

1. Record Nr.	UNINA9910826744203321
Autore	Teubner Gunther
Titolo	Critical theory and legal autopoiesis : the case for societal constitutionalism / / Gunther Teubner; edited by Diana Gobel
Pubbl/distr/stampa	Manchester, UK : , : Manchester University Press, , 2019 ©2019
ISBN	1-5261-3994-4
Descrizione fisica	1 online resource (vi, 399 pages) : digital file(s)
Collana	Critical theory and contemporary society
Disciplina	340.115
Soggetti	Sociological jurisprudence Autopoiesis Political Theory Law PHILOSOPHY / Movements / Critical Theory Modern philosophy: since c 1800
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Nota di bibliografia	Includes index.
Nota di contenuto	Introduction: Gunther Teubner's foundational paradox / Andreas Philippopoulos-Mihalopoulos -- Part I: Law, literature and deconstruction -- 1. Self-subversive justice: contingency or transcendence formula of law? -- 2. The economics of the gift - the positivity of justice: the mutual paranoia of Jacques Derrida and Niklas Luhmann -- 3. Dealing with paradoxes of law: Derrida, Luhmann, Wietholter -- 4. The Law before its law: Franz Kafka on the (im) possibility of Law's self-reflection -- Part II: Juridical epistemology: reconstructing the horizontal effects of human rights, the private-public dichotomy, and contracting -- 5. The anonymous matrix: human rights violations by 'private' transnational actors -- 6. After privatisation? The many autonomies of private law -- 7. In the blind spot: the hybridisation of contracting -- Part III: The dark side of functional differentiation: the normative response of societal constitutionalism -- 8. A constitutional moment? The logics of 'hitting the bottom' -- 9. Global Bukovina: legal pluralism in the world society -- 10. Regime-collisions: the vain search for legal unity in the

fragmentation of global law -- 11. Horizontal constitutional rights as conflict-of-laws rules: how transnational pharmaceutical groups manipulate scientific publications -- 12. The project of constitutional sociology: irritating nation state constitutionalism -- 13. Exogenous self-binding: how social subsystems externalise their foundational paradoxes in the process of constitutionalisation -- Afterword: the milestones of Teubner's neo-pluralism / Alberto Febbrajo -- Index.

Sommario/riassunto

This volume collects and revises the key essays of Gunther Teubner, one of the world's leading sociologists of law. Written over the past twenty years, these essays examine the 'dark side' of functional differentiation and the prospects of societal constitutionalism as a possible remedy. Teubner's claim is that critical accounts of law and society require reformulation in the light of the sophisticated diagnoses of late modernity in the writings of Niklas Luhmann, Jacques Derrida and select examples of modernist literature. Autopoiesis, deconstruction and other post-foundational epistemological and political realities compel us to confront the fact that fundamental democratic concepts such as law and justice can no longer be based on theories of stringent argumentation or analytical philosophy. We must now approach law in terms of contingency and self-subversion rather than in terms of logical consistency and rational coherence.

'Gunther Teubner is one of the most important and visible figures in the sociology of law. His concept of "societal constitutionalism" has largely shaped the perspective of constitutional sociology. This collection represents a highly significant contribution to one of the key theoretical debates of our time.' -- Emiliios Christodoulidis, Chair of Jurisprudence, School of Law, University of Glasgow

"This volume collects and revises the key essays of Gunther Teubner, in which he works to reformulate critical accounts of law and society in the light of the diagnoses of late modernity provided by Niklas Luhmann, Jacques Derrida and others. Arguing that fundamental democratic concepts can no longer be based simply on theories of logical consistency and rational coherence, Teubner approaches law in terms of contingency and self-subversion, developing the concept of societal constitutionalism as a response to the paradoxes of modern society. The volume includes a contextualising introduction by Andreas Philippopoulos-Mihalopoulos, Professor of Law and Theory at the University of Westminster, and an afterword by Alberto Febbrajo, Professor of the Sociology of Law at the University of Macerata." -- Back cover.
