I

THE Chronicle of a Death Foretold (Gabriel García Marquez, 1982) is a Colombian village on the Caribbean coast had been celebrating a sumptuous wedding festival. However, during the course of that very wedding night a calamitous event occurred. Angela Vicario, the beautiful girl who'd gotten married the day before, had been returned to the house of her parents, because her husband had discovered that she wasn't a virgin (p. 20). The culprit would have to die. The fascination of the Chronicle lies at the ostensibly insistent rhythm of its narrative. With an unrelenting inevitability it takes us up to the point where we are almost feeling the weight of the tragedy (p. 19) itself. Everyone in the village knows that a crime is imminent. Many want to prevent it. Some, at least, want to warn the victim. But even the attempts of the madmen themselves, the brothers Vicario, who had done much more than might be expected to get someone to stop them from killing Santiago Nasar (p. 49), could not save the victim from being 'carried up like a pig' before the whole village (p. 2).

I would like to try and give the Chronicle a legal sociological interpretation, and will do so using one of the most advanced models available to measuring the effectiveness of law, that developed by Opp, Diekmann and Rouleauthier (Opp, 1973; 1990; Diekmann, 1986: 20ff.; 132ff.; Rouleauthier, 1987: 54ff., 1992: 125ff.).

This text has been translated from German by Sean Smith. 
The model does two things. Not only does it "develop a theoretical framework" but in a way which can be empirically checked, it shows how it is that legal norms work and why they are effective or ineffective. In this way the model succeeds in "being a highly abstract theoretical platform down to the level of empirical control" (Burt, 1987, 55f.). Now, what is being referred to here is the well-known discussion surrounding the regulatory crisis of law. With scientific precision the model isolates its dependent variable - "the extent to which the law is followed" - and relates it positively and negatively to a range of independent variables of first and second order. It can then be used to develop explanations and Apropos the following: The greater the degree of knowledge, the greater the severity and probability of sanctions, and the lower the degree of competing normative orientation and of the positive sanctioning of deviance, then the greater is the degree to which a law is followed. It also offers itself as a scientific basis for legal-political reform such as the setting up of information campaigns or the heightening of police presence in normatively ambivalent situations. In short, it provides an excellent account of the present state of development of German empirical sociology of law as defined by the editors of the first issue of the Zeitschrift für Rechtsethikologie (1980:1-3).

So how can we explain in legal-sociological terms the alarming low level of legal effectiveness in this north-Columbian village? And of course it is not just the individual actions of the two Vicario brothers we are dealing with, but -women are aware - the collective deviance of the whole village (pp. 76, 111). According to universal legal standards, whether as actor, instigator, accessory or through having failed to intervene where there was a duty to do so, they have all contravened the-homicide provisions of penal law. Accordingly, what is at issue here is a great number of normatively relevant situations, and not just the judgment of a guilty act. Indeed, even the victims has contributed to his own death. Santiago-Pizarro, despite a minute warning, continues to make his way to the appointed place of death. As far as the dependent variable is concerned, then, we can confirm that for our population (since the number of norm-relevant situations = the number of villages who act or for whom there exists a duty to intervene), there is a norm-following quotient of zero percent.

Now let us go through the most important independent variables. The "degree of indirect knowledge of the law" explains nothing. On the contrary, it presents us with a problem, since the homicide law would have undoubtedly been known to all the participants. It is not just that the two brothers carry out the murder, in a sense, vicariously for the whole community. But the collective behaviour of the villagers following their failure to intervene betrays a more widespread awareness of the law. The Cronica depicts the "shouts of the whole town, brightened by its own crime" while the murder is being carried out (p. 125). And the fact that afterwards the villagers went down with all manner of psychosomatic symptoms (inordinate eating, persistent diarrhoea, illusions of presence, bladder pains, visions of phosphorescent birds, sudden death, etc.) can be taken as an expression of collective guilt (pp. 778). The next group of variables - "sanctions" - fares little better. The "degree of expected negative sanctions from not following the law" - as it is formulated in
the most impeccable bureaucratic — is extraordinarily high. The case happens in public. The police are present (pp. 53, 55). The investigating judge arrives immediately (p. 99). The murderers are sent to prison for two years on remand (p. 49). In other words, the expected probability of sanction amounts to 100 percent. And the expected severity of the sanctions is considerable. Even the last-minute_requête cannot affect the ex ante considerations once it arrives unexpectedly. And in addition to the legal sanctions there are a number of other sanctions which would have to be included in our model. There was a widespread fear that the despotic would be amended by the Arab community in which the victim belonged. Such "incipient" might include anything from poisoning to free-faring (pp. 818). Nor can we ignore the fear of religious sanctions, whether from the church or from supervision which, in a Colombian village, should certainly not be underestimated.

Moreover, the variable degree of expected negative sanctions through obeying the norms' constraints nothing by way of explanation. The interaction of the murderous ritual would have occasioned nothing more than a feeling of general relief. What a peculiar situation, then. "Zero percent evidence. One hundred percent awareness." And an excessively high expectation of sanctions.

However, with the next group of variables, the 'degree of normative distance', contributes the rehabilitation of the Opp-Diebmans model and its explanatory power. At last we are asked to think not just the bad economic — who would explain every murder, even the most impulsive, as a maximization of net gain, but at good sociologists with their dearly held "shared normative commitments". In spite of the model's failures with the first two groups of variables, here the Chronicle can find at least a plausible lego-sociological explanation in the conflicts between official legal norms and unofficial social norms. Faced with the law of Bokorsch or the marriage code of a Colombian village community, the state law can be seen to be in a difficult position. "Competing normative orientations" have been caught up in the actors' deliberations alongside calculations of positive and negative sanctions and have a negative effect on the extent to which laws are followed (Koutledeaner, 1987, 73).

But wait! There is something wrong. The Chronicle of a Death Foretold cannot quite so easily be made to fit such a pattern of moral curiosity — social effect. If we read the Chronicle with greater care, we find that it goes into the actors' motivations in some detail. And it is dear that in none of the more detailed — sociological was any kind of cost-benefit calculation decisive. So it cannot be said that the decision to commit a murder was arrived at after a careful weighing of positive and negative sanctions. Nor is it the case that there was a kind of inner conflict between law and honour in which honour finally won out. On the contrary, there is no trace of consequential reasoning or balancing of values, only the abhorrence of the crime with which everyone was pervasively saturated from beginning to end. At the most the murder itself were themselves who had data
nothing right in line with killing Saugeti. Now right of self and without any public spectacle; but had done much more than could be imagined for someone to stop them from killing him, and they failed" (p. 90).

The Chronicler then, does not present us with a situation where the participants first deliberate - either purposefully or value rationally - on the collision between competing intentions to commit and then transform this into collective action. Rather, we are confronted with the total separation of inner motives and rational action, with the destabilization of psychic and social processes, with the reciprocal closure of two ascriptive systems. Moreover it is precisely this which makes the Chronicler so gripping! Against the will of all the participants, even of the murderers themselves, a murder is committed - or, rather, the murder commits itself. Step by step the crime takes its course while the perpetrators and accomplices try to break free from its ever-increasing rhythm. "I left the way you do when you’re galloping on horseback," Pablo Vázquez declared (p. 120). It is just this situation of subjective powerlessness to which the participants react either with the already described psychosomatic disorders or with all manner of irrationalities. Was it a conscious combination of chance events that had made murder possible (p. 97)? Or was it the inevitability of fate which the wise women foretold and which no one believed (p. 21)? Or: "We thought that it was dewysh's balcony" (p. 52)? Or had the devil himself been at work, perhaps taking on the persona of the bridgeman? (p. 27)? He legal sociology nothing bater by way of explanation for such a drama than cost-benefit calculations and value rational considerations operating somehow in the heads of its participants.

It is not just hermeneutic psychology (knowledge of norms, awareness of sanctions) which bothers me; one which - in espousal - is its sheer banality it every be a match for the amateur psychology of passions, intention, presupposition of legal knowledge so effectively ridiculed by legal sociologists themselves (Cuyper, 1973; KliW; Routledge, 1973, 1928). Nor is it the cooperation to cost-benefit calculations which so often is preponderant when we are looking at the following of legal norms. Note that where such an approach dominates, it does so in certain social contexts, it does so with the flair of calculated error theories and law and economics, leaving the somewhat more precise Opp-Diekmann model trailing in its wake (Glaze, 1985; Behrens, 1990). And it is no good trying to pin up prospective animality here by throwing in a bit of value rationality. Rather, the objection is even more fundamental. For it seems to me that, for something which professes to be a legal-sociological model, it needlessly remains deeply unorthodox in its approach.

Fifteen years ago things were rather different. At that time, critical legal sociology appealed to genuine sociological evidence murder to herald the crisis of regulatory law. The still widespread mistake made in the behaviour modifying power of law cannot be sufficient attacked" (Aspen, 1975: 34, 38).

However, private critical legal sociology is currently preoccupied to announce such a crisis as a "myth" (Routledge, 1989, 273). And the most advanced model of legal effectiveness indeed in quasi-rational-choice-pseudo-psychology instead of facing up to the fundamental separation between psychological motives and
social situations. The model itself recognizes this, at least implicitly, when it
concedes that there are certain "difficulties with checking the effectiveness of
codes." And these are supposed to result from the reduction of a complex social
situation to the "formal act." Unfortunately, the consequences have not been
drawn from such fragments of self-criticism (Rottelbeaur, 1987: 271). Nevertheless, a legal sociology which claims to be empirically satisfactory must
be in a position to develop variables which express the permanently social obstacles
to norm following.

Perhaps as this point I ought to make a modest preliminary suggestion
concerning the variables of the model. Does it not make sense when dealing with
the variable "knowledge" to distinguish between psychic knowledge and social
knowledge, between "cognitive mapping" (Kerdelbeur, 1987) and "communicative
mapping"? This would involve distinguishing, in non-relevant situations,
between the reality constitution in the minds of participants and the reality
constitutions in communication. The appropriate research techniques inter-
view the one hand, analysis of acts and transcripts on the other, can then be
distinguished and developed. We could then account for the situation where,
in spite of actors' subjective knowledge of the legal norm, it is not invoked in the
relevant social context, not communicated, not thematized, not recognized.
In spite of "psychic awareness there is no "social awareness."

As far as "comparing norm orientations" is concerned, we can observe a similar
differentiation between psychic and social variables (cf. the differentiation
between personal and intentional orientations in Schuyt, 1987: 113 ff.). Psychical
expectations must be distinguished from social expectations and correspond-
ingly different research techniques developed. But it seems that this would be to
the advantage of German-empirical sociology of law. Since when could
social systems think, conceive, know, expect independently of actors? Does the
law think? Does a village feel? That is the primary task of certain empirical
research into the German tradition of "cognitive mapping" is hardly accidental.
Indeed, the value of just such a model is said to lie precisely in its ability to keep
the specifications of contemporary German grand theory at arm's length (Rottelbeaur, 1987: 56). However, perhaps this
defense is itself an indication that such observation instruments are currently
available but have been hardly overloaded. Indeed, in empirical psychology there is
already a demand for research into the plurality of system aspects (e.g. psychic or
social systems) taking into account their specific information processing
mechanisms and the ways in which these refer to one another (Schuyt, 1989: 223).

II

Having formulated the conflict not as a problem of intrapsychic motives, but as
the social role as a conflict between legal and social norms, the Céronal model
now comes to a second conclusion: The chief policy, in order to escape the
maddening, clearly believes that he has prevented any blood from being
spilled ("Now they haven't got anything to kill anybody with"). But in his poem, Childe Harold utters the somewhat clippety-chock words. That's not why...

It's to spare those poor boys from the horrible duty that's that's put on them."

However, it is just this evanescence of art which proves to be impossible. The communicative powers during the Colubrini wedding night do not even admit the interpretation of the norm conflict as a norm conflict. They immunize themselves against the homuncular law.

Perhaps at this point German legal positivists would learn something from the French pomegranate. Even if, indeed just because, they omit them as "uselessly obscurvanists" (see Assenbühl, 1980: 125). Using Janssen's crisp distinction (1983: no. 12 and posterior) between wide and different, we can take the homuncular closure of certain social discounts against the law. The Childe Harold portrays a discourse on honour, love and death which cannot be seen as large, that is, as a conflict of norms which could be resolved using common centum compromises or a calculation of interests. The situation of a "competing norm communitas", earlier incompletely assessed in the model of legal effectiveness, does not exist here. There is no debate. Instead, the situation is governed by a different. We are confronted not with a conflict of norms within a discourse, but with incommensurable discourses which rebound off one another. We are faced with an ineradicable dispute between two different rule systems. In the words of the chief witness, Jean-François I. Jostard, There is a dispute ("different") between two parties if the "resolution" of their conflict is carried out in the idiom of one of them, an idiom in which the givenness which the other party does not figure (1985: no. 32). Since the determination of law is switched off during the whole bloody affair, we can say that the law itself becomes the "vicious" asset it is not even heard. The idiom of honour immunizes itself against the actions of law. The internal logic of the discourse on the redemption of topos resists formulation in legal categories. As the Childe Harold puts it, "such debts of honour are sacred monoplies with access only for those who are part of the drama." (p. 93)

Why? Because otherwise fundamental cultural correlates would be placed in question. And where they are, discourses arise by short-circuiting communication, breaking off communication (see Garfinkel, 1967). This is experienced by the Victorio Brothers whose every attempt to escape the murder discourse ends into a wall of silence. Those who would introduce here individual ego-benefit calculations understand nothing of the power of inertia. Even the legal claim that murder is a violation of the law would be to place the compelling terror of the ritual in question. It would lift all of the evil of the natural and the necessary, and make it contingence, a cause of doubt, interpretations, justifications and dispute. More precisely, the rules of the honour discourse cannot act as actions in a specific way, neither through consecutiveness - to put it somewhat archaically - nor through legitimization. Not even through necessity, but through force (see Wundt, 1989). The incommunicability of discourses is the result of their different "grammars" - the normative versus the factual connection of actions. The logic of redeeming family honour through killing the disgraced party without every upon pain of self denial be subordinate to the contingency of the binary
code legal/illegal. Unlike the code of honour, the legal code 'tolerates' disobedience and submission to sanctions. Regaining family honour is not something that gets justified, nor is it a norm, but simply happens. 'Honour is love' (p. 98). And because of its normative (1) internal logic, it is simply not possible to work with 'comparing norm orientations' à la Cop and Rostowether. On this compelling real-life procedure hinges the collective identity of the village. And this effectively limits any simple application of state regulation even before any purpose-relevant calculation of sanctions. Every regulatory intervention which goes beyond these limits is either ineffectual or produces disintegrating effects on the social area of life or else disintegrating effects on 'regulatory law itself' (Teubner, 1984: 316). In short, the blood-curdling interaction – and had Clostide Armenia not instantaneously recognised this? – requires juridification.

IV

But what can the wedding celebrations of a Columbian village tell us about regulatory opportunities in a modern world of strategic action? Once again it is the woolly obscurantism of postmodernity, which come to our aid. This time it is their scandalous category which makes light work of such differences in time and place. The closure of discourses against the law is not peculiar to the honour rituals of ethnic societies but is a characteristic feature of modernity. Certainly, with closed societies it appears to have become worse. But it has now become fashionable – particularly with the collapse of the grand ideals which were still able to make something like a societal superdiscourse possible – it says that the discourse on society is more than ever before confused with a 'disconnection of its rule systems' (Lyotard, 1983: 12), a multitude of 'language-games' (Wittgenstein, 1989: 23ff.), a differentiation of the 'polymnous of society' (Parsons, 1971: 12), the 'operational closure of autopoiesis' (Luhmann, 1984: 13ss.), or the plurality of 'semantic groups' (Jaffke, 1988: 13ff.). And is not the pertinent refusal of German empirical legal sociology to seriously consider the speculative perspectives of such obscurantistic confirmation of this diagnosis? In view of this the impossibility of avoiding conflicts (the impossibility of indifference) and 2) the lack of a universal discourse with which to settle them or, if you like, the necessary inequality of the judge' (Lyotard, 1983: 10)," then perhaps such a provincial self-enclosure against all relevant theoretical advances of recent years is the only way of preserving the causal/emotional integrity of legal sociological discourse. Is it the orderness of legal sociology which has become the victim of postmodernity?

This self-immunising of social discourses against the law opens up a wide field of research into legal effectiveness. If only empirical scientists were more open to speculation. Think of the 'legal blindness' of terrorist groups, profit-oriented businesses shortly before their collapse, fundamentalist religious sects, love as passion, the chicken games of American teenagers, or research into genetic engineering. Notice the separation of psychic motives from social communication, and the new ways in which today's discourses immobilize themselves
against the law. Indeed, we should ask ourselves whether it is not in today's 
arms-racing, comparable to the total immunization of the Columbian 
beauty-discourse against the legal prohibition of homicide. The answer is of 
that there is. Depending on our 'internal' definition of 'relevance', modern 
resultions can be 'neutral to all attempts at regulation' (Schepel, 1987: 118). 
However, does the resistance of today's discourse bear on the defence of 
the inevitability of fate against contingency, bear the defence of the contingency space 
of its specific code against fatal praxis-legal intervention? The modern 
economy would certainly have an immune reaction to a legal ban on private 
property (in the sense of exclusive property) — either in the fact of civil 
sovereignty or the withholding of payments. Lyotard and the German 
texts ideology painstakingly remind us of further parallels. 

There is a couple of research questions which come out of this discussion of 
the operational closure of social systems which I would like to direct to empirical 
research on the effectiveness of law. They involve breaking with a simplistic 
psychotherapy, with 'subjectively interpreted and controversial' with the 'external 
perspective of actors' (Rousset, 1987: 78f), and an accommodation of the 
structural characteristics of social systems, of discourses, of processes of 
communication. For example, can the following theoretical statement be made 
empirically operational? The social effectuation of law depends on, among 
other things, whether certain social interactions selectively reproduce legal 
events, which appear in their environment as limiting conditions, or whether 
they immunize themselves against them. Can we transform into empirical 
indicators the distinction between legal 'blindness' (or perhaps 'legal 
blindness?') of certain discourses (out of actors), and the variable thresholds of 
legal denaturalization in others?

The extent to which an interaction is 'blind to the law' would have to be seen in 
relation to different legal spheres (personal law, civil law, public law) and to the 
quality of the different legal qualifications themselves (the atmosphere of command 
and control; the areas of legal incentives, the whispered temptation of 
so-called norms). For instance it should be possible to develop a typology of interactions, which from Stewart Macaulay's 'jurisprudential' contract studies to 
the one hand to Philo Selznick's 'sociolegal' organization studies on the 
other, can distinguish the degree of openness or closure of the discourse to law 
(Macaulay, 1986). (Selznick, 1960: 32f.) In the time dimension, it would be 
possible to carry out a phase analysis which distinguishes the 'legal delay' of an 
interaction, for instance, in relation to its beginning, execution and winding up 
(consider the role of the law in imminent or on-going business relations).

As far as the regulated discourse is concerned, we would investigate whether it 
discriminates between codes and programmes, and ask whether this correlates 
with the openness or closure to law. Is it the registry of its specific binary coding 
which blocks regulation? Or, does the flexibility of its variable programming, 
the routine processing of information and consensus, building, only put up a 
malleable resistance? Or is it the system's ideosyncratic 'reality constitution' 
and the reflexive `self descriptions' of concrete institutions, whose peculiar 
selectivity [is already constructed] in the acceptance of external signals, making
out from the start, as irrelevant at overbearing, complexity of all environmental information" (Scharf, 1987: 118) and with which the boundaries of regulation are defined?

This systems-theoretical-originated analysis of the "conceptual readiness" of legal discourse and the "opportunity structure" of societal discourse can be used to further develop the epistemology of interventions suggested by Kaufmann (1988 and). In his "context dependent forms of welfare state innovation" and identification of "policy spheres" can be fleshed out with the help of the idea of criteria of legal authority.

This opens up opportunities for detailed empirical studies of particular configurations. These can then be generalized in a way which should make a notable contrast to the broad generalizations of the concrete empirical initial analysis of legal effects (in particular the indirect legal effect of, say, legislation on domestic servants is carried out by Auehrt, 1967). The discussion with details which characterizes research into self-governed autopoietically closed discourse – in a look at contemporary Florentino research shows (Frischke, 1989: 208) – would appear to exceed our wildest expectations. The opportunities for social control through law which would find their basis in this sort of research have, unfortunately, so far been missed by a legal efficiency-oriented research which is bound to a formal act psychology. It seems to me, therefore, that Rottensteiner's somewhat interpreted complaints that "the theory of operatively closed social systems can only deliver "plausible" and "irritating" rather than detailed, research hypotheses (Rottensteiner, 1988; 120; 1989: 208), is a little premature. As the very least it deals with genuine legal sociological questions and not parapsychology. How, then, does the legal effectiveness researcher react in the face of the hard logic of the outcomes addressed? Why, he must even ask.

V

But why were the pain of silence imposed on the legal effectiveness researcher? Let us start the exercise the "joy which comes from finding a new idiom" (I. Goud, 1993: 35). At last we can discover the beauty, the "autopoiesis", of autopoiesis. And I will just take one word from that idiom – that of "recursivity" – to bring the presented correlations of empirical analysis to life.1

Let us recall the two cases given to the Chronicle of a Death Foretold by the acquittal of the "vicious" killer's Pater and Paul. That the trial of Angela's two brothers should end in an acquittal is clearly problematic from the standpoint of Columbian law. Since no law has been violated, there seems to be an effectiveness question of 100 percent. But if we take now the standpoint of the ideal judge, the quixotic plume of zero percent. What significance, then, does the acquittal have for the effectiveness of the law? One hundred percent? (No one has infringed the homicide law, according to the legally valid judgment of the court.) Zero percent? (Everyone has infringed it.) About 2 percent? (Only the brother Viscito are implicated.) Or about 15 percent? The whole Viscito family has murderous disquiet/act party in order to redeem the honour.) Clearly, the answer
stems the problem of the 'independent variable'.

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in the correct interpretation of the independent variable. It is given by the way of explanation. And in good legal writing we are interested in law not as it appears in books but as it is in itself. In order to understand a legal doctrine, one must first study the doctrine itself before turning to any analysis of the concrete decisions making practice of Colombian officials.

But what if - in this case - the interpretations given to rules are determined by the effectiveness of the rules? In other words, what if the independent variable itself depends on the dependent variable and not (only) the "other way around"? Cybersocieties love such situations - 'ultimately the effectiveness of the mechanisms which were introduced in order to control the fluctuations' (Hedman, 1989: 318). Deviations in temperature control the thermostat and deviations against the law control the law, rather than vice versa in the healthy common sense of Opp. (Hedman & Co.) would have it. Can it be that the "Chronicle" reveals the paradox of self-restraint? No one has broken the law because everyone has broken the law. In fact, historically, this has been the case. A falsely exaggerated obsession with honour during the course procedure on the part of those - the accused - who were, (in fact) indifferent to it had persuaded Colombian legal doctrine to simply derogate, by its law, from the legal point. But as researchers into legal effectiveness what can we make of such a recursive loop promulgation of the norm - chron of sanctions - disobedience - 'sentiment' of the norm? Here, as so often with paradoxes, a simple distinction will help, that between ex ante and ex post. So too will considering only the short-term, breaks up the circle of recursiveness. Hedman too (1980: 751, 762) stresses the limitations of his causal model where the variables cannot be ordered hierarchically as its causal structure would require, and where interaction and feedback effects crop up (causal feedback and circular causal relation). According to Hedman, a 'two-stage' procedure (with 'temporalization of the paradox') ought to be able to deal with such circular relationships, but only under the condition that 'too too many loops appear in the model' (p. 68). However, the Chronicle of a Death Foretold is full of such unnecessary little loops and all manner of recursive entanglements. Instead, the meaning is said to contain only of negative feedback which stabilizes the honour discourse, and of positive feedback which leads to the catastrophe (see Maruyama, 1968).

Considered the fact of the independent variable in the course of the legal drama. In all 20 phases, the effects of the law have an immediate feedback effectuating into a kind of temporal oscillation.

1. Recursion: law - lay rule of the law. What is an absolute prohibition on killing gives rise to a thematic blockade during the bloody 'raid'. It blocks awareness of the law, causes at all manner of evasion action, including self-delusion as to the existence of the violation. All of this has an effect on the uncompromising regularity of the law. Particularly important here are the complex feedbacks and counter-movements of the village women, since they act like self-fulfilling prophets and weakens the prohibition at its core. Even before the murder, this process of erosion would have been such that the law in the books has already ceased to be the law in action.

2. Reciprocal effects: law - following of the law. The political turns a blind eye.
(p. 51), or refrains from taking strong measures. The chief of police takes only halffledged counter-measures (p. 55). The investigating judge makes Nettleship flights into trivial excess and legal nihilism (p. 500). Before, during and after the deed, the thematic inhibitions of the honour discourse compel changes to the original norm and the applied sanctions.

3. The interpretation of the law in the courts. The murderous brothers exaggerate beyond all measure their honourable intentions. Their representatives plead 'legitimate defence of honour'. The court acquits. The independent variable 'legal sentence' is recursively 'repealed'.

At every level, then, there are recursive relationships, reciprocal effects and contextual interactions among the variables! If we extrapolate from this situation to, say, the current political struggle over unemployment, then the 'recursive confusion' (Krohn and Kippert, 1989) becomes even more extreme. As far as the welfare state is concerned, this recursive interweaving of variables is compounded with the atemporal character of the welfare state itself. The problem is that the means actually change under the influence of the social effects of implementing legislation. The situation is one of a stable time-lag between legislative aims, legal measures and legal justifications under the pressure of self-generated social expectations. Not only 'moving targets', then, but 'moving gums'. And Der Spiegel reports that despite all official propaganda to the contrary, the struggle against unemployment is no longer taken seriously as a legislative goal...

It is not just the currently modish theories of self-organization and autopoiesis ('non-trivial machines') which take recursivity as a problem for societal regulation, and its social-scientific modelling. Since at least the time of Forrester's research ('industrial dynamics', 'urban dynamics'), we know that through 'non-linear resonances' in the system, even minimal intervention can lead to unforeseen 'counter-intuitive' results. Nettleship and non-linear make part of the standard vocabulary of informed players. However, still today people tend to interpret unforeseen developments as a lack of knowledge about the systemic rules, i.e. knowledge of the variables and the connections. (Krohn and Kippert, 1990: 114)

Is not this our effectiveness researcher avoid recursivity confusion? Answer: with a refined sense of irony. Rentlethruster, for instance, ridicules the Babylonian confusion in terminology (recursivity = non-recursivity) and laughs off the whole problem of recursivity in the following way:

The mark of recursivity function is the same operator is continually configured in a given situation. Today one can perform this version of Nettleship's 'epical recursivity', for example, by repeatedly pressing the square root button on a pocket calculator. This usage of monotonous stupidity is the appropriate metaphor for human recursivity as it is understood by autopoiesis. (1988: 117)

Of course, Rentlethruster cannot have failed to notice the continual micro-variation which render the stupidly monotonous recursivity application of operations both intelligent and polycontextual - in the case of law, for instance,
Lasciate ogne speranza! There is no hope for social regulation through law! Never fear, we always count on the common sense: this may be true in theory, but it does not apply in practice (Kant). The notion of recovery may be blurred to the point where the somewhat enjoyable coherence is gone. It is regrettable that there is no way to talk about the system, even if its mechanisms are known, the system operates discontinuously and there is no distance ... because of reification, the highest functions in the starting conditions became compounded; such a process can no more lead to completely disassemble the system than to develop it. Where a system's dynamic is non-linear and recursive, it is impossible to predict its development. (Kuhn & Kimper, 1990: 114.)
threshold of different attractors, towards which a 'self develops' (Krohn and Kappers, 1990: 115). For self-organizing systems, von Förster has given this phenomenon the following conceptual characterization. Ultimately, self-organizing systems shielded to stability because the recursive application of an operation to itself builds stable 'equivalences.' Through the recursive 'composition of compositions' a system learns the type of operation which 'proves itself' in an environment to which it has no access (Förster, 1981: 278; 1985: 36).

Is it then which opens up the possibility of social regulation through law? Assume that recursive and self-organizing systems are built at new eigenvalues on the basis of external interference. Then through general means or specific legal acts the law can try to produce this external interference, interfering in the system in such a way, and at a rate of all chains, that it moves from its attractor state to one which is at least compatible with the aims of the legislature (Krohn and Kappers, 1992: 124). Of course, this type of 'institutional short-cut,' relying on it as does self-organizing processes within the interaction, represents a high risk strategy (Scharpf, 1987: 40ff). This principle determines whether there will be the evolution of attractor. In principle, there are these possible courses of development: Cost of disintegration, or 'institutional death.' Then, there is the possibility that the system is lured to an attractor which does not correspond with the desired objectives. And finally, if all goes well, it could become lured to an attractor which is compatible with the aims of the legislature. This version of the regulatory dilemma, convinces Schanz (1987: 148) of the need for a strategy of social 'gardening' rather than 'social engineering.'

By analogy with 'systems therapy' in psychology (Scheppe, 1989; Ludewig, 1990; cf. Wille, 1987), we may envisage the problems with such an attractor strategy lying in the process of trial and error. In this way, it seems, we can probe for sensitive 'involution points' which we proceed to the desired instability.

As Scheppe and Schwab (1989) in particular have stressed, this opens up possibilities for empirical research. This would be to free from static, 'if-then' correlations and be based on a concept of dynamic recursive systems. 'This concept of system gives empirical research some difficulties. Since it is understood as process, then prospective process-studies are necessary in order to describe the dynamic of the system ...' (which in empirical terms can be grasped most clearly in small groups) (Scheppe, 1989: 238). From this micro-analytical perspective the ambition is set, above all it 'empirical systems research' as it is energetically advocated by Fle Bumble, psychologists of simulating the recursive networking of macro-parameters with a view to identifying bifurcations and attractors. 'The connection of macro-parameters or variables produces a related net with which complex processes between ... psychic and social systems can be modelled in a more abstract but at the same time more simplified way.' (Scheppe, 1989: 239).

Peter Allen's view (in Nicola and Jurgens, 1989: 320) of town planning are relevant for our discussion on legal content. In a simplified model of a town, simulations can be carried out which can show how the different bifurcations of what is a highly non-linear model can be 'controlled' and depict historical developments provoked (see Krohn and Kappers, 1990: 115). Such simulations
might suggest possibilities for 'control of control' through law (Trager and Wilke, 1984) if the intervention can succeed in identifying and creating the starting conditions from which the system can be hosed to the desired attractor.

In a more specifically socio-legal context, the 'bifurcation model', which is clearly related to the reaction−attractor schema, has already established itself. In a study of the regulation of stock exchanges, Stenning et al. (1987) show how the regulatory committees simulate the critical intervention points with the help of computer-simulating and trade analysis. It then interrogates intentions in order to simulate the stock exchange to move to an attractor state which approximates the legislative aims of 'stock market liquidity'. Their bifurcation model is inspired by van meter's reactions systems. (Lagendijk 1979: 163).

...suppose, for instance, the one wishes to index a bifurcation to walk across a garden from a Kirk to the The. It is not enough, to say, 'Have, dear Mr. Rhinoceros, will you be so kind as to walk across this plank?' for the great herdsman will fail to understand such language, and the most gratuitous politeness will leave him totally unturned. Even if one places a cord around his neck, and sets to lead him across the bridge, a general sense of abatement of him from behind with a stick, the great beast will in all probability refuse to do what is required (for the language of physical force is a dead-language to him, if he should ever so loudly, preferring an alternative to change his puny constitution, and transmute them under his feet. But there is one weak spot in the physiologist's composition, at which his crafty sleeper is not slow to make use. He easily, if not, his matter, the cramp of his own stomach. The Rhinoceros appreciates a combination of the two spots, he will say to it in a whisper, 'Now that you have forced me to bend me, and have not only, but must, the cramp of my own stomach, the physiologist's apparatus establishes a symmetrical language, if I may be allowed to call it so, which every animal comprehends; hold a handful of food to his nose, and he will follow wherever you lead him. So is it, at least, with the rhinoceros. Only do this, and all other forms of polite persuasion become superfluous in the situation.'

Identifying the weak spots of a system (see of an actor! - avoid all individualistic interpretations of the 'bifurcation model') may be the most important obstacle facing Kreinh and Krippendorf (1992: 129), if they want to successfully apply their reaction−attractor model to problems of safety and environmental politics. They rely on 'systemizing the economy through specifying objectives or time limits' to which the systems must accommodate itself. The ways in which the happens, whether expected or unexpected, are left up to the system. The most likely expectation is that, possibly after a temporary change: phase, it produces an 'equilibrium value' which is compatible with the aims of the intervention. The strength of the system consists in its weakness - the ways in which the system is reconstructed is left to far as possible to its own dynamic. The modelling concentrated on identifying the background conditions for effective interventions in the system.

'What's not only', cries Claudio Armin, referring to the mere duration of potential muddles. 'It's to spare those poor boys from the horrible duty that’s fallen on them!' Should we understand her disposar as the futile search for the sensitive intervention point whose iridination would free the Colombian village community from the 'legal atonement' of the honour ritual and move them to a 'normative attractor'? In fact this takes up an aspect of the Criminale which we
have not yet dissipated. The Colombian village stands in a critical transition phase between aagic tradition and the blessings of modern civilization. The murderous proceedings provide a proof of high tension on the conflict between consciousness and compensation. Finding a sensitive intervention point might change at a stroke the collective understanding of the situation. It could transform what is a salt of death by fire into a life-saving plea. The word of amelioration would break up the barbaric ritual. But can it be timed in time?

VII

So far we have introduced a couple of assumptions in order to criticize and correct the model of legal effectiveness. Firstly, the closed nature of the discourse forced us to look beyond the intentions of actors to the social situation itself, as we see far as social, its programmes, its reality construction and its identity insinuate it against the prescription of legal norms. Secondly, the necessity of interactions forced us to look beyond its then correlates to investigate how stability is achieved despite chaos. Now, I want to replace the simplistic regulation of action through law (norms, awareness of sanction, devotion) with the idea of a complex interweaving of autopoietic discourses. A one-track causal process is thus seen as the usual parallel processing of several autonomous discourses. We are now confronted with the most formidable obstacle to our attempts to define in apoeptic terms the lines and the possibilities of legal context - the *collision* which occurs between rules systems and discourses in conflict (Loury, 1983: no. 39), the *structural coupling* of autopoietic systems (Maturana and Varela, 1986; Luhmann, 1989) or the *synchronicity* of law with the field of regulation (Feindt, 1989: passim).

In the simplest case this produces a redoubling of the Opp-Diskurs - regulatory fanaticism. Instead of the regulation of a regulated object through a regulating subject, we now have two self-continuing processes of self-regulation which are nevertheless interwoven in particular ways. Accordingly, the "death formal" must be narrated in a double-chronicle. First, it is a discourse about honour, love and death which, through the act of killing, leads inevitably to the overcoming of the difference between honour and the violation of honour. It is a discourse which, in its grammar, does not allow itself to be influenced by the law. Rather, in the event of conflict, the law becomes its victim. Secondly, it must be reconceived in the grammar of legal discourse, which tells the tragic story of how an implicit invocation of legal norms was fed away - via the complex evolutions of the chief of police (p. 386ff.), the subsequent contracting by the vicario brothers (p. 191ff.), the lyrical excesses of the investigating judge (p. 105), and the prurient story-writing of defence lawyers (p. 68) - to become a wholesale derogation in the judgment of the court. This is the law's self-regulation, which aims at the reduction of a difference - here, the difference between norm and violation. A successful case of law being controlled by society. The love-honour-death drama puts the legal discourse into resonance - it reasons, but obeys!
But now, in today's terms, should we understand the regulation of, say, the economy through law? Firstly, legal discovery builds a 'legal fiction' of the economy with economics, designing theories and legislatively fixed goals. It seems like a matter in controlling operations aiming to maximize the difference between legal norms and desired behavior. Violations of the law are prohibited, and legal officials are empowered with sanctions. Information about the economic future of control is produced, if it is produced at all, exclusively within the legal system. Secondly, the economy is made the same course of events with its own fictitious distinctions and indications. If legal norms appear on the screen of the economy at all, then they are entered as normatively valid, but as entries in economic calculations. Economic calculation builds an economic fiction of the law and uses it in combination with self-regulating programs, for instance, those cost minimization. This usually results, directly, in 'regulation failures', since the regulating processes are built on different differences (norms/ behaviors) and need to be offset in different directions. Where harms get interfered with violations and misconceptions of the law, economists praise what they see as efficient economic behavior—something which is admirably summed up in the notion of 'efficient breach of contract'. Legal control of the economy is successful only in those few cases where the self-regulating programs of the law happen to coincide with those in the economy, where economic differences processing goes approximately in the direction intended by the legislature.

Rendtorff critiques the model of mere stimulation of self-regulatory processes for being too narrow (Rendtorff, 1987: 205): it is not in a position to deal with 'deficit problems', for instance problems of environmental protection, energy conservation, technology, equality of the sexes, since these cannot be referred to a single sub-system with structurally determined self-reference. We bind these as a problem of law's capacity to leave free question: how can the same author both deny the law's ability to take reality, to sufficiently determine its own identity, to be self productively create new law and at the same time allow that it can adaptively learn new facts?. The legal systems must 'learn' to transform new social facts into legally relevant ones which can take account of the 'unstructured multiplicity of many systems' (Rendtorff, 1987: 282). Thus it certainly is a radically analytic way of thinking. Only it needs to be supplemented with the already more detailed systems theoretical notions of 'polycentrality' (Luhmann, 1986).

But still Rendtorff is thinking too narrowly. He pushes us to see not only one side of the problem, the internal reality constitutes of the law. We leave out of account the more dramatic questions which arise when systems come into real contact, the 'collisions' between disconnected, the 'interference' between law and other social systems, the actual parallel processing of different distinctions. In systems, what Rendtorff calls 'deficit problems' are seen not merely as doctrinal problems of conceptualization. They also involve, firstly on the part of the controlling object, the interference between the self-controlling programs of law and politics, and secondly on the part of the controlled object, the interference of payments, knowledge claims and organizational decisions.
which obey their own logics but which are nevertheless structurally coupled. Technology, for example, should not be seen as an autopoietic system but as a sphere of interference of the economy, science and politics (Grundmann, 1991: 147). And the setting of threshold standards of environmental damage represents a splendid example of the sort of norm proper which, if at by magic, makes couplings between systems possible, and to which Lyotard (1983: no. 39) refers in characteristically mysterious terms: "... the sentences of different grammars and discourses are "brought together" by family names, they are "brought together" in the worlds which are constituted by the interweaving of names."

However, Roelschneider's criticism is directed at a more fundamental level. The extensive use of autopoietic language cannot go beyond prescriptive conclusions of the sort that every attempt at regulation founders on the internal logic of systems. It is contended to move forever in the vague and the general without being able to deliver specific criteria for legislative practice or the more detailed observation of processes of control. Autopoiesis already knows everything it need be to know about the limits of traditional means of control and the possibilities of contextual law. 'They do not need any empirical evidence' (Roelschneider, 1989: 281).

Here, it seems to me, there is an error in aheot, not to mention an ahistorical error. No doubt the would-be sociologist Günther Teubner lacks the necessary equipment with which to do the more detailed empirical research. He would soon be hopelessly grooping about in the midst of operationallisation. Surely this old cobbler ought to keep to his lanes and fashion an autopoietic shot for the legal person. But what can these personal failings tell us about the inherent limits of a theory? And what is there to prevent the one-time philosopher Hubert Roelschneider, who has already successfully undertaken an empirical falsification of class justice hypotheses, from exploring the conceptual suggestions and constructive fantasy autopoietic theory in order to put a shoot on a somewhat dusty model of legal effectiveness which cannot see in way past concepts of norm, sanction, behaviour, and casuistry? Where such a hard critic of autopoietic theory as Fritz Schapf (1989: 19) has no trouble in using it selectively in order to 'sanitise' (imputemposis-tion research) to the specificity and narrow-mindedness of functionally specific communication, in the statement of autopoietic theory, Roelschneider (1989: 280) can see only 'tribalism'. Can it be that legal-sociological discourse has immunised itself against systems theory?

What I have said in this essay on the extent to which social situations are immune to the law, and on identifying attractors in relations of recursivity is intended to make the theory of legal autopoiesis fruitful, not only for legal theory or legal doctrine, but also for detailed empirical research. By way of conclusion I would like to sketch in a couple of ideas about how to frame hypotheses in an autopoetic way. One concerns concrete research into the "eigenlogic" or internal logic of the regulating and regulated fields. The other relates to the mechanism of "structural coupling". In other words, we are dealing with the two central problems in the "collision" between self-regulating processes (for more detail on both, see Teubner, 1988).

Is the theoretical apparatus of autopoiesis limited to claiming that legal norms
run up against the binary code of the economic system, giving rise only to extreme perturbations, simulations, publications? And that all this, however, seems invisible? This, at least, is how Rottensteiner (1989: 280) would have it. But this seems to me to be a complete misunderstanding of the different ways in which economic theory can be used to reconstruct different readings of how, for instance, economic discourse 'observes' legal discourse, reconstructs it as its own language, and how this in turn can be observed. I want to distinguish six possible 'economic readings of law' (see further details, see Täuscher, 1993).

1. The case of a 'non-reading', where the legal signal cannot be read because this would subvert the economic code. We have already discussed this above. Here, economic operations remain indifferent to legal norms. Of course, Haber (Rottensteiner, 1989: 280), there are the state officials and the police! If a provision is exercised with physical power, then the economic code is replaced with the former code.

2. The 'property right' reading. Some legal norms can be read with the help of the property code 'have/owe not' and understood as providing a fixed framework for action. They are valid in modifications of property rights, of 'property of rights - all this understood as providing opportunities for action. Accordingly, norms are understood not as normative commands but as genuinely economic expectations of a cognitive and not of a normative type.

3. The 'book-ends' reading. Normative legal norms are not specifically located among the external texts which define the framework of action. Rather, they are established by the object of case-law's criticalism, the net result of which decides whether they are to be followed or not. The severity of the sanctions multiplied by the probability of the sanctions - ultimately this is the formula used not only by rational actors but by legal economists to calculate the effectiveness of laws, but even within the economic readings of law this is - concern Ode-Dierksen-Rottensteiner - only one among many possible readings.

4. The 'sacrificingship' reading. Economic actors do not use legal norms as such, but use their enforcement as leverage in order to achieve other objectives, that they become interconnected as economic structures of a particular kind, as strategies for 'sacrificing in the shadow of the law'.

5. The 'changed preference' reading, in line with theorectical discussions, preferences of economic actors are not only what determines activity systems, but equally the structures of social systems. They are specifically social expectations which can be attributed both to individual 'persons' and 'collectivities'. However, in a case in which legal norms might lead to changed preferences among economic actors.

6. The self-regulating programmes: reading. The question, in particular, of which specific regulatory programmes is followed in the regulated sphere, requires more detailed analysis. It is certainly not enough, here, to make do with programmes of profit maximization to which the cost considerations of legal norms following become subordinated. Rather, those specific self-regulating programmes which are followed in the regulated sphere must be investigated empirically: strategies of growth in organizations, increasing market share as
however, bars survival strategies, pursuing internal-organizational interests, work safety, programmed of risk reduction rather than increasing profits, avoiding a drop in reputation, etc. (see the empirical study by Budde et al., 1982).

The concrete elaboration of such strategies decides the central question of whether legal regulation and economic self-regulation can 'come together' or not.

This distinguishing of different economic readings of law can also help us with Routledehur's question whether legal norms are only structures of the legal system or whether they cannot be found in almost all social systems (Routledehur, 1992: 116ff.). As the different readings make clear, legal norms are not found only in the legal system, but indeed everywhere in society — in social norms, do not. However, here we are referring to re-different states of affairs which are better left apart. First, the legal system. In systems-theoretical perspective, it encompasses all action, even lay action, insofar as it is expressly oriented on the legal code. To the extent that every social event can be legally reconstructed when the legal system can be said to act ubiquitously. Secondly, what is also evident is the presence of legal norms in other social subsystems. Bear in mind that such ubiquitous legal norms cannot be legally reconstructed as the various sub-systems. Depending on the context, they are 'read' as a fixed framework for factual action, as manipulable variables, as bargaining chips, etc. Legal norms are, accordingly, structures which penetrate the whole of society in the following double sense. They are produced within the context of the legal system and, inside as they disturb other systems, they become 'reconstructed' in these system-specific structures.

This invalid sees constitutive legal norms just as much as it is for regulative legal norms (see the objection in Routledehur, 1992: 138). The juristic notion is not understood in the economic content in Heremian fashion as a complex of legal norms which in turn are used as a marker for the attribution of further legal norms. Rather it is seen as a 'corporate act' bearing cut of ordered preferences, a profit motive, organizational interests, formulae for rational action, and so on.

Legal norms do indeed 'constitute' fields of social action. But they do so in such a way that these fields of action in turn reconstrue legal norms. Moreover, they are reconstructed not as legal norms but as sub-system specific structures with their own particular relating.

Such differences in the ways in which law in read in the economic could be refined still further. Autopoietic criteria direct us to the ways in which the grammar of distinctions incourage distinctions from other systems. Does it occur at the level of the code, its norms, its principles, entity construc-
tions . . . ? Is it in this point that specific hypotheses must be formed? Under what conditions are legal norms read? Which type of legal norms? And in which type of economic readings?

By contrast, traditional socio-legal research has led to the acceptance of 'false abstractions' in the implementation field such as norms, sanction, deviance, etc. Derived from legal categories, they are ill adapted to the internal logic of those fields where law is to be implemented. This type of research simply lacks the sort of conceptual apparatus that would enable it to develop systematic hypotheses
based on the heterogeneous norm sets in which legal norms appear. And it is no
\textit{good} to be content with "supremacy" reasoning. Ideas about Galanter's 
\textit{conflict} theory which, as far as I am concerned, as supposed to have said all there
is to say on the central logic of regulated fields, and indeed much better than my
previously stated general theory (Tamblyn, 1999, 139). But helpful to Galanter's
conceptional ambitions is to identifying 
\textit{conflictual} intentions (tarring
\textit{epidemic}, 
\textit{persuasive/authorious}; 
\textit{compliant/obedient}; 
\textit{symmetric/asymmetric}, 
\textit{institutional/expressive}, 
\textit{revered/unhallowed}), they still inhab it the traditional universe of
\textit{norm-action-obedience-deviance-sanction}, and do not take account of the
\textit{linguistic diversity} in which legal norms are read.

Concrete studies of the implementation of law are themselves compelled to make
the corrections which would do justice to the internal logic of regulated fields. But only working within such traditional framework, they can only do so
deep and ad hoc. Unable to take account of "linguistic diversity", they find
themselves lost in the wilderness of social sub-systems. And from their
fieldwork they can only escape to learn "usefully" and not "theoretically" from the critical

In second research perspective correct the "structural coupling" of law and the
regulated system. The basic idea is to reduce the push and pull dynamics of
\textit{norm-action-obedience-deviance-sanction} with the image of two structurally coupled
discourses which lean from one another. How fruitful such a perspective can be
has only recently become evident from the detailed study of King and Piper
(1992). Taking the example of child welfare in Britain they show, with the help of
the conceptual apparatus of antipoverty, how the opposite closure of legal
discourse courts that of export discourse - "How the law thinks about children". Detailed investigations must pursue the question of which component of
the discourse are conceptually coupled, "double memberships" of ideational
communications in different contexts, parallel use of the same structures, or the
time-bending of discourses through parallel processing. Other perspectives are
opened up with the question of which "binding mechanism in particular are
responsible for coupling specific intentions of formal "multilingual"
organizations? Here, it seems to me, the addition of "pluralistic law" inspired by Eichler
was an innovation (for more detail, see Trautner, 1991).

A problem which every new organization set to face is the open question of how
certain learning processes in social "communication" adapt to legal communi-
cation and vice versa. We have identified six types of economic tactics which
will be chosen in practice: selfinterest, property rights, beguiling chips, book
requests, changed preferences or self-regulating integration? The politics of
"pluralistic law" can play a role here as a "paradigm". Whether intra-organizational
law, entrepreneurial law, collective beguiling, affiliation contracts, or agreements
among business associations, there are already concrete binding mechanisms in
place which traditions can exploit. In stead of waging war with their internal
logics, reform law can try to modify existing "pluralist law" and thereby
influence the already operating learning processes. There is also an opportunity
here for empirical legal sociology to analyze more precisely the mediation
between state law and pluralist law on the one hand, and pluralist law and the social spheres on the other. This knowledge can then be used to enrich the debate on regulatory success and failure. Pluralist law would then, and in relation to Eugen Ehrlich (1913), be given a new sense as a field for the application of research into legal effectiveness.

VIII

Let us return for one week to the coast of north Columbia. Whether we are

ascertained in legal effectiveness of legal constitutionalism do we are all in the position of

the Norwegian-schools-branch-investigating judge. In view of the innumerable events of the

Chronicle, we are left, oscillating between lyrical excess and legal nihilism.

Perhaps, indeed, we should even take his way out — Give me a prejudice, and I

will move the world. (p. 101).

The theoretical prejudices which move the world of constitutionalism have been
dealt with here as three empirically oriented research perspectives: (1) the degree of

depth/depth and of social awareness against the law; (2) barriers and

attitudinal and (3) internal reconstruction and coupling as a precondition for the


Perhaps the day will even come when Hubert Reimherr and Gunther Teubner
can together present a proposal to some Pan-European Research Council on a vexed question of social regulation through law. May their results

be neither technically empty nor empirically bland.

Notes

This is an article on Hubert Reimherr’s The Limits of Law: The Birth of a Regulatory Cooperator. (1999). For helpful criticism I should like to thank Wolfgang vom Herrn, Klaus Erler, Rüdiger Dittmann, Jürgen Gerhardt, Sean Smith, Helmut Wehler, Helene Wilke and, last but not least, Hubert Reimherr.

1. ‘Effectiveness’ is intended to include both the following of legal norms as well as the effects of legal norms set forth elsewhere (1987: 54).

2. Following up a suggestion made in discussion with Hubert Reimherr, it could be objected that we are dealing with a model consisting of variables which are hypothetically connected to one another, not a set of statements amerability, but a framework of assumptions which are free of all self-check. But this does not alter the last facts at least in the norm-relevant questions positively represented in the Chronology, she repeats positive conclusions between knowledge of the norm, the severity and probability of sanctioning, and the extent to which the norm is followed, does not hold. While such correlations are not confirmed in real situations, this does not recommend a change in the model.

3. Chronologically, this does not include other parts or researchers (and legal effec
tiveness).

4. Note that the citation refers not to legal conflicts but to conflicts between
discourses.

5. This static character of empirical investigations, though chiefly those which involve di-dimension theories, is concerned by Schupp and Schub (1989: 12). The usual
plausible where the same-like generalizations are... the elimination which in which the actual corpus contain... and the elimination which is thereby obtained, and an act-like... 6. See Ruß (1966). His empirical recognition on the sense of ideal... the formalism of the legal system and... the formalization of the social-cultural background. While... the main line of reference against... theory (Ruhlscher, 1969, 1989, 1990, 1999) rather than a theory between... which is inevitably developing and... the theorists, where basic concepts have been causally violated and... References


