

THE HIDDEN PREJUDICE

Mental Disability on Trial



Michael L. Perlin

Hidden Prejudice Mental Disability On Trial

Jonas-Sébastien Beaudry



Hidden Prejudice Mental Disability On Trial:

The Hidden Prejudice Michael L. Perlin, 2000 In this book the author reveals a pattern of prejudice against mentally disabled individuals that keeps them from receiving equal treatment under the law Sanism like racism is a prejudice against a minority population This mostly hidden prejudice against mentally ill people has pervaded Western culture throughout history and the author documents how sanism continues to affect our culture and legal system Under the pretext of improving society a judge lawyer or fact finder may ignore faulty evidence This testimonial dishonesty is often based on the false belief that the mentally disabled are not responsible or intelligent enough to deserve the full rights of citizenship The author argues that these are sanist decisions and explores the roots and results of these decisions PsycINFO Database Record c 2004 APA all rights reserved

Mental Disability and the Death Penalty Michael L. Perlin, 2013-01-17 There is no question that the death penalty is disproportionately imposed in cases involving defendants with mental disabilities There is clear systemic bias at all stages of the prosecution and the sentencing process in determining who is competent to be executed in the assessment of mitigation evidence in the ways that counsel is assigned in the ways that jury determinations are often contaminated by stereotyped preconceptions of persons with mental disabilities in the ways that cynical expert testimony reflects a propensity on the part of some experts to purposely distort their testimony in order to achieve desired ends These questions are shockingly ignored at all levels of the criminal justice system and by society in general Here Michael Perlin explores the relationship between mental disabilities and the death penalty and explains why and how this state of affairs has come to be to explore why it is necessary to identify the factors that have contributed to this scandalous and shameful policy morass to highlight the series of policy choices that need immediate remediation and to offer some suggestions that might meaningfully ameliorate the situation Using real cases to illustrate the ways in which the persons with mental disabilities are unable to receive fair treatment during death penalty trials he demonstrates the depth of the problem and the way it s been institutionalized so as to be an accepted part of our system He calls for a new approach and greater attention to the issues that have gone overlooked for so long

[Civil Mental Disability Law, Evidence and Testimony](#) John Parry, 2010

The Use of Coercive Measures in Forensic Psychiatric Care Birgit Völlm, Norbert Nedopil, 2016-05-02 This book presents the legal context and describes the ethical and practical challenges when using coercive measures in forensic psychiatric settings A wide range of aspects relevant to the use of such measures including environmental patient related and staff related factors are explored and the experience of coercive interventions is described from the staff and the patient perspective Differences in jurisdictions and examples of good practice are highlighted The authors are from a range of professional backgrounds ensuring breadth as well as depth in discussion of the topic The use of coercive measures in particular restraint seclusion and involuntary medication for the control of aggression in psychiatry remains controversial Forensic mental health care deals with individuals who pose a risk to others and often present with

significant management problems within institutions The care of patients in these settings gives rise to debates about the balance between care and safety and between the interests of the patients and those of the wider society to be protected Despite these tensions limited research has been conducted specifically on the use of coercive measures in forensic mental health care This volume aims to fill the gap and will be of value to all professionals working in forensic psychiatric settings as well as to those working in general psychiatric and custodial settings law professionals and patients

Disorder in the Court Andrea L. Alden, 2018-08-21 Both expert and lay audiences have struggled to understand and apply commonplace definitions of sanity and the portrayal of the insanity defense in popular culture has only served to further frustrate such understandings Andrea L Alden argues that the problems with understanding the insanity defense are at their foundation rhetorical The legal concept of what constitutes insanity and therefore an abdication of responsibility for one's actions does not map neatly onto the mental health professions' understandings of mental illness and how that affects an individual's ability to understand or control his or her actions Additionally there are multiple layers of persuasion involved in any effort to convince a judge jury or a public for that matter that a defendant is or is not responsible for his or her actions at a particular moment in time Alden examines landmark court cases such as the trial of Daniel McNaughtan Durham v

The Relationship Rights of Children James G. Dwyer, 2006-04-17 This book presents a sustained theoretical analysis of what rights children should possess in connection with state decision making about their personal relationships which the state does in numerous aspects of family law including paternity adoption custody and visitation termination of parental rights and grandparent visitation It examines the nature and normative foundation of adults' rights in connection with relationships among themselves and then assesses the extent to which the moral principles underlying adults' rights apply also to children It concludes that the law should ascribe to children rights equivalent though not identical to those which adults enjoy and this would require substantial changes in the way the legal system treats children including a reformation of the rules for establishing legal parent child relationships at birth and of the rules for deciding whether to end a parent child relationship

Advancing Critical Criminology Walter S. DeKeseredy, Barbara Perry, 2006-06-29 Advancing Critical Criminology constitutes a timely addition to the growing body of knowledge on critical criminology scholarship DeKeseredy and Perry have assembled a volume that provides scholars with an in depth review of the extant literature on several major branches of criminology as well as examples of how critical criminologists apply their theoretical perspectives to substantive topics such as drugs interpersonal violence and rural crime Accordingly this work is divided into two main sections overviews of theories and applications Each chapter provides a summary of work in a specific area along with suggestions for moving the field forward This reader is unique in its choice of topics which have often been overlooked in the past An expert collection of international scholars Advancing Critical Criminology is certain to stimulate lively debates and generate further critical social scientific work in this field

The UN Convention on the Rights of Persons with Disabilities Ilias Bantekas, Michael Ashley

Stein, Dimitris Anastasiou, 2018-10-25 This treatise is a detailed article by article examination of the United Nations Convention on the Rights of Persons with Disabilities CRPD Each article of the CRPD contains a methodical analysis of the preparatory works followed by an exhaustive examination of the contents of each article based on case law and concluding observations from the CRPD Committee judgments from national and international courts and tribunals pertinent UN and other reports the key literature on the article under review The volume features commentary from a broad range of scholars across a variety of disciplines in order to provide a comprehensive study of the legal psychological education sociological and other aspects of the CPRD This encyclopaedic commentary on the CRPD effectively covers all the issues arising from international disability law and practice and will be an ideal resource for all working in the field [A Prescription for Dignity](#) Michael L. Perlin, 2016-03-16 Examining the treatment of persons with mental disabilities in the criminal justice system this book offers new perspectives that are crucial to an understanding of the ways in which society projects onto criminal defendants prejudices and attitudes about responsibility free will autonomy choice public safety and the meaning and purpose of punishment all with a focus on ways to enhance dignity in the criminal trial process It is a detailed exploration of issues of adequacy of counsel the impact of international human rights law following the ratification of the United Nations Convention on the Rights of Persons with Disabilities CRPD the role of mental health courts and the influence of therapeutic jurisprudence procedural justice and restorative justice on the legal process It considers all of these perspectives in the context of criminal justice system issues such as competency findings the insanity defense and sentencing Demonstrating how the question of treatment of persons with mental disabilities in the criminal justice system is not only a vital one for both scholars and practitioners but also a central facet of international human rights law this book suggests policy development further scholarly inquiries and newly invigorated thinking and action to place dignity at the core of the criminal justice system **International Human Rights and Mental Disability Law** Michael L. Perlin, 2012 Examining the mistreatment of persons with mental disabilities around the world Michael Perlin identifies universal factors that contaminate mental disability law including lack of comprehensive legislation and of independent counsel inadequate care poor or nonexistent community programming and inhumane forensic systems **Critical Inquiries for Social Justice in Mental Health** Marina Morrow, Lorraine Halinka Malcoe, 2017-01-01 An exceptional showcase of interdisciplinary research Critical Inquiries for Social Justice in Mental Health presents various critical theories methodologies and methods for transforming mental health research and fostering socially just mental health practices Marina Morrow and Lorraine Halinka Malcoe have assembled an array of international scholars activists and practitioners whose work exposes and disrupts the dominant neoliberal and individualist practices found in contemporary mental research policy and practice The contributors employ a variety of methodologies including intersectional decolonizing indigenous feminist post structural transgender queer and critical realist approaches in order to interrogate the manifestation of power relations in mental health systems

and its impact on people with mental distress. Additionally, the contributors enable the reader to reimagine systems and supports designed from the bottom up in which the people most affected have decision making authority over their formations. **Critical Inquiries for Social Justice in Mental Health** demonstrates why and how theory matters for knowledge production, policy and practice in mental health and it creates new imaginings of decolonized and democratized mental health systems of abundant community centred supports and of a world where human differences are affirmed.

The Handbook of Forensic Rorschach Assessment Carl B. Gacono, 2008. The Handbook of Forensic Rorschach Assessment underscores the unique contribution the Rorschach makes to forensic practice. All of the chapters include the expertise of a licensed practicing forensic psychologist and offer a systematic approach to personality assessment in presenting use of the Rorschach in specific forensic contexts.

Mental Health Care Issues in America Michael Shally-Jensen, 2013-01-07. This two volume encyclopedia examines the social, cultural and political dimensions of mental illness in America. Americans are becoming more cognizant of the importance of mental wellness as incidents of bullying, random shootings and eating disorders pervade our society. This comprehensive resource provides an expansive overview of mental health and illness in the United States, analyzing the current state of the health care system and objectively examining the therapies and treatment options traditionally recommended by the medical community. **Mental Health Care Issues in America: An Encyclopedia** covers major mental disorders, theories and treatments, delves into major advances and ongoing controversies in the field and shares the most current research on the subject in varied disciplines including ethnic studies, criminal justice, education and social work. Each entry features a clear definition of the issue along with a brief review of its history. Additionally, the author situates the material within the mental health field as well as within society in general. Organized alphabetically, topics include advocacy, legal issues, media portrayals of psychological disorders and homelessness and mental illness.

Discrimination, Copyright and Equality Paul Harpur, 2017-04-03. This book explores how restrictive copyright laws deny access to information for the print disabled despite equality laws protecting access. It contributes to disability rights scholarship and ideas of digital equality in analysis of domestic disability, anti-discrimination, civil human and constitutional rights, copyright and other reading equality measures.

Forensic Psychology Thomas Davis, 2020-12-10. This fascinating and research led textbook gives students the facts and the tools they need to engage critically with the psychological dimension of the criminal justice system. Accessibly written and packed with the latest psychological research, **Forensic Psychology: Fact and Fiction** is an engaging and wide ranging exploration of both foundational and contemporary issues. The book prepares students to weigh up evidence and arguments and reach their own conclusions about the issues and questions that have led them to study forensic psychology. **Forensic Psychology: Fact and Fiction** gives students all they need to get to grips with debates about the link between mental fitness and criminal responsibility, the purposes and effectiveness of punishment and the use of police force and others. It places psychology at its heart, combining research with

legal perspectives to give the full picture Drawing on global research and examples students are given insights into what differs and what remains the same across jurisdictions and borders Real life case studies illustrate forensic concepts allowing students to see how psychology is applied to criminal behaviour and the response of society to it This comprehensive introduction is ideal for undergraduate students taking a course in forensic psychology Balancing clarity and rigor the book takes the student on a journey from the fundamental concepts through to the application of psychology to forensic techniques

Tranquil Prisons Erick Fabris,2011-01-01 Antipsychotic medications are sometimes imposed on psychiatric patients deemed dangerous to themselves and others This is based on the assumption that treatment is safe and effective and that recovery depends on biological adjustment Under new laws patients can be required to remain on these medications after leaving hospitals However survivors attest that forced treatment used as a restraint can feel like torture while the consequences of withdrawal can also be severe A brave and innovative book *Tranquil Prisons* is a rare academic study of psychiatric treatment written by a former mental patient Erick Fabris s original multidisciplinary research demonstrates how clients are pre emptively put on chemical agents despite the possibility of alternatives Because of this practice patients often become dependent on psychiatric drugs that restrict movement and communication to incarcerate the body rather than heal it Putting forth calls for professional accountability and more therapy choices for patients Fabris s narrative is both accessible and eye opening

Rethinking Rights-Based Mental Health Laws Bernadette McSherry,Penny Weller,2010-08-16 Mental health laws exist in many countries to regulate the involuntary detention and treatment of individuals with serious mental illnesses Rights based legalism is a term used to describe mental health laws that refer to the rights of individuals with mental illnesses somewhere in their provisions The advent of the United Nations Convention on the Rights of Persons with Disabilities makes it timely to rethink the way in which the rights of individuals to autonomy and liberty are balanced against state interests in protecting individuals from harm to self or others This collection addresses some of the current issues and problems arising from rights based mental health laws The chapters have been grouped in five parts as follows Historical Foundations The International Human Rights Framework and the United Nations Convention on the Rights of Persons with Disabilities Gaps Between Law and Practice Review Processes and the Role of Tribunals Access to Mental Health Services Many of the chapters in this collection emphasise the importance of moving away from the limitations of a negative rights approach to mental health laws towards more positive rights of social participation While the law may not always be the best way through which to alleviate social and personal predicaments legislation is paramount for the functioning of the mental health system The aim of this collection is to encourage the enactment of legal provisions governing treatment detention and care that are workable and conform to international human rights documents

Shaming the Constitution Michael L. Perlin,Heather Ellis Cucolo,2017-03-24 Convicted sexually violent predators are more vilified more subject to media misrepresentation and more likely to be denied basic human rights than any other

population Shaming the Constitution authors Michael Perlin and Heather Cucolo question the intentions of sex offender laws offering new approaches to this most complex and controversial area of law and social policy The authors assert that sex offender laws and policies are unconstitutional and counter productive The legislation largely fails to add to public safety even ruining lives for what are in some cases trivial infractions Shaming the Constitution draws on law behavioral sciences and other disciplines to show that many of the solutions to penalizing sexually violent predators are wrong as they create the most repressive and useless laws In addition to tracing the history of sex offender laws the authors address the case of Jesse Timmendequas whose crime begat Megan s Law the media s role in creating a moral panic recidivism statistics and treatments as well as international human rights laws Ultimately they call attention to the flaws in the system so we can find solutions that contribute to public safety in ways that do not mock Constitutional principles Mad Matters Brenda A. LeFrançois, Robert Menzies, Geoffrey Reaume, 2013 In 1981 Toronto activist Mel Starkman wrote An important new movement is sweeping through the western world The mad the oppressed the ex inmates of society s asylums are coming together and speaking for themselves Mad Matters is the first Canadian book to bring together the writings of this vital movement which has grown explosively in the years since With contributions from scholars in numerous disciplines as well as activists and psychiatric survivors it presents diverse critical voices that convey the lived experiences of the psychiatricized and challenges dominant understandings of mental illness The connections between mad activism and other liberation struggles are stressed throughout making the book a major contribution to the literature on human rights and anti oppression The Disabled Contract Jonas-Sébastien Beaudry, 2021-03-18 Beaudry shows how the social contract fails to take account of the moral status of people with severe intellectual disabilities

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