Litigating Morality

AMERICAN LEGAL THOUGHT AND ITS ENGLISH ROOTS

Wayne C. Bartee Alice Fleetwood Bartee

<u>Litigating Morality American Legal Thought And Its</u> <u>English Roots</u>

Bruce MacDougall

Litigating Morality American Legal Thought And Its English Roots:

Litigating Morality Wayne C. Bartee, Alice Fleetwood Bartee, 1992-02-20 This volume is a thematic study in legal history that uses past and present landmark court cases to analyze the legal and historical development of moral regulatory policies in America and resulting debates Using a critical variable approach the book demonstrates how different elements of the legal process have historically influenced the litigation of various moral issues Five moral policies are included abortion sodomy pornography criminal insanity and the death penalty The book s framework for analysis uses examples from English legal history and links them to American cases demonstrating how moral regulatory policies are impacted by the legal process by laws by judges and juries by legal scholars and by attorneys Following a brief introduction Chapter 1 examines how protagonists in the bitter moral and legal controversy over abortion in America have sought to fortify their positions with the views of prominent English legal authorities The authors discuss the role of English legal scholars in court opinion and oral arguments in Webster and in Roe v Wade and debates Roe s interpretation of the English legalists Chapter 2 describes how attempts to expand a right of privacy under the federal Constitution to include sodomy failed the test for common law rights Rights of Englishmen in Bowers v Hardwick 1986 and includes a history of sodomy in early English and American law Chapter 3 discusses pornography standards and laws highlighting the history of legal actions taken against Memoirs of a Woman of Pleasure in both England and the U S demonstrating the role of precedent in American judicial efforts to define pornography In Chapter 4 which deals with the criminal insanity defense the influential role of the defense attorney on case outcomes is illustrated in cases such as England's McNaughton case 1843 and America's Hinckley case 1982 Chapter 5 deals with cruel and unusual punishment throughout U S and English history The book ends with an epilogue which ties together the idea of the American legal process as an inherited English process reiterating how decisionmakers continually mine the past to find traditions and sources of moral values for justifying or criticizing current laws and policies Litigating Morality Alice Fleetwood Bartee, Wayne C. Bartee, 1992-02-20 This volume is a thematic study in legal history that uses past and present landmark court cases to analyze the legal and historical development of moral regulatory policies in America and resulting debates Using a critical variable approach the book demonstrates how different elements of the legal process have historically influenced the litigation of various moral issues Five moral policies are included abortion sodomy pornography criminal insanity and the death penalty The book s framework for analysis uses examples from English legal history and links them to American cases demonstrating how moral regulatory policies are impacted by the legal process by laws by judges and juries by legal scholars and by attorneys Following a brief introduction Chapter 1 examines how protagonists in the bitter moral and legal controversy over abortion in America have sought to fortify their positions with the views of prominent English legal authorities The authors discuss the role of English legal scholars in court opinion and oral arguments in Webster and in Roe v Wade and debates Roe s interpretation of the English legalists Chapter 2 describes how attempts to

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Obscenity, Psychoanalysis and Literature William Simms,2021-09-05 Obscenity Psychoanalysis and Literature offers a fascinating psychoanalytic reading of four landmark obscenity trials involving the texts of D H Lawrence and James Joyce By tracing the legal histories of Lawrence and Joyce from censorship to their eventual redemption and transformation into champions of sexual freedom the book draws a narrative of changing legal literary and cultural investments The book examines the four trials of these authors in detail to show how the literary text can function as a symbol of both life and death and the political uses of figuring them as such Taking a psychoanalytic perspective we can see how this narrative of sexual

repression to sexual liberation may itself be an emergent form of the superego imperative to enjoy and consume Through close readings of trial transcripts and archival documents this book helps elucidate the fantasies operating throughout the trials the unquestioned assumptions of the nature of sexuality gender drugs and truth It demonstrates with clarity how through its attempt to suppress the sexual the law confronts its own nature as language and in doing so troubles the distinctions between law literature and desire that it usually wishes to protect Offering a uniquely psychoanalytic account of the obscenity trials of these authors this text will be of great interest to scholars from across the fields of psychoanalysis law Sex, Sexuality, Law, and (In)justice Henry F. Fradella, Jennifer M. Sumner, 2016-02-26 Sex Sexuality Law and In Justice covers a wide range of legal issues associated with sexuality gender reproduction and identity These are critical and sensitive issues that law enforcement and other criminal justice professionals need to understand The book synthesizes the literature across a wide breadth of perspectives exposing students to law psychology criminal justice sociology philosophy history and where relevant biology to critically examine the social control of sex gender and sexuality across history Specific federal and state case law and statutes are integrated throughout the book but the text moves beyond the intersection between law and sexuality to focus just as much on social science as it does on law This book will be useful in teaching courses in a range of disciplines especially criminology and criminal justice history political science sociology women and gender studies and law Queer Judgments Bruce MacDougall, 2000-01-01 MacDougall sifts through hundreds of reported and unreported cases of the past four decades in order to uncover the subjective assumptions and biases operating in Canadian courts Law Books Published 1993 Suppl ,1994 **Criminalizing Dissent Rob** Watts, 2019-06-25 While liberal democratic states like America Britain and Australia claim to value freedom of expression and the right to dissent they have always actually criminalized dissent This disposition has worsened since 9 11 and the 2008 Great Recession This ground breaking study shows that just as dissent involves far more than protest marches so too liberal democratic states have expanded the criminalization of dissent Drawing on political and social theorists like Arendt Bourdieu and Isin the book offers a new way of thinking about politics dissent and its criminalization relationally Using case studies like the Occupy movement selective refusal by Israeli soldiers urban squatters democratic education and violence by anti Apartheid activists the book highlights the many forms dissent takes along with the many ways liberal democratic states criminalize it The book highlights the mix of fear and delusion in play when states privilege security to protect an imagined political order from difference and disagreement The book makes a major contribution to political theory legal studies and sociology Linking legal political and normative studies in new ways Watts shows that ultimately liberal democracies rely more on sovereignty and the capacity for coercion and declarations of legal states of exception than on liberal democratic principles In a time marked by a deepening crisis of democracy the book argues dissent is increasingly valuable Queer Reading Practices and Sexology in Fin-de-Siècle Literature Zsolt Bojti, 2025-07-28 This book scrutinises the production and

transnational distribution of sexological knowledge at the turn of the century The works of three transnationally mobile authors are in the focus The Picture of Dorian Gray 1890 1891 and Teleny 1893 by and attributed to Oscar Wilde The True Story of a Vampire 1894 by Count Stanislaus Eric Stenbock and Imre A Memorandum 1906 by Edward Prime Stevenson The textual analysis is governed by references in all four works to Hungarian culture to demonstrate how they conceptualised Hungarianness and same sex desire simultaneously in the light of the new classificatory science of sexualities coming from German speaking Central Europe By foregrounding a timely literary angle and a culturalist approach this book offers non Anglocentric insights not bound by either language or nationality to shed new light on the interdisciplinary reading practices of late Victorian subjects and the ways they contributed to the emergence of fin de si cle queer fiction Outrages Naomi Wolf, 2020-10-09 From New York Times bestselling author Naomi Wolf Outrages explores the history of state sponsored censorship and violations of personal freedoms through the inspiring forgotten history of one writer s refusal to stay silenced In 1857 Britain codified a new civil divorce law and passed a severe new obscenity law An 1861 Act of Parliament streamlined the harsh criminalization of sodomy These and other laws enshrined modern notions of state censorship and validated state intrusion into people s private lives In 1861 John Addington Symonds a twenty one year old student at Oxford who already knew he loved and was attracted to men hastily wrote out a seeming renunciation of the long love poem he d written to another young man Outrages chronicles the struggle and eventual triumph of Symonds who would become a poet biographer and critic at a time in British history when even private letters that could be interpreted as homoerotic could be used as evidence in trials leading to harsh sentences under British law Drawing on the work of a range of scholars of censorship and of LGBTQ legal history Wolf depicts how state censorship and state prosecution of same sex sexuality played out decades before the infamous trial of Oscar Wilde shadowing the lives of people who risked in new ways scrutiny by the criminal justice system She shows how legal persecutions of writers and of men who loved men affected Symonds and his contemporaries including Christina and Dante Gabriel Rossetti Algernon Charles Swinburne Walter Pater and the painter Simeon Solomon All the while Walt Whitman's Leaves of Grass was illicitly crossing the Atlantic and finding its way into the hands of readers who reveled in the American poet's celebration of freedom democracy and unfettered love Inspired by Whitman and despite terrible dangers he faced in doing so Symonds kept trying stubbornly to find a way to express his message that love and sex between men were not morbid and deviant but natural and even ennobling He persisted in various genres his entire life He wrote a strikingly honest secret memoir which he embargoed for a generation after his death enclosing keys to a code that the author had used to embed hidden messages in his published work He wrote the essay A Problem in Modern Ethics that was secretly shared in his lifetime and would become foundational to our modern understanding of human sexual orientation and of LGBTQ legal rights This essay is now rightfully understood as one of the first gay rights manifestos in the English language Naomi Wolf's Outrages is a critically important book not just for its role in

helping to bring to new audiences the story of an oft forgotten pioneer of LGBTQ rights who could not legally fully tell his own story in his lifetime It is also critically important for what the book has to say about the vital and often courageous roles of publishers booksellers and freedom of speech in an era of growing calls for censorship and ever escalating state violations of privacy With Outrages Wolf brings us the inspiring story of one man's refusal to be silenced and his belief in a future in which everyone would have the freedom to love and to speak without fear **Selected Acquisitions of the Library** Indiana University, Bloomington. Law Library, 1992 The State and the Body Elizabeth Wicks, 2016-12-15 This book investigates the limits of the legitimate role of the state in regulating the human body It questions whether there is a public interest in issues of bodily autonomy with particular focus on reproductive choices end of life choices sexual autonomy body modifications and selling the body The main question addressed in this book is whether such autonomous choices about the human body are and should be subject to state regulation Potential justifications for the state s intervention into these issues through mechanisms such as the criminal law and regulatory schemes are evaluated These include preventing harm to others and or to the individual involved as well as more abstract concepts such as public morality the sanctity of human life and the protection of human dignity The State and the Body argues that the state should be particularly wary about encroaching upon exercises of autonomy by embodied selves and concludes that only interventions based upon Mill's harm principle or in tightly confined circumstances the dignity of the human species as a whole should suffice to justify public intervention into private choices about the body Memory as Power Alex Tepperman, Paul Bleakley, 2025-01-27 Featuring a collection of works by scholars from across a variety of disciplines this book outlines the principles of a critical historical criminology For historical criminologists this book provides a framework of how to engage with historical material in a way that is critical in its interrogation instructive in terms of how the past impacts upon our current and future practice and attentive to the dangers of presentism For critical criminologists this book highlights the potential benefits of looking to the past to inform our understanding of the critical issues we face in the current social cultural and political context in a purposeful historically sensitive way This remarkable volume aims to model how to practice a critical version of historical criminology that has implications for practice in the contemporary period It does so by incorporating contributions that emphasize robust high quality historical research that nonetheless speaks to issues and problems of premium concern to present minded critical criminologists bridging a gap between the past and present through an operationalization of the past that allows readers to better understand the criminological concerns of the present In this sense it can be used pedagogically as a collection of works which model critical historical criminology and is thus of instructional use alongside its research contribution Law Books in Print: Author index Nicholas Triffin, 1997 Law Books in Print: Subject index Nicholas Triffin, 1994

Subject Guide to Books in Print, 1996 Law Books in Print: Title index Nicholas Triffin, 1994 **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

Embracing the Melody of Expression: An Emotional Symphony within Litigating Morality American Legal Thought And Its English Roots

In a world used by displays and the ceaseless chatter of immediate communication, the melodic beauty and emotional symphony produced by the prepared word usually diminish into the back ground, eclipsed by the relentless sound and distractions that permeate our lives. However, nestled within the pages of **Litigating Morality American Legal Thought And Its English Roots** a marvelous literary value brimming with natural feelings, lies an immersive symphony waiting to be embraced. Constructed by an outstanding musician of language, that interesting masterpiece conducts visitors on an emotional journey, well unraveling the concealed tunes and profound affect resonating within each carefully constructed phrase. Within the depths of this moving evaluation, we shall discover the book is key harmonies, analyze their enthralling publishing model, and surrender ourselves to the profound resonance that echoes in the depths of readers souls.

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