



# Rape Myths, Rape Law and Mendelsohn's Victimology: Law's 'Bio-psycho-social' Witness

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## Abstract

This article provides a feminist reading of a neglected text: victimology founder Benjamin Mendelsohn's essay about rape victims and the law, 'Rape in Criminology and the Importance of the Female Judge' (Mendelsohn Benjamin in *La Giustizia Penale I-II-III-IV*:28–50 1940). Following the heuristics of feminist socio-legal scholarship, my reading unsettles the established origin story of victimology and furthers feminist knowledge about the persistence of rape myths. I show victimology sprang from Mendelsohn's work as a rape trial lawyer and was a vehicle for modernising rape myths, brought into being in response to rape survivor-corroborating advancements in forensic science. Mendelsohn's 'bio-psycho-social' method of criminal defence sought a modern scientific foundation for rape myths, mobilising biological, psychoanalytic and sociological knowledge to contrive new grounds for invalidating complainant testimony as corrupt data.

**Keywords** Benjamin Mendelsohn · Defence lawyers · Freudian psychoanalysis—legal application · Rape law, Rape myth · Victimology

## Introduction

Bringing a long and curious silence to an end, this article provides a feminist reading of Benjamin Mendelsohn's 1940 essay '*Le Viol en Criminology et l'Importance de la Femme-Magistrat*' ('Rape in Criminology and the Importance of the Female Judge', hereafter 'Rape in Criminology'). Mendelsohn is a founding "father of victimology" (O'Connell 2008, 98) and is both lauded for innovatively extending the gaze of criminology beyond the offender to the victim, and criticised for shaping

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# Rape Victimology

**Burgess**



## **Rape Victimology:**

*Encyclopedia of Victimology and Crime Prevention* Bonnie S. Fisher, Steven P. Lab, 2010-02-02 Victimology and crime prevention are growing interrelated areas cutting across several disciplines Victimology examines victims of all sorts of criminal activity from domestic abuse to street violence to victims in the workplace who lose jobs and pensions due to malfeasance by corporate executives Crime prevention is an important companion to victimology because it offers insight and techniques to prevent situations that lead to crime and attempts to offer ideas and means for mitigating or minimizing the potential for victimization In many ways the two fields have developed along parallel yet separate paths and the literature on both has been scattered across disciplines as varied as sociology law and criminology public health and medicine political science and public policy economics psychology and human services and more The Encyclopedia of Victimology and Crime Prevention provides a comprehensive reference work bringing together such dispersed knowledge as it outlines and discusses the status of victims within the criminal justice system and topics of deterring and preventing victimization in the first place and responding to victims needs Two volumes containing approximately 375 signed entries provide users with the most authoritative and comprehensive reference resource available on victimology and crime prevention both in terms of breadth and depth of coverage In addition to standard entries leading scholars in the field have contributed Anchor Essays that in broad strokes provide starting points for investigating the more salient victimology and crime prevention topics A representative sampling of general topic areas covered includes interpersonal and domestic violence child maltreatment and elder abuse street violence hate crimes and terrorism treatment of victims by the media courts police and politicians community response to crime victims physical design for crime prevention victims of nonviolent crimes deterrence and prevention helping and counseling crime victims international and comparative perspectives and more International Handbook of Victimology Shlomo Giora Shoham, Paul Knepper, Martin Kett, 2010-02-23 In the nearly four decades since the First International Symposium on Victimology convened in Jerusalem in 1973 some concepts and themes have continued to hold a prominent place in the literature while new ones have also emerged Exploring enduring topics such as conceptions of victimhood secondary and hidden victimization and social services f Victimology Leah E. Daigle, 2017-07-25 A comprehensive and insightful presentation of victimology and victimization well written with many learning aids within each chapter that benefit the student Michael S Proctor Texas A M University San Antonio Victimology The Essentials Second Edition is a comprehensive yet concise core textbook that explores the effects of victimization in the United States and internationally with an emphasis on vulnerable populations Drawing from the most up to date research this accessible student friendly text provides an overview of the field of victimology with a focus on the scope causes and responses to victimization today Renowned author and researcher Leah E Daigle expertly relays the history and development of the field of victimology the extent to which people are victimized and why and how the criminal justice system and other social

services interact with victims and with each other The highly anticipated Second Edition features contemporary issues such as stalking hate crimes human trafficking terrorism and more Visit study sagepub com daigle2e to access these valuable instructor resources The password protected Instructor Teaching Site includes a test bank PowerPoint slides sample syllabi and more

**Rape Victimology** LeRoy G. Schultz,1974 *Victimology and Victim Assistance* Yoshiko Takahashi,Chadley James,2018-11-14 Victimology and Victim Assistance offers insights into the criminal justice system from the perspective of often overlooked participants victims Delving into victim involvement in the criminal justice system the impact of crime on victims and new directions in victimology and victim assistance authors Yoshiko Takahashi and Chadley James provide crucial insights and practical applications into the field of victim assistance With an emphasis on advocacy intervention and restoration this book examines real issues and barriers in the criminal justice system for victims and offers a way forward for future criminal justice or other human service professionals *Victimology* Burgess,2017-12-15 Victimology explores all crimes impacting victims including child maltreatment intimate partner violence elder abuse cybercrime and hate crimes The history and theories of victimology are explored as well as definitive laws and policies strategies for intervention and future research areas *Victimology* William G. Doerner,Steven P. Lab,2010-04-07 This breakthrough work provides an organizing structure for the history and current state of the field of victimology and outlines the reasons compelling a separate focus on crime victims Highly readable Victimology explores the role of victimology in today s criminal justice system examining the consequences of victimization and the various remedies now available for victims A new chapter covers the important implications of restorative justice The text is supplemented by illustrative figures and tables as well as learning objectives key terms and a listing of related Internet sites Learning objectives key terms internet sites and illustrative figures and tables enhance the text **Victimology** ,1979 *Theories of Rape* Lee Ellis,1989 A comprehensive and up to date synthesis of what is currently known about the causes of rape Professor Ellis summarizes three theories and provides evidence both for and against specific hypotheses resulting from each **Controversies in Victimology** Laura J. Moriarty,2008-10-01 Controversies in Victimology features original works of noted scholars and practitioners aiming to shed light on the debates over the media attention on and the psychology behind victimization This book discusses the controversies from all sides of the debate and attempts to reconcile the issues in order to move the field forward Organized around topical areas focusing on 10 specific issues Academic experts and professionals in varied fields examine controversial issues **Oversight Hearing on the Office of Juvenile Justice and Delinquency Prevention** United States. Congress. House. Committee on Education and Labor. Subcommittee on Human Resources,1984 *Forced Sexual Intercourse in Intimate Relationships* Ida M. Johnson,Robert T. Sigler,2018-12-18 Published in 1997 Literature is reviewed relating to those behaviours which have traditionally been referenced as date rape acquaintance rape or rape by a friend or someone known to the victim Forced sexual intercourse in intimate relationships is placed in both an historical context and a conceptual context Limited published

and unpublished data from the authors research are included in appropriate chapters The theory chapter ends with the presentation of a rudimentary model for examining forced sexual intercourse in intimate relationships developed by the authors The topics of domestic violence courtship violence and forced sexual intercourse are highly controversial and tend to be dominated by those who are promoting specific political agendas Much of the work in this field has been written from the feminist perspective with recent works appearing which oppose the feminist perspective This work is neither feminist nor anti feminist in its approach It is analytical and as much as possible in a politized environment analytical and neutral

Fashion Crimes Joanne Turney,2019-07-25 Fashion is widely recognised as a site for social acceptance and rejection and as a signifier of personal identity What happens when people stray from appropriate dress codes or associate garments with respectability or deviance How does fashion relate to criminality In this interdisciplinary volume leading scholars propose new ways of seeing everyday dress and the body in public space Garments and individual or group wearers are used as case studies to explore the codification of clothing as criminal hoodies trench coats Norwegian Lustkoffe sweaters low slung trousers and Hip Hop styling are all untangled as garments with criminal significance The book questions the point at which morality as a form of social control meets criminality and suggests ways to renegotiate established dress codes and terms such as suitability and glamour through the study of what people wear in response to notions of criminality **Revisiting the 'Ideal Victim'** Marian Duggan,2018-07-04 Nils Christie s 1986 seminal work on the Ideal Victim is reproduced in full in this edited collection of vibrant and provocative essays that respond to and update the concept from a range of thematic positions Each chapter celebrates and commemorates his work by analysing evaluating and critiquing the current nature and impact of victim identity experience policy and practice The collection expands the focus and remit of victim studies addressing key themes around race gender faith ability and age while encompassing new and diverse issues Examples include sex workers as victims of hate crimes victims experiences of online fraud and recognising historic child sexual abuse victims in Ireland With contributions from an array of academics including Vicky Heap Sheffield Hallam University Hannah Mason Bish University of Sussex and Pamela Davies Northumbria University as well as a Foreword by David Scott The Open University this book evaluates the contemporary relevance and applicability of Christie s Ideal Victim concept and creates an important platform for thinking differently about victimhood in the 21st century **Mothers and Such** Maxine L. Margolis,1985-08-07 *Crime Classification Manual* John E. Douglas,Ann W. Burgess,Allen G. Burgess,Robert K. Ressler,2013-04-15 Praise for Crime Classification Manual The very first book by and for criminal justice professionals in the major case fields The skills techniques and proactive approaches offered are creatively concrete and worthy of replication across the country Heartily recommended for those working in the front line of major case investigation John B Rabun Jr ACSW Executive Vice President and Chief Operating Officer National Center for Missing and Exploited Children CCM is an outstanding resource for students pursuing forensic science degrees It provides critical information on major crimes which

improve the user's ability to assess and evaluate Paul Thomas Clements PhD APRN BC CGS DF IAFN Drexel University Forensic Healthcare Program The landmark book standardizing the language terminology and classifications used throughout the criminal justice system Arranged according to the primary intent of the criminal the Crime Classification Manual Third Edition features the language terms and classifications the criminal justice system and allied fields use as they work to protect society from criminal behavior Coauthored by a pioneer of modern profiling and featuring new coverage of wrongful convictions and false confessions the Third Edition Tackles new areas affected by globalization and new technologies including human trafficking and internationally coordinated cybercrimes Expands discussion of border control The Bureau of Alcohol Tobacco Firearms and Explosives ATF and Homeland Security Addresses the effects of ever evolving technology on the commission and detection of crime The definitive text in this field Crime Classification Manual Third Edition is written for law enforcement personnel mental health professionals forensic scientists and those professionals whose work requires an understanding of criminal behavior and detection

*Deconstructing Sexuality in the Middle East* Pinar Ilkkaracan, 2016-05-13 Exploring the contemporary dynamics of sexuality in the Middle East this volume offers an in depth and unique insight into this much contested and debated issue It focuses on the role of sexuality in political and social struggles and the politicization of sexuality and gender in the region Contributors illustrate the complexity of discourses debates and issues focusing in particular on the situation in Iran Iraq Jordan Lebanon Pakistan Palestine and Turkey and explain how they cannot be reduced to a single underlying factor such as religion or a simple binary opposition between the religious right and feminists Contributors include renowned academicians researchers psychologists historians human rights and women's rights advocates and political scientists from different countries and backgrounds offering a balanced and contemporary perspective on this important issue as well as highlighting the implication of these debates in larger socio political contexts

**Basic Concepts of Psychiatric-mental Health Nursing** Louise Rebraca Shives, 2007 This seventh edition includes new chapters and maintains popular features from previous editions such as self awareness prompts while adding research boxes and student worksheets at the end of each chapter

**Mental Health and Psychiatric Nursing** Janet L. Davies, Ellen Hastings Janosik, 1991

*Criminal Justice Research and Development* United States. National Advisory Committee on Criminal Justice Standards and Goals. Task Force on Criminal Justice Research and Development, United States. National Advisory Committee on Criminal Justice Standards and Goals, 1976 Intended for federal state and local policymakers in the area of criminal justice research and development this report includes guidelines for improvement of the quality relevance and utilization of research results In order to cover these issues part two of this report focuses respectively on the needs of research and development policymakers who fund criminal justice research and development researchers who conduct research and development and practitioners who put research and development results into use Guidelines and principles are proposed which should assist policymakers at all levels of government However some topics tend to be

addressed more to the federal level where major research and development decisions are often made. The first chapter of this part presents a detailed discussion of institutional support for criminal justice research and development. It describes the federal role in supporting this effort, focusing on who the agencies are, the extent of their involvement, and how the principal agencies are organized to manage their research and development programs. Recommendations regarding the research and development management activities of criminal justice funding agencies are included. Several important issues in the conduct of criminal justice research and development are examined in the second chapter. Among the topics discussed are constraints on research, ethical issues, research designs and methodologies, prerequisites for sound planning and project selection, ways of maintaining the confidentiality of data, and ways of making data more easily available for research and statistical purposes. The final chapter of this section discusses research and development utilization practices and the assumptions underlying current policies in this area. A criticism of these policies and recommendations for new strategies is presented. The final part of this report provides an analysis of the kinds of problems often encountered in research and development. Three general types of criminal justice research and development are discussed: technology (e.g., hardware research), research on problems of criminal justice organizations (e.g., arrest, prosecution, sentencing, and parole), and research on new criminal justice problems. For each type of research and development, the relevant issues and recommendations are discussed. Most of these, however, are still related to either the support or conduct of research and development. The report also attempts to provide concrete illustrative examples by raising the relevant issues in the context of crime prevention at commercial and residential sites, technology research, sentencing research on problems of criminal justice organizations, and problems of the victim research on new criminal justice problems.

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