

Carl Schmitt: Law as Politics, Ideology and Strategic Myth (Nomikoi Critical Legal Thinkers)

There continues to be a remarkable revival in academic interest in Carl Schmitt's thought within politics and social theory, but this is the first book to address his thought from an explicitly legal theoretical perspective. Transcending the prevailing one-sided and purely historical focus on Schmitt's significance for debates that took place in the Weimar Republic (1919–1933), this book addresses the actual and potential significance of Schmitt's thought for controversies within contemporary Anglo-American legal theory that have emerged during the past three decades. These include: the critique of liberal forms of legal positivism; the relative indeterminacy of legal doctrine and the need for an explicitly interpretative approach to its range of meanings; their scope and policy rationale; the centrality of discretion and judicial law-making within the legal process; the important role played by ideological prejudices and assumptions in legal reasoning; the reinterpretation of law as a form of strategically disguised politics; the legal theoretical critique of universalistic approaches to 'human' rights and associated liberal cosmopolitan 'ideologies of humanity', including the rhetoric of 'humanitarian intervention'; and the limitations of liberal constitutionalism and liberalism more generally as an approach to law.

In *Carl Schmitt: Law as Politics, Ideology and Strategic Myth*, the author provides an overview and assessment of Schmitt's thought, as well as a consideration of its relevance for contemporary legal thought and debates.

Michael G. Salter has held academic posts at the Universities of Sheffield, Birmingham, Ulster, Lancaster and Central Lancashire. His previous books include *Hegel and Law* (ed., 1993), *Nazi War Crimes, US Intelligence and Selective Prosecution at Nuremberg* (2007) and *US Intelligence, the Holocaust and the Nuremberg Trials* (2 vols., 2009).

Nomikoi: Critical Legal Thinkers presents analyses of key critical theorists whose thinking on law has contributed significantly to the development of the new interdisciplinary legal studies. Addressing those who have most influenced legal thought and thought about law, the aim of the series is to bring legal scholarship, the social sciences and the humanities into closer dialogue.

Series editors: Peter Goodrich, Cardozo School of Law, New York and David Seymour, School of Law, Lancaster University, UK.

Law/Politics

Cover image: istock © Steven Foley

 **Routledge**
Taylor & Francis Group
a GlassHouse book
www.routledge.com

an informa business
ISBN 978-0-415-47850-2

9 780415 478502

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