

The New Legal Paradigm of Jean Cohen and Its Implication for Public Online Dispute Resolution

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Abstract

Cohen improves Teubner's reflexive legal paradigm to insure self-regulation stays in contact with the society-wide formation of public opinion and legal principles. This article discusses Cohen's paradigm and Sturm's analysis of the sexual harassment issue as the second generation of labor discrimination, which is compatible to Cohen's model. The author then illustrates how an improvement of Dworkin's theory of adjudication that emphasizes the inclusion of social dialogue can strengthen Cohen's paradigm, and how the development of public online dispute resolution can be an important step towards realizing Cohen's ideal.

Key Words: reflexive, self-regulation, co-original, legal principle, public online dispute resolution