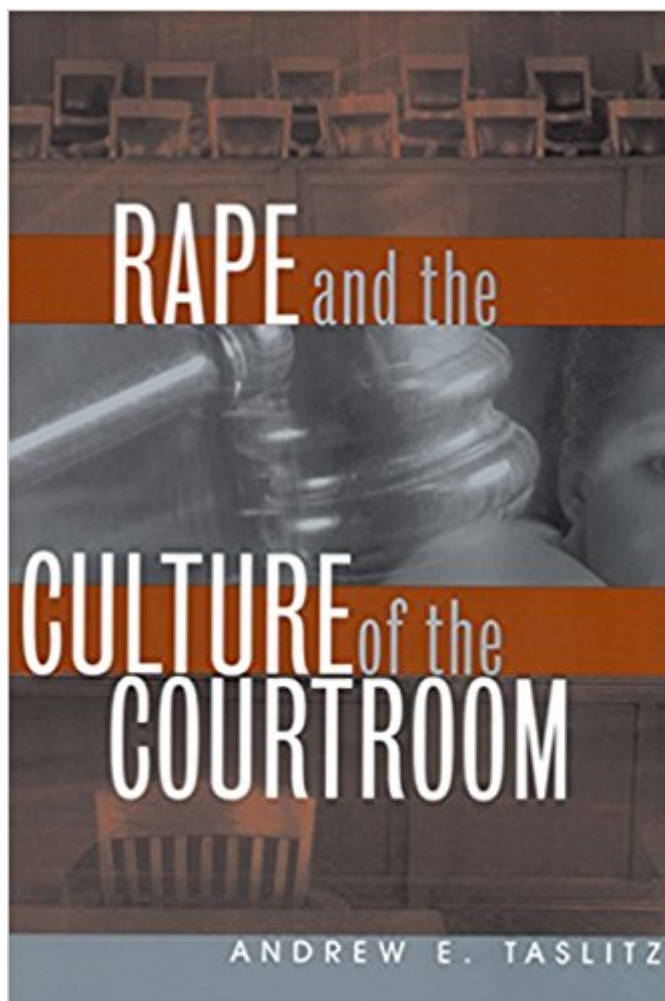


The book was found

# Rape And The Culture Of The Courtroom (Critical America)



## Synopsis

Rape law reform has been a stunning failure. Defense lawyers persist in emphasizing victims' characters over defendants' behavior. Reform's goals of increasing rape report and conviction rates have generally not been achieved. In *Rape and the Culture of the Courtroom*, Andrew Taslitz locates the cause of rape reform failure in the language lawyers use, and the cultural stories upon which they draw to dominate rape victims in the courtroom. Cultural stories about rape, Taslitz argues, such as the provocatively dressed woman "asking for it," are at the root of many unconscious prejudices that determine jury views. He connects these stories with real-life examples, such as the Mike Tyson and Glen Ridge rape trials, to show how rape stereotypes are used by defense lawyers to gain acquittals for their clients. Building on Deborah Tannen's pathbreaking research on the differences between male and female speech, Taslitz also demonstrates how word choice, tone, and other lawyers' linguistic tactics work to undermine the confidence and the credibility of the victim, weakening her voice during the trial. Taslitz provides politically realistic reform proposals, consistent with feminist theories of justice, which promise to improve both the adversary system in general and the way that the system handles rape cases.

## Book Information

Series: Critical America

Paperback: 232 pages

Publisher: NYU Press (June 1, 1999)

Language: English

ISBN-10: 0814782302

ISBN-13: 978-0814782309

Product Dimensions: 6 x 0.6 x 9 inches

Shipping Weight: 10.7 ounces (View shipping rates and policies)

Average Customer Review: 3.4 out of 5 stars 3 customer reviews

Best Sellers Rank: #460,817 in Books (See Top 100 in Books) #67 in Books > Law > Rules &

Procedures > Litigation #69 in Books > Law > Legal Theory & Systems > Gender & the Law

#274 in Books > Law > Rules & Procedures > Courts

## Customer Reviews

"In *Rape and the Culture of the Courtroom*, Taslitz (a former prosecutor) is concerned to show how and why police, prosecutors, judges, and defense attorneys use their discretion to circumvent legal reforms in rape law." -Hypatia

Andrew E. Taslitz is Professor at Howard University School of Law. He is the author of five books, including *Constitutional Criminal Procedure and Rape and the Culture of the Courtroom* (NYU Press).

This is a very good read for anyone interested in law, gender stereotypes and the ever-present misogyny that impacts all aspects of the legal system.

*Rape and the Culture of the Courtroom* is both a provocative analysis of why rape prosecutions remain so difficult, despite the rape reform laws of the 1980s, and a blueprint for change. Andrew Taslitz, a law professor and former prosecutor in juvenile sexual assault cases, argues that rape trials are a "sham" that silence rape victims and exclude women as a group from civil society. To make his point, he reviews social science research with a particular focus on linguistics. Through linguistic analyses of actual cases, he shows how cultural narratives about rape are recreated in the courtroom. Although a defense attorney cannot ask about a victim's sexual background, for example, he may use subtle innuendos, proxies, or other linguistic devices that cue jurors to place the victim into the category of "slut" or "scorned woman" which, in turn, equates with "liar." Taslitz' linguistic analysis jives with my experiences in court. When I've been retained as an expert for the government (prosecution) in rape cases in which the defense was consent, I've been amazed at how rarely jurors convict even when the evidence is pretty solid and the woman has no plausible reason to lie. Taslitz emphasizes that even jurors who are consciously pro-feminist may fall prey to appeals to subconscious cultural scripts about virtuous womanhood. Taslitz provocatively argues that the treatment of women in rape trials violates the 14th Amendment (Equal Protection Clause) of the U.S. Constitution because rape victims are retraumatized and women as a class are subordinated and excluded from meaningful participation in public life. He proposes several legislative reforms, including: (1) allowing rape victims to present their stories in an uninterrupted narrative, (2) using "intermediaries" rather than defense attorneys to question the victims, and (3) having linguistic experts explain to jurors the effects of subconscious biases on decision-making. To me, these changes seem unlikely to occur. But it is an intriguing argument, coherently and accessibly presented. No matter who you are, if you read the book, you are guaranteed to learn something.

As a prosecution witness with 35 years of experience, I found this book to be strewn with gaping

defects in logic. The book's premise is that "due process of law" should not include certain aspects of the law of evidence, or, criminal procedure should be unconstitutional because they efface the "character" of a woman who accuses a man of rape. There is, for example, a current legal dominance feminist drive to eliminate the relevance of many aspects of rape. The feminist cry is: "She was not asking for it" (referring to the dress and conduct of the victim). One thing is true, few people "ask" to be raped. However, the idea that it is never pertinent to mention a woman's dress, or behavior, in a courtroom on a rape case is nothing less than medieval. The vast majority of the public have the misconception that "rape" consists of a stranger jumping from the bushes with a knife or handgun and, under the threat of death, forces himself upon a woman. In fact, the vast majority of rape that is charged involves consensual sexual activity, between people who know each other, and, remorse by the victim on the morning after. For a better understanding of rape, and how it affects both male and female victims, try this concise treatment of the subject. *Rape Hysteria: Lying With Rape Statistics (Female Sex Predators)*

[Download to continue reading...](#)

*Rape and the Culture of the Courtroom (Critical America)* *With Date Rape and Acquaintance Rape (Coping)* *Reconstructing Reality in the Courtroom: Justice and Judgment in American Culture* *CRITICAL THINKING: A Beginner's Guide To Critical Thinking, Better Decision Making, And Problem Solving ! ( critical thinking, problem solving, strategic thinking, decision making)* *Out of Bounds: Inside the NBA's Culture of Rape, Violence, and Crime* *Asking for It: The Alarming Rise of Rape Culture--and What We Can Do about It* *Preventing Sexual Violence: Interdisciplinary Approaches to Overcoming a Rape Culture* *Beyond Blurred Lines: Rape Culture in Popular Media* *The Beginning and End of Rape: Confronting Sexual Violence in Native America* *The Campus Rape Frenzy: The Attack on Due Process at America's Universities* *Child-Centered Practices for the Courtroom and Community: A Guide to Working Effectively with Young Children and Their Families in the Child Welfare System* *The Science of Attorney Advocacy: How Courtroom Behavior Affects Jury Decision Making (Law and Public Policy: Psychology and the Social Sciences)* *How Not to Practice Law: In the Office and in the Courtroom* *Expert Witnessing and Scientific Testimony: Surviving in the Courtroom* *Psychological Science in the Courtroom: Consensus and Controversy* *Decorum and Style in the Bilingual Courtroom* *The ABC's of Sexual Assault: Anatomy, "Bunk" and the Courtroom* *Critical Race Theory (Third Edition): An Introduction (Critical America)* *Critical Race Theory: An Introduction (Critical America)* *Learning Evidence: From the Federal Rules to the Courtroom (Learning Series)*

Contact Us

DMCA

Privacy

FAQ & Help