

The legal order

Romano, Santi, 1875-1947, author

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Abstrak

"The main focus of [this book] is the notion of institution, which [the author] considers to be both the core and distinguishing feature of law. After criticising accounts of the nature of law centred on notions of rule, coercion or authority, he offers a compelling conception, not merely of law as an institution, but of the institution as 'the first, original and essential manifestation of law'. [The author] advances a definition of a legal institution as any group who share rules within a bounded context: for example, a family, a firm, a factory, a prison, an association, a church, an illegal organisation, a state, the community of states, and so on. Therefore, this understanding of legal institutionalism at the same time provides a theory of legal pluralism whereby 'there are as many legal orders as institutions'. The acme of a jurisprudential current long overlooked in the Anglophone environment (Romano's work is highly regarded in France, Germany, Spain and South America, as well as in Italy), [this book] not only proposes what Carl Schmitt described as a 'very significant theory'. More importantly, it offers precious insights for a thorough rethinking of the relationship between law and society in today's world."