‘The Vinx–Zeitlin edition of *Carl Schmitt’s Early Legal-Theoretical Writings* is a crucial and long-awaited contribution to the study of Schmitt’s political thought, and to legal philosophy more generally. These essays exhibit a young Schmitt grappling with jurisprudential issues from a liberal statist perspective, anticipating and diverging from his later works, both famous and notorious, in often surprising ways.’

John P. McCormick, University of Chicago

‘These excellent, long-overdue translations of Carl Schmitt’s widely neglected – but hugely important – early contributions to legal thought place his controversial ideas in a new and fresh light. They remind us of a crucial fact too often obscured by recent Anglophone scholarship on Schmitt: Schmitt was a jurist first and foremost, and thus we need to situate his thinking within the context of modern jurisprudence in order to make proper sense of it. With an insightful introduction by two major experts on Schmitt, this volume is essential reading to anyone interested not only in Schmitt and German thought but also in modern legal theory.’

William E. Scheuerman, Indiana University

‘This excellent edition of *Statute and Judgment* (1912) and *The Value of the State and the Significance of the Individual* (1914) not only sheds light on two pieces largely ignored in the literature, but also offers a fresh look at Schmitt’s constitutional theory. The editors have notably clarified the continuities between these early legal-philosophical writings and subsequent works published after the First World War, which were marked in a completely different context by the social and political instability of their time.’

Sandrine Baume, University of Lausanne

‘Lars Vinx and Samuel Zeitlin’s meticulous edition of Schmitt’s first substantial writings on jurisprudence equip an anglophone readership for the first time to see the trajectory of his thinking over the course of his lifetime, in a balanced and accurate way. It has the singular merit of enabling them to judge soberly just how he chose to use the intellectual resources open to him in deploying them across the drastically changing political contexts of his lengthy life. It is an indispensable resource for judging the weight (and the often erratic bearing) of his contribution to political understanding.’

John Dunn, University of Cambridge
‘Carl Schmitt’s early jurisprudential engagements in German debates over legal determinacy helped to pave the way for his classic works of political and legal theory. A clear and sophisticated introduction augments the excellent translation that Lars Vinx and Samuel Zeitlin have produced, and the results are indispensable as interest in Schmitt shows no signs of abating.’

Samuel Moyn, Yale Law School

‘Lars Vinx and Sam Zeitlin have given us a welcome translation of Carl Schmitt’s early – that is, pre-World War I – writings, along with a very informative and analytically important introduction. Why should we care? Carl Schmitt has in the last thirty years become unavoidable – in political theory, jurisprudence, history and, even, literature. This is despite his well-known and apparently unrepented membership in the Nazi Party.

As Vinx and Zeitlin point out, Schmitt is best known for his opening sentences. “Sovereign is he who decides on the exception.” “The concept of the state presupposes the concept of the political.” These epigrammatic pronouncements date from the post-World War I period and have served as a springboard for a number of interpretations. For some, these understandings prepare the way for and merge easily with Nazism. For some more sympathetic others, they show that Schmitt was centrally concerned with dealing with the consequences of World War I on German domestic politics. Among those consequences were the “stab in the back” account of Germany’s defeat and the vengeful peace imposed at Versailles. Both of these readings, however, understand Schmitt as in the end an ideologue whose thought was primarily shaped by external events.

It is the achievement of this volume to show that neither of these positions is tenable. It shows that, well before World War I, Schmitt was working out the basic elements of what will become his better-known work. The argument in Statute and Judgment (Gesetz und Urteil) is that "law" (Recht) is decision, and that legal decisions are on that which cannot be resolved in a usual manner. Recht decides the undecidable. Thus, from his earliest work, Schmitt was working out what becomes a powerful and troubling political theory, and this well before the problems and stresses of Weimar. It is not what becomes Nazism, but it is not incompatible with what Nazism might have been – and that is all the more reason for taking Schmitt seriously.’

Tracy B. Strong, Southampton University
CARL SCHMITT’S EARLY LEGAL-THEORETICAL WRITINGS

Many of Carl Schmitt’s major works have by now been translated, with two notable exceptions: Schmitt’s two early monographs *Statute and Judgment* (first published in 1912) and *The Value of the State and the Significance of the Individual* (first published in 1914). In these two works, Schmitt presents a theory of adjudication and an account of the state’s role in the realization of the rule of law, which together form the theoretical basis on which Schmitt later developed his political and constitutional theory. This new book makes these two key texts available in English translation for the first time, partnered with an introduction that relates the texts to their historical context, to Schmitt’s other works and to contemporary discussions in legal and constitutional theory.


Samuel Garrett Zeitlin is Hong Kong Link Early Career Research Fellow and College Lecturer in Politics at Corpus Christi College, University of Cambridge. His publications include editions and translations of Carl Schmitt’s *Land and Sea* (2015) and *The Tyranny of Values and Other Texts* (2018), as well as articles in *History of Political Thought*, *The Review of Politics*, *Politisches Denken Jahrbuch*, *History of European Ideas* and *Modern Intellectual History*.
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CARL SCHMITT’S EARLY LEGAL-THEORETICAL WRITINGS

Statute and Judgment

and The Value of the State and the Significance of the Individual

Edited and translated, with an introduction and notes, by

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*Samuel Garrett Zeitlin*
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_Lars Vinx_