

Contents

<i>List of Figures</i>	<i>page</i> vii
<i>List of Tables</i>	viii
<i>List of Cases</i>	ix
<i>Preface and Acknowledgments</i>	xiii
1 Introduction	I
<i>Questions</i>	2
<i>Arguments</i>	3
<i>Explanations</i>	5
<i>Methods</i>	10
<i>Implications</i>	12
PART I A THEORY OF LAW	
2 A Typology of Law	15
<i>Four Ideal Types</i>	15
<i>A Strategy of Conflict</i>	25
3 Path Dependence and the Law	42
<i>Rethinking the State</i>	44
<i>A Theory of Law</i>	50
<i>The Dual State</i>	62
<i>Rules of Law</i>	76
PART II A HISTORY OF LAW	
4 Apartheid and the Law I	83
<i>A History of the South African State</i>	84
5 Apartheid and the Law II	112
<i>A Dual State</i>	112
<i>The Prerogative State</i>	113
<i>The Normative State</i>	129
	v

vi	Contents
	<i>Politics by Other Means</i> 140
	<i>Trial and Appeal Courts</i> 145
	<i>A Wicked Legal System</i> 169
6	Apartheid’s Endgame and the Law I 175
	<i>From Crisis to Endgame</i> 175
	<i>Agents and Preferences</i> 187
	<i>Strategies and Outcomes</i> 192
	<i>Law as Common Knowledge</i> 208
7	Apartheid’s Endgame and the Law II 219
	<i>Law as Tradition</i> 219
	<i>The Legitimacy of Law</i> 264
	<i>The Lives of the Law</i> 279
	<i>A Recapitulation</i> 290
PART III A COMPARATIVE ANALYSIS	
8	A Plausibility Probe 295
	<i>A Dual State</i> 296
	<i>The Prerogative State and the Normative State</i> 296
	<i>Pinochet’s Endgame</i> 301
	<i>Long-Run Consequences</i> 304
9	Conclusion 314
	<i>The Legacies of Law</i> 315
	<i>The Lessons of Law</i> 318
	<i>The Limits of Law</i> 323
	<i>A Truth about Law</i> 325
	<i>Bibliography</i> 329
	<i>Index</i> 369