

Second paper topics

Write a paper no longer than 1800 words, about 5-6 pages, on one of the following topics. Please turn your paper in to my box in Pearsons Hall *and* to the dropbox on Sakai by 10 am on Friday, April 12.

1. Both Justice Scalia and Ronald Dworkin claim to interpret the US Constitution 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?
2. In the third section of his article "Taking Rights Seriously," Ronald Dworkin compares two models that the government might use in deciding how the law will respect moral rights. Describe these two models and Dworkin's reasons for preferring one over the other. Give what you regard as a compelling objection to Dworkin's claims. How might Dworkin defend his claim? What do you think? Has Dworkin shown how to take rights seriously?
3. 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?
4. 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?

