

ALEXANDER, J. **Experimental Philosophy – An Introduction**. Cambridge: Polity Press, 2012.

ALEXANDER, J. e WEINBERG, J. “Analytic Epistemology and Experimental Philosophy”. **Philosophy Compass** 2/1, pp. 56-80, 2007.

ALEXANDER, L.; SHERWIN, E. **The Rule of Rules: Morality, Rules, and the Dilemmas of Law**. Durham e Londres: Duke University Press, 2001.

ALICKE, M. D. “Culpable control and the psychology of blame.” **Psychological Bulletin**, 126(4), pp. 556-574, 2000.

_____. “Culpable causation”. **Journal of Personality and Social Psychology**. 63, pp. 368-378, 1992.

ALICKE, M.D.; DAVIS, T.L.; PEZZO, M.V. “A posteriori adjustment of a priori decision criteria”. **Social Cognition**, 8, pp. 286-305, 1994.

AHARONI, E.; FRIDLUND, A. J. “Punishment without reason: Isolating Retribution in Lay Punishment of Criminal Offenders” **Psychology, Public Policy, and Law**. Advance online publication. Doi: 10.1037/a0025821, 2011

AUSTIN, J. **The Province of Jurisprudence Determined**. Nova York: Prometheus, 2000 [1832].

BENTHAM, J. “An Introduction to the Principles of Morals and Legislation” Ed. Tonry, M. **Why Punish? How Much? A reader on Punishment**. New York: Oxford University Press, 2011.

BIX, B. “Legal Positivism and Explaining Normativity and Authority”. **American Philosophical Association Newsletter**, vol. 5, 2006.

BRAFMAN, O.; BRAFMAN, R. **Sway – The Irresistible Pull of Irrational Behavior**. Nova York: Doubleday, 2008.

BRAND-BALLARD, J. **Limits of Legality. The Ethics of Lawless Judging**. New York: Oxford University Press, 2010.

_____. “Rules that Bend without Breaking”. **Meeting of the American Philosophical Association, Pacific Division**, 2004. Disponível em <http://home.gwu.edu/~jbb/Rules%20tha%20Bend.pdf>

BURAZIN, L. “Is Naturalised Methodology in Legal Theory Helpful?” **CEE Forum Yearbook: Reconsidering Democracy: (New) Theories, Policies and Social Practices**, Peter Lang International Academic Publishers, 2012. Disponível em SSRN: <http://ssrn.com/abstract=2189068>

CARLSMITH, K. M. “The roles of retribution and utility in determining punishment” **J. Exp. Soc. Psychol**, 42, pp. 437-451, 2006

CARLSMITH, Kevin M.; DARLEY, John M. Psychological Aspects of Retributive Justice. **Advances of Experimental Social Psychology**, Volume 40, pp.193-236, 2008.

CARLSMITH, K. M.; DARLEY, J. M.; ROBINSON, P. H. “Why do we punish? Deterrence and just deserts as motives for punishment. **J. Pers. Soc. Psychol.**, 83, pp. 284-299, 2002.

CUSHMAN, F. “The functional design of punishment and the psychology of learning”. *In*. R. Joyce, K. Sterelny, B. Calcott, & B. Fraser (Eds.), **Signaling, Commitment and Emotion, Vol. 2: Psychological and Environmental Foundations of Cooperation**. MIT Press, 2012, no prelo.

_____. “Crime and punishment: Distinguishing the roles of causal and intentional analyses in moral judgment.” **Cognition** 108(2), pp. 353- 380, 2008.

CUSHMAN, F. A., DREBER, A., WANG, Y., & COSTA, J. “Accidental outcomes guide punishment in a 'trembling hand' game.” **PLOS One** 4(8): e6699. doi:6610.1371/journal.pone.0006699, 2009.

DAMÁSIO, A. **O erro de Descartes: emoção, razão e o cérebro humano**. São Paulo: Companhia das Letras, 2010.

DANZINGER, S.; LEVAV, J.; AVNAIM-PESSO, L. “Extraneous factors in judicial decisions.” **PNAS** vol. 108 no. 17, pp. 6889-6892, 2011.

DARLEY, J. M. “Morality in the Law: The Psychological Foundations of Citizens’ Desires to Punish Transgressions”. **Annu. Rev. Law Soc. Sci**, 5, pp. 1–23, 2009.

DE QUERVAIN, D.; FISCHBACHER, U.; TREYER, V.; SCHELLHAMMER, M.; SCHNYDER, U.; et al. “The neural basis of altruistic punishment.” **Science** 305(5688), pp. 1254–1258, 2004

DENSON, T.F.; FABIANSOON, E.C. “The Effects of Anger and Anger Regulation in Negotiation”. *In*. Forgas, J. e Kruglanski, A. W. (eds) **The Psychology of Social Conflict and Agression**. Nova York: Psychology Press, pp. 139-152, 2011.

DICKSON, J. **Evaluation in Legal Theory**. Oxford e Portland: Hart Publishing, 2001.

FEHR, E; FISCHBACHER, U. “Third-party punishment and social norms”. **Evol Hum Behav**, 25, pp. 63-87, 2004.

FEHR, E.; LIST, J. “The Hidden Costs and Returns of Incentives – Trust and Trustworthiness among CEOs”. **Journal of the European Economic Association**, 2(5), pp. 743-771, 2004.

FEHR, E.; GÄCHTER, S. “Altruistic punishment in humans”. **Nature**, Vol 415, 10.01, pp. 137-140, 2002.

FLANAGAN, O. **Varieties of Moral Personality: Ethics and Psychological Realism**. Cambridge: Harvard University Press, 1991.

FREY, B.S.; OBERHOLZER-GEE, F. “The Cost of Price Incentives: An Empirical Analysis of Motivation Crowding-Out”. **American Economic Review**, 87, pp. 746-755, 1997.

FULLER, L. **The Morality of Law**. New Haven: Yale University Press, 1969.

GNEEZY, U; MEIER, S.; REY-BIEL, P. “When and Why Incentives (Don’t) Work to Modify Behavior” **Journal of Economic Perspectives**, Vol. 25, Número 4, pp.191-210, 2011.

GNEEZY, U.; RUSTICHINI, A. “A Fine is a Price”. **Journal of Legal Studies**, Vol. 29, No. 1, Janeiro, 2000a.

GNEEZY, U.; RUSTICHINI, A. “Pay Enough or Don’t Pay at All”. **Quarterly Journal of Economics**, 115, pp. 791-810, 2000b.

GREEN, L. “Introduction to the Third Edition of The Concept of Law” **Concept of Law**. Oxford: Oxford University Press, 2012.

GREENE, J.D. “The Secret Joke of Kant’s Soul” *In*. Sinnott-Armstrong W. (ed.) **Moral Psychology, Vol. 3: The Neuroscience of Morality: Emotion, Disease, and Development**. Cambridge, Massachussets: MIT Press; 2007.

GREENE, J.D.; NYSTROM, L.E.; ENGELL, A.D.; DARLEY, J.M.; COHEN, J.D. “The Neural Bases of Cognitive Conflict and Control in Moral Judgment” **Neuron**, Vol. 44, pp. 389-400, 14 de outubro de 2004.

GREENE, J.D.; SOMMERVILLE, R. B.; NYSTROM, L. E.; DARLEY, J. M.; COHEN, J. D. “An fMRI Investigation of Emotional Engagement in Moral Judgment” **Science**, Vol. 293, pp. 2105-2108, 14 de setembro de 2001.

GÜRERK, Ö.; IRLÉNBUSCH, B.; ROCKENBACH, B. “The competitive advantages of sanctioning institutions”. **Science**, 312, pp. 108–11, 2006.

HART, H. L. A. **O Conceito de Direito**. 4ª Edição. Lisboa: Fundação Calouste Gulbenkian, 2005 [1961].

HENRICH, J.; HEINE, S.J.; NORENZAYAN, A. “Most people are not WEIRD” **Nature**, Vol. 466, p. 29, 1º de julho de 2010.

HENRICH, J.; BOYD, R.; BOWLES, S.; CAMERER, C.F.; FEHR, E.; GINTIS, H.; MCELREATH, R. **Foundations of Human Sociality – Economic Experiments and Ethnographic Evidence from Fifteen Small-Scale Societies**. Nova York: Oxford University Press, 2009.

HEYMAN, J.; ARIELY, D. “Effort for Payment: A Tale of Two Markets.” **Psychological Science**, 15(11), pp. 787–793, 2004.

HOLMES, Oliver Wendell. “The Path of the Law”, **Harvard Law Review**, vol. 10, pp. 457-458, 1897.

HORNE, Christine. **The Rewards of Punishment: A relational theory of norm enforcement**. California: Stanford University Press, 2009.

KANT, I. “The Penal Law and The Law of Pardon” *In*. Tonry, M. (ed.) **Why Punish? How Much? A reader on Punishment**. New York: Oxford University Press, 2011.

_____. **The Philosophy of Law – An Exposition of The Fundamental Principles of Jurisprudence as The Schence of Right**. Edinburgo: T. & T. Clark, 2010 [1887].

KAHNEMAN, D. “A perspective on judgment and choice: mapping bounded rationality”. **Am. Psychol.** 58, pp. 697–720, 2003

KAHNEMAN, D.; SCHKADE, D.; SUNSTEIN, C.R. “Shared Outrage and Erratic Awards: The Psychology of Punitive Damages”. **Journal of Risk and Uncertainty**, 16, pp. 49-86, 1998.

KAHNEMAN, D.; TVERSKY, A. “Prospect Theory: An Analysis of Decision under Risk”. **Econometrica**, Vol. 47, No. 2., pp. 263-292, 1979.

KING’S COLLEGE LONDON. **World Prison Population List**. Londres, 2009.

KNOBE, J. “What Is Experimental Philosophy?” **The Philosophers’ Magazine**, Edição nº 50, 3ºtrimestre de 2010.

_____. “Answer to Five Questions”. Aguilar, J. e Buckareff, A. (eds.) **Philosophy of Action: 5 Questions**. London: Automatic Press, 2009.

_____. “Intentional action and side effects in ordinary language”. **Analysis** 63, pp. 190-194, 2003.

KOENIGS, M.; YOUNG, L.; ADOLPHS, R.; TRANEL, D.; CUSHMAN, F.; HAUSER, M.; DAMASIO, A. “Damage to the prefrontal cortex increases utilitarian moral judgements”. **Nature**, 19 de Abril; 44(7138), pp. 908-911, 2007.

LEITER, B. “The Demarcation Problem in Jurisprudence: A New Case for Scepticism”. **Oxford Journal of Legal Studies**, Vol. 31, No. 4, pp. 663-677, 2011a.

_____. “Naturalized Jurisprudence and American Legal Realism Revisited” **Law and Philosophy**, University of Chicago, Public Law Working Paper No. 352, 2011b. Disponível em SSRN: <http://ssrn.com/abstract=1847829>

_____. “Naturalizing Jurisprudence: Three Approaches” J. Shook & P. Kurtz (eds.) **The Future of Naturalism**, Amherst: Prometheus Books, Amherst, 2009; University of Chicago, Public Law Working Paper No. 246. Disponível em SSRN: <http://ssrn.com/abstract=1288643>

_____. “Rethinking Legal Realism: Toward a Naturalized Jurisprudence”. **Texas Law Review**, Volume 76, Issue 2, pp. 267-315, 1997.

LEITER, B., LANGLINAIS, A. “The Methodology of Legal Philosophy”. H. Cappelen, T. Gendler, & J. Hawthorne (eds.), **Oxford Handbook of Philosophical Methodology**, no prelo; U of Chicago, Public Law Working Paper No. 407, 2012. Disponível em SSRN: <http://ssrn.com/abstract=2167498>

MACHERY, E., MALLON, R., NICHOLS, S., & STICH, S. “Semantics, Cross-Cultural Style”. **Cognition**, 92, B1-B12, 2004.

MACKIE, J. L. “Morality and the retributive emotions”. *In*. Tonry, M. (ed.) **Why Punish? How Much? A reader on Punishment**. New York: Oxford University Press, 2011.

MARMOR, A. **Philosophy of Law**. Nova Jersey: Princeton University Press, 2011.

MASCLET, D.; NOUSSAIR, S.; VILLEVAL, T.; VILLEVAL M. “Monetary and Non-Monetary Punishment in the Voluntary Contributions Mechanism”. **American Economic Review**, 93 (1), pp. 366-380, 2003.

MILLER, D.T. “Disrespect and the experience of injustice”. **Annu. Rev. Psychol.** 52, pp. 527–53, 2001.

NADELHOFFER, T. “Maus atos, agentes culpáveis e ações intencionais: Alguns problemas para a imparcialidade do júri”. *In*. Struchiner, N. et al. (eds.) **Ética e realidade atual: implicações da abordagem experimental**. Rio de Janeiro: PUC-Rio, pp. 61-94, 2011.

NADELHOFFER, T. e NAHMIAS, E. “The Past and Future of Experimental Philosophy”. **Philosophical Explorations**, vol. 10, no. 2, 2007.

NADLER, J. “Flouting the law”. **Tex. Law Rev.** 83, pp. 1399–441, 2005.

PRIEL, D. “Jurisprudence and Psychology”. **New Waves in Philosophy of Law**, no prelo; Osgoode CLPE Research Paper No. 49, 2010. Disponível em SSRN: <http://ssrn.com/abstract=1715647> or <http://dx.doi.org/10.2139/ssrn.1715647>.

ROBINSON, E. S. **Law and the Lawyers**. Nova York: Macmillan, 1935.

ROBINSON, P. H. “The Role of Moral Philosophers in the Competition Between Deontological and Empirical Desert”. In: Tonry, M. (ed.) **Why Punish? How Much? A reader on Punishment**. New York: Oxford University Press, 2011.

RUMBLE, W. **Doing Austin Justice – The Reception of John Austin’s Philosophy of Law in Nineteenth-Century England**. Londres: Continuum, 2005.

SANFEY, A.G.; RILLING, J.K.; ARONSON, J.A.; NYSTROM, L.E.; COHEN, J.D. “The Neural Basis of Economic Decision-Making in the Ultimatum Game” **Science**, Vol. 300, pp. 1755-1758, 13 de junho de 2003.

SCHAUER, F. “On the Nature of the Nature of Law”. **Archiv fur Rechts- und Sozialphilosophie**, no prelo, s.d..

_____. “Hart’s Anti-Essentialism”. A. Dolcetti, L. Duarte d’Almeida, & J. Edwards (eds.) **Reading H.L.A. Hart’s “The Concept of Law”**. Oxford: Hart Publishing, no prelo, 2013.

_____. “Was Austin Right After All? On the Role of Sanctions in a Theory of Law”. **Ratio Juris** Volume 23, Issue 1, pp. 1-21, 2010a.

_____. “The Best Laid Plans”. **Yale Law Journal** Volume 120, pp. 586-621, 2010b.

_____. “Necessity, Importance, and the Nature of Law”. **University of Virginia School of Law Public Law and Legal Theory Research Paper Series** No. 2010-19, 2010c.

_____. “When and How (If at All) Does Law Constrain Official Action”. **Georgia Law Review**, vol. 44, pp. 769-801, 2010d.

_____. **Thinking Like a Lawyer: a new introduction to legal reasoning**. Cambridge: Harvard University Press, 2009.

_____. **Playing By the Rules: A Philosophical Examination of Rule-Based Decision-Making in Law and in Life.** Oxford University Press, 1998.

SCHWARTZ, B. **O Paradoxo da Escolha – Por que Mais é Menos.** São Paulo: A Girafa Editora, 2007.

SHAPIRO, Scott J. **Legality.** Cambridge: Harvard University Press, 2011.

SHEPPARD, B; CUSHAMN, F. “Evaluating Norms: An Empirical Analysis of the Relationship between Norm-Content, Operator, and Charitable Behavior”. **Vanderbilt Law Review** Vol. 63:1, pp. 55-109, 2009.

SINNOTT-ARMSTRONG, W. “A Perspectival Theory of Law”. T. Campbell e J. Goldsworthy (eds.) **Judicial Power, Democracy and Legal Positivism.** Londres: Ashgate, 2000.

STRUCHINER, N. “Indeterminação e Objetividade: Quando o Direito diz o que não queremos ouvir” In. Macedo Jr, R. e Barbieri, H. (eds.) **Direito e Interpretação – Racionalidades e Instituições,** São Paulo: Saraiva, 2011.

_____. O Direito como um campo de escolhas: por uma leitura das regras prescritivas como relações. In. Rodriguez, J., et al. (eds.) **Nas fronteiras do formalismo.** São Paulo: Saraiva, pp. 103-127, 2010.

_____. **Para falar de regras – O positivismo conceitual como cenário para uma investigação filosófica acerca dos casos difíceis do Direito.** 2005. Tese de Doutorado disponível em: http://ged1.capes.gov.br/CapesProcessos/919300-ARQ/919300_5.PDF.

STRUCHINER, N.; SHECAIRA, F.. “A Distinção entre Direito e Moral e a Distinção Moral do Direito”. **RDE. Revista de Direito do Estado**, v. 22, pp. 131-145, 2012.

STRUCHINER, N.; CHRISMANN, P. H. V..Aspectos filosóficos e psicológicos das punições: reunindo algumas peças do quebra-cabeça. **Cad. CRH** [online]. vol.25, n.spe2, pp. 133-150, 2012

TAMANAHA, B. **On the Rule of Law: History, Politics, Theory.** Cambridge: Cambridge University Press, 2004.

_____. **A General Jurisprudence of Law and Society**. Oxford: Oxford University Press, 2001.

TONRY, M.. “Introduction: Thinking about Punishment”. Tonry, M. (ed.) **Why Punish? How Much? A reader on Punishment**. New York: Oxford University Press, 2011.

TWINING, W. **General Jurisprudence: Understanding Law for a Global Perspective**. Nova York: Cambridge University Press, 2009.

TYLER, T. R. **Why People Obey the Law**. Princeton: Princeton University Press, 2 ed., 2006.

WESTERMARCK, E. **Ethical Relativity**. Londres: Routledge, 2001 [1932].

WITTGENSTEIN, L. **Investigações Filosóficas**. Coleção Os Pensadores. São Paulo: Nova Cultural, 1996.

YOUNG, L.; KOENIGS, M. “Investigating emotion in moral cognition: a review of evidence from functional neuroimaging and neuropsychology”. **British Medical Bulletin**, Vol. 84, pp. 69-79, 2007.

ZIMMERMAN, M. J. **The Immorality of Punishment**. Broadview Press: Toronto, 2011.

Sítios Virtuais

<http://articles.latimes.com/2010/feb/10/local/la-me-pizzathief10-2010feb10>

Acesso em: 02.10.2012

http://socialistworker.org/2005-1/542/542_05_SantosReyes.shtml Acesso em: 02.10.2012

<http://edition.cnn.com/US/Newsbriefs/9510/10-27/index.html> Acesso em: 02.10.2012

http://www.prisonstudies.org/info/worldbrief/wpb_country.php?country=214

Acesso em 17.01.2013

<http://www.priberam.pt/dlpo/default.aspx?pal=obriga%u00e7%u00e3o> Acesso em: 23.01.2013

<http://www.thejournal.ie/how-to-stop-jaywalking-hire-mimes-543388-Aug2012/>

Acesso em: 31.01.2013

<http://www.news.harvard.edu/gazette/2004/03.11/01-mockus.html> Acesso em:

31.01.2013

http://www.bbc.co.uk/mundo/america_latina/2010/08/100803_video_venezuela_mimos_trafico_np.shtml Acesso em 31.01.2013

<http://www.ciudadccs.org.ve/?p=85514> Acesso em 31.01.2013