Index

abortion, 176
agency relationship, 208
agreement: in convention model, 211; promissorial, 195; self-interested, 195; tacit, see convention
Anscombe, G. E. M., 202, 204n36
Archimedean point, 160n33
Aristotle: on culpable ignorance, 98; on friendship and justice, 2; on self-hatred stemming from vice, 38
authority, 204n36; installing one’s own, 78; legal, 103–5; political, 202–6; of reason, 77

Badhwar, Neera, 65
Baier, Annette, 1, 7n18, 33n51, 43; on Gilligan’s moral voices, 4–5
Battle-of-the-Sexes game, 189, 192n16
beneficence: authentic, 62–63; self-serving commendation of, 64; thought never immoral, 42; as a vice, 53–54
Bentham, Jeremy, 7n18
Book of Esther, 144
Brontë, Charlotte, 6–7
burdens of judgment, 171
Calabresi, Guido, 112n8
Cicero, 72
Coleman, Jules, 112n8, 112n9; on corrective justice, 110–11
communitarian critique of contractarianism, 35–37
comprehensive moral doctrine, 152n2, 161
consensus, on process, 179, 181
contract, 193; justificational use of, 1, 11, 13–14
contract image: Hampton’s use of, 25–26; Rawls’s use of, 23–24
contract test: animated by conception of human worth, 23; applied to family, 21, 22; applied to relationships, 20–21; rejects commodification, 28; reveals exploitation, 30–32; used to evaluate response to beneficence, 34; when inappropriate, 32–33
contractarian approach to morality, 1, 8–9, 24–25; communitarian critique of, 35–37; feminist critique of, 9
contractarian explanation of the state: obscured by explicit agreement narratives, 199; summarized, 207
convention, 195
cooperation equilibria, 189
culpability: includes knowledge of authoritative command, 89; legal, 102; moral, 85; rational, 74
culpable ignorance, 99

Dante, 89
defiance: beliefs involved in, 94; mental act of, 83; of practical reason, 79–80; of reason, 78; renders irrationality intelligible, 83; value of, 106–7
defiance account of immorality: degrees of defiance, 96; limits of, 92; stated, 91
degradation, 121–22
democratic processes, 181–82
deterrence, 108n2
Dewey, John, 168, 169
diminishment, 122, 123, 127, Gricean analysis of, 126
Dolinko, David, 117n21, 121n24, 148n64
Dostoyevsky, Fyodor, 134n36
duty of civility, 177
etiquette, see meaning, behavioral exploitation, 21, 30–32
Feinberg, Joel, 154, 154n60, on free-standing liberalism, 164 feminist, 1
Foot, Phillippa, 85
Forde v. Skinner, 136
free speech, 128n32
Freud, Sigmund, 87
Galanter, Marc, 135–37, 142
Gauthier, David, 12, 20, 85
Genesis, 88
Gilligan, Carol, 2–4, 41
Good Samaritan, 33
gratitude, 34n53
Grey v. Grant, 136
Grimsley v. Ford Motor Co., 136–38
Hampshire, Stuart, 180n28
harm, 111
Hart, H. L. A., 72, 202
Hegel, G. W. F., 142
Held, Virginia, 9
Hobbes, Thomas, 9–10, 104n22, 203n33: Battle-of-the-Sexes game in, 189
criticism of, 11–13
Hume, David, 185, 212; on necessity of justice, 2

immorality: deficiency account of, 91;
Manichean account of, 87–88; Socrates’ account of, 86
irrationality, 75–76; role of ignorance in, 82

justice, corrective, 112, 146n62
justice, distributive: based in retributive justice, 148; inherent in any relationship, 2

justice, retributive, contrasted with corrective justice, 112

Kant, Immanuel, 7n18, 13, 95, 95n23, 116; on self-interest, 50–51
Kavka, Gregory, 190n6, 194n19; on paradox of revolution, 212–14; on perfect tyranny, 216
Kierkegaard, Søren, 39, 61
Kohlberg, Lawrence, 42
Korser, Christine, 70n41
Kymlicka, Will, 33n52
leadership convention, 195–96; reasons for maintaining, 214–15
leadership selection problem, 187–90 legitimate interests, 27–28
legitimate needs, 53
Lewis, David, 195
Liberal Principle of Legitimacy, 162 liberalism: commitments of, 158–60
Enlightenment, 151; Lockean, 154; Millian, 155; Rousseauian, 154–55
Locke, John: Battle-of-the-Sexes game in, 190–93; on beneficence, 46
love, 64, 67
Luban, David, 135–37, 142
Luce, R. D., 189

Mackie, J. L., 11
MacKinnon, Catherine, 128
Martin, Judith, 118
mastery relationship, 216
meaning: behavioral, 118–19; Gricean theory of, 119
mens rea, 72, 102; and advertent negligence, 105; Model Penal Code on, 72; necessary conditions, 90
Milton, John, 94
Model Penal Code, 102
moral claims, conflicting, 70
moral education, 108n2, 149n65
moral immaturity, 6
moral injury, 115, 120–21, 133; defined, 127
morality, conception of, 41; Hobbesian, 9–10; other-regarding, 44, 45, 70n41
Morris, Herbert, 109–10, 130
negligence: criminal, 105; noncriminal, 114
Nozick, Robert, 198, 199n25, 200

overlapping consensus, 169, 171

paradox of revolution, see Kavka, Gregory

Pateman, Carol, 25

person, conception of, 22

person, worth of, 12, 23: acknowledgment of, 127; egalitarian and nonaggregative conception, 27; Hobbesian conception, 12; Kantian conception, 116–17; strong permanence, 122; weak permanence, 122

Plato, 87

political liberalism, 152–53: illiberal aspect of, 176–78

power, 200

preferences: not self-authored, 59–60

self-authored, 57

prisoner’s dilemma, 193, 214

punishment, non-rettributive considerations, 148–49

Raiffa, Howard, 189

rationalization, 80

Rahm, John, 13; A Theory of Justice, 155–56: argument for tolerance, 172; on autonomy, 165; feminist criticism of, 17; on freedom and equality, 162–63; on public reason, 169–70

Raz, Joseph, 202

reason, 83n9: faith in, 183; liberal reliance on, 181; in liberalism, 159–60

Rawls’s reliance on, 173, 175; and respect, 161

reasonable, concept of the, 35, 176; lack of clear definition, 179; role in Rawls’s political liberalism, 171

reasonable disagreement, 171–72; and toleration, 174

reasonable rejection, 178

reasoning, standards of, 178n27

reciprocity, 34n54

Regina v. Prince, 105

retribution: as compensation, 147; defined, 135; expressive function of, 133–34; lex talionis, 139; mitigating circumstances, 147–48 and moral role of state, 149–50; non-punitiv, 143–46; proper agent of, 140, 141, 141n52, 143; in tort law, 136; vindicates value of victim, 135

Ruddick, Sarah, 142n29

rule of recognition, 205

ruler-subject relationship, 208–9

St. Paul, 87, 143

Sandel, Michael, 55

Scanlon, Thomas, 18n41, 19n42

contractualist account of morality, 17–19

self-authorship, 55–56; need for objective constraints, 56–57; responsibility for, 60–62

self-respect, 51–55

self-sacrifice, 40

Snow, John, 68

sociopaths, 90n18

Socrates, 86

state of nature, 187, 194

supererogation, 45, 70

Supreme Court of West Germany, 97

tort law, 110, 112

truth, role in justifying state, 152, 173

utilitarianism, 23

Vincent v. Lake Erie Transp. Co., 113

voting, 196

Waldrum, Jeremy, 157

warfare, 197, 199

weakness of will, 77

Weinrib, Ernest, 112n10

Williams, Bernard, 70n10

Wittgenstein, Ludwig, 207

Wolf, Susan, 63, 90n18; on moral saints, 47–49

Wood, Allen, 44

Woolf, Virginia, 7, 54

wrong, 110

wrongful action: categories, 115; definition of, 126; Nietzschean response to, 132–33