Dilemmas of Law in the Welfare State

Edited by

Gunther Teubner

B47844

Juristische Gesamtbibliothek
der Technischen Hochschule
Darmstadt



1986

Walter de Gruyter · Berlin · New York

Table of Contents

1. Introduction	
GUNTHER TEUBNER, Bremen, Firenze The Transformation of Law in the Welfare State	3
The Hansionnation of Law in the weitare State	J
II. The Welfare State and its Impact on Law	
Lawrence M. Friedman, Stanford Legal Culture and the Welfare State	13
VILHELM AUBERT, Oslo The Rule of Law and the Promotional Function of Law in the Welfare	28
State	20 40
JAN M. BROEKMAN, Leuven Legal Subjectivity as a Precondition for the Intertwinement of Law	40
and the Welfare State	76
III. Dilemmas of Law in the Welfare State	
NIKLAS LUHMANN, Bielefeld The Self-reproduction of Law and its Limits	111
Alberto Febbrajo, Macerata The Rules of the Game in the Welfare State	128
ULRICH K. PREUSS, Bremen The Concept of Rights and the Welfare State	151
THOMAS C. Heller, Stanford Legal Discourse in the Positive State: A Post-structuralist Account	173
IV. Perspectives of Legal Development	
JÜRGEN HABERMAS, Frankfurt Law as Medium and Law as Institution	203

Table of Contents

RUDOLF WIETHÖLTER, Frankfurt	
Materialization and Proceduralization in Modern Law	221
Antonie A.G. Peters, Utrecht	
Law as Critical Discussion	250
HELMUT WILLKE, Bielefeld	
Three Types of Legal Structure: The Conditional, the Purposive and	
the Relational Program	280
Gunther Teubner, Bremen, Firenze	
After Legal Instrumentalism? Strategic Models of Post-regulatory Law	299
Authors' Biographical Sketches	327
Name Index	333
ivanic index	555
Subject Index	338