

LEGAL THEORY

ISSN 1352-3252

VOLUME 30

NUMBER 2

JUNE 2024



CAMBRIDGE
UNIVERSITY PRESS

LEGAL THEORY

ISSN 1352-3252

EDITORS

Mitchell N. Berman, *University of Pennsylvania*
Scott Hershovitz, *University of Michigan*
Scott J. Shapiro, *Yale University*

EDITORIAL BOARD

Matthew D. Adler, *Duke University, School of Law*
Larry Alexander, *University of San Diego*
Robert Alexy, *University of Kiel*
Anita Allen, *University of Pennsylvania*
Marcia Baron, *Indiana University*
Brian Bix, *University of Minnesota, Twin Cities*
Susan Brison, *Dartmouth College*
David O. Brink, *University of California, San Diego*
Alex Broadbent, *University of Johannesburg*
Bruno Celano, *University of Palermo*
Ruth Chang, *University of Oxford*
Julie Dickson, *University of Oxford*
Michael Dorf, *Cornell University*
Antony Duff, *University of Minnesota
and Stirling University*
David Dyzenhaus, *University of Toronto*
David Enoch, *Hebrew University of Jerusalem*
Christopher Essert, *University of Toronto*
Kimberly Kessler Ferzan, *University of Pennsylvania
Carey Law School*
John Fischer, *University of California, Riverside*
John Goldberg, *Harvard University*
Jeff Goldsworthy, *Monash University*
Kate Greasley, *University of Oxford*
Mark Greenberg, *University of California, Los Angeles*
Deborah Hellman, *University of Virginia*
Scott Hershovitz, *University of Michigan*

Ken Himma, *University of Washington School of Law*
Heidi Hurd, *University of Illinois*
Douglas Husak, *Rutgers University*
Frances Kamm, *Rutgers University*
Greg Keating, *University of Southern California*
Matthew Kramer, *Cambridge University*
Brian Leiter, *University of Chicago*
Don Loeb, *University of Vermont*
Jeff McMahan, *University of Oxford*
Michael Moore, *University of Illinois*
Sophia Moreau, *University of Toronto*
Stephen Morse, *University of Pennsylvania*
John Oberdieck, *Rutgers-Camden*
Dennis Patterson, *Rutgers University*
David Plunkett, *Dartmouth College*
Arthur Ripstein, *University of Toronto*
Connie Rosati, *University of Texas at Austin*
Carolina Sartorio, *University of Arizona*
Frederick Schauer, *University of Virginia*
Seana Shiffrin, *University of California, Los Angeles*
Nicos Stavropoulos, *University of Oxford*
Victor Tadros, *Warwick School of Law*
Kevin Toh, *University College London*
Wil Waluchow, *McMaster University*
Daniel Wodak, *University of Pennsylvania*
Gideon Yaffe, *Yale Law School*

Submissions: 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 and Assessment, Journals Fulfillment Department, UPH, Shaftesbury Road, Cambridge CB2 8EA, U.K. Annual subscription rates for Volume 30, 2024: Annual institutional print and electronic rates: US \$600.00 in the USA, Canada, and Mexico; UK £349.00 + VAT elsewhere. Institutional electronic rates only: US \$376.00 in the USA, Canada, and Mexico; UK £227.00 + VAT elsewhere. Institutional print rates only: US \$591.00 in the USA, Canada, and Mexico; UK £348.00 + VAT elsewhere. Individual rates print only: US \$121.00 in the USA, Canada, and Mexico; UK £70.00 + VAT elsewhere. Individual rates electronic only: US \$84.00 in the USA, Canada, and Mexico; UK £49.00 + 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 and Assessment 2024. 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.

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 and Assessment, Journals Fulfillment Department, UPH, Shaftesbury Road, Cambridge CB2 8EA, U.K.

Printed by Sheridan, a CJK Group Company.