

# JURISPRUDENCE

TEXT AND READINGS ON THE  
PHILOSOPHY OF LAW

Third Edition

George C. Christie  
Patrick H. Martin

---

*American Casebook Series*®

THOMSON  
  
WEST

# **JURISPRUDENCE**

## **TEXT AND READINGS ON THE PHILOSOPHY OF LAW**

**Third Edition**

**By**

**George C. Christie**

*James B. Duke Professor of Law  
Duke University*

**Patrick H. Martin**

*Campanile Professor of Law  
Louisiana State University*

**AMERICAN CASEBOOK SERIES®**

**THOMSON**  
  
**WEST**

Thomson/West have created this publication to provide you with accurate and authoritative information concerning the subject matter covered. However, this publication was not necessarily prepared by persons licensed to practice law in a particular jurisdiction. Thomson/West are not engaged in rendering legal or other professional advice, and this publication is not a substitute for the advice of an attorney. If you require legal or other expert advice, you should seek the services of a competent attorney or other professional.

*American Casebook Series* and West Group are trademarks registered in the U.S. Patent and Trademark Office.

COPYRIGHT © 1973, 1995 WEST PUBLISHING CO.

© 2008 Thomson/West  
610 Opperman Drive  
P.O. Box 64526  
St. Paul, MN 55123  
1-800-313-9378

Printed in the United States of America

ISBN: 978-0-314-17073-6



TEXT IS PRINTED ON 10% POST  
CONSUMER RECYCLED PAPER



# **Dedications**

**To the Memory of J. Francis Paschal**

and

**To J. M. F., *il miglior fabbro***

## Preface

---

This book is organized on the assumption that there is a central core of thought in legal philosophy that is part of the intellectual heritage of American and English legal philosophers and that is presupposed by most serious contemporary jurisprudential writing. There is, we believe, a great conversation about law and political society that takes place across centuries and national boundaries. Selection, however, is necessary. Excessive editing of sources in order to expand the number of authors whose work is included in the book would be self-defeating. We believe that the student should have available sufficiently long excerpts of the work of the great legal philosophers so as to be able to get a feel for the nature of their thought and the manner in which they develop their ideas. Otherwise, the study of legal philosophy runs the risk of degenerating into sound bites that attempt to capture the “essence” of various legal philosophers, despite the fact that meaningful insight into legal philosophy cannot be achieved in this manner. The new edition retains many of the classic readings from the first and second editions that are essential to an understanding of the development of legal philosophy but also explores more recent trends and concerns in contemporary legal discourse.

Our selections proceed from the assumption of this book that there are certain central themes that have been important in the development of legal philosophy. These themes are used as the organizing threads around which the book has been created. Each of the chapters begins with an introductory note that attempts to give the student background information as well as an overview of that chapter and its relationship to the rest of the book. To further integrate the book, each of the readings is preceded by an introductory note that not only provides biographical data on the author in question but also describes the historical context—including the philosophical and political climate in which the author worked—and discusses the relationship of the readings to the author’s other work. Notes, comments, and bibliographical information accompanying the readings are intended to elicit responses from the reader and to direct the reader to other scholarly commentary related to the readings.

The book is designed for use in courses in legal philosophy given by university departments of philosophy as well as in law school courses on jurisprudence. Given the depth of coverage of the book, it can serve as a text for both basic courses and advanced courses and seminars. Indeed, it is hoped that the student will wish to retain it as a source book, one that will be helpful in any other courses which touch on legal philosophical issues. This edition draws upon some non-traditional sources that are part of the contemporary dialogue on law. New readings are taken from on-line blogs, op-ed pieces, news stories and internet publications that do not appear in a print version. When juxtaposed with our other readings, we believe these

demonstrate the continuing significance of classic jurisprudential issues and themes.

The readings are organized into nine chapters. The first chapter explores some basic issues and concepts of the philosophy of law. The second begins with excerpts from Hammurabi's Code and follows with lengthy excerpts from Aristotle's *Politics* and his *Ethics*. It includes a textual note on the work of Plato (together with a brief excerpt from Plato's *Laws*) and a biographical and introductory note on Aristotle in which certain major themes are raised and necessary background information on Aristotle's epistemology is presented. Chapter 2 concludes with Sophocles's play *Antigone*, which presents classic themes on the nature of law and justice, and a comment on "Law and Literature."

The third chapter, on *Natural Law*, begins with an introductory note on the development of natural law theories and contains readings that focus on St. Thomas Aquinas in the 13<sup>th</sup> Century and John Finnis and Lon Fuller in the 20<sup>th</sup>. A lengthy note is employed to introduce the student to other prominent writers in this tradition. The principal organizing themes of the chapter are how do we know the natural law, what is its content, and to what extent is it binding on human beings. New to this edition are readings on Shari'a and on Sociobiology that relate to the general theme of natural law.

The fourth chapter is devoted to *Natural Rights*. Our introductory remarks explain why this topic is distinct from the subject matter of the previous chapter. John Locke, Immanuel Kant and John Rawls are representative of this liberal tradition that has had a major impact on American Constitutional Law. We include cases from the United States Supreme Court that we believe reflect this natural rights influence, including four that are new to this edition. Of related interest are readings on the growth of human rights case law in Europe and the topic of animal rights.

Our fifth chapter sketches the rise and initial development of *Legal Positivism*. Thomas Hobbes, David Hume and Jeremy Bentham are the leading figures to be considered. New to this edition are some additional excerpts from Bentham and readings on the practical application of the concept of utility in a contemporary setting, namely the allocation of scarce human organs.

*Analytical Positivism* is the sixth chapter. In it, we continue with a lengthy reading from John Austin, whose influence on Anglo-American legal thought has been profound. The work of Hans Kelsen and H. L. A. Hart can be seen as building upon Austin's foundation. This third edition devotes additional attention to Ronald Dworkin's critique of Hart's work and Hart's response.

We refer to the subject matter of chapter seven as *Reform Jurisprudence*. Those who already have some familiarity with modern jurisprudence will recognize elements of Sociological Jurisprudence and American Legal Realism in these readings. We see this body of writ-

ing as providing the foundation of modern mainstream legal thought, both in its rejection of formalism and in its belief in the use of law as an instrument for social reform. The proponents of Reform Jurisprudence include writers from Britain, Germany, and France as well as the United States. The chapter has been updated and somewhat shortened from the second edition.

The eighth chapter focuses on the interpretative process by which statutes and general principles in case law are given content in specific legal controversies. We draw particular attention to the role and methodology of the judiciary. After readings illustrating the problems of interpretation from Sanford Levinson, H. L. A. Hart, and Lon Fuller, we give treatment to the “Legal Process” school that flourished for a period and whose influence continues. We follow with readings on judicial process from Edward Levi, Ronald Dworkin and Richard Posner. Without intending undue criticism, we would suggest that in much contemporary legal thought a focus on judicial process is a substitute for inquiry into the nature, purpose and ends of law.

The final chapter of this new edition covers topics prominent in contemporary jurisprudential thought. We include in this ninth chapter representative excerpts from new perspectives on the philosophy of law, including Critical Legal Studies, Feminism, Critical Race Studies, and Law and Economics. Each of these schools or viewpoints has generated a tremendous amount of writing in the last quarter-century, and proponents of them can be found among faculty members in most law schools in the United States. We have replaced several readings from the last edition with newer ones that reflect more recent scholarship. Also new to this edition is a reading on law and the behavioral sciences, together with a reading that illustrates how an awareness of human traits can inform and be incorporated in legislation, to wit, pension reform. We hope that the writings selected from these groups can serve as an introduction and stimulus to class discussion. Teachers or readers who wish to pursue any of the topics in this chapter in greater depth may wish to supplement our selections with others taken from the other books and articles we identify.

In concluding, we would like to thank the people who have helped to produce this book. We are especially indebted to the authors and publishers who have given permission to reprint their work in this book. Completion of this edition would not have been possible without generous summer research time and a sabbatical leave from the Paul M. Hebert Law Center of Louisiana State University. The use of Westlaw and Lexis have greatly facilitated completion of this edition. Indispensable editorial assistance has been provided by the indefatigable Balfour Smith of Duke University School of Law, which is gratefully acknowledged.

GEORGE C. CHRISTIE

PATRICK H. MARTIN

# Table of Cases

The principal cases are in **bold** type. Other cases are in roman type. References are to pages. Cases cited in principal cases and within other quoted materials are not included.

|                                                                                                                    |                      |
|--------------------------------------------------------------------------------------------------------------------|----------------------|
| <b>A v. United Kingdom</b> .....                                                                                   | 472                  |
| Aero Spark Plug Co., Inc. v. B. G. Corp.,<br>130 F.2d 290 (2d Cir. 1942).....                                      | 905                  |
| Alabama Power Co. v. Ickes, 302 U.S. 464<br>(1938).....                                                            | 874                  |
| Ann's v. Merton London Borough County,<br>[1978] 1 A.C. 728 (1977).....                                            | 1050                 |
| Arnstein v. Porter, 154 F.2d 464 (2d Cir.<br>1946).....                                                            | 876                  |
| Bivens v. Six Unknown Named Agents of<br>Fed. Bureau of Narcotics, 403 U.S. 388<br>(1971).....                     | 994                  |
| Boyle v. State, 57 Wis. 472 (1883).....                                                                            | 869                  |
| Brown v. Board of Education, 347 U.S. 483<br>(1954).....                                                           | 768, 956, 1005, 1020 |
| Commonwealth v. Rubin, 165 Mass. 453,<br>[43 N.E. 200 (1896)].....                                                 | 847                  |
| Danos v. St. Pierre, 402 So.2d 633 (La.<br>1981).....                                                              | 247                  |
| DeFunis v. Odegaard, 416 U.S. 312<br>(1974).....                                                                   | 1047                 |
| DeShaney v. Winnebago County<br>Department of Social Services, 489 U.S.<br>189 (1989).....                         | 478                  |
| <b>Dr. Bonham's Case</b> , 8 Co. Rep. 107a,<br>114a C.P. 1610, 77 Eng. Rep. 638 (C.P.<br>1610).....                | 1011                 |
| Duvall v. Hagerman, in the 108th District<br>Court, Potter County, February 27, 2007,<br>2007 WL 1028915.....      | 9                    |
| Godin v. Godin, 725 A.2d 904 (Vt. 1998)...                                                                         | 451                  |
| Goldberg v. Kelly, 397 U.S. 254 (1970) .....                                                                       | 994                  |
| Gonzales v. Carhart, 127 S. Ct. 1610 .....                                                                         | 423                  |
| Governor of the Peabody Donation Fund v.<br>Sir Lindsay Parkinson & Co., .....                                     | 1050                 |
| Gratz v. Bollinger, 539 U.S. 244 (2003) ..                                                                         | 1165                 |
| <b>Gregg v. Georgia</b> , 428 U.S. 153<br>(1976).....                                                              | 423                  |
| <b>Griswold v. Connecticut</b> , 381 U.S. 479<br>(1965).....                                                       | 283, 402, 438        |
| Gutter v. Bollinger, 539 U.S. 306<br>(2003).....                                                                   | 1165                 |
| Hammer v. Dagenhart, 247 U.S. 251<br>(1918).....                                                                   | 835, 858             |
| Hanson v. Globe Newspaper Co., 159 Mass.<br>293, 302 [34 N.E. 462, 465 (1893)].....                                | 842                  |
| Harris v. Forklift Systems, Inc., 114 S. Ct.<br>367 (1993).....                                                    | 1151                 |
| In re Polemis and Furness, Withy Co.,<br>[1921] 3 K.B. 560 (C.A.).....                                             | 61                   |
| Jacob & Youngs v. Kent, 230 N.Y. 239, 129<br>N.E. 889 (1921) .....                                                 | 1118                 |
| <b>Kerry Ellison v. Brady, Secretary of<br/>the Treasury</b> .....                                                 | 1138                 |
| Knight v. Florida, 528 U.S. 990 (1999).....                                                                        | 467                  |
| <b>Lawrence v. Texas</b> , 539 U.S. 558<br>(2003) .....                                                            | 284, 427             |
| <b>Lochner v. New York</b> , 198 U.S. 45<br>(1905) .....                                                           | 397, 834, 968        |
| McBoyle v. United States, 283 U.S. 25<br>(1931).....                                                               | 966                  |
| McLoughlin v. O'Brian, [1983] 1 A.C. 410<br>(1982).....                                                            | 1019                 |
| <b>Michael H. v. Gerald D.</b> 491 U.S. 110<br>(1988) .....                                                        | 438                  |
| Muller v. Oregon, 208 U.S. 412 (1908) .....                                                                        | 857                  |
| Muth v. Frank, 412 F.3d 808 (7th Cir.<br>2005).....                                                                | 438                  |
| NLRB v. Hearst, 322 U.S. 111 (1944).....                                                                           | 955                  |
| Peevyhouse v. Garland Coal & Mining Co.,<br>382 P.2d 109 (Okla. 1963).....                                         | 1118                 |
| Regents of Univ. of Cal. v. Bakke, 438 U.S.<br>265 (1978).....                                                     | 1047, 1165           |
| Repouille v. United States, 165 F.2d 152,<br>154 (2d Cir. 1947).....                                               | 876                  |
| Republic of Fiji v. Chandrika Prasad [2001]<br>NZAR 385 (High Court Civil Action No.<br>217/2000) .....            | 716                  |
| <b>Roe v. Wade</b> , 410 U.S. 113<br>(1973) .....                                                                  | 283, 407, 995        |
| <b>Roper v. Simmons</b> , 543 U.S. 551<br>(2005) .....                                                             | 452, 467             |
| Sierra Club v. Morton, 405 U.S. 727 (1972).....                                                                    | 994                  |
| Soldal v. County of Cook, 942 F.2d 1073<br>(7th Cir.1991) .....                                                    | 1080                 |
| Stone v. Mississippi, 101 U.S. 814, 25 L.Ed.<br>1079 (1879) .....                                                  | 505                  |
| Trimble v. Gordon, 430 U.S. 762 (1977) .....                                                                       | 451                  |
| TVA v. Hill, 437 U.S. 153 (1978) .....                                                                             | 1043                 |
| UWM Post, Inc. v. Board of Regents of<br>University of Wisconsin System, 774<br>F.Supp. 1163 (E.D.Wis. 1991) ..... | 1153                 |
| West River Bridge Co. v. Dix, 47 U.S. (6<br>How.) 507, 12 L.Ed. 535 (1848) .....                                   | 505                  |

# Table of Authorities

|                                                                                                                                                               |          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Aaron, Richard L., <i>John Locke</i> , (3d ed. 1971).....                                                                                                     | 296      |
| Abou El Fadl, Khaled, <i>Speaking in God's Name: Islamic Law, Authority, and Women</i> 39 (2001).....                                                         | 263      |
| Abrams, Kathryn, <i>Hearing the Call of Stories</i> , 79 Cal. L. Rev. 971 (1991).....                                                                         | 1085     |
| Abrams, Kathryn, <i>Sex Wars Redux: Agency and Coercion in Feminist Legal Theory</i> , 95 Colum. L. Rev. 304 (1995).....                                      | 1121     |
| Adams, D., <i>Life, the Universe and Everything</i> , in <i>The Hitchhiker's Trilogy</i> 402 (1983).....                                                      | 1088     |
| Alexander, Gregory S., <i>Comparing the Two Legal Realisms-American and Scandinavian</i> , 50 Am. J. Comp. L. 131 (2002).....                                 | 953      |
| Allan, D., <i>Aristotle's Account of the Origin of Moral Principles</i> , Proceedings of The XIth International Congress of Philosophy (1953), Vol. XII.....  | 32       |
| Allen, A. L. & Morales, M. H., <i>Hobbes, Formalism, and Corrective Justice</i> , 77 Iowa L.Rev. 713 (1992).....                                              | 574      |
| Alschuler, Albert, <i>Law Without Values: The Life, Work and Legacy of Justice Holmes</i> (2000).....                                                         | 836      |
| Altman, Andrew (ed.), <i>Reading Dworkin Critically</i> (1992).....                                                                                           | 1017     |
| Ames, James Barr, <i>Law and Morals</i> , 22 Harv. L. Rev. 97 (1908).....                                                                                     | 761      |
| Anderson, Jerry L., <i>Law School Enters The Matrix: Teaching Critical Legal Studies</i> , 54 J. Legal Educ. 201 (2004).....                                  | 1088     |
| Ansaldi, Michael, <i>The German Llewellyn</i> , 58 Brook. L. Rev. 705 (1992).....                                                                             | 906, 924 |
| Arthur, Raymond, <i>The European Court of Human Rights and The Abolition of Corporal Punishment in Ireland</i> , 4 Irish Journal of Family Law 7 (1999).....  | 478      |
| Ashcraft, Richard, <i>Revolutionary Politics and John Locke's Two Treatises of Government</i> (1986).....                                                     | 297      |
| Ashford, Robert, <i>What is Socio-Economics</i> , 41 San Diego L. Rev. 5 (2004).....                                                                          | 1212     |
| Ashman, C., <i>The Finest Judges Money Can Buy</i> 59-65 (1973).....                                                                                          | 1119     |
| Atiyah, P. S., <i>Pragmatism and Theory in English Law</i> (1987).....                                                                                        | 1081     |
| Aubrey, J., <i>Brief Lives</i> 387 (A. Clark ed. 1898).....                                                                                                   | 499      |
| Austin, J. L., <i>A Plea for Excuses</i> (1956), reprinted in <i>Philosophical Papers</i> 123 (J. Urmson and G. Warnock ed., 1961).....                       | 718      |
| Austin, J. L., <i>How To Do Things With Words</i> (J. O. Urmson ed. 1962).....                                                                                | 952      |
| Austin, John, <i>A Plea for the Constitution</i> 16 (3d ed. 1859).....                                                                                        | 626      |
| <b>Austin, John, Lectures on Jurisprudence</b> (5th ed. R. Campbell, 1885).....                                                                               | 621, 631 |
| Ayres, Ian & Brooks, Richard, <i>Does Affirmative Action Reduce the Number of Black Lawyers?</i> , 57 Stan. L. Rev. 1807 (2005).....                          | 1166     |
| Baier, Paul R., <i>The Supreme Court, Justinian, and Antonin Scalia</i> , 67 La. L. Rev. 489 (2007).....                                                      | 809      |
| Balkin, Jack M., "Wrong the Day It Was Decided": <i>Lochner</i> and Constitutional Historicism" 85 B.U. L. Rev. 677 (2005).....                               | 283, 401 |
| Balkin, Jack M., <i>John Henry Schlegel's American Realism and Empirical Social Science</i> , 16 Law & Hist. Rev. 199 (1998).....                             | 763      |
| Balmer, Thomas A. "Present Appreciation and Future Advantage:" <i>A Note on the Influence of Hobbes on Holmes</i> , 47 Am. J. Legal Hist. 412 (2005).....     | 573      |
| Bambrough, R. <i>Aristotle on Justice: A Paradigm of Philosophy</i> , in <i>New Essays on Plato and Aristotle</i> 159-74 (R. Bambrough, ed. 1965).....        | 37       |
| Banks, Taunya Lovell, <i>Gender Bias in the Classroom</i> , 38 J. Legal Educ. 137 (1988).....                                                                 | 1129     |
| Barash, David & Lipton, Judith Eve, <i>The Myth of Monogamy</i> (2001).....                                                                                   | 279, 451 |
| Barham, Mack, <i>A Renaissance of the Civilian Tradition in Louisiana</i> , 33 La. L. Rev. 364 (1973).....                                                    | 809      |
| Barker, E., <i>Greek Political Theory, Plato and His Predecessors</i> (2d ed. 1925).....                                                                      | 36       |
| Barker, E., <i>Greek Political Thought and Theory in the Fourth Century</i> (1927).....                                                                       | 37       |
| Barker, E., <i>The Politics of Aristotle</i> (1946).....                                                                                                      | 35, 37   |
| Barnes, Jonathan ed., <i>The Cambridge Companion to Aristotle</i> (1995).....                                                                                 | 37       |
| Barnes, Jonathan, <i>Aristotle: A Very Short Introduction</i> (2000).....                                                                                     | 27, 37   |
| Barnes, Robin D., <i>Race Consciousness: The Thematic Content of Racial Distinctiveness in Critical Race Scholarship</i> , 103 Harv. L. Rev. 1864 (1990)..... | 1152     |
| Barry, Brian, <i>A Liberal Theory of Justice</i> (1973).....                                                                                                  | 367      |

|                                                                                                                                                            |            |                                                                                                                                                                    |          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Bartlett, Katharine T. and Kennedy, Rosanne, eds., <i>Feminist Legal Theory: Readings in Law and Gender</i> (1991) ...                                     | 1121       | Constitutional Rights Balancing, 31 Pepp. L. Rev. 949 (2004).....                                                                                                  | 346      |
| Bartlett, Katherine T., <i>Feminist Perspectives on the Ideological Impact of Legal Education Upon the Profession</i> , 72 N. C. L. Rev. 1259 (1994).....  | 1129       | Bickel, A., <i>The Least Dangerous Branch</i> (1962).....                                                                                                          | 957      |
| Bator, Paul M., <i>What is Wrong with the Supreme Court?</i> 51 U. Pitt. L. Rev. 673 (1990).....                                                           | 905        | Bickel, A., <i>The Supreme Court and the Idea of Progress</i> (1970).....                                                                                          | 957      |
| Baumgold, D., <i>Hobbes's Political Theory</i> (1988).....                                                                                                 | 509        | Bienenfeld, Franz Rudolf, <i>Prolegomena to a Psychoanalysis of Law and Justice</i> , 53 Cal. L. Rev. 957 (Pt. I), 1254 (Pt. II) (1965).....                       | 950      |
| Bayles, Michael D., <i>Hart's Legal Philosophy: An Examination</i> (1992).....                                                                             | 721        | Binder, Guyora and Smith, Nicholas J., <i>Framed: Utilitarianism and Punishment of the Innocent</i> , 32 Rutgers L.J. 115 (2000).....                              | 602      |
| BBC: The end of one law for all?, <a href="http://news.bbc.co.uk/1/hi/magazine/6190080.stm">http://news.bbc.co.uk/1/hi/magazine/6190080.stm</a> .....      | 262        | Bix, Brian, <i>On the Dividing Line Between Natural Law Theory and Legal Positivism</i> , 75 Notre Dame L. Rev. 1613 (2000).....                                   | 215      |
| Bean, Kathleen S., <i>The Gender Gap in the Law School Classroom—Beyond Survival</i> , 14 Vt. L. Rev. 23 (1989).....                                       | 1129       | Bjarup, Jes, <i>The Philosophy of Scandinavian Legal Realism</i> , 18 Ratio Juris 1 (2005).....                                                                    | 953      |
| Beever, A., <i>Aristotle on Equity, Law, and Justice</i> , 10 Legal Theory 33 (2004).....                                                                  | 37         | Blackstone, W., <i>Commentaries on the Laws of England</i> (1765-69).....                                                                                          | 599      |
| Beiner, Ronald and Booth, William James (eds.), <i>Kant and Political Philosophy: The Contemporary Legacy</i> (1993).....                                  | 346        | Blocker, H. G. and Smith, E. H. eds., <i>John Rawls' Theory of Social Justice: An Introduction</i> (1980).....                                                     | 367      |
| Bell, Derrick, <i>And We are not Saved</i> (1987).....                                                                                                     | 1152       | Bluck, R. S., <i>Plato's Life and Thought</i> (1949).....                                                                                                          | 36       |
| Bell, Derrick, <i>Chronicle of the Space Traders</i> , 42 Rutgers L. Rev. 1 (1990) ...                                                                     | 1085       | Blum, C., <i>Rousseau and the Republic of Virtue: The Language of Politics in the French Revolution</i> (1986).....                                                | 341      |
| Bell, Derrick, <i>Faces At The Bottom of The Well: The Permanence of Racism</i> (1991).....                                                                | 1086       | Bobonich, Christopher, <i>Plato's Utopia Recast: His Later Ethics and Politics</i> (2002).....                                                                     | 36       |
| Belleau, Marie-Claire, <i>The "Juristes Inquiets": Legal Classicism and Criticism in Early Twentieth-Century France</i> , 1997 Utah L. Rev. 379.....       | 809        | Bodenheimer, Edgar, <i>Jurisprudence: The Philosophy and Method of the Law</i> (rev. ed. 1974).....                                                                | 620, 762 |
| Bender, Leslie, <i>A Lawyer's Primer on Feminist Theory and Tort</i> , 38 J. Legal Ed. 3 (1988).....                                                       | 1121, 1130 | Boos, Eric J., <i>Perspectives in Jurisprudence: An Analysis of H.L.A. Hart's Legal Theory</i> (1998).....                                                         | 721      |
| Bender, Leslie, <i>An Overview of Feminist Torts Scholarship</i> , 78 Cornell L. Rev. 575 (1993).....                                                      | 1121       | Bottomley, A. and Conaghan, J. (eds), <i>Feminist Theory and Legal Strategy</i> (1993).....                                                                        | 1121     |
| Benson, Joseph Fred, <i>Reception of the Common Law in Missouri</i> , 67 Mo. L. Rev. 595, 605-06 (2002).....                                               | 572        | Bourne, H. Fox, <i>The Life of John Locke</i> (1876).....                                                                                                          | 296, 291 |
| <b>Bentham, J., <i>Of Laws in General</i></b> (H. L. A. Hart, ed. 1970).....                                                                               | 603, 692   | Bowen, Catherine Drinker, <i>Francis Bacon</i> (1963).....                                                                                                         | 836      |
| Berger, Raoul, <i>Doctor Bonham's Case: Statutory Construction or Constitutional Theory?</i> , 117 U. Pa. L. Rev. 521 (1969).....                          | 1012       | Bowen, Catherine Drinker, <i>The Lion and the Throne</i> (1957).....                                                                                               | 836      |
| Berman, Harold J., <i>Toward An Integrative Jurisprudence: Politics, Morality, History</i> , 76 Cal. L. Rev. 779 (1988).....                               | 756        | Bowen, Catherine Drinker, <i>Yankee From Olympus</i> (1944).....                                                                                                   | 836      |
| Bernstein, David E., <i>Lochner Era Revisionism, Revised: Lochner and the Origins of Fundamental Rights Constitutionalism</i> , 92 Geo. L.J. 1 (2003)..... | 401        | Boyer, Allen Dillard, <i>'Understanding, Authority, and Will': Sir Edward Coke and the Elizabethan Origins of Judicial Review</i> , 39 B.C. L. Rev. 43 (1997)..... | 1012     |
| Bernstein, David E., <i>Lochner's Legacy's Legacy</i> , 82 Tex. L. Rev. 1 (2003).....                                                                      | 401        | Boyle, James, <i>Critical Legal Studies</i> (1993).....                                                                                                            | 1120     |
| Beschle, Donald L., <i>Kant's Categorical Imperative: An Unspoken Factor in</i>                                                                            |            | Boyle, James, <i>Legal Realism and the Social Contract: Fuller's Public Jurisprudence of Form, Private Jurisprudence of</i>                                        |          |

|                                                                                                                                                                                                                             |          |                                                                                                                                                                                                                 |              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| <i>Substance</i> , 78 Cornell L. Rev. 371<br>(1993).....                                                                                                                                                                    | 254      | Cardozo, Benjamin, <i>The Nature of the<br/>Judicial Process</i> (1921).....                                                                                                                                    | 759, 835     |
| Boyle, James, <i>Thomas Hobbes and the<br/>Invented Tradition of Positivism:<br/>Reflections on Language, Power, and<br/>Essentialism</i> , 135 U. Pa. L. Rev. 383<br>(1987).....                                           | 509, 572 | Cardozo, Benjamin, <i>A Ministry of Justice</i> ,<br>35 Harv. L. Rev. 113 (1921).....                                                                                                                           | 773          |
| Bradley, Denis, <i>Aquinas on the Twofold<br/>Human Good: Reason and Human<br/>Happiness in Aquinas's Moral Science</i> ,<br>(1997).....                                                                                    | 160      | Carrington, Paul, <i>Of Law and the River</i> , 34<br>J. Legal Educ. 222 (1984).....                                                                                                                            | 1119         |
| Braithwaite, R., <i>Scientific Explanation</i><br>(1953).....                                                                                                                                                               | 33       | Carter, J. C., <i>Law: Its Origin, Growth and<br/>Function</i> (1907).....                                                                                                                                      | 755          |
| Brandt, R. B., <i>The Concepts of Obligation<br/>and Duty</i> , Mind, vol. 73 (1964).....                                                                                                                                   | 385      | Carter, J. C., <i>The Province of the Written<br/>and the Unwritten Law</i> , 24 Am. L. Rev.<br>1, 423 (1890).....                                                                                              | 755          |
| Brandt, R., <i>Ethical Theory</i> (1959).....                                                                                                                                                                               | 602      | Cassidy, John, <i>Mind Games: What<br/>Neuroeconomics Tells Us about Money<br/>and the Brain</i> , The New Yorker,<br>September 18, 2006.....                                                                   | 1213         |
| Brennan, Patrick McKinley, <i>Jacques<br/>Maritain (1882-1973)</i> , in 1 The<br>Teachings of Modern Christianity on<br>Law, Politics, and Human Nature 75<br>(John Witte Jr. & Frank S. Alexander<br>eds. 2006).....       | 224      | Cassirer, Ernst, <i>Kant's Life and Thought</i> ,<br>(James Haden, trans. 1981).....                                                                                                                            | 346          |
| Brint, M. & Weaver, W. eds., <i>Pragmatism<br/>in Law &amp; Society</i> (1991).....                                                                                                                                         | 1080     | Chamallas, Martha, <i>Introduction to<br/>Feminist Legal Theory</i> (2d ed. 2003).....                                                                                                                          | 1120         |
| Brookfield, F. M., <i>The Courts, Kelsen and<br/>the Rhodesian Revolution</i> , 19 U.Tor.L.J.<br>326 (1969).....                                                                                                            | 715      | Chambers, David L. et al., <i>The Real Impact<br/>of Eliminating Affirmative Action in<br/>American Law Schools: An Empirical<br/>Critique of Richard Sander's Study</i> , 57<br>Stan. L. Rev. 1855 (2005)..... | 1166         |
| Brown, Dorothy A., <i>Critical Race Theory:<br/>Cases, Materials and Problems</i> (2d ed.<br>2007).....                                                                                                                     | 1152     | Chappell, Vere ed., <i>The Cambridge<br/>Companion to Locke</i> (1994).....                                                                                                                                     | 296          |
| Buchanan, James, <i>Politics Without<br/>Romance: A Sketch of Positive Public<br/>Choice Theory and Its Normative<br/>Implications</i> , in The Theory of Public<br>Choice—II (J. Buchanan & R. Tollison<br>eds. 1984)..... | 1170     | Christie, Meeks, Pryor and Sanders, <i>Cases<br/>&amp; Materials on the Law of Torts</i> , 4th<br>edition (2004).....                                                                                           | 1200         |
| Buckland, W., <i>A Textbook of Roman Law<br/>from Augustus to Justinian</i> § XX (3d ed.<br>P. Stein, 1963).....                                                                                                            | 153      | Christie, George C., <i>Dworkin's "Empire"</i><br>1987 Duke L.J. 157,.....                                                                                                                                      | 1014, 1041   |
| Burley, Justine (ed.), <i>Dworkin and His<br/>Critics</i> (2004).....                                                                                                                                                       | 1017     | Christie, George, <i>On the Moral Obligation<br/>to Obey the Law</i> , 1990 Duke L.J. 1311.....                                                                                                                 | 155          |
| Cain, Patricia, <i>Feminist Legal Scholarship</i> ,<br>77 Iowa L. Rev. 19 (1991).....                                                                                                                                       | 1086     | Christie, George, <i>Why the First<br/>Amendment Should not be Interpreted<br/>from the Pathological Perspective: A<br/>Response to Professor Blasi</i> , 1986 Duke<br>L.J. 683.....                            | 1048         |
| Calabresi, Guido & Melamed, A.<br>Douglas, <i>Property Rules, Liability<br/>Rules and Inalienability: One View<br/>of the Cathedral</i> , 85 Harv. L. Rev. 1089<br>(1972).....                                              | 1172     | Clark, R. S., <i>Hans Kelsen's Pure Theory<br/>Law</i> , 22 J. Legal Ed. 170 (1970).....                                                                                                                        | 716          |
| Calabresi, Guido, <i>An Introduction to Legal<br/>Thought: Four Approaches to Law and to<br/>the Allocation of Body Parts</i> , 55 Stan. L.<br>Rev. 2113 (2003).....                                                        | 977      | Coase, Ronald, <i>The Problem of Social Cost</i><br>3 J. L. & Econ. 1 (1960).....                                                                                                                               | 1166         |
| Calabresi, Guido, <i>The Cost of Accidents</i><br>(1970).....                                                                                                                                                               | 1172     | Cocks, R. C. J., <i>Sir Henry Maine: A Study<br/>in Victorian Jurisprudence</i> 5 (1988).....                                                                                                                   | 776          |
| Calhoun, Samuel W., <i>Grounding<br/>Normative Assertions</i> , 20 J. L. & Religion<br>31, 39 (2004-2005).....                                                                                                              | 17       | Cohen, Felix S., <i>Transcendental Nonsense<br/>and the Functional Approach</i> , 35 Colum.<br>Law Rev. 809 (1935).....                                                                                         | 764          |
| Camerer, Colin et al., <i>Regulation for<br/>Conservatives: Behavioral Economics and<br/>the Case for "Asymmetric Paternalism,"</i><br>151 U. Pa. L. Rev. 1211 (2003).....                                                  | 1213     | Cohen, Felix S., <i>The Problems of a<br/>Functional Jurisprudence</i> , 1 Mod. L. Rev.<br>5 (1937).....                                                                                                        | 764          |
|                                                                                                                                                                                                                             |          | Cohen, Marshall (ed.), <i>Ronald Dworkin<br/>and Contemporary Jurisprudence</i><br>(1983).....                                                                                                                  | 1017         |
|                                                                                                                                                                                                                             |          | Cohen, Morris R., <i>The Process of Judicial<br/>Legislation</i> 48 Am. L. Rev. 161<br>(1914).....                                                                                                              | 768, 771     |
|                                                                                                                                                                                                                             |          | Coke, Edward, <i>Commentary Upon Littleton</i><br>97b (Charles Butler ed., 18th ed., Legal<br>Classics Library 1985) (1628).....                                                                                | 1012         |
|                                                                                                                                                                                                                             |          | Coke, Edward, <i>First Institutes</i> .....                                                                                                                                                                     | 33, 506, 554 |

|                                                                                                                                                                                                        |          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Coleman, Jules L. ed., <i>Hart's Postscript</i> (2001).....                                                                                                                                            | 737, 751 |
| Coleman, Jules L., <i>The Practice of Principle: in Defence of a Pragmatist Approach to Legal Theory</i> (2001), .....                                                                                 | 1081     |
| Collier, Peter, <i>Blood on the Charles</i> , <i>Vanity Fair</i> , 144 (October, 1992).....                                                                                                            | 1119     |
| Collingwood, R. G., <i>An Essay on Philosophical Method</i> (1933).....                                                                                                                                | 2        |
| Conaghan, Joanne, <i>Reassessing the Feminist Theoretical Project in Law</i> , 27 <i>J. of Law and Society</i> 351 (2000).....                                                                         | 1120     |
| Conkle, Daniel O., <i>Three Theories of Substantive Due Process</i> , 85 <i>N.C. L. Rev.</i> 63 (2006).....                                                                                            | 438      |
| Connolly, James J. et al., <i>Alcoholism and Angst in the Life and Work of Karl Llewellyn</i> , 24 <i>Ohio N.U. L. Rev.</i> 43 (1998).....                                                             | 907      |
| Cook, Walter W., <i>Scientific Method and the Law</i> , 13 <i>A.B.A. J.</i> 303 (1927).....                                                                                                            | 774      |
| Cook, Walter W., <i>The Logical and Legal Bases of the Conflict of Laws</i> , 33 <i>Yale L.J.</i> 457 (1924).....                                                                                      | 771      |
| Coombs, Mary I., <i>Crime in the Stacks, or A Tale of a Text: A Feminist Response to a Criminal Law Textbook</i> , 38 <i>J. Legal Educ.</i> 117 (1988).....                                            | 1129     |
| Coombs, Mary I., <i>Outsider Scholarship: The Law Review Stories</i> , 63 <i>U. Colo. L. Rev.</i> 683 (1992).....                                                                                      | 1120     |
| Coughlin, Anne M., <i>Excusing Women</i> , 82 <i>Cal. L. Rev.</i> 1 (1994).....                                                                                                                        | 1121     |
| Coughlin, Anne M., <i>Sex and Guilt</i> , 84 <i>Va. L. Rev.</i> 1 (1998).....                                                                                                                          | 1121     |
| Cowan, T., <i>The American Jurisprudence Reader</i> (1956).....                                                                                                                                        | 762      |
| Cranston, Maurice, <i>John Locke</i> (1957) .....                                                                                                                                                      | 296      |
| Crenshaw, Kimberle W., et. al. eds., <i>Critical Race Theory: Key Writings that Formed the Movement</i> (1996).....                                                                                    | 1152     |
| Crenshaw, Kimberle W., <i>Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law</i> , 101 <i>Harv. L. Rev.</i> 1331 (1988).....                                    | 1152     |
| D'Amato, Anthony, <i>Lon Fuller and Substantive Natural Law</i> , 26 <i>Am. J. Juris.</i> 202 (1981).....                                                                                              | 248      |
| D'Amato, Anthony, <i>The Speluncean Explorers—Further Opinions</i> , 32 <i>Stan. L. Rev.</i> 467 (1980).....                                                                                           | 248      |
| d'Entrèves, A. P., <i>Natural Law: An Historical Survey</i> (1951).....                                                                                                                                | 147      |
| Dagan, Hanoch, <i>The Realist Conception of Law</i> , 57 <i>U. Toronto L.J.</i> 607 (2007).....                                                                                                        | 764, 876 |
| Dallas, Lynne L., <i>Law and Public Policy: A Socio-Economic Approach</i> (2005).....                                                                                                                  | 1212     |
| Daniels, Norman ed., <i>Reading Rawls: Critical Studies of A Theory of Justice</i> (1975).....                                                                                                         | 367      |
| Dauber, Michele Landis, <i>The Big Muddy</i> , 57 <i>Stan. L. Rev.</i> 1899 (2005).....                                                                                                                | 1166     |
| Dawkins, Richard, <i>The Blind Watchmaker</i> (1986).....                                                                                                                                              | 16       |
| Dawkins, Richard, <i>The Selfish Gene</i> (1976).....                                                                                                                                                  | 16       |
| Delgado, Richard & Stefancic, Jean eds., <i>Critical Race Theory: The Cutting Edge</i> (2d ed., 1999).....                                                                                             | 1152     |
| Delgado, Richard & Stefancic, Jean, <i>Critical Race Theory: An Introduction</i> (2001).....                                                                                                           | 1152     |
| Delgado, Richard & Stefancic, Jean, <i>Critical Race Theory: Annotated Bibliography</i> , 79 <i>Va. L. Rev.</i> 461 (1993).....                                                                        | 1152     |
| Delgado, Richard & Stefancic, Jean, <i>Derrick Bell's Chronicle of the Space Traders: Would the U.S. Sacrifice People of Color if the Price Were Right?</i> 62 <i>U. Colo. L. Rev.</i> 321 (1991)..... | 1086     |
| Delgado, Richard, <i>Legal Scholarship: Insiders, Outsiders, Editors</i> , 63 <i>U. Colo. L. Rev.</i> 717 (1992).....                                                                                  | 1152     |
| Delgado, Richard, <i>Storytelling for Oppositionists and Others: A Plea for Narrative</i> , 87 <i>Mich. L. Rev.</i> 2411 (1989).....                                                                   | 1085     |
| Delgado, Richard, <i>The Imperial Scholar Revisited: How to Marginalize Outsider Writing, Ten Years Later</i> , 140 <i>U. Pa. L. Rev.</i> 1349 (1992).....                                             | 1086     |
| Delgado, Richard, <i>The Imperial Scholar: Reflections on a Review of Civil Rights Literature</i> , 132 <i>U. Pa. L. Rev.</i> 561 (1984).....                                                          | 1152     |
| Dennett, Daniel C., <i>Darwin's Dangerous Idea: Evolution and the Meanings of Life</i> (1995).....                                                                                                     | 16       |
| Dennis, James L., <i>Interpretation and Application of the Civil Code and the Evaluation of Judicial Precedent</i> , 54 <i>La. L. Rev.</i> 1 (1993).....                                               | 809      |
| Dent, N. J. H., <i>Rousseau: An Introduction to His Psychological, Social and Political Theory</i> (1989).....                                                                                         | 341      |
| Devlin, P., <i>The Enforcement of Morals</i> (1965).....                                                                                                                                               | 719      |
| Dewey, John, <i>Logical Method and Law</i> , 10 <i>Cornell L. Q.</i> 17 (1924).....                                                                                                                    | 878      |
| Dicey, A. V., <i>The Law of the Constitution</i> (8th ed. 1915).....                                                                                                                                   | 693      |
| Doernberg, Donald L., "We the People": <i>John Locke, Collective Constitutional Rights, and Standing to Challenge Government Action</i> , 73 <i>Cal.L.Rev.</i> 52 (1985).....                          | 341      |
| Dostoyevsky, Fyodor, <i>The Brothers Karamazov</i> (R. Pevear & L. Volokhonsky, trans., 1990).....                                                                                                     | 15       |

|                                                                                                                                                                                                     |           |                                                                                                                                                                      |      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| Dougherty, Jude P., <i>Jacques Maritain: An Intellectual Profile</i> (2003).....                                                                                                                    | 224       | Dworkin, Ronald, <i>The Model of Rules I</i> , in <i>Taking Rights Seriously</i> (1977).....                                                                         | 739  |
| Dow, David R., <i>Law School Feminist Chic and Respect for Persons</i> , 28 Hous. L. Rev. 819 (1991).....                                                                                           | 2, 19     | Dworkin, Ronald, <i>The Model of Rules</i> , 35 U. Chi. L. Rev. 14 (1967).....                                                                                       | 1013 |
| Dowd, Nancy E. and Jacobs, Michelle S., <i>Feminist Legal Theory</i> (2003).....                                                                                                                    | 1129      | Dyer, R. R., <i>Aristotle's Categories of Voluntary Torts</i> , 79 (N.S. 15) Classical Rev. 250 (1965).....                                                          | 37   |
| Drake, Joseph H., <i>Editorial Preface</i> , Law as a Means to an End xxiii (1924).....                                                                                                             | 757       | Dyson, R. W., <i>Normative Theories of Society in Five Medieval Thinkers</i> (2003).....                                                                             | 160  |
| Duguit, L., <i>Law in the Modern State</i> (F. and H. Laski, trans., 1970).....                                                                                                                     | 224       | Dyzenhaus, David, <i>Positivism's Stagnant Research Programme</i> , 20 Oxford J. Legal Stud. 703 (2000).....                                                         | 249  |
| Dunaway, John, <i>Jacques Maritain</i> (1978).....                                                                                                                                                  | 224       | Easterbrook, Frank, <i>Statutes' Domains</i> , 50 U. Chi. L. Rev. 533 (1983).....                                                                                    | 1170 |
| Dunn, John, <i>The Political Thought of John Locke</i> (1969).....                                                                                                                                  | 296       | Easterbrook, Frank, <i>The Supreme Court, 1983 Term—Foreword: The Court and the Economic System</i> , 98 Harv. L. Rev. 4 (1984).....                                 | 1170 |
| Duxbury, Neil, <i>English Jurisprudence between Austin and Hart</i> , 91 Va. L. Rev. 1 (2005).....                                                                                                  | 756       | Eastwood, R. A. & Keeton, G. W., <i>The Austinian Theories of Law and Sovereignty</i> (1929).....                                                                    | 621  |
| Dworkin, Andrea, book <i>Intercourse</i> (1987).....                                                                                                                                                | 1085      | Ehrenzweig, A., <i>Psychoanalytic Jurisprudence</i> (1971).....                                                                                                      | 950  |
| Dworkin, Ronald, <i>Hart's Postscript and the Character of Political Philosophy</i> (2004) 24 OJLS 1-37.....                                                                                        | 751       | Ellickson, Robert C., <i>Bringing Culture and Human Frailty to Rational Actors: A Critique of Classical Law and Economics</i> , 65 Chi.-Kent. L. Rev. 23 (1989)..... | 1200 |
| Dworkin, Ronald, <i>A Matter of Principle</i> (1985).....                                                                                                                                           | 1014      | Ellickson, Robert, <i>Of Coase and Cattle: Dispute Resolution Among Neighbors in Shasta County</i> , 38 Stan. L. Rev. 623 (1986).....                                | 1168 |
| Dworkin, Ronald, <i>Freedom's Law</i> (1996).....                                                                                                                                                   | 1017      | Elliott, E. Donald, <i>The Evolutionary Tradition in Jurisprudence</i> , 85 Colum. L. Rev. 38 (1985).....                                                            | 756  |
| Dworkin, Ronald, <i>Hard Cases</i> , 88 Harv. L. Rev. 1057 (1972).....                                                                                                                              | 1014      | Epstein, Richard A., <i>A Farewell to Pragmatism</i> , 71 U. Chi. L. Rev. 675 (2004).....                                                                            | 1082 |
| Dworkin, Ronald, <i>Is Democracy Possible Here?: Principles for a New Political Debate</i> (2006).....                                                                                              | 1015      | Epstein, Richard A., <i>The Perils of Posnerian Pragmatism</i> , 71 U. Chi. L. Rev. 639 (2004).....                                                                  | 1082 |
| Dworkin, Ronald, <i>Is Wealth a Value?</i> , in <i>A Matter of Principle</i> 237 (1985).....                                                                                                        | 1169      | <b>Eskridge, William N. Jr. &amp; Frickey, Philip P., <i>Commentary: The Making of the Legal Process</i></b> , 107 Harv. L. Rev. 2031 (1994).....                    | 977  |
| Dworkin, Ronald, <i>Justice in Robes</i> (2006).....                                                                                                                                                | 751, 1017 | Farber, Daniel A. & Frickey, Philip P., <i>Law and Public Choice</i> (1991).....                                                                                     | 1170 |
| Dworkin, Ronald, <i>Law as Interpretation</i> , 60 Tex. L. Rev. 527 (1982).....                                                                                                                     | 1014      | Farber, Daniel A. & Frickey, Philip P., <i>Legislative Intent and Public Choice</i> , 74 Va. L. Rev. 423 (1988).....                                                 | 1170 |
| Dworkin, Ronald, <i>Law's Ambitions for Itself</i> , 71 Va. L. Rev. 173 (1985).....                                                                                                                 | 1014      | Farber, Daniel A. and Sherry, Suzanna, <i>Telling Stories Out Of School: An Essay On Legal Narratives</i> , 45 Stan. L. Rev. 807 (1993).....                         | 1086 |
| <b>Dworkin, Ronald, <i>Law's Empire</i> (1986)</b> .....                                                                                                                                            | 31, 1017  | Farber, Daniel A., <i>Democracy and Disgust: Reflections on Public Choice</i> , 65 Chi.-Kent. L. Rev. 161 (1989).....                                                | 1170 |
| Dworkin, Ronald, <i>Life's Dominion: An Argument about Abortion, Euthanasia and Individual Freedom</i> (1993).....                                                                                  | 1016      | Farber, Daniel A., <i>Public Choice and Just Compensation</i> , 9 Const. Comment. 279 (1992).....                                                                    | 1170 |
| Dworkin, Ronald, <i>Lord Devlin and the Enforcement of Morals</i> , 75 Yale L.J. 986 (1966).....                                                                                                    | 720       |                                                                                                                                                                      |      |
| Dworkin, Ronald, <i>My Reply to Stanley Fish (and Walter Benn Michaels): Please Don't Talk About Objectivity Anymore</i> , in <i>The Politics of Interpretation</i> 287 (W. Mitchell ed. 1983)..... | 1014      |                                                                                                                                                                      |      |
| Dworkin, Ronald, <i>No Right Answer?</i> , 53 N. Y. U. L. Rev. 1, 30 (1978).....                                                                                                                    | 1014      |                                                                                                                                                                      |      |
| Dworkin, Ronald, <i>Rawls and the Law</i> , 72 Fordham L. Rev. 138 (2004).....                                                                                                                      | 367       |                                                                                                                                                                      |      |
| Dworkin, Ronald, <i>Sovereign Virtue: The Theory and Practice of Equality</i> (2000).....                                                                                                           | 1017      |                                                                                                                                                                      |      |

|                                                                                                                                                                                                                                    |               |                                                                                                                                                                    |               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| Farrell, P. M., <i>Sources of St. Thomas' Concept of Natural Law</i> , 20 <i>The Thomist</i> 237 (1957).....                                                                                                                       | 160           | Freeman, Samuel ed., <i>Cambridge Companion to Rawls</i> (2003).....                                                                                               | 367           |
| Feaver, G., <i>From Status to Contract: A Biography of Sir Henry Maine, 1822-1888</i> (1969).....                                                                                                                                  | 776           | Fried, C., <i>Two Concepts of Interests: Some Reflections on the Supreme Court's Balancing Test</i> , 76 <i>Harv.L.Rev.</i> 755 (1963).....                        | 602           |
| Feldman, Stephen M., <i>Whose Common Good? Racism In The Political Community</i> , 80 <i>Geo. L.J.</i> 1835 (1992).....                                                                                                            | 1152          | Friedman, Barry, <i>The History of the Countermajoritarian Difficulty, Part Three: The Lesson of Lochner</i> , 76 <i>N.Y.U. L. Rev.</i> 1383 (2001) .....          | 401           |
| Field, David Dudley, <i>Codification</i> , 20 <i>Am. L. Rev.</i> 1 (1886).....                                                                                                                                                     | 755           | Frug, Mary Joe, <i>Postmodern Legal Feminism</i> (1992) .....                                                                                                      | 1121          |
| Field, G. C., <i>Plato and His Contemporaries</i> (3d ed. 1967).....                                                                                                                                                               | 36            | Frug, Mary Joe, <i>Rereading Contracts: A Feminist Analysis of a Contracts Casebook</i> , 34 <i>Am. U. L. Rev.</i> 1065 (1985).....                                | 1129          |
| Field, G. C., <i>The Philosophy of Plato</i> (2d ed. 1969).....                                                                                                                                                                    | 36            | Fuller, Lon, <i>American Legal Realism</i> , 82 <i>Pa. L. Rev.</i> 429 (1934).....                                                                                 | 247, 248, 769 |
| Figgis, John Neville, <i>The Divine Right of Kings</i> (1896).....                                                                                                                                                                 | 342           | Fuller, Lon, <i>Consideration and Form</i> , 41 <i>Colum. L. Rev.</i> 799 (1941) .....                                                                             | 247           |
| Finch, J., <i>Introduction To Legal Theory</i> 34 (3d ed. 1979).....                                                                                                                                                               | 573           | <b>Fuller, Lon, Positivism and Fidelity to Law—A Reply to Professor Hart</b> , 71 <i>Harv. L. Rev.</i> 630 (1958).....                                             | 254, 720, 970 |
| Fineman, Martha Albertson & Thomadsen, Nancy Sweet eds., <i>At the Boundaries of Law: Feminism and Legal Theory</i> (1991).....                                                                                                    | 1121          | Fuller, Lon, <i>The Case of the Speluncean Explorers</i> , 62 <i>Harv. L. Rev.</i> 616 (1949).....                                                                 | 248           |
| <b>Fineman, Martha Albertson, Feminist Legal Theory</b> , 13 <i>Am. U. J. Gender Soc. Pol'y &amp; L.</i> 13 (2005).....                                                                                                            | 1121          | <b>Fuller, Lon, The Morality of Law (1964)</b> .....                                                                                                               | 249 ff        |
| Finkelstein, Claire, <i>Hobbes and the Internal Point of View</i> , 75 <i>Fordham L. Rev.</i> 1211 (2006) .....                                                                                                                    | 573           | Fuller, Lon, <i>The Reliance Interest in Contract Damages</i> , 46 <i>Yale L.J.</i> 52 (1936).....                                                                 | 247           |
| Finnis, John ed., <i>Natural Law</i> (1991) (International Library of Essays in Law and Legal Theory series) .....                                                                                                                 | 160           | Garner, Richard, <i>Law &amp; Society in Classical Athens</i> (1987).....                                                                                          | 31, 38        |
| Finnis, John, <i>Aquinas: Moral, Political and Legal Theory</i> (1998).....                                                                                                                                                        | 160, 225      | Gattini, Andrea, <i>Kelsen's Contribution to International Criminal Law</i> , 2 <i>J. Int'l Crim. Just.</i> 795 (2004).....                                        | 699           |
| Finnis, John, <i>Fundamentals of Ethics</i> (1983).....                                                                                                                                                                            | 225, 246      | Gauthier, David Peter, <i>The Logic of Leviathan</i> (1969) .....                                                                                                  | 499           |
| Finnis, John, <i>Moral Absolutes—Tradition, Revision, and Truth</i> (1991).....                                                                                                                                                    | 225           | Gauthier, R. A. and Jolif, J. Y., <i>Aristoteles, L'Ethique A Nicomaque</i> (2nd ed., 1970).....                                                                   | 36            |
| <b>Finnis, John, Natural Law and Natural Rights</b> (1980).....                                                                                                                                                                    | 227           | Gény, François, <i>Judicial Freedom of Decision: Its Necessity and Method</i> , in <i>Science of Legal Method</i> 1 (E. Bruncken & L. Register, trans. 1917) ..... | 808           |
| Finnis, John, <i>Natural Law Theories</i> (2007), <i>Stanford Encyclopedia of Philosophy</i> , <a href="http://plato.stanford.edu/entries/natural-law-theories/">http://plato.stanford.edu/entries/natural-law-theories/</a> ..... | 216           | <b>Gény, François, Méthode d'Interprétation et Sources en Droit Privé Positif</b> (Jaro Mayda, trans., 2d ed. 1954) .....                                          | 808, 810      |
| Finnis, John, <i>Nuclear Deterrence, Morality and Realism</i> (1987).....                                                                                                                                                          | 225           | Gény, François, <i>Science et Technique en Droit Privé Positif: Nouvelle Contribution a la Critique de la Méthode Juridique</i> (1914-24).....                     | 809           |
| Fisher, Helen E., <i>Anatomy of Love: The Natural History of Monogamy, Adultery, and Divorce</i> , 1992 .....                                                                                                                      | 279           | George, Robert P., <i>Kelsen and Aquinas on "The Natural-Law Doctrine"</i> , 75 <i>Notre Dame L. R.</i> 1625 (2000) .....                                          | 160           |
| Fiss, Owen M., <i>The Death of the Law?</i> 72 <i>Cornell L. Rev.</i> 1 (1986).....                                                                                                                                                | 1087, 1119    | George, Robert P., <i>Recent Criticism of Natural Law Theory</i> , 55 <i>U. Chi. L. Rev.</i> 1371 (1988).....                                                      | 227           |
| Fleischacker, Samuel, <i>A Short History of Distributive Justice</i> (2004) .....                                                                                                                                                  | 120           | Gerson, Lloyd P. ed., <i>Aristotle: Critical Assessments</i> (1999).....                                                                                           | 38            |
| France, Anatole <i>The Red Lily</i> 5th edition, Winifred Stephens, trans., 1916).....                                                                                                                                             | 10            |                                                                                                                                                                    |               |
| Frank, J., <i>Courts on Trial</i> 190-221 (1949) .....                                                                                                                                                                             | 875           |                                                                                                                                                                    |               |
| <b>Frank, J., Law and the Modern Mind (1930)</b> .....                                                                                                                                                                             | 756, 875, 877 |                                                                                                                                                                    |               |
| Frank, Jill, <i>A Democracy of Distinction: Aristotle and the Work of Politics</i> (2005). 37                                                                                                                                      |               |                                                                                                                                                                    |               |

|                                                                                                                                                                                           |               |                                                                                                                                                                          |            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| Gilby, T., <i>The Political Thought of Thomas Aquinas</i> (1958).....                                                                                                                     | 160           | Green, Michael Steven, <i>Legal Realism as Theory of Law</i> , 46 Wm. & Mary L. Rev. 1915 (2004).....                                                                    | 767        |
| Gillman, Howard, <i>De-Lochnerizing Lochner</i> , 85 B.U. L. Rev. 859 (2005).....                                                                                                         | 401           | Greenawalt, Kent, <i>The Rule of Recognition and the Constitution</i> , 85 Mich. L. Rev. 621 (1987).....                                                                 | 736        |
| Ginsburg, Tom, <i>Ways of Criticizing Public Choice: The Uses of Empiricism and Theory in Legal Scholarship</i> , 2002 U. Ill. L. Rev. 1139 (2002).....                                   | 1171          | Greig, J. Y. T., <i>David Hume</i> (1931).....                                                                                                                           | 574        |
| <b>Glendon, Mary Ann, <i>Judicial Tourism</i></b> , Wall Street Journal (2005).....                                                                                                       | <b>467</b>    | Grey, Earl, <i>Parliamentary Government Considered with Reference to a Reform of Parliament</i> (1858).....                                                              | 625        |
| Glennon, Robert Jerome <i>The Iconoclast as Reformer: Jerome Frank's Impact on American Law</i> (1985).....                                                                               | 769, 872      | Grey, Thomas C., <i>Holmes and Legal Pragmatism</i> , 41 Stan. L. Rev. 787 (1989).....                                                                                   | 836        |
| Glueck, Sheldon ed., <i>Roscoe Pound and Criminal Justice</i> (1965).....                                                                                                                 | 859           | Grey, Thomas C., <i>Judicial Review and Legal Pragmatism</i> , 38 Wake Forest L. Rev. 473 (2003):.....                                                                   | 469, 1082  |
| Glueck, Sheldon, <i>The Ministry of Justice and the Problem of Crime</i> , 4 Amer. Rev. 139 (1926).....                                                                                   | 773           | Grisez, Germain, <i>Abortion: The Myths, the Realities, and the Arguments</i> (1970).....                                                                                | 227        |
| Golden, Daniel, <i>Schools Find Ways to Achieve Diversity</i> , Wall Street J., p. A1 (June 20, 2003, Lexis 2007).....                                                                    | 1164          | Grisez, Germain, <i>Against Consequentialism</i> , 23 Am. J. Juris. 21 (1978).....                                                                                       | 246        |
| Golding, Martin P., <i>Jurisprudence and Legal Philosophy in Twentieth-Century America—Major Themes and Developments</i> , 36 J. Legal Educ. 441 (1986).....                              | 255           | Grisez, Germain, <i>Contraception and the Natural Law</i> (1964).....                                                                                                    | 227        |
| Golding, Martin P., <i>Rights, Performatives, and Promises in Karl Olivecrona's Legal Theory</i> , 18 Ratio Juris. 16 (2005).....                                                         | 953           | Grisez, Germain, <i>Life and Death with Liberty and Justice</i> (1979).....                                                                                              | 227        |
| Goldman, Lee, <i>The Constitutional Right to Privacy</i> , 84 Denv. U. L. Rev. 601 (2006).....                                                                                            | 437           | Grisez, Germain, <i>The First Principle of Practical Reason: A Commentary on the Summa theologiae, 1-2, Question 94, Article 2, 10 Natural Law Forum</i> 168 (1965)..... | 219        |
| Goodin, Robert E., <i>Utilitarianism as a Public Philosophy</i> (1995).....                                                                                                               | 602           | Guest, Stephen, <i>Ronald Dworkin</i> (2 <sup>nd</sup> ed. 1997).....                                                                                                    | 1017       |
| Graglia, Carolyn, <i>A Nonfeminist's Perspectives of Mothers and Homemakers Under Chapter 2 of the ALI Principles of the Law of Family Dissolution</i> , 2001 BYU L. Rev. 993 (2001)..... | 1131          | Guither, Harold D., <i>Animal Rights: History and Scope of a Radical Social Movement</i> (reissue edition 1997).....                                                     | 479        |
| Graglia, Carolyn, <i>Domestic Tranquility: A Brief Against Feminism</i> (1998).....                                                                                                       | 1131          | Guthrie, W. K. C., <i>Aristotle: An Encounter</i> (reprint ed. 1990).....                                                                                                | 38         |
| <b>Graglia, Carolyn, <i>The Feminist Pervasion: How Gender-Based Scholarship Informs Law and Law Teaching</i></b> , 15 S. Cal. Rev. L. & Women's Stud. 3 (2005).....                      | <b>1131</b>   | Guyer, Paul ed., <i>The Cambridge Companion to Kant and Modern Philosophy</i> (2006).....                                                                                | 346        |
| Graham, Roderick, <i>The Great Infidel - A Life of David Hume</i> (2004).....                                                                                                             | 581           | Guyer, Paul, <i>Kant on Freedom, Law, and Happiness</i> (2000).....                                                                                                      | 346        |
| Grant, Ruth W., <i>John Locke's Liberalism</i> (1987).....                                                                                                                                | 297           | Guyer, Paul, <i>Kant's Deductions of the Principles of Right</i> , in Kant: Metaphysics of Morals (Mark Timmons ed., 2000).....                                          | 346        |
| Gray, John Chipman, <i>The Nature and Sources of the Law</i> (1909).....                                                                                                                  | 688, 758, 760 | Guyer, Paul, <i>Kant's System of Nature and Freedom</i> (2005).....                                                                                                      | 346        |
| Gray, John Chipman, <i>What Is the Law?</i> ...                                                                                                                                           | 770           | Haack, Susan, <i>On Legal Pragmatism: Where Does "The Path of the Law" Lead Us?</i> 50 Am. J. Juris. 71 (2005).....                                                      | 1081       |
| Gray, John, <i>Can We Agree to Disagree?</i> New York Times, May 16, 1993.....                                                                                                            | 366           | Habermas, Jürgen, <i>Between Facts and Norms</i> (1996).....                                                                                                             | 390        |
| Green, Michael Steven, <i>Hans Kelsen and the Logic of Legal Systems</i> , 54 Ala. L. Rev. 365 (2003).....                                                                                | 699           | <b>Habermas, Jürgen, <i>Between Facts and Norms</i></b> , 76 Denv. U. L. Rev. 937 (1999).....                                                                            | <b>390</b> |
|                                                                                                                                                                                           |               | Hager, Mark Book Review, <i>Against Liberal Ideology: A Guide To Critical Legal Studies</i> , 37 Am. U. L. Rev. 1051 (1988).....                                         | 1119       |
|                                                                                                                                                                                           |               | Hägerström, A. <i>Inquiries Into the Nature of Law and Morals</i> (C. Broad trans. 1953).....                                                                            | 948        |

|                                                                                                                        |                      |                                                                                                                                                                                                                 |                                |
|------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| Hägerström, A. <i>Philosophy and Religion</i> (R. Sandin trans. 1964).....                                             | 948                  | Hart, H. L. A., <i>Punishment and Responsibility</i> (1968).....                                                                                                                                                | 24                             |
| Hall, Jerome, <i>Foundations of Jurisprudence</i> (1973).....                                                          | 14                   | Hart, H. L. A., <i>Social Solidarity and The Enforcement of Morality</i> , 35 U.Chi.L.Rev. 1 (1967).....                                                                                                        | 720                            |
| Hamburger, Lotte and Joseph, <i>Contemplating Adultery: The Secret Life of a Victorian Woman</i> (1992).....           | 622                  | Hart, H. L. A., <i>The Ascription of Responsibility and Rights</i> , in <i>Logic and Language</i> (First Series) 145 (A. Flew ed., 1951).....                                                                   | 718                            |
| Hamburger, M., <i>Morals and Law: The Growth of Aristotle's Legal Theory</i> (1971).....                               | 34, 35, 37           | <b>Hart, H. L. A., <i>The Concept of Law</i> (1961, 1994).....</b>                                                                                                                                              | <b>686, 692, 721, 742, 951</b> |
| <b>Hammurabi's Code of Laws.....</b>                                                                                   | <b>20</b>            | Hegel, G., <i>The Philosophy of Right</i> (T. Knox trans. 1969).....                                                                                                                                            | 427                            |
| Hampton, J., <i>Hobbes and the Social Contract Tradition</i> (1986).....                                               | 509                  | Helmholz, R. H., <i>Natural Law and Human Rights in English Law: From Bracton to Blackstone</i> , 3 Ave Maria L. Rev. 1 (2005).....                                                                             | 219                            |
| Hand, L., <i>The Bill of Rights: The Oliver Wendell Holmes Lectures</i> (1958).....                                    | 1010                 | Hendel, C., <i>Studies in the Philosophy of David Hume</i> (1925).....                                                                                                                                          | 581                            |
| Hardie, W. F. R., <i>The Final Good in Aristotle's Ethics</i> , 40 <i>Philosophy</i> 277 (1965).....                   | 37                   | Herget, James E. & Wallace, Stephen, <i>The German Free Law Movement as the Source of American Legal Realism</i> , 73 Va. L. Rev. 399 (1987).....                                                               | 756, 759, 827                  |
| Harper, E., <i>The Conception of the Human Person</i> , 75 St. John's L. Rev. 297 (2001).....                          | 227                  | Herget, James E., <i>American Jurisprudence, 1870-1970: A History</i> (1990).....                                                                                                                               | 756, 763, 766, 769             |
| <b>Harris, Cheryl I., <i>Critical Race Studies: An Introduction</i>, 49 UCLA L. Rev. 1215 (2002).....</b>              | <b>1153</b>          | Hershovitz, Scott (ed.), <i>Exploring Law's Empire: The Jurisprudence of Ronald Dworkin</i> . (2006).....                                                                                                       | 1017                           |
| Harris, Cheryl I., <i>Whiteness as Property</i> , 106 Harv. L. Rev. 1709 (1993).....                                   | 1152                 | Himma, Kenneth Einar, <i>Making Sense of Constitutional Disagreement: Legal Positivism, the Bill of Rights, and the Conventional Rule of Recognition in the United States</i> , 4 J. L. Society 149 (2003)..... | 736                            |
| Harrison, J., <i>Hume's Theory of Justice</i> (1981).....                                                              | 581                  | Hittinger, Russell, <i>A Critique of the New Natural Law Theory</i> (1987).....                                                                                                                                 | 227, 246                       |
| Harrison, Jeffrey L., <i>Law and Socioeconomics</i> , 49 J. Legal Educ. 224 (1999).....                                | 1212                 | Hobbes, T., <i>A Dialogue Between a Philosopher and a Student of the Common Law</i> , 6 <i>English Works</i> (W. Molesworth 1890).....                                                                          | 554                            |
| Harrison, R., <i>Bentham</i> (1983).....                                                                               | 602                  | <b>Hobbes, T., <i>Leviathan</i> (Everyman ed. 1914).....</b>                                                                                                                                                    | <b>502, 509</b>                |
| Hart, H. L. A., <i>Punishment and Responsibility</i> (1968).....                                                       | 719                  | Hobbes, T., <i>The Elements of Law</i> 92 (F. Tönnies ed. 1928).....                                                                                                                                            | 500                            |
| Hart, H. L. A. and Honoré A. M., <i>Causation in the Law</i> (1959).....                                               | 719                  | Hoeflich, M. H., <i>John Austin and Joseph Story: Two Nineteenth Century Perspectives on the Utility of the Civil Law for the Common Lawyer</i> , 29 Am. J. Legal Hist. 36 (1985).....                          | 623                            |
| Hart, H. L. A., <i>Are There Any Natural Rights</i> , 64 <i>Philosophical Review</i> (1955).....                       | 384                  | Hohfeld, Wesley, <i>Fundamental Legal Conceptions</i> (1923).....                                                                                                                                               | 283                            |
| Hart, H. L. A., <i>Bentham on Legal Powers</i> , 81 Yale L.J. 799 (1972).....                                          | 692                  | Holdsworth, W., <i>Some Makers of English Law</i> 256-57 (1938).....                                                                                                                                            | 621                            |
| Hart, H. L. A., <i>Definition and Theory in Jurisprudence</i> (1953).....                                              | 719                  | <b>Holmes, O. W., Jr., <i>The Path of the Law</i></b> , 10 Harv. L. Rev. 457 (1897).....                                                                                                                        | <b>837</b>                     |
| Hart, H. L. A., <i>Essays on Bentham: Studies in Jurisprudence and Political Theory</i> (1982).....                    | 602                  | Holmes, O. W., Jr., <i>The Common Law</i> (1881).....                                                                                                                                                           | 844                            |
| Hart, H. L. A., <i>Immorality and Treason in L. Blom-Cooper (ed.), The Law as Literature</i> 220 (1961).....           | 720                  | Holton, Richard, <i>Positivism and the Internal Point of View</i> , 17 <i>Law and Philosophy</i> 597 (1998).....                                                                                                | 737                            |
| Hart, H. L. A., <i>Law, Liberty, and Morality</i> (1963).....                                                          | 720                  |                                                                                                                                                                                                                 |                                |
| Hart, H. L. A., <i>Legal and Moral Obligation</i> , in <i>Essays in Moral Philosophy</i> (A. I. Melden ed., 1958)..... | 385                  |                                                                                                                                                                                                                 |                                |
| Hart, H. L. A., <i>Legal Positivism</i> , 4 <i>Encyclopedia of Philosophy</i> 419 (1967).....                          | 620                  |                                                                                                                                                                                                                 |                                |
| <b>Hart, H. L. A., <i>Positivism and the Separation of Law and Morals</i></b> , 71 Harv.L.Rev. 593 (1958).....         | <b>497, 720, 964</b> |                                                                                                                                                                                                                 |                                |

|                                                                                                                                                                          |               |                                                                                                                                                                       |        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| Honoré, Tony, 'Hart, Herbert Lionel Adolphus (1907-1992)', <i>Oxford Dictionary of National Biography</i> , Oxford University Press, 2004 .....                          | 718           | Jaeger, W., <i>Pai Deia: The Ideals of Greek Culture</i> , Vol. 1 (trans. G. Highet, 2d ed. 1945) .....                                                               | 37     |
| Hooker, Richard, <i>Laws of Ecclesiastical Polity</i> (1593-1662) .....                                                                                                  | 219           | Jaspers, Karl, <i>The Way to Wisdom</i> (R. Manheim, trans. 1951) .....                                                                                               | 2      |
| Horwitz, Morton J., <i>Law and Economics: Science or Politics?</i> 8 Hofstra L.Rev. 905 (1980) .....                                                                     | 1169          | Joachim, H. H., <i>Aristotle: The Nicomachean Ethics</i> (D. A. Rees, ed. 1951) .....                                                                                 | 34, 37 |
| Horwitz, Morton J., <i>The Transformation of American Law 1780-1860</i> (1977) .....                                                                                     | 572           | Johnson, S., <i>Disputes and Democracy</i> (1999) .....                                                                                                               | 37     |
| Horwitz, Morton, <i>The Transformation of American Law, 1870-1960: The Crisis Of Legal Orthodoxy</i> (1992) .....                                                        | 763           | Jolley, Nicholas, <i>Locke, His Philosophical Thought</i> (1999) .....                                                                                                | 296    |
| Howe, M., <i>Justice Oliver Wendell Holmes: The Proving Years 1870-1882</i> (1963) .....                                                                                 | 832           | Jolowicz, H., <i>Historical Introduction to the Study of Roman Law</i> 46-48 (1932) .....                                                                             | 153    |
| Howe, M., <i>Justice Oliver Wendell Holmes: The Shaping Years 1841-1870</i> (1957) .....                                                                                 | 832           | Jones, Owen D. and Goldsmith, Timothy H., <i>Law and Behavioral Biology</i> , 105 Colum. L. Rev. 405 (2005) .....                                                     | 278    |
| Howe, Mark DeWolfe (ed.), <i>Holmes-Laski Letters: The Correspondence of Mr. Justice Holmes and Harold J. Laski, 1916-1935</i> (1953) .....                              | 759           | Jones, Owen D., <i>Evolutionary Analysis in Law: An Introduction and Application to Child Abuse</i> , 75 N.C. L. Rev. 1117 (1997):279                                 |        |
| <a href="http://prawfsblawg.blogs.com/prawfsblawg/2006/10/-conflict_in_the.html">http://prawfsblawg.blogs.com/prawfsblawg/2006/10/-conflict_in_the.html</a> .....        | 991           | Jones, Owen D., <i>Law and the Biology of Rape: Reflections on Transitions</i> , 11 Hastings Women's L.J. 151 (2000) .....                                            | 279    |
| Hughes, G., <i>Validity and the Basic Norm</i> , 59 Cal.L.Rev. 695 (1971) .....                                                                                          | 716           | Josephson, Peter, <i>The Great Art of Government: Locke's Use of Consent</i> (2002) .....                                                                             | 296    |
| Hughes, Gerard J., <i>Routledge Philosophy Guidebook to Aristotle on Ethics</i> (2001) .....                                                                             | 31, 37        | Kalman, Laura, <i>Legal Realism at Yale, 1927-1960</i> 164 (1986) .....                                                                                               | 767    |
| Hull, N. E. H., <i>Reconstructing the Origins of Realistic Jurisprudence: A Prequel to the Llewellyn-Pound Exchange Over Legal Realism</i> , 1989 Duke L.J. 1302 .....   | 763, 767, 945 | Kalven, H. Jr., & Zeisel, H., <i>The American Jury</i> (1966) .....                                                                                                   | 768    |
| Hull, N. E. H., <i>Roscoe Pound and Karl Llewellyn: Searching for an American Jurisprudence</i> (1997) .....                                                             | 764, 945      | <b>Kant, Immanuel, <i>Philosophy of Law</i></b> (1797, William Hastie trans., 1887) .....                                                                             | 283    |
| Hull, N. E. H., <i>Some Realism about the Llewellyn-Pound Exchange over Realism: The Newly Uncovered Private Correspondence, 1927-1931</i> , 1987 Wis. L. Rev. 921 ..... | 763, 945      | Kasirer, Nicholas, <i>Francois Geny's Libre Recherche Scientifique as a Guide for Legal Translation</i> , 61 La. L. Rev. 331 (2001) .....                             | 808    |
| <b>Hume, David, <i>A Treatise of Human Nature</i></b> (L. Selby-Bigge ed. 1888) .....                                                                                    | 34, 582       | Kaufman, Andrew L., <i>Cardozo</i> (1998) .....                                                                                                                       | 835    |
| Hutcheson, J. C., <i>The Judgment Intuitive: The Function of the "hunch" in Judicial Decision</i> , 14 Cornell L.Q. 274 (1929) .....                                     | 771, 880      | Kavka, G. S., <i>Hobbesian Moral and Political Theory</i> (1986) .....                                                                                                | 509    |
| Imber, Colin, <i>Ebu's-su'ud: The Islamic Legal Tradition</i> (1997) .....                                                                                               | 263           | Keeton, G. and Schwarzenberger, G. (eds.), <i>Jeremy Bentham and the Law: A Symposium</i> (1948) .....                                                                | 602    |
| Jackson, Sherman A., <i>Islamic Law and the State: The Constitutional Jurisprudence of Shihab al-Din al-Qarafi</i> (1996) .....                                          | 263           | Kelman, Mark, <i>A Guide To Critical Legal Studies</i> (1987) .....                                                                                                   | 1120   |
| Jacobs, Melanie B., <i>My Two Dads: Disaggregating Biological and Social Paternity</i> , 38 Ariz. St. L.J. 809 (2006) ...                                                | 451           | Kelman, Mark, <i>Consumption Theory, Production Theory, and Ideology in the Coase Theorem</i> , 52 S. Cal. L. Rev. 669 (1979) .....                                   | 1169   |
| Jacobs, Melanie B., <i>When Daddy Doesn't Want to Be Daddy Anymore: An Argument Against Paternity Fraud Claims</i> , 16 Yale J.L. & Feminism 193 (2004) .....            | 451           | Kelman, Mark, <i>Misunderstanding Social Life: A Critique of the Core Premises of 'Law and Economics'</i> , 33 J.Leg.Educ. 274 (1983) .....                           | 1169   |
|                                                                                                                                                                          |               | Kelman, Mark, <i>On Democracy-Bashing: A Skeptical Look at the Theoretical and 'Empirical' Practice of the Public Choice Movement</i> , 74 Va. L. Rev. 199 (1988) ... | 1170   |
|                                                                                                                                                                          |               | Kelsen, H., <i>Haupt-problem der Staatsrechtlehre</i> (Major Problems in the Theory of the State) (1911) .....                                                        | 699    |