## Contents

	PREFACE	v
	Part One: Legal and Social Theory	
1.	LAW, SOCIETY, AND MORAL EVOLUTION  Law as generic, 4  Law as a realm of value, 8  The ideal of legality, 11  The morality of cooperation, 18  The emergent polity, 26  Incipient and inchoate law, 32	3
2.	THE QUEST FOR A LAW OF ASSOCIATIONS  Associations and freedom, 37  The corporate entity, 43  Contract and association, 52  Power and property, 63	35
	Part Two: Social Foundations of Industrial Justice	
3.	MANAGEMENT AND GOVERNANCE Rationality, legality, and managerial self-restraint, 75 Human relations and the rule of law, 95 Politics and human relations, 114	75
4.	COLLECTIVE BARGAINING AND LEGAL EVOLUTION  Toward the prerogative contract, 122 The constitutive contract, 137 Creative arbitration, 154 From prerogative to policy, 178	121
5.	EMPLOYEE PERSPECTIVES ON INDUSTRIAL JUSTICE  Two meanings of fairness, 185 The commitment to rules, 193 The "regular employee", 196 The scope of authority, 197 Occupational identity, 200 Seniority rights, 202	183

## viii Contents

## 6. PUBLIC POLICY AND THE EMPLOYMENT RELATION 212

Regulation by indirection, 215 Voluntarism and passivity, 225 Private law public policy, 229

Part Three: The Emergent Law

## 7. PRIVATE GROUPS AND THE LAW OF GOVERNANCE 243

Public law and private law, 244
Due process asthe law of governance, 250
The concept of private government, 259

INDEX 277