

von Bogdandy | Mehring | Hussain [Hrsg.]

# Carl Schmitt's European Jurisprudence



Nomos



Beiträge zum  
ausländischen öffentlichen Recht und Völkerrecht

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## Preliminary Remarks

This book brings to fruition a long scholarly collaboration that began with Armin von Bogdandy's proposal to revisit Carl Schmitt's controversial and illuminating essay *The Situation of European Jurisprudence*, first published in 1950. On 4 November 2019, during a symposium held at the Max Planck Institute for Comparative Public Law and International Law in Heidelberg, the editors benefitted greatly from Joachim Rückert and Eberhard Schmidt-Aßmann's incisive feedback and their invaluable advice. Christian Tomuschat and Michael Stolleis, who harbour fundamental conceptual disagreements with Schmitt, agreed to contribute to this volume in the spirit of scientific discussion. When Stolleis first suggested to render his acceptance speech for the Meyer-Struckmann Prize of 2019 into a chapter for this volume, his illness and sudden death on 18 March 2021 were not yet foreseeable. We hope that his commitment to the heritage of European legal culture will reach a wider English-speaking audience through this volume and dedicate this volume to his memory.

*The Situation of European Jurisprudence* was Schmitt's first independent post-war publication. Schmitt would incorporate it as a critical piece in his 1958 *Verfassungsrechtliche Aufsätze* (Essays on Constitutionalism). Along with his Weimar publications – *Political Theology* and the *Concept of the Political* in particular – *The Situation of European Jurisprudence* is one of Schmitt's foundational works with the potential to encourage broad scholarly reflections, well beyond the limited historical context in which it emerged. Schmitt's essay is no longer confined to a "European" audience but addresses concerns that engage a global readership. Above all, we can glean from the work how Schmitt viewed his role as an intellectual. He saw himself primarily as a jurist and teacher of public law. *The Situation of European Jurisprudence* also constitutes a necessary introduction to Schmitt's later works, especially *The Nomos of the Earth*.

The following edition offers the texts from the 1950 edition (with the additions from 1958) in English translation. The translation is a reworked and extended version of Gary L. Ulmen's published in *Telos* in 1990. We want to express our gratitude to *Telos* for allowing us to use Ulmen's translation and comments.

Heidelberg and Leiden,

von Bogdandy, Mehring, Hussain



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