

### FIRST ANALYTICAL PAPER

Please write a 2000 to 3000-word (eight to twelve double-spaced pages) paper on the following topic.

The first big module in our course concerned philosophical theories about the nature of law (or the nature of a legal system). We have considered four historically significant theories – legal positivism (particularly Hart’s version), natural law (particularly Finnis’ version), legal realism, and Ronald Dworkin’s “law as integrity.” Your paper will want to explain what each of these theories amount to. We began the course by considering inference to the best explanation as a method for understanding and evaluating competing theories the concept of law. In my article, “Evidence, Mischaracterized Insights, and the Nature of Law,” I suggested following Hart, that there were five facts about the law that anyone would agree to, but when we survey the contemporary jurisprudential literature, there are at least fourteen bits of data that a theory of law must account for. Given all this, what is the best explanation of what a legal system really is? Why do you think it is the best explanation? You are free to discuss my own theory about the nature of law, but you are not required to.

The paper is due to me ([jeffj2@pdx.edu](mailto:jeffj2@pdx.edu)) by the end of the day, Wednesday, November 1.