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2.	Record Nr.	UNINA9910955291003321
	Autore	Schmitt Carl <1888-1985.>
	Titolo	Constitutional theory // Carl Schmitt ; translated and edited by Jeffrey Seitzer ; foreword by Ellen Kennedy
	Pubbl/distr/stampa	Durham, : Duke University Press, 2008
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	Descrizione fisica	1 online resource (489 p.)
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	Altri autori (Persone)	SeitzerJeffrey
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	Soggetti	Constitutional law - Germany Constitutional law
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	Note generali	Description based upon print version of record.
	Nota di bibliografia	Includes bibliographical references and index.

Nota di contenuto

Absolute concept of the constitution (the constitution as unified whole) -- Relative concept of the constitution (the constitution as a multitude of individual laws) -- The positive concept of the constitution (the constitution as the complete decision over the type and form of the political unity) -- Ideal concept of the constitution ("constitution" in an exemplary sense, thus named because of a certain content) -- The meanings of the term "basic law," basic norm or *Lex fundamentalis* (summarizing overview) -- Origin of the constitution -- The constitution as contract (the genuine constitutional contract) -- The constitution-making power -- Legitimacy of a constitution -- Consequences of the theory of the constitution-making power, of the people's constitution-making power in particular -- Concepts derived from the concept of the constitution (constitutional change, statutory violation of the constitution, constitutional suspension, constitutional dispute, high treason) -- The principles of the *Bourgeois Rechtsstaat* -- The *Rechtsstaat* concept of law -- The basic rights -- Separation (so-called division) of powers -- *Bourgeois Rechtsstaat* and political form -- The theory of democracy, fundamental concepts -- The people and the democratic constitution -- Consequences of the political principle of democracy -- Application of the political principle of democracy to individual areas of state life -- Boundaries of democracy -- The theory of monarchy -- Aristocratic elements in modern *Bourgeois-Rechtsstaat* constitutions -- The parliamentary system -- Historical overview of the development of the parliamentary system -- Overview of the possibilities for the formation of the parliamentary system -- The parliamentary system of the Weimar constitution -- Dissolution of Parliament -- Fundamental concepts of a constitutional theory of the federation -- Consequences of the fundamental concepts of the constitutional theory of the federation -- Appendix: The Weimar constitution.

Sommario/riassunto

Carl Schmitt's magnum opus, written during the Weimar regime, wherein Schmitt challenges the theories and practices of Western constitutional government, claiming that classical conceptions of democracy cannot be transposed onto modern political life
