This chapter discusses the essential elements of Dworkin’s theory of law. It focuses on Dworkin’s assault on positivism. Dworkin denies the positivist separation between law and morals; rejects the proposition that judges either do or should make law; argues that judges must seek ‘the soundest theory of law’ on which to decide hard cases; and concludes that, since judges (who are unelected officials) do not make law, the judicial role is democratic and prospective. A central aspect of his theory is the importance of individual rights based on the idea that everyone is entitled to equal concern and respect. This leads him to analyse closely the concept of equality and its relation to liberty.

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