
Abstract

Stendahl, Sara (2003) *Communicating Justice Providing Legitimacy* (Uppsala: Iustus Förlag) 430 pp, ISBN 91-7678-548-3.

The volume is on an overarching level confronting the function of the legal system in the governance of modern welfare states. The point of departure is an analysis in which the *conflict* between individual needs and collective social risks is highlighted, and the role of the courts in resolving this conflict, is in focus. The study is situated in a context characterised by *change*, where the traditional welfare state is challenged by for instance globalisation processes and in this process becoming more complex, more differentiated and more pluralistic, but also thinner and more fragile. In such a modern (complex and differentiated) society authors as for instance Rawls and Habermas have singled out the legal system as a key component in providing political legitimacy. It is proposed that the capacity of the legal system to provide *de facto* legitimacy is at stake, not primarily in the Supreme courts, but in the less glamorous, everyday production of judgments by county courts. It is further proposed that it falls upon the members of the legal community (such as the judges) to provide legal arguments (accepted as legal by the legal community) but also to make sure that these arguments are communicated to members of society in a dialogue reflecting *societal conceptions justice*. The core empirical chapters of the volume consist of an analysis of legal practises and societal conceptions of justice in the concrete area of deciding on access to sickness cash benefit.

The volume contributes an analysis relevant to three different areas of interest: 1) Law and governance in modern welfare states and the role played by the legal system as a provider of legitimacy. 2) The Swedish response to the crises of the 1990s, the introduction of the 'concentration policy', the tightening of the criteria of 'sickness' and 'capacity for work' and the reflection of these policy changes in legal practises. 3) The role of legal science in the debate on social and economic policies and their implementation (and how it could become less marginalized). Overall, the study concludes that the Swedish administrative court system could be described as an efficient implementation machinery in which social policies are effectuated promptly but, it is also concluded that the administrative courts have a potential capacity to practice law in a way that could increase the sustainability of the welfare state project and that this potential is far from being fully exploited at present.

Keywords: social law, law and governance, legitimacy, law and the welfare state, sickness insurance, social insurance, social protection, administrative law, administrative courts, administration of justice.

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