

CONTENTS

| | |
|--|-----|
| <i>Acknowledgements</i> | v |
| Introduction | 1 |
| PART ONE | |
| 1: The Dark Ages of Liberalism | 11 |
| The Rejection of Teleology | 15 |
| An Enlightened Alternative | 21 |
| The Emotivist Self | 26 |
| The Emotivist Compromise | 30 |
| Initial Problems with the Emotivist Self | 40 |
| 2: The Politics of the Emotivist Compromise | 49 |
| A Four-Level Analysis | 49 |
| Conclusion | 63 |
| PART TWO | |
| 3: A Liberal Response | 67 |
| Berlin's Liberalism | 69 |
| (i) <i>Conflict</i> | 70 |
| (ii) <i>Rationality</i> | 74 |
| (iii) <i>Values, Commitment and Identity</i> | 82 |
| (iv) <i>Authority and Expertise</i> | 95 |
| Law and Politics | 104 |
| (i) <i>A Duality</i> | 104 |
| (ii) <i>Challenging Liberalism</i> | 107 |
| (iii) <i>Trade-offs</i> | 111 |
| (iv) <i>Questioning Authority</i> | 116 |
| Conclusion | 119 |
| 4: Liberalism and Law: MacIntyre and Berlin | 123 |

PART THREE

| | |
|---|-----|
| 5: On Liberal Legalism | 137 |
| “Law’s Images of Society” | 141 |
| (i) <i>Community</i> | 142 |
| (ii) <i>Imperium</i> | 145 |
| Some Preliminary Issues | 149 |
| (i) <i>Whose Community?</i> | 149 |
| (ii) <i>Contested Rationalities</i> | 157 |
| 6: Law, Conflict, and Consensus | 165 |
| Deeper Concerns | 165 |
| (i) <i>A Note on Decisions</i> | 165 |
| (ii) <i>Reasonable Men and Persons in Law</i> | 171 |
| (iii) <i>Legal Conflict</i> | 182 |
| Law and “Other” Problems | 188 |
| (i) <i>The Problems</i> | 190 |
| (ii) <i>Perspectives on Law</i> | 197 |
| Conclusion | 203 |
| <i>Bibliography</i> | 209 |
| <i>Index</i> | 217 |