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March 8, 2013: On taking Ronald Dworkin Seriously

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Title: On taking Ronald Dworkin Seriously

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3/8/2013 – – Ronald Dworkin died on February 14, 2013. He was unquestionably a giant of postwar American jurisprudence, particularly constitutional jurisprudence. Dworkin's insight that constitutional interpretation must apply fundamental moral principles constituted the major liberal counterweight to the various forms of conservative constitutional interpretation, such as original intent or textualism. Dworkin's commitment to moral principle was very much a higher law perspective. Thus, in a general way, Dworkin's approach was always compatible with the underlying understanding of higher law upon which most of my work rests. Thus, in a sense, I am a follower of Ronald Dworkin. The problem with Dworkin's thought, however, is that over time, especially in his popular writing, such as in the New York Review of Books, Dworkin became nothing more than an apologist for conventional liberal commitments. At a certain point, he ceased having any original or interesting insights. Dworkin was particularly insensitive to religious liberty. And, in my view, this was only because he viewed religious commitment as antagonistic to his favored position on abortion. That is an example of how result oriented he became. Still, Dworkin's accomplishments were great. And there is no other voice on the American left to counter conservative commitments that are justice result oriented and justice little thoughtful and creative.