

# Contents

<i>List of Contributors .....</i>	vii
<i>Introduction .....</i>	xi
<b>Part I – Introduction.....</b>	<b>1</b>
1. <i>Law in the Air: A Prologue to the World of Legal Paradoxes</i> OREN PEREZ .....	3
<b>Part II – Generic Paradoxes .....</b>	<b>39</b>
2. <i>Dealing with Paradoxes of Law: Derrida, Luhmann, Wiethölter</i> GUNTHER TEUBNER.....	41
3. <i>Just-ifications of a Law of Society</i> RUDOLF WIETHÖLTER.....	65
4. <i>The Reference of Paradox: Missing Paradoxity as         Real Perplexity in Both Systems Theory and Deconstruction</i> JEAN CLAM .....	77
5. <i>The Political Origins of the Modern Legal Paradoxes</i> NIR KEDAR.....	101
6. <i>The Institutionalisation of Inconsistency: From Fluid         Concepts to Random Walk</i> OREN PEREZ.....	119
7. <i>Between Ritual and Theatre: Judicial Performance as Paradox</i> LIOR BARSHACK .....	145
8. <i>The Paradoxes of Justice: The Ultimate Difference Between         a Philosophical and a Sociological Observation of Law</i> FATIMA KASTNER .....	167

Part III – Local Paradoxes .....	181
9. <i>Expectations and Legal Doctrine</i> ERIC TALLEY.....	183
10. <i>Equality as a Paradoxical Ideal or          Respectful Treatment versus Equal Treatment</i> YITZHAK BENBAJI.....	205
11. <i>Mediating Paradoxically: Complementing the Paradox of          ‘Relational Autonomy’ with the ‘Paradox of Rights’ in          Thinking Mediation</i> MICHAL ALBERSTEIN.....	225
12. <i>Autopoiesis, Nihilism and Technique: On Death and          the Origins of Legal Paradoxes</i> SHAI LAVI.....	247
13. <i>The Paradox of the Law: Between Generality and          Particularity—Prohibiting Torture and Practising it in Israel</i> ROEI AMIT.....	275
Index .....	301