

Contents

Nation State and Social Policy: An Ideational and Political History	
Introduction to the Book Series “German Social Policy”	1
<i>Lutz Leisering</i>	
1 The Distinction “State Versus Society”	2
2 “The Social”	3
3 Variations of Modern Society: Distinguishing Welfare States and Non-Welfare States	6
4 Variations of the Welfare State: The Idiosyncrasy of National “State Traditions”	9
5 Post-War German Social Policy in Retrospect: The Genesis of a Welfare State	12
6 What Future for the Social?	14
References	20
Social Policy in the Federal Republic of Germany: The Constitution of the Social	23
<i>Hans F. Zacher</i>	
The “Social” as the Guiding Concept of Politics and Law	23
1 The Normative Openness and the Concrete Historical Perceptibility of the “Social”	23
1.1 The Normative Power and Undeterminedness of the Social	23
1.2 The Concrete Historical Perception of the Social	25
2 The Fundamental Interpretation of What Can Be Concretely Observed in History	43
2.1 The Multi-layered, Dynamic Openness of the Social	43
2.2 On the Specific Openness of the Social	55
2.3 The Basic Norm, the Concrete Historical Situation, the Dialectical Locus, and the Openness of the Social Relative to the Supply of Normative Principles	58

3	The Institutional Shaping of the “Social”	71
3.1	The Primary (Historical) and the Secondary (Constitutional) Shaping	71
3.2	The Social Federal State	74
3.3	The Social <i>Rechtsstaat</i>	87
3.4	The Shaping of the Social by Democracy	99
3.5	The Institutional Deficit of the Social State	117
	Social Policy and the Social in Post-war Germany: A Political and Legal History	120
4	1945–1949: Adversity and New Beginning	120
4.1	The Political and Social Situation	120
4.2	Principles and Concepts	123
4.3	An Interim Assessment: The Layers of Evolution	126
4.4	Political Cleansing and <i>Daseinsvorsorge</i>	126
4.5	Further Development and the Formulation of New Goals	132
4.6	Laying the Foundations of the Social Market Economy 1948/1949	146
5	1949–1957: Laying the Constitutional and Social Foundations of the German Federal Republic	156
5.1	The Construction of the New Constitutional Order	156
5.2	The Social Determinants of the Basic Law	157
5.3	The Political New Beginning – Establishing the Liberal Social State	166
5.4	The Structure of the Social Order	171
5.5	Summary	194
6	1957–1966: Consolidation	199
6.1	Political and Societal Premises	199
6.2	The Development of the Social System	203
6.3	Consensus and Dissent	209
7	1966–1982: Development – High Point – Turnaround	210
7.1	The Political Premises	210
7.2	The Development of the Constitution	216
7.3	The Development of the Social System	227
7.4	Summary	250
8	1982–1990: The Administration of the Crisis, New Solutions for the Future, and the Agglomeration of Frictions	254
8.1	The Political Premises	254
8.2	The Climate of Social Policy	256
8.3	The Development of the Social System	264
8.4	Summary	272
9	The Profound Change – 1989/1990 and After	274
9.1	The Fundamental Transformations around 1989/1990	274
9.2	The Development in the Unified Germany	292
9.3	The Development of the Social System	298
9.4	Summary	310

The Federal Republic of Germany – A Difficult, Fractured, and Open Nation State	314
10 Social State and National State: The Relation and Its Dramatic Changes	314
10.1 The Working Hypothesis of the National Social State	314
10.2 The Inter-state Openness of the National Social State	316
10.3 The Irregularity of the “National” Social State of the Federal Republic of Germany	318
11 What Distinguished and Distinguishes the Federal Republic of Germany (and What Preceded It) from a National Social State	318
11.1 Occupation Period – <i>Länder</i> – Unified Economic Area	318
11.2 The Founding Phase of the Federal Republic of Germany (1949–1957)	320
11.3 The Federal Republic of Germany from After the Founding Phase to German Reunification (1957–1990)	333
11.4 The United Germany	347
Where We Stand Today	352
12 The Normative Core of the Social	352
13 Persistence and Challenge: The Basic Formula of Work, Income, the Meeting of Needs, and Maintenance	355
13.1 Work and Income	355
13.2 The Meeting of Needs	357
13.3 The Community of Maintenance	359
13.4 In the Shadow of the Basic Formula: Wealth	361
13.5 In the Shadow of the Basic Formula: Levies, Subsidies, and Supra-Individual Transfer Programs, and – Most of All – the Net Balance of All Transfers	363
14 Innovation, Persistence, and Expansion: The Institutions of the Social	365
14.1 The Responsibility of the State for the Economy: The Social Market Economy	366
14.2 The Structures of Social Intervention	368
15 Constants	379
15.1 The Complementary Totality of Society and State	379
15.2 The Social at the Mercy of the Facticity of Its History and the Institutional Conditions of Its Development	382
16 The Crisis of the Social State?	385
16.1 The Message of More Equality Cannot Be in Question	386
16.2 The Social Is and Remains a Process	387
16.3 What Is Meant by the “Crisis of the Social State”?	389
References	391
Index of Persons	425
Subject Index	427