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maccormick s institutions of law is the culmination of a lifetime s work in legal theory by one of the world s most respected legal theorists featuring an impressive collection of contributions from well known legal theorists from around the world all of whom are familiar with maccormick s work this collection provides a cutting edge account of the book s significance

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this volume offers a collection of articles by leading legal and political theorists originally intended as a celebration of maccormick s work on the occasion of the completion of the four volume series on law state and practical reason it has turned into a homage and salute after maccormick s passing cast in maccormick s reflexive spirit the book presents a critical reconstruction of the scottish philosopher s work with the aim of revealing the connections between law and democracy in his writings and furthering his insights in each specific field neil maccormick made outstanding contributions to the understanding of law and democracy under conditions of pluralism his institutional theory of law has elucidated the close connection between the normative character of law as a means of social integration and legal social practices this has produced a synthesis of the key insights of the legal and political theories of kelsen hart alexy and dworkin and has broken new ground by undermining the monolithic and nation state centered character of standard legal theories

institutional theory is on the rise during the past three decades the field of organization studies has witnessed a succession of theoretical perspectives including contingency theory resource dependency and population ecology that focus attention on one or another aspect of organizations only institutional theory highlights the importance of the wider social and cultural

environment as the ground in which organizations are rooted the original work in the institutional construction of organizations sheds new light on the study of organizations the editors bring together work from two different research traditions the united states and europe the collection also layers in several important perspectives of institutional theory including empirical observations longitudinal analyses market based organizational forms and attention to the concepts of agency and strategy the result is a finely textured fully developed work for scholars and advanced students of organizational theory and behavior

recalling toqueville s exhortation for the french to look to america for a better understanding of their own government john rohr returns the favor by revealing how much we can learn about american constitutionalism from a close study of french governance the french and american republics both emerged from the same revolutionary era and share a common commitment to separation of powers rule of law and republicanism even so the two constitutional traditions are quite different france after all has replaced its constitution at least thirteen times since 1789 while the american constitution has endured essentially intact yet as rohr shows french constitutionalism merits our careful attention focusing upon the founding of the french fifth republic and the drafting of its constitution rohr compares the nations divergent approaches to executive legislative and judicial power independent administrative authority and discretion and the relation of administrative law to statutory law his analysis of france s divided versus our unified executive the two presidents exceptional powers and their influence on the legislative process provides particularly fresh insights into how the two constitutional traditions promote and inhibit the capacity for administrative action rohr shows that french administrative institutions are much more thoroughly developed than their american counterparts due to recurrent presidential and constitutional crises without such a strong public administration daily life in france would likely be extremely unstable if not quite chaotic the proper role of the french institutions he suggests is largely determined by their relationship to elected officials whereas their american counterparts are essentially shaped by the constitutional order a model for future comparative work in constitutional law and public administration rohr s study should help us see that the constitutional path we ve pursued wasn t the only possibility and why we ve chosen that route nevertheless as such it should have great appeal for students

teachers and practitioners in u s and french law politics and public administration

for decades political scientists studying the court have adopted behavioral approaches and focused on the relatively narrow question of how the justices policy preferences influence their voting behavior this emphasis has illuminated important aspects of supreme court politics but it has also left unaddressed many other important questions about this unique and fascinating institution drawing on the new institutionalism in the social sciences the distinguished contributors to this volume attempt to fill this gap by exploring a variety of topics including the court s institutional development and its relationship to broader political contexts such as party regimes electoral systems social movements social change legal precedents political identities and historically evolving economic structures the book s initial chapters examine the nature of the court s distinctive norms as well as the development of its institutional powers and practice a second section relates the development of supreme court politics to the historical development of other political institutions and social movements concluding chapters explore how its decision making in particular areas of law or periods of time is influenced by and influences its socio political milieu these contributions offer provocative insights regarding the court s role in maintaining or disrupting political and economic structures as well as social structures and identities tied to ideology class race gender and sexual orientation the supreme court in american politics shows how we can develop an enriched understanding of this institution and open up exciting new areas of research by placing it in the broader context of politics in the united states

in this pathbreaking work the author integrates questions of justice and stability through a model of deliberative democracy in the plural polity deliberative democracy and the plural polity provides a realistic but critical reform agenda that can animate struggles for justice in an enormously diverse world

twenty two scholars from several disciplines turn a professional eye to this much maligned yet heavily practiced form of conversation they show how it contributes to community cohesion and helps individuals better understand their own predicaments problems and personal idiosyncrasies in light of knowledge about the life experiences of others

combining theoretical sophistication with a fundamental comprehension of the political institutions of the usa this study aims to demystify the workings of the united states supreme court and its place in democracy

as a window for understanding the relationship between globalization and the state s pursuit of national industrial development this book examines how and why the chinese government succeeded in leveraging china s international competitive advantages to modernize the country s automotive industry from 1978 to 2001

this collection of essays by a group of leading legal philosophers from the us the usa and australasia centres of the juridification of politics through enhancing the entrenched power of judges the issues are examined in the context of a critique of the revival of legal positivism as a prescriptive political philosophy closely tied to the tradition of parliamentary democracy the papers originated in an extended workshop held at the australian national university in 1998 on judicial activism and judicial review in australian democracy some of the essays focus on the recent australian developments with respect to implied constitutional rights and others concentrate on tom campbell s legal theory of ethical positivism the book as a whole presents powerful and conflicting arguments bearing on the global debate about the changing role of judges

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