Index

abstract thinking see capacity for abstract thinking
adaptive-lag hypothesis 25, 27, 43
Ainslie, George 41, 51, 58
Alexander, Richard D. 22, 54, 56, 115, 128
Allais, Maurice 40, 57
altruism 3–6, 13–23, 33–8, 51, 68, 93–4
biological 4
kin 3–6, 17–18, 33–6, 53, 56, 65
narrow 89
psychological 4–5
pure 4–6, 19, 33–6, 57, 65
reciprocal 2–6, 12, 16, 19–23, 33–8, 53–4, 56, 63, 65, 70, 72, 115, 117–18
altruistic gene 18
altruistic punishment 114–15
anarchism 82, 89–90, 99
Austin, John 131, 140
Axelrod, Robert 21, 54, 128
axiological anthropological meta-theory 80, 84
axiological meta-theory 80, 84
Basic Norm 132
Bayesian 8, 51
Beethoven error 39–40
benign envy see envy, benign
biological altruism see altruism, biological
biological determinism see determinism, biological
biologically egoistic 5
bipolar ape 40, 57
Boehm, Christopher 53, 57, 72–3, 127
Boleyn-Fitzgerald, Patrick 128
Bosheit 3

Cassirer, Ernst 49
causal mechanisms 75
child abuse 96–8, 139
Chomsky, Noam 55
classification
collective action problems 75
forms of altruism 51
view of human nature
extremely optimistic 6, 14, 36, 89, 119
extremely pessimistic 3, 6, 14, 32, 90
moderately optimistic 6, 14, 35–9, 47, 50, 89–91, 119
moderately pessimistic 3, 6, 14, 32, 90
collective action problems 74–5, 78
collectivist 63, 66, 69–72, 95
compassion 3
conflict mechanism 75–6
consensual mechanism 75, 78
cooperative dispositions 32, 38–9, 62, 65, 68–73, 77, 104, 126, 137–9
corrective justice 106–10, 114, 118, 127
Cosmides, Leda 24, 124–5, 129
Cosmides and Tooby see Tooby and Cosmides
Crawford, Charles 54, 80
critical legal positivism 132
Critical Legal Studies 131, 136
cultural determinism see determinism, cultural
Daly, Martin 45, 96
Damasio, Antonio 52
Darwin, Charles 17, 39, 57, 61
see also Darwinian
Darwinian 17, 39, 53, 57, 60–62, 65–6, 69, 71, 76–8, 100, 138
Darwinism 100
Dawkins, Richard 53, 56
delayed mutualism see mutualism, delayed
determinism 88–91
biological 88–9
cultural 88–9
genetic 29, 56
digression 28–9, 39, 91
discounting
exponential 8–12, 58
hyperbolic 8–12, 45, 47, 51–2, 58–9
discriminative parental solicitude 96
dominant mode of acting 6, 40–41
dominant moral motive 1–3, 6, 13, 32–3, 86, 93
downward causation 67–8, 139
dual-inheritance theory see gene-culture co-evolution theory
Dunbar, Robin 50, 54, 59, 138
Dworkin, Gerald 100
economic analysis of law 131, 135–6
economic freedom 81–3, 86, 90
EEA see environment of evolutionary adaptedness
egoism 3–6, 13, 32, 35, 51, 62, 114
Égoïsme 3
goisthic 32–3, 37–9, 75, 90, 104, 114
classification 3, 5–6, 13–14
gratitude 116
Hobbesian model 62, 68, 70
personal freedoms 85
sense of justice 118, 120
emergentism 67
environment of evolutionary adaptedness 24–31, 34, 43–6, 54–6
envy 21, 108, 111–14, 118–21, 128
benign 112
invidious 112–14, 120, 128
temperate 112–14, 120, 128
epistemic rationality 51
evolutionary functional analysis 29, 55
evolutionary game theory 16, 31–2, 45, 56
evolutionary psychology 16, 34, 37, 42, 48, 59, 80, 96–8, 101, 139
assumptions of 24–8, 55
human nature 2
law of law’s leverage 99
objections against 26–31, 55
expected utility 7, 31–2, 56
Extended Order, Law of 63–6, 70, 78, 93–5
Fiddick, Laurence 126, 129
fitness-maximisers 26, 55
Fodor, Jerry A. 55–6
formal law 60
Frankfurt, Harry G. 49
free will 38, 49, 88, 91
Freud, Sigmund 14, 37, 113
gene-culture co-evolution theory 2, 16, 19, 22, 26, 35, 57
general evolutionary theory 2, 16, 19, 24, 53
see also theory of natural selection;
test of sexual selection
general naturalistic thesis 15, 48
genetic determinism see determinism, genetic
genetic group selection 19, 35–6, 56
genuinely moral 6, 13, 33, 37–9, 65, 85–6, 89
Ghiselin, Michael T. 54, 58
Gintis, Herbert 22, 56–7, 128
gratitude 5, 21, 38, 108, 111, 115–19, 128
Hamilton, William D. 17, 21, 53
hard paternalism see paternalism, hard
Hart, Herbert L.A. 60, 67–8, 74, 78, 127, 131, 135, 140
Hawk-Dove game 45, 58
Hayek, Friedrich A. von 63–5, 68, 70–71, 77–8, 91–5, 100
Hayekian 60–63, 65–6, 70–71, 76–7
heuristics 41, 43
Hobbes, Thomas 14, 60, 62, 64, 77, 131
Hobbesian 60–62, 68, 71, 76–7
human behavioural ecology 2, 16, 24–7, 55
Hume, David 14, 64–5, 71, 77–8
Huxley, Thomas H. 39, 57
hypothesis of mismatch see adaptive-lag hypothesis
hypothesis of time-shifted rationality see adaptive-lag hypothesis
imperfectly prudent 7, 13–14, 46–7, 50, 86–90
imprudence 47, 90
sensu largo 87
sensu stricto 87
indeterminacy thesis 134–6
infidelity 37, 97, 101
involuntary law 60
instinctive drives 3
invidious envy see envy, invidious
Jones, Owen D. 53, 98–101
Jones & Goldsmith 58–9, 96, 99–101
Kacelnik, Alex 45, 59
Kant, Immanuel 14, 26, 100, 103
Kantian 102–4, 122–3, 127
Kantianism 26
Kaufmann, Arthur 133
Kelsen, Hans 132, 140
kin altruism see altruism, kin
Law of Extended Order 63–6, 70, 78, 93–5
law of law’s leverage 99
law of the Great Society 63
legal hermeneutics 131–4
legal norms 74, 102–5, 123, 130–40
legal paternalism see paternalism, legal
legal positivism 131–2
legal realism 131, 134
legal-philosophical current 1, 136
libertarianism 82–3, 89–92, 99
male violence 96–8
malice 3–4, 6, 32, 51
Malinowski, Bronislaw 71–2, 77
Marx, Karl 100
Marxism 84, 99, 136
middle-level theories 2, 16, 19, 24
Midgley, Mary 32
Mill’s harm theories 21, 38, 54, 115
Mill’s harm principle 86–8
Mitgefühl 3
moral autonomy 49
morality 12, 38–40, 46, 56, 83, 100, 118, 127
Hayekian 65, 93–4
Hume, David 77–8
retaliation 114
sense of justice 106–7
Theory of Law 131–3, 136
morphemes 49
mutualism delayed 19, 53
simple 19, 53
narrowly altruistic 6, 13–14, 32–9, 47, 50, 65, 70, 85, 89–91, 104
natural law theories 131–3
natural selection 2, 17–19, 22–6, 30, 48, 53, 55–7, 114–17, 123–4
Beethoven error 40
self-deceptive mechanism 42
selfish gene theory 33
sense of justice 108–11
Nietzsche, Friedrich 113
nomocratic 64
non-primitive law 60–66, 73–6
normative judgement 123–6, 129, 137
normative modularity thesis 126
Nowak, Martin 54, 115, 128
Ontogeny 16
ontology 78, 133
Ossowska, Maria 127
paternalism hard 87–8, 100
legal 86–7
soft 87–8, 100
Pavlov strategy 54
perfectly prudent 6–7, 13–14, 46, 86–90
personal autonomy 49
phenotypic 17–18, 27, 33
Phylogeny 16
Plato 73
political freedom 81–3, 86–8
political power 72, 82, 89–91
political-philosophical conception 79–84, 88–91, 94, 99–100, 103
Posner, Richard 59, 101, 135
primitive law 60–78, 93
Prisoner’s Dilemma game 21, 38, 54, 75
probability 53, 57–8, 96–7
discounting 44–5
heuristics 41
natural selection 18
rationality 7–8, 12
reciprocal altruism 20–21
sexual selection 34
Wason selection test 47
prudence
over time 7, 11, 41, 45, 47
sensu largo 7, 12, 41, 87
sensu stricto 7, 11–12, 87
prudent 6–7, 11–14, 41, 45–7, 50, 52, 86, 88–90, 126–7
psychological altruism see altruism, psychological
psychologically egoistic 5
pure altruism see altruism, pure
Pure Theory of Law 131–3
rationality
over time 7–8, 11, 41
sensu stricto 7–8, 11–12, 87
reciprocal altruism see altruism, reciprocal
reciprocity 3, 5, 22–3, 54, 57, 114–16
retribution 13, 21, 38, 54, 108, 111, 114, 118, 120–21, 128
reverse engineering 29, 55
Salmon, Catherine 54
Schopenhauer, Arthur 3, 14, 50
selection task see Wason, Peter C.
self-consciousness 49
selfish gene theory 56
sense of justice 36, 65, 104–22, 126–9, 137
Separation Thesis 131
sexual selection 18–19, 23–5, 34, 42, 53–6
Sigmund, Karl 54, 115, 128
simple mutualism see mutualism, simple
Singer, Peter 51, 56–7, 100
Slote, Michael 65
Smith, Adam 63
Sober, Elliott 35, 51, 53, 100
social contract 60, 62, 124–5
Social Instincts Theory 39
social justice liberalism 83
social liberalism 83, 90–91, 94, 99, 137
sociobiology 2, 16, 24, 26–7, 55
soft paternalism see paternalism, soft
somatic markers 52
Sowell, Thomas 86, 100
Spencer, Herbert 100
SSSM see Standard Social Science Model
St. Thomas Aquinas 133
Standard Social Science Model 14, 26, 84–5
state of nature 60–66, 70
supervenience 66–9, 139
teleocratic 64
teleological-axiological question
79–101, 130–31, 137
temperate envy see envy, temperate
temptation effect 10, 45
territorialism 44, 58
theory of inclusive fitness 17, 33, 99
see also theory of natural selection
theory of mind 50, 59, 104, 122–3, 126, 137
theory of natural selection 2, 16–18, 33
see also natural selection
theory of parental investment 2, 16, 18–19, 23, 96
theory of parent-offspring conflict 2, 16, 19, 24
theory of reciprocal altruism 2, 16, 19, 23
theory of sexual selection 2, 16, 18, 34, 115
see also sexual selection
Thrasymachus 73, 76
time preference for the present see discounting
Tinbergen, Nikolaas 16
Tit for Tat 21–2, 32, 38, 54, 116
Tooby, John 24, 125
Tooby and Cosmides 14, 54–5, 129
Triebrfedern 3
Trivers, Robert 19, 53–4, 56, 58, 115, 117, 128
Trivers-Willard 23–4
Ultimatum Game 119
unemployment 82, 90, 97–8
unique language 49
Veneer Theory 39–40
virtues 64–5, 71
Wason, Peter C. 43–4, 47, 124–6
Wilson, David S. 35, 51, 53
Wilson, Margo 45, 96
Wright, Robert 53, 57, 78, 138