

## Abstracts

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### The law in the poly-contextual society. How can we analyze and understand it?

INGER-JOHANNE SAND

The functional differentiation of modern societies has resulted in a specialisation of the communicative systems of law, politics, science, markets etc. At the same time these communicative systems are being applied to most areas of society and are thus being differentiated in form and contents. Law as a regulatory tool is thus being applied on an increasing number of areas including new and experimental technologies and other knowledgebased disciplines and social discourses. Gunther Teubner has written that law in modern societies has gone from primarily controlling the repressive power of the state to controlling and disciplining an increasing number of social and other technologies across the boundaries of public and private domains («Societal Constitutionalism», 2004). The result may be gradual changes of the general functions of law and a challenge to the rule-of-law and liberal functions and forms of law. The result may also

be an increasing complexity in law and increasing problems in deciphering legal texts and norms. The article calls for a broader and a more cross-disciplinary orientation in legal theory in order to be able to analyze and to understand the increasing differentiation in law and the relations between law and other regulatory forms such as science, politics, markets etc. Law is also an expression of power with a specific form of legitimation the basis of which may change with the changing forms and applications of law. New developments in contextual law, reflexive law, systems theory, communicative theory, hermeneutics, deconstruction and argumentation theories are referred to and discussed as possible contributions to a more comprehensive and cross-disciplinary legal theory. The article is an attempt to formulate some of the current problems law is confronted with, and a contribution to a theoretical overview of a more comprehensive and contextual legal theory.

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## The judicial system in Syria

MICHAEL HART HANSEN

Syria's judicial system has its roots in Muslim, Ottoman and French law. In family matters the Shari'a law courts judge according to Islamic codes concerning Muslims, while Christians and others have their own legislation and law courts. The Shari'a legislation concerning inheritance is applicable to all Syrian citizens. Modern codes are French or French inspired. The legislation contains discriminatory provisions

against women. The basic existing legal system dates back from the French mandate period (1918-1946) and virtually no law revision has taken place since then. Human Rights and democracy have little meaning to the people. Access to the internet and mobile phones cannot change the old system although the atmosphere apparently seems to be a bit more relaxed.

## The Binding force of the contract

DAVID FRYDLINGER ASSARSSON

The principle of the binding force of contracts implies the use of coercive state power against contract breaching parties. The principle is therefore in need of a legitimising theory. Today, no such theory exists under Swedish law. The article presents a theory based on the ideas that (i) state coercion used to protect the private autonomy of individuals can be legitimised and (ii) that a breach of contract is indeed to be seen as a violation of the private

autonomy of the non-contract breach party. A contract right creates a freedom to act under certain given circumstances; a freedom that is a part of the private autonomy of the party holding the right. If the other party does not realise those circumstances by fulfilling his corresponding obligation, the private autonomy of the first party is violated, which makes the use of coercive force against the contract breaching party legitimate.

## The Social Services Acts' Value System – An Analyze of its Practical Meaning in Social Investigations on Children

EVA FRIIS

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This article discusses the relation between legal and practical norms, on the basis of a model over the norms main components. The focus is on the norms value component, and the question is how the value of a legal norm is implemented in that practice which the norm is aimed to regulate, and what the result of this implementation

is, in terms of the values practical meaning. The legal norms that are analyzed belongs to the Swedish Social Services Act, and the analysis is concentrated on the Social Services' child protection work, and based on documented investigations as ground for compulsory care of children.

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