

## *Preface*

Although I confidently stated in the Introduction to the second edition of this book in 1997 that there wouldn't be a third edition, here in fact it is. Certainly the subject-matter justifies it. Dworkin has been prolific in the past 16 years, producing four important works, *Sovereign Virtue* (2000), *Justice in Robes* (2006), *Is Democracy Possible Here?* (2006) and, most notably, his significant work *Justice for Hedgehogs* (2011), besides a large number of articles and lectures. It was the publication of *Justice for Hedgehogs* that persuaded me. That work is intended by him to stand with *Law's Empire* (1986), *Sovereign Virtue*, *Freedom's Law* (1996) and *Justice in Robes* to form one large opus containing his theory of ethics, his theory of morality, his theory of politics and his theory of law, in addition to establishing his interpretive method (which is his theory of reasoning on matters of value). And so this third edition is intended bring up to date an account of his work of almost half a century (his first published piece was in 1963). In particular, I hope readers will appreciate the significance in *Justice for Hedgehogs* of his clear endorsement of the Humean principle separating the empirical world from that of value. In a way, all else, especially concerning law, follows.

I'm also motivated in returning to Dworkin by my continuing strong sense that he remains insufficiently challenged. It seems to me that serious writers only "pick" at his various views but don't confront them with the attention they deserve. For example, in spite of so much sense in Hersowitz's recent collection of essays on Dworkin (the best collection, I think), many of the writers still don't fully grasp what I think must have been obvious before even the publication of *Law's Empire* in 1986 but certainly after it, that Dworkin is not engaged in descriptive phenomenology (or, as he

calls it “taxonomic jurisprudence”). Dworkin’s idea that law is a subset of morality, coupled with his account of the unity of value, is powerful and compelling. It is “liberating” as he rather grandly says in *Justice for Hedgehogs*. In this third edition, I have made more efforts to consider some of the contemporary criticisms. Mostly I find that the criticisms are not actually criticisms at all but misunderstandings or lazy thinking about what Dworkin has actually written. At any rate, where I’ve thought a criticism carried some reputational weight but misunderstood what Dworkin has said, I’ve made it my business to bring this to the attention of the reader. My overall aim is to make reading Dworkin more accessible to a wider audience, perhaps those who will get the immediate good sense of the theory and thus approach it in the right frame of mind.