A hard case is a case in which “the result is not clearly dictated by statute or precedent.”¹ There are three types of hard case:

1. **Absence of law.** There are no applicable statutes or precedents.
2. **Conflict.** There are two or more applicable statutes or precedents, but they produce different results.
3. **Indeterminacy (Vagueness).** There is a statute or precedent that may or may not be applicable, depending on how it is interpreted.

An easy case is a case in which the result *is* clearly dictated by statute or precedent.² In other words, there is one clearly applicable rule.

One of the great questions of jurisprudence is what a judge should do in a hard case.

Note also that easy cases don’t usually get appealed; the law in such cases is “cut and dried.” It follows that most cases that reach the appellate stage—and that students read about in casebooks—are hard cases. It would be a mistake, therefore, to think that more than a few cases are hard cases.

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¹ The word “hard” here means “difficult,” not “heart-rending,” as in the expression “hard cases make bad law.”
³ Note that, so defined, every case is either a hard case or an easy case (this is an application of the Law of Excluded Middle, which says that every object either has or lacks a given property) and no case is both a hard case and an easy case (this is an application of the Law of Noncontradiction, which says that no object both has and lacks a given property).