



Judges and the Cities: Interpreting Local Autonomy

Gordon L. Clark

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In this remarkable inquiry into the bases of social theory, Gordon L. Clark argues that the heterogeneous nature of our society, with its pluralism of values, causes the rules of social conduct to be constantly made and remade. Examining the role of the courts in structuring and achieving social discourse, he contends that legal doctrine is no different from other social theories: judicial interpretations are constructed out of specific circumstances and conflicting values, not deduced from neutral and logical principles. There is, he asserts, no final arbiter somehow unaffected by our controversies and schisms.

As concrete examples, Clark analyzes four court disputes in depth, showing that the concept of local autonomy has very different meanings and implications in each of them. These cases—Boston's defense of resident-preference hiring policies, conflict over urban land-use zoning in Toronto, a Chicago's suburb's fight against a sewage treatment plant, and the evolution of the City of Denver's power since 1900—demonstrate that legal reasoning is not impervious to other kinds of reasoning, and the solutions provided by the courts are not unique. To ground his explorations, Clark investigates both liberalism and structuralism, showing that both are inadequate bases for determining social policy. He mounts provocative critiques of the works of de Tocqueville, Nozick, Tiebout, and Posner on the one hand and Castells and Poulantzas on the other.

This ambitious and important work will command the interest of geographers, political scientists, economists, sociologists, and legal scholars.

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