

Second Paper Topics

Write a paper no longer than 1800 words, about 5-6 pages, on one of the topics below. Please turn your paper in by 1 pm on Monday, April 16. (This is different than the due date in the syllabus.) If your paper is late, please write down the date when you turn it in. Thanks.

1. Both Justice Scalia and Ronald Dworkin claim that US Constitution should be interpreted according to its original meaning. Nonetheless, they disagree about many important cases. How does Scalia's method for interpreting the Constitution differ from Dworkin's, such that they reach different conclusions about what it means? Give what you regard as the strongest argument for each side. Explain your own opinion: do you agree with Scalia, Dworkin, or neither? Note: you may find it helpful to discuss an example of Constitutional interpretation on which they disagree. For instance, I found it helpful to talk about cruel and unusual punishment in class.
2. Socrates gives his reasons for refusing Crito's offer in an imagined speech by the laws. Give what you regard as Socrates' best argument for staying in prison. Crito does not put up much of a fight, but what could he have said against this argument? How might Socrates have replied? What do you think about this argument: does it support Socrates' conclusion or not?
3. Both Socrates and Martin Luther King, Jr. were convicted of breaking the law of their societies and both accepted the legally mandated punishment. Yet they took different positions on whether it is appropriate to knowingly break the law. What are their views on breaking the law and why did they hold them? What is the strongest objection against the view of the author with whom you agree? Why do you agree with that author nonetheless?
4. Ronald Dworkin seeks to explain what taking rights seriously involves. One of his points is that a government must have special justification for infringing individual rights. But most cases before the courts involve deciding whether individual

rights apply to the case at hand. In the third section of his essay, Dworkin argues that courts must decide these cases in a particular way if they are to take rights seriously. What is this way of deciding whether individual rights apply and how does Dworkin argue for it? Give what you regard as a compelling objection to Dworkin's method. How might he respond? What do you think: has he explained what courts must do in order to take rights seriously?

5. H.L.A. Hart has a choice theory of rights. Explain what that theory holds and why Hart believes it is true. Suppose someone said that the choice theory must be mistaken because babies would not have rights if it were true. How might Hart respond? What do you think: are there good reasons for accepting the choice theory or not?
6. H.L.A. Hart tries to show that the following is true. If there are any moral rights, then there is at least one natural right, the equal right of all people to be free. Explain how Hart tries to show that this is true. Give what you regard as a compelling objection to Hart's argument. How might Hart defend his argument? What do you think: has he shown that this natural right exists?
7. According to Joel Feinberg, there is an intimate relationship between having rights and self-respect. Explain his reasons for holding that. Then give what you regard as a compelling reason for rejecting it. How might Feinberg reply? What do you think: are rights really necessary for self-respect or not?