

Emergency Powers in Theory and Practice: The Long Shadow of Carl Schmitt

Michael Head



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Emergency Powers in Theory and Practice: The Long Shadow of Carl Schmitt Michael Head Why have the early years of the 21st century seen increasing use of emergency-type powers or claims of supra-legal executive authority, particularly by the Western countries regarded as the world's leading democracies, notably the United States? This book examines the extraordinary range of executive and prerogative powers, emergency legislation, martial law provisos and indemnities in countries with Englishderived legal systems, primarily the UK, the US and Australia. The author challenges attempts by legal and academic theorists to relativise, rationalise, legitimise or propose supposedly safe limits for the use of emergency powers, especially since the September 2001 terrorist attacks. This volume also considers why the reputation of Carl Schmitt, the best-known champion of 'exceptional' dictatorial powers during the post-1919 Weimer Republic in Germany, and who later enthusiastically served and sanctified the Nazi dictatorship, is being rehabilitated, and examines why his totalitarian doctrines are thought to be of relevance to modern society. This diverse book will be of importance to politicians, the media, the legal profession, as well as academics and students of law, humanities and politics.

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