

# Legality And Legitimacy Carl Schmitt Hans Kelsen And Hermann Heller In Weimar

*Legality and Legitimacy* *Legality and Legitimacy* Carl Schmitt's State and Constitutional Theory **Law as Politics** **Comparative History and Legal Theory** **Carl Schmitt's Early Legal-Theoretical Writings** **Political Theology** The Legitimacy of Modern Democracy Carl Schmitt and the Intensification of Politics The Oxford Handbook of Carl Schmitt **Carl Schmitt's Early Legal-theoretical Writings** *Divine Democracy* **Writings on War** **Carl Schmitt's State and Constitutional Theory** **Carl Schmitt Today** **Hans Kelsen's Pure Theory of Law** **The Concept of the Political** Constitutional Failure Legality and Legitimacy in Global Affairs **The Role of Law in International Politics** **Post Sovereign Constitution Making** *The Legitimacy of Modern Democracy* **The Crisis of Parliamentary Democracy** **Dictatorship** **Carl Schmitt** **Key Thinkers of the Radical Right** *Political Romanticism* **The Legitimacy of the Modern Age** **ICC Register** **Carl Schmitt** Tradition and Authority **The Enemy** *The Enemy* **Globalization and Sovereignty** *The Enemy* **Civil Society, Constitution, and Legitimacy** Democracy and the Politics of the Extraordinary *A Dangerous Mind* Groundless Existence *The Guardian of the Constitution*

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*The Legitimacy of Modern Democracy* Jan 13 2021 By re-examining the political thought of Max Weber, Carl Schmitt and Hans Kelsen, this book offers a reflection on the nature of modern democracy and the question of its legitimacy. Pedro T. Magalhães shows that present-day elitist, populist and pluralist accounts of democracy owe, in diverse and often complicated ways, an intellectual debt to the interwar era, German-speaking, scholarly and political controversies on the problem(s) of modern democracy. A discussion of Weber's ambivalent diagnosis of modernity and his elitist views on democracy, as they were elaborated especially in the 1910s, sets the groundwork for the study. Against that backdrop, Schmitt's interwar political thought is interpreted as a form of neo-authoritarian populism, whereas Kelsen evinces robust, though not entirely unproblematic, pluralist consequences. In the conclusion, the author draws on Claude Lefort's concept of indeterminacy to sketch a potentially more fruitful way than can be gleaned from the interwar German discussions of conceiving the nexus between the elitist, populist and pluralist faces of modern democracy. *The Legitimacy of Modern Democracy* will be of interest to political theorists, political philosophers, intellectual historians, theoretically oriented political scientists, and legal scholars working in the subfields of constitutional law and legal theory. The Open Access version of this book, available at <https://doi.org/10.4324/9781315157566>, has been made available under a Creative Commons Attribution-Non Commercial-No Derivatives 4.0 license

**The Legitimacy of the Modern Age** Jul 07 2020 In this major work, Blumenberg takes issue with Karl Löwith's well-known thesis that the idea of progress is a secularized version of Christian eschatology, which promises a dramatic intervention that will consummate the history of the world from outside. Instead, Blumenberg argues, the idea of progress always implies a process at work within history, operating through an internal logic that ultimately expresses human choices and is legitimized by human self-assertion, by man's responsibility for his own fate.

**The Crisis of Parliamentary Democracy** Dec 12 2020 *The Crisis of Parliamentary Democracy* offers a powerful criticism of the inconsistencies of representative democracy. Described both as "the Hobbes of our age" and as "the philosophical godfather of Nazism," Carl Schmitt was a brilliant and controversial political theorist whose doctrine of political leadership and critique of liberal democratic ideals distinguish him as one of the most original contributors to modern political theory. *The Crisis of Parliamentary Democracy* offers a powerful criticism of the inconsistencies of representative democracy. First published in 1923, it has often been viewed as an attempt to destroy parliamentarism; in fact, it was Schmitt's attempt to defend the Weimar constitution. The introduction to this new translation places the book in proper historical context and provides a useful guide to several aspects of Weimar political culture. *The Crisis of Parliamentary Democracy* is included in the series *Studies in Contemporary German Social Thought*, edited by Thomas McCarthy.

Constitutional Failure May 17 2021 *Constitutional Failure* is a major contribution to studies of the German political philosopher Carl Schmitt (1888–1985), the Weimar Republic, and the relationship of constitutionalism, political economy, and democracy. An internationally renowned scholar of Weimar legal theory, Ellen Kennedy brought Schmitt's neglected work to the attention of English-speaking readers with her highly regarded translations of his work and studies of its place in twentieth-century political theory. In this eagerly awaited book, she tracks Schmitt's contribution to the canon of Western political philosophy during its most difficult and dangerous moment—the time of Weimar Germany and the Third Reich—demonstrating the centrality of his thought to understandings of the modern constitutional state and its precarious economic and social foundations. Kennedy reveals how Schmitt's argument for a strong but neutral state supported the maximization of market freedom at the cost of the political constitution. She argues that the major fault lines of Weimar liberalism—emergency powers, the courts as “defenders of the constitution,” mass mobilization of anti-liberal politics, ethnic-identity politics, a culture of resentment and contested legitimacy—are not exceptions within the liberal-

democratic orders of the West, but central to them. Contending that Schmitt's thought remains vital today because liberal norms are inadequate to the political challenges facing constitutional systems as diverse as those of Eastern Europe and the United States, Kennedy develops a compelling, rigorous argument that unsettles many assumptions about liberalism, democracy, and dictatorship.

**Carl Schmitt** Oct 10 2020 Carl Schmitt is one of the most widely read and influential German thinkers of the twentieth century. His fundamental works on friend and enemy, legality and legitimacy, dictatorship, political theology and the concept of the political are read today with great interest by everyone from conservative Catholic theologians to radical political thinkers on the left. In his private life, however, Schmitt was haunted by the demons of his wild anti-Semitism, his self-destructive and compulsive sexuality and his deep-seated resentment against the complacency of bourgeois life. As a young man from a modest background, full of social envy, he succeeded in making his way to the top of the academic world in Germany, and yet he never felt at home in the academic establishment and among those of high social standing. When the Nazis seized power, Schmitt was susceptible to their ideology. He broke with his Jewish friends, joined the Nazi Party in May 1933 and lent a helping hand to Hitler, thereby becoming deeply entangled with the regime. Schmitt was irrevocably compromised by his role as the 'crown jurist' of the Third Reich. After the war, he led a secluded life in his home town in the Sauerland and became a key background figure in the intellectual scene of postwar Germany. Reinhard Mehring's outstanding biography is the most comprehensive work available on the life and work of Carl Schmitt. Based on thorough research and using new sources that were previously unavailable, Mehring portrays Schmitt as a Shakespearean figure at the centre of the German catastrophe.

*The Enemy* Jan 31 2020 The writings of Carl Schmitt form what is arguably the most disconcerting, original, and yet still unfamiliar body of twentieth-century political thought. In the English-speaking world, he is terra incognita, a name associated with Nazism, the author of a largely untranslated oeuvre forming no recognizable system, coming to us from a disturbing place and time in the form of fragments. *The Enemy* is a comprehensive reconstruction and analysis of all of Schmitt's major works—his books, articles and pamphlets from 1919 to 1950—presented in an arresting narrative form. The revelation of his work is that, unlike mainstream Nazi ideology, Schmitt makes a strong philosophical claim for the necessity of confrontational politics within a democratic system; a claim that has resonance in today's hegemony of consensual politics.

**Hans Kelsen's Pure Theory of Law** Jul 19 2021 By showing how Kelsen's theory of law works alongside his political philosophy, the book shows the Pure Theory to be part of a wider attempt to understand how political power can be legitimately exercised in pluralist societies.

Legality and Legitimacy in Global Affairs Apr 15 2021 "Legality and legitimacy in global affairs edited by Richard Falk, Mark Juergensmeyer, and Vesselin Popovski, brings together analyses of controversial events in international politics from top experts in field ; combines approaches to involvement between nations from across the social science disciplines ; approaches contemporary international relations from a philosophical, ethical, and legal standpoint" --

*A Dangerous Mind* Aug 27 2019 Carl Schmitt (1888-1985) was one of the 20th century's most brilliant and disturbing critics of liberalism. He was also one of the most important intellectuals to offer his services to the Nazis, for which he was dubbed the crown jurist of the Third Reich. Despite this fateful alliance Schmitt has exercised a profound influence on post-war European political and legal thought - on both the right and the left. In this study, Jan-Werner Muller traces the permutations of Schmitt's ideas after World War II and relates them to broader political developments in Europe. his key concepts, Muller explains why interest in the political theorist continues. He assesses the uses of Schmitt's thought in debates on globalization and the quest for a liberal world order. He also offers insights into the liberalization of political thinking in post-authoritarian societies and the persistent vulnerabilities and blind spots of certain strands of Western liberalism.

**Carl Schmitt's Early Legal-Theoretical Writings** May 29 2022 Makes available in English Carl Schmitt's early legal-theoretical writings, the intellectual background of Schmitt's political and constitutional theory.

**Post Sovereign Constitution Making** Feb 11 2021 Constitutional politics has become a major terrain of contemporary struggles. Contestation around designing, replacing, revising, and dramatically re-interpreting constitutions is proliferating worldwide. Starting with Southern Europe in post-Franco Spain, then in the ex-Communist countries in Central Europe, post-apartheid South Africa, and now in the Arab world, constitution making has become a project not only of radical political movements, but of liberals and conservatives as well. Wherever new states or new regimes will emerge in the future, whether through negotiations, revolutionary process, federation, secession, or partition, the making of new constitutions will be a key item on the political agenda. Combining historical comparison, constitutional theory, and political analysis, this volume links together theory and comparative analysis in order to orient actors engaged in constitution making processes all over the world. The book examines two core phenomena: the development of a new, democratic paradigm of constitution making, and the resulting change in the normative discussions of constitutions, their creation, and the source of their legitimacy. After setting out a theoretical framework for understanding these developments, Andrew Arato examines recent constitutional politics in South Africa, Hungary, Turkey, and Latin America and discusses the political stakes in constitution-making. The book concludes by offering a systematic critique of the alternative to the new paradigm, populism and populist constituent politics.

**Comparative History and Legal Theory** Jun 29 2022 Seitzer seeks to provide a more effective criticism of Schmitt than commentaries that focus on Schmitt's treatment of key works and concepts in legal and political theory. He elaborates a concrete form of normative theory, which uses comparative history to identify and test institutional changes that enhance the overall system's capacity for self-correction.

**Carl Schmitt's Early Legal-theoretical Writings** Dec 24 2021 "Carl Schmitt and the Problem of the Realization of Law 1. The famous pithy aphorisms that Carl Schmitt used to open his major works - 'the sovereign is he who decides on the exception', 'the concept of the state presupposes the concept of the political', etc. - have become a part of the common discourse of contemporary scholarship on politics and the law. The theoretical framework that animates these slogans, however, has remained somewhat opaque. It has often been argued that there is no such framework, that Schmitt was a situational thinker whose works are best understood as interventions in concrete political debates that do not add up to a grand theoretical vision"--

**Globalization and Sovereignty** Jan 01 2020 Sovereignty and the sovereign state are often seen as anachronisms; Globalization and Sovereignty challenges this view. Jean L. Cohen analyzes the new sovereignty regime emergent since the 1990s evidenced by the

discourses and practice of human rights, humanitarian intervention, transformative occupation, and the UN targeted sanctions regime that blacklists alleged terrorists. Presenting a systematic theory of sovereignty and its transformation in international law and politics, Cohen argues for the continued importance of sovereign equality. She offers a theory of a dualistic world order comprised of an international society of states, and a global political community in which human rights and global governance institutions affect the law, policies, and political culture of sovereign states. She advocates the constitutionalization of these institutions, within the framework of constitutional pluralism. This book will appeal to students of international political theory and law, political scientists, sociologists, legal historians, and theorists of constitutionalism.

**Democracy and the Politics of the Extraordinary** Sep 28 2019 Although the modern age is often described as the age of democratic revolutions, the subject of popular foundations has not captured the imagination of contemporary political thought. Most of the time, democratic theory and political science treat as the object of their inquiry normal politics, institutionalized power, and consolidated democracies. The aim of Andreas Kalyvas' study is to show why it is important for democratic theory to rethink the question of its beginnings. Is there a founding unique to democracies? Can a democracy be democratically established? What are the implications of expanding democratic politics in light of the question of whether and how to address democracy's beginnings? Kalyvas addresses these questions and scrutinizes the possibility of democratic beginnings in terms of the category of the extraordinary, as he reconstructs it from the writings of Max Weber, Carl Schmitt, and Hannah Arendt and their views on the creation of new political, symbolic, and constitutional orders.

**Legality and Legitimacy** Nov 03 2022 DIVFirst English-language translation of one of Schmitt's major works, providing a missing link in the oeuvre of this influential and controversial political theorist./div

**Carl Schmitt's State and Constitutional Theory** Sep 01 2022 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.

**The Role of Law in International Politics** Mar 15 2021 This interdisciplinary volume examines the highly topical issue of the role international law plays in international politics today.

**The Guardian of the Constitution** Jun 25 2019 The first English translation of Hans Kelsen's and Carl Schmitt's debate on the 'Guardian of the Constitution'.

**Legality and Legitimacy** Oct 02 2022 This text investigates one of the oldest questions of legal philosophy - the relationship between law and legitimacy. It analyses the legal theories of three public lawyers of the Weimar era, Carl Schmitt, Hans Kelsen, and Hermann Heller.

**The Concept of the Political** Jun 17 2021 In this, his most influential work, legal theorist and political philosopher Carl Schmitt argues that liberalism's basis in individual rights cannot provide a reasonable justification for sacrificing oneself for the state—a critique as cogent today as when it first appeared. George Schwab's introduction to his translation of the 1932 German edition highlights Schmitt's intellectual journey through the turbulent period of German history leading to the Hitlerian one-party state. In addition to analysis by Leo Strauss and a foreword by Tracy B. Strong placing Schmitt's work into contemporary context, this expanded edition also includes a translation of Schmitt's 1929 lecture "The Age of Neutralizations and Depoliticizations," which the author himself added to the 1932 edition of the book. An essential update on a modern classic, *The Concept of the Political, Expanded Edition* belongs on the bookshelf of anyone interested in political theory or philosophy.

**Carl Schmitt and the Intensification of Politics** Feb 23 2022

**Dictatorship** Nov 10 2020 Now available in English for the first time, *Dictatorship* is Carl Schmitt's most scholarly book and arguably a paradigm for his entire work. Written shortly after the Russian Revolution and the First World War, Schmitt analyses the problem of the state of emergency and the power of the Reichspräsident in declaring it. Dictatorship, Schmitt argues, is a necessary legal institution in constitutional law and has been wrongly portrayed as just the arbitrary rule of a so-called dictator. *Dictatorship* is an essential book for understanding the work of Carl Schmitt and a major contribution to the modern theory of a democratic, constitutional state. And despite being written in the early part of the twentieth century, it speaks with remarkable prescience to our contemporary political concerns.

**Writings on War** Oct 22 2021 *Writings on War* collects three of Carl Schmitt's most important and controversial texts, here appearing in English for the first time: *The Turn to the Discriminating Concept of War*, *The Großraum Order of International Law*, and *The International Crime of the War of Aggression and the Principle "Nullum crimen, nulla poena sine lege"*. Written between 1937 and 1945, these works articulate Schmitt's concerns throughout this period of war and crisis, addressing the major failings of the League of Nations, and presenting Schmitt's own conceptual history of these years of disaster for international jurisprudence. For Schmitt, the jurisprudence of Versailles and Nuremberg both fail to provide for a stable international system, insofar as they attempt to impose universal standards of 'humanity' on a heterogeneous world, and treat efforts to revise the status quo as 'criminal' acts of war. In place of these flawed systems, Schmitt argues for a new planetary order in which neither collective security organizations nor 19th century empires, but Schmittian 'Reichs' will be the leading subject of international law. *Writings on War* will be essential reading for those seeking to understand the work of Carl Schmitt, the history of international law and the international system, and interwar European history. Not only do these writings offer an erudite point of entry into the dynamic and charged world of interwar European

jurisprudence; they also speak with prescience to a 21st century world struggling with similar issues of global governance and international law.

**The Legitimacy of Modern Democracy** Mar 27 2022 By re-examining the political thought of Max Weber, Carl Schmitt and Hans Kelsen, this book offers a reflection on the nature of modern democracy and the question of its legitimacy. Pedro T. Magalhães shows that present-day elitist, populist and pluralist accounts of democracy owe, in diverse and often complicated ways, an intellectual debt to the interwar era, German-speaking, scholarly and political controversies on the problem(s) of modern democracy. A discussion of Weber's ambivalent diagnosis of modernity and his elitist views on democracy, as they were elaborated especially in the 1910s, sets the groundwork for the study. Against that backdrop, Schmitt's interwar political thought is interpreted as a form of neo-authoritarian populism, whereas Kelsen evinces robust, though not entirely unproblematic, pluralist consequences. In the conclusion, the author draws on Claude Lefort's concept of indeterminacy to sketch a potentially more fruitful way than can be gleaned from the interwar German discussions of conceiving the nexus between the elitist, populist and pluralist faces of modern democracy. *The Legitimacy of Modern Democracy* will be of interest to political theorists, political philosophers, intellectual historians, theoretically oriented political scientists, and legal scholars working in the subfields of constitutional law and legal theory.

**Carl Schmitt** May 05 2020 There has been and continues to be a remarkable revival in academic interest in Carl Schmitt's thought within politics, but this is the first book to address his thought from an explicitly legal theoretical perspective, as it addresses the actual and potential significance of Schmitt's thought for debates within contemporary Anglo-American legal theory that have emerged during the past three decades.

**Carl Schmitt Today** Aug 20 2021 Few names, apart from that of Leo Strauss, are invoked more often when discussing the American response to terrorism in recent years than that of Carl Schmitt. Schmitt, who was part of the German school of political thought known as the 'Conservative Revolution,' is widely regarded as having been one of the greatest legal minds of the twentieth century. He famously asserted that the most important function of the sovereign of a nation is not the drafting or enforcement of law, but rather his ability to decide when the law should be suspended in an emergency, and likewise his power to declare who the 'friend' and 'enemy' of a community is at any given moment. Alain de Benoist critiques those who claim Schmitt as an inspiration behind the American 'neoconservative' movement that held sway during the administration of President George W. Bush, showing that the politics of the 'war on terror' do not actually reflect Schmitt's ideas, in that American lack of respect for the traditional rules of war, and its determination to portray its enemies as embodiments of absolute evil rather than as representatives of legitimate polities, renders contemporary American politics thoroughly un-Schmittian. Benoist then goes on to analyse recent history from Schmitt's standpoint, showing that the efforts of the United States have been intended to preserve its global hegemony, whereas Schmitt believed that the world was developing into a multipolar one where many powers, rather than a single power, would dominate, a trend which is clearly at work in our time. Benoist demonstrates that Carl Schmitt was therefore a much greater visionary than the American neoconservatives, who failed to understand the geopolitical forces at work today. Alain de Benoist is the leading philosopher behind the European 'New Right' movement (a label which de Benoist himself rejects, perceiving himself to not fit into the usual Left/Right dichotomy), a metapolitical school of thought which he helped to found in France in 1968 with the establishment of GRECE (Research and Study Group for European Civilisation). He continues to write and give lectures and interviews. He lives in Paris. Arktos has previously made available his books *The Problem of Democracy* and *Beyond Human Rights*, both published in 2011. [Groundless Existence](#) Jul 27 2019 >

**Law as Politics** Jul 31 2022 While antiliberal legal theorist Carl Schmitt has long been considered by Europeans to be one of this century's most significant political philosophers, recent challenges to the fundamental values of liberal democracies have made Schmitt's writings an unavoidable subject of debate in North America as well. In an effort to advance our understanding not only of Schmitt but of current problems of liberal democracy, David Dyzenhaus presents translations of classic German essays on Schmitt alongside more recent writings by distinguished political theorists and jurists. Neither a defense of nor an attack on Schmitt, *Law as Politics* offers the first balanced response to his powerful critique of liberalism. One of the major players in the 1920s debates, an outspoken critic of the Versailles Treaty and the Weimar Constitution, and a member of the Nazi party who provided juridical respectability to Hitler's policies, Schmitt contended that people are a polity only to the extent that they share common enemies. He saw the liberal notion of a peaceful world of universal citizens as a sheer impossibility and attributed the problems of Weimar to liberalism and its inability to cope with pluralism and political conflict. In the decade since his death, Schmitt's writings have been taken up by both the right and the left and scholars differ greatly in their evaluation of Schmitt's ideas. *Law as Politics* thematically organizes in one volume the varying engagements and confrontations with Schmitt's work and allows scholars to acknowledge—and therefore be in a better position to negotiate—an important paradox inscribed in the very nature of liberal democracy. *Law as Politics* will interest political philosophers, legal theorists, historians, and anyone interested in Schmitt's relevance to current discussions of liberalism. Contributors: Heiner Bielefeldt, Ronald Beiner, Ernst-Wolfgang Bockenforde, Renato Cristi, David Dyzenhaus, Robert Howse, Ellen Kennedy, Dominique Leydet, Ingeborg Maus, John P. McCormick, Reinhard Mehring, Chantal Mouffe, William E. Scheuerman, Jeffrey Seitzer

**The Enemy** Mar 03 2020 *The Enemy* is an inter-textual reconstruction and analysis of Schmitt's major works, presenting an arresting portrait of a writer still considered terra incognita throughout the English speaking world.

**Carl Schmitt's State and Constitutional Theory** Sep 20 2021 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.

*Divine Democracy* Nov 22 2021 "The 'return of religion' in the public sphere and the emergence of post-secular societies have propelled the discourse of political theology into the centre of contemporary democratic theory. This situation calls forth the question addressed in this book: Is a democratic political theology possible? Carl Schmitt first developed the idea of the Christian theological foundations of modern legal and political concepts in order to criticize the secular basis of liberal democracy. He employed political theology to argue for the continued legitimacy of the absolute sovereignty of the state against the claims raised by pluralist and globalized civil society. This book shows how, after Schmitt, some of the main political theorists of the 20th century, from Jacques Maritain to Jürgen Habermas, sought to establish an affirmative connection between Christian political theology, popular sovereignty and the legitimacy of democratic government. In so doing, the political representation of God in the world was no longer placed in the hands of hierarchical and sovereign lieutenants (Church, Empire, Nation), but in a series of democratic institutions, practices and conceptions like direct representation, constitutionalism, universal human rights, and public reason that reject the primacy of sovereignty"--

*The Enemy* Nov 30 2019 **Résumé:** This is a comprehensive reconstruction and analysis of all of Schmitt's major works. It reveals the complex ways in which his ideas took shape in the intertwining timelines of civil and world wars.

**ICC Register** Jun 05 2020

*The Oxford Handbook of Carl Schmitt* Jan 25 2022 *The Oxford Handbook of Carl Schmitt* collects thirty original chapters on the diverse oeuvre of one of the most controversial thinkers of the twentieth century. Carl Schmitt (1888-1985) was a German theorist whose anti-liberalism continues to inspire scholars and practitioners on both the Left and the Right. Despite Schmitt's rabid anti-semitism and partisan legal practice in Nazi Germany, the appeal of his trenchant critiques of, among other things, aestheticism, representative democracy, and international law as well as of his theoretical justifications of dictatorship and rule by exception is undiminished. Uniquely located at the intersection of law, the social sciences, and the humanities, this volume brings together sophisticated yet accessible interpretations of Schmitt's sprawling thought and complicated biography. The contributors hail from diverse disciplines, including art, law, literature, philosophy, political science, and history. In addition to opening up exciting new avenues of research, *The Oxford Handbook of Carl Schmitt* provides the intellectual foundations for an improved understanding of the political, legal, and cultural thought of this most infamous of German theorists. A substantial introduction places the trinity of Schmitt's thought in a broad context.

*Political Romanticism* Aug 08 2020 A pioneer in legal and political theory, Schmitt traces the prehistory of political romanticism by examining its relationship to revolutionary and reactionary tendencies in modern European history. Both the partisans of the French Revolution and its most embittered enemies were numbered among the romantics. During the movement for German national unity at the beginning of the nineteenth century, both revolutionaries and reactionaries counted themselves as romantics. According to Schmitt, the use of the concept to designate opposed political positions results from the character of political romanticism: its unpredictable quality and lack of commitment to any substantive political position. The romantic person acts in such a way that his imagination can be affected. He acts insofar as he is moved. Thus an action is not a performance or something one does, but rather an affect or a mood, something one feels. The product of an action is not a result that can be evaluated according to moral standards, but rather an emotional experience that can be judged only in aesthetic and emotive terms. These observations lead Schmitt to a profound reflection on the shortcomings of liberal politics. Apart from the liberal rule of law and its institution of an autonomous private sphere, the romantic inner sanctum of purely personal experience could not exist. Without the security of the private realm, the romantic imagination would be subject to unpredictable incursions. Only in a bourgeois world can the individual become both absolutely sovereign and thoroughly privatized: a master builder in the cathedral of his personality. An adequate political order cannot be maintained on such a tolerant individualism, concludes Schmitt.

*Tradition and Authority* Apr 03 2020

**Political Theology** Apr 27 2022 Written in the intense political and intellectual tumult of the early years of the Weimar Republic, *Political Theology* develops the distinctive theory of sovereignty that made Carl Schmitt one of the most significant and controversial political theorists of the twentieth century. Focusing on the relationships among political leadership, the norms of the legal order, and the state of political emergency, Schmitt argues in *Political Theology* that legal order ultimately rests upon the decisions of the sovereign. According to Schmitt, only the sovereign can meet the needs of an "exceptional" time and transcend legal order so that order can then be reestablished. Convinced that the state is governed by the ever-present possibility of conflict, Schmitt theorizes that the state exists only to maintain its integrity in order to ensure order and stability. Suggesting that all concepts of modern political thought are secularized theological concepts, Schmitt concludes *Political Theology* with a critique of liberalism and its attempt to depoliticize political thought by avoiding fundamental political decisions.

**Civil Society, Constitution, and Legitimacy** Oct 29 2019 Spurred by recent governmental transitions from dictatorships to democratic institutions, this highly original work argues that negotiated civil society-oriented transitions have an affinity for a distinctive method of constitution making—one that accomplishes the radical change of institutions through legal continuity. Arato presents a compelling argument that this is the preferred method for rapidly establishing viable democratic institutions, and he contrasts the negotiated model with radical revolutionary change. This exceptionally engaging work will be of interest to students and scholars of comparative politics, constitutional law, and East European studies.

**Key Thinkers of the Radical Right** Sep 08 2020 Since the start of the twenty-first century, the political mainstream has been shifting to the right. The liberal orthodoxy that took hold in the West as a reaction to the Second World War is breaking down. In Europe, populist political parties have pulled the mainstream in their direction; in America, a series of challenges to the Republican mainstream culminated in the 2016 election of Donald Trump. In *Key Thinkers of the Radical Right*, sixteen expert scholars explain sixteen thinkers, providing an introduction to their life and work, a guide to their thought, and an explanation of their work's reception. The chapters focus on thinkers who are widely read across the political right in both Europe and America, such as Julius Evola, Alain de Benoist, and Richard B. Spencer. Featuring classic, modern, and emerging thinkers, this selection provides a good representation of

the intellectual right and avoids making political or value judgments. In an increasingly polarized political environment, Key Thinkers of the Radical Right offers a comprehensive and unbiased introduction to the thinkers who form the foundation of the radical right.

*legality-and-legitimacy-carl-schmitt-hans-kelsen-and-hermann-heller-in-weimar*

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