



Syllabus

THE CRIMINAL OFFRNCCE OF RAPE FROM A FEMINIST PER - 61896

Last update 05-02-2019

HU Credits: 2

Responsible Department: Criminology

Academic year: 0

Semester: 2nd Semester

Teaching Languages: Hebrew

Campus: Mt. Scopus

Course/Module Coordinator: Dr. Irit Negbi

Coordinator Email: inegbi@walla.co.il

Coordinator Office Hours: Tuesday 16:00-17:00

Teaching Staff:

Dr. Irit Negbi

Course/Module description:

הקורס מתאר באופן ביקורתי את היחס החברתי-משפטי לתופעת האונס, תוך סקירתם של תיקוני החקיקה לאורך השנים והצגת השינוי ביחסו של בית המשפט, ותוך שימת דגש על הטעון תיקון גם כיום. The course describes in a critical way the attitude of society and law to the phenomenon of rape, while surveying the Legislative Reform in Rape Law throughout the years, and demonstrating the change in court attitude, and emphasizing what corrections are still needed.

Course/Module aims:

To understand the rape phenomenon from a feminist perspective.

Learning outcomes - On successful completion of this module, students should be able to:

To criticize the contribution of our culture to the phenomenon of rape;
To analyze and criticize the rape law from an historical point of view as reflecting prejudices against women;
To evaluate law reforms and their contribution to the defense of rape victims, and to evaluate what more is needed;
To analyze the trends and developments in current court judgments.

Attendance requirements(%):

100

Teaching arrangement and method of instruction:

Course/Module Content:

- A. Schools of feminism and their attitude to the rape phenomenon
- B. Conceptualization of rape as political action
- C. Is rape a sexual or violent act?
- D. Rape Myth and Rape Culture
- E. The trivialization of rape and the distinction between "real rape" and "simple rape".
- F. The historical development of rape law.
- G. The value protected by the prohibition of rape;
- E. Rape law reforms;
- F. The element of "consent" and blaming the victim;
- G. Unique Mens Rea of the rapist
- H. Changing the statutory

Required Reading:

Brownmiller, S. (1980) *Against Our Will: Men, Women and Rape* Tel Aviv:Zmora, Bitan, Modan

MacKinnon, C. (2005) "Unequal Sex" in D. Barak-Erez (ed.) *Catherine MacKinnon: Legal Feminism in Theory and Practice*, Tel Aviv: Resling.

Negbi, I. (2009) *Rape stories in the Courtr: Narrative Analysis of Suprim Court Judgments*. Tel-Aviv: Resling

Negbi, I. & Berenblum, T. (2011) "A Critical Feminist View of the Impact of Legislative Reforms in Rape Law". *HaMishpat* 16, pp. 209-237.

Negbi, I. (2013) "Misogyny in the Internet and Freedom of Speech". *Mishpat Umimshal* 15, pp. 499-541.

Estrich, S. (1987) *Real Rape* Cambridge: Harvard University Press.

Herman, D.F. (1995) "The Rape Culture" in J. Freeman (ed.), *Women: A Feminist Perspective*, Mountain View, California: Mayfield, pp. 20-

Additional Reading Material:

Herman, J.L. (2000) *Trauma and Recovery*. Tel-Aviv: Ofakim

Merin, Y. (2011) "A Feminist Perspective on Evidence Law: The Gendered Truth and the Silencing of the Different Voice". *HaMishpat* 16 pp. 97-129.

Foucault, M. (1996) *The History of Sexuality*. Tel Aviv: Hakibbutz Hameuhad.

Austin, R.L. & Kim Y.S. (2000) "A cross-national examination of the relationship between gender equality and official rape rates". *International Journal of Offender Therapy Comparative Criminology* 44, pp. 204-221.

Bevacqua, M. (2000) *Rape on the Public Agenda: Feminism and the Politics of Sexual Assault*, Boston: Northeastern University Press.

Buss, D. E. (2009) "Rethinking "Rape as a weapon of war"". *Feminist Legal Studies* 17, pp. 145-163

Faulkner, G. E., Kolts, R. L. & Hicks, G. F. (2008), "Sex Role Ideology, Relationship Context, and Response to Sexual Coercion in College Females", *Sex Roles*, 59(3-4), pp. 139-150.

Ferro, C., Cermele, J. & Saltzman, A. (2008) "Current perceptions of marital rape : Some good and not-so-good news", *Journal of Interpersonal Violence* 23, pp. 764-779.

MacKinnon, C.A. (1989) *Toward a Feminist Theory of the State*. Cambridge: Harvard University.

Ryan, K.M. (2004) *Further Evidence for a Cognitive Component of Rape*
Aggression and Violence Behavior, p pp. 579-604.

Shechory, M. & Idisis, Y. (2006). "Rape myths and social distance toward sex offenders and victims among therapists and students". *Sex Roles* 54, 651-658

Ward, L. M. (2003). *Understanding the role of entertainment media in the sexual socialization of American youth: A review*. *Developmental Review*, 23, 347-388.

Grading Scheme:

Additional information: