

## Taking Rights Seriously Ronald Dworkin

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### ZIMMERMAN BENTLEY

**Taking Rights Seriously** A&C Black

Explores how the central question of philosophy of law is the legal subject's: how can that be law for me?

[The Supreme Court Phalanx](#) Oxford University Press, USA

Thirteen articles define and defend a theory of law more liberal than the current legal positivism that restricts individual legal rights to those created by political decision or by explicit social practice. The thesis advanced by Dworkin is that people have rights against the state that are prior to those created by legislation.

**Dignity in the Legal and Political Philosophy of Ronald Dworkin** Clarendon Press

Many countries use and apply the common law. The common law world largely operates through statutes enacted by a country's democratic legislature. These statutes are drafted and interpreted

according to a uniform system of rules, presumptions, principles and canons evolved over centuries by common law judges. In this book, Francis Bennion distills forty years of his prolific writings on statute law and statutory interpretation to provide valuable guidance on statutory interpretation applicable to all common law jurisdictions.

[A Matter of Principle](#) Taking Rights Seriously

In any country where there is a Bill of Rights, constitutional rights reasoning is an important part of the legal process. As more and more countries adopt Human Rights legislation and accede to international human rights agreements, and as the European Union introduces its own Bill of Rights, judges struggle to implement these rights consistently and sometimes the reasoning behind them is lost. Examining the practice in other jurisdictions can be a valuable guide. Robert Alexy's classic work reconstructs the reasoning behind the jurisprudence of the German Basic Law and in doing so provides a theory of general application to all jurisdictions where judges wrestle with rights adjudication. In considering the features of constitutional rights reasoning, the author moves from the doctrine of proportionality, procedural rights and the structure and scope of

constitutional rights, to general rights of liberty and equality and the problem of horizontal effect. A postscript written for the English edition considers critiques of the Theory since it first appeared in 1985, focusing in particular on the discretion left to legislatures and in an extended introduction the translator argues that the theory may be used to clarify the nature of legal reasoning in the context of rights under the British Constitution.

[The Theory and Practice of Equality](#) Harvard University Press

In Dworkin's master work, the central thesis is that all areas of value depend on one another. This is one, big thing that the hedgehog knows, in contrast to the fox, who knows many little things. Dworkin's understanding of the relationship—between ethics, morality, and political morality—is significantly revised and also greatly elaborated. He argues that "dignity" is the essential core of living well and that a satisfactory account of dignity would, in turn, point to two principles. The first states that it is objectively important that each person's life go well; and the second that each person has a special responsibility for identifying what counts as success in his or her own life. Dworkin believes that values cohere and that in order to defend that coherence he has to take up

a broad variety of philosophical issues that are not normally treated in one book. He discusses the metaphysics of value, the character of truth, the nature of interpretation, the conditions of agreement and disagreement, the phenomenon of moral responsibility and the problem of free will as well as more substantive issues of ethical, moral and legal theory.

[Hobbes, Kelsen, Hart](#) John Wiley & Sons

In this volume, Patterson uses the modern debate between realism and anti-realism to examine what legal knowledge is. He explores how the principal contemporary theories of jurisprudence define legal knowledge, but concludes that their definitions are inextricably bound up with the nature of justification. As an alternative to the definitions provided by the theories of jurisprudence, Patterson offers a novel account of legal knowledge as pragmatism.

[A Bill of Rights for Britain](#) Oxford University Press

Is liberal democracy appropriate for East Asia? In this provocative book, Daniel Bell argues for morally legitimate alternatives to Western-style liberal democracy in the region. Beyond Liberal Democracy, which continues the author's influential earlier work, is divided into three parts that correspond to the three main hallmarks of liberal democracy--human rights, democracy, and capitalism. These features have been modified substantially during their transmission to East Asian societies that have been shaped by nonliberal practices and values. Bell points to the dangers of implementing Western-style models and proposes alternative justifications and practices that may be more appropriate for East Asian societies. If human rights, democracy, and capitalism are to take root and produce beneficial outcomes in East Asia, Bell argues, they must be adjusted to contemporary East Asian political and economic realities and to the values of nonliberal East Asian political traditions such as Confucianism and Legalism. Local knowledge is therefore essential for realistic and morally informed contributions to debates on political reform in the region, as well as for mutual learning and enrichment of political theories. Beyond Liberal Democracy is indispensable reading for students and scholars of political theory, Asian studies, and human rights, as well as anyone concerned about China's political and economic future and how Western governments and organizations should engage with China.

[The Defence of Natural Law](#) Harvard University Press

Dworkin and His Critics provides an in-depth, analytical discussion of Ronald Dworkin's ethical, legal and political philosophical writings, and it includes substantial replies from Dworkin himself. Includes substantial replies by Ronald Dworkin, a comprehensive bibliography of his work, and suggestions for further reading. Contributors include Richard Arneson, G. A. Cohen, Frances Kamm, Will Kymlicka, Philippe van Parijs, Eric Rakowski, Joseph Raz and Jeremy Waldron. Makes an important contribution to many on-going debates over abortion, euthanasia, the rule of law, distributive justice, group rights, political obligation, and genetics.

[Dworkin and His Critics](#) Oxford University Press on Demand

Contemporary liberal thinkers commonly suppose that there is something in principle unjust about the legal prohibition of putatively victimless immoralities. Against the prevailing liberal view, Robert P. George defends the proposition that 'moral laws' can play a legitimate, if subsidiary, role in preserving the 'moral ecology' of the cultural environment in which people make the morally significant choices by which they form their characters and influence, for good or ill, the moral lives of others. George shows that a defence of morals legislation is fully compatible with a 'pluralistic perfectionist' political theory of civil liberties and public morality.

[Law and Truth](#) New York Review of Books

Fuller, Lon L. *The Law in Quest of Itself*. Boston: Beacon Press, 1966. [vi], 150 pp. Reprinted 1999 by The Lawbook Exchange, Ltd. LCCN 99-32863. ISBN-13: 978-1-58477-016-9. ISBN-10: 1-58477-016-3. Cloth. \$60.\* Three lectures by the Harvard Law School professor examine legal positivism and natural law. In the course of his analysis Fuller discusses Kelsen's theory as a reactionary theory, and Hobbes' theory of sovereignty. He defines legal positivism as the viewpoint that draws a distinction "between the law that is and the law that ought to be..." (p.5) and interprets natural law as that which tolerates a combination of the two. He looks at the effects of

positivism's continued influence on American legal thinking and concludes that law as a principle of order is necessary in a democracy.

[Critical Analysis of Ronald Dworkin's Theory of Law](#) OUP Oxford

Well-known for his contribution to the juristic world, Professor Ronald Dworkin was an outstanding legal philosopher of his generation. This volume celebrates the thoughts of Ronald Dworkin on dignity. The contributors have critically engaged with different perspectives of Dworkin's thoughts on dignity. The aim is to shed light on juridical and moral contemporary conundrums such as the role of dignity in constitutional contexts in India, and the understanding of dignity as either a foundation of human rights or as a supra value that illuminates other values and rights. The volume is divided into four parts. The first part 'Integrity, Values, Interpretation, and Objectivity' focuses on Dworkin's interpretive methodology and examines the way his value holism relies on his interpretive methodology. The second part 'Dignity, Responsibility, and Free Will' concentrates on elucidating the complex relationship between dignity, human will, and responsibility in Dworkin's moral, legal, and political philosophy. In the third part 'Freedom of Speech, Right to Privacy, and Rights', the authors use Dworkin's philosophical moral framework and the interpretive methodology to shed light on his own views on freedom of speech and the language of rights, including human rights. The fourth part 'Dignity, Constitutions, and Legal Systems' critically discusses Dworkin's interpretive methodology to understand dignity in the context of constitutions, state, and law beyond the state. With contributions from eminent scholars across the world, the present volume will help in disseminating Dworkin's rich jurisprudential thoughts.

[Discordant Notes, Volume 1](#) Oxford University Press

This controversial book presents a powerful argument for the repeal of anti-discrimination laws within the workplace. These laws--frequently justified as a means to protect individuals from race, sex, age, and disability discrimination--have been widely accepted by liberals and conservatives alike since the passing of the 1964 Civil Rights Act and are today deeply ingrained in our legal culture. Richard Epstein demonstrates that these laws set one group against another, impose limits on freedom of choice, undermine standards of merit and achievement, unleash bureaucratic excesses, mandate inefficient employment practices, and cause far more invidious discrimination than they prevent. Epstein urges a return to the common law principles of individual autonomy that permit all persons to improve their position through trade, contract, and bargain, free of government constraint. He advances both theoretical and empirical arguments to show that competitive markets outperform the current system of centralized control over labor markets. *Forbidden Grounds* has a broad philosophical, economic, and historical sweep. Epstein offers novel explanations for the rational use of discrimination, and he tests his theory against a historical backdrop that runs from the early Supreme Court decisions, such as *Plessy v. Ferguson* which legitimated Jim Crow, through the current controversies over race-norming and the 1991 Civil Rights Act. His discussion of sex discrimination contains a detailed examination of the laws on occupational qualifications, pensions, pregnancy, and sexual harassment. He also explains how the case for affirmative action is strengthened by the repeal of employment discrimination laws. He concludes the book by looking at the recent controversies regarding age and disability discrimination. *Forbidden Grounds* will capture the attention of lawyers, social scientists, policymakers, and employers, as well as all persons interested in the administration of this major *Making Men Moral* Harvard University Press

Dworkin's important book is a collection of essays which discuss almost all of the great constitutional issues of the last two decades, including abortion, euthanasia, capital punishment, homosexuality, pornography, and free speech. Dworkin offers a consistently liberal view of the Constitution and argues that fidelity to it and to law demands that judges make moral judgments. He proposes that we all interpret the abstract language of the Constitution by reference to moral principles about political decency and justice. His 'moral reading' therefore brings political morality into the heart of constitutional law. The various chapters of this book were first published separately; now drawn together they provide the reader with a rich, full-length treatment of

Dworkin's general theory of law.

[Taking Rights Seriously](#) Cambridge University Press

Rae Langton here draws together her ground-breaking work on pornography and objectification. She argues that pornography is a speech act that subordinates and silences women, and that, given certain liberal principles, women have rights against it. She explores the traditional Kantian idea that there is something wrong with treating a person as a thing, and highlights an additional epistemological dimension to objectification: it is through a kind of self-fulfilling projection of beliefs about women as subordinate that women are treated as things. These controversial essays include three new pieces written especially for the volume. They will make stimulating reading for anyone interested in feminism's dialogue with moral and political philosophy.

[Religion without God](#) A&C Black

[Taking Rights Seriously](#) A&C Black

[Understanding Common Law Legislation](#) OUP Oxford

In his last book, Ronald Dworkin addresses timeless questions: What is religion and what is God's place in it? What are death and immortality? He joins a sense of cosmic mystery and beauty to the claim that value is objective, independent of mind, and immanent in the world. Belief in God is one manifestation of this view, but not the only one.

[The Case Against Employment Discrimination Laws](#) Oxford University Press

First published in 1998, this volume examines the work of Ronald Dworkin, the leading legal philosopher of our time, ten years after his seminal work, *Law's Empire*. Its impact and influence was so extensive that the authors felt compelled to undertake both an in-depth analysis of both the book itself and its critical reaction, including a survey of the literature on *Law's Empire*.

[A Very Short Introduction](#) Cambridge University Press

*Exploring Law's Empire* is a collection of essays examining the work of Ronald Dworkin in the philosophy of law and constitutionalism. A group of leading legal theorists develop, defend and critique the major areas of Dworkin's work, including his criticism of legal positivism, his theory of law as integrity, and his work on constitutional theory. The volume concludes with a lengthy response to the essays by Dworkin himself, which develops and clarifies many of his positions on the central questions of legal and constitutional theory. The volume represents an ideal companion for students and scholars embarking on a study of Dworkin's work.

[The Court's New Right-wing Bloc](#) OUP Oxford

Fifty years on from its original publication, HLA Hart's *The Concept of Law* is widely recognized as the most important work of legal philosophy published in the twentieth century, and remains the starting point for most students coming to the subject for the first time. In this third edition, Leslie Green provides a new introduction that sets the book in the context of subsequent developments in social and political philosophy, clarifying misunderstandings of Hart's project and highlighting central tensions and problems in the work.

[Taking Rights Seriously](#) Cambridge University Press

This book comprises sixteen papers selected from the 2014 McMaster University Philosophy of Law Conference ([lawconf.mcmaster.ca](http://lawconf.mcmaster.ca)) on the legacy of Ronald Dworkin ([lawconf.mcmaster.ca](http://lawconf.mcmaster.ca)). These pieces touch upon many aspects of Ronald Dworkin's wide-ranging contributions to philosophy and jurisprudence, including his theory of value, political philosophy, moral philosophy, philosophy of international law, and legal philosophy. The book's organizing principle and theme reflects Dworkin's self-conception as a builder of a unified theory of value. Part I addresses the most abstract and general aspect of Dworkin's work--the unity of value thesis. Part II comprises works that address themes from Dworkin's political philosophy, including his discussions of authority, civil disobedience, the legitimacy of states and the international legal system, distributive justice, collective responsibility, and Dworkin's master value of dignity and the associated values of equality, and respect. Part III addresses various aspects of Dworkin's general theory of law. Part IV comprises pieces that offer accounts of the structure and defining values of discrete areas of law, including constitutional law, the law of contract, and procedural law.

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