

Constitutional Failure

Carl Schmitt in Weimar

Ellen Kennedy



Constitutional Failure Carl Schmitt In Weimar

Jiří Přibáň



Constitutional Failure Carl Schmitt In Weimar:

Constitutional Failure Ellen Kennedy, 2004-09-29 The author's argument that Carl Schmitt's critique of Weimar Republic liberalism cannot be countered by reforming liberalism is also a contribution to current political theory and an analysis of contemporary liberalism

Carl Schmitt's State and Constitutional Theory Benjamin A. Schupmann, 2017 Can a constitutional democracy commit suicide Can an illiberal antidemocratic party legitimately obtain power through democratic elections and amend liberalism and democracy out of the constitution entirely In Weimar Germany these theoretical questions were both practically and existentially relevant By 1932 the Nazi and Communist parties combined held a majority of seats in parliament Neither accepted the legitimacy of liberal democracy Their only reason for participating democratically was to amend the constitution out of existence This book analyses Carl Schmitt's state and constitutional theory and shows how it was conceived in response to the Weimar crisis Right wing and left wing political extremists recognized that a path to legal revolution lay in the Weimar constitution's combination of democratic procedures total neutrality toward political goals and positive law Schmitt's writings sought to address the unique problems posed by mass democracy Schmitt's thought anticipated constrained or militant democracy a type of constitution that guards against subversive expressions of popular sovereignty and whose mechanisms include the entrenchment of basic constitutional commitments and party bans Schmitt's state and constitutional theory remains important the problems he identified continue to exist within liberal democratic states Schmitt offers democrats today a novel way to understand the legitimacy of liberal democracy and the limits of constitutional change

[Dietrich Bonhoeffer Refuting Carl Schmitt's Deizision](#) Karola Radler, 2025-06-26 Radler examines Bonhoeffer's and Schmitt's intellectual paradigms of thought of theology and jurisprudence Whilst both thinkers encounter constitutional institutional models they arrive at opposing conclusions and actions This book tackles how they approach the indicators for a decision of choices between alternatives the urgency of resolving the problems at hand the intended goal and the following active manifestation in Christ Radler reveals how Schmitt's form of Deizision resting on a linear model of history abstracts metaphysical content from objective normative evaluation and in support of a human personality representing the idea of Christ elevates the significance of the self over content and subject in structural analogy to theological dogma On the other hand Bonhoeffer's theology repudiates Schmitt's political jurisprudential position contesting that history ultimately focuses on leading to human wholeness through reconciliation

The Limits of Constitutional Democracy Jeffrey K. Tulis, 2010-11-14 Constitutional democracy is at once a flourishing idea filled with optimism and promise and an enterprise fraught with limitations Uncovering the reasons for this ambivalence this book looks at the difficulties of constitutional democracy and reexamines fundamental questions What is constitutional democracy When does it succeed or fail Can constitutional democracies conduct war Can they preserve their values and institutions while addressing new forms of global interdependence The authors gathered here interrogate constitutional

democracy's meaning in order to illuminate its future. The book examines key themes: the issues of constitutional failure, the problem of emergency power and whether constitutions should be suspended when emergencies arise, the dilemmas faced when constitutions provide and restrict executive power during wartime, and whether constitutions can adapt to such globalization challenges as immigration, religious resurgence, and nuclear arms proliferation. In addition to the editors, the contributors are Sotirios Barber, Joseph Bessette, Mark Brandon, Daniel Deudney, Christopher Eisgruber, James Fleming, William Harris II, Ran Hirschl, Gary Jacobsohn, Benjamin Kleinerman, Jan Werner Müller, Kim Scheppele, Rogers Smith, Adrian Vermeule, and Mariah Zeisberg. *Carl Schmitt's Institutional Theory* Mariano Croce, Andrea Salvatore, 2022-07-07. Offers an ambitious novel view of Carl Schmitt providing a comprehensive unified account of his legal and political thinking.

Constitutional Transition and the Travail of Judges Marie Seong-Hak Kim, 2019-06-27. Discusses the judicial role in constitutional authoritarianism in the context of Korea's political and constitutional transitions. **Carl Schmitt's International Thought** William Hooker, 2009-11-12. Analyses the twentieth century international order through the ideas of German political theorist and Nazi sympathiser Carl Schmitt. **Constitutional Democracy in Crisis?** Mark A. Graber, Sanford Levinson, Mark Tushnet, 2018-08-23. Is the world facing a serious threat to the protection of constitutional democracy? There is a genuine debate about the meaning of the various political events that have for many scholars and observers generated a feeling of deep foreboding about our collective futures all over the world. Do these events represent simply the normal ebb and flow of political possibilities or do they instead portend a more permanent move away from constitutional democracy that had been thought triumphant after the demise of the Soviet Union in 1989? *Constitutional Democracy in Crisis* addresses these questions head on. Are the forces weakening constitutional democracy around the world general or nation specific? Why have some major democracies seemingly not experienced these problems? How can we as scholars and citizens think clearly about the ideas of constitutional crisis or constitutional degeneration? What are the impacts of forces such as globalization, immigration, income inequality, populism, nationalism, religious sectarianism? Bringing together leading scholars to engage critically with the crises facing constitutional democracies in the 21st century, these essays diagnose the causes of the present afflictions in regimes, regions, and across the globe, believing at this stage that diagnosis is of central importance as Abraham Lincoln said in his House Divided speech: "If we could first know where we are and whither we are tending, we could then better judge what to do and how to do it." *The Limits of Constitutional Democracy* Jeffrey K. Tulis, Stephen Macedo, 2010-10-18. Constitutional democracy is at once a flourishing idea filled with optimism and promise and an enterprise fraught with limitations. Uncovering the reasons for this ambivalence, this book looks at the difficulties of constitutional democracy and reexamines fundamental questions: What is constitutional democracy? When does it succeed or fail? Can constitutional democracies conduct war? Can they preserve their values and institutions while addressing new forms of global interdependence? The authors gathered here interrogate constitutional democracy's meaning in order to illuminate

its future The book examines key themes the issues of constitutional failure the problem of emergency power and whether constitutions should be suspended when emergencies arise the dilemmas faced when constitutions provide and restrict executive power during wartime and whether constitutions can adapt to such globalization challenges as immigration religious resurgence and nuclear arms proliferation In addition to the editors the contributors are Sotirios Barber Joseph Bessette Mark Brandon Daniel Deudney Christopher Eisgruber James Fleming William Harris II Ran Hirschl Gary Jacobsohn Benjamin Kleinerman Jan Werner Müller Kim Scheppele Rogers Smith Adrian Vermeule and Mariah Zeisberg

The Cambridge Handbook on the Material Constitution Marco Goldoni, Michael A. Wilkinson, 2023-01-05 Despite a long and venerable tradition the material constitution almost disappeared from constitutional scholarship after the Second World War Its marginalisation saw the rise of a normative and legalistic style in constitutional law that neglected the role of social reality and political economy This collection not only retrieves the history and development of the concept of the material constitution but it tests its theoretical and practical relevance in the contemporary world With essays from a diverse range of contributors the collection demonstrates that the material constitution speaks to several pressing issues from the significance of economic development in constitutional orders to questions of constitutional identity Offering original analyses supported by international case studies this book develops a new model of constitutional reality one that informs our understanding of the world in profound ways

Law, Democracy and the Crisis of Foundation Giuditta Bissiato, 2025-04-03 This book addresses the crisis of the juridical political foundation within contemporary democracies Although modernity is the age of foundation it is marked by what Carl Schmitt referred to as a peculiar dialectic of presence and absence and this is true even for those theories that seem to be the greatest supporters of the necessity of some kind of foundation such as the Hobbesian commonwealth This instability of foundation is inherent in the concept of political representation which brings into being an idea such as that of nation people or popular will which cannot however actually correspond to any empirical reality Is it possible then to identify an absolute certain and stable foundation capable of generating and guaranteeing the persistence of a legal and political structure Or does this very question bind us to the history of an impossibility a foundational absence or void whose presence is only now being strongly felt Engaging both historical and contemporary perspectives this book addresses the problem of foundation through both deconstructive and constructive perspectives which respectively aim to challenge the very idea of foundation or to overcome its contemporary crisis in order to present new post foundational possibilities This book will be of interest to scholars and researchers working in the areas of legal and political theory

Sovereignty in Post-Sovereign Society Jiří Příbáň, 2016-03-09 Sovereignty marks the boundary between politics and law Highlighting the legal context of politics and the political context of law it thus contributes to the internal dynamics of both political and legal systems This book comprehends the persistence of sovereignty as a political and juridical concept in the post sovereign social condition The tension and paradoxical relationship between the semantics and structures of

sovereignty and post sovereignty are addressed by using the conceptual framework of the autopoietic social systems theory Using a number of contemporary European examples developments and paradoxes the author examines topics of immense interest and importance relating to the concept of sovereignty in a globalising world The study argues that the modern question of sovereignty permanently oscillating between de iure authority and de facto power cannot be discarded by theories of supranational and transnational globalized law and politics Criticising quasi theological conceptualizations of political sovereignty and its juridical form the study reformulates the concept of sovereignty and its persistence as part of the self referential communication of the systems of positive law and politics The book will be of considerable interest to academics and researchers in political legal and social theory and philosophy

Sovereignty Across Generations

Alessandro Ferrara,2023 By taking new steps in updating and revisiting political liberalism this book reconstructs Rawls s implicit view of constituent power beyond the pages dedicated to it in Political Liberalism and brings that view into conversation with major constitutional theories of the twentieth century

Volume 14: Kierkegaard's Influence on Social-Political Thought

Jon Stewart,2016-12-05 While scholars have long recognized Kierkegaard s important contributions to fields such as ethics aesthetics philosophy of religion philosophical psychology and hermeneutics it was usually thought that he had nothing meaningful to say about society or politics Kierkegaard has been traditionally characterized as a Christian writer who placed supreme importance on the inward religious life of each individual believer His radical view seemed to many to undermine any meaningful conception of the community society or the state In recent years however scholars have begun to correct this image of Kierkegaard as an apolitical thinker The present volume attempts to document the use of Kierkegaard by later thinkers in the context of social political thought It shows how his ideas have been employed by very different kinds of writers and activists with very different political goals and agendas Many of the articles show that although Kierkegaard has been criticized for his reactionary views on some social and political questions he has been appropriated as a source of insight and inspiration by a number of later thinkers with very progressive indeed visionary political views

Temporal Boundaries of Law and Politics

Luigi Corrias,Lyana Francot,2018-04-09 In the last decade the changing role of time in society has once again taken centre stage in the academic debate A prominent but surely not the only aspect of this debate hinges on the so called acceleration of time and its societal consequences Despite the fact that time is fundamental to the way in which law and politics function the influence of the contemporary experience of time on law and politics remains underdeveloped How for example does society s structural acceleration impact on justice Does law actually offer stability and predictability in an ever changing global world How can legal and political institutions function in the wake of ever increasing uncertainty Both law and politics employ time to order society but they are also limited in what can be effectuated by time It is this very tension between temporal possibilities and limitations that the contributors to this collection drawn from different fields of law as well as from other disciplines examine

Hans Kelsen

and the Natural Law Tradition Peter Langford, Ian Bryan, John McGarry, 2019-03-19 Hans Kelsen and the Natural Law Tradition provides the first sustained examination of Hans Kelsen's critical engagement itself founded upon a distinctive theory of legal positivism with the Natural Law Tradition This edited collection commences with a comprehensive introduction which establishes the character of Kelsen's critical engagement as a general critique of natural law combined with a more specific critique of representative thinkers of the Natural Law Tradition The subsequent chapters are then devoted to a detailed analysis of Kelsen's engagement with prominent theorists from the Natural Law Tradition The volume concludes with an exploration focusing upon the delineation of a non-positivist legal theory in the debate between Robert Alexy and Joseph Raz of the continued presence of Kelsenian legal positivism in contemporary legal theory *Conservative Parties and the Birth of Democracy* Daniel Ziblatt, 2017-04-17 How do democracies form and what makes them die Daniel Ziblatt revisits this timely and classic question in a wide-ranging historical narrative that traces the evolution of modern political democracy in Europe from its modest beginnings in 1830s Britain to Adolf Hitler's 1933 seizure of power in Weimar Germany Based on rich historical and quantitative evidence the book offers a major reinterpretation of European history and the question of how stable political democracy is achieved The barriers to inclusive political rule Ziblatt finds were not inevitably overcome by unstoppable tides of socioeconomic change a simple triumph of a growing middle class or even by working class collective action Instead political democracy's fate surprisingly hinged on how conservative political parties the historical defenders of power wealth and privilege recast themselves and coped with the rise of their own radical right With striking modern parallels the book has vital implications for today's new and old democracies under siege **The Future of Liberalism** Alan Wolfe, 2010-02-09 A compelling and deeply felt exploration and defense of liberalism what it actually is why it is relevant today and how it can help our society chart a forward course The Future of Liberalism represents the culmination of four decades of thinking and writing about contemporary politics by Alan Wolfe one of America's leading scholars hailed by one critic as one of liberalism's last and most loyal sons Wolfe mines the bedrock of the liberal tradition explaining how Immanuel Kant John Stuart Mill John Dewey and other celebrated minds helped shape liberalism's central philosophy Wolfe also examines those who have challenged liberalism since its inception from Jean Jacques Rousseau to modern conservatives religious fundamentalists and evolutionary theorists such as Richard Dawkins Drawing on both the inspiration and insights of seminal works such as John Locke's Second Treatise on Government Adam Smith's Theory of Moral Sentiments Kant's essay What is Enlightenment and Mill's On Liberty and The Subjection of Women Wolfe ambitiously sets out to define what it truly means to be a liberal He analyzes and applauds liberalism's capacious conception of human nature belief that people outweigh ideology passion for social justice faith in reason and intellectual openness and respect for individualism And we see how the liberal tradition can influence and illuminate contemporary debates on immigration abortion executive power religious freedom and free speech But Wolfe also makes it clear that before liberalism can be

successfully applied to today's problems it needs to be recovered understood and embraced not just by Americans but by all modern people as the most beneficial way to live in our complex modern world The Future of Liberalism is a crucial enlightening and immensely rewarding step in that direction

Permanent States of Emergency and the Rule of Law

Alan Greene, 2018-04-05 Permanent States of Emergency and the Rule of Law explores the impact that oxymoronic permanent states of emergency have on the validity and effectiveness of constitutional norms and ultimately constituent power It challenges the idea that many constitutional orders are facing permanent states of emergency due to the objective nature of threats facing modern states today arguing instead that the nature of a threat depends upon the subjective assessment of the decision maker In light of this it further argues that robust judicial scrutiny and review of these decisions is required to ensure that the temporariness of the emergency is a legal question and that the validity of constitutional norms is not undermined by their perpetual suspension It does this by way of a narrower conception of the rule of law than standard accounts in favour of judicial review of emergency powers in the literature which tend to be based on the normative value of human rights In so doing it seeks to refute the fundamental constitutional challenge posed by Carl Schmitt that all state power cannot be constrained by law

Democracy Disfigured Nadia Urbinati, 2014-02-25 In Democracy Disfigured Nadia Urbinati diagnoses the ills that beset the body politic in an age of hyper partisanship and media monopolies and offers a spirited defense of the messy compromises and contentious outcomes that define democracy Urbinati identifies three types of democratic disfiguration the unpolitical the populist and the plebiscitarian Each undermines a crucial division that a well functioning democracy must preserve the wall separating the free forum of public opinion from governmental institutions that enact the will of the people Unpolitical democracy delegitimizes political opinion in favor of expertise Populist democracy radically polarizes the public forum in which opinion is debated And plebiscitary democracy overvalues the aesthetic and nonrational aspects of opinion For Urbinati democracy entails a permanent struggle to make visible the issues that citizens deem central to their lives Opinion is thus a form of action as important as the mechanisms that organize votes and mobilize decisions Urbinati focuses less on the overt enemies of democracy than on those who pose as its friends technocrats wedded to procedure demagogues who make glib appeals to the people and media operatives who given their preference would turn governance into a spectator sport and citizens into fans of opposing teams

Uncover the mysteries within is enigmatic creation, **Constitutional Failure Carl Schmitt In Weimar** . This downloadable ebook, shrouded in suspense, is available in a PDF format (PDF Size: *). Dive into a world of uncertainty and anticipation. Download now to unravel the secrets hidden within the pages.

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