

## Laws Empire Ronald Dworkin

**Legality is a profound work in analytical jurisprudence, the branch of legal philosophy which deals with metaphysical questions about the law. In the twentieth century, there have been two major approaches to the nature of law. The first and most prominent is legal positivism, which draws a sharp distinction between law as it is and law as it might be or ought to be. The second are theories that view law as embedded in a moral framework. Scott Shapiro is a positivist, but one who tries to bridge the differences between the two approaches. In Legality, he shows how law can be thought of as a set of plans to achieve complex human goals. His new “planning” theory of law is a way to solve the “possibility problem”, which is the problem of how law can be authoritative without referring to higher laws. Examines responsibility and luck as these issues arise in tort law, criminal law, and distributive justice.**

**This text contains 29 cutting-edge essays by philosophers and lawyers which address the central philosophical questions about international law. Its overarching theme is the moral and political values that should guide and shape the assessment and development of international law and institutions.**

**Issues spawned by the headlong pace of developments in science and technology fill the courts. The realm of the law is sometimes at a loss--constrained by its own assumptions and practices, Jasanoff suggests. This book exposes American law's long-standing involvement in constructing, propagating, and perpetuating myths about science and technology.**

**Stanley Fish on Philosophy, Politics and Law**

**Religion without God**

**Ronald Dworkin**

**Oxford Studies in Experimental Philosophy Volume 3**

**Equality, Responsibility, and the Law**

Adrian Vermeule argues that the arc of law has bent steadily toward deference to the administrative state, which has greater democratic legitimacy and technical competence to confront issues such as climate change, terrorism, and biotechnology. The state did not shove lawyers and judges out of the way; they moved freely to the margins of power.

This volume collects many of the key essays exploring the possible relationships between the concepts of law and morality, a central concern of contemporary philosophizing about law. It is organized around five conceptual issues: classical natural law theory; legal positivism's separability thesis; Ronald Dworkin's constructive interpretivism; inclusive legal positivism's assertion that there can be legal systems with moral criteria of legality; and the relevance of morality and moral theorizing in theorizing about the concept of law and associated legal concepts. Each of the essays makes an important contribution toward addressing these issues.

John Finnis has been a central figure in the development of legal philosophy over the past half-century. This volume of his Collected Essays shows the full range and power of his contributions to core problems in the philosophy of law: the foundations of law's authority; legal reasoning; constitutional theory; and the logic of law-making.

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.

The Jurisprudence of Ronald Dworkin

Exploring Law's Empire

Collected Essays

Legality

Philosophy of Law

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.

1. Equality of welfare

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 cuttngly insightful, Taking Rights Seriously is one of the most important works of public thought of the last fifty years.

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.

A Critical Analysis of Ronald Dworkin's Theory of Law

A Matter of Interpretation

A Matter of Principle

Life's Dominion

A Reply to Justice in Robes

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.

Originalism holds that the U.S. Constitution should be interpreted according to its meaning at the time it was enacted. In their innovative defense of originalism, John McGinnis and Michael Rappaport maintain that the text of the Constitution should be adhered to by the Supreme Court because it was enacted by supermajorities--both its original enactment under Article VII and subsequent Amendments under Article V. A

text approved by supermajorities has special value in a democracy because it has unusually wide support and thus tends to maximize the welfare of the greatest number. The authors recognize and respond to many possible objections. Does originalism perpetuate the dead hand of the past? How can originalism be justified, given the exclusion of African Americans and women from the Constitution and many of its subsequent

Amendments? What is originalism's place in interpretation, after two hundred years of non-originalist precedent? A fascinating counterfactual they pose is this: had the Supreme Court not interpreted the Constitution so freely, perhaps the nation would have resorted to the Article V amendment process more often and with greater effect. Their book will be an important contribution to the literature on originalism, now the most prominent theory of constitutional interpretation.

Introductory volume to Ronald Dworkin, the influential legal and political philosopher.

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.

A Study of the Ideas of Law and Justice in the Writings of Lon L. Fuller, Michael Oakeshot, F. A. Hayek, Ronald Dworkin and John Finnis

Ronald Dworkin's Concept of Law in Law's Empire

The Concept of Law

Law's Abnegation

With a New Appendix, a Response to Critics

**A renowned legal scholar presents a theory of law based on Anglo-American legal principles and practices, juridical interpretations, legal precedence, and a forcefully argued concept of political and legal integrity**

**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?**

**Law's Empire**Harvard University Press

**How should a judge's moral convictions bear on his judgments about what the law is? Lawyers, sociologists, philosophers, politicians, and judges all have answers to that question: these range from Ónothingó to Óeverything.Ó In Justice in Robes, Ronald Dworkin argues that the question is much more complex than it has often been taken to be and charts a variety of dimensionsÑsemantic, jurisprudential, and doctrinalÑin which law and morals are undubedly interwoven. He restates and summarizes his own widely discussed account of these connections, which emphasizes the sovereign importance of moral principle in legal and constitutional interpretation, and then reviews and criticizes the most influential rival theories to his own. He argues that pragmatism is empty as a theory of law, that value pluralism misunderstands the nature of moral concepts, that constitutional originalism reflects an impoverished view of the role of a constitution in a democratic society, and that contemporary legal positivism is based on a mistaken semantic theory and an erroneous account of the nature of authority. In the course of that critical study he discusses the work of many of the most influential lawyers and philosophers of the era, including Isaiah Berlin, Richard Posner, Cass Sunstein, Antonin Scalia, and Joseph Raz. Dworkin's new collection of essays and original chapters is a model of lucid, logical, and impassioned reasoning that will advance the crucially important debate about the roles of justice in law.**

**Integrity, Community and Interpretation**

**A Very Short Introduction**

**Taking Rights Seriously**

**Sovereign Virtue**

**An Argument About Abortion, Euthanasia, and Individual Freedom**

Raymond Wacks reveals the intriguing and challenging nature of legal philosophy, exploring the notion of law and its role in our lives. He refers to key thinkers from Aristotle to Rawls, from Bentham to Derrida and looks at the central questions behind legal theory, and law's relation to justice, morality, and democracy.

This volume in the 'Core Text Series' covers the law of trusts, explaining from first principles what 'trusts' is about and providing the student with an understanding of the law and the important academic controversies surrounding it.

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.

We are all familiar with the image of the immensely clever judge who discerns the best rule of common law for the case at hand. According to U.S. Supreme Court Justice Antonin Scalia, a judge like this can maneuver through earlier cases to achieve the desired aim—“distinguishing one prior case on his left, straight-arming another one on his right, high-stepping away from another precedent about to tackle him from the rear, until (bravo!) he reaches the goal—good law.” But in this common-law mindset, which is appropriate in its place, suitable also in statutory and constitutional interpretation? In a witty and trenchant essay, Justice Scalia answers this question with a resounding negative. In exploring the neglected art of statutory interpretation, Scalia urges that judges resist the temptation to use legislative intention and legislative history. In his view, it is incompatible with democratic government to allow the meaning of a statute to be determined by what the judges think the lawgivers meant rather than by what the legislature actually promulgated. Eschewing the judicial lawmaking that is the essence of common law, judges should interpret statutes and regulations by focusing on the text itself. Scalia then extends this principle to constitutional law. He proposes that we abandon the notion of an everchanging Constitution and pay attention to the Constitution's original meaning. Although not subscribing to the “strict constructionism” that would prevent applying the Constitution to modern circumstances, Scalia emphatically rejects the idea that judges can properly “smuggle” in new rights or deny old rights by using the Due Process Clause, for instance. In fact, such judicial discretion might lead to the destruction of the Bill of

Rights if a majority of the judges ever wished to reach that most undesirable of goals. This essay is followed by four commentaries by Professors Gordon Wood, Laurence Tribe, Mary Ann Glendon, and Ronald Dworkin, who engage Justice Scalia's ideas about judicial interpretation from varying standpoints. In the spirit of debate, Justice Scalia responds to these critics. Featuring a new foreword that discusses Scalia's impact, jurisprudence, and legacy, this witty and trenchant exchange illuminates the brilliance of one of the most influential legal minds of our time.

Federal Courts and the Law - New Edition

The Moral Reading of the American Constitution

Justice for Hedgehogs

### Law and Morality

**Essays examine the political basis of law, legal interpretation, economic factors in law, reverse discrimination, and censorship**

**This book explores Fish's unconventional positions on politics and law, explaining how they flow from his positions on three philosophical issues.**

**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.**

**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.**

**The Legacy of Ronald Dworkin**

**Understanding Common Law Legislation**

**The Law of Trusts**

**The Defence of Natural Law**

**Law's Empire**

In an article entitled Dworkin's Fallacy, Or What the Philosophy of Language Can't Teach Us about the Law, I argued that in Law's Empire Ronald Dworkin misderived his interpretive theory of law from an implicit interpretive theory of meaning, thereby committing Dworkin's fallacy. In his recent book, Justice in Robes, Dworkin denies that he committed the fallacy. As evidence he points to the fact that he considered three theories of law conventionalism, pragmatism and law as integrity in Law's Empire. Only the last of these is interpretive, but each, he argues, is compatible with his interpretive theory of meaning, which he describes as the view that the doctrinal concept of law is an interpretive concept. In this Reply, I argue that Dworkin's argument that he does not commit Dworkin's fallacy is itself an example of the fallacy and that Dworkin's fallacy pervades Justice in Robes just as much as it did Law's Empire.

The new field of experimental philosophy has emerged as the methods of psychological science have been brought to bear on traditional philosophical issues. Oxford Studies in Experimental Philosophy is the place to go to see outstanding new work in the field. It features papers by philosophers, papers by psychologists, and papers co-authored by people in both disciplines. The series heralds the emergence of a truly interdisciplinary field in which people from different disciplines are working together to address a shared set of questions. The papers in this third volume illustrate the ways in which the field continues to broaden, taking on new methodological approaches and interacting with substantive theories from an ever wider array of disciplines. Some recent research in experimental philosophy is going more deeply into well-established questions in the field, while other strands of research are exploring issues that scarcely appeared in the field even a few years ago. Thus, we see the introduction of new empirical and statistical methods (network analysis), new theoretical approaches (formal semantics), and the development of entirely new interdisciplinary connections (in the emerging field of "experimental jurisprudence").

In this reprint of Law's Empire,Ronald Dworkin reflects on the nature of the law, its given authority, its application in democracy, the prominent role of interpretation in judgement, and the relations of lawmakers and lawgivers to the community on whose behalf they pronounce. For that community, Law's Empire provides a judicious and coherent introduction to the place of law in our lives.Previously Published by Harper Collins. Reprinted (1998) by Hart Publishing.

This important collection of essays includes Professor Hart's first defense of legal positivism; his discussion of the distinctive teaching of American and Scandinavian jurisprudence; an examination of theories of basic human rights and the notion of "social solidarity," and essays on Jhering, Kelsen, Holmes, and Lon Fuller.

Freedom's Law

The Philosophy of International Law

Science at the Bar

Justice in Robes

Does Dworkin Commit Dworkin's Fallacy?

*The aim of this book is to give a critical analysis of the works and theories of legal philosopher Ronald Dworkins. The book studies his Law's Empire and also looks at his earlier work, at the difficulties to which it gave rise, and the criticisms it attracted in order to set out Dworkins concerns, to paint the problems arising from his earlier views, and to understand better his solutions and examine their originality.*

*Internationally renowned lawyer and philosopher Ronald Dworkin addresses the crucially related acts of abortion and euthanasia in a brilliantly original book that examines their meaning in a nation that prizes both life and individual liberty. From Roe v. Wade to the legal battle over the death of Nancy Cruzan, no issues have opened greater rifts in American society than those of abortion and euthanasia. At the heart of Life's Dominion is Dworkin's inquest into why abortion and euthanasia provoke such controversy. Do these acts violate some fundamental "right to life"? Or are the objections against them based on the belief that human life is sacred? Combining incisive moral reasoning and close readings of individual court decisions with a majestic interpretation of the U.S. Constitution itself, Dworkin gives us a work that is absolutely essential for anyone who cares about the legal status of human life.*

*This book assembles leading legal, political, and moral philosophers to examine the legacy of the work of Ronald Dworkin. They provide the most comprehensive critical treatment of Dworkin's accomplishments focusing on his work in all branches of philosophy, including his theory of value, political philosophy, philosophy of international law, and legal philosophy. The book's organizing principle and theme reflect Dworkin's self-conception as a builder of a unified theory of value, and the broad outlines of his system can be found throughout the book. The first section addresses the most abstract and general aspect of Dworkin's work--the unity of value thesis. The second section explores Dworkin's contributions to political philosophy, and discusses a number of political concepts including 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 equal concern and respect. The third section addresses various aspects of Dworkin's general theory of law. The fourth and final section comprises accounts of the structure and defining values of discrete areas of law.*

*How Fish Works*

*Originalism and the Good Constitution*

*Law, Science, and Technology in America*

*Essays in Jurisprudence and Philosophy*

*Critical Analysis of Ronald Dworkin's Theory of Law*