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978-1-107-03288-0 - Social and Political Foundations of Constitutions

Edited by Denis J. Galligan and Mila Versteeg

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SOCIAL AND POLITICAL FOUNDATIONS OF CONSTITUTIONS

This volume explores the social and political forces behind constitution-making from a global perspective. It combines leading theoretical perspectives on the social and political foundations of constitutions with a range of in-depth case studies on constitution-making in nineteen different countries. In the first part of the volume, leading scholars develop theories that regard constitutions as coordination devices, mission statements, contracts, products of domestic power play, transnational documents, and as reflection of the will of the people, respectively. In the second part of the volume, these theories are examined through case studies of the social and political foundations of constitutions in countries like Egypt, Nigeria, Japan, Romania, Bulgaria, New Zealand, Israel, Argentina, and others. The result is an examination from various social science perspectives in social science of constitutions as social phenomena and their interaction with other social phenomena. The approach reflected in the volume combines theoretical analysis of constitutions generally with case studies of selected constitutions.

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Preface

This collection of essays is the result of a program of workshops and occasional lectures that took place at Oxford University between 2009 and 2012 under the same title as the book: *Social and Political Foundations of Constitutions*. The program was sponsored jointly by the Foundation for Law Justice and Society (FLJS) and the Centre for Socio-Legal Studies (CSLS). The aim of the program was to gain a better understanding of constitutions as social phenomena and their interaction with other social phenomena. The approach we adopted, as reflected in the volume, is to combine theoretical analysis of constitutions generally with case studies of selected constitutions. The result is a set of essays on constitutions drawing on the varied perspectives of the social sciences. All but one of the chapters were presented and discussed at Oxford.

Neither the program nor the volume would have been possible without the support of the two sponsoring institutions, the FLJS and the CSLS. On this occasion, the FLJS has been the senior partner in providing support for the program. It funded the entire program, including the cost of mounting the workshops and lectures, and assumed responsibility for their organization and administration. Accordingly, we wish to acknowledge the contribution of the FLJS, and in particular its chairman, John W. Adams, and the board of trustees. The CSLS, a research institute of Oxford University dedicated to conducting research into law in society, enthusiastically supported the program and encouraged participation by many of its research staff and students.

The FLJS is an independent institution affiliated with the CSLS. It was founded in 2005 by John Adams and one of the editors, Denis J. Galligan, to provide a forum for discussion of the role of law in society, a forum in which the academic world could meet practitioners and professionals, where each would have occasion to learn from the other. We wanted to make the fruits of academic research relating to law in society more accessible to practitioners and professionals, whether lawyers, government, business, or the institutions of civil and international society, while at

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the same time learning from them. In publishing this collection of studies, we are confident of having achieved our purpose, for it will challenge and provoke the community of scholars, while offering much by way of guidance to those engaged in the practical tasks of creating constitutions or making them work. On behalf of all the authors, the editors wish to acknowledge with appreciation and gratitude the outstanding and unstinting support of the FLJS, its president, and the board of trustees.

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