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Bibliography

- A&C Black Dictionary of Law, 5th edition. P Collin (ed.). London (2007).
- Agamben, Giorgio. *Homo Sacer: Sovereign Power and Bare Life*. Heller-Roazen, Daniel (trans.). Stanford, California, USA: Stanford University Press (1998).
- Apollonio, Umbro (ed.). *Documents of 20th Century Art: Futurist Manifestos*. Brain, Robert, Flint, R. W., Higgitt, J. C., and Tisdall, Caroline (trans.). New York: Viking Press (1973). 19-24.
- Aquinas, Thomas. *Commentary on Boethius's On the Trinity*.
- Aquinas, Thomas. *Summa Theologiae: Volume 6, The Trinity: 1a. 27-32*. Velecky, Ceslaus (ed.). Cambridge University Press (2006).
- Arendt, Hannah. *Eichmann in Jerusalem: A Report on the Banality of Evil*. New York: Penguin Classics (2006[1963]).
- Aristotle. *Ethics*. Reeve, C. D. C. (trans.). Indianapolis: Hackett Publishing Co. (1998).
- Aristotle. *The Politics and The Constitution of Athens*. Barnes, Jonathan (trans.), Eversson, Stephen (ed.). Cambridge Texts in the History of Political Thought. Cambridge University Press (1996).
- Atiyah, Patrick. 'Economic Duress and the Overborne Will' (1982) 98 LQR 197.
- Atiyah, Patrick. *The Rise and Fall of Freedom of Contract*. Oxford: Clarendon Press (1979).
- Augustine of Hippo. *City of God*. Henry Bettenson (trans.), Penguin Classics (2004 [426]).
- Augustine of Hippo. *The Confessions*. Everyman's Library (2001 [ca. 398]).
- Augustine, *De Trinitate*. Haddan, Arthur West (trans). in *Nicene and Post-Nicene Fathers, First Series, Vol. 3*. Schaff, Philip (ed.). Buffalo, NY: Christian Literature Publishing Co., (1887 [400]). *New Advent* revised edition. Knight, Kevin (ed.) www.newadvent.org/fathers/1301.htm.
- Ball, Terence and Dagger, Richard. *Political Ideologies and The Democratic Ideal*. 8th edition. Boston: Pearson (2011). 159-161, 232.
- Barry, Brian. *Culture and Equality: An Egalitarian Critique of Multiculturalism*. Harvard University Press (2002).
- Beauvoir, Simone de. *The Second Sex*. Borde, Constance and Malovany-Chevallier, Sheila (trans.). Vintage (2011 [1949]).
- Beccaria, Cesare. *Dei delitti e delle pene / On Crimes and Punishments* (1764).
- Bell, Daniel. *Cultural Contradictions of Capitalism*. Basic Books (1996[1976]).

- Bell, L A. *Sartre's Ethics of Authenticity*. University of Alabama Press (1989).
- Bentham, Jeremy. *The Rationale of Punishment*. London: Robert Heward (1830 [1811, originally in French]).
- Berger, Adolf. *Encyclopedic Dictionary of Roman Law*. Transactions of the American Philosophical Society. Philadelphia: American Philosophical Society. 43:2 (1953).
- Berger, Peter L. *A Rumor of Angels: Modern Society and the Rediscovery of the Supernatural*. 1st edition. Doubleday Anchor (1970).
- Berger, Peter L. *Facing up to Modernity: Excursions in Society, Politics, and Religion*. New York: Basic Books (1977).
- Berger, Peter L. *The Sacred Canopy: Elements of a Sociological Theory of Religion*. New York: Anchor Books (1967).
- Berger, Peter L., Berger, Brigitte, and Kellner, Hansfried. *The Homeless Mind: Modernization and Consciousness*. Random House (1973).
- Berlin, Isaiah. 'Two Concepts of Liberty' in *Four Essays on Liberty*. Oxford University Press (1969 [originally delivered as an address in 1958]).
- Berlin, Isaiah. *The Roots of Romanticism*. Chatto & Windus (1999, but originally delivered in 1965 as the A. W. Mellon Lectures in the fine Arts).
- Berman, Harold J. *Law and Revolution: The Formation of the Western Legal Tradition*. Cambridge: Harvard University Press (1983).
- Berman, Marshall. *All That is Solid Melts into Air: The Experience of Modernity*. Verso (1982).
- Bidart, Frank. 'Borges and I', in *Desire: Poems*. (Farrar, Straus and Giroux (1999).
- Bigger, Nigel. *Between Kin and Cosmopolis: An Ethic of the Nation*. The Didsbury Lectures. Cascade Books (2014).
- Bingham, Tom. *The Rule of Law*. Penguin (2011).
- Blake, William. 'And did those feet in ancient time' (1808).
- Blond, Phillip (ed.). *Post-Secular Philosophy: Between Philosophy and Theology*. London: Routledge (1998).
- Bloom, Allan. *The Closing of the American Mind*. Simon & Schuster (1987).
- Bloom, Harold. *Shakespeare: The Invention of the Human*. Fourth Estate (2008).
- Boëthius, Anicius Manlius Severinus. *The Theological Tractates and The Consolation of Philosophy*. Steward, H. F. and Rand, E. K. (trans.). Cambridge: Project Gutenberg (2004). Publisher: Harvard University Press (January 31, 1973). Tester, S.J. (trans.). Loeb Classical Library (Book 74). Including *De Trinitate / On the Trinity* (ca. 510); *Contra*

- Eutychen et Nestorium / Against Eutyches and Nestorius* (ca. 513); *De consolatione philosophiae* (ca. 524).
- Boyd, J. P. (ed.). *Papers of Thomas Jefferson*. vol. I. Princeton University Press (1950). 423.
- Brague, Rémi. ‘Are Non-Theocratic Regimes Possible?’, *Intercollegiate Review* (Spring 2006).
- Brague, Rémi. *Moderately Modern* (St Augustine’s Press 2017).
- Brandt, Richard. ‘The Concepts of Obligation and Duty’, *Mind* 73:291 (1964). 374-93.
- Brian Barry, ‘Equality’ in *Encyclopedia of Ethics*, Becker, Lawrence C., and Becker, Charlotte B. (eds.). New York: Garland (1992).
- Brosnan, Sarah F. ‘Justice- and Fairness-Related Behaviors in Nonhuman Primates’, in *Proceedings of the National Academy of Sciences of the United States of America* 110.Supp1 2 (2013): 10416–10423. PMC.
- Brownlee, W. Elliott. *Federal Taxation in America: A Short History*. 2nd edition. Cambridge: Cambridge University Press (2004).
- Buber, Martin. *Ich und Du / I and Thou* (1923)
- Bunyan, John. *Pilgrim’s Progress from This World to That Which Is to Come; Delivered under the Similitude of a Dream* (1678).
- Burdick, William L. *The Principles of Roman Law and Their Relation to Modern Law*. Rochester, NY, USA: The Lawyers Co-operative Publishing Co. (1988 [1938]).
- Burger, Ronna. ‘Hunting Together or Philosophizing: Friendship and Eros in Aristotle’s Nicomachean Ethics’ in Eduardo Velásquez, ed., *Love and Friendship: Rethinking Politics and Affection in Modern Times*. Lexington Books (2003).
- Burke, Edmund. *An Appeal from the New to the Old Whigs* (1791), in *The Works of the Right Honourable Edmund Burke*, vol. IV. United Kingdom: John C. Nimmo (1887).
- Burke, Edmund. *Reflections on the Revolution in France* (1790), in *The Works of the Right Honourable Edmund Burke*, vol. IV. Strands., U.K.: John C. Nimmo (1887).
- Burke, Edmund. *A Vindication of Natural Society: or, a View of the Miseries and Evils arising to Mankind from every Species of Artificial Society. In a Letter to Lord ** by a Late Noble Writer.* Pagano, Frank N. (ed.). Indianapolis: Liberty Fund, Inc. (1982). <http://oll.libertyfund.org/titles/850>.

- Burnham, D. ‘Gottfried Leibniz: Metaphysics’, *Internet Encyclopedia of Philosophy*, <<http://www.iep.utm.edu/leib-met/#H8>>.
- Burwell v. Hobby Lobby*, 573 US (2014).
- Butler, E. M. *The Tyranny of Greece over Germany: A Study of the Influence Exercised by Greek Art and Poetry over the Great German Writers of the Eighteenth, Nineteenth and Twentieth Centuries*. Cambridge University Press (2012 [1935]).
- Butler, Judith. *Gender Trouble: Feminism and the Subversion of Identity*. Routledge (1989).
- Butterfield, Herbert. *The Whig Interpretation of History*. London: G. Bell & Sons (1931).
- Cahoone, Lawrence E. *The Dilemma of Modernity: Philosophy, Culture, and Anti-Culture*. SUNY Series in Philosophy (1987).
- Calvin, John. *Traité des Reliques / Treatise on Relics or A very useful notification of the great worth for Christianity of making an inventory of all the holy bodies and relics which are to be found in France, Germany, Spain and other kingdoms and countries* (1543).
- Camus, Albert. *The Myth of Sisyphus and other Essays*. Vintage International (1991).
- Cartwright, John. *Contract Law: An Introduction to the English Law of Contract for the Civil Lawyer*. Oxford: Hart (2007).
- Cary, Phillip. *Augustine's Invention of the Inner Self: The Legacy of a Christian Platonist*. Oxford University Press (2000).
- Chambers, Clare. *Sex, culture, and Justice: The Limits of Choice* (Penn State Press, 2008).
- Charles Taylor, *The Ethics of Authenticity*. Harvard University Press (1992).
- Cicero, *De Finibus Bonorum et Malorum*.
- Cicero, *De Natura Deorum*
- Cicero. *De Amicitia*.
- Clayton, Matthew and Williams, Andrew. *The Ideal of Equality*. Basingstoke: Palgrave MacMillan (2002, [reprinted with corrections]).
- Cohen, Joshua. *Rousseau: A Free Community of Equals*. Founders of Modern Political and Social Thought. Oxford University Press (2010).
- Concise Oxford Dictionary of Politics. Oxford University Press (2009).
- Constant, Benjamin. ‘The Liberty of the Ancients Compared with that of the Moderns’ (1819), in *The Political Writings of Benjamin Constant*. Fontana, Biancamaria (ed.). Cambridge (1988). 309–28.

- Courtois, Stéphane (ed) et al. *The Black Book on Communism / Le livre noir du Communisme*, Mark Kramer (ed., trans.) Harvard University Press (1999 [1997]).
- Cranmer, Thomas, et al. *The Book of Common Prayer* (1549).
- Cranson, Maurice. *Freedom*. New York: Basic Books (1953). 19.
- Crone, Patricia. *Pre-industrial societies: Anatomy of the Pre-Modern World*. London: Oneworld (2015 [1989]).
- Dagger, Richard and Lefkowitz, David. ‘Political Obligation’, in *The Stanford Encyclopedia of Philosophy*. Zalta, Edward N. (ed.). Fall 2014 Edition. <http://plato.stanford.edu>.
- Darwall, Stephen L. ‘The Value of Autonomy and the Autonomy of the Will’, *Ethics* 116 (2006). 263-284.
- Darwall, Stephen L. *The British Moralists and the Internal ‘Ought’*. Cambridge (1995).
- Darwall, Stephen, L. ‘Conscience as Self-Authorizing in Butler’s Ethics’, in Cunliffe, Christopher (ed.). *Joseph Butler’s Moral and Religious Thought*. Oxford (1992). 209-41.
- Darwall, Stephen, L. ‘Obligation and Motive in the British Moralists’, in Paul, Ellen F., Miller Jr., Fred D., and Paul, Jeffrey (eds.). *Foundations of Moral and Political Philosophy*. Oxford (1989). 133-50.
- Deci, E. L. and Ryan, R. M. ‘Self-determination theory and the facilitation of intrinsic motivation, social development, and well-being’, *American Psychologist* 55 (2002). 68-78.
- Decock, Wim. *Theologians and Contract Law: The Moral Transformation of the “Ius Commune” (C.A. 1500-1650)*: Leiden: Brill (2013).
- Descartes, Rene. *Meditations on First Philosophy, In which the existence of God and the immortality of the soul are demonstrated / Meditationes de prima philosophia, in qua Dei existentia et animæ immortalitas demonstratur* (1641).
- Dicey, A. V. *An Introduction to the Study of the Law of the Constitution*. (1885).
- Dobbs, Archibald Edward. *Philosophy and popular morals in ancient Greece. An examination of popular morality and philosophical ethics, in their interrelations and reciprocal influence down to the close of the third century B.C.* Dublin: E. Ponsonby (1907).
- Douglass, Frederick. *Life and Times of Frederick Douglass*. New York: Bonanza Books (1972 [1892]). 143.
- Dover, K. J. *Greek Popular Morality in the Time of Plato and Aristotle*. Hackett (1994).

- Drucker, Peter F. *Management: Tasks, Responsibilities, Practices* (1973).
- Dumont, Louis. *Homo Hierarchicus: Essai sur le système des castes*. (1966).
- Dumont, Louis. *Homo Hierarchicus: The Caste System and its Implications*. Complete English edition, revised. University of Chicago Press (1980).
- Durkheim, Emile. *The Division of Labor in Society*. Free Press, (2014 [1893]).
- Dworkin, Gerald, 'Acting Freely', *Nous* (November 1970).
- Dworkin, Gerald, *The Theory and Practice of Autonomy* (Cambridge University Press 1988).
- Dworkin, Ronald *Sovereign Virtue: The Theory and Practice of Equality* (Harvard University Press 2002).
- Dworkin, Ronald. *Law's Empire*. Harvard University Press (1986).
- Earl, Donald C. *The Moral and Political Tradition of Rome*. Cornell University Press (1967).
- Eco, Umberto. *Il nome della rosa* (1980).
- Eksteins, Modris. *Rites of Spring: The Great War and the Birth of the Modern Age*. Black Swan (1990).
- Ellul, Jacques. *The Technological Society*. Knopf (1964).
- Elshtain, Jean Bethke. *Sovereignty: God, State, and Self*. Basic Books (2008).
- Erasmus, Desiderius and Luther, Martin. *Discourse on Free Will: Erasmus & Luther*. Winter, Ernest F. (ed., trans.). Continuum (2005).
- Erasmus, Desiderius. *De libero arbitrio diatribe sive collatio / Of free will: Discourses or Comparisons* (1524).
- Erasmus, Desiderius. *Stultitiae Laus* (or *Moriae Encomium*) / *In Praise of Folly* (1509).
- Farenga, Vincent. *Citizen and Self in Ancient Greece: Individuals performing justice and the law*. Cambridge University Press (2006).
- Feinberg, Joel, *The Moral Limits of the Criminal Law. Volume 4: Harmless Wrongdoing*. Oxford University Press (1988).
- Ferguson, John. *Moral Values in the Ancient World*. Methuen & Co. (1958).
- Finnis, John. 'Nationality and Alienage', in *Human Rights and Common Good: Collected Essays, Volume III*. Oxford University Press (2013 [2011]).
- Finnis, John. *Aquinas: Moral, Political, and Legal Theory*. Oxford University Press (1998).
- Finnis, John. *Natural Law and Natural Rights*. 2nd edition. Oxford University Press (2011).
- Foster, Charles. *Choosing Life, Choosing Death: The Tyranny of Autonomy in Medical Ethics and Law*. Hart Publishing (2009).

- Fox, George. *The Journal of George Fox*. Nickalls, J. L. (ed.). Cambridge University Press (1952 [1694]).
- France, Anatole. *Le Lys rouge*. Calmann-Lévy (1927).
- Frankfurt, Harry G., 'Freedom of the Will and the Concept of a Person', *The Journal of Philosophy*, Vol. 68, No. 1 (1971), 5-20.
- Fredman, S. *Discrimination law* (Oxford UP: Clarendon Law Series, 2002).
- Friedan, Betty. *The Feminine Mystique*. Norton (2013 [1963]).
- Fukuyama, Francis. *The End of History and the Last Man*. The Free Press (1992).
- Fuller, Lon L. *The Morality of Law*. The Storrs Lectures. Revised edition. Yale University Press (1964).
- Fustel de Coulanges, Numa Denis. *The Ancient City: A Study of the Religion, Laws, and Institutions of Greece and Rome*. Small, Willard (trans.) Dover Publications (2012 [1874]).
- Gaine, Simon Francis. *Will There Be Free Will in Heaven? Freedom, Impeccability and Beatitude*. London: T&T Clark (2003).
- Gay, Peter. *The Enlightenment: The Rise of Modern Paganism*. London: Weidenfeld & Nicolson (1967).
- Gellner, Ernest. *Plough, Sword and Book: The Structure of Human History*. University of Chicago Press (1990).
- George, Robert P. 'Reason, Freedom, and the Rule of Law: Their Significance in the Natural Law Tradition', *American Journal of Jurisprudence*: 46:1. Article 14. (2001).
- Giddens, Anthony. 'Living in a Post-Traditional Society' in Beck, Ulrich et al., *Reflexive Modernization: Politics, Tradition and Aesthetics in the Modern Social Order*. Cambridge: Polity Press (1994).
- Giddens, Anthony. *Modernity and Self-Identity: Self and Society in the Late Modern Age*. Cambridge: Polity Press (1991).
- Giddens, Anthony. *The Consequences of Modernity*. Cambridge: Polity Press (1990).
- Gillespie, Michael Allen. *The Theological Origins of Modernity*. University of Chicago Press (2009).
- Gordley, J. *The Philosophical Origins of Modern Contract Doctrine* (Oxford 1991).
- Green, Leslie, 'Legal Obligation and Authority', *The Stanford Encyclopedia of Philosophy* (Winter 2012 Edition), Edward N. Zalta (ed.), plato.stanford.edu/archives/win2012/entries/legal-obligation/.
- Grotius, Hugo. *De Iure Praedae Commentarius / On the law of Prize and Booty*. Williams, Gwladys L. and Zeydel, Walter H. (trans.). Carnegie

- Endowment for International Peace. Oxford University Press (1950 [written in 1604 or 1605, but remained in manuscript until 1868]).
- Grotius, Hugo. *De Jure Belli Ac Pacis Libri Tres / On the Law of War and Peace in Three Books.* vol. II. Kelsey, Francis W. (trans.). Washington, D.C.: Carnegie Institution of Washington (1913 [1625]).
- Grotius, Hugo. *The Truth of the Christian Religion.* Liberty Fund (2012).
- Haakonssen, Knud. *Natural Law and Moral Philosophy: From Grotius to the Scottish Enlightenment.* Cambridge: Cambridge University Press (1996).
- Habermas, Jürgen. ‘Discourse Ethics: Notes on a Program of Philosophical Justification.’ (1990). in *Moral Consciousness and Communicative Action*, Lenhardt, Christian and Nicholson, Shierry Weber (trans.). MIT Press (1990).
- Hacking, Ian. *The Social Construction of What?* Harvard University Press (1999).
- Haidt, Jonathan. *The Righteous Mind.* Pantheon (2012).
- Hannah Arendt, *Origins of Totalitarianism.* Schocken (2004 [1951]).
- Hart, H. L. A. ‘Legal and Moral Obligation’, in A. I. Melden (ed.). *Essays in Moral Philosophy.* Seattle: University of Washington Press (1958).
- Harvey, Brian W., and Parry, Deborah L. , *The Law of Consumer Protection and Fair Trading.* London: Butterworths (2000).
- Hazlitt, William. ‘On Prejudice’, in *Sketches and Essays.* London: John Templeman (1839).
- Hegel, Georg Wilhelm Fredrich, *Grundlinien der Philosophie des Rechts.* Sämtliche Werke, Glockner, Hermann (ed.). Stuttgart (1928).
- Hegel, Georg Wilhelm Fredrich. *Elements of the Philosophy of Right.* Wood, Allen W. (ed.), Nisbet, H. B. (trans.). Cambridge Texts in the History of Political Thought. Cambridge University Press (1991).
- Heidegger, Martin. *Being and Time.* Macquarrie, John and Robinson, Edward (trans.). Harper Perennial Modern Thought. Harper Perennial Modern Classics (2008 [1927]).
- Heidegger, Martin. *Kant and the Problem of Metaphysics.* (1929).
- Heimsoeth, Heinz. *The Six Great Themes of Western Metaphysics and the End of the Middle Ages.* Betanzos, Ramon (trans.). Wayne State University Press (1994).
- Henrich, Joseph, Heine, Steven J. and Norenzayan, Ara. 'The weirdest people in the world?', *Behavioral and Brain Sciences* (2010).
- Hepple, Bob A. *Equality: The New Legal Framework.* Oxford: Hart Publishing (2011).
- Herbert Marcuse, *One-Dimensional Man.* Boston: Beacon (1991 [1964]).

- Hirschman, Albert O. *The Passions and the Interests: Political Arguments for Capitalism before Its Triumph*. Princeton University Press (2013 [1977]).
- Hobbes, Thomas. *Leviathan* (1651).
- Hollis, Martin. *Models of Man*. Cambridge University Press (1977).
- Hume, David. *A Treatise of Human Nature*. Nidditch, P. H. (ed.). Oxford: Clarendon Press (1978 [1739]).
- Hunt, Lynn (ed., trans.). *The French Revolution and Human Rights: A brief documentary history*. Boston: St Martin's (1996). See particularly Hunt's introduction.
- Husserl, Edmund. *Ideas for a Pure Phenomenology and Phenomenological Philosophy. First Book: General Introduction to Pure Phenomenology*. Dahlstrom, Daniel O. (trans.). Hackett (2014).
- Husserl, Edmund. *The Crisis of European Sciences and Transcendental Phenomenology: An Introduction to Phenomenological Philosophy*. Carr, David (trans.). Northwestern University Press (1970).
- Jefferson, Thomas. *Thomas Jefferson: Writings*. New York: Library of America (1984).
- Joel Feinberg, *The Moral Limits of the Criminal Law, vol. 1, Harm to Others*. Oxford University Press (1987).
- John Stuart Mill. *Utilitarianism* (1859).
- Jones, Stanton L. ‘Same-Sex Science: The Social Sciences Cannot Settle the Moral Status of Homosexuality’ *First Things* (February 2012).
- Jonsen, Albert R. and Toulmin, Stephen. *The Abuse of Casuistry: A History of Moral Reasoning*. University of California Press (1990).
- Julliard, Jacques. *La faute à Rousseau*. Seuil (1985).
- Justin, Emperor Caesar Flavius. *Institutes of Justinian*. Moyle, D. C. L. (trans.). 5th edition. (1913).
- Kagan, Shelly. *Death*. Yale University Press (2012).
- Kant, ‘Perpetual Peace: A Philosophical Sketch / Zum ewigen Frieden. Ein philosophischer Entwurf’ (1795).
- Kant, Immanuel, *Was ist Aufklärung? / What is Enlightenment?*. Berlinische Monatsschrift. Dezember-Heft (1784). S., 481-494.
- Kant, Immanuel. *Grounding for the Metaphysics of Morals*. Ellington, James W. (trans.) (3rd ed.) (Hackett, 1993 [1785]).
- Kaveny, C. *Law's Virtues: Fostering Autonomy and Solidarity in American Society*. Georgetown University Press (2012).

- Kekes, John. “‘Ought Implies Can’ and Two Kinds of Morality’, *Philosophical Quarterly* 34:137 (1984). 459-67.
- Kekes, John. *The Illusions of Egalitarianism*. Ithaca, New York, USA: Cornell University Press (2003).
- Kimel, Dori. *From Promise to Contract: Towards a Liberal Theory of Contract*. Hart Publishing (2003).
- Kinneging, Andreas A. M. *Aristocracy, Antiquity and History: Classicism in Political Thought*. Rutgers: Transaction Publishers (1997).
- Kirk, Russel, *The Conservative Mind*, seventh edition. Gateway Editions (1985).
- Kirk, Russell. ‘Libertarians: the Chirping Sectaries’. *Modern Age* (Fall 1981), 345-351.
- Kołakowski, Leszek. ‘Modernity on Endless Trial’, in *Modernity on Endless Trial*. University of Chicago Press (1991).
- Kołakowski, Leszek. *Main Currents of Marxism. Vol. 1: The Founders*. P S Falla (trans.) (Oxford University Press, 1978).
- Kołakowski, Leszek. *What Socialism is not*. (samizdat 1956 in Polish).
- Kossmann, E. H. *Politieke theorie in het zeventiende-eeuwse Nederland*. Amsterdam: N.V. Noord-Hollandsche Uitgevers Maatschappij (1960).
- Kuhn, Thomas. *The Structure of Scientific Revolutions, fourth edition*. Chicago (2012 [1962]).
- Kupczak, Jaroslaw. *Destined for Liberty: The Human Person in the Philosophy of Karol Wojtyła/John Paul II*. The Catholic University of America Press (2000).
- La Mettrie, Julien Offray de. *L'homme machine*. (1748).
- La Rochefoucauld, François de. *Refexions Morales / Reflections or Sentences and Moral Maxims* (1692).
- Latour, Bruno. *We Have Never Been Modern*. Porter, Catherine (trans.). Harvard University Press (1993).
- Lee, Philip J. *Against the Protestant Gnostics*. Oxford University Press (1987).
- Leibniz, G.W. G. W. Leibniz's *Monadology*, Rescher Nicholas (tr.) University of Pittsburgh Press (1991[1714])
- Leo Strauss, *The City and Man*. University Of Chicago Press (1978 [1964]).
- Letwin, William. ‘The Case Against Equality’, in *Against Equality*. London: Macmillan (1983). 1-70.
- Lewis, C. S. *The Problem of Pain*. The Macmillan Company (1944).
- Lock, Grahame. ‘Self-ownership, Equality of Resources and the case of the Indolent Indigent’ R&R (1989) JRG 18 AFL 1.

- Lock, John, *Second Treatise on Civil Government* (1690).
- Locke, John. *An Essay Concerning Human Understanding* (1975 [1690]) Oxford University Press.
- Locke, John. *Two Treatises of Government*. Laslett, Peter (ed.). Cambridge University Press (1988 [1690]).
- Lovejoy, Arthur Oncken. *The Great Chain of Being: A Study of the History of an Idea*. Harvard University Press (1936).
- Luther, Martin. *De Servo Arbitrio / The Bondage of the Will*. Packer, J. I. and Johnston, O. R. (trans.). Baker Academic (2012 [1525]).
- Maccarini, Andrea M. ‘Christian Europe? A review of Why We Should Call Ourselves Christians’. *First Things* (May 2012).
- MacIntyre, Alasdair *Whose justice? Which rationality?* (University of Notre Dame Press 1989).
- MacIntyre, Alasdair. *Three Rival Versions of Moral Enquiry: Encyclopaedia, Genealogy, and Tradition*. University of Notre Dame Press (1990).
- MacMullen, Ramsay. *Roman Social Relations, 50 B.C. to A.D. 284*. New Haven: Yale University Press (1974).
- Macpherson, C. B. *The Political Theory of Possessive Individualism: Hobbes to Locke*. Oxford University Press, (2011 [1962]).
- Maine, Henry James Sumner. *Ancient Law, Its Connection with the Early History of Society and Its Relation to Modern Ideas*. (1861).
- Manent, Pierre. ‘The Crisis of Liberalism’, *Journal of Democracy* 25:1 (January 2014).
- Marenbon, John. *Boethius*. Great Medieval Thinkers Series. Oxford University Press (2003).
- Marx, Karl. ‘Part I’, *Critique of the Gotha Program*. (1875).
- Melzer, Arthur. *The Natural Goodness of Man: On the Systems of Rousseau's Thought*. University of Chicago Press (1990).
- Merleau-Ponty, Maurice. *Phenomenology of Perception*. Landes, Donald (trans.). Routledge (2013 [1945]).
- Merton, Thomas. ‘Poetry and the Contemplative Life’. *Commonweal* (4 July 1947).
- Mill, John Stuart. *On Liberty and Other Essays*. Gray, John (ed.). Oxford World's Classics. Oxford University Press (2008 [1859]).
- Mommsen, Theodor. ‘Roemisches Strafrecht’, in *Systematisches Handbuch der Deutschen Rechtswissenschaft*, Erstes Buch. Karl Binding (ed.). Leipzig: Dubcjer & Humblot (1899).

- More, Thomas. *Utopia*. In *Complete Works of St. Thomas More*, vol. IV. Surtz, Edward, S.J. and Hexter, J. H.. New Haven: Yale University Press, (1965 [1516]).
- Morris, Colin. *The Discovery of the Individual, 1050-1200*. University of Toronto Press (1987).
- Mosca, Gaetano. *Elementi di Scienza Politica / The Ruling Class*. Kahn, Hannah (trans.) and Livingstone, Arthur, (ed.). McGraw-Hill (1939 [1896]).
- Mullady, Brian. *Man's Desire for God*. Bloomington: 1st Books (2003).
- Naess, Arne. 'The Shallow and the Deep: Long Range Ecology Movements: A Summary.' *Inquiry* 16:1 (1973), 95-100.
- Nagel, Thomas. *The View from Nowhere*. Revised edition. Oxford University Press (1989[1986]).
- Nagel, Thomas. 'What Is It Like to Be a Bat?', *The Philosophical Review* 83:4 (Oct. 1974). 435-450.
- Nagel, Thomas. *Equality and Partiality*. Oxford University Press (1991).
- Nagel, Thomas. *Mortal Questions*. Cambridge University Press (1979).
- Neuhouser, Frederick. *Rousseau's Theodicy of Self-Love: Evil, Rationality, and the Drive for Recognition*. Oxford University Press (2008).
- Niebuhr, H. R. *Christ and Culture*. Harper and Brothers (1951).
- Nietzsche, Friedrich. *Die fröhliche Wissenschaft*, §336. Cf. Williams, Bernard (ed.). *Nietzsche: The Gay Science, with a Prelude in German Rhymes and an Appendix of Songs*. Nauckhoff, Josefine and Del Caro, Adrian (trans.). Cambridge: Cambridge University Press (2001). 189.
- Nisbet, Robert. 'The Pursuit of Equality', in Letwin, William (ed.). *Against Equality: Readings on Economic and Social Policy*. London: Macmillan (1983), 124-147.
- Nisbet, Robert. *The Quest for Community A Study in the Ethics of Order & Freedom*. ISI Books (2010 [1953]).
- Nisbet, Robert. *The Sociological Tradition*. Basic Books (1966).
- O'Brian, William E. 'Equality in Law and Philosophy'. *Inquiry* 53:3, 257-284 (2010).
- Oakeshott, Michael. 'The Rule of Law', in *On History and Other Essays*. Oxford: Blackwell (1983). 119-164.
- Paine, Thomas. *The Age of Reason*. Part 1 (1793).
- Paley, William. *Natural Theology, or Evidences of the Existence and Attributes of the Deity collected from the Appearances of Nature*. (1802).
- Parfit, Derek. *Reasons and Persons*. 1st edition. Oxford University Press (1984).

- Pascal, Blaise. *Lettres provinciales / The Provincial Letters of Blaise Pascal* (1656-7) in *Les Provinciales: Pensées et Opuscules divers*. La Pochothèque (2004 [1656-7]).
- Patterson, Orlando. *Slavery and Social Death: A Comparative Study*. Harvard University Press (1982).
- Paul VI, Pope. *Gaudium et Spes, the Pastoral Constitution on the Church in the Modern World*. Vatican City (1965).
- Peach, Lucinda. *Legislating Morality: Pluralism and Religious Identity in Lawmaking*. Oxford (2002).
- Pearson, Lionel. *Popular Ethics in Ancient Greece*. Stanford University Press (1962).
- Pelegrinis, T N. *Kant's Conceptions of the Categorical Imperative and the Will* (London, 1980).
- Pera, Marcello. *Why We Should Call Ourselves Christians: The Religious Roots of Free Societies*. Encounter (2011).
- Pinker, Steven. *The Blank Slate: The modern denial of human nature*. Penguin (2003).
- Planned Parenthood of Southeastern Pa. v. Casey* (91-744), 505 U.S. 833 (1992).
- Plato. *Complete Works*. Cooper, John M. and Hutchinson, D. S. (eds. and trans.). Hackett (1997).
- Pliny, *Letters*. Oxford University Press (2009).
- Pohlmann, R. 'Autonomie', in Ritter, Joachim (ed.). *Historisches Wörterbuch der Philosophie*. (1971). 701-19
- Pound, Roscoe. *The Spirit of the Common Law* (Boston: Beacon Press, 1963).
- Proudhon, Pierre-Joseph. *What Is Property?* (1840).
- Pufendorf, Samuel. *De Jure Naturae et Gentium Libri Octo, Vol II*. Oldfather, C. H. and Oldfather, W. A. (trans.). New York: William S. Heine & Co. (1995 [orig. publ. 1672; translation of 1688 edition]).
- Pufendorf, Samuel. *On the Duty of Man and Citizen according to Natural Law (De officio hominis et civis juxta legem naturalem)*. Tully, James (ed.) and Silverthorne, Michael (trans.). Cambridge Texts in the History of Political Thought. Cambridge University Press (1991).
- Rachel Carson, *Silent Spring*. Houghton Mifflin (1962).
- Raic, David. *Statehood and The Law of Self-Determination*. Martinus Nijhoff (2012).
- Rawls, John, 'Legal Obligation and the Duty of Fair Play', in *Law and Philosophy*, Hook, S. (ed.), New York University Press (1964).
- Rawls, John. *A Theory of Justice*. Cambridge, MA: Belknap Press (1999 [1971]).

- Rawls, John. *Justice as Fairness: A Restatement*. Kelley, Erin (ed.). Cambridge, MA: Belknap Press (2001).
- Raz, Joseph. 'The Rule of Law and its Virtue', in *The Authority of Law: Essays on Law and Morality*. Oxford University Press (1979). 210.
- Raz, Joseph. *The Morality of Freedom*. Oxford (1986).
- Reiff, Philip. *The Triumph of the Therapeutic: Uses of Faith after Freud* (2006 [1966]).
- Ritter, Joachim (ed.). *Historisches Wörterbuch der Philosophie*. vol. I. Darmstadt (1971).
- Roger Scruton. *Face of God: The Gifford Lectures* [2010]. Bloomsbury Academic (2012).
- Rogers, Carl R., *On Becoming a Person: A Therapist's View of Psychotherapy*. Houghton Mifflin Harcourt (1961).
- Rommen, Heinrich. *The Natural Law: A Study in Legal and Social History and Philosophy*. Hanley, Thomas R. (trans.). Indianapolis: Liberty Fund (1998 [1936]).
- Roosevelt, Franklin. 'Four freedoms' from his State of the Union, January 6th, 1941. Available at FDR Presidential library website: fdrlibrary.org/four-freedoms.
- Rorty, Richard. 'Posties', *London Review of Books* (3 September 1987).
- Rousseau, *Confessions*. Translation. Aldus Society, London (1903).
- Rousseau, Jean-Jacques. *Discourse on the Origin of Inequality* ['Second Discourse'] Cress, Donald A. (trans.) Indianapolis: Hackett (1992[1755]).
- Rousseau, Jean-Jacques. *Emile or On Education*. Bloom, Allan (trans.). Basic Books (1979 [1762]).
- Rousseau, Jean-Jacques. *On The Social Contract / Du contrat social ou Principes du droit politique*. G. D. H. Cole, trans. Everyman's Library (1920 [1782]).
- Rutgers, V. H. *De invloed van het christendom op het Romeinsche recht*. Amsterdam: Bakker (1940).
- Ryder, Richard D, *Animals, Men and Morals: An Inquiry into The Maltreatment of Non-humans*. Littlehampton (1971).
- Sandel, Michael J. *Liberalism and its Critics*. Blackwell (1984).
- Sandel, Michael J. *Liberalism and the Limits of Justice*. Cambridge University Press Cambridge University Press (1982).
- Sandel, Michael J. *The Case against Perfection: Ethics in the Age of Genetic Engineering*. Belknap (2009).
- Sartre, Jean-Paul. *Being and Nothingness*, Barnes, Hazel E. (tr.) New York: Philosophical Library (1948 [1943]).

- Sartre, Jean-Paul. *Essays in Existentialism*. Citadel Press (1993 [1965]).
- Scheler, Max. *Die Stellung des Menschen im Kosmos*. Munich: Nymphenburger Verlagshandlung (1947).
- Scheler, Max. *Die Wissensformen und die Gesellschaft*. Bern: Francke (1960).
- Scheler, Max. *Ressentiment*. Marquette Studies in Philosophy (1994 [1915]).
- Scheler, Max. *The Human Place in the Cosmos*. Frings, Karin S. (trans.), Northwestern University Press (2008).
- Schindler, D. C. *The Perfection of Freedom: Schiller, Schelling, and Hegel between the Ancients and the Moderns*. Cascade Books (2012).
- Schmitt, Carl. *Political theology*. Schwab. George (ed., trans.). University of Chicago Press (2005).
- Schmitz, Kenneth L. *At the Center of the Human Drama: The Philosophy of Karol Wojtyla/Pope John Paul II*. The Catholic University of America Press (1994).
- Schneewind, J. B. *The Invention of Autonomy: A History of Modern Moral Philosophy*. Cambridge University Press (1998).
- Schultz, Fritz. *History of Roman Legal Science*. Oxford: Clarendon Press (1946).
- Schultz, Fritz. *Principles of Roman Law*. Oxford: Clarendon Press (1956).
- Schut, Melvin. ‘The Homeric Christian: Gladstone’s Politics of Prudence’, *The Clarion Review* (2010) www.clarionreview.com.
- Schutz, Alfred. *Collected Papers*, vols. I–II. The Hague: Nijhoff (1962–64).
- Schutz, Alfred. *Der sinnhafte Aufbau der sozialen Welt*. Vienna: Springer (1960).
- Schwartz, Daniel. *Aquinas on Friendship* (OUP, Reprint edition 2012 [2007]).
- Scruton, Roger. *The West and the Rest: Globalization and the Terrorist Threat*. Wilmington, USA: ISI Books (2002).
- Seidenberg, Mark. *Language at the Speed of Sight: How We Read, Why So Many Can't, and What Can be Done About It*. Basic Civitas Books (2012).
- Shakespeare, William. *The Winter's Tale*. Evans, G. Blakemore, Tobin, J. J. M. (eds.). 2nd edition. The Riverside Shakespeare. Houghton Mifflin Company (1996).
- Siedentop, Larry. *Inventing the Individual: The Origins of Western Liberalism*. London: Allen Lane (2014).
- Simmons, A. J. ‘Associative Political Obligations’, *Ethics* 106 (1996), 247–73.
- Singer, Peter. *Animal Liberation*. Ecco Press (2001[1975]).
- Singer, Peter. *Practical Ethics*. Cambridge University Press (1999).
- Sirks, Boudewijn. ‘Delicts’, in *The Cambridge Companion to Roman Law*, Johnston, D. (ed.) (2015), 246–271.

- Skinner, Quentin. ‘A Third Concept of Liberty’, *Proceedings of the British Academy* 117 (2002). 237-68.
- Skinner, Quentin. *Hobbes and Republican Liberty*. Cambridge University Press (2008).
- Smart, J. J. C. and Williams, Bernard. *Utilitarianism: For and Against*. Cambridge University Press (1973).
- Smith, J.C. *Legal Obligation*. The Athlone Press (1975).
- Smith, Stephen A., *Atiyah's Introduction to the Law of Contract, Sixth Edition*. Oxford University Press (2006 [1961]).
- Smith, Steven B. *Modernity and Its Discontents: Making and Unmaking the Bourgeois from Machiavelli to Bellow* (Yale University Press 2016).
- Smith, Steven B. *Reading Leo Strauss: Politics, Philosophy, Judaism*, University of Chicago Press (2006).
- Somerville, John. *The Philosophy of Marxism - An Exposition*. Random House (1967).
- Sophocles. *Ajax*. Dutta, Shomit (ed.). 3rd edition. Cambridge Translations from Greek Drama. Cambridge University Press (2001).
- Sorokin P. A. *Sociology of Revolution*. Philadelphia (1925).
- Spaeman, Robert *Rousseau - Mensch oder Bürger*. Klett-Cotta (2008).
- Spinoza, *Tractatus Theologico-Politicus* (1670).
- Spivak, Gayatri Chakravarty. “Can the Subaltern Speak?” In *From Modernism to Postmodernism: An Anthology*, Cahoone, Lawrence (ed.). Cambridge, MA: Blackwell Publishers (2003).
- Stein, Peter. *Roman Law in European History*. Cambridge University Press (1999).
- Stigler, George J. and Becker, Gary S. ‘De Gustibus Non Est Disputandum’. *The American Economic Review*. Vol. 67, No. 2 (March 1977), 76-90.
- Stoker, Bram. *Dracula*. (1897).
- Strauss, Leo, *Persecution and the Art of Writing*, University of Chicago Press (1988 [1952]).
- Strauss, Leo. *Natural Right and History*. University of Chicago Press (1953).
- Syme, Ronald. *The Roman Revolution*. Turin (1965).
- Tallis, Raymond. *Why the Mind is Not a Computer: A Pocket Dictionary on Neuromythology*. Imprint Academic (2004).
- Tamanaha, Brian Z. *On the Rule of Law*. Cambridge University Press (2004).
- Taylor, Charles. ‘Two theories of Modernity’, *The Hastings Center Report* 25:2 (Mar.-Apr. 1995).

- Taylor, Charles. *A Secular Age*. Cambridge, MA, USA: Belknap Press (2007).
- Taylor, Charles. *Sources of the Self: The Making of Modern Identity*. Cambridge University Press (1989).
- The Oxford Handbook of Jurisprudence and Philosophy of Law*, Coleman and Shapiro (eds.). Oxford (2002).
- Tierney, Brian. *The Idea of Natural Rights: Studies on Natural Rights, Natural Law, and Church Law, 1150-1625*. Emory University Studies in Law and Religion (Scholars Press for Emory University, (1997).
- Tocqueville, Alexis de. *Democracy in America* (Reeve, Henry, trans., revised and corrected) (1899[1835/1840]), available at: xroads.virginia.edu/~HYPER/DETOC/toc_idx.html.
- Tuck, Richard. 'Introduction' to Grotius, Hugo. *The Rights of War and Peace*, vol. I. Liberty Fund (2005 [1625]).
- Tuck, Richard. *Natural Rights Theories: Their Origin and Development*. Cambridge University Press (1979).
- Unger, Roberto Mangabeira. *Law in Modern Society: Toward a Criticism of Social Theory*. The Free Press (1976).
- Verschoor, Marco 'The quest for the legitimacy of the people', *Politics, Philosophy & Economics* (2014) V 14, Issue 4, 391-428.
- Vitz, Paul C. and Felch, Susan M. (eds.). *The Self: Beyond the Postmodern Crisis*. Wilmington, USA: Intercollegiate Studies Institute (2006).
- Vitz, Paul C. *Psychology as Religion: The Cult of Self-worship*, Second edition. Eerdmans (2010 [1994]).
- Voegelin, Eric. *Order and History: The World of the Polis*, Vol. 2. Louisiana State University Press (1957).
- Voegelin, Eric. *The Political Religions in The Collected Works of Eric Voegelin*, V 5: *Modernity without Restraint*. Manfred Henningsen (ed.). University of Missouri Press (1999).
- Waldron, Jeremy. 'Basic Equality'. NYU School of Law, Public Law Research Paper No. 08-61. 5th December 2008. Available at SSRN: <https://ssrn.com/abstract=1311816> or <http://dx.doi.org/10.2139/ssrn.1311816>.
- Waldron, Jeremy. 'Dignity, Rank and Rights'. The Tanner Lectures on Human Values. Available at: <tannerlectures.utah.edu/_documents/a-to-z/w/Waldron_09.pdf>.
- Walzer, Michael *Spheres of Justice: A Defense of Pluralism and Equality*. Basic Books (1983).

- Walzer, Michael. 'Just War and Holy War: Again'. Unpublished paper.
- Weaver, Richard. *Ideas Have Consequences*. University of Chicago Press (2013 [1948]).
- Weaver, Richard. *The Ethics of Rhetoric*. Routledge (1985 [1953]).
- Weber, Max. *The Protestant Ethic and the Spirit of Capitalism* (1905).
- Welker, Michael. 'Is the autonomous person of European modernity a sustainable model of human personhood?', in *Human Person in Science and Theology*. Gregersen, Niels Henrik; Drees, Willem; and Görman, Ulf (eds.). Edinburgh: T&T Clark (2000). 95ff.
- Wellman, Christopher Heath. 'Associative Allegiances and Political Obligations', *Social Theory and Practice* 23 (1997). 181-204.
- Westen, Peter. 'The Empty Idea of Equality'. *Harvard Law Review*, vol. 95, nr. 3 (1982), 537-596.
- Williams, Bernard. *Shame and Necessity*. 2nd edition. Sather Classical Lectures. University of California Press (2008).
- Wojtyła, Karol. *The Acting Person*. Potocki, Andrzej (trans.) D. Reidel. (1979).
- Wokler, Robert (ed.). *Rousseau and Liberty*. Manchester: Manchester University Press (1995).
- Wokler, Robert. *Rousseau: a very short introduction* Oxford University Press; 2nd ed. (2001).
- Wolfe, Alan. 'Market, State, and Society as Codes of Moral Obligation', *Acta Sociologica* 32:3 (July 1989). 233-234.
- Wolfe, Tom. 'The "Me" Decade and the Third Great Awakening' in *Mauve Gloves & Madmen, Clutter & Vine and other stories, sketches and essays*. New York: Farrar, Straus and Giroux (1976). 126-67.
- Xenophon. *The Apology, and the Cavalry General*. Dakyns, Henry G. (trans.). Dodo Press (2007).
- Young, Peter W. *The Law of Consent*. Sydney: The Law Book Company (1986).
- Yowell, Paul. *Constitutional Rights and Constitutional Design: Moral and Empirical Reasoning in Judicial Review* Oxford: Hart Publishing (2018).
- Zimmerman, Carle C. *Family and Civilization*. 2nd ed. Wilmington: ISI Books (2009[1947]).

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