

# SHIFTING THE BLAME

How  
Victimization  
Became  
a Criminal  
Defense



**SAUNDRA DAVIS WESTERVELT**



# Shifting The Blame How Victimization Became A Criminal Defense

**Carolyn Hoyle, Richard P. Young**



## **Shifting The Blame How Victimization Became A Criminal Defense:**

**Shifting the Blame** Sandra Davis Westervelt, 1998 More than just a study of legal history *Shifting the Blame* looks at the abuse excuse defense as an indicator of broad social change in cultural understandings of victimization responsibility and womanhood The introduction of victimization as an exculpatory condition within the context of a criminal defense tells the story of a society that has accepted victimization as a new way of explaining and excusing misbehavior Through case law analysis the book documents the initial development of the strategy in three different types of cases in the 1970s rotten social background brainwashing and battered women s self defense cases Since its initial acceptance in battered women s cases in the early 1980s the use of the strategy has expanded to a variety of offenders in different types of relationships arguing different defenses In lively readable prose Westervelt examines each form of expansion revealing that while the expansion of the strategy has been fairly extensive it has also been limited in some important ways Her research shows readers that only certain types of victims particularly victims of physical abuse have successfully used this defense *Shifting the Blame* exposes the ways in which the acceptance of this new defense strategy illuminates a cultural shift in understandings of individual responsibility and shows how the law plays a role in defining who can be an acceptable victim

Sandra D Westervelt is an assistant professor in the Sociology Department at the University of North Carolina at Greensboro

**New Visions of Crime Victims** Carolyn Hoyle, Richard P. Young, 2002-08-14 By challenging stereotypical conceptions the contributors to this collection highlight the plight of atypical victims like male victims of domestic rape and victim offenders who are the recipients of IRA punishment beatings and shootings

**Self-Defence in International and Criminal Law** Onder Bakircioglu, 2011-05-11 The book provides a broad and interdisciplinary approach to the doctrine of self defence in both domestic criminal and international law In particular it focuses on the requirement of imminence which deals with the question of when individuals or States may legitimately resort to defensive force against a serious danger or harm Drawing from scholarship across law history politics and philosophy this book explores the permissibility of employing preventive force under the law of individual and national self defence The book illustrates how the law of international self defence and in particular the requirement of imminence has been subjected to controversy in parallel with its domestic counterpart In both disciplines the debate over imminence is centred on similar concerns issues and tensions despite the fact the arguments put forward are designed to address different scenarios The book surveys the roots role rationale and objectives of self defence and questions whether the requirement of imminence should be removed from the traditional contours of the self defence doctrine in national and international law

**Coercive Control** Evan Stark, 2009 Drawing on cases Stark identifies the problems with our current approach to domestic violence outlines the components of coercive control and then uses this alternate framework to analyse the cases of battered women charged with criminal offenses directed at their abusers

**Death Penalty Mitigation** Jose B. Ashford, Melissa Kupferberg, 2013-08-08 This book provides

an introduction to socio legal forms of mitigation in capital sentencing It helps mitigation specialists defense investigators social scientists and lawyers in developing socio cultural themes of mitigation It examines scientific formulations concepts and frameworks for structuring social history investigations and assessments of moral culpability A fundamental aim of this handbook was to provide mitigation professionals not only with an understanding of the context of mitigation in criminal justice thinking but also ways of contextualizing issues of blame and culpability Cases are used to illustrate how to identify evaluate and present mitigation evidence in assessing issues of culpability in the mitigation of punishment in death penalty cases It also exposes mitigation professionals to recent developments in the social sciences with implications for assessing issues of practical rationality diminished volition unfortunate forms of socialization criminal propensities socio cultural deprivation and gang involvement These topics are linked with legal and philosophical conceptions of moral culpability that offer mitigation professionals new ways of thinking about both proximal and remote forms of mitigation These socially oriented lenses used in examining these concepts and legal issues offer alternative ways of thinking about issues of capacity choice and character in assessing diminished forms of moral culpability The book concludes with recommendations for future research and other strategies for promoting the improvement of practice in the field of capital mitigation Unlike other books on death penalty mitigation this book examines issues of relevance to social scientists as well as mental health professionals In fact it is one of the only books written on the subject that includes opportunities for the inclusion of expert testimony on socio legal matters by social criminologists sociologists social psychologists and social workers

Community and the Law  
Takao Tanase, 2010-01-01 Takao Tanase seamlessly combines sociolegal and philosophical analysis as he explores the tensions between individual legal rights and communitarian values in settings ranging from post divorce visitation rights to tort liability lawyer client relationships and rising litigation rates Contrasting Japan with the individualistic thrust of American law Tanase stresses the importance of building legal processes that encourage stronger social and communal bonds Students of law and society on all continents will find rich food for thought in this intellectually bold and intriguing volume Robert A Kagan University of California Berkeley US Takao Tanase's *Community and the Law* is a path breaking and often surprising interpretation of legal culture in Japan which includes subtle analyses of the changing role of lawyers and courts and the extent to which modernity and reliance on law are interlinked But it is much more than that His reflections on the different way law responds to social dilemmas in Japan and the USA are the building blocks of a much more ambitious project no less than constructing a coherent account of what law can and should do to maintain communal ties in postmodern times The book is a pleasure to read for its learning and sophistication Nottage and Wolff also deserve high praise for their light touch as editors and translators David Nelken University of Cardiff UK and University of Macerata Italy This important book translates seven landmark essays by one of Japan's most respected and influential legal thinkers While Takao Tanase concedes that law might not matter as much in Japan as it does in the United States in a provocative challenge to socio legal

researchers and comparative lawyers he asks why should it The issue he contends is not whether law matters to society it is how society matters to law Developing a descriptive and normative theory of community and the law the author directly challenges the view that legal liberalism represents the pinnacle of legal achievement He criticises liberalism for destroying community in the United States and for offering false hope for a delayed modernity in Japan By applying a distinctive interpretivist methodology he constructs a communitarian model of law and society that serves as an alternative to legal liberalism The book challenges conventional understandings of such legal sociological staples as torts lawyers ethics family law human rights constitutionalism and litigiousness This fascinating book will prove a stimulating thought provoking read for researchers and scholars of law Japanese and American studies sociology and jurisprudence *Therapy*

*Culture:Cultivating Vu* Frank Furedi,2013-10-28 First published in 2004 *Therapy Culture* explores the powerful influence of therapeutic imperative in Anglo American societies In recent decades virtually every sphere of life has become subject to a new emotional culture Professor Furedi suggests that the recent cultural turn towards the realm of the emotions coincides with a radical redefinition of personhood Increasingly vulnerability is presented as the defining feature of people s psychology Terms like at risk scarred for life or emotional damage evoke a unique sense of powerlessness Furedi questions widely accepted thesis that the therapeutic culture is primarily about imposing a new conformity through the management of people s emotions Through framing the problem of everyday life through the prism of emotions therapeutic culture incites people to feel powerless and ill Drawing on developments in popular culture political and social life Furedi provides a path breaking analysis of the therapeutic turn **American Journal of Criminal Law** ,1998 Wrongful Convictions and

Miscarriages of Justice C. Ronald Huff,Martin Killias,2013 This volume brings together the world class scholarship of 23 widely acclaimed and influential contributing authors from North America and Europe The latest research is presented in 18 chapters focusing on the frequency causes and consequences of wrongful convictions and other miscarriages of justice and offering recommendations for both legal and public policy reforms that can help reduce the causes of these errors while protecting public safety as well **Understanding Deviance** David M. Downes,Paul Elliott Rock,2011 *Understanding*

*Deviance* provides an indispensable guide to the major themes and theories which have come to form the sociology of crime and deviance from their origins in the research of the University of Chicago sociology department in the 1920s to the most recent work in cultural criminology **Capitalist Punishment** Alex Friedman,2010-04-28 Over 100 000 people in the U S are incarcerated in prisons owned and operated by private corporations a booming business But how are the human rights of prisoners and prison employees affected when prisons are run for profit An accomplished group of human rights writers and activists explores the historical political and economic context of private prisons How are prisoners lives affected by privatization How does it impact prison labor and prison employees How and why are private prisons becoming transnational Are women children and African and Native Americans affected differently from other populations How is privatization

connected to the war on drugs the criminalization of poverty and tough on crime politics The preface is by Sir Nigel Rodley Professor of Law at the University of Essex former United Nations Special Rapporteur for Torture and knighted in 1999 for recognition of services to human rights and international law     *Abortion, Motherhood, and Mental Health* Ellie Lee, Whatever reproductive choices women make whether they opt to end a pregnancy through abortion or continue to term and give birth they are considered to be at risk of suffering serious mental health problems According to opponents of abortion in the United States potential injury to women is a major reason why people should consider abortion a problem On the other hand becoming a mother can also be considered a big risk This fine well balanced book is about how people represent the results of reproductive choices It examines how and why pregnancy and its various outcomes have come to be discussed this way The author s interest in the medicalization of reproduction its representation as a mental health problem first arose in relation to abortion There is a very clear contrast between the construction of women who have abortions implied by moralized argument against abortion and the construction that results when the case against abortion focuses on its effects on women s mental health Lee argues that claims that connect abortion with mental illness have been limited in their influence but this is not to suggest that they have not become a focus for discussion and have had no impact The limits to such claims about abortion do not by any means suggest limits to the process of the medicalization of pregnancy more broadly that is a process of demedicalization The final theme of Ellie Lee s book is the selective medicalization of reproduction Centering on the claim that abortion can create a post abortion syndrome the author examines the medicalization of the abortion problem on both sides of the Atlantic Lee points to contrasts in legal and medical dimensions of the abortion issue that make for some important differences but argues that in both the United States and Great Britain the post abortion syndrome claim constitutes an example of the limits to medicalization and the return to the theme of motherhood as a psychological ordeal Lee makes the case for looking to the social dimensions of mental health problems to account for and understand debates about what makes women ill Ellie Lee is research fellow in the Department of Sociology and Social Policy University of Southampton Highfield United Kingdom     *State Crime in the Global Age* William Chambliss,Raymond Michalowski,Ronald Kramer,2013-05-13 *State Crime in the Global Age* brings together original writings from leading scholars in the field to explore the many ways that the use and abuse of state power results in grave social harms that outweigh by far the consequences of ordinary street crime The topics covered include the crimes of empire illegal war the bombing of civilians state sanctioned torture state sacrifice of human lives and judicial wrongdoing The book breaks new ground through its examination of the ways globalization has intensified potentials for state crime as well as bringing novel theoretical understandings of the state to the study of state crime and exploring strategies for confronting state crime This book while containing much that is of interest to scholars of state crime is designed to be accessible to students and others who are concerned with the ways individuals social groups and whole nations are victimized by the misuse of state

power      **Hidden Victims** Susan F. Sharp, 2005 Annotation In the US murderers particularly those sentenced to death are usually considered as entirely different from the rest of us Sociologist Susan F Sharp challenges perspective by reminding us that those facing a death sentence in addition to being murderers are brothers or sisters mothers or fathers daughters or sons

**A Sociology of Health** David Wainwright, 2008-01-18 A Sociology of Health charts a way forward for a medical sociology that can make a positive contribution to medical practice and health policy Dr Michael Fitzpatrick East London GP and author of The Tyranny of Health This is a very lively book that will stimulate good debate amongst students undertaking sociology of health courses in higher education Mathew Jones Senior Lecturer in Health and Social Policy University of the West of England A Sociology of Health offers an authoritative and up to date introduction to the key issues perspectives and debates within the field of medical sociology The book will aid readers understanding of how sociological approaches are crucial to understanding the impact that health and illness have on the behaviour attitudes beliefs and practices of an increasingly health aware population The book is topical and unique in its approach combining commentary and analysis of classic debates in medical sociology with contemporary issues in health care policy and practice The content is wide ranging including chapters on health scares therapy culture new dimensions of international health changes in health care organisation and the feminization of health Features such as case studies questions for debate and further reading sections are used throughout to promote critical reflection and further debate A Sociology of Health offers readers a fresh approach to the subject and will be essential reading for all undergraduate students on medical sociology and sociology of health and illness courses as well as postgraduate students in related health and social care disciplines David Wainwright is a Senior Lecturer in the School for Health University of Bath

**Handbook of Domestic Violence Intervention Strategies** Albert R. Roberts, 2002 Public awareness regarding the life threatening nature and intense traumatic impact of domestic violence has substantially increased in the past decade At the same time dramatic changes have taken place regarding criminal justice and social work policies and practices applied to domestic violence intervention And while the prevalence of domestic violence has declined slightly national estimates still indicate that every year approximately eight million women are abused battered stalked or killed by their husbands boyfriends and other intimate partners Featuring cutting edge research and expert intervention strategies the Handbook of Domestic Violence Intervention Strategies Policies Programs and Legal Remedies is designed to prepare professionals to swiftly and compassionately meet the multiple needs of women and children who have suffered from domestic violence This original and indispensable volume focuses on the numerous advances in legal remedies program developments treatment protocols and multidisciplinary perspectives It is a comprehensive guide to the latest research public policies and legal and criminal justice responses covering federal and state legislation as well as trends in police and court responses to domestic violence This is the first book to include court based technology developments and new research related to the duration and intensity of woman battering Highlighting actual cases and promising programs the

handbook also addresses important social work issues including risk assessment protocols a new five level continuum of woman battering intervention methods and treatment models The book also examines the myriad legal issues and health problems facing the most neglected and vulnerable battered women Written by expert practitioners and leading scholars in the field the book s 23 chapters provide rich insights into the complexities and challenges of addressing domestic violence This timely and definitive handbook is recommended for students clinicians policy makers and researchers in the fields of social work victim services criminal justice hospital administration mental health counseling public health pastoral counseling law enforcement In fact this volume is a critical resource for all helping professionals who are assisting abused women in escaping and remaining free from violent relationships

*Life after Death Row* Sandra D. Westervelt, Kimberly J. Cook, 2012-10-17 *Life after Death Row* examines the post incarceration struggles of individuals who have been wrongly convicted of capital crimes sentenced to death and subsequently exonerated Sandra D Westervelt and Kimberly J Cook present eighteen exonerates stories focusing on three central areas the invisibility of the innocent after release the complicity of the justice system in that invisibility and personal trauma management Contrary to popular belief exonerates are not automatically compensated by the state or provided adequate assistance in the transition to post prison life With no time and little support many struggle to find homes financial security and community They have limited or obsolete employment skills and difficulty managing such daily tasks as grocery shopping or banking They struggle to regain independence self sufficiency and identity Drawing upon research on trauma recovery coping and stigma the authors weave a nuanced fabric of grief loss resilience hope and meaning to provide the richest account to date of the struggles faced by people striving to reclaim their lives after years of wrongful incarceration

*Handbook of Forensic Mental Health with Victims and Offenders* David W. Springer, Albert R. Roberts, 2007-01-16 Designated a Doody s Core Title Together for the first time all your forensic social work best practice needs in one volume a vitally important addition to this emerging and essential body of knowledge This compelling publication places between two covers a broad collection of informative original essays on core issues in forensic social work This engaging volume offers readers keen insights into forensic practice related to child abuse and neglect domestic violence suicide psychiatric care and mental illness juvenile justice adult corrections addictions trauma and restorative justice from the foreword by Frederic G Reamer School of Social Work Rhode Island College From expert testimony advice to treating HIV positive incarcerated women this handbook contains the most current research and tested field practices for child welfare through adulthood in the civil and criminal system Encompassing a wide range of treatments roles specialized practices research and diagnoses the Handbook of Forensic Mental Health With Victims and Offenders will guide practicing professionals through the forensic social work issues they encounter on a daily basis such as Prevention of prisoners sudden deaths Expert witness testimony in child welfare and women battering Treatment of dually diagnosed adolescents The overrepresentation of African Americans incarcerated for juvenile delinquency Jail mental health services for



adults Drug courts and PTSD in inmates with substance abuse histories Recidivism prevention Basic tasks in post trauma intervention with victims and offenders Culture and gender considerations in restorative justice Edited by Dr Albert R Roberts and Dr David W Springer with contributions by leaders in the field this handbook should top the list of must have publications for all forensic social workers Thinking About Social Problems Donileen Loseke, 2017-07-05 The new second edition of this distinctive and widely adopted textbook brings into the classroom an overview of how images of social problems can shape not only public policy and social services but also the ways in which we make sense of ourselves and others It introduces two primary changes First some attention is devoted to the new social movements that emphasize social change through identity transformation rather than through structural change Second the text now also looks more closely at the importance of emotions in constructing public consciousness of social problems When the first edition was published Teaching Sociology noted Loseke does a superb job explaining the relationship between sociology and social problems in a text that is very well research and engaging yet with tremendous attention to detail and accuracy W ould provide a solid base for any social problems class Contemporary Sociology wrote that the book is engagingly well written in a personal unpretentious style and well informed by the author s knowledge of the professional literature **Courtroom 302** Steve Bogira, 2011-12-14 Steve Bogira s riveting book takes us into the heart of America s criminal justice system Courtroom 302 is the story of one year in one courtroom in Chicago s Cook County Criminal Courthouse the busiest felony courthouse in the country We see the system through the eyes of the men and women who experience it not only in the courtroom but in the lockup the jury room the judge s chambers the spectators gallery When the judge and his staff go to the scene of the crime during a burglary trial we go with them on the sheriff s bus We witness from behind the scenes the highest profile case of the year three young white men one of them the son of a reputed mobster charged with the racially motivated beating of a thirteen year old black boy And we follow the cases that are the daily grind of the court like that of the middle aged man whose crack addiction brings him repeatedly back before the judge Bogira shows us how the war on drugs is choking the system and how in most instances justice is dispensed as under the circumstances it must be rapidly and mindlessly The stories that unfold in the courtroom are often tragic but they no longer seem so to the people who work there Says a deputy in 302 You hear this stuff every day and you re like Let s go let s go let s get this over with and move on to the next thing Steve Bogira is as Robert Caro says a masterful reporter His special gift is his understanding of people and his ability to make us see and understand them Fast paced gripping and bursting with character and incident Courtroom 302 is a unique illumination of our criminal court system that raises fundamental issues of race civil rights and justice

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