

1. Record Nr.	UNINA9910960008103321
Autore	Braunmuhl Caroline
Titolo	Colonial discourse and gender in U.S. criminal courts : cultural defenses and prosecutions / / Caroline Braunmuhl
Pubbl/distr/stampa	New York, : Routledge, 2012
ISBN	1-136-34116-1 1-283-54623-X 9786613858689 1-136-34117-X 0-203-12375-1
Edizione	[First edition.]
Descrizione fisica	1 online resource (295 p.)
Collana	Routledge advances in criminology ; ; 12
Disciplina	347.73008
Soggetti	Colonies - Law and legislation Minorities - Legal status, laws, etc - United States Sex discrimination in criminal justice administration - United States United States Politics and government
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Description based upon print version of record.
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	Cover; Colonial Discourse and Gender in U.S. Criminal Courts: Cultural Defenses and Prosecutions; Copyright; Contents; List of Tables; Acknowledgments; PART I: Introduction; PART II: Theoretical Perspective; PART III: The Corpus of Cases; PART IV: Ethnicizing Prosecutions and Defenses: 'Culture' and 'Gender' in Trial Parties' Argumentative Strategies and in the Debate About 'the Cultural Defense'; 1. Biases and Blindspots in the Debate; 2. Cultural Profiling: The Patriarchal Other- First Case Study; 3. 'Cultural Defense' I: The Oppressed Third World Woman- Second Case Study 4. 'Cultural Defense' II: The Patriarchal Other-Third Case Study5. Conclusion: Cultural Information or Gendered Colonial Discourse?; PART V: Resistance/ Instabilities: The Spectrum of Discursive Politics in Trials Involving 'Cultural Evidence' and the Involuntary Subversion of Hegemonic Discourse; 6. Contesting 'Cultural Evidence': Adversarial Opposition or Mutual Collusion?; 7. Witnesses and Hegemonic Consensus; 8. Beyond Mere 'Resistance': The Spectrum of

InstabilitiesFracturing Hegemonic Trial Discourse and What Difference
They Make; PART VI: Conclusion: Practical/ Theoretical Implications
Appendix: Overview of the Cases (with Commentary)Cases,
Constitutional Amendments, Rules of Evidence, and Statutes Cited;
Abbreviations; Notes; Glossary of Legal Terms; References; Index

Sommario/riassunto

The occurrence in some criminal cases of "cultural defenses" on behalf of "minority" defendants has stirred much debate. This book is the first to illuminate how "cultural evidence" - i.e., "evidence" regarding ethnicity - is actually negotiated by attorneys, expert/lay witnesses, and defendants in criminal trials. Caroline Braunmuhl demonstrates that this has occurred, overwhelmingly, in ways shaped by colonialist and patriarchal discourses common in the Western world. She argues that the controversy regarding the legitimacy of a "cultural defense" has tended to obscure this fact
