

Cambridge University Press 978-1-107-04405-0 - Law and the Formation of Modern Europe: Perspectives from the Historical Sociology of Law Edited by Mikael Rask Madsen and Chris Thornhill Table of Contents More information

CONTENTS

List of Contributors vii Preface ix

Introduction: Law and the formation of modern
 Europe – perspectives from the historical sociology
 of law

MIKAEL RASK MADSEN AND CHRIS THORNHILL

PART I – Legal institutions and European state formation 27

2 Fascism and European state formation: the crisis of constituent power 29

CHRIS THORNHILL

- 3 The beginnings of constitutional justice in Europe 77
 THOMAS OLECHOWSKI
- 4 Judicialization: A sociohistorical perspective (lessons and questions from the French Fifth Republic) 96

ANTOINE VAUCHEZ

5 Towards a sociology of intermediary institutions: the role of law in corporatism, neo-corporatism and governance 117

POUL F. KJAER

PART II – Law and Europe's ideological transformations 143

6 Private, public and collective: the twentieth century in Italy from fascism to democracy 145

IRENE STOLZI

v



Cambridge University Press 978-1-107-04405-0 - Law and the Formation of Modern Europe: Perspectives from the Historical Sociology of Law Edited by Mikael Rask Madsen and Chris Thornhill Table of Contents More information

vi CONTENTS

7 Nazism and its legal aftermath: coming to terms with the past after World War II 179

DITLEV TAMM

8 Between socialism and liberalism: law, emancipation and Solidarność 207

JACEK KURCZEWSKI

PART III – Law and the supranational reinvention of Europe 243

9 International human rights and the transformation of European society: from 'Free Europe' to the Europe of human rights 245

MIKAEL RASK MADSEN

10 Lawyers and the transformations of the fields of state power: osmosis, hysteresis and aggiornamento 275

YVES DEZALAY AND BRYANT G. GARTH

11 Europe in crisis – an evolutionary genealogy 308

HAUKE BRUNKHORST

Index 349