

Imagine the following courtroom questioning about a robbery:

Lawyer: Ms. Smith, you were held up at gun-point at the corner of First and Main?

Ms. Smith: Yes.

Lawyer: Did you struggle with the robber?

Ms. Smith: No.

Lawyer: Why not?

Ms. Smith: He was armed.

Lawyer: Then, you made a conscious decision to comply with his demands rather than resist?

Ms. Smith: Yes.

Lawyer: Did you scream? Cry out?

Ms. Smith: No, I was afraid.

Lawyer: I see. Have you ever been held up before?

Ms. Smith: No.

Lawyer: Have you ever *given* money away?

Ms. Smith: Yes, of course.

Lawyer: And you did so willingly?

Ms. Smith: What are you getting at?

Lawyer: Well, let's put it like this, Ms. Smith. You've given money away in the past. In fact you've quite a reputation for philanthropy. How can we be sure that you weren't asking to have your money taken from you by force?

The fictive defense attorney continues questioning Ms. Smith about what she wore, where she walked, and when. The attorney finally asks: "In other words, Ms. Smith, you were walking around the streets late at night in an outfit that practically advertised the fact that you might be a good target for easy money, isn't that so? I mean, if we didn't know better, Ms. Smith, we might even think you were asking for this to happen, mightn't we? (Clemens, 1983)."

Is the questioning of the victim reasonable given the crime?

Yes

No

Imagine the following courtroom questioning about a rape:

Lawyer: Ms. Smith, you were raped at gun-point at the corner of First and Main?

Ms. Smith: Yes.

Lawyer: Did you struggle with the rapist?

Ms. Smith: No.

Lawyer: Why not?

Ms. Smith: He was armed.

Lawyer: Then, you made a conscious decision to comply with his demands rather than resist?

Ms. Smith: Yes.

Lawyer: Did you scream? Cry out?

Ms. Smith: No, I was afraid.

Lawyer: I see. Have you ever been raped before?

Ms. Smith: No.

Lawyer: Have you ever *had* sex?

Ms. Smith: Yes, of course.

Lawyer: And you did so willingly?

Ms. Smith: What are you getting at?

Lawyer: Well, let's put it like this, Ms. Smith. You've had sex in the past. In fact you've quite a reputation for promiscuity. How can we be sure that you weren't asking to have sex taken from you by force?

The fictive defense attorney continues questioning Ms. Smith about what she wore, where she walked, and when. The attorney finally asks: "In other words, Ms. Smith, you were walking around the streets late at night in an outfit that practically advertised the fact that you might be a good target for easy sex, isn't that so? I mean, if we didn't know better, Ms. Smith, we might even think you were asking for this to happen, mightn't we? (Clemens, 1983)."

Is the questioning of the victim reasonable given the crime?

Yes

No