

Anna-Bettina Kaiser

Ausnahmeverfassungsrecht

[The State of Exception in German Constitutional Law.]



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The state of exception is one of the most ambitious as well as problematic concepts in modern constitutional law. At its heart lies a paradoxical aim: enabling the state to act effectively in existential crises while still limiting its powers. This makes it prone to abuse. The »Emergency Constitution« (»Ausnahmeverfassungsrecht«) of the German Basic Law tries to solve the paradox in a distinctive way that is defined by the peculiarities of German and French constitutional and political thought. Does it succeed? Anna-Bettina Kaiser analyses the strengths and weaknesses of the German Emergency Constitution. She reveals that the crucial test for any state of exception is how it affects fundamental rights.

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