

Theorising Democracy beyond 'State' vs. 'Society' Legal Intellectuals in Postwar German Political Thought

The Author

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The Paper

This paper reconstructs how post-war West German political and legal theorists have interpreted the role of the analytical distinction between state and society in German political thought and restores this seemingly highly abstract debate in the context of socio-economic policy debates of the 1960s and 1970s. In the extant historiography, German intellectuals who argued for the continued salience of the state-society distinction are generally portrayed as proponents of authoritarian, conservative, or statist views, whereas those who called it into question are presented as the harbingers of German liberal democracy by way of a 'Westernization' of its political vocabulary. By focusing on lesser known and more moderate legal intellectuals involved in these discussions I show that they were perhaps less than two sides in this debate.