

*with a new appendix, a response to critics*



# Talking Rights Seriously

Ronald Dworkin

# Taking Rights Seriously Ronald Dworkin

**Ronald Dworkin**



## **Taking Rights Seriously Ronald Dworkin:**

**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 cuttngly 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 A renowned philosopher enters the debate surrounding these questions Clearly and forcefully Ronald Dworkin argues against the ruling theory in Anglo American law legal positivism and economic utilitarianism and asserts that individuals have legal rights beyond those explicitly laid down and that they have political and moral rights against the state that are prior to the welfare of the majority Mr Dworkin criticizes in detail the legal positivists theory of legal rights particularly H L A Hart s well known version of it He then develops a new theory of adjudication and applies it to the central and politically important issue of cases in which the Supreme Court interprets and applies the Constitution Through an analysis of John Rawls s theory of justice he argues that fundamental among political rights is the right of each individual to the equal respect and concern of those who govern him He offers a theory of compliance with the law designed not simply to answer theoretical questions about civil disobedience but to function as a guide for citizens and officials Finally Professor Dworkin considers the right to liberty often thought to rival and even preempt the fundamental right to equality He argues that distinct individual liberties do exist but that they derive not from some abstract right to liberty as such but from the right to equal concern and respect itself He thus denies that liberty and equality are conflicting ideals Ronald Dworkin s theory of law and the moral conception of individual rights that underlies it have already made him one of the most influential philosophers working in this area This is the first publication of these ideas in book form

**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

**Human Rights in Crisis** Geneviève Souillac, 2005-01-01 *Human Rights in Crisis* uniquely documents recent ideas on democracy and human rights in the current French intellectual social and political context arguing that the French emphasis on the interdependence between democracy and human rights as a tool for the critique and renewal of democracy is a valid contribution to the global debate on the political philosophy and the

ethics of human rights Centering on the work of four prominent contemporary French political philosophers Blandine Kriegel Marcel Gauchet Luc Ferry and Etienne Balibar Geneviève Souillac expertly examines the themes of contestation and reform that are the driving force in the French approach to democracy and human rights Sexuality, Morals and Justice Nicholas Bamforth, 1997-10-23 Against the background of the law reform debates around sexuality in Britain and America Bamforth examines what functions it is legitimate for the law to serve and how effective law can be in achieving social goals He provides a new and cogent argument for protecting lesbian and gay rights through law but is sceptical about how useful law can be in eradicating discriminatory social practices This work sheds new light on the equal rights debate and raises issues of central importance to the role of law in society Pornography Embodied Joan Mason-Grant, 2004-03-12 What does it mean to conceptualize pornography as a material practice rather than as speech Mason Grant argues that this idea fundamental to the work of Andrea Dworkin and Catharine MacKinnon has been obscured in legal wrangling and political polarization over their civil ordinance Within the arena of legal argument where the principle of free speech holds sway for progressive thinkers their analysis of pornography is rendered at worst an apology for censorship and at best an argument about the social force of speech rather than recognized as a fundamental challenge to the very idea of pornography as speech In this book Mason Grant first shows how the persistent speech paradigm inevitably obscures the innovative core of the Dworkin MacKinnon critique of mainstream pornography She then develops an alternative practice paradigm that critically engages their analysis capturing and extending its core insights about the role of pornography in sexual practice Drawing on phenomenology of the lived body this alternative paradigm provides a way of re thinking how the pervasive use of mass market heterosexual pornography contributes to the cultivation of an embodied and tacit sexual know how that is subordinating and raises important questions about alternative materials produced and used by sexual minorities In her conclusion Mason Grant considers the implications of her analysis not for law but for a critical pedagogy in youth sexuality education Rights, Emergencies, and Judicial Review Imtiaz Omar, 1996-04-24 This book makes a significant contribution to the understanding of issues of comparative constitutionalism in emergent politics Recurrent states of emergency in Malaysia Sri Lanka and Bangladesh provide the background for a comparative examination of constitutional emergency powers individual rights and judicial review This work examines the extent to which the Court in these countries has performed its expected role identifies problems in approaches to interpretation which have been adopted and suggests alternatives to constitutional interpretation and judicial review The alternatives explored are drawn from contemporary western jurisprudence including those of Ronald Dworkin and writers of the Critical Legal Studies tradition The juxtaposition of western jurisprudential development to issues of constitutionalism in the countries under survey is a bold attempt to seek some common ground in conceptualizing rights and techniques of juristic interpretation in western and eastern legal cultures The theoretical framework of the study is well perceived the arguments convincing This carefully researched work makes a

valuable and scholarly contribution to the study of comparative constitutional law and jurisprudence      **Legitimate expectations in Luxembourg tax law** Fatima Chaouche, 2019-06-25 This book is the result of a 4 year research project conducted at the Faculty of Law of the University of Luxembourg It explores the legal value and enforceability of tax circulars and tax rulings in Luxembourg domestic law in light of the principle of legitimate expectations and related principles After studying the historical roots of both interpretative acts this research questions the level of protection taxpayers enjoy when relying on circulars and tax rulings and contains a review of decades of administrative case law to assess the judicial discourse on taxpayers rights to certainty This book further investigates the case of circulars and tax rulings that contain interpretations of tax laws that are contrary to the law contra legem and builds upon the existing normative framework to introduce proposals addressing issues of uncertainty and inequality taxpayers are likely to suffer when relying on such interpretative acts Prix Pierre Pescatore de la Facult de Droit de Luxembourg cole doctorale de droit

*Law and Semiotics* Roberta Kevelson, 2012-12-06 However it became apparent shortly after the establishing of the Center that not only were all methods of legal semiotics not Peircean in origin but were in their respective foundational assumptions not likely to be compatible with Peirce s semiotics without some radical transforming development of the idea legal semiotics It was clear that if one would intend to be faithful to Peircean semiotics then holding a fixed notion of what an idea of Peircean semiotics of law means would be a violation of the spirit of Peirce s thought this above all emphasizes the growth and development of initiative ideas and also the stricture that all leading principles must be subject to revision Even the idea of Peircean semiotics as leading principle must itself be an open idea the meaning of which must be transformable through the process of defining it A metasemiotics view of a semiotics of law must leave open the possibility for revision of the leading principle of the term legal semiotics Therefore if legal semiotics is an idea which accumulates and evolves its meaning in the very process of self examination then a process of investigating law investigates itself as well in any semiotic process of inquiry It became apparent that the most appropriate contribution the Center could make to the area of a Peircean semiotics would be to act as a sponsor an inclusive rather than exclusive agent for inquiry of all kinds into the general topic of law and semiotics

*Law, Truth, and Reason* Raimo Siltala, 2011-07-29 This book is an innovative contribution to analytical jurisprudence It is mainly based on the distinct premises of linguistic philosophy and Carnapian semantics but also addresses the issues of institutional philosophy social pragmatism and legal principles as envisioned by Dworkin among others Wrblewski s three ideologies bound free legal and rational and Makkonen s three situations isomorphic semantically vague normative gap of judicial decision making are further developed by means of 10 frames of legal analysis as discerned by the author With the philosophical theories of truth serving as a reference the frames of legal analysis include the isomorphic theory of law Wittgenstein Makkonen the coherence theory of law Alexy Peczenik Dworkin the new rhetoric and legal argumentation theory Perelman Aarnio social consequentialism Posner natural law theory Fuller Finnis and the sequential

model of legal reasoning by Neil MacCormick and the Bielefelder Kreis At the end some key issues of legal metaphysics are addressed like the notion of legal systematics and the future potential of the analytical approach in jurisprudence DEATH TO ONE, LIFE TO ANOTHER Mohammed Sultan Sayyed,2019-07-23 There is no doubt that the events of 12 March 1993 which took place at Bombay were the ghastliest of events It is also wrong to directly connect the events of 12 March 1993 with the demolition of Babri Masjid on 06 December 1992 The events of 12 March 1993 took place only because of the partial treatment meted out to the Muslims of Bombay by the State during the riots which took place after the demolition of the Babri Masjid on 06 December 1992 In the name of investigations of the 12 March 1993 case the entire community was targeted We Indians were made to believe that the accused from 12 March 1993 were dealt with justice Being associated with the case as an accused made me wonder as to how the judiciary did all these things while delivering justice I would not have found all these wonders had I got a job as an Islamic Finance Consultant but for the need of a passport as it was outside of India Passports were granted by the State even to those who stood convicted in the same case for far more serious charges than mine I took it to be the desire of the Supreme Power to narrate the injustice done in this case **Rights, Groups, and Self-Invention** Eric J. Mitnick,2018-01-18 Group differentiated rights or rights that attach on the basis of membership in a particular social or cultural group are an increasingly common and controversial aspect of modern pluralistic legal systems Eric Mitnick offers the first comprehensive treatment of this important form of right The book describes and critically assesses the group differentiated form of right from within analytical constitutive and liberal theory It further examines the extent to which group differentiated rights constitute aspects of human identity and it asks whether this should be a cause for concern from the perspective of liberal theory The more detailed normative work advanced in the book contextually applies the constitutive understanding of rights and the principles of liberal membership to particular examples of group differentiated citizenship Such examples range from ascriptive statuses such as slavery and alienage to more affirmative classifications such as those apparent in the contexts of civil unions and affirmative action finally to the claims of religious and other cultural groups for official recognition and accommodation of group based beliefs and practices Taking Dworkin Seriously ,1980 Justifying Judgment Vincent Joseph Samar,1998 Samar philosophy Loyola U seeks to develop a metatheory of law that judges could use to decide very hard cases in which the law offers no firm precedents or it is not clear whether the applicable law is just He discusses theories of political philosophy that set a foundation for the duty to obey law presents a natural law justification for a legal system containing morally just laws uses his metatheory to resolve five historically significant constitutional cases and offers suggestions for legal education Annotation copyrighted by Book News Inc Portland OR *A Critique of Adjudication [Fin de Sicle]* Duncan Kennedy,1997-05-15 A Critique of Adjudication explores the aspects and implications of adjudication as few books have in this century With an eye to the current state of theory legal or otherwise the author includes a provocative discussion of postmodernism **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 Justification of Equal Concern and Respect in Ronald Dworkin's Taking Rights Seriously** Jack Alexander Iwanicki,1983      **California Law Review** ,1997      Social Theory and Practice ,1981      *The Language and Uses of Rights* Samuel J.M. Donnelly,1994 This book is a contribution to current discussions in Jurisprudence or Philosophy of Law The meaning and role of rights in society legal discourse and judicial decision making is a topic that is the subject of much contemporary controversy The author examines the various forms of rights discourse as language usages The Language and Uses of Rights offers a vision of law as an activity engaged in by a variety of players including judges advocates for plaintiff and defendant law reformers and scholars Contents Preface CHAPTER I PURPOSES AND BASIC INSIGHTS CHAPTER II THE GRAND CONVERSATION OF LEGAL PHILOSOPHY IN THE TWENTIETH CENTURY Introduction Hart and the Realists Rights as Remedies v Rights as Conclusions in a System of Rules Rights as Trumps Rights as Reasons Rights as Goals Rights as Claims Rights as Criticism Rights as Resources Crits Rights as Ideology Rights as Rhetoric CHAPTER III HORIZONS POINT OF VIEW AND A NEW MODEL FOR RIGHTS DISCOURSE Introduction Horizons Point of View Analysis Presented A Model for Understanding Rights Discourse The Model Applied Illustrations CHAPTER IV A HIGHER INTERPRETATION Introduction Conversation Its Possibility Why Converse Rights Obligations and Deep Commitments A Hard Reference Point for Understanding Rights Overview and Conclusion Endnotes Bibliography Index

## Embracing the Melody of Phrase: An Mental Symphony within **Taking Rights Seriously Ronald Dworkin**

In a global taken by monitors and the ceaseless chatter of instant connection, the melodic elegance and mental symphony created by the prepared term usually fade into the backdrop, eclipsed by the persistent noise and disturbances that permeate our lives. But, set within the pages of **Taking Rights Seriously Ronald Dworkin** a marvelous fictional prize filled with organic thoughts, lies an immersive symphony waiting to be embraced. Crafted by a wonderful musician of language, this charming masterpiece conducts viewers on a mental journey, skillfully unraveling the concealed melodies and profound impact resonating within each carefully constructed phrase. Within the depths of the poignant evaluation, we shall examine the book is main harmonies, analyze their enthralling publishing design, and surrender ourselves to the profound resonance that echoes in the depths of readers souls.

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### **Taking Rights Seriously Ronald Dworkin Introduction**

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