

# LEGAL THEORY

ISSN 1352-3252

VOLUME 22

NUMBER 3-4

SEPTEMBER/DECEMBER 2016

**CAMBRIDGE**  
UNIVERSITY PRESS

<https://doi.org/10.1017/S1352325217000015> Published online by Cambridge University Press

# LEGAL THEORY

ISSN 1352-3252

---

## EDITORS

Larry Alexander, *University of San Diego, School of Law*  
Mitchell N. Berman, *University of Texas, Austin*  
Connie Rosati, *University of Arizona*  
Scott J. Shapiro, *Yale Law School*

---

## EDITORIAL BOARD

Matthew D. Adler, *Duke University, School of Law*  
Robert Alexy, *University of Kiel*  
Anita Allen, *University of Pennsylvania*  
Brian Bix, *University of Minnesota, Twin Cities*  
Susan Brison, *Dartmouth College*  
David O. Brink, *University of California, San Diego*  
Alex Broadbent, *Cambridge/University of Johannesburg*  
Allen Buchanan, *Duke University*  
Bruno Celano, *University of Palermo*  
Ruth Chang, *Rutgers University*  
Jules L. Coleman, *New York University*  
Julie Dickson, *Oxford University*  
Michael Dorf, *Cornell University*  
Antony Duff, *Stirling University*  
David Enoch, *Hebrew University of Jerusalem*  
Kimberly Ferzan, *Rutgers–Camden*  
John Fischer, *University of California, Riverside*  
Ruth Gavison, *Hebrew University*  
John Goldberg, *Harvard University*  
Jeff Goldsworthy, *Monash University*  
Kent Greenawalt, *Columbia University*  
Mark Greenberg, *University of California, Los Angeles*  
Scott Herschovitz, *University of Michigan*  
Ken Himma, *University of Washington School of Law*  
John Horty, *University of Maryland*  
Heidi Hurd, *University of Illinois*  
Douglas Husak, *Rutgers University*  
Frances Kamm, *Harvard University*  
Robin Kar, *University of Illinois*  
Greg Keating, *University of Southern California*  
Matthew Kramer, *Cambridge University*

Jody Kraus, *Columbia University*  
Larry Laudan, *University of Texas*  
Brian Leiter, *University of Chicago*  
David Lyons, *Boston University*  
Andrei Marmor, *University of Southern California*  
Jeff McMahan, *Rutgers University*  
Michael Moore, *University of Illinois*  
Stephen Morse, *University of Pennsylvania*  
Stephen Munzer, *University of California, Los Angeles*  
Jeffrie Murphy, *Arizona State University*  
John Oberdiek, *Rutgers–Camden*  
Dennis Patterson, *Rutgers University, European University Institute, Swansea University*  
Stephen Perry, *University of Pennsylvania*  
Gerald Postema, *University of North Carolina*  
Joseph Raz, *Oxford University, Columbia University*  
Arthur Ripstein, *University of Toronto*  
Carolina Sartorio, *University of Arizona*  
Frederick Schauer, *University of Virginia*  
Hanoch Sheinman, *Bar Ilan University*  
Seana Shiffrin, *University of California, Los Angeles*  
Patricia Smith, *City University of New York*  
Nicos Stavropoulos, *Oxford University*  
Martin Stone, *Yeshiva University*  
Victor Tadros, *Warwick School of Law*  
Kevin Toh, *University College London*  
Peter Vallentyne, *University of Missouri*  
Jeremy Waldron, *New York University*  
Wil Waluchow, *McMaster University*  
Gideon Yaffe, *Yale Law School*  
Ben Zipursky, *Fordham University*

---

**Submissions:** [mc.manuscriptcentral.com/leg](http://mc.manuscriptcentral.com/leg)

**Publishing, Subscription, and Advertising Offices:** *Legal Theory* (ISSN 1352-3252) is published quarterly by Cambridge University Press, One Liberty Plaza, Floor 20, New York, NY 10006, U.S.A./Cambridge University Press, Journals Fulfillment Department, UPH, Shaftesbury Road, Cambridge CB2 8BS, U.K. Annual subscription rates for Volume 23, 2017: Annual institutional print and electronic rates: US \$442.00 in the USA, Canada, and Mexico; UK £257.00 + VAT elsewhere. Institutional electronic rates only: US \$354.00 in the USA, Canada, and Mexico; UK £212.00 + VAT elsewhere. Individual print rates only: US \$407.00 in the USA, Canada, and Mexico; UK £240.00 + VAT elsewhere. Individual rates print only: US \$82.00 in the USA, Canada, and Mexico; UK £47.00 + VAT elsewhere. Single part rates: US \$117.00 in the USA, Canada, and Mexico; UK £69.00 VAT elsewhere. Prices include postage and insurance. *Legal Theory* and all other Cambridge Journals can be found at <http://journals.cambridge.org/>  
*Legal Theory* is also available through LexisNexis and Westlaw.

© Cambridge University Press 2017. All rights reserved. No part of this publication may be reproduced, in any form or by any means, electronic, photocopying, or otherwise, without permission in writing from Cambridge University Press. Policies, request forms, and contacts are available at: <http://www.cambridge.org/rights/permissions/permission.htm>

Permission to copy (for users in the U.S.A.) is available from Copyright Clearance Center, <http://www.copyright.com>, email: [info@copyright.com](mailto:info@copyright.com).

Periodicals postage paid at New York, NY, and additional mailing offices. Forwarding and Return Postage Guaranteed, Address Correction Requested. Postmaster: Send address changes in the USA and Canada to: *Legal Theory*, Cambridge University Press, Journals Fulfillment Dept., One Liberty Plaza, Floor 20, New York, NY 10006, U.S.A. Send address changes elsewhere to *Legal Theory*, Cambridge University Press, Journals Fulfillment Department, UPH, Shaftesbury Road, Cambridge CB2 8BS, U.K.  
Printed in the United States of America