

Contents

Acknowledgements ix

Introduction 1

- 1** Reconsidering the theoretical preconditions of modern democratic statehood: on mediated unity and overarching legal-political form 34
- 2** Mediated unity in question: on the relation between law, politics, and other social systems in modern societies 70
- 3** Functional differentiation *and* mediated unity in question: looming constitutional conflicts between the de-centralist logic of functional differentiation and the bio-political steering of austerity and global governance 104
- 4** Dilemmas of contemporary statehood: on the sociological paradoxes of weak dialectical formalism and embedded neoliberalism 136
- 5** Re-thinking inclusion beyond unity and mediation beyond discretionary steering: on social systems and societal constitutions 164

Conclusion: democratic state, capitalist society, or dysfunctional
differentiation? 194

References 212

Index 231