



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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