

Index

The index was prepared by Barry Sharpe and Brian Berry.

- antirealism, moral, 132–133, 144, 146, 150, 169–175, 177, 181–183, 314, 324, 326
meta-anti-realism, 177
Archimedean, 68, 70–71, 74, 80, 133
Aristotle, 89, 96n, 97n, 98n, 322, 327n
Armstrong, David M., 187n
Austin, John, 13, 14, 54, 57n, 58n, 65n
Ayer, A.J., 68, 97n, 186n, 282n

“Bad Man,” the, 14–15, 58
Barber, Benjamin, 142n
Bartlett, Katherine, 138n
Bennett, R.W., 141n
Bentham, Jeremy, 101, 128
Berger, Raoul, 42, 62n, 63n
Blackburn, Simon, 7, 171, 173, 175, 177, 186n, 191n, 240, 282n, 284n, 288, 300–302, 328n
Bork, Robert, 6, 34, 38, 60, 62n, 63n
Bourdieu, Pierre, 97n
Boyd, Richard, 67, 68, 77, 94n, 185n, 186n, 188n
Boyle, Robert, 289
Brandeis, Louis, 115, 140n
Brandt, Richard, 74, 96n
Brest, Paul, 62n
Bridgman, Percy, 16, 58n
Brink, David O., 2, 4, 5–7, 10n, 57n, 59n, 60n, 64n, 65n, 93n, 185n, 186n, 329n
Broome, John, 286n
Brower, Bruce, 10n, 189n, 190n, 192n

Carnap, Rudolph, 21, 59n
cognitivism, 144–145, 157, 160, 168–171, 178–180, 236, 239, 313

Cohen, Felix, 57n
Coleman, Jules, 65n, 129, 130, 139n, 142n
color properties, 9, 258, 264–266, 272–273, 289, 293–294, 297–298, 304–305, 311–312, 315–316
immanence of, 244–245
and normal perceptual conditions, 310
and internalism, 325
concepts
 parochial/nonparochial, 8, 205–213, 228
 thick, 215–217, 223, 225–229
Connolly, William, 286n
consequentialism/nonconsequentialism, 90, 249, 275–281, 286
Crenshaw, Kimberle, 102, 138n
Critical Legal Studies, 6, 45–48, 64n, 103–104, 139n
Critical Race Theory, 6
Currie, Gregory, 108, 140n

Dancy, Jonathan, 284n
Darwall, Stephen, 327n, 328n, 329n
Davidson, Donald, 60n, 233n
Davies, Martin, 283n
deontology, 90–91
Derrida, Jacques, 95n
Descartes, René, 71, 212
dispositionalism, 9, 145, 167, 179, 180–182, 258–259, 266, 268, 274, 315
Donnellan, Keith, 5, 23, 59n
Douglas, William O., 43–44
Dreier, James, 283n, 284n
Dummett, Michael, 230n, 251, 284n, 317
Dworkin, Ronald, 2, 3, 6, 7, 19, 20, 29, 34, 49, 57n, 59n, 60n, 63n, 64n, 65n, 66–86,

- Dworkin, Ronald *cont.*
 89–92, 92n, 93n, 94n, 95n, 96n, 97n,
 98n, 104, 123, 134, 139n, 141n, 142n,
 191n, 230n, 282n, 286n
- “easy” cases, 14, 17–18, 21, 45–46
- Eliot, George, 327n
- Ely, John Hart, 37, 61n, 62n, 63n
- error theory, 132, 144–145, 148–149, 168,
 186n, 202, 204, 287–288, 301, 312–313,
 315, 322
- expressivism, 237–240, 242, 244, 251–254,
 256, 270, 283
- feminist legal theory, 6, 102
- Field, Hartry, 204
- Fiss, Owen, 140n
- Frank, Jerome, 57n, 58n
- Frege, Gottlob, 21, 59n, 142n, 246
- functionalism, moral, 258–261, 263–265,
 267–270
- Gallie, W.M., 273, 286n
- Geach, Peter, 142n, 250, 284n
- Gibbard, Allan, 68, 94n, 97n, 186n, 191n,
 240, 282n, 284n, 327n
- Gibson, Roger, 93n
- Gray, John Chipman, 5, 14–16, 57n, 58n
- Hacker, P.M.S., 232n, 233n
- Hales, S.D., 230n
- Hamilton, Alexander, 29, 36, 62n, 63n
- “hard” cases, 14, 42, 48, 59n, 66
 and “open texture” of language, the, 18–
 19, 21, 45
- Hare, R.M., 97n, 186n, 239, 282n, 284n,
 286n
- Harlan, John Marshall, 49
- Harman, Gilbert, 68, 283n, 284n, 285n
- Harris, Angela, 138n
- Hart, H.L.A., 4, 5, 13–14, 16–17, 18–21, 25,
 45, 54, 57n, 58n, 59n, 65n, 93n, 191n,
 192n
- Hegel, G.W.F., 70
- Hilbert, David R., 283n
- Hoadley, Bishop, 16
- Holmes, Oliver Wendell, Jr., 5, 10n, 14–15,
 57n, 58n
- Hookway, Christopher, 93n
- Horwich, Paul, 283n
- Horwitz, Morton, 64n
- Humberstone, Lloyd, 283n
- Hume, David, 68, 96n, 125, 141n, 168, 192n,
 258, 288–289, 290–291, 305–307, 315,
 322, 328n
- Hurley, Susan, 285n, 329n
- Hylton, Peter, 93n
- indeterminacy, legal (also legal determinacy),
 17–19, 32, 45–46, 49, 68, 103–104
- intent; intentionalism
 abstract v. specific intent, 27–30, 41
 corporate v. individual intentions, 30–31,
 33
- Jackson, Frank, 11n, 282n, 283n, 284n, 285n,
 286n
- Jay, John, 29, 62n
- Johnston, Mark, 10, 11n, 96n, 192n, 285n,
 288, 309, 315–321, 328n, 329n
- judicial discretion, 18–19
- judicial review, 34–42, 62n
- Kairys, David, 64n
- Kant, Immanuel, 2, 109–111, 121, 137–138,
 140n, 143n, 149, 329n
- Kim, Jaegwon, 94n
- Kress, Ken, 139n, 140n
- Kripke, Saul, 5, 23, 58n, 59n, 60n, 95n
- Kutz, Christopher, 124, 141n
- Lear, Jonathan, 187n
- legal indeterminacy, *see* indeterminacy, legal
- Legal Positivism, 54–57, 57n, 58n
 hard; exclusive, 4, 65n
 soft; inclusive, 4, 65n
- Legal Realism, 3, 5, 14–18, 45, 58n
- Leiter, Brian, 2, 5, 6, 10n, 11n, 57n, 58n,
 65n, 93n, 94n, 95n, 97n, 98n, 133–135,
 139n, 142n, 143n, 191n, 230n, 282n,
 286n
- Levi, Edward, 124, 141n
- Lewis, C.I., 21, 59n
- Lewis, David, 11n, 187n, 192n, 285n, 286n,
 317, 328n, 329n
- Llewellyn, Karl, 57n, 58n
- Locke, John, 21, 59n, 289, 293–296, 315
- Lyons, David, 60n, 63n, 65n
- MacIntyre, Alasdair, 82, 233n, 304
- Mackie, John, 5–9, 66–68, 70, 72, 92, 92n,
 93n, 97n, 142n, 144–151, 153–158,
 161–162, 164–166, 168, 172, 175,
 185n, 186n, 187n, 188n, 189n, 204,

Index

353

- 230n, 255–258, 260, 267–269, 282n, 283n, 285n, 287–295, 298, 300, 304, 312–313, 319–320, 322, 327n
- MacKinnon, Catherine, 101–103, 138n
- Madison, James, 29, 62n
- Marmor, Andrei, 229n, 230n
- Marshall, Thurgood, 36
- McDowell, John, 2, 5, 6, 9–10, 11n, 67–68, 78–84, 85, 87–89, 91–92, 92n, 95n, 96n, 186n, 191n, 231n, 285n, 288, 292–304, 306–307, 309, 312, 315, 321–322, 324–325, 328n
- McNaughton, David, 284n
- meaning, descriptive (or empiricist) theory of, 5, 21–23, 59n
- Meese, Edwin, 62n
- Minow, Martha, 138n
- model of rules, 16, 20, 59n
- Monaghan, Henry, 62n
- Moody-Adams, Michelle, 285n
- Moore, G.E., 68, 156, 164–166, 180, 186n, 187n, 190n, 238, 242, 253, 283n, 285n, 290, 304
- Moore, Michael S., 11n, 60n, 92n, 142n, 282n
- Munzer, Stephen, 60n
- Nagel, Thomas, 2, 5, 7, 8, 68, 92n, 93n, 94n, 146–147, 150–180, 182–184, 188n, 189n, 190n, 191n, 192n, 206–208, 231n
- Natural Law, 12, 54–57, 58n
- Naturalism, 6–7, 67, 71, 75–78, 81–89, 92n, 96n, 97n, 133–136, 145, 147, 156, 164, 173, 177–178, 182–184, 186n, 244, 290
- Neurath's Boat, 70, 72, 80, 189n, 232n, 319
- Nietzsche, Friedrich, 67–68, 79, 89, 90, 95n, 97n, 98n
- noncognitivism, 97n, 144–145, 168–171, 173, 178–179, 182, 192n, 292, 301, 315, 322
- nonconsequentialism, *see* consequentialism
- Non-Naturalism, 67, 82–83, 85–86, 88–90, 92n, 96n, 145–146, 156, 161, 164–166, 173, 177–178, 182, 190n, 204
- Oakley, Justin, 284
- objectivity, conditions for:
- impartiality, 2–3, 8, 195–196, 280
 - independence, mind- and language-, 2, 8–9, 79, 81, 100, 105–108, 133, 140n, 147–151, 157, 161–162, 164–165, 187n, 200, 230n, 242–245
- intersubjectivity, 88, 108–111, 117, 121–122, 195–196, 239–240, 314
- publicity, 116–123, 125–130, 137–138
- objectivity, kinds of:
- domain-specific, 2, 5–9, 100–101, 105, 107, 111, 113, 115, 123, 129, 133–134, 136–137
 - epistemic; justificatory, 1–3, 7–8, 139n, 151, 153, 160, 190, 195, 197–198, 203, 213, 225, 228n, 229n, 234–236, 245–246, 249, 280–281
 - metaphysical; ontological, 1–3, 7–8, 150–151, 153–158, 160–162, 188n, 189n, 190n, 195, 197–198, 203, 234, 240–242, 244–245, 252, 255–256
 - normative, 7, 149–151, 153, 188n
 - semantic, 106, 139n, 234, 236–244, 251–253, 255–256
- objectivity, “long route” to, 8, 194, 200–204, 213–215, 230n
- Oppy, Graham, 282n, 283n
- originalism, 27–30
- pathetic fallacy, 9, 287–288, 299, 327
- Peacocke, Christopher, 189n
- Peirce, C.S., 209–210, 225, 227, 231n
- Perry, Michael, 38, 62n, 63n
- Pettit, Philip, 2, 5, 8–9, 11n, 94n, 96n, 230n, 263, 282n, 283n, 284n, 285n, 286n
- Plato, 8, 10, 68, 79, 80, 132, 156, 165, 229n, 244, 256, 299, 320, 322, 326, 329n
- Postema, Gerald J., 2, 3, 5–7, 11n, 138n, 140n, 141n, 142n, 285n
- practical reason, public, 7, 123–124, 127, 133
- Price, Huw, 253, 285n, 286n
- primary qualities, 9, 159, 288, 293, 295–296, 299, 304, 311, 323, 325
- Protagoras, 68
- Putnam, Hilary, 2, 5, 23, 60n, 92n, 211, 231n, 317, 323, 324, 327n, 329n
- queerness argument, 256–258, 267–269, 287, 290–291, 298, 320
- quietism, 172–173, 191
- Quine, W.V.O., 70–72, 77, 80, 82, 93n, 176, 192n, 285n
- Quinn, Warren, 135–136, 143n
- Rabinoqitz, Włodzimiere, 286n
- Radin, Max, 58n
- Railton, Peter, 7, 11n, 67–68, 74–75, 77,

- Railton, Peter *cont.*
 93n, 94n, 176, 182–185, 186n, 187n,
 191n, 192n, 283n, 286n, 327n
- Rawls, John, 132, 138, 140n, 141n, 261,
 285n
- Raz, Joseph, 2, 5, 8, 9, 65n, 232n, 233n
- realism, legal, *see* Legal Realism
- realism, moral, 7, 144–147, 150, 161, 165–
 177, 181–183, 186n, 301, 309, 314, 317,
 326
- meta-realism, 177
- “qualified” realisms, 317, 324, 326
- quasi-realism, 171–173, 301
- reduction, 75–76, 95n, 190n, 186n, 316
- Rehnquist, William, 62n
- relativism, 2, 68, 222, 245–249, 319
- ideolectal, 247–248, 270–274
- indexical, 248, 274–279
- Ripstein, Arthur, 106, 138n, 139n, 141n
- Rosen, Gideon, 188n, 189n, 282n
- rule of recognition, 54–55
- Ruskin, John, 327
- Russell, Bertrand, 21
- Sartorius, Rolf, 65n
- Sayre-McCord, Geoffrey, 283n, 286n, 344n
- Scalia, Antonin, 25–26, 60n, 62n
- Scanlon, Thomas, 141n, 284n
- Scheffler, Samuel, 98n
- Schiffer, Stephen, 187n
- scientific epistemology, 8, 71–72, 75–78, 82,
 94–95, 133–135
- Seabright, Paul, 113, 140n
- Searle, John, 59n
- secondary qualities, 159, 204, 209, 287, 293–
 298, 298–299, 309, 311–312, 315–316,
 322, 324, 326
- Sellars, Wilfrid, 193n
- Sen, Amartya, 108–109, 140n, 283n
- sensibility theories, 287–289, 305, 308, 312,
 314, 321, 324, 326–327, 329
- separation of powers doctrine, 19, 36, 59n,
 62n
- Sidgwick, Henry, 98n
- Silver, Charles, 93n
- Singer, Joseph, 104, 138n, 139n
- skepticism, 7, 9, 12, 45, 68, 122, 129, 132,
 146, 149, 155–160, 165, 167–168, 172,
 289, 298
- external/internal, 67, 69–70, 72–78, 80–
 81, 84–86, 88, 90, 92n, 93n, 94n
- rule-skeptics, 14–17
- Smith, Michael, 11n, 68, 96n, 186n, 190n,
 192n, 282n, 283n, 284n, 285n, 286n,
 328n, 329n
- Sober, Elliot, 10n
- Sosa, David, 5, 9, 10, 11n
- Stalnaker, Robert, 286n
- Stavropoulos, Nicos, 11n
- Stevenson, C.L., 68, 82, 97n, 186n, 282n
- Stocker, Michael, 282n, 286n
- Strawson, P.F., 91, 98n
- Sturgeon, Nicolas L., 94n, 186n, 187n
- Sunstein, Cass, 6, 49–53, 65n
- supervenience, 74, 94n, 262, 264, 290
- Svavarssdóttir, Sigrún, 2, 5, 7–8, 92n, 93n,
 188n
- Tappolet, Christine, 283
- Taylor, C.C.W., 97n
- textualism, 25–26, 60n
- Timmons, Mark, 284n
- Tushnet, Mark, 64n, 138n
- Unger, Roberto, 45–48, 64n
- Van Frassen, Bas, 282n
- Van Roojen, Mark, 284n, 285n
- Vanberg, Victor, 141n
- verificationism, 5, 15–16, 96n, 324
- Waldron, Jeremy, 94n, 142n
- Wiggins, David, 5, 10, 11n, 186n, 196n,
 229n, 230n, 283n, 284n, 288, 304–309,
 312, 315, 321–322, 328n, 329n
- Williams, Bernard, 8, 95n, 133, 140n, 142n,
 159, 189n, 199–200, 209–212, 215–
 216, 229n, 230n, 231n, 232n, 281, 282,
 282n, 286n, 307
- Williams, Patricia, 102, 138n
- Wittgenstein, Ludwig, 79–81, 260, 319, 328n
- Wolf, Susan, 282n
- Wright, Crispin, 10, 11n, 95n, 96n, 186n,
 191n, 202, 204, 230n, 231n, 282n, 283n,
 288, 308–314, 321, 326, 328n