

with a new appendix, a response to critics



Talking Rights Seriously

Ronald Dworkin

Taking Rights Seriously

Eric J. Mitnick



Taking Rights Seriously:

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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

A Critique of Adjudication [fin de Siècle] Duncan Kennedy, 2009-06-01 A major statement from one of the foremost legal theorists of our day this book offers a penetrating look into the political nature of legal and especially judicial decision making It is also the first sustained attempt to integrate the American approach to law an uneasy balance of deep commitment and intense skepticism with the Continental tradition in social theory philosophy and psychology At the center of this work is the question of how politics affects judicial activity and how in turn lawmaking by judges affects American politics Duncan Kennedy considers opposing views about whether law is political in character and if so how He puts forward an original distinctive and remarkably lucid theory of adjudication that includes accounts of both judicial rhetoric and the experience of judging With an eye to the current state of theory legal or otherwise he also includes a provocative discussion of postmodernism Ultimately concerned with the practical consequences of ideas about the law **A Critique of Adjudication** explores the aspects and implications of adjudication as few books have in this century As a comprehensive and powerfully argued statement of a critical position in modern American legal thought it will be essential to any balanced picture of the legal political and cultural life of our nation

A Matter of Principle Ronald Dworkin, 1985 This is a book about fundamental theoretical issues of political philosophy and jurisprudence In his familiar forceful and incisive style Professor Dworkin guides the reader through a re examination of some perennial moral philosophical and legal dilemmas

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

Collected Courses of the Academy of European Law: 1997 European Community Law Academy of European Law, 2001-05-23 The Academy of European Law was established by the European University Institute in 1990 and extends the Institute's current programmes into a larger field of interest It has as its main activity the holding of annual Summer

Courses in the law of the European Community and the protection of human rights in Europe In addition to General Courses shorter courses are held on subjects of special academic and practical interest in both fields Finally special guest lectures on topical issues are given by policy makers judges and persons who have held or currently hold the highest position in these fields The courses are published in the language in which they were delivered English and French

Arguing About Law Aileen Kavanagh, John Oberdiek, 2013-12-16 *Arguing about Law* introduces philosophy of law in an accessible and engaging way The reader covers a wide range of topics from general jurisprudence law the state and the individual to topics in normative legal theory as well as the theoretical foundations of public and private law In addition to including many classics *Arguing About Law* also includes both non traditional selections and discussion of timely topical issues like the legal dimension of the war on terror The editors provide lucid introductions to each section in which they give an overview of the debate and outline the arguments of the papers helping the student get to grips with both the classic and core arguments and emerging debates in the nature of law legality and morality the rule of law the duty to obey the law legal enforcement of sexual morality the nature of rights rights in an age of terror constitutional theory tort theory *Arguing About Law* is an inventive and stimulating reader for students new to philosophy of law legal theory and jurisprudence

The Great Murdering-Heir Case William B. Meyer, 2024-02-01 In 1882 Elmer Palmer was convicted of poisoning his grandfather Francis in rural northern New York State In a famous decision in 1889 the New York Court of Appeals denied Elmer the right to inherit from Francis even though the statute governing wills seemed to entitle him to the legacy Twentieth century commentators have treated *Riggs v Palmer* as a model of the judicial craft and a key to understanding the nature of law itself however the case's history suggests that it is neither of these things In its own time the decision was radically at odds with legal doctrine as then understood by American judges Rather than a quintessentially principled ruling it was most likely ad hoc and ad hominem concocted to thwart a particular individual thought to have been punished too lightly for his crime The book illustrates the value of two approaches to interpreting decisions those of case biography and legal archaeology Both draw upon historical sources neglected in conventional legal scholarship In doing so they may challenge or confirm the validity as precedent today of classic cases from the past

Ronald Dworkin Stephen Guest, 2012-11-28 Ronald Dworkin is widely accepted as the most important and most controversial Anglo American jurist of the past forty years And this same named volume on his work has become a minor classic in the field offering the most complete analysis and integration of Dworkin's work to date This third edition offers a substantial revision of earlier texts and most importantly incorporates discussion of Dworkin's recent masterwork *Justice for Hedgehogs* Accessibly written for a wide readership this book captures the complexity and depth of thought of Ronald Dworkin Displaying a long standing commitment to Dworkin's work Stephen Guest clearly highlights the scholar's key theories to illustrate a guiding principle over the course of Dworkin's work that there are right answers to questions of moral value In assessing this principle Guest also expands his analysis of

contemporary critiques of Dworkin The third edition includes an updated and complete bibliography of Dworkin's work

Security and Human Rights Benjamin J Goold, Liora Lazarus, 2019-09-05 This is the second edition of the acclaimed Security and Human Rights first published in 2007 Reconciling issues of security with a respect for fundamental human rights has become one of the key challenges facing governments throughout the world The first edition broke the disciplinary confines in which security was often analysed before and after the events of 11 September 2001 The second edition continues in this tradition presenting a collection of essays from leading academics and practitioners in the fields of criminal justice public law privacy law international law and critical social theory The collection offers genuinely multidisciplinary perspectives on the relationship between security and human rights In addition to exploring how the demands of security might be reconciled with the protection of established rights Security and Human Rights provides fresh insight into the broader legal and political challenges that lie ahead as states attempt to control crime prevent terrorism and protect their citizens The volume features a set of new essays that engage with the most pressing questions facing security and human rights in the twenty first century and is essential reading for all those working in the area **Equality, Participation and**

Inclusion 1 Jon Rix, Melanie Nind, Kieron Sheehy, Katy Simmons, Christopher Walsh, 2010-11-04 What are the experiences of children and young people How can we think about the challenges they face What systems and practices can support them How can we develop greater equality participation and inclusion across diverse settings This second edition of Equality Participation and Inclusion 1 Diverse Perspectives is the first of two Readers aimed at people with an interest in issues of equality participation and inclusion for children and young people This first Reader focuses in particular on the diverse perspectives held by different practitioners and stakeholders Comprising readings taken from the latest research in journal articles newly commissioned chapters as well as several chapters from the first edition that retain particular relevance this fully updated second edition has broadened its focus to consider a greater diversity of perspectives Whilst exploring how we think about the experiences of children and young people across a range of contexts it maintains a subtle underlying emphasis upon education and the experiences of disabled people Drawing on the writing of academics practitioners children and young people and people who have experienced exclusion this book is a rich resource for students and practitioners who are interested in thinking about how inequality and exclusion are experienced and how they can be challenged Much of the material reflects on lived experiences and life stories and will be of particular interest to those working in education health youth and community work youth justice and social services as well as to families and advocates 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

An Institutional Theory of Law N. MacCormick, Ota Weinberger, 2013-04-17

Environmental Principles and the Evolution of Environmental Law Eloise Scotford, 2017-02-09

Environmental principles from the polluter pays and precautionary principles to the principles of integration and sustainability proliferate in domestic and international legal and policy discourse reflecting key goals of environmental protection and sustainable development on which there is apparent political consensus Environmental principles also have a high profile in environmental law beyond their popularity as policy and political concepts as ideas that might unify the subject and provide it with conceptual foundations or boost its delivery of environmental outcomes However environmental principles are elusive legal concepts This book deepens the legal understanding of environmental principles in light of recent legal developments It analyses the increasing legal effects of environmental principles in different jurisdictions and demonstrates how they are shaping and revealing innovative and evolving bodies of environmental law This analysis is a step forward in understanding a key feature of modern environmental law and presents a robust methodology for dealing with novel legal concepts in the subject It also makes a contribution to environmental policy debates and discussions internationally that rely heavily on environmental principles including their supposed legal effects

On the Ethics of Torture Uwe Steinhoff, 2013-04-08

The question of when and under what circumstances the practice of torture might be justified has received a great deal of attention in the last decade in both academia and in the popular media Many of these discussions are however one sided with other perspectives either ignored or quickly dismissed with minimal argument In *On the Ethics of Torture* Uwe Steinhoff provides a complete account of the philosophical debate surrounding this highly contentious subject Steinhoff's position is that torture is sometimes under certain narrowly circumscribed conditions justified basing his argument on the right to self defense His position differs from that of other authors who using other philosophical justifications would permit torture under a wider set of conditions After having given the reader a thorough account of the main arguments for permitting torture under certain circumstances Steinhoff explains and addresses the many objections that have been raised to employing torture under any circumstances This is an indispensable work for anyone interested in one of the most controversial subjects of our times

The Idea of a Political Liberalism Victoria Davion, Clark Wolf, 2000

In this unique volume some of today's most eminent political philosophers examine the thought of John Rawls focusing in particular on his most recent work These original essays explore

diverse issues including the problem of pluralism the relationship between constitutive commitment and liberal institutions just treatment of dissident minorities the constitutional implications of liberalism international relations and the structure of international law The first comprehensive study of Rawls s recent work *The Idea of Political Liberalism* will be indispensable for political philosophers and theorists interested in contemporary political thought **Michael Oakeshott on Authority, Governance, and the State** Eric S. Kos, 2019-06-13 Michael Oakeshott on Authority Governance and the State presents contributions on one of the most important British philosophers of the 20th century These essays address unique and under analyzed areas in the literature on Oakeshott authority governance and the state They draw on some of the earliest and least explored works of Oakeshott including his lectures at Cambridge and the London School of Economics and difficult to access essays and manuscripts The essays are authored by a diverse set of emerging and established scholars from Europe North America and India This authorial diversity is not only a testimony to the growing international interest in Oakeshott but also to a plurality of perspectives and important new insights into the thought of Michael Oakeshott **Ordered Liberty** James E. Fleming, Linda C McClain, 2013-01-01 Fleming and McClain defend a civic liberalism that takes seriously not just rights but responsibilities and virtues Issues taken up include same sex marriage reproductive freedom regulation of civil society and the family education of children and clashes between First Amendment freedoms of association and religion and antidiscrimination law *The Rise of Modern Judicial Review* Christopher Wolfe, 1994 This major history of judicial review revised to include the Rehnquist court shows how modern courts have used their power to create new rights with fateful political consequences Originally published by Basic Books

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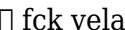
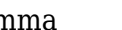

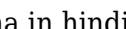
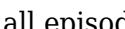
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