CONTENTS

Chapter 1	Constitutionalism	1
	Harvey Wheeler, Institute for Higher Studies	
	Introduction: The Mystique of Constitutionalism	1
	The Invention of the Higher Law: An Anthropology of	
	Constitutionalism	7
	The Recent Debate over Constitutionalism	28
	The Classical Background	37
	Separation of Powers and the Classical Mixed State	41
	The Medieval Background	44
	The Union of the Crowns of England and Scotland	50
	Calvin's Case and the English Constitution	54
	Calvin's Case and the Imperial Constitution	61
	The American Constitution: Double Majesty Republicanized	66
	Dominion Theory and Federalism	70
	Separation of Powers	73
	Baroque Constitutional Mechanics	76
	Epilogue: The Myth of Constitutionalism	78
Chapter 2	Federalism	93
1	William H. Riker, University of Rochester	
	Introduction: The Meaning of Federalism	93
	The Development of Federalism	106
	The Conditions of Federalism	113
	The Significance of the Necessary Conditions of Federalism	
	for the Interpretation of Institutions	128
	The Measurement of Federalism	131
	The Accidents of Federalism	141

	The Evaluation of Federalism	151
	Appendix: Notes on the History of the Ideological Writings of Federalism	159
Chapter 3	Executives Anthony King, University of Essex, England	173
	Introduction: The Limitations of the Literature	173
	The Greater Problem of Definition: What Is an "Executive"?	175
	The Lesser Problem of Definition: Which "Executives" To Study?	182
	Executive Recruitment	183
	Internal Dynamics	205
	External Relations: Executives and Legislatures	233
	The Executive Psyche	238
	Concluding Remarks	242
Chapter 4	Legislatures	257
•	Nelson W. Polsby, University of California, Berkeley	
	Similarities: Problems of Definition and Conceptualization	258
	Differences: Problems of Classification Closed Regime and Unspecialized Polity: Alternate Routes to	262
	Regime Legitimacy Closed Regime and Specialized Polity: Representation for	263
	Co-optation	266
	Open Regime and Unspecialized Polity: Community without	
	Representation in Small-Scale, Status-Ridden Systems	268
	Open Regime and Specialized Polity: Constitutional Variation in	
	Modern Democratic Legislatures	274
	Arenas versus Transformative Legislatures	277
	Legislative Reform: Toward Transformativeness?	297
	Representation in Specialized, Open Regimes	298
	In Conclusion: Legislatures as Multipurpose Organizations	301
Chapter 5	Courts	321
•	Martin Shapiro, University of California, San Diego	
	The Prototype of Court	321
	The Logic of the Triad in Conflict Resolution	321
	Social Control	333
	Courts as Lawmakers	342
	The Logic of Courts	349
	Trial Courts and Appellate Courts—Fact-Finding	350
	The Uses of Appeal	357 362
	Popular Courts	304

		Contents	גייו
Chapter 6	Bureaucracies		373
	Mark V. Nadel, Cornell University		
	Francis Rourke, Johns Hopkins University		
	Introduction		373
	Bureaucratic Expertise		374
	Bureaucracy and Its Publics		390
	Public and Private Bureaucracies—Reciprocal Impact		399
	Bureaucratic Responsibility		411
	Conclusion: Power, Effectiveness, and Responsibility		428
	Index		44]