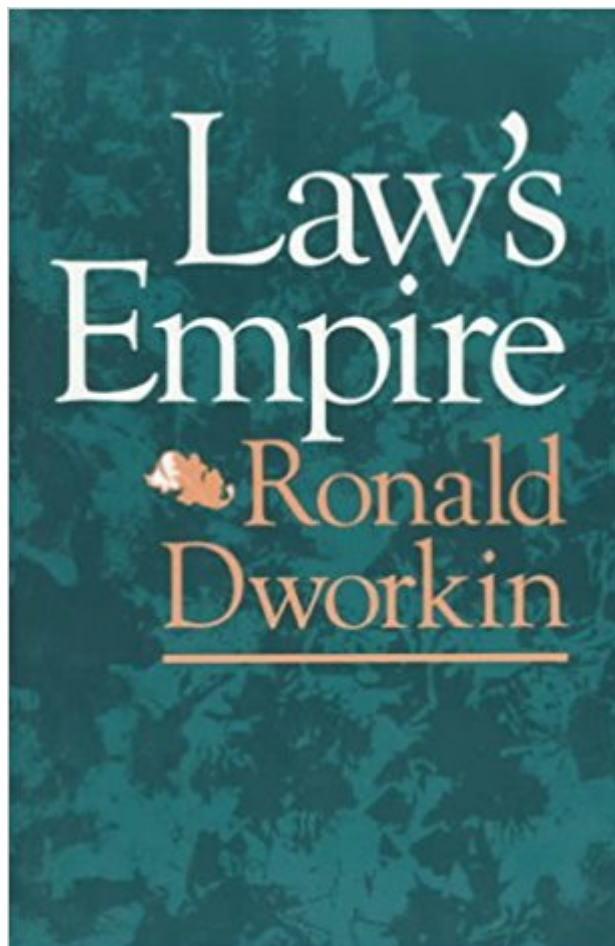




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Law's Empire



Synopsis

With the incisiveness and lucid style for which he is renowned, Ronald Dworkin has written a masterful explanation of how the Anglo-American legal system works and on what principles it is grounded. *Law's Empire* is a full-length presentation of his theory of law that will be studied and debated by scholars and theorists, by lawyers and judges, by students and political activists for years to come. Dworkin begins with the question that is at the heart of the whole legal system: in difficult cases how do (and how should) judges decide what the law is? He shows that judges must decide hard cases by interpreting rather than simply applying past legal decisions, and he produces a general theory of what interpretation is in literature as well as in law and of when one interpretation is better than others. Every legal interpretation reflects an underlying theory about the general character of law: Dworkin assesses three such theories. One, which has been very influential, takes the law of a community to be only what the established conventions of that community say it is. Another, currently in vogue, assumes that legal practice is best understood as an instrument of society to achieve its goals. Dworkin argues forcefully and persuasively against both these views: he insists that the most fundamental point of law is not to report consensus or provide efficient means to social goals, but to answer the requirement that a political community act in a coherent and principled manner toward all its members. He discusses, in the light of that view, cases at common law, cases arising under statutes, and great constitutional cases in the Supreme Court, and he systematically demonstrates that his concept of political and legal integrity is the key to Anglo-American legal theory and practice.

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Customer Reviews

Ronald Dworkin is one of the most prominent law philosophers in the common law tradition. Known both in America and Britain for his strong democratic positions, baptized by Duncan Kennedy 'orthodox centrism', Dworkin is an acid critic of the paradigms of the contemporaneous jurisprudence. Teaching law both in London and New York, the author unites the best of the old and the new world's linguistic and philosophical theories. He is well aware of the main 'external' influences of law studies, such as the linguistics of Wittgenstein, the utilitarianism of Austin and Bentham, the categorical imperative of Kant, the dialectical approach of Habermas, and many more epistemic precursors of the modern law science. And from the legal benches he invites to debate scholars as Hart, Nozick, Rawls, etc. This book follows his theoretical controversies initiated in *A Matter of Principle and Taking Rights Seriously*. Dworkin has the 'humble' objective of deconstructing the base of the legal theory, forging a new conception of law itself. Facing the legal positivism creed (as in Kelsen) with the skeptical panorama (legal realism as in Holmes), this author proposes a third way of law interpretation with he calls 'law as integrity'. Integrity conception of law is inspirited in the third motto of the French Revolution: 'fraternity'. Law is seen as a product of a 'community of principles', as in the roman adage *ubi societas ubi jus*. For him any interpretation of the law, the common law or the Constitution must be impregnated with the will of integrity, noted as a commitment with the political morals of a given society in a given time. He sees the Constitution as the repository of the three biggest law principles: adjective due process, fairness and justice.

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