

## **Nature of Law Paper Assignments**

In the later chapters of Dworkin's *Law's Empire*, we saw Hercules, Dworkin's heroic judge, interpreting the law and deciding cases. He looked at the past legal cases and the wording of the law and formed several possible interpretations from which he derived his decision. For each of the papers in this class, you will do the same thing. Choose **one** case from the list below and consider two different interpretations. One interpretation should decide the case one way and another should decide the case another way. In a 3-5 page paper present each of your interpretations and give your reasons for preferring one over the other. Be sure you are being clear whether you prefer one over the other on grounds of fit or acceptability, and why.

A few things to avoid:

1. Don't just copy statements from the decision. Often the decision is not clear about what their underlying interpretation is, and as a result the statements in the decision do not provide interpretations.
2. Don't repeat the facts of the case. Presume that your audience (your TAs) understand the relevant facts, and only refer to past cases when you need to use them to decide between the two interpretations you present.
3. Don't give crazy interpretations. Both of your interpretations should be ones that are not, on face, absurd. Presenting an absurd interpretation and rejecting it will not satisfy this assignment.

### **Paper 1 (Due May 24)**

- Reed v. Reed
- Craig v. Boren
- Romer v. Evans

### **Paper 2 (Due May 31)**

- Griswold v. Connecticut
- Bowers v. Hardwick
- Lawrence v. Texas

### **Paper 3 (Due June 13)**

- Selected Draft Law Cases
- Ex Parte Millikan
- Korematsu v. United States
- Hamdi v. Rumsfeld