

## **Disputes over Proceduralist and Reflexive Paradigms of Law—Analysis of Habermas’s Critique of Weber’s Legal Theory**

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### **Abstract**

With the emergence and development of the modern welfare state, classical liberal conceptions of the legal norm have been undermined to a great extent. This trend has provoked a heated debate between sociologists, political scientists and legal scholars. Since publication, Max Weber’s famous discussion of antiformal tendencies in modern law, in *Economy and Society*, has defined the terms of the debate over welfare state law. In response to the problems resulting from the law’s materialization, G. Teubner proposes a reflexive law model. J. Habermas offers his proceduralist paradigm of law and hopes it will satisfactorily answer the debates between the liberal, social-welfare and reflexive models. This paper hopes to show that Habermas’s paradigm proves to be a creative force while raising some questions.

**Key Words:** formal law, deformed law, reflexive law, proceduralist paradigm, social law