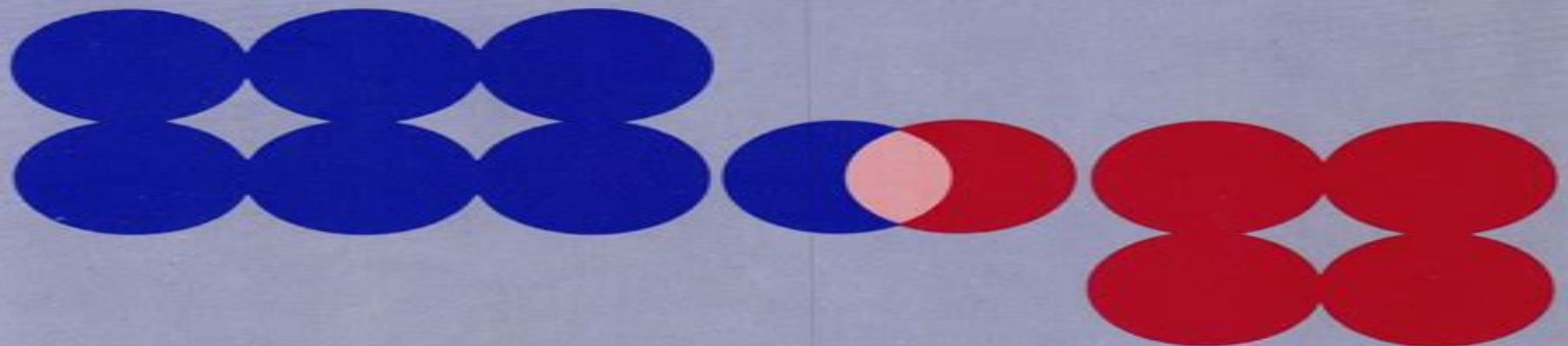


SEX, DRUGS, DEATH, and the LAW

**An Essay on Human Rights
and Overcriminalization**



David A.J. Richards

Sex Drugs Death And The Law An Essay On Human Rights And Overcriminalization

David A.J. Richards



Sex Drugs Death And The Law An Essay On Human Rights And Overcriminalization:

Sex, Drugs, Death, and the Law David A. J. Richards, 1986 Among the most commonly argued legal questions are those involving victimless crimes consensual adult sexual relations including homosexuality and prostitution the use of drugs and the right to die How can they be distinguished from proper crimes and how can we as citizens judge the complex moral and legal issues that such questions entail David Richards a teacher of law in the areas of constitutional and criminal law and a moral and legal philosopher concerned with the investigation of legal concepts applies an interdisciplinary approach to the question of overcriminalization he draws on legal and philosophical arguments and links the subject to history psychology social science and literature To demonstrate how gross and unjust overcriminalization has developed Professor Richards explores basic assumptions that often underlie the common American sense of proper criminalization

Love and Violence

David Richards, 2023-11-25 This book offers both a philosophical and psychological theory of an aspect of human love first noted by Plato and used by Freud in developing psychoanalysis transference love namely lovers as mirrors for one another enabling them thus better to see and understand themselves and others Shakespeare's art makes the same appeal theater as a communal mirror expressing the artist holding a loving mirror for his culture at a point of transitional crisis between a shame and guilt culture The book shows how Shakespeare's plays offer better insights into the behavior of violent men than Freud's based on close empirical study of violent criminals develops a theory of violence rooted in the moral emotions of shame and guilt and a cultural psychology of the transition from shame to guilt cultures The work argues that violence is contra Freud not an ineliminable instinct in the nature of things requiring autocracy but arises from patriarchally inflicted cultural injuries to the love of equals that undermine democracy and that only a therapy based on love can address such injuries replacing retributive with restorative justice and populist fascist autocracy with constitutional democracy Love thus understood underlies a range of disparate phenomena the appeal of Shakespeare's theater as a communal art the role of love in psychoanalysis in Augustine's conception of love in religion disfigured by his patriarchal assumptions in Kant's anti-utilitarian ethics of dignity in a naturalistic ethics that roots ethics in facts of human psychology the role of law in democratic cultures as a mirror and critique of such cultures and the basis of an egalitarian theory of universal human rights inspired by Kant and developed more recently by John Rawls In all these domains uncritically accepted forms of culture the initiation of men and women into patriarchy traumatize the love of equals and thus disfigure and distort our personal and political lives

Resisting Injustice and the Feminist Ethics of Care in the Age of Obama David A.J. Richards, 2014-02-05 David A.J. Richards's *Resisting Injustice and The Feminist Ethics of Care in The Age of Obama* Suddenly All The Truth Was Coming Out builds on his and Carol Gilligan's *The Deepening Darkness* to examine the roots of the resistance movements of the 1960s the political psychology behind contemporary conservatism and President Obama's present day appeal as well as the reasons for the reactionary politics against him Richards begins by laying out the basics of the ethics of care and proposing an

alternative basis for ethics relationality which is based in convergent findings in infant research neuroscience and evolutionary psychology He critically analyzes patriarchal politics and states that they are rooted in a reactionary psychology that attacks human relationality and ethics From there the book examines the 1960s resistance movements and argues that they were fundamentally oriented around challenging patriarchy Richards asserts that the reactionary politics in America from the 1960s to the present are in service of an American patriarchy threatened by the resistance movements ranging from the 1960s civil rights movements to the present gay rights movement Reactionary politics intend to marginalize and even reverse the ethical achievements accomplished by resistance movements creating in effect a system of patriarchy hiding in democracy Richards consequently argues that Obama s appeal is connected to his challenge to this system of patriarchy and will examine both Obama s appeal and the reactions against him in light of the 2012 presidential election This book positions recent American political development in a broad analysis of the role of patriarchy in human oppression throughout history and argues that a feminist based ethics of care is necessary to form a more humane and inclusive democratic politics

Criminal Behavior Systems Marshall Clinard,Richard Quinney,John Wildeman,2014-10-24 An important classic especially useful for courses in criminal behavior and personality this text begins with a discussion of the construction of types of crime and then formulates and utilizes a typology of criminal behavior systems *Imposing Values* N. Scott Arnold,2009-03-20 *Imposing Values* provides an even handed characterization of the differences between modern liberalism and classical liberalism about the proper scope of government It also systematically and comprehensively discusses arguments for and against various regulatory regimes favored by modern liberals and opposed by classical liberals **A Moral Defense of Recreational Drug Use** Rob Lovering,2015-08-12 Why does American law allow the recreational use of some drugs such as alcohol tobacco and caffeine but not others such as marijuana cocaine and heroin The answer lies not simply in the harm the use of these drugs might cause but in the perceived morality or lack thereof of their recreational use Despite strong rhetoric from moral critics of recreational drug use however it is surprisingly difficult to discern the reasons they have for deeming the recreational use of some drugs morally wrong In this book Rob Lovering lays out and dissects various arguments for the immorality of using marijuana cocaine heroin and other drugs recreationally He contends that by and large these arguments do not succeed Lovering s book represents one of the first works to systematically present analyze and critique arguments for the moral wrongness of recreational drug use Given this as well as the popularity of the morality based defense of the United States drug laws this book is an important and timely contribution to the debate on the recreational use of drugs Paternalism John Kleinig,1983 **Conscience and the Constitution** David A.J. Richards,2014-07-14 At stage center of the American drama maintains David A J Richards is the attempt to understand the implications of the Reconstruction Amendments Amendments Thirteen Fourteen and Fifteen to the United States Constitution Richards evaluates previous efforts to interpret the amendments and then proposes his own view together the

amendments embodied a self conscious rebirth of America s revolutionary rights based constitutionalism Building on an approach to constitutional law developed in his *Toleration and the Constitution* and *Foundations of American Constitutionalism* Richards links history law and political theory In *Conscience and the Constitution* this method leads from an analysis of the Reconstruction Amendments to a broad discussion of the American constitutional system as a whole Richards s interpretation focuses on the abolitionists and their radical commitment to the dissenting conscience In his view the Reconstruction Amendments expressed not only the constitutional arguments of a particular historical period but also a general political theory developed by the abolitionists who restructured the American political community in terms of respect for universal human rights He argues further that the amendments make a claim on our generation to keep faith with the vision of the founders of 1865 In specific terms he points out what such allegiance would mean in the context of present day constitutional issues Originally published in 1993 The Princeton Legacy Library uses the latest print on demand technology to again make available previously out of print books from the distinguished backlist of Princeton University Press These editions preserve the original texts of these important books while presenting them in durable paperback and hardcover editions The goal of the Princeton Legacy Library is to vastly increase access to the rich scholarly heritage found in the thousands of books published by Princeton University Press since its founding in 1905

Drug Use and Drug Policy

Marilyn D. McShane, Franklin P. Williams, 1997 The articles in this collection provide an overview of the research and writing on this topic between 1991 and 1995

The Constitution of the War on Drugs David Pozen, 2024 In *The Constitution of the War on Drugs* David Pozen provides an authoritative critical constitutional history of the drug war casting new light on both drug prohibition and U S constitutional development Pozen shows the plausibility of a constitutional path not taken in the 1960s and 1970s a path that would have led to a less punitive approach to drug control He explains how and why constitutional resistance to drug prohibition collapsed And he offers a roadmap to constitutional reform options available today

Handbook on Public and Private Security Erwin Blackstone, Simon Hakim, Brian J. Meehan, 2023-11-08 This Handbook discusses the use of public private partnerships in law enforcement and security Written by international experts across multiple disciplines chapters include case studies and cross sectional industry wide studies of private security performance in comparison with public police and collaborated experiences of the two sectors The Handbook uses existing experiences and public economics to suggest how to improve security and social welfare through greater competition and cooperation between public and private security This volume provides an integrated framework to assist policymakers in both public and private agencies This Handbook will be an important reference for scholars in public economics public administration criminology and criminal justice as well as professionals and policymakers in the public and private sectors

The Economic Anatomy of a Drug War David W. Rasmussen, Bruce L. Benson, 1994 This book explores the economics of illicit drug markets the connection between these markets and other crime and the adjustments these markets make when

faced with changes in drug enforcement Focusing specifically on the most recent escalation of drug enforcement during the period from 1984-1989 Rasmussen and Benson adopt an economic perspective to explore the origins and effects of American drug policy Rasmussen and Benson argue that effective drug policy is only possible if we realize that increasing drug enforcement can be a tragedy of the commons because criminal justice resources are diverted from other uses and many unintended consequences are generated by politically popular drug enforcement initiatives *Italian American* David A.J. Richards, 1999-07-01 When southern Italians began emigrating to the U S in large numbers in the 1870s part of the new immigration from southern and eastern rather than northern Europe they were seen as racially inferior what David A J Richards terms nonvisibly black The first study of its kind *Italian American* explores the acculturation process of Italian immigrants in terms of then current patterns of European and American racism Delving into the political and legal context of flawed liberal nationalism both in Italy the Risorgimento and the United States Reconstruction Amendments Richards examines why Italian Americans were so reluctant to influence depictions of themselves and their own collective identity He argues that American racism could not have had the durability or political power it has had either in the popular understanding or in the corruption of constitutional ideals unless many new immigrants themselves often regarded as racially inferior had been drawn into accepting and supporting many of the terms of American racism With its unprecedented focus on Italian American identity and an interdisciplinary approach to comparative culture and law this timely study sheds important light on the history and contemporary importance of identity and multicultural politics in American political and constitutional debate *A Moral Defense of Prostitution* Rob Lovering, 2021-07-09 Is prostitution immoral In this book Rob Lovering argues that it is not Offering a careful and thorough critique of the many twenty to be exact arguments for prostitution s immorality Lovering leaves no claim unchallenged Drawing on the relevant literature along with his own creative thinking Lovering offers a clear and reasoned moral defense of the world s oldest profession Lovering demonstrates convincingly on both consequentialist and nonconsequentialist grounds that there is nothing immoral about prostitution between consenting adults The legal implications of this view are also brought to bear on the current discourse surrounding this controversial topic **The Rich Get Richer and the Poor Get Prison** Jeffrey Reiman, Paul Leighton, 2016-11-10 For nearly 40 years this classic text has taken the issue of economic inequality seriously and asked Why are our prisons filled with the poor Why aren t the tools of the criminal justice system being used to protect Americans from predatory business practices and to punish well off people who cause widespread harm The Rich Get Richer shows readers that much that goes on in the criminal justice system violates citizens sense of basic fairness It presents extensive evidence from mainstream data that the criminal justice system does not function in the way it says it does nor in the way that readers believe it should The authors develop a theoretical perspective from which readers might understand these failures and evaluate them morally and they to do it in a short and relatively inexpensive text written in plain language New to this edition Presents recent data

comparing the harms due to criminal activity with the harms of dangerous but not criminal corporate actions Presents new data on recent crime rate declines which are paired with data on how public safety is not prioritized by the U S government Updates statistics on crime victimization wealth and discrimination plus coverage of the increasing role of criminal justice fines and fees in generating revenue for government Updates on the costs to society of white collar crime Updates and deepened analysis of why fundamental reforms are not undertaken Streamlined and condensed prose for greater clarity

Nomination of Judge Clarence Thomas to be Associate Justice of the Supreme Court of the United States

United States. Congress. Senate. Committee on the Judiciary,1993 *The Rise of Gay Rights and the Fall of the British Empire* David A. J. Richards,2013-04-22 This book argues that there is an important connection between ethical resistance to British imperialism and the ethical discovery of gay rights By closely examining the roots of liberal resistance in Britain and resistance to patriarchy in the United States this book shows that fighting the demands of patriarchal manhood and womanhood plays an important role in countering imperialism Advocates of feminism and gay rights in particular the Bloomsbury Group in Britain play an important public function in the criticism of imperialism because they resist the gender binary s role in rationalizing sexism and homophobia in both public and private life The connection between the rise of gay rights and the fall of empire illuminates larger questions of the meaning of democracy and of universal human rights as shared human values that have appeared since World War II The book also casts doubt on the thesis that arguments for gay rights must be extrinsic to democracy and that they must reflect Western as opposed to African or Asian values To the contrary gay rights arise from within liberal democracy and its critics polemically use such opposition to cover and rationalize their own failures of democracy *Overcriminalization* Douglas Husak,2008-01-08 In the US one out of every 138 residents is incarcerated The size of the prison population has quadrupled since 1980 Approximately 2 4% of Americans are either on probation and parole The US has the highest rate of criminal punishment in the Western world The problem with American criminal law as the philosopher of law Douglas Husak and many others see it is that there is simply too much of it Recent years have seen a dramatic expansion in the amount of criminal statutes and in the resulting reliance on punishment for convictions under those laws Husak argues that this is regrettable for several reasons but most importantly he says that much of the resulting punishment is unjust excessive and disproportionate He also claims that it is destructive to the rule of law and undermines the principle of legality What should be done Husak s goal in this book is formulate a normative theory of criminalization that will allow us to distinguish which criminal laws are justified and which are not something he sees this as essential in order to reverse the trend towards too many criminal laws The first part of his book makes the case that there is both too much criminal law and too much punishment and clarifies the relationship between the two using empirical data He then provides examples of dubious criminal laws enacted by legislatures in particular statutes on drugs possession and guns The latter part of the book develops his theory which establishes principles that should set limits

both external and internal to the criminal law on what we can and should criminalize **On the Moral Right to Get High**
Rob Lovering, 2025-06-29 Is getting high immoral In this book Rob Lovering defends the claim that it is not More specifically
he argues that recreational drug use of which getting high is a token is neither intrinsically nor generally extrinsically
immoral In other words he contends that recreational drug use is neither immoral in and of itself nor generally immoral due
to an immoral making factor with which it may be contingently linked e g harm Lovering does so by offering two arguments
for recreational drug use s ultima facie all things considered moral permissibility and critiquing twenty four arguments for its
immorality Meant to be a companion to Lovering s A Moral Defense of Recreational Drug Use Palgrave Macmillan 2015
which was written for a general audience this book is written for an academic specifically philosophical audience and
explores recreational drug use in a deeper more philosophically and empirically rigorous way *To Serve and Protect* Bruce
L. Benson, 1998-08 In his provocative analysis Benson economics Florida State U The Independent Institute Oakland CA
argues for contracting out and other controversial private justice options as preferable to government s pervasive and
misguided criminal justice role Why the timing may be right is the theme of the preface by Marvin Wolfgang Director of the
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