

POL 3157 A, Professor Maicher

Reading Summary #1: Dworkin

Ronald Dworkin's piece Law as Interpretation serves to recognize the necessity of interpreting the law while still having reserves about the ways in which interpretation is used. It also discusses the link between literature and law, and politics and interpreting the law. All three elements are key to understanding and using the law.

On the use of literature to understand law, Dworkin discusses the "underlying principles" that accompany law and are sometimes necessary to understand (Dworkin, page 383). This is especially true when there is no clear cut law, or no clear precedent to assist in the decision making. During this time a judge has to turn to literature and reading in order to fully understand the law surrounding the incident. Sometimes this also leads to interpretation. Through the reading of different literature a judge may discover something that they did not previously think applied to the situation they were currently in. During this discovery they need to infer and interpret the meanings and transfer that to a decision in court.

On a more artistic level, Dworkin discusses "aesthetic hypothesis". He talks about the interpretation of literature which shows the written work as the best possible work of art that it can be (Dworkin, page 376). This is applicable in law because the way the legal system works and different laws intertwine with each other is truly a work of art. However, sometimes it takes a certain person; judge, philosopher, lawyer etc. to interpret it as the best form it could be. Perhaps the person who even wrote the law did not see the full potential for it that someone looking from the outside saw. This has happened before, and new eyes and new ideologies can prove that the original intention of a law can be changed into something even better.

This idea of author intention is also addressed in this piece. Dworkin mentions the fact that it is in fact, important to look at the original intention of the author and what they meant when they wrote