## Contents

Preface		ix
1.	Toward a Critique of Habermas's Philosophy of Law	1
2.	The Tension between Facticity and Validity	15
3.	On Mediating Private and Public Autonomy: The Genesis of Rights	33
4.	The Genesis of the State	55
5.	Law and Jurisprudence	77
6.	Deliberative Politics and Administrative Social Power	103
7.	The Public Sphere, Civil Society, and the Rule of Capital	123
8.	The Different Paradigms of Law and the Difference They Make	153
9.	The Achievement and Limits of Habermas's Philosophy of Law	177
Select Bibliography		195
Index		199
About the Author		203