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| Nota di contenuto | Culture defence in English common law : the potential for development / Gordon R. Woodman -- Culture, crime, and culpability : perspectives on the defence of provocation / Kumaralingam Amirthalingam -- Use and abuse of the cultural defense / Alison Dundes Renteln -- Cultural defence in Spain / Barbara Truffin and Cesar Arjona -- Visions of a multicultural criminal law : an Australian perspective / Simon Bronitt -- The paradox of cultural differences in Dutch criminal law / Mirjam Siesling and Jeroen Ten Voorde -- The cultural defence in criminal law : South African perspectives / Pieter A. Carstens -- Criminalising Romani culture through law / Joke Kusters -- Honor killings and the cultural |

defense in Germany / Sylvia Maier -- A critique of 'loss of face' arguments in cultural defense cases : a comparative study / Cher Weixia Chen -- The paradox of the cultural defence : gender and cultural othering in Canada / Maneesha Deckha -- Dealing with the ethnic other in criminal law practice : a case study from the Netherlands / Brenda Carina Oude Breuil -- Cultural defence and societal dynamics / Erik Claes and Jogchum Vrielink -- Anthropologist as expert witness : the case of a murder in Maine / John L. Caughey.

Sommario/riassunto

"As individuals travel across borders, societies have become more and more pluralistic. The result of increased migration is the interaction among cultural communities and inevitably clashes between state law and customary law. These cultural conflicts have given rise to a new multicultural jurisprudence. In this volume scholars grapple with the immense challenges judges are currently experiencing everywhere. To what extent can and should courts accommodate litigants' requests by taking their cultural backgrounds into account? This collection brings together powerful examples of the cultural defense in many countries in Western Europe, North America, and elsewhere. It shows the ubiquity of this defense, contrary to the mistaken impression that it has been invoked principally in the United States. This book makes the case for undertaking studies of the use of the cultural defense in jurisdictions all over the world where this has not been previously documented. Many of the chapters concentrate on criminal cases including homicide in the context of honour crimes, provocation based on 'loss of face' or witchcraft killings. Some deal with other areas of law such as asylum jurisprudence, family law and housing policy. They show in concrete cases how cultural claims have arisen and how legal systems wrestle with these arguments. It is clear that judges have had considerable difficulty handling many of the cultural claims. The authors demonstrate persuasively the need to reconsider the proper use of cultural evidence in legal proceedings. Those interested in the ways in which expertise influences the disposition of cases will find this book compelling."--Bloomsbury Publishing.
