



Between the Norm and the Exception: The Frankfurt School and the Rule of Law (Studies in Contemporary German Social Thought)

William E. Scheuerman

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Winner, 1994, First Book Award given by the American Political Science Association Foundations of Political Theory Section. and Winner, 1994, of the Spitz Prize sponsored by the Conference for the Study of Political Thought

Winner, 1996 Elaine and David Spitz Book Prize for the best book on liberal and democratic theory, Conference for the Study of Political Thought. Winner, 1994 First Book Prize, Foundations of Political Thought Organized Section, American Political Science Association.

Between the Norm and the Exception contributes historical insight to the ongoing debate over the future of the rule of law in welfare-state capitalist democracies. The core issue is whether or not society can offer its citizens welfare-state guarantees and still preserve the liberal vision of a norm-based legal system. Franz Neumann and Otto Kirchheimer, in an age dominated by Hitler and Stalin, sought to establish a sound theoretical basis for the "rule of law" ideal. As an outcome of their sophisticated understanding of the liberal political tradition, their writings suggest a theoretical missed opportunity, an alternative critical theory that might usefully be applied in understanding (and perhaps countering) the contemporary trend toward the deformatization of law.

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