

with a new appendix, a response to critics



Talking Rights Seriously

Ronald Dworkin

Taking Rights Seriously

John J. Dinan



Taking Rights Seriously:

Taking Rights Seriously Ronald Dworkin, 2013-10-21 A landmark work of political and legal philosophy Ronald Dworkin's *Taking Rights Seriously* was acclaimed as a major work on its first publication in 1977 and remains profoundly influential in the 21st century A forceful statement of liberal principles championing the legal moral and political rights of the individual against the state Dworkin demolishes prevailing utilitarian and legal positivist approaches to jurisprudence Developing his own theory of adjudication he applies this to controversial public issues from civil disobedience to positive discrimination Elegantly written and cuttingly insightful *Taking Rights Seriously* is one of the most important works of public thought of the last fifty years

Taking Rights Seriously Ronald Dworkin, 2018-06-25 What is law What is it for How should judges decide novel cases when the statutes and earlier decisions provide no clear answer Do judges make up new law in such cases or is there some higher law in which they discover the correct answer Must everyone always obey the law If not when is a citizen morally free to disobey

Taking Rights Seriously Ronald Dworkin, 1977 *Taking Rights Seriously* is one of the most significant books on the philosophy of law to be published in the twentieth century First published in 1977 and issued in a new edition with a reply to critics in 1997 it is an established textbook that has never been out of print

Taking Dworkin Seriously, 1980

The Defence of Natural Law Charles Covell, 1992-10-20 *The Defence of Natural Law* comprises a study of the philosophies of law expounded by Lon L Fuller Michael Oakeshott F A Hayek Ronald Dworkin and John Finnis The work of these theorists is situated in relation to the modern tradition in legal philosophy In this way it is demonstrated that the theorists adhered closely to the natural law standpoint in legal philosophy while also defending the particular view of the proper functions of law and the state that distinguished the tradition of modern liberalism

Liberal Institutions, Economic Constitutional Rights, and the Role of Organizations Karl-Heinz Ladeur, 1997

Radical Critiques of the Law Stephen M. Griffin, Robert C. L. Moffat, 1997 The past two decades have seen an outpouring of work in legal theory that is self consciously critical of aspects of American law and the institutions of the liberal state In this lively volume eminent scholars in philosophy law and political science respond to this recent scholarship by exploring what constitutes a radical critique of the law examining such theories as critical legal studies feminist theory and theories of difference and critical race theory The authors consider whether the critiques advanced in recent legal theory can truly be called radical and what form a radical critique of American law should take Writing at the cutting edge of the critique of critical legal theory they offer insights first on critical legal scholarship then on feminist political and legal theory A third group of contributions questions the radicalness of these approaches in light of their failure to challenge fundamental aspects of liberalism while a final section focuses on current issues of legal reform through critical views on criminal punishment including observations on rape and hate speech Each major essay describes the underlying principles in the development of a radical legal theory and addresses unresolved questions relating to it while accompanying commentaries present conflicting views The resulting dialogue

explores wide ranging issues like equity value relativism adversarial and empathic legal advocacy communitarianism and the social contract impartiality and contingency natural law and corrective justice A common thread for many of the articles is a focus on the social dimension of society and law which finds the individualism of prevailing liberal theories too limiting

Radical Critiques of the Law is particularly unique in presenting critical and feminist approaches in one volume along with skeptical commentary about just how radical some critiques really are Proposing alternative critiques that embody considerably greater promise of being truly radical it offers provocative reading for both philosophers and legal scholars by showing that many claims to radicalism are highly problematic at best

The Constitution of the People Robert E. Calvert, 1991 Lectures at a spring 1987 symposium held at DePauw University with the theme the meaning of membership in a constitutional order requiring

Reasonable Children Michael S. Pritchard, 1996 The public outcry for a return to moral education in our schools has raised more dust than it s dispelled Building upon his provocative ideas in *On Becoming Responsible* Michael Pritchard clears the air with a sensible plan for promoting our children s moral education through the teaching of reasonableness Pritchard contends that children have a definite but frequently untapped capacity for reasonableness and that schools in a democratic society must make the nurturing of that capacity one of their primary aims as fundamental to learning as the development of reading writing and math skills Reasonableness itself he shows can be best cultivated through the practice of philosophical inquiry within a classroom community In such an environment children learn to work together to listen to one another to build on one another s ideas to probe assumptions and different perspectives and ultimately to think for themselves Advocating approaches to moral education that avoid mindless indoctrination and timid relativism Pritchard neither preaches nor hides behind abstractions He makes liberal use of actual classroom dialogues to illustrate children s remarkable capacity to engage in reasonable conversation about moral concepts involving fairness cheating loyalty truth-telling lying making and keeping promises obedience character and responsibility He also links such discussions to fundamental concerns over law and moral authority the roles of teachers and parents and the relationship between church and state Pritchard draws broadly and deeply from the fields of philosophy and psychology as well as from his own extensive personal experience working with children and teachers The result is a rich and insightful work that provides real hope for the future of our children and their moral education

The Virtues of Vengeance Peter A. French, 2001 In the course of his study of vengeance as a moral concept French exposes important distinctions between types of moral theories karmic and non karmic and between people who are morally handicapped and those who are morally challenged He examines concepts relevant to vengeance such as honor moral authority and evil and issues such as the rationality of revenge and proportionality in punishment

BOOK JACKET **Becoming Free** Emily R. Gill, 2001 As ethnic racial religious and gender based groups demand rights to pursue radically diverse lifestyles or maintain their cultural traditions conflict seems inevitable even in a free society Government may offer remedies to social dilemmas such as

affirmative action curbs on immigration or protection of gay rights but these may only fan the flames of resentment Yet any society that tolerates and protects diversity is more likely to preserve the freedom to live one's life without interference Emily Gill reexamines the liberal tradition to reconcile its core commitments to autonomy and diversity values that in theory are complementary but in practice are often at odds and to show that the interaction of these values determines how we as individuals become free In *Becoming Free* she argues that true freedom is enhanced through the promotion of diversity and the encouragement of rational reflection on the options it allows and that limited choice or ignorance diminishes such freedom Yet an incomplete freedom is what many individuals groups and states advocate when they commit to particular cultural traditions or religious beliefs despite the autonomy they themselves enjoy Gill traces the implications of these conflicting views by drawing on recent scholarship and legal decisions in six areas national citizenship cultural membership ethnicity and gender religious belief sexuality and civic education By exploring the tensions between autonomy and diversity in such instances as Boy Scouts membership restrictions gay rights legislation and education among the Amish she not only offers an insightful commentary on current issues but also explores the moral foundations of liberal thought Unlike those who criticize liberalism for its shallow philosophical grounding Gill shows it to have a substantive moral content grounded in the individual's capacity to make rational decisions based on critical reflection In her tightly woven arguments she explores real world problems in a meaningful way for students and for anyone concerned with the future of liberalism showing that becoming free is an ongoing process of human and social development

On Becoming Responsible Michael S. Pritchard, 1991 Pritchard provides a deliberate and convincing argument for a starting point for the discussion of moral development on in which self regard and empathy provide equally essential groundings for individual morality Drawing essential elements from the work of Reid Strawson Rawls Kohlberg and Gilligan he builds a comprehensive framework for tracing moral development from childhood one that allows human morality to be grounded in both reason and emotion and that recognizes the importance to morality of justice and rights as well as caring and responsibility

Professional Integrity Michael S. Pritchard, 2006 Examines what it means to be a responsible professional including the sorts of things thoughtful conscientious people ought to perceive and care about

Brandeis Philippa Strum, 1993 Anyone with an interest in this icon of our law and public policy should not miss this excellent book Washington Post Book World

Popular Government and the Supreme Court Lane V. Sunderland, 1996 With quiet eloquence Lane Sunderland argues that we must reclaim the fundamental principles of the Constitution if we are to restore democratic government to its proper role in American life For far too long he contends the popular will has been held in check by an overly powerful Supreme Court using non constitutional principles to make policy and promote its own political agendas His work shows why this has diminished American democracy and what we can do to revive it Sunderland presents a strong thoughtful challenge to the constitutional theories promoted by Ronald Dworkin Archibald Cox Richard Epstein Michael Perry John Hart Ely Robert Bork Philip

Kurland Laurence Tribe Mark Tushnet and Catharine MacKinnon an enormously diverse group united by an apparent belief in judicial supremacy Their theories he demonstrates undermine the democratic foundations of the Constitution and the power of the majority to resolve for itself important questions of justice Central to this enterprise is Sunderland s reconsideration of The Federalist as the first most reliable and most profound commentary on the Constitution The Federalist he states is crucial because it explains the underlying theory of the Constitution as a whole a theory that gives meaning to its particular provisions In addition Sunderland reexamines the Declaration of Independence and the work of Hobbes Locke and Montesquieu in order to better define the nature and limits of their influence on the Framers His reading of these works in conjunction with The Federalist shows just how far afield contemporary commentators have strayed Sunderland deliberately echoes and amplifies Madison s wisdom in Federalist No 10 that the object of the Constitution is to secure the public good and private rights and at the same time to preserve the spirit and form of popular government To attain that object he persuasively argues requires that the judiciary acknowledge and enforce the constitutional limitations upon its own powers In an era loudly proclaiming the return of popular government majority rule and the will of the people that argument is especially relevant and appealing

Keeping the People's Liberties John J. Dinan,1998 4 The theory and design of populist institutions

The Lost Promise of Progressivism Eldon J. Eisenach,1994 Congenital malformations are worldwide occurrences striking in every condition of society These severe physical abnormalities which are present at birth and affecting every part of the body happen more often than usually realized once in every 33 births The most common after heart defects are those of the neural tube the brain and spinal cord which happen in as many as one in every 350 births They have been noted as curiosities in man and beast throughout recorded history and received great attention in our time by various fields of study for example their faulty prenatal development by embryologists familial patterns by geneticists causation by environmentalists and variability by population scientists Attention turned much in recent years to the relation of these malformations to deficiency of a particular dietary ingredient folic acid a subject this book analyzes in depth The greatest conundrum of all which this latest matter like so much else hinges on is the amazing fact of the tremendous almost universal decrease in the frequency of these anomalies since early in the 20th century The puzzle is What can this downward trend possibly mean and at bottom Whether it is part of a long term cyclical pattern This fascinating biological phenomenon is explored in the book together with various other topics

Justice Kennedy's Jurisprudence Frank J. Colucci,2009 Examines the judicial philosophy of Supreme Court Justice Anthony M Kennedy who has been the critical swing vote on the Court for the last 20 years

The Nature of the Common Law Melvin Aron Eisenberg,1988-08-25 Studies the principles which govern decision making under common law

Civility and Its Discontents Christine T. Sistare,2004 Contributors from philosophy and political science discuss the observation that civility civic virtue tolerance and socio cultural unity have declined while exploring the nature of civil society the conflict between individual liberty and the common good and the role

of law and government policy in weaving the threads of the social fabric From publisher description

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