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Taking Rights Seriously (Paperback)

By Ronald M. Dworkin

HARVARD UNIVERSITY PRESS, United States, 1978. Paperback. Condition: New. Language: English . Brand New Book. 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...

Reviews

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The book is fantastic and great. It is loaded with knowledge and wisdom You are going to like the way the article writer create this ebook.

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