

## **Hugh Baxter: Habermas: The Discourse Theory of Law and Democracy**

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Through the chapters contained in this book, the author offers the first extended critical discussion of the development of Jürgen Habermas's views on law and society and seeks to highlight the hitherto unacknowledged influence on Habermas of fellow and contemporary German legal and social theorist, Niklas Luhmann.

The author presumes no prior familiarity with Habermas's work and accordingly strives to bridge the gap between readers with legal expertise and those without special legal training. This, the author argues, is justified as Habermas's later work on law invokes, without significant explanation, the whole battery of concepts developed in earlier phases of his career which may prove challenging to facilitate a full understanding of a complex theory of law and democracy.

The book is divided into five chapters which, respectively, address the basic concepts of social action and theory that Habermas incorporates into his work; critically consider Habermas's "reconstruction" of modern law's "normative self-understanding" in his theory of law and democracy; examine Habermas's "testing" of the discourse theory of law and democracy against recent developments in the theory and practice of adjudication in American constitutional law; examine the second part of Habermas's theory of law and democracy (the "communication theory of society" and, in particular, the social-theoretical model of "system" and "lifeworld") by drawing on a selective incorporation of the ideas of fellow systems-theorist (and adversary) Luhmann; and explore the possibilities for democracy beyond the nation state (the idea of the "postnational constellation") in the aftermath of the collapse of the Soviet Union, German reunification and the American intervention in Iraq under the second Bush administration.

This book makes an informed and critical contribution to our understanding of Habermas's legal, social and political theory and will appeal to a broad spectrum of readers.

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