

1. Record Nr.	UNINA9910495955903321
Titolo	Weimar : a jurisprudence of crisis // Arthur Jacobson, Bernhard Schlink
Pubbl/distr/stampa	Berkeley, CA : , : University of California Press, , [2001] ©2001
ISBN	9786612357039 1-59734-991-7 1-282-35703-4 0-520-92968-3
Descrizione fisica	1 online resource (420 p.)
Collana	Philosophy, Social Theory, and the Rule of Law ; ; 8
Disciplina	342.43/029/09042
Soggetti	State, The - History Constitutional law - Germany - Philosophy - History Constitutional history - Germany Germany Politics and government 1918-1933 Sources
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Description based upon print version of record.
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	Weimar -- Front matter -- Contents -- Preface -- Translation and Apparatus -- Introduction. Constitutional Crisis The German and the American Experience -- Prologue. The Shattering of Methods in Late Wilhelmine Germany -- Introduction -- On Legal Theory and Sociology -- Constitutional Amendment and Constitutional Transformation -- On the Borders between Legal and Sociological Method -- Statute and Judgment -- One. Hans Kelsen -- Introduction -- Legal Formalism and the Pure Theory of Law -- On the Essence and Value of Democracy -- Two. Hugo Preuss -- Introduction -- The Significance of the Democratic Republic for the Idea of Social Justice -- Three. Gerhard Anschütz -- Introduction -- Three Guiding Principles of the Weimar Constitution -- Four. Richard Thoma -- Introduction -- The Reich as a Democracy -- Five. Heinrich Triepel -- Introduction -- Law of the State and Politics -- Six. Erich Kaufmann -- Introduction -- On the Problem of the People's Will -- Seven. Rudolf Smend -- Introduction -- Constitution and Constitutional Law -- Eight. Hermann Heller -- Introduction -- Political Democracy and Social Homogeneity -- The

Essence and Structure of the State -- Nine. Carl Schmitt -- Introduction -- The Status Quo and the Peace -- The Liberal Rule of Law -- State Ethics and the Pluralist State -- Epilogue. The Decline of Theory -- Introduction -- The Total State -- Legal Community as National Community -- The Constitution of Freedom -- The Administration as Provider of Services -- New Foundations of Administrative Law -- Administration -- Constitution -- Form and Structure of the Reich -- "Positions and Concepts": A Debate with Carl Schmitt -- Reich, Sphere of Influence, Great Power -- Notes -- Editors and Contributors -- Copyright Acknowledgments -- Index

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Sommario/riassunto

This selection of the major works of constitutional theory during the Weimar period reflects the reactions of legal scholars to a state in permanent crisis, a society in which all bets were off. Yet the Weimar Republic's brief experiment in constitutionalism laid the groundwork for the postwar Federal Republic, and today its lessons can be of use to states throughout the world. Weimar legal theory is a key to understanding the experience of nations turning from traditional, religious, or command-and-control forms of legitimation to the rule of law. Only two of these authors, Hans Kelsen and Carl Schmitt, have been published to any extent in English, but they and the others whose writings are translated here played key roles in the political and constitutional struggles of the Weimar Republic. Critical introductions to all the theorists and commentaries on their works have been provided by experts from Austria, Canada, Germany, and the United States. In their general introduction, the editors place the Weimar debate in the context of the history and politics of the Weimar Republic and the struggle for constitutionalism in Germany. This critical scrutiny of the Weimar jurisprudence of crisis offers an invaluable overview of the perils and promise of constitutional development in states that lack an entrenched tradition of constitutionalism.

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