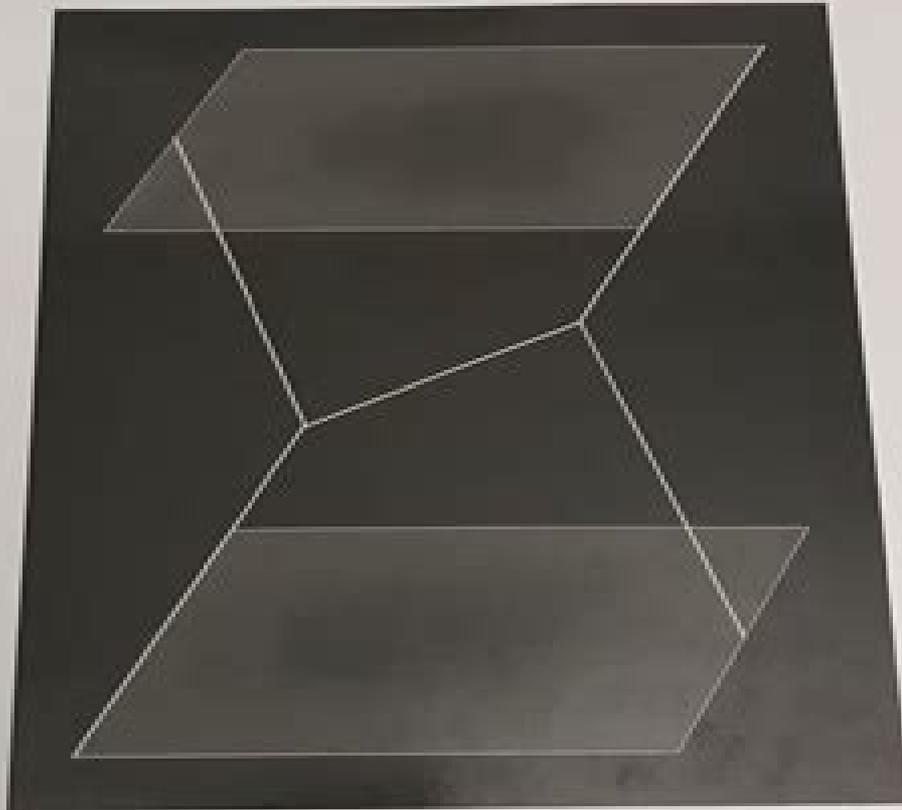


THE  
CULTURAL  
DEFENSE



ALISON DUNDES RENTELN

# Cultural Defense

**Daniela Niemeyer**



## **Cultural Defense:**

**The Cultural Defense** Alison Dundes Renteln, 2005 Publisher's description In a trial in California Navajo defendants argue that using the hallucinogen peyote to achieve spiritual exaltation is protected by the Constitution's free exercise of religion clause trumping the states right to regulate them An Ibo man from Nigeria sues Pan American World Airways for transporting his mother's corpse in a cloth sack Her arrival for the funeral face down in a burlap bag signifies death by suicide according to the customs of her Ibo kin and brings great shame to the son In Los Angeles two Cambodian men are prosecuted for attempting to eat a four month old puppy The immigrants lawyers argue that the men were following their own national customs and do not realize their conduct is offensive to American sensibilities What is the just decision in each case When cultural practices come into conflict with the law is it legitimate to take culture into account Is there room in modern legal systems for a cultural defense In this remarkable book Alison Dundes Renteln amasses hundreds of cases from the U S and around the world in which cultural issues take center stage from the mundane to the bizarre from drugs to death Though cultural practices vary dramatically Renteln demonstrates that there are discernible patterns to the cultural arguments used in the courtroom The regularities she uncovers offer judges a starting point for creating a body of law that takes culture into account Renteln contends that a systematic treatment of culture in law is not only possible but ultimately more equitable A just pluralistic society requires a legal system that can assess diverse motivations and can recognize the key role that culture plays in influencing human behavior The inclusion of evidence of cultural background is necessary for the fair hearing of a case

**The Cultural Defense** Alison Dundes Renteln, 2004-01-15 In what ways and to what extent should cultural background be taken into consideration in response to legal problems The first book length study of the topic The Cultural Defense provides a comprehensive overview of the debate surrounding the admissibility of cultural evidence in the courtroom Documenting an extraordinary range of cases in which individuals have attempted to invoke a cultural defense this book provides an in depth look at the complexities of invoking cultural arguments in the diverse bodies of law under which the cases fall Cases considered include homicide and rape prosecutions child abuse cases drug use cases the treatment of animals and custody battles Disputing current practices Renteln contends that the cultural defense should in both criminal and civil matters be given formal recognition

**Law, Cultural Diversity, and Criminal Defense** Craig L. Carr, Lisa Johnson, 2018-07-27 American legal scholars have debated for some time the need for a cultural defense in criminal proceedings where minority cultural information seems pertinent to a finding of criminal responsibility in situations where a minority cultural defendant has violated a valid criminal statute This work presents a systematic analysis of this issue Drawing from sociological anthropological and philosophical materials as well as traditional legal discussions the authors develop a scheme that indicates when cultural factors can be used as the basis for such a defense and when they are irrelevant to a finding of criminal responsibility The argument moves from general concerns of social justice that apply under

conditions of social and cultural pluralism to practical policy recommendations for the operation of American criminal justice. It thus connects more theoretical materials with the practical concerns of jurisprudence. The justification for legal recognition of a cultural defense in American criminal law is anchored firmly in American constitutional law.

**Should There be a Cultural Defense?** Selena Marie Kogon, 2007

**American Cultural Pluralism and Law** Jill Norgren, Serena Nanda, 1996

This new and updated edition of Norgren and Nanda's classic text brings their examination of American cultural pluralism and the law up to date through the Clinton administration. While maintaining their emphasis on the concept of cultural diversity as it relates to the law in the United States, new and updated chapters reflect recent relevant court cases bearing on culture, race, gender, and class, with particular attention paid to local and state court opinions. Drawing on court materials, statutes, and codes, and legal ethnographies, the text analyzes the ongoing negotiations and accommodations via the mechanism of law between culturally different groups and the larger society. An important text for courses in American government, society, and the law, cultural studies, and civil rights.

Criminal Law and Cultural Diversity Will Kymlicka, Claes Lernestedt, Matt Matravers, 2014-05-15

The idea of a cultural defense in criminal law is often ridiculed as multiculturalism run amok. To allow someone charged with a crime to say "this is my culture" as an excuse for their action seems to open the door to cultural relativism, to jeopardize the protection of fundamental rights, and to undermine norms of individual responsibility. Many scholars, however, insist that cultural evidence is appropriate, indeed essential, for the fair operation of the criminal law. The criminal law is society's most powerful tool for regulating behavior, and just for that reason we apply strong safeguards to ensure that criminal sanctions are applied in a fair way. When it comes to individuals, we want our rules for judging responsibility and punishment to track the actual blameworthiness of the specific individual being prosecuted for a specific action in the past. Cultural evidence may help improve our judgments of individual blameworthiness, and indeed, cultural evidence might even be necessary if the practice of punishing individuals is to be legitimate and equitable. According to its proponents, the use of cultural evidence when judging individual blameworthiness is a natural extension of the logic of existing criminal law doctrines regarding defenses and of the logic of current philosophical theories of responsibility and agency. This volume brings together scholars of both criminal law and philosophy to rigorously assess these ideas. Each of the chapters addresses a different dimension of the issue from a range of perspectives with varying degrees of sympathy or skepticism regarding cultural defenses. The result is an important and original contribution to the literature. It explores why cultural diversity raises distinctive challenges in the criminal law context, not found in other domains of the multiculturalism debate, while also exploring how this particular context raises fundamental issues of agency and responsibility that are at the heart of broader debates in legal, social, and political philosophy.

**Ethnic Relations in the U.S.** Michael Winkelman, 1998

*California. Supreme Court. Records and Briefs* California (State), Court of Appeal Case s B010104

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**Multicultural Jurisprudence** Marie-Claire Foblets, Alison Dundes

Renteln,2009-01-16 In this volume scholars grapple with the immense challenges judges are currently experiencing everywhere due to increased travel across borders     State Publication ,1927     *UCLA Pacific Basin Law Journal* ,1990  
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## **Table of Contents Cultural Defense**

1. Understanding the eBook Cultural Defense
  - The Rise of Digital Reading Cultural Defense
  - Advantages of eBooks Over Traditional Books
2. Identifying Cultural Defense
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Cultural Defense
  - User-Friendly Interface
4. Exploring eBook Recommendations from Cultural Defense
  - Personalized Recommendations
  - Cultural Defense User Reviews and Ratings
  - Cultural Defense and Bestseller Lists
5. Accessing Cultural Defense Free and Paid eBooks

- Cultural Defense Public Domain eBooks
  - Cultural Defense eBook Subscription Services
  - Cultural Defense Budget-Friendly Options
6. Navigating Cultural Defense eBook Formats
    - ePub, PDF, MOBI, and More
    - Cultural Defense Compatibility with Devices
    - Cultural Defense Enhanced eBook Features
  7. Enhancing Your Reading Experience
    - Adjustable Fonts and Text Sizes of Cultural Defense
    - Highlighting and Note-Taking Cultural Defense
    - Interactive Elements Cultural Defense
  8. Staying Engaged with Cultural Defense
    - Joining Online Reading Communities
    - Participating in Virtual Book Clubs
    - Following Authors and Publishers Cultural Defense
  9. Balancing eBooks and Physical Books Cultural Defense
    - Benefits of a Digital Library
    - Creating a Diverse Reading Collection Cultural Defense
  10. Overcoming Reading Challenges
    - Dealing with Digital Eye Strain
    - Minimizing Distractions
    - Managing Screen Time
  11. Cultivating a Reading Routine Cultural Defense
    - Setting Reading Goals Cultural Defense
    - Carving Out Dedicated Reading Time
  12. Sourcing Reliable Information of Cultural Defense
    - Fact-Checking eBook Content of Cultural Defense
    - Distinguishing Credible Sources
  13. Promoting Lifelong Learning
    - Utilizing eBooks for Skill Development

- Exploring Educational eBooks
14. Embracing eBook Trends
- Integration of Multimedia Elements
  - Interactive and Gamified eBooks

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