



Sex, Culpability and the Defence of Provocation (Discourses of Law)

Danielle Tyson

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The partial defence of provocation is one of the most controversial doctrines within the criminal law. It has now been abolished in a number of international jurisdictions. Addressing the trajectory of debates about reform of the provocation defence across different jurisdictions, *Sex, Culpability and the Defence of Provocation* considers the construction and representation of subjectivity and sexual difference in legal narrations of intimate partner homicide. Undeniably, the most vexing exculpatory cultural narrative of our times is that of a woman 'asking for it'. This book explores how the process of judgment in a criminal trial involves not only the drawing of inferences from the facts of a particular case, but also operates to deliver a narrative. Law, it is argued, constructs a narrative of how the female body incites male violence. And, pursuing an approach that is informed by socio-legal studies, literary theory and feminist theories of the body, *Sex, Culpability and the Defence of Provocation* considers how this narrative is constructed via a range of discursive practices that position woman as a threat to masculine norms of propriety and autonomy. Once we have a clear understanding of the significance of narrative in legal decision-making, we can then formulate textual strategies of resistance to the violence of law's victim-blaming narratives by rewriting them.

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