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The fragility of rightness. Adjudication and the primacy of practice

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Bibliography

- Adorno, Theodor W. 2007. *Negative Dialectics*. Translated by E.B. Ashton. New York: Continuum.
- Aeschylus. 1970. *The Eumenides*. Translated by Hugh Lloyd-Jones. Edited by Hugh Lloyd-Jones. New Jersey: Prentice-Hall.
- . 1975. *The Oresteia. Agamemnon, The Libation Bearers, The Eumenides*. Translated by Robert Fagles, Penguin Classics. New York: Penguin Group.
- Alexander, John M. 2008. *Capabilities and Social Justice: The Political Philosophy of Amartya Sen and Martha Nussbaum*. Hampshire: Ashgate.
- Alexy, Robert. 2003. Constitutional Rights, Balancing and Rationality. *Ratio Juris* 16, 131-140.
- . 2010. The Dual Nature of Law. *Ratio Juris* 23, 167-182.
- . 2004. The Nature of Legal Philosophy. *Ratio Juris* 17, 156-167.
- Ali, Ayaan Hirsi, and ‘ in NRC Handelsblad Geert Wilders. 2003. Het is Tijd voor een liberale Jihad [The Time has Come for a Liberal Jihad]. *NRC Handelsblad*, April 4.
- Altman, Andrew. 1986. Legal Realism, Critical Legal Studies, and Dworkin. *Philosophy and Public Affairs* 15, 205-236.
- Alvarez, Silvina. 2011. Constitutional Conflicts, Moral Dilemmas, and Legal Solutions. *Ratio Juris* 24, 59-74.
- Amaya, Amalia. 2012. *Virtue and Reason in Law*. Coyoacán: UNAM Philosophical Research Institute.
- Amaya, Amalia, and Ho Hock Lai, eds. 2013. *Law, Virtue and Justice*. Oxford: Hart Publishing.
- Anderson, Elisabeth. 2010. Justifying the Capabilities Approach to Justice. In *Measuring Justice: Primary Goods and Capabilities*, edited by Harry Brighouse and Ingrid Robeyns. Cambridge: Cambridge University Press.
- . 1999. What is the Point of Equality? *Ethics* 109, 287-337.
- Andriessen, Iris, Eline Nievers, et al. 2010. Liever Mark dan Mohammed? [Do employers prefer Mark over Mohammed?] Onderzoek naar Arbeidsmarktdiscriminatie van niet-Westerse Migranten via Praktijktests. Den Haag: Sociaal en Cultureel Planbureau.
- Annas, Julia. 2004. Being Virtuous and Doing the Right Thing. *Proceedings and Addresses of the American Philosophical Association* 78, 61-75.
- . 2005. Comments on John Doris's 'Lack of Character'. *Philosophy and Phenomenological Research* 71, 636-642.
- . 1987. Comments on John M. Cooper's "Political Animals and Civic Friendship. In *XI. Symposium Aristotelicum*, edited by Günther Patzig e.d., 220-241. Friedrichshafen/Bodensee: Vandenhoeck & Ruprecht.
- . 1993. *The Morality of Happiness*. Oxford: Oxford University Press.
- Apel, Robert, and Gary Sweeten. 2010. The Impact of Incarceration on Employment during the Transition to Adulthood. *Social Problems* 57, 448-479.
- Aristotle. 2002. Nichomachean Ethics. In *Nicomachean Ethics: Translation, Introduction, and Commentary*, edited by Sarah Broadie and Christoffer Rowe. Oxford: Oxford University Press.
- . 1996. *Poetics*. Translated by Malcolm Heath. London: Penguin Books.

- Bagnoli, Carla. 2007. Phenomenology of the Aftermath: Ethical Theory and the Intelligibility of Moral Experience. In *New Trends in Moral Psychology*, edited by Sergio Tenenbaum. Alphen aan den Rijn: Kluwer.
- The Bangalore Principles of Judicial Conduct 2002. The Hague: UN Judicial Group on Strengthening of Judicial Integrity.
- Barak, Aharon. 1987. *Judicial Discretion*. New Haven: Yale University Press.
- Barber, Benjamin. 1975. Justifying Justice: Problems of Psychology, Measurement, and Politics in Rawls. *The American Political Science Review* 69, 663-674.
- Barbour, John D. 1983. Tragedy and Ethical Reflection. *The Journal of Religion* 63, 1-25.
- Barclay, Linda. 2003. What kind of liberal is Martha Nussbaum. *Sats-Nordic Journal of Philosophy* 4, 5-24.
- Bauman, Peter, and Monica Betzler, eds. 2004. *Practical Conflicts: New Philosophical Essays*. Cambridge: Cambridge University Press.
- Bauman, Zygmunt. 1993. *Postmodern Ethics*. Oxford: Blackwell.
- Bedau, Hugo Adam, and Erin Kelly. 2010. Punishment. In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta. Stanford: Metaphysics Research Lab, Stanford University.
- Beers, Britta van. 2009. *Persoon en Lichaam in het Recht. Menselijke Waardigheid en Zelfbeschikking in het Tijdperk van de Medische Biotechnologie*. Den Haag: Boom Juridische uitgevers.
- Beever, Allan. 2004. Aristotle on Equity, Law, and Justice. *Legal Theory* 10, 33-50.
- Ben-Naftali, Orna, and Iris Canor. 2008. Evans v. United Kingdom. *The American Journal of International Law* 102, 128-134.
- Benston, George J. 2000. Consumer Protection as Justification for Regulating Financial Service Firms and Products. *Journal of Financial Service Research* 17, 277-301.
- Bergo, Bettina. 2013. Emmanuel Levinas. In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta. Stanford: Metaphysics Research Lab, Stanford University.
- Bix, Brian. 1995. *Law, Language and Legal Determinacy*. Oxford: Clarendon Press.
- Blum, Lawrence. 1991. Moral Perception and Particularity. *Ethics* 101, 701-725.
- Boekestijn, Arend Jan. 2005. Over Waarheid en Wijsheid. In *Hoe nu Verder: 42 Visies op de Toekomst van Nederland na de Moord op Theo van Gogh*, edited by Ton van Luin. Utrecht: Spectrum.
- Bomhoff, Jacco, and Lorenzo Zucca. 2006. The Tragedy of Ms Evans: Conflicts and Incommensurability of Rights, Evans v. The United Kingdom, Fourth Section Judgment of 7 March 2006, Application No. 6339/05. *European Constitutional Law Review* 2, 424-442.
- Boogaard, Geerten. 2013. *Het Wetgevingsbevel: Over Constitutionele Verhoudingen en Manieren om een Wetgever tot Regelgeving aan te Zetten*. Oisterwijk: Wolf Legal Publisher.
- Bouwens, W.H.A.C.M, Houwerzijl, et al. 2013. *H.L. Bakels, Schets van het Nederlandse Arbeidsrecht*. Deventer: Kluwer.
- Brakel, Marion van den, and Reinder Lok. 2010. *De Inkomenssituatie van Alleenstaande Moeders: Trends and Dynamiek*. Den Haag: Statistics Netherlands.
- Brand-Ballard, Jeffrey. 2010. *The Ethics of Lawless Judging*. Oxford: Oxford University Press.
- Breedveld, Willem. 2005. Geen Polarisatie, maar Debat. In *Hoe nu Verder: 42 Visies op de Toekomst van Nederland na de Moord op Theo van Gogh*, edited by Ton van Luin. Utrecht: Spectrum.
- Brems, Eva. 2005. Conflicting Human Rights: An Exploration in the Context of the Right to a Fair Trial in the European Convention for the Protection of Human Rights and Fundamental Freedoms. *Human Rights Quarterly* 27, 294-326.
- , ed. 2008. *Conflicts between Fundamental Rights*. Oxford: Intersentia.

- Brink, Bert van den. 2000. *The Tragedy of Liberalism. An Alternative Defense of a Political Tradition*. Albany: SUNY Press.
- Brink, David O. 2004. Immaturity, Normative Competence, and Juvenile Transfer: How (Not) to Punish Minors for Major Crimes. *Texas Law Review* 82.
- Buchanan, Allen. 2002. Social Moral Epistemology. *Social Philosophy & Policy Foundation* 19, 126-152.
- Budd, K.S. 2001. Assessing Parenting Competence in Child Protection Cases: A Clinical Practice Model *Clinical Child and Family Psychology Review* 4, 1-18.
- Budde, Kerstin. 2007. Rawls on Kant. *European Journal of Political Theory* 6, 339-358.
- Carlson, David Gray. 1994. Jurisprudence and Personality in the Work of John Rawls. *Columbia Law Review* 94, 1828-1841.
- Carolyn, Cox. 1986. Joint Custody: Dividing the Indivisible. *Utah Law Review* 577-589.
- Carter, Stephen L. 1987. Evolutionism, Creationism and Treating Religion as a Hobby. *Duke Law Journal* 1987, 977-995.
- Casey, Timothy, and Laurie Maldonado. 2012. 'Worst Off'. Single-Parent Families in the United States. A Cross-National Comparison of Single Parenthood in the U.S. and Sixteen Other High Income Countries. New York: Legal Momentum.
- Cavell, Stanley. 1969. *Must We Mean What We Say?* New York: Charles Scribner's Sons.
- Celikates, Robin. 2011. At Best Irrelevant, at Worst Ideological? Ideal Theory and the Case of Civil Disobedience. Amsterdam: University of Amsterdam.
- Chang, Ruth. 1997. Introduction. In *Incommensurability, Incomparability and Practical Reason*, edited by Ruth Chang. Cambridge, US: Harvard University Press.
- Chappel, Timothy. 2008. Moral Perception. *Philosophy*, 421-37.
- Chayes, A. 1976. The Role of the Judge in Public Law Litigation *Harvard Law Review* 89, 1281-1316.
- Claassen, Rutger, and Marcus Düwell. 2012. The Foundations of Capability Theory: Comparing Nussbaum and Gewirth. *Ethical Theory and Moral Practice* April, 1-18.
- Clarke, Bridget. 2003. The Lens of Character: Aristotle, Murdoch, and the Idea of Moral Perception. Pittsburg: University of Pittsburg.
- Clarke, Stanley G. 1987. Anti-Theory in Ethics. *American Philosophical Quarterly* 24, 237-244.
- Clarke, Stanley G., and Evan Simpson. 1989. Introduction. In *Anti-theory in Ethics and Moral Conservatism*, edited by Stanley G. Clarke and Evan Simpson. New York: State University of New York Press.
- The Common Law and Civil Law Traditions. 2010. *The Robbins Collection*, <http://www.law.berkeley.edu/library/robbins/pdf/CommonLawCivilLawTraditions.pdf>.
- Cooper, John M. 1999. Aristotle on the Forms of Friendship. In *Reason and Emotion. Essays on Ancient Moral Psychology and Ethical Theory*, edited by John M. Cooper, 312-336. Princeton: Princeton University Press.
- . 1999. Political Animals and Civic Friendship. In *Reason and Emotion. Essays on Ancient Moral Psychology and Ethical Theory*, edited by John M. Cooper, 356-377. Princeton: Princeton University Press.
- . 1999. *Reason and Emotion. Essays on Ancient Moral Psychology and Ethical Theory*. Princeton: Princeton University Press.
- Cornell, Drucilla. 1992. *The Philosophy of the Limit*. New York: Routledge.
- . 1988. Post-structuralism, the Ethical Relation, and the Law. *Cardozo Law Review* 9, 1587-1628.
- Cover, Robert. 1982. The Supreme Court, 1982 Term. Foreword: Nomos and Narrative. *Harvard Law Review* 97, 4-68.
- . 1985. Violence and the Word. *Yale Law Journal* 95, 1601-1629.

- Critchley, Simon. 1992. *The Ethics of Deconstruction*. Edinburgh: Edinburgh University Press.
- Cunningham, Anthony P. 1992. The Moral Importance of Dirty Hands. *The Journal of Value Inquiry* 26, 239-250.
- Dancy, Jonathan. 1995. In Defence of Thick Concepts. *Midwest Studies In Philosophy* 20, 263-279.
- Daniels, Norman. 2003. Democratic Equality: Rawls's Complex Egalitarianism. In *The Cambridge Companion to Rawls*, edited by Samuel Freeman. Cambridge: Cambridge University Press.
- . 1990. Equality of What: Welfare, Resources, or Capabilities? *Philosophy and Phenomenological Research* 1, 273-296.
- Darwall, Stephen L. 1976. A Defense of the Kantian Interpretation. *Ethics* 86, 164-170.
- Deakin, Simon. 2006. 'Capacitas: Contract Law and the Institutional Preconditions of a Market Economy'. In *CBR Research Programme on Corporate Governance*. Cambridge: Centre for Business Research University of Cambridge.
- Delgado, Richard. 1995. 'Rotten Social Background': Should the Criminal Law Recognize a Defense of Severe Environmental Deprivation? *Law and Inequality* 9, 9-90.
- Demott, Deborah A. 1996. Foreword. *Law and Contemporary Problems* 59, 1-6.
- Derrida, Jacques. 1989. Force of Law: The 'Mystical Foundation of Authority'. *Cardozo Law Review* 11, 919-1045.
- Deuchser, Irwin. 1953. The Petty Offender: A Sociological Alien. *The Journal of Criminal Law, Criminology, and Police Science* 44, 592-595.
- Diamond, Cora. 1990. How Many Legs? . In *Value and Understanding: Essays for Peter Winch*, edited by Raimond Gaita. New York: Routledge.
- . 1988. Losing Your Concepts. *Ethics* 98, 255-277.
- Dixon, Rosalind, and Martha C. Nussbaum. 2012. Children's Rights and a Capabilities Approach. The Question of Special Priority. *Cornell Law Review* 97, 550-594.
- Doek, Jaap. 2001. De Jeugdige Delinquent: Toepassing van het Strafrecht voor Volwassenen en het IVRK. *Tijdschrift voor Familie- en Jeugdrecht* 5, 144-149.
- Domselaar, Iris van. 2013. A Neo-Aristotelian Notion of Reciprocity: About Civic Friendship and (the troublesome character of) Right Judicial Decisions. In *Aristotle and the Philosophy of Law: Theory, Practice and Justice* edited by Liesbeth Huppel-Cluysenaer and Nuno Coelho. Dordrecht: Springer.
- . 2011. 'Zelfbevestigende' versus 'Ontregelde' Rechtspraak. *Nederlands Juristenblad* 86, 1032-1039.
- Doris, John M. 2002. *Lack of Character*. Cambridge: Cambridge University Press.
- Douzinas, Costas. 2004. Law and Justice in Postmodernism. In *The Cambridge Companion to Postmodernism*, edited by Steven Connor. Cambridge: Cambridge University Press.
- Douzinas, Costas, and Ronnie Warrington. 1994. *Justice Miscarried: Ethics, Aesthetics and the Law*. London: Harvester Wheatsheaf.
- Duff, Antony. 2003. The Limits of Virtue Jurisprudence. *Metaphilosophy* 34, 214-224.
- Duivenvoorde, Bram. 2010. De 'Gemiddelde Consument' als Rationele Actor. *WPNR* 533-534.
- . 2013. The Protection of Vulnerable Consumers under the Unfair Commercial Practice Directive. *Journal of European Consumer and Market Law* 2, 69-79.
- Düwell, Marcus. 2006. Nussbaum, Capabilities en de Waardigheid van Dieren. *Filosofie & Praktijk* 4, 29-41.
- Dworkin, Ronald. 2001. Do Liberal Values Conflict. In *The Legacy of Isaiah Berlin*. New York: New York Review of Books.
- . 1975. Hard Cases. *Harvard Law Review* 88, 1057.

- . 1997. In Praise of Theory. *Arizona State Law Journal*, 353-580.
- . 2008. *Justice in Robes*. Cambridge, US: Harvard University Press.
- . 1986. *Law's Empire*. Cambridge, US: Harvard University Press.
- . 1985. *A Matter of Principle*. Cambridge, US: Harvard University Press.
- . 1983. A Reply by Ronald Dworkin. In *Ronald Dworkin & Contemporary Jurisprudence*, edited by Marshall Cohen, 247-301. London: Duckworth.
- . 1984. Rights as Trumps. In *Theories of Rights*, edited by Jeremy Waldron. Oxford: Oxford University Press.
- . 2005 (1977). *Taking Rights Seriously*. London: Duckworth.
- Eddy, Katharine. 2006. Welfare Rights and Conflicts of Rights. *Res Publica* 12, 337-356.
- Eisenberg, Melvin Aron. 1995. The Limits of Cognition and the Limits of Contract. *Stanford Law Review* 47, 211-259.
- Estlund, David. 1998. The Insularity of the Reasonable: Why Political Liberalism Must Admit the Truth. *Ethics* 108, 252-275.
- Finnis, John. 1997. Commensurability and Public Reason. In *Incommensurability, Incomparability, and Practical Reason*. Cambridge, US: Harvard University Press.
- . 1987. On Reason and Authority in Law's Empire. *Law and Philosophy* 6, 357-380.
- Flanagan, Owen. 1991. *Varieties of Moral Personality. Ethics and Psychological Realism*. Cambridge, US: MIT Press.
- Forum. 2010. Factbook 2010. The Position of Muslims in the Netherlands. Utrecht: Forum. The Institute for Multicultural Development.
- . 2010. Factsheet Subsidiëring Levensbeschouwelijke Organisaties. Utrecht: Forum. The Institute for Multicultural Development.
- Frank, Jerome. 1931. *Law and the Modern Mind*. New York: Brentano's Publisher.
- Franz, M., H. Lensche, et al. 2003. Psychological Distress and Socio-Economic Status in Single Mothers and their Children in a German City. *Social Psychiatry and Psychiatric Epidemiology* 38, 59-68.
- Freeman, Samuel, ed. 1999. *Collected Papers. John Rawls*. Cambridge, US: Harvard University Press.
- . 2007. *Rawls*. New York: Routledge.
- Freud, Anna. 1966 (1937). *The Ego and the Mechanisms of Defence*. London: Karnac Books.
- Freyenhagen, Fabian. 2008. Moral Philosophy. In *Theodor Adorno. Key Concepts*, edited by Deborah Cook. London: Acumen Press.
- Fried, Charles. 1981. *Contract as a Promise: A Theory of Contractual Obligation*. Cambridge: Harvard University Press.
- Fritsch, Travis A., and John D. Burkhead. 1981. Behavioral Reactions of Children to Parental Absence due to Imprisonment. *Family Relations* 30, 83-88.
- Fuller, Lon L. 1967. *Legal Fictions*. Stanford: Stanford University Press.
- Gathergood, John. 2012. Debt and Depression: Causal Links and Social Norm Effects. *The Economic Journal* 122, 1094-1114.
- George, Robert. 1992. Does the 'Incommensurability Thesis' Imperil Common Sense Moral Judgements? *American Journal of Jurisprudence* 37, 185-195.
- Gerards, J.H. 2006. Rechterlijke Belangenafweging in het Publiekrecht. *Rechtsgeleerd Magazijn Themis* 4, 147-159.
- Geuss, Raymond. 2005. *Outside Ethics*. Princeton: Princeton University Press.
- . 2008. *Philosophy and Real Politics*. Princeton: Princeton University Press.
- Gibbard, Allan. 1995. Why Theorize How to Live with Each Other? *Philosophy and Phenomenological Research* 55, 323-342.
- Giullari, Susy, and Jane Lewis. 2005. The Adult Worker Model Family, Gender Equality and Care. The Search for New Policy Principles, and the Possibilities and Problems of a

- Capabilities Approach. In *Social Policy and Development Programme Paper*: United Nations Research Institute for Social Development.
- Goderie, Marjolein. 2009. Problematiek en Hulpvragen van Stelselmatige Daders. Utrecht: WODC, Ministry of Justice.
- Goud, Nelson H. 2005. Courage: Its Nature and Development. *Journal of Humanistic Counselling, Education and Development* 44, 101-116.
- Gowans, Christoffer W. 1987. Introduction. The Debate on Moral Dilemmas. In *Moral Dilemmas*, edited by Christoffer Gowans. Oxford: Oxford University Press.
- Gowans, Christopher W. 1994. *Innocence Lost: An Examination of Inescapable Moral Wrongdoing*. Oxford: Oxford University Press.
- Gray, John. 2001. Where Pluralists and Liberals Part Company. *International Journal of Philosophical Studies* 6, 17 - 36.
- Greenawalt, Kent. 1975. Discretion and Judicial Decision: The Elusive Quest for the Fetters that Bind Judges. *Columbia Law Review* 75, 359-399.
- Greenspan, Patricia S. 1994. Guilt and Virtue. *The Journal of Philosophy* 91, 57-70.
- . 1995. *Practical Guilt: Moral Dilemmas, Emotions, and Social Norms*. Oxford: Oxford University Press.
- Grimm, Stephen. 2007. Easy Cases and Value Incommensurability. *Ratio* 1, 26-43.
- Guignon, Charles. 2009. Williams and the Phenomenological tradition. In *Reading Bernard Williams*, edited by Daniel Callcut, 166-189. New York: Routledge.
- Hackett, Rosalind I.J. 2001. Is Religion Good News or Bad News for Women?: Martha Nussbaum's Creative Solution to Conflicting Rights. *Soundings* 83, 615-25.
- Hall, Timothy. 1990. Moral Character, The Practice of Law, and Legal Education. *Mississippi Law Journal* 60, 511-554.
- Halpern, Cynthia. 2002. *Suffering, Politics, Power. A Genealogy in Modern Political Theory*. New York: State University of New York Press.
- Hämäläinen, Nora. 2009. Is Moral Theory Harmful in Practice? Relocating Anti-theory in Contemporary Ethics. *Ethical Theory and Moral Practice* 12, 539-553.
- Hampshire, Stuart. 1989. Morality and Conflict. In *Anti-theory in Ethics and Moral Conservatism*, edited by Stanley G. Clarke and Evan Simpson. New York: State University of New York Press.
- . 1978. Public and Private Morality. In *Public and Private Morality*, edited by Stuart Hampshire. Cambridge: Cambridge University Press.
- Hampton, Jean. 1980. Contracts and Choices: Does Rawls Have a Social Contract Theory? *The Journal of Philosophy* 77, 315-338.
- Hanna, Nathan. 2009. Liberalism and the General Justifiability of Punishment. *Philosophical Studies* 145, 325-349.
- Hannan, Sarah, and Richard Vernon. 2008. Parental Rights: A Role-Based Approach. *Theory and Research in Education* 6, 173-189.
- Harman, Gilbert. 1999. Moral Philosophy Meets Social Psychology: Virtue Ethics and the Fundamental Attribution Error. *Proceedings of the Aristotelian Society* 99, 315-331.
- Harris, George W. 2006. *Reason's Grief*. Cambridge: Cambridge University Press.
- Hart, H.L.A. 2012 (1961). *The Concept of Law*. 3th ed, Clarendon Law Series. Oxford: Oxford University Press.
- . 1983. *Essays in Jurisprudence and Philosophy*. Oxford: Oxford University Press.
- . 1973. Rawls on Liberty and Its Priority. *University of Chicago Law Review* 40, 534-555.
- Hawkins, Anne Hunsaker. 1999. Ethical Tragedy and Sophocles "Philoctetus". *The Classical World* 92, 337-357.

- Hawthorn, Geoffrey, ed. 2005. *Bernard Williams. In the Beginning was the Deed. Realism and Moralism in Political Argument*. Princeton: Princeton University Press.
- Hegel, George Wilhelm Friedrich. 1998. *Hegel's Aesthetics: Lectures on Fine Art*. Translated by T.M. Knox. Oxford: Oxford University Press.
- Hennekens, H.Ph.J.A.M. 2000. Nadeelcompensatie: Wanneer en Waarom? *De Gemeentestem* 2000, 569-575.
- Herman, Barbara. 1985. The Practice of Moral Judgment *Journal of Philosophy* 87, 414-36.
- Hesselink, Martijn. 2005. Capacity and Capability in European Contract Law *European Review of Private Law* 4, 491-507.
- . 2007. European Contract Law: A Matter of Consumer Protection, Citizenship, or Justice? *European Journal of Private Law* 3, 323-348.
- Holmes, Oliver Wendell. 1897. The Path of the Law. *Harvard Law Review* 10, 457–478.
- Honig, Bonnie. 2009. Antigone's Laments, Creon's Grief. *Political Theory* 37, 5-43.
- . 2010. Antigone's Two Laws: Greek Tragedy and The Politics of Humanism. *New Literary History* 41, 1-33.
- . 1993. Rawls on Politics and Punishment. *Political Research Quarterly* 46, 99-125.
- Hope, Simon. 2013. Friendship, Justice and Aristotle. Some Reasons to be Sceptical. *Res Publica* 19, 37-51.
- Horn, Laurence R. 2012. Contradiction. In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta. Stanford: Metaphysics Research Lab, Stanford University.
- Hsieh, Nien-hê. 2008. Incommensurable Values. Metaphysics Research Lab, Stanford University, URL = <<http://plato.stanford.edu/archives/fall2008/entries/value-incommensurable/>>.
- Hulshoff, Caro. 1997. *Psychische Klachten en Schulden: Preventie en Hulpverlening bij zowel Immateriële als Materiële Problemen. Een Onderzoek bij Allochtone en Autochtone Cliënten*. Amsterdam Riagg-Zuid Oost.
- Hursthouse, Rosalind. 1999. *On Virtue Ethics*. Oxford: Oxford University Press.
- IJzermans, Maria. 2011. *De Overtuigingskracht van Emoties bij het Rechterlijk Oordeel*. Den Haag: Boom Juridische uitgevers.
- Intolerance, European Commission Against Racism and. 2008. Third Report on the Netherlands. Strasbourg: Council of Europe.
- Jacobs, F.C.L.M. 1991. Ten Overstaan van Allen. Levinas en de Universaliteit in de Ethiek. In *Emmanuel Levinas over Psyche, Kunst en Moraal*, edited by Herman Bleijendaal, Johan Goud, et al., 139-147. Baarn: Ambo.
- Jacoby, Jacob. 1999. Is it Rational to Assume Consumer Rationality? Some Consumer Psychological Perspectives on Rational Choice Theory. In *Working Paper*. New York: New York University.
- Johnson, Oliver A. 1974. The Kantian Interpretation. *Ethics* 85, 58-66.
- Jowett, Benjamin. 2010. *Dialogues of Plato: Translated into English, with Analyses and Introduction*. 4 vols. Vol. 2, Cambridge Library Collection. Cambridge: Cambridge University Press.
- Magna Carta of Judges (Fundamental Principles)*.
- Judicial Ethics Report 2009-2010: Judicial Ethics, Principles, Values and Qualities. 2009. Europe: Working Group European Network of Councils for the Judiciary.
- Kamerman, Sheila B., and Alfred J. Kahn. 1989. Single-parent, Female-Headed Families in Western Europe: Social Change and Response. *International Social Security Review* 42, 3-34.
- Kant, Immanuel. 1996. *Critique of Practical Reason*. Translated by T.K. Abbott. New York: Prometheus Books.

- . 1993. *Grounding for the Metaphysics of Morals: On a Supposed Right to Lie because of Philanthropic Concerns*. Translated by James W. Ellington. Indianapolis: Hackett Publishing Company.
- . 1996. *Practical Philosophy*. Translated by Mary J. Gregor. Edited by Paul Guyer and Allen W. Wood, The Cambridge Edition of the Works of Immanuel Kant. New York: Cambridge University Press.
- Kaufmann, Walter. 1968. *Tragedy and Philosophy*. Princeton: Princeton University Press.
- Kennedy, Duncan. 1982. Legal Education as Training for Hierarchy. In *The Politics of Law: A Progressive Critique*, edited by David Kairys, 54-75. New York: Basic Books.
- Kittay, Eva Federer. 2005. Equality, Dignity and Disability. In *Perspectives on Equality: The Second Seamus Heaney Lectures*, edited by Mary Ann Lyons and Fionnuala Waldron, 95-122. Dublin: The Liffey Press.
- Knauer, Nancy J. 2010. Legal Fictions and Juristic Truth. *St. Thomas Law Review* 23, 1-50.
- Kordana, Kevin A., and David H. Tabachnick. 2005. Rawls and Contract Law. *The George Washington Law Review* 73, 598-632.
- Kosman, L.A. 1980. Being Properly Affected. In *Essays on Aristotle's Ethics*, edited by Amélie Oksenberg Rorty. Berkeley: University of California Press.
- Kramer, Larry D. 2004. *The People Themselves: Popular Constitutionalism and Judicial Review*. New York: Oxford University Press.
- Kramer, Matthew. 2009. When Is There Not One Right Answer. *The American Journal of Jurisprudence* 53, 49-68.
- Kramer, Matthew H. 2007. *Objectivity and the Rule of Law*, Cambridge Introductions to Philosophy and Law. Cambridge: Cambridge University Press.
- Kronman, Anthony T. 1995. *The Lost Lawyer: Failing Ideals of the Legal Profession*. Cambridge, US: Harvard University Press.
- Kupperman, Joel J. 2001. The Indispensability of Character. *Philosophy* 76, 239-250.
- Landman, Janet. 1993. *Regret: The Persistence of the Possible*. Oxford: Oxford University Press.
- Leib, Ethan J. 2006. Friendship & the Law. *University of California Law Review* 54, 631-707.
- Leontsini, Eleni. 2013. The Motive of Society. Aristotle on Civic Friendship, Justice and Concord. *Res Publica* 19, 21-35.
- Levinas, Emmanuel. 1987. The Ego and the Totality. In *Collected Philosophical Papers*, edited by Emmanuel Lévinas. The Hague: Martinus Nijhoff.
- . 1985. *Ethics and Infinity: Conversations with Philippe Nemo*. Translated by Richard A. Cohen. Pittsburgh: Duquesne University Press.
- Lévinas, Emmanuel. 1969. *Totality and Infinity*. Translated by Alphonso Lingis. Pittsburgh: Duquesne University Press.
- Lilla, Mark, Ronald Dworkin, et al. 2001. *The Legacy of Isaiah Berlin*. New York: New York Review of Books.
- Llewellyn, Karl. 1960. *The Common Law Tradition: Deciding Appeals*. Boston: Little, Brown and Company.
- Loth, Marc. 2009. De Goede Jurist. Over Morele Moed, Onafhankelijkheid en een Riskante Omgeving. In *Code en Karakter. Beroepsethiek in Onderwijs, Jeugdzorg en Recht*, edited by Jos Kole and Doret de Ruyter. Amsterdam: SWP Uitgeverij.
- Louden, Robert B. 2000. *Kant's Impure Ethics. From Rational Beings to Human Beings*. Oxford: Oxford University Press.
- . 1992. *Morality and Moral Theory. A Reappraisal and Reaffirmation*. New York: Oxford University Press.
- . 1990. Virtue Ethics and Anti-theory. *Philosophia* 20, 93-114.

- Luban, David. 1990. Incommensurable Values, Rational Choice, and Moral Absolutes. *Cleveland State Law Review* 38, 65-84.
- . 2001. Value Pluralism and Rational Choice. In *Georgetown Law School Research Paper*. Georgetown: Georgetown Law School.
- Lucy, William. 2005. The Possibility of Impartiality. *Oxford Journal of Legal Studies* 25, 3-31.
- Lyons, David. 1984. Justification and Judicial Responsibility. *California Law Review* 72, 178-199.
- MacCormick, Neil. 1978. *Legal Reasoning and Legal Theory*. Oxford: Oxford University Press.
- Mather, Henry. 2002. Law-making and Incommensurability. *McGill Law Journal* 47, 345-388.
- Mayerfeld, Jamie. 1999. *Suffering and Moral Responsibility*. Oxford: Oxford University Press.
- McDermott, Daniel. 2008. Analytical Political Philosophy. In *Political Theory. Methods and Approaches*, edited by David Leopold and Marc Stears. Oxford: Oxford University Press.
- McDowell, John. 1998. *Mind, Value & Reality*. Cambridge, US: Harvard University Press.
- . 1998. Non-Cognitivism and Rule-Following. In *Mind, Value and Reality*, edited by John McDowell. Cambridge US: Harvard University Press
- . 1998. Values and Secondary Qualities In *Mind, Value and Reality*, edited by John McDowell. Cambridge US: Harvard University Press
- . 1998. Virtue and Reason. In *Mind, Value and Reality*, edited by John McDowell, 50-77. Cambridge US: Harvard University Press
- Millar, John Douglas. 2012. Interview with Simon Critchley: The Tragic and Its Limits. <http://www.thewhitereview.org/interviews/interview-with-simon-critchley-the-tragic-and-its-limits-2/>.
- Montague, Phillip. 1984. Rights and Duties of Compensation. *Philosophy & Public Affairs* 13, 79-88.
- Morgan, Fred W., Drue K. Schuler, et al. 1995. A Framework for Examining the Legal Status of Vulnerable Consumers. *Journal of Public Policy and Marketing* 14, 267-277.
- Moschis, George P., Jill Mosteller, et al. 2011. Research Frontiers on Older Consumers' Vulnerability. *Journal of Consumer Affairs* 45, 467-491.
- Murdoch, Iris. 1997 Against Dryness. In *Existentialists and Mystics: Writings on Philosophy and Literature*, edited by Peter Conradi. Harmondsworth: Penguin Books.
- . 1997 The Idea of Perfection. In *Existentialists and Mystics: Writings on Philosophy and Literature*, edited by Peter Conradi. Harmondsworth: Penguin Books.
- . 1997. Vision and Choice. In *Existentialists and Mystics: Writings on Philosophy and Literature*, edited by Peter Conradi. Harmondsworth: Penguin Books.
- Nagel, Thomas. 1979. *Mortal Questions*. New York: Cambridge University Press.
- . Rawls on Justice. In *Reading Rawls*. New York: Basic Books
- Nelkin, Dana K. 2013. Moral Luck In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta. Stanford: Metaphysics Research Lab, Stanford University.
- Nietzsche, Friedrich Wilhelm. 2000. *The Birth of Tragedy: Out of the Spirit of Music*. Translated by Douglas Smith, Oxford World's Classics. Oxford: Oxford University Press.
- Nietzsche, Friedrich. 1995. *The Birth of Tragedy*. Translated by Clifton P. Fadiman. New York: Dover Publications.
- Nieuwenhuis, A. J. 2006. *Over de Grens van de Vrijheid van Meningsuiting*. Nijmegen: Ars Aequi.
- Nussbaum, Martha C. 1985. Aeschylus and Practical Conflict. *Ethics* 95, 233-267.

- . 1990. Aristotelian Social Democracy. In *Liberalism and the Good*, edited by R. Douglass Bruce, M. Mara Gerald, et al. New York: Routledge.
- . 1995. Aristotle on Human Nature and the Foundations of Ethics. In *World, Mind and Ethics*, edited by J. Altham and R. Harrison. Cambridge: Cambridge University Press.
- . 2003. Capabilities as Fundamental Entitlements: Sen and Social Justice. *Feminist Economist*, 33-59.
- . 2009. The Capabilities of People with Cognitive Disabilities. *Metaphilosophy* 40, 331-351.
- . 2000. The Costs of Tragedy: Some Moral Limits of Cost-Benefit Analysis. *Journal of Legal Studies* XXIX, 1005-1036.
- . 2011. *Creating Capabilities: The Human Development Approach*. Cambridge, US: Harvard University Press.
- . 2003. Cultivating Humanity in Legal Education. *The University of Chicago Law Review* 70, 265-279.
- . 1990. The Discernment of Perception: An Aristotelian Conception of Private and Public Rationality. In *Love's Knowledge: Essays on Philosophy and Literature*. Oxford: Oxford University Press.
- . 1993. Equity and Mercy. *Philosophy & Public Affairs* 22, 83-125.
- . 2001 (1986). *The Fragility of Goodness. Luck and Ethics in Greek Tragedy and Philosophy*. Rev. ed. New York: Cambridge University Press.
- . 2006. *Frontiers of Justice: Disability, Nationality, Species Membership*. Cambridge, US: Harvard University Press.
- . 1992. Human Functioning and Social Justice: In Defense of Aristotelian Essentialism. *Political Theory* 20, 202-246.
- . 1992. Justice for Women! *The New York Review of Books*, October 8.
- . 1990. *Love's Knowledge. Essays on Philosophy and Literature*. Oxford: Oxford University Press.
- . 1988. Nature, Function, and Capability: Aristotle on Political Distribution. In *Working Paper, UNU-Wider*.
- . 1993. Non-Relative Virtues: An Aristotelian Approach. In *The Quality of Life*, edited by Marta C. Nussbaum and Amartya Sen. Oxford: Oxford University Press.
- . 1995. *Poetic Justice. The Literary Imagination and Public Life*. Boston: Beacon Press.
- . 2003. Political Liberalism and Respect: A Response to Linda Barclay. *Sats-Nordic Journal of Philosophy* 4.
- . 2001. Political Objectivity. *New Literary History* 32, 883-906.
- . 2003. Rawls and Feminism. In *The Cambridge Companion to Rawls*, edited by Samuel Freeman, 488-520. New York: Routledge.
- . 2009. Reply to Diane Wood. Constitutions and Capabilities. A (primarily) Pragmatic Approach. *Chicago Journal of International Law* 10, 431-436.
- . 2007. The Supreme Court, 2006 Term. Foreword: Constitutions and Capabilities: 'Perception' against Lofty Formalism. *Harvard Law Review* 121, 4-97.
- . 2003. Tragedy and Human Capabilities: A Response to Vivian Walsh. *Review of Political Economy* 15, 413-418
- . 2003. Tragedy and Justice: Bernard Williams Remembered. *Boston Review*.
- . 2001. *Upheavals of Thought: The Intelligence of Emotions*. Cambridge: Cambridge University Press.
- . 2010. Veiled Threats. *The New York Times*, July 11.
- . 1998. Victims and Agents. What Greek Tragedies can Teach us about Sympathy and Responsibility. *Boston Review*.

- . 2000. Why Practice Needs Ethical Theory. Particularism, Principles and Bad Behaviour. In *The Path of the Law and its Influence. The Legacy of Oliver Wendell Holmes, Jr.*, edited by Steven J. Burton. Cambridge: Cambridge University Press.
- . 2000. *Women and Human Development. The Capabilities Approach*. Cambridge: Cambridge University Press.
- Nussbaum, Martha C., and Jonathan Glover, eds. 1995. *Women, Culture and Development. A Study of Human Capabilities*. Oxford: Clarendon Press.
- NVvR Guide to Judicial Conduct. 2011. Netherlands: The Dutch Association for the Judiciary.
- Oakeshott, Michael. 1989. The Tower of Babel. In *Anti-Theory in Ethics and Moral Conservatism*, edited by Stanley G. Clarke and Evan Simpson, 185-205. New York: State University of New York Press.
- Oakley, Justin, and Dean Cocking. 2001. *Virtue Ethics and Professional Roles*. Cambridge: Cambridge University Press.
- Okin, Susan Moller. 1989. *Justice, Gender and the Family*. New York: Basic Books
- Olson, Kevin. 2002. Recognizing Gender, Redistributing Labor. *Social Politics* 9, 380-410.
- Ommeren, C.M. van, L.S. de Ruig, et al. 2009. Huishoudens in de Rode Cijfers. Omvang en Achtergronden van Huishoudens met een Risico op Problematische Schulden. Zoetermeer: Panteia.
- Oomen, Barbara. 2011. Between Rights Talk and Bible Speak: The Implementation of Equal Treatment Legislation in Orthodox Reformed Communities in the Netherlands. *Human Rights Quarterly* 33, 175-200.
- Oomen, Barbara, Joost Guijt, et al. 2010. CEDAW, The Bible and the State of the Netherlands: The Struggle over Orthodox Women's Political Participation and their Responses. *Utrecht Law Review* 6, 158-174.
- Pessers, D.W.J.M. 1999. Liefde, Wederkerigheid en Recht. Een Interdisciplinair Onderzoek naar het Wederkerigheidsbeginsel. Amsterdam: University of Amsterdam.
- Peterson, Christopher, and Martin E.P. Seligman. 2004. *Character Strengths and Virtues*. Oxford: Oxford University Press.
- Peterson, Richard R. 1989. *Woman, Work and Divorce*. New York: State University of New York Press.
- Pildes, Richard H. 1992. Review: Conceptions of Value in Legal Thought. *Michigan Law Review* 90, 1520-1559.
- Plato. *The Republic*. edited by Benjamin Jowett: The Internet Classics Archive.
- Pogge, Thomas. 2002. Can the Capabilities Approach be Justified? *Philosophical Topics* 30, 167-228.
- . 2010. A Critique of the Capabilities Approach. In *Measuring Justice*, edited by Harry Brighouse and Ingrid Robeyns, 17-61. Cambridge: Cambridge University Press.
- Posner, Richard. 2010. The Question of Consumer Competence. <http://www.becker-posner-blog.com/>.
- Putnam, Hilary. 2002. *The Collapse of the Fact/Value Dichotomy and Other Essays*. Cambridge, US: Harvard University Press.
- . 1977. Realism and Reason. *Proceedings and Addresses of the American Philosophical Association* 50, 483-498.
- Quinton, Anthony. 1995. The Ethics of Philosophical Practice. In *The Oxford Companion to Philosophy*, edited by T. Honderich. Oxford.
- Rawls, John. 1981. The Basic Liberties and Their Priority. In *The Tanner Lectures on Human Values*. Michigan: University of Michigan.
- . 1997. The Idea of Public Reason Revisited. *The University of Chicago Law Review* 64, 765-807.

- . 1980. Kantian Constructivism in Moral Theory. *The Journal of Philosophy* 77, 515-572.
- . 2005. *Political Liberalism*. New York: Columbia University Press.
- . 1982. Social Unity and Primary Goods. In *Utilitarianism and Beyond*, edited by Bernard Williams and Amartya Sen. Cambridge: Cambridge University Press.
- . 1999 (1971). *A Theory of Justice*. Cambridge: Harvard University Press.
- . 1971. *A Theory of Justice*. Cambridge: Harvard University Press.
- . 1955. Two Concepts of Rules. *The Philosophical Review* 64, 3-32.
- Raz, Joseph. 1997. Incommensurability and Agency. In *Incommensurability, Incomparability and Practical Reason*, edited by Ruth Chang. Cambridge, US: Harvard University Press.
- Richards, David. 1979. The Theory of Adjudication and the Task of the Great Judge. *Cardozo Law Review* 171, 171-217.
- Richardson, Henry S. 1997. *Practical Reasoning about Final Ends*. Cambridge: Cambridge University Press.
- . 1990. Specifying Norms as a Way to Resolve Concrete Ethical Problems. *Philosophy & Public Affairs* 19, 279-310.
- Roberts, Julian V. 1992. Public Opinion, Crime, and Criminal Justice. *Crime & Justice* 180, 99-180.
- Robeyns, Ingrid. 2010. Gender and the Metric of Justice. In *Measuring Justice*, edited by Harry Brighouse and Ingrid Robeyns, 215-235. Cambridge: Cambridge University Press.
- . 2007. *Ideal Theory in Theory and Practice*. Nijmegen: Radboud University Nijmegen.
- . 2006. Nussbaum over Capabilities en Rechtvaardigheid. *Filosofie & Praktijk* 4, 17-28.
- Robeyns, Ingrid, and Harry Brighouse. 2010. Introduction: Social Primary Goods and Capabilities as Metrics of Justice. In *Measuring Justice*, edited by Ingrid Robeyns and Harry Brighouse. Cambridge: Cambridge University Press.
- Rooy, Wim van, and Sam van Rooy. 2010. *Islam: Kritische Essays over een Politieke Religie: Aspect*.
- Sabini, John, and Mauri Silver. 2005. Lack of Character: Situationism Critiqued. *Ethics*, 535-562.
- Scanlon, Thomas. 2004. Adjusting Rights and Balancing Values. In *Fordham Law Review*, 1477-1486.
- Scharffs, Brett G. 2000. Adjudication and the Problems of Incommensurability. *William and Mary Law Review* 42, 1369-1435.
- Schauer, Frederick. 1993. Commensurability and its Constitutional Consequences. *Hastings Law Journal* 45, 785-812.
- . 2011. Legal Fictions Revisited. *SSRN eLibrary*.
- Schmidt, David J. 1994. Can Law Survive: On Incommensurability and the Idea of Law. *University of Toledo Law Review* 26, 147-158.
- Schnittker, Jason, and Andrea John. 2007. The Long-Term Effects of Incarceration on Health. *Journal of Health and Social Behaviour* 48, 115-130.
- Schoeman, Ferdinand. 1980. Rights of Children, Rights of Parents, and the Moral Basis of the Family. *Ethics* 91, 6-19.
- Scholten, P., ed. 1974. *Mr. C. Asser's Handleiding tot de Beoefening van het Nederlands Burgerlijk Recht*. Zwolle: W.E.J. Tjeenk Willink.
- Schoordijk, H.C.F. 1972. *Oordelen en Vooroordelen. Rede uitgesproken bij de 45e dies van de Katholieke Universiteit Brabant*. Deventer: Kluwer
- Schrama, W.M. 2010. Verhuizen na Scheiding: geen Winnaars, veel Verliezers. *Tijdschrift voor Familie- en Jeugdrecht* 88.

- Schroeder, Jeanne. 2001. Apples and Oranges. In *Research Paper Series*, 1-30. New York: Cardozo Law School.
- Sen, Amartya. 2004. Elements of a Theory of Human Rights. In *Philosophy & Public Affairs*, 315-356.
- . 1980. Equality of What? . In *The Tanner Lectures on Human Values*, edited by S. McMurrin, 196-220. Salt Lake City: University of Utah Press.
- . 1990. Justice: Means versus Freedoms. *Philosophy and Public Affairs* 19, 111-121.
- Shadid, Wasif. 2009. Moslims in de Media: de Mythe van de Registrerende Journalistiek. In *Mist in de Polder: Zicht op Ontwikkelingen omtrent de Islam in Nederland*, edited by S. Vellenga, 173-193. Amsterdam: Aksant.
- Shapiro, Daniel. 1989. Conflicts and Rights. *Philosophical Studies* 55, 263-278.
- Shepherd, Lois. 2003. Face to Face: A Call for Radical Responsibility in Place of Compassion. *St. John's Law Review* 77, 445-514.
- Shiner, Robert A. 1994. Aristotle's Theory of Equity. *Loyola of Los Angeles Law Review* 26, 1245-1264.
- Silber, Norman I. 1990. Observing Reasonable Consumers: Cognitive Psychology, Consumer Behaviour and Consumer Law. *Loyola Consumer Law Reporter* 2, 69-74.
- Simmons, A. 2010. Ideal and Nonideal Theory *Philosophy and Public Affairs* 38, 5-36.
- Simpson, Peter. 1992. Contemporary Virtue Ethics and Aristotle. *Review of Metaphysics* 45, 503-524.
- Singer, Joseph W. 2008. Normative Methods for Lawyers. In *Harvard Public Law Working Paper*. Cambridge, US: Harvard Law School.
- Smith, Carel E. 1998. *Feit en Rechtsnorm. Een Methodologische Studie naar de Betekenis van de Feiten voor de Rechtsvinding en de Legitimatie van het Rechtsoordeel*. Maastricht: Shaker.
- . 2005. *Regels van Rechtsvinding*. Den Haag: Boom Juridische uitgevers.
- Smith, Nick. 1997. Incommensurability and Alterity in Contemporary Jurisprudence. *Buffalo Law Review* 45, 503-553.
- Soeharno, Jonathan. 2009. *The Integrity of the Judge*. Farnham: Ashgate.
- Sokoloff, William W. 2005. Between Justice and Legality: Derrida on Decision. *Political Research Quarterly* 58, 341-352.
- Solum, Lawrence B. Legal Theory Lexicon. http://lsolum.typepad.com/legal_theory_lexicon/2004/05/legal_theory_le_2.html.
- . 2003. Virtue Jurisprudence. A Virtue-Centered Theory of Judging. *Metaphilosophy* 34, 178-213.
- . 2013. Virtue Jurisprudence. Towards an Aretaic Theory of Law. In *Aristotle and the Philosophy of Law. Theory, Practice and Justice*, edited by Liesbeth Huppes-Cluysenaer and Nuno M.M.S. Coelho. Dordrecht: Springer.
- . 1987. The Virtues and Vices of a Judge: an Aristotelian Guide to Judicial Selection. *California Law Review* 61, 1735-1756.
- Soper, Philip. 1977. Legal Theory and the Obligation of A Judge. The Hart/Dworkin Dispute. *Michigan Law Review* 75, 473-519.
- Sophocles. 1924. *The Complete Plays of Sophocles*. Edited by Richard Claverhouse Jebb. Cambridge: Cambridge University Press.
- Sreenivasan, Gopal. 2002. Errors about Errors: Virtue Theory and Trait Attribution. *Mind* 111, 47-68.
- Stamatis, Costas M. 1994. Justice without Law: a Postmodernist Paradox. *Law and Critique* 2, 265-284.
- Stark, Cynthia A. 2009. Respecting Human Dignity: Contract Versus Capabilities. *Metaphilosophy* 40, 366-381.

- Statman, Daniel. 1996. Hard Cases and Moral Dilemmas. *Law and Philosophy* 15, 117-148.
- Steinberg, Laurence. 2004. Risk Taking in Adolescence: What Changes, and Why? *Annals of the New York Academy of Sciences* 1021, 51-58.
- Stocker, Michael. 1990. *Plural and Conflicting Values*. Oxford: Oxford University Press.
- Sullivan, William M. 2007. Professional Identity and Purpose. In *Educating Lawyers. Preparation for the Profession of Law*, edited by William M. Sullivan, Anne Colby, et al., 126-144. San Francisco: Jossey-Bass.
- Sunstein, Cass. 1997. Incommensurability and Kinds of Valuation. In *Incommensurability, Incomparability and Practical Reason*, edited by Ruth Chang. Cambridge, US: Harvard University Press.
- Symposium. 1998. Law and Incommensurability. *University of Pennsylvania Law Review* 146.
- Tamanaha, B.Z. 2007. A Concise Guide to the Rule of Law. In *Florence Workshop on The Rule of Law* edited by Neil Walker and Gianluigi Palombella. Florence: Hart Publishing.
- . 2004. *On the Rule of Law: History, Politics, Theory*. Cambridge: Cambridge University Press.
- Trappenburg, Margot. 2000. In Defence of Pure Pluralism: Two Readings of Walzer's Spheres of Justice *The Journal of Political Philosophy* 8, 343-362.
- Tushnet, Mark. 1999. *Taking the Constitution away from the Courts*. Princeton: Princeton University Press.
- Valentini, Laura. 2009. On the Apparent Paradox of Ideal Theory. *The Journal of Political Philosophy* 17, 332-355.
- Vermaat, Matthijs, Hans van Rooij, et al. 2010. Compensatie in de Wmo: De Rechter als Plaatsvervangend Bestuurder? *Tijdschrift voor Gezondheidsrecht* 6, 444-451.
- Vernant, Jean-Pierre, and Pierre Vidal-Naquet. 1990. *Myth and Tragedy*. New York: Zone Books.
- Vranken, J.B.M., ed. 1995. *Asser-Vranken (Algemeen Deel)*. Zwolle: W.E.J. Tjeenk Willink.
- Vrouwenbond, FNV. 2010. Manifest Meer Kansen voor Alleenstaande Ouders in Lokaal Beleid.
- Wald, Michael. 1976. State Intervention on Behalf of 'Neglected' Children: Standards for Monitoring the Status of Children in Foster Care, and Termination of Parental Rights. *Stanford Law Review* 626.
- Waldron, Jeremy. 2006. The Core of the Case Against Judicial Review. *The Yale Law Journal* 115, 1348-1406.
- . 1989. Rights in Conflict. *Ethics* 3, 503-519.
- . 2010. The Rule of Law and the Importance of Procedure. In *New York University Public Law and Legal Theory Working Papers*, 1-25. New York: New York University School of Law.
- . 1987. Theoretical Foundations of Liberalism. *The Philosophical Quarterly* 37, 127-150.
- Walton, Douglas N. 1986. *Courage: A Philosophical Investigation*. Berkeley: University of California Press.
- Walzer, Michael. 1973. Political Action: The Problem of Dirty Hands. *Philosophy & Public Affairs* 2, 160-180.
- . 1983. *Spheres of Justice. A Defence of Pluralism and Equality*. Oxford: Oxford University Press.
- . 1983. Spheres of Justice. An Exchange. *The New York Review of Books*.
- Warner, Richard. 1992. Incommensurability as a Jurisprudential Puzzle. *Chicago-Kent Law Review* 147, 247-168.

- Wasserman, David. 2006. Disability, Capability, and Thresholds for Distributive Justice. In *Capability Equality: Basic Issues and Problems*, edited by Alexander Kaufman, 214-234: Routledge.
- Wasserstrom, Richard. 1983. Roles and Morality. In *The Good Lawyer*, edited by David Luban. New Jersey: Rowman and Allanheld.
- Weithman, Paul. 2009. John Rawls and the Task of Political Philosophy. *The Review of Politics* 71, 113-125.
- Wellman, Christopher Heath. 1995. On Conflicts between Rights. *Law and Philosophy* 14, 271-295.
- Wenar, Leif. 2011. Rights. In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta. Stanford: Metaphysics Research Lab, Stanford University.
- Wiarda, G.J. 1999. *Drie Typen van Rechtsvinding*. Deventer: W.E.J. Tjeenk Willink.
- Wiggins, David. 1980. Deliberation and Practical Reason. In *Essays on Aristotle's Ethics*, edited by Amélie O. Rorty. Berkeley: University of California Press.
- . 1997. Incommensurability. Four proposals. In *Incommensurability, Incomparability and Practical Reason*, edited by Ruth Chang. Cambridge, US. : Harvard University Press.
- . 2004. Neo-Aristotelian Reflections on Justice. *Mind* 113, 477-512.
- Wijze, Stephen de. 2004. Tragic Remorse: The Anguish of Dirty Hands. *Ethical Theory and Moral Practice* 7, 453-471.
- Wildeman, Christopher, and Bruce Western. 2010. Incarceration in Fragile Families. *The Future of Children* 20, 157-177.
- Williams, Bernard. 1981. Conflicts of Values. In *Moral Luck: Philosophical Papers 1973-1980*. Cambridge: Cambridge University Press.
- . 1973. Ethical Consistency. In *Problems of the Self: Philosophical Papers 1956-1972*. Cambridge: Cambridge University Press.
- . 1985. *Ethics and the Limits of Philosophy*. London: Fontana Press.
- . 2001. Liberalism and Loss. In *The Legacy of Isaiah Berlin*, edited by Mark Lilla, Ronald Dworkin, et al. New York: The New York Review of Books.
- . 1981. *Moral Luck. Philosophical Papers 1973-1980*. Cambridge: Cambridge University Press.
- . 1972. *Morality. An Introduction to Ethics*. Cambridge: Cambridge University Press.
- . 2008. *Philosophy as a Humanistic Discipline*. Edited by A.W. Moore. Princeton: Princeton University Press.
- . 1981. Practical Necessity. In *Moral Luck: Philosophical Papers 1973-1980*, 124-131. Cambridge: Cambridge University Press.
- . 1973. *Problems of the Self: Philosophical Papers 1956-1972*. Cambridge: Cambridge University Press.
- . 1995. Replies. In *World, Mind, and Ethics*, edited by J.E.J. Altham and Ross Harrison, 170-184. Cambridge: Cambridge University Press.
- . 1996. The Women of Trachis. Fiction, Pessimism, Ethics. In *The Greeks and Us. Essays in Honor of W.H. Adkins*, edited by Robert B. Loudon and Paul Schollmeier. Chicago: The University of Chicago Press.
- Witteveen, Willem, and Sanne Taekema, eds. 2000. *Verbeeldingsmacht. Wat Juristen Moeten Lezen*. Den Haag: Boom Juridische uitgevers.
- Wolcher, Louis. 2008. *Law's Task. The Tragic Circle of Law, Justice and Human Suffering*, Applied Legal Philosophy. Hampshire: Ashgate.
- Wolfram, Sybil. 1989. *Philosophical Logic*. London: Routledge.
- Wood, Diana P. 2012. Constitutions and Capabilities. A (Necessarily) Pragmatic Approach. In *Justice and the Capabilities Approach*, edited by Thom Brooks. Farnham: Ashgate.

- Wright, R. George. 1989. Does Free Speech Jurisprudence Rests on a Mistake? Implications of the Commensurability Debate. *Loyola of Los Angeles Law Review* 23, 763-790.
- Yong-Soon, Kang, and Nancy M. Ridgway. 1996. The Importance of Consumer Market Interactions as a Form of Social Support for Elderly Consumers. *Journal of Public Policy & Marketing* 15, 108-117.
- Yoona, Carolyn, Catherine A. Coleb, et al. 2009. Consumer Decision Making and Aging: Current Knowledge and Future Directions. *Journal of Consumer Psychology* 19, 2-16.
- Zahnd, Eric G. 1996. The Application of Universal Laws to Particular Cases: A Defense of Equity in Aristotelianism and Anglo-American Law. *Law and Contemporary Problems* 59, 263-295.
- Zucca, Lorenzo. 2008. Conflicts of Fundamental Rights as Constitutional Dilemmas. In *Conflicts between Fundamental Rights*, edited by Eva Brems. Oxford: Intersentia.
- . 2007. *Constitutional Dilemmas. Conflicts of Fundamental Legal Rights in Europe and the USA*. Oxford: Oxford University Press.