Political Technology and the Erosion of the Rule of Law

Normalizing the State of Exception

Elgar Monographs in Constitutional and Administrative Law series

Günter Frankenberg, Goethe University in Frankfurt/Main, Germany

This timely volume by distinguished scholar Günter Frankenberg offers a sophisticated analysis and sharp critique of the reactions of nations such as the US, Great Britain and Germany to perceived terrorist threats, organized crime actions and other political emergencies that have occurred in recent years.

'Books abound on the question whether states of emergency can be legally controlled. But Frankenberg’s account stands out because of his mastery of the political and legal contexts in which the terms of the debate about states of emergency were framed for us – the situation of Weimar and the constitutional reaction in postwar Germany. In addition, Frankenberg has an astonishing command of the history of political theory from Hobbes to the present. His innovative but scholarly analyses permit him to construct a narrative about the potential of the rule of law to respond to emergencies that includes detailed examinations of Schmitt, Foucault, Habermas, Agamben, and many others. His treatments of these figures seek to draw out the genuine insights they might offer, so that, even though none of the figures escapes the force of his criticism, his argument will challenge the assumptions of all involved in the debate.'

– David Dyzenhaus, University of Toronto, Canada