

State of exception

An Inventory

November 13th 2017 marks the 2nd anniversary of the attacks on the Bataclan, the Stade de France and several other places in and around Paris. On the night of November 13th to 14th 2015, the French government issued a state of emergency, which has been - until today - extended several times, currently expected to end on July 15th 2017. Turkey is currently also experiencing a state of exception of similar length, which seems to lead the country, in contrast to France, to an authoritarian regime. Many other established democracies have seen states of emergencies or situations similar to that in recent years, too – Spain (Strike of air traffic controllers in 2010), Great Britain (Serious civil unrests in 2011), the Marshall Islands (Climate-change related disasters since 2008), the United States (Terrorism related issues since 2001) or Germany (Danger zones in Hamburg, 2014) (cf. Lemke 2017a, b). Given this context, the conference is looking for answers to a question that Carl Joachim Friedrich once (1961) formulated as follows: “Can the violation of the legal order be justified if the continuance of this order is questioned and if there is a reasonable prospect of this order being secured, indeed saved, by such a violation?” (26) It is precisely for a democratic order that, as Clinton L. Rossiter (1948) noted, the state of exception appears to be a “dangerous thing” (249). To determine whether and why Rossiter's perception is true or not, and in order to be able to develop an answer to the question of Friedrich, two types of contributions are welcome:

Case studies – studies on situations in established democracies (cf. Lemke 2017a: 46sq.), whether they have applied a state of exception or have dispensed with the application in situ (or in principle): How was the application / non-application publicly made plausible? How the success of a state of exception can be measured and when and to what extent were exceptional measures successful? Did the state of exception result in a return to the democratic order? If not, why?

Theoretical issues – How do democracy and law relate to one another in crisis situations? Is the state of exception necessary or dispensable for democracy? Which designs (referring to the history of ideas) are available for embedding the state of exception into democratic government? What would a critique of state of exception look like?

Conference will be held in English. Once your contribution is accepted you will be asked to hand in a (preliminary) version (max. 25.000 characters) until November 1st 2017.

Friedrich, Carl Joachim (1961): *Die Staatsräson im Verfassungsstaat*, Freiburg.

Lemke, Matthias (2017a): *Demokratie im Ausnahmezustand. Wie Regierungen ihre Macht ausweiten*, Frankfurt (Main)/New York.

Lemke, Matthias (2017b) (ed.): *Ausnahmezustand. Theoriegeschichte – Anwendungen – Perspektiven*, Wiesbaden.

Rossiter, Clinton L. (1948): *Constitutional Dictatorship. Crisis and Government in the Modern Democracies*, Princeton.

Your Contribution

Send your abstract for a presentation (1 page) until **March 31st 2017** to emergency@dhi-paris.fr.

Date and Venue

November 13th and 14th 2017 | GHI Paris | 8, Rue du Parc Royal | F-75003 Paris | dhi-paris.fr

Organization and Information

emergency.hypotheses.org/conference-2017