

Law As Institutional Normative Order

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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

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

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 twelve essays influential scholars in political science explore the meaning of political leadership from the kaleidoscopic perspectives of the leaders institutions goals procedures problems and traditions involved the approaches as varied as the subject itself coalesce around the central question of how leaders interact with transform or are controlled by the

organizations they lead

recalling toqqueville 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

an explanation of why some us cities are better at educational reform than others it relates education to politics showing how the whole village can be mobilized to better educate tomorrow s citizens it is based on an 11 city study of civic capacity and urban education

jan m broekman is since 1996 professor emeritus of philosophy of law and legal theory at the catholic university of leuven belgium and of philosophy and medical ethics at the vrije universiteit of amsterdam netherlands during a long and distinguished career he has won an international reputation for his work in the fields of legal anthropology legal theory and the philosophy of law and medicine he published widely in these fields and lectured throughout

Europe Latin America and the United States of America this festschrift reflects some important themes of his work especially the ones concerning the intertwinement of legal medical and moral discourse and its related aspects in technology politics and anthropology due to their different fields of research the authors approach their topic from their own scientific and cultural perspective the contributions provide the reader with well documented and skilled insights into specific questions in many countries like Germany Brazil Chile Italy Belgium and the United States of America the composition of the colourful range of contributions is focussed on the core theme of both legal modernism and post modernism the tacit assumption of a discursive unity behind thinking acting and talking the mimetic representation of man and humanity in legal and medical discourse is built on this assumption fundamental questions belonging to the discursive unity are dealt with for instance concerning language and reality being and mimesis norms rights and facts they are confronted with actual questions in health care quality of life autonomy the elderly in European politics and in economics the contributions document the leading developments in today's legal medical and philosophical debates they will provide the reader with outstanding thoughts on the future orientation of law in society

while good governance is mainly pursued in a development context it is a central message of the book that good governance guidelines ought to have universal applicability affecting international organisations and public and private actors in northern as well as southern countries yet an established consensus does not exist on how good governance and human rights can or should complement each other the book therefore assesses the advantages of using existing links and identifies ways of building new bridges for mutual support between governance and human rights

why do America's public schools seem unable to meet today's social challenges as competing interest groups vie over issues like funding and curricula we seem to have lost sight of the democratic purposes originally intended for public education public schools were envisioned by the founders as democratically run institutions for instilling civic values but today's education system seems more concerned with producing good employees than good citizens meanwhile our country's diversity has eroded consensus about citizenship and the professionalization of educators has diminished public involvement in schools this volume seeks to demonstrate that the democratic purposes of education are not outmoded ideas but can continue to be driving forces in public education nine original articles by some of today's leading education theorists cut a broad swath across the political spectrum to examine how those democratic purposes

might be redefined and revived it both establishes the intellectual foundation for revitalizing american schools and offers concrete ideas for how the educational process can be made more democratic the authors make a case for better empirical research about the politics of education in order to both reconnect schools to their communities and help educators instill citizenship an initial series of articles reexamines the original premise of american education as articulated by important thinkers like jefferson and dewey a second group identifies flaws in how schools are currently governed and offers models for change a final section analyzes the value conflicts posed by the twin strands of democratic socialization and governance and their implications for education policy spanning philosophy history sociology and political science this book brings together the best current thinking about the specifics of education policy vouchers charter schools national testing and about the role of deliberation in a democracy it offers a cogent alternative to the exchange paradigm and shows how much more needs to be understood about an issue so vital to america s future

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