

CONTENTS

About the Contributors x

PART I INTRODUCTION

1. The Study of Law and Politics 3
KEITH E. WHITTINGTON, R. DANIEL KELEMEN
& GREGORY A. CALDEIRA

PART II APPROACHES

2. Judicial Behavior 19
JEFFREY A. SEGAL

3. Strategic Judicial Decision-making 34
PABLO T. SPILLER & RAFAEL GELY

4. Historical Institutionalism and the Study of Law 46
ROGERS M. SMITH

PART III COMPARATIVE JUDICIAL POLITICS

5. The Rule of Law and Courts in Democratizing Regimes 63
REBECCA BILL CHAVEZ

6. The Global Spread of Constitutional Review 81
TOM GINSBURG

7. Establishing and Maintaining Judicial Independence 99
GEORG VANBERG

8. The Judicialization of Politics 119
RAN HIRSCHL
9. Comparative Federalism and the Role of the Judiciary 142
DANIEL HALBERSTAM
10. Legal and Extralegal Emergencies 165
KIM LANE SCHEPPELE

PART IV INTERNATIONAL AND SUPRANATIONAL LAW

11. International Law and International Relations 187
BETH SIMMONS
12. The European Court and Legal Integration:
An Exceptional Story or Harbinger of the Future? 209
KAREN J. ALTER
13. War Crimes Tribunals 229
GARY J. BASS
14. The Globalization of the Law 245
BRYANT G. GARTH

PART V FORMS OF LEGAL ORDER

15. Civil Law and Common Law: Toward Convergence? 267
UGO MATTEI & LUCA G. PES
16. Constitutionalism 281
KEITH E. WHITTINGTON
17. Constitutional Law and American Politics 300
MARK A. GRABER
18. The Legal Structure of Democracy 321
RICHARD H. PILDES
19. Administrative Law 340
DANIEL B. RODRIGUEZ

20. Legislation and Statutory Interpretation	360
ELIZABETH GARRETT	
21. Informalism as a Form of Legal Ordering	378
CHRISTINE B. HARRINGTON	

PART VI SOURCES OF LAW AND THEORIES OF JURISPRUDENCE

22. Natural Law	399
ROBERT P. GEORGE	
23. Rights in Legal and Political Philosophy	414
MATTHEW H. KRAMER	
24. Formalism: Legal, Constitutional, Judicial	428
FREDERICK SCHAUER	
25. Feminist Theory and the Law	437
JUDITH A. BAER	
26. The Racial Subject in Legal Theory	451
SHEILA R. FOSTER & R. A. LENHARDT	

PART VII THE AMERICAN JUDICIAL CONTEXT

27. Filling the Bench	469
DAVID A. YALOF	
28. The U.S. Supreme Court	487
LEE EPSTEIN	
29. Relations among Courts	503
SUSAN HAIRE	
30. Litigation and Legal Mobilization	522
MICHAEL McCANN	
31. Legal Profession	541
RICHARD L. ABEL	

PART VIII THE POLITICAL AND
POLICY ENVIRONMENT OF COURTS
IN THE UNITED STATES

- | | |
|---|-----|
| 32. Judicial Independence | 557 |
| FRANK CROSS | |
| 33. Law and Regulation | 576 |
| SUSAN ROSE-ACKERMAN | |
| 34. Law as an Instrument of Social Reform | 595 |
| CHARLES R. EPP | |
| 35. Criminal Justice and the Police | 614 |
| WESLEY G. SKOGAN | |
| 36. Law and Political Ideologies | 626 |
| JULIE NOVKOV | |
| 37. Courts and the Politics of Partisan Coalitions | 644 |
| HOWARD GILLMAN | |
| 38. Understanding Regime Change: Public Opinion, Legitimacy,
and Legal Consciousness | 663 |
| SCOTT BARCLAY & SUSAN S. SILBEY | |

PART IX INTERDISCIPLINARY APPROACHES
TO LAW AND POLITICS

- | | |
|--|-----|
| 39. Law and Society | 681 |
| LYNN MATHER | |
| 40. The Analysis of Courts in the Economic Analysis of Law | 698 |
| LEWIS A. KORNHAUSER | |
| 41. Psychology and the Law | 711 |
| TOM R. TYLER | |
| 42. Law and History | 723 |
| CHRISTOPHER TOMLINS | |

PART X OLD AND NEW

43. The Path of the Law in Political Science: De-centering Legality
from Olden Times to the Day before Yesterday 737
STUART A. SCHEINGOLD
44. Reflections about Judicial Politics 752
HAROLD J. SPAETH
45. Law and Politics: The Problem of Boundaries 767
MARTIN SHAPIRO
- Index* 775