cai Zhangshen (蔡彰盛), Shushi Damiao Qian Kaidian Guai Nudasheng Paozao Gaiyun (術士大廟前開店 拐女大生泡鴛鴦改運) [Wizard Opened Shop in Front of Big Temple: Lure Female University Student Into Luck Change Through Bath], ZIYOU SHIBAO (自由時報) [LIBERTY TIMES] (June 5, 2016).
[Chen][2016-12-26][LT]: Yang Guowen (楊國文), Xingqin Nudasheng Xiabai Xi Yangqi Gaiyun （性侵女大生瞎掰「吸阳气改运」） [Sexually Assaulted Female University Student: Nonsensical Fabrication of “Improve Luck Through Absorbing Yang Qi”], ZIYOU SHIBAO (自由時報) [LIBERTY TIMES] (Dec. 26, 2016).

[Chen][2018-01-23][CT]: Lin Weixing (林偉信), Xi Yangqi Gaiyun Youjian Nudasheng Minglishi Pan 4 Nian (吸陽氣改運誘姦女大生 命理師判 4 年) [Suck Yang-Qi to Change Luck, After Seducing Female University Student, Fortune Teller Sentenced to Four Years Imprisonment], ZHONGGUO SHIBAO (中國時報) [CHINA TIMES] (Jan. 23, 2018).

[Chen][2018-01-25][UT]: Guo Xuanbin (郭宣彣), Shengun Pian Gaiyun Tiaohe Yinyangshui Paozao Haidei Kouai Panxing (神棍騙改運 調和陰陽水泡澡還得口愛判刑) [Religious Fraudster Lied About Improving Luck: Jailed for Bathing Together in Yin-Yang Water and also Mouth Love], LIANHE BAO (聯合報) [UNITED DAILY NEWS] (Jan. 25, 2018).

Huang Junpin (黃睿平)

[Huang][2016-05-13][CT]: Cai Yizhen (蔡依珍), Xingqin Nudasheng Shengun Bei Qisu (性侵女大生神棍被起訴) [Religious Fraudster Prosecuted for Sexually Assaulting Female University Student], ZHONGGUO SHIBAO (中國時報) [CHINA TIMES] (May 13, 2016).

[Huang][2017-10-02][UT]: Lu Kaiduan (呂開瑞), Ni Shi Wo Sanshi Fuqi Nudasheng Zao Shengun Huandao Xingqin (「你是我三世夫妻」女大生遭神棍環島性侵) [“You Are My Wife of Three Past Life”: Female University Student Sexually Assaulted by Religious Fraudster All Around the Island], LIANHE BAO (聯合報) [UNITED DAILY NEWS] (Oct. 2, 2017).

[Huang][2018-01-03][CT]: Lin Weixin (林偉信), Jia Sanshi Fuqi Zhen Xingqin Shengun Zao Panxing 12 Nian (假「三世夫妻」 真性侵 神棍遭判刑 12 年) [Fake “Wife of Three Past Life” Real Sexual Assault: Religious Fraudster Sentenced to Twelve Years

Published by Penn Law: Legal Scholarship Repository,
Imprisonment], ZHONGGUO SHIBAO (中國時報) [CHINA TIMES] (Jan. 3, 2018).

[Huang][2018-01-03][UT]: Wang Hongjun (王宏舜), Shifu Bang Nudasheng Kai Tianyan Lingxiu Dao Duotai Pan 12 Nian (師父幫女大生「開天眼」 靈修到墮胎判 12 年) [Master Helped Female University Student “Activate Divine Eye”: Twelve Years Imprisonment for Abortion-Resulting Spiritual Practice], LIANHE BAO (聯合報) [UNITED DAILY NEWS] (Jan. 3, 2018).

[Huang][2018-01-04][LT]: Yang Guowen (楊國文), Chumo Hu Jiaren, Nudasheng Canzao Shengui Xingqin Duotai, Bengkui Songyi (除魔、護家人 女大生慘遭神棍性侵墮胎 崩潰送醫) [Exorcised, Protect Family: Female University Student Sexually Assaulted by Religious Fraudster till Abortion, Broke Down and Sent to Hospital] ZIYOU SHIBAO (自由時報) [LIBERTY TIMES], (Jan. 4, 2018).

[Huang][2018-08-11][UT]: Lu Kaiduan (呂開瑞), “Ni Shi Wo Sanshi Fuqi” Miaogong Dai Nudasheng Huandao Xingqin Lingru (「你是我三世夫妻」廟公帶女大生環島性侵凌辱) [“You are My Wife of Three Past Lives”: Head Abbot Brought Female University Student around Island for Sexual Assault and Humiliation], ZHONGGUO SHIBAO (中國時報) [CHINA TIMES] (Aug. 11, 2018).

[Huang][2018-12-04][UT]: Wang Hongxun (王宏舜), Pian Ta Kai Tianyan Jiu Quanjia Shen Gun Roulin Nudasheng Zhi Bengkui (騙她「開天眼救全家」 神棍蹂躪女大生致崩潰) [Deceived Her with “Activate Divine Eye to Save Whole family”: Religious Fraudster Ravaged Female University Student Until She Broke Down], LIANHE BAO (聯合報) [UNITED DAILY NEWS] (Dec. 4, 2018).

Li Junsheng (李俊升)

[Li][2015-03-22][CT]: Ye Dezheng (葉德正), Ziren Kadao Yin Zhao Shengun Qumo Zao Xingqin (自認卡到陰找神棍驅魔遭性侵) [Thought She Encountered Ghost: Sexually
Assaulted upon Seeking Exorcism from Religious Fraudster, ZHONGGUO SHIBAO (中國時報) [CHINA TIMES] (Mar. 22, 2015).

[Li][2015-03-22][LT]: Wang Dingchuan (王定傳), Kuangqumo Buzhundong Dianwu Yunfu (誆驅魔不準動玷污孕婦) [Pretending She Could Not Move During Exorcism: Defilement of Pregnant Woman], ZIYOU SHIBAO (自由時報) [LIBERTY TIMES] (Mar. 22, 2015)

[Li][2015-07-24][CT]: Ye Dezheng (葉德正), You Handi Zai Shenshang Furen Jingjue Zao Shengun Xingqin (「有汗滴在身上」婦人驚覺遭神棍性侵) [“Sweat Dripped on Body”: Woman’s Startled Realization of Being Sexually Assaulted by Religious Fraudster], ZHONGGUO SHIBAO (中國時報) [CHINA TIMES] (July 24, 2015).

[Li][2015-07-25][LT]: Wang Dingchuan (王定傳), Shoujing Yu Shengun Yujin Zhelian Zao Xingqin (收驚遇神棍浴巾遮臉遭性侵) [Encountered Religious Fraudster While Retrieving Soul: Sexually Assaulted with Towel Covering Face], ZIYOU SHIBAO (自由時報) [LIBERTY TIMES] (July 25, 2015).

[Li][2015-12-30][CT]: Xie Xingen (謝幸恩), Kuangchen Zhenduan Guitou Shengun Xingqin Huaiyunnu Panpei 50wan (誆稱「斬斷鬼頭」神棍性侵懷孕女判賠 50 萬) [Lying About “Decapitating Ghost”: Religious Fraudster Ordered to Compensate NT 500,000 for Sexually Assaulting Pregnant Women], ZHONGGUO SHIBAO (中國時報) [CHINA TIMES] (Dec. 30, 2015).

[Li][2015-12-31][LT]: Wang Dingchuan (王定傳) & Huang Jie (黃捷), Limian Youshen Guizhe Qiaomen Eshengun Yunfu ye Xingqin (「裡面有神跪著敲門」惡神棍孕婦也性侵) [“God Resides Here, Kneel When Knocking”: Despicable Religious Fraudster Sexually Assaulted Pregnant Woman], ZIYOU SHIBAO (自由時報) [LIBERTY TIMES] (Dec. 31, 2015).

Ou Yangxian (歐陽顯)

[Ou][2013-12-31][LT]: Chen Lizhong (錢利忠), Bi Nuer Xianshen 3P Yinjiaozhu Meimoma Shouya (逼女兒獻身3P 淫教主美魔媽收押) [Forced Daughter to Give Body for Threesome:
Religious Leader and MILF Detained, ZIYOU SHIBAO (自由時報) [LIBERTY TIMES] (Dec. 31, 2013).

[Ou][2013-12-31][CT]: Xiao Bowen (蕭博文), Mu Gong Nu Gei Jiaozhu Xingqin Showya (母供女給「教主」性侵 收押) [Mother Detained for Providing Daughter to “Religious Leader” for Sexual Assault], ZHONGGUO SHIBAO (中國時報) [CHINA TIMES] (Dec. 31, 2013).

[Ou][2014-01-01][CT]: Chen Lizhong (錢利忠), Shiqi Du Xingqin Shaonu Yin Jiaozhu Pan Shisi Nian (度性侵少女 淫教主判 14 年) [Sexually Assaulted Teenage Girl Seventeen Times, Lecherous Religious Leader Was Sentenced to Fourteen Years Imprisonment], ZIYOU SHIBAO (自由時報) [LIBERTY TIMES] (Jan. 1, 2014).

[Ou][2014-01-01][CT]: Linxiu Xingqin Ouyangxian Pan 14 Nian Mu Bi Nu Dang Jiaozhu Xingnu Qinzi Shifan (靈修性侵 歐陽顯判 14 年 母逼女當教主性奴 親自示範) [Sexual Assault Through Spiritual Practice, Ou Yangxian Sentenced to Fourteen Years Imprisonment, Mother Forced Daughter to Be Sex Slave of Religious Leader And Personally Demonstrate]. ZHONGGUO SHIBAO (中國時報) [CHINA TIMES] (Jan. 1, 2014).

[Ou][2014-08-15][UT]: Deng Guifen (鄧桂芬), Xingqin Shaonu Linxiu Jiaozhu Gai Zhongpan 18 Nian (性侵少女 精修教主 改重判 18 年) [Sexually Assaulted Teenage Girl, Spiritual Practice Religious Leader Sentenced Changed to Eighteen Years], LIANHE BAO (聯合報) [UNITED DAILY NEWS] (Aug. 15, 2014).


[Ou][2014-12-27][LT]: Xiang Chengzhen (項程 鎮), Bi Younu Dang Jiaozhu Xingnu Mu Pan 12 Nian (逼幼女當教主性奴 母判 12 年) [Force Young Daughter to Be Sex Slave of Religious Leader: Mother Sentenced to Twelve Years Imprisonment], ZIYOU SHIBAO (自由時報) [LIBERTY TIMES] (Dec. 27, 2014).
[Ou][2014-12-27][CT]: Wang Jiyou (王己由), Jia Lingxiu Xingqin Munu Jiaozhu Zhongpan Shiba Nian (假靈修性侵母女 教主重判 18 年) [Sexually Assault Mother and Daughter Through Fake Spiritual Practice: Religious Leader Subject to Harsh Eighteen Years Imprisonment], ZHONGGUO SHIBAO (中國時報) [CHINA TIMES] (Dec.27, 2014).

Su Jianhua (蘇建華)

[Su][2015-04-21][CT]: Zhang Jingting (張靜婷), Longwang Pian Cai Se Mo Xiong Gaiyun Guai Liushi Nu (龍王騙財色 摸胸改運挪 60 女) [Dragon King Defrauding Money and Sex: Touch Breast and Cheat Sixty Women by Alleging Changing Luck], ZHONGGUO SHIBAO (中國時報) [CHINA TIMES] (Apr. 21, 2015).

[Su][2015-04-21][LT]: Xie Junlin (謝君臨) & Chen Weici (陳慰慈), Cuoru Huazhou Guai 60 Nu “Longwang” Laopo Shi Zhuli (搓乳畫咒拐 60 女 「龍王」老婆是助理) [Caress Breast Draw Runes Cheat Sixty Women: “Dragon King” Wife is Assistant], ZIYOU SHIBAO (自由時報) [LIBERTY TIMES] (Apr. 21, 2015).

[Su][2015-04-21][UT]: Zhou Yuxiang (周毓翔) et al., Longwang She Weixie Longhou Yi Wei Gongfan (龍王涉猥褻 龍后疑為共犯) [Dragon King Allegedly Indecent Assault: Dragon Queen Suspected as Accomplice], LIANHE BAO (聯合報) [UNITED DAILY NEWS] (Apr. 21, 2015).

[Su][2015-04-22][CT]: Chen Yi-Jia (陳宜加), Huangmiu Longwang Yingao Yifa Songban (荒謬龍王硬拗 依法送辦) [Ridiculous Dragon King Blatantly Denies: Referred to Prosecution in Accordance with Law], ZHONGGUO SHIBAO (中國時報) [CHINA TIMES] (Apr. 22, 2015).

[Su][2015-04-22][LT]: Zeng Jianming (曾健銘), Qi Ding Longnu Shouze Mudu Longwang Xingqin Xintu 235 Ci (妻訂龍女守則 目睹龍王性侵女信徒) [Wife Drafts Rules for Dragon Girl: Witness Dragon King Sexually Assault Female Adherents], ZIYOU SHIBAO (自由時報) [LIBERTY TIMES] (Apr. 22, 2015).

[Su][2015-08-19][CT]: Ye Dezheng (葉德正), Kuangyinjing Tangzhezhuan Longwang Xingqin Xintu 235 Ci (誣飲精躺著賺 龍
[Su][2015-08-19][LT][1]: Xie Junlin (謝君臨) & Wang Dingchuan (王定傳), Xugou Shenji Xingqin 13 Nu Zhapian 3 Bai Wan (虛構神蹟 性侵 13 女 詐騙 3 百萬) [Fabricating Miracle, Sexually Assaulted Thirteen Women, Conned Three Million], ZIYOU SHIBAO (自由時報) [LIBERTY TIMES] (Aug. 19, 2015).

[Su][2015-08-19][LT][2]: Wang Dingchuan (王定傳) & Xie Junlin (謝君臨), China Wei Longwang Jiezha Qian 791 Yi Benpiao Dang Hunyue (癡女為「龍王」結紮 給 791 億本票當婚約) [Foolish Girl Sterilized for Dragon King: Signed 79.1 Billion Promissory Note for Engagement], ZIYOU SHIBAO (自由時報) [LIBERTY TIMES] (Aug. 19, 2015).

[Su][2016-01-09][CT]: Ye Dezheng (葉德正), Qi Xichen Fu Tangzhezhuan Ledang Pian Caise Gongfan Guhuo Xingqin 13 Nu Jia Longwang Pan 27 Nianban (妻戲稱夫「躺著賺」 樂當騙財色共犯 性感性侵 13 女假龍王判 27 年半) [Wife Teased Husband “Earning While Lying Down”: Happy to be Accomplice in Fraud and Fraudulent Sex, Tricked and Sexually Assaulted Thirteen Women, Fake Dragon King Sentenced to 27 ½ Years], ZHONGGUO SHIBAO (中國時報) [CHINA TIMES], (Jan. 9, 2016).

[Su][2016-01-09][LT]: Wang Dingchuan (王定傳) & Chen Weici (陳慰慈), Xingqin Nuxintu Tangzhezhuan Feilongwang Fuqi Zhongpan (性侵女信徒「躺著賺」 肥龍王夫妻重判) [Sexually Assaulted Female Adherents and “Earning While Lying Down”: Fat Dragon King Couple Received Severe Sentence], ZIYOU SHIBAO (自由時報) [LIBERTY TIMES] (Jan. 9, 2016).

[Su][2016-01-09][UT]: Gan Yuwei (甘育玮), Quanluo Huafu Kegaiyun Shengun Fufu Chongpan” (「全裸畫符可改運」 神棍夫婦重判) [“Charm Writing While Naked Can Change Luck”: Religious Fraudster Couple Received Severe Sentence], LIANHEBAO (聯合報) [UNITED DAILY NEWS] (Jan. 9, 2016).

[Su][2016-07-14][LT]: Wang Dingchuan (王定傳), Jia Qumo Zhen Xingqin Longwang Tangzhe Zuan Panpei 409 Wan (假
驅魔真性侵 「龍王」躺著賺 判賠 409 萬) [Fake Exorcism Real Sexual Assault – ‘Dragon God’ Earning Money while Lying Down, Ordered to Compensate 4.09 Million], ZIYOU SHIBAO (自由時報) [LIBERTY TIMES] (July 14, 2016).

[Su][2016-10-28][CT]: Lin Weixing (林偉信), Xingqin Shisan Nu Jia Longwang Fuqi Erschen Huo Qingpan (性侵13女 假龍王夫妻二審獲輕判) [Sexually Assaulted Thirteen Women: Fake Dragon King Couple Received Light Sentence on Second Instance], ZHONGGUO SHIBAO (中國時報) [CHINA TIMES] (Oct. 28, 2016).

[Su][2017-03-29][CT]: Lin Weixing (林偉信), Xingqin Shisan Nu Jia Longwang Fuqi Zhongpan Shijiu Nian Ban yu Shisan Nian Ban (性侵13女 假龍王夫妻重判19年半與13年半) [Sexually Assaulted Thirteen Women: Fake Dragon King Couple Severely Punished with Nineteen-and-a-Half Years and Thirteen-and-a-Half Years’ Imprisonment, Respectively], ZHONGGUO SHIBAO (中國時報) [CHINA TIMES] (Mar. 29, 2017).

Wu Qirong (吳啟榮)


[Wu][2017-09-22][UT]: Shao Xinjie (邵心傑), Kuangchen Nutongxue Zangdongxi Fushen Senan Pinashangchuang Quxie (誆稱女同學髒東西附身 色男騙上床驅邪) [Lying to Female Classmate About Her Being Possessed by Dirty Things: Lecherous Man Deceptively Used Exorcism to Get Sex], LIANHEBAO (聯合報) [UNITED DAILY NEWS] (Sept. 22, 2017).

[Wu][2018-03-07][CT]: Zhang Guoxin (張國欽), Yao Xingjiao Cai Neng Qu Gan Segui! Nu Gaozhong Zao Zhen “Segui” Xingqin 3 Ci (要性交才能驅趕色鬼! 女高中遭真「色鬼」性侵 3次) [Must Have Sex to Exorcise Lecherous Ghost!: Female High School Student Sexually Assaulted

Zhong Zhicheng (鍾志成)

[Zhong][2017-09-19][CT]: Lu Suli (呂素麗), Shengun Jiajie Jigong Zhiming Xingqin Weixie Nuxintu Bei Shouya (神棍假借濟公之名性侵、猥褻女信徒被收押) [Religious Fraudster Detained for Sexually Assaulted And Indecently Assaulted Female Adherents in the Name of Ji Gong], ZHONG GUO SHIBAO (中國時報) [CHINA TIMES] (Sept. 19, 2017).

[Zhong][2017-09-19][UT]: Lin Baoguang (林保光), Yaoqiu Nuxinzhong Tuoyi Chenji Weixie Jitong Zao Jian Jiya Zhenban (要求女信眾脫衣趁機猥褻 乩童遭檢羈押偵辦) [Required Female Adherents to Strip and Took Opportunity to Indecently Assault: Spirit Medium Detained and Investigated by Prosecutor], LIANHE BAO (聯合報) [UNITED DAILY NEWS] (Sept. 19, 2017).

[Zhong][2017-09-20][CT]: Lu Suli (呂素麗), Shengun She Xingqin, Weixie Nuxintu Bei Shouya (神棍涉性侵、猥褻女信徒被收押) [Religious Fraudster Detained for Allegedly Sexually Assaulting and Indecently Assaulting Female Adherents], ZHONG GUO SHIBAO (中國時報) [CHINA TIMES] (Sept. 20, 2017).

[Zhong][2018-06-18][LT]: Huang Jianhua (黃建華), Shengun Qiji Yao Nuzhong Tuoyi Exing Tuigei Jigong (神棍起乩要女眾脫衣 惡行推給濟公) [Religious Fraudster During Spirit Possession Require Female Adherents to Strip: Blame Ji Gong for Despicable Act], ZIYOU SHIBAO (自由時報) [LIBERTY TIMES] (June 18, 2018).