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There Could Be No Consent

The Josephine Hugues Case

Author: Nicole Edelman

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1865, rural France. Former cork worker Timothée Castellan—young, charming, and clubfooted, injured at work and feigning muteness—is sentenced to 12 years of prison for raping the hypnotized Joséphine Hugues, an unwed 26-year-old laborer.

In 1865, "magnetism," or hypnosis, didn't officially exist, disavowed by medical authorities. Very few sexual aggressors were convicted, and their victims always had to prove their innocence. Except for Josephine Hugues: she was innocent because she'd been... hypnotized! Edelman studies the power relationships surrounding the pair, showing time and again that all concerned had a vested interest in her innocence. This book brilliantly demonstrates that consent is not merely an individual decision but the result of environmental factors. She marshals archives, court proceedings, and the reactions of many medical experts, among them Tourette and Charcot, to this landmark acknowledgment of hypnosis. She considers the explosive politics of the Var, a region newly integrated into France and against Napoléon III; examines the social context of cork workers in Southern France (a new proletariat starting to organize) as well as local power conflicts; and finally, lends voice to Josephine's version, hitherto untold.
