

# Contents

Acknowledgments ix

## Part I

### **1 Law and Social Justice: A Framework 3**

Harry S. Silverstein

### **2 Privacy, Pluralism, and Democracy 15**

Joshua Cohen

### **3 An Argument for Egalitarian Justice and against the Leveling-Down Objection 41**

Thomas Christiano

### **4 Justice, Inference to the Best Explanation, and the Judicial Evaluation of Scientific Evidence 67**

Carl F. Cranor

### **5 Moral Luck and the Criminal Law 105**

Nir Eisikovits

### **6 Intellectual Property and Traditional Chinese Culture 125**

Philip J. Ivanhoe

### **7 Initial Acquisition and the Right to Private Property 143**

Ann Levey

### **8 Justice and Strict Liability 163**

Harry S. Silverstein

### **9 The Value of Rights 179**

Leif Wenar

**Part II****10 Introduction: Wittgenstein and Legal Theory 213**

Douglas Lind

**11 Cautions and Caveats for the Application of Wittgenstein to Legal Theory 217**

Brian Bix

**12 Prolegomenon to Any Future Legal Theory: Wittgenstein and Jurisprudence 231**

Dennis Patterson

**13 Legal Process and the Practices of Principle 239**

Anthony J. Sebok

**Part III****14 Introduction: The Practice of Principle 251**

Kenneth Einar Himma

**15 Backward and Forward with Tort Law 255**

John Gardner

**16 Pragmatism, Positivism, and the Conventionalistic Fallacy 285**

Benjamin C. Zipursky

**17 Conceptual Jurisprudence and the Intelligibility of Law's Claim to Obligate 311**

Kenneth Einar Himma

**18 Facts, Fictions, and the Grounds of Law 327**

Jules L. Coleman

Index 353