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Conference

European Crises from Weimar until Today:

History – Economy – Politics – Law

11-12 December 2014

Department of Business and Politics, Copenhagen Business School

Background: From the Weimar Republic and interwar period over the 1970s to the current debacle over the Euro, crises and crisis semantics has been a recurrent theme of European modern history. Although being very different in terms of causes, developments and consequences these three crises share that they were characterized by economic downturns, social upheavals and forceful ideological formations and semantic innovations which have both challenged and transformed democracy and the state of law.

On this background, this conference seeks to take a closer look at the many variants of the crises phenomenon in the European context from the early 20th century until today by looking at the complex interplay between structural transformations within the economy and institutionalized politics and law and the ideological formations and semantic innovations which complemented these transformations.

Organisers: Professor MSO Poul F. Kjaer, Department of Business and Politics, Copenhagen Business School and Assistant Professor Niklas Olsen, Center of Modern European Studies, University of Copenhagen.

Sponsors: The conference is sponsored by the European Research Council within the framework of the project 'Institutional Transformation in European Political Economy – A Socio-Legal Approach' hosted by the Department of Business and Politics, Copenhagen Business School and is part of the ITEPE conference series (www.itepe.eu) as well as by the Centre for Modern European Studies (Cemes), University of Copenhagen.

Venue: Department of Business and Politics, Copenhagen Business School, PorcelænsHAVEN 20, 2000 Frederiksberg. Room PH 110.

Registration: Mette Grue Nielsen: mgn.dbp@cbs.dk before Friday 5th December 2014.

PROGRAMME

DAY 1: Thursday 11 December

8.45 – 9.00 Coffee and Registration

9.00 – 9.10 Welcome: Poul F. Kjaer and Niklas Olsen

Session I: Semantics, Notions and Narrative of Crisis

Chair: Christian Borch

9.10. – 10.00: David Runciman (Cambridge University): What Time Frame Makes Sense for Thinking About Crises?

Session II: Weimar and the Interwar Period: Anti-Modernism and Crisis of Legitimacy

Chair: Ruth Dukes

10.00 – 10.50: Balázs Trencsényi (Central European University Budapest): The Breakthrough of Anti-modernism: Towards a Typology of Crisis Discourses in Interwar East Central Europe

10.50 – 11.10: Coffee

11.10 – 12.00: John P. McCormick (University of Chicago): The Legitimacy Crisis of the Weimar Republic: Rational and Theocratic Authority in the Schmitt-Strauss Exchange

12.00 – 13.00: Lunch Break

Session III: From the Crises of Crowds to the Crises of the Consumer

Chair: Mikkel Thorup

13.00 – 13.50: Christian Borch (Copenhagen Business School): Crowds and Crisis: On Suggestible Sociality

13.50 – 14.40: Niklas Olsen (University of Copenhagen): Crisis and the Consumer: Reconstructions of Liberalism in Twentieth Century Western European Political Thought

14.40 – 15.00: Coffee Break

Session IV: Labour, Corporatism and Governance

Chair: Stefan-Ludwig Hoffmann

15.00 – 15.50: Ruth Dukes (University of Glasgow): The Crisis in Labour Law

15.50 – 16.40: Chris Thornhill: (Manchester University): The Constitutionalization of Labour Law and the Failure of National Democracy

16.40 - 17.30 Poul F. Kjaer (Copenhagen Business School): From the Crisis of Corporatism to the Crisis of Governance

17.30: End of day 1

18.30 Dinner: “Restaurant Radio”, Julius Thomsens Gade 12, 1632 Copenhagen V

DAY 2: Friday 12 December

9.15 – 9.30: Registration and Coffee

Session V: From Extra-Legality to Human Rights

Chair: Balázs Trencsényi

9.30 – 10.20: William E. Scheuermann (University of Indiana Bloomington): Crises and Extra-Legality: From Above and From Below

10.20 – 11.10 Mikkel Thorup (Aarhus University): Dreaming of European Civil War – Crisis Thinking on the Radical Anti-Muslim Right

11.10 – 12.00: Stefan-Ludwig Hoffmann (University of California Berkeley): Human Rights and the Ends of History

12.00 – 13.00: Lunch break

Session IV: The Return of Crisis: The Euro and the Future of Europe

Chair: Chris Thornhill

13.00 – 13.50: Claus Offe (Hertie School of Governance): Europe Entrapped. An Economic Crisis Paralyzing the Political Capacity for its Management

13.50 – 14.40: Christian Joerges (Hertie School of Governance Berlin/University of Bremen): What is left of the European Economic Constitution II?

14.40 – 15.00: Coffee Break

15.00 – 15.50: Hauke Brunkhorst (University of Flensburg): The Crisis of Economic Constitutionalism in Europe

15.50 – 16.00: Poul F. Kjaer and Niklas Olsen: Concluding Remarks and Publication Plans

16.00: End of Day 2

Titles, Abstracts and Biographies

Crowds and Crisis: On Suggestible Sociality Christian Borch (Copenhagen Business School)

Abstract:

The November Revolution in 1918 made manifest and further unleashed a political crisis in Germany, the consequences of which have been thoroughly examined. What has attracted less attention is how the Revolution also triggered a semantic crisis within sociology, namely with regard to conceptions of crowds and their alleged revolutionary aspirations. Interestingly, the sociological interest in crowds took off in the late nineteenth century as a reflection on modern political (dis)order, with the French Revolution and in particular the Paris Commune serving as key points of reference. This early semantics of crowds associated collective behaviour with irrationality, contagion and hypnotic suggestibility. Precisely this semantic repertoire was called into question after the November revolution: Weimar sociologists, with Theodor Geiger in a lead role, argued for an alternative conception of crowds according to which previous inspirations from a more psychological register should be replaced with a stricter sociological focus on how social structures may trigger revolutionary crowd behaviour. This paper (1) examines the Weimar alternative to classical (i.e. late-nineteenth-century French) crowd semantics, and (2) argues that, however timely and consistent with widespread notions of social structures the new semantics appeared, it offered little in terms of actually making sense of crowds, as it in effect removed the focus on crowds as such. As a response to this, the paper argues for reviving selected aspects of classical crowd semantics – in particular notions of imitation and suggestibility – and for placing them centrally in the understanding of the social, in times of crisis and not.

Christian Borch is Professor at the Department of Management, Politics and Philosophy, Copenhagen Business School, Denmark. His research focuses on crowd theory, social studies of finance, sociology of knowledge, and architecture. His books include *Foucault, Crime and Power: Problematisations of Crime in the Twentieth Century* (Routledge, forthcoming 2014); *Architectural Atmospheres: On the Experience and Politics of Architecture* (Birkhäuser, 2014); *The Politics of Crowds: An Alternative History of Sociology* (Cambridge University Press, 2012; awarded the 2014 Book Prize by the Theory Section of the American Sociological Association); and *Niklas Luhmann (Key Sociologists)* (Routledge, 2011).

The Crisis of Economic constitutionalism in Europe

Hauke Brunkhorst (University of Flensburg)

Abstract:

Despite the impressive development of a political Union of Europe, the hegemony of the economic constitution prevails. It is constitutive for the constitutionalization of a specific theory of economic politics, and its technocratic mode. However, the global and European crises from 2008 and 2010 reluctantly have led to a unreversible politization of European politics, and the emergence of a European public sphere. The simple question is: Is that enough to break the hegemony of the economic constitution, and to limit the blackmailing power of capitalist economy? Keywords: economic constitution, constitutionalization, Bonapartism 2.0, politization, transnational class-struggle.

Hauke Brunkhorst is a Professor of Professor of Sociology at the European-University Flensburg, Germany. His research fields are social evolution, sociology of constitutions, legal and political theory. During the 2009-2010 academic year, he was the Theodor Heuss Professor at the New School for Social Research, New York. He is the author of *Solidarity: From Civic Friendship to a Global Legal Community* (MIT Press, 2005); *Legitimationskrisen: Verfassungsprobleme der Weltgesellschaft*, Baden Baden: Nomos, 2012; *Das doppelte Gesicht Europas. Zwischen Kapitalismus und Demokratie*, Frankfurt/Main: Suhrkamp, 2014, *Critical theory of legal revolutions – evolutionary perspectives*, New York/ London: Bloomsbury 2014.

The Crisis in Labour Law

Ruth Dukes (University of Glasgow)

Abstract:

In 1933, Hugo Sinzheimer published an article with the title *Die Krise des Arbeitsrechts*. The main purpose of the article was to illustrate how and why the economic crisis of the time meant a crisis for labour law. A central focus lay with the notion of conflict between the social classes: conflict which labour law, and especially the economic or labour constitution, had been designed to accommodate but which, in a time of crisis, was laid bare. There was discussion, too, of conflict between labour law, as social law, and private (*bürgerliches*) law. With reference to Sinzheimer's article, and against the background of the current crisis in labour law, this paper aims to investigate the ways in which the notion of conflict has been understood and deployed in recent policy debates regarding labour law and labour markets: how the existence of conflict between the social classes has tended to be underemphasised, even by those on the left or centre left; how conflicts of interest have been located instead as arising between workers, or groups of workers, designated often in a variety of ways as 'insiders' and 'outsiders'.

Ruth Dukes is a Senior Lecturer in Labour Law at the University of Glasgow. She holds degrees from the University of Edinburgh (LLB), the Humboldt University in Berlin (LLM with distinction), and the London School of Economics (PhD). Dukes' research interests lie in the field of labour law, particularly collective labour law, and theories and systems of worker representation. She has published work on trade union law and British and German labour history, and is the author of *The Labour Constitution* (Oxford 2014), part of the *Oxford Monographs on Labour Law* series. In 2010, she was awarded the *Modern Law Review's* Wedderburn Prize for her article 'Otto Kahn-Freund and Collective Laissez-Faire: an Edifice without a Keystone?'. In 2011/12 she was an Early Career Fellow of the AHRC and a MacCormick Fellow at the University of Edinburgh. She is a member of the Executive Committee of the Institute of Employment Rights.

Human Rights and the Ends of History

Stefan-Ludwig Hoffmann (University of California Berkeley)

Abstract:

This paper focuses on the emergence of international human rights as a moral, political, and legal response to the late twentieth-century crisis. The main argument is that human rights idealism surged especially in the immediate aftermath of the Cold War, when visions of a new, imminent Kantian world order came into conflict with the realities of ethnic cleansing (Bosnia, Rwanda) and religious fundamentalism. In other words, the paper suggests a shift in our understanding of human rights history. "Human rights" has a long pedigree that can be traced back to the moral critique of the late Enlightenment. Its late twentieth-century revival (like that of other *Sattelzeit* concepts such as "civil society" or "cosmopolitanism"), however, is not so much the cause as the product of the particular historical rupture of the end of the Cold War. Describing it as the "last utopia" after the demise of alternative revolutionary ideologies in the 1970s might miss the point of what is new and different conceptually about the human rights moment of the 1990s, not only in scale but also in temporality. With Francois Hartog the paper asks in conclusion whether the breakthrough of human rights in the 1990s marks the end of the modern regime of time, in which not the future but the present (contrasted to a dystopian past) becomes the dominant horizon of expectations.

Stefan-Ludwig Hoffmann is Associate Professor for Late Modern European History and Director of the Human Rights Program at the University of California Berkeley. He is currently working on two book projects, a short history of human rights and a book on Berlin in the 1940s, as it went from capital of the Nazi Empire to capital of the Cold War. Most recent publications include *Human Rights in the Twentieth Century* (2010), "Koselleck, Arendt and the Anthropology of Historical Experiences," *History and Theory*

49 (2010) and "Gazing at Ruins: German Defeat as Visual Experience," *Journal of Modern European History* 9 (2011).

What is left of the European Economic Constitution II?*

Christian Joerges (Hertie School of Governance Berlin/University of Bremen)

Abstract:

A spectre is haunting Europeanists. The spectre is German Ordo-liberalism, allegedly inspiring the crisis management which the Union's most powerful Member State orchestrates through the imposition of budgetary discipline and austerity politics. The spectre is accompanied by another story of German descent, albeit a more comforting one: the "social market economy", the social model of the young Federal Republic, a successful synthesis between an efficient (now: "highly competitive") market economy and social justice in the formative phase of the Federal Republic which was allegedly incorporated first into the Draft Constitutional Treaty of the European Convention and then the Treaty of Lisbon (Art. 3(3) TFEU) European commitment pace Article, allegedly inspired by Germany's post-war social model but now betrayed by its turn to austerity politics. Both narratives are flawed. Precisely because of the flaws they are nevertheless instructive. Contrary to prevailing perceptions, the European monetary union was no "economic constitution" in the Ordo-liberal sense. What the Maastricht Treaty has institutionalised was instead a "diagonal conflict" which is resistant legal rule. The turn to an authoritarian managerialism in the European crisis can be deciphered on that background. The new modes of economic governance with their focus on financial stability and competitiveness have also deconstructed what was held to be the "European social model". Europe seems to be exposed to a state of emergency. If that is an adequate characterisation, we have to find out how it may be possible to regain a constitutional condition.

Christian Joerges is a part-time Professor of Law and Society at the Hertie School of Governance (Berlin), a Research Professor at the Law Faculty of Bremen University and Co-Director of the Centre of European Law and Politics. Until 2007 he held the chair for European Economic Law at the European University Institute Florence. In 2009, he was awarded an honorary doctorate from the University Freiburg i.Ue. In He has published extensively on the Europeanization of private and economic law, transnational risk regulation and governance structures. His *Darker Legacies of Law in Europe* (ed. with Navraj Ghaleigh, 2003) received 28 reviews. His most recent publication is *The European Crisis and the Transformation of Transnational Governance. Authoritarian Managerialism versus Democratic Governance* (ed. with Carola Glinski), Hart Publishing 2014.

* A follow-up to "What is Left of the European Economic Constitution? A Melancholic Eulogy," (2005) 30 *European Law Review* 461-489.

From the Crisis of Corporatism to the Crisis of Governance

Poul F. Kjaer (Copenhagen Business School)

Abstract:

In the first half of the 20th century and in particular in the interwar period corporatism, in its progressive, populist, reactionary and totalitarian variants, became a central feature of European societies. Many observers have regarded this development as a central driving force of the profound societal crises characterising this period. Other observers, on the other hand, have mainly seen the corporatist surge as a reaction and possible solution to societal crises. In a similar vein the emergence and expansion of new types of governance institutions since the 1980s have been understood as both the cause and as a reaction to the protracted series of crises characterizing (Western) Europe and the rest of the Western world from the 1970s to the recent financial crisis. On this background, this paper examines the close link between societal crises and the evolution of intermediary institutions in their corporatist, neo-corporatist and governance variants. Intermediary institutions, it is argued, fulfil a dual role insofar as they simultaneously are oriented towards the internal stabilization of social processes and the establishment of compatibility between the social process in question and the rest of society. This gives them a strategic location in society insofar as they can be understood as central sites of societal integration. But this location also implies that they are sites where tendencies of de-differentiation between societal processes of e.g. an economic, political, religious and scientific nature tend to emerge and become most visible. Intermediary institutions are in other words central battlefields where the integration as well as the dis-integration of society unfolds. In this context, law and legal instruments gain a specific strategic function as the central framework through which the dual function of intermediary institutions is stabilised and maintained over time.

Poul F. Kjaer is Professor at the Department of Business and Politics, Copenhagen Business School and leader of the European Research Council project “Institutional Transformation in European Political Economy – A Socio-legal Approach” (www.itepe.eu). His research combines insights from historical, economic, political and legal sociology and social theory and is currently oriented towards the evolution of intermediary institutions in the European setting from corporatism over neo-corporatism to governance. He is the author of *Constitutionalism in the Global Realm – A Sociological Approach* (London, 2014) and *Between Governing and Governance: On the Emergence, Function and Form of Europe's Post-national Constellation* (Oxford, 2010).

The Legitimacy Crisis of the Weimar Republic: Rational and Theocratic Authority in the Schmitt-Strauss Exchange

John P. McCormick (University of Chicago)

Abstract:

This essay reevaluates the Weimar writings of Carl Schmitt and Leo Strauss, specifically, their intellectual efforts to replace, as the ground of political authority, Enlightenment rationality with, respectively, “political theology” and “Biblical atheism.” These efforts originate in the respective authors’ idiosyncratically Catholic and Jewish writings from the early twenties, culminate in their engagement over Schmitt’s *Concept of the Political* in 1932, and continue, with certain changes in orientation, into the early to mid-thirties, after the Weimar Republic had been usurped by the National Socialist Party state. Schmitt and Strauss each insisted that Enlightenment rationality was unraveling into a way of thinking that violently rejected “form” of any kind, fixated myopically on human things and lacked any conception of the external constraints that condition the possibilities of philosophy, morality and politics. Consequently, they considered Enlightenment reason a threat to “genuine” expressions of rationality and a dangerous obfuscation of the necessity of political order—of the brute fact that human beings stand in need of “being ruled,” as such.

John P. McCormick is professor of political science at the University of Chicago. He is the author of *Machiavellian Democracy* (Cambridge University Press, 2011); *Carl Schmitt's Critique of Liberalism: Against Politics as Technology* (Cambridge University Press, 1997); and *Weber, Habermas and Transformations of the European State: Constitutional, Social and Supranational Democracy* (Cambridge University Press, 2006).

Europe Entrapped. An Economic Crisis Paralyzing the Political Capacity for its Management

Claus Offe (Hertie School of Governance)

Abstract:

The Eurozone and its common currency is an ill-designed construct as it lacks the institutional capacities for economic, fiscal and social policy-making at the EU level. At the same time, the Euro is a mistake the undoing of which would be an even greater mistake. Yet sticking to the status quo of a common currency that ties the hands of the weak and further empowers the already strong is also no viable option. The way forward, namely the building of a democratically legitimized EU-wide governing capacity with a mandate to redistribute across member states, classes and generations, is unlikely to be adopted due to the re-nationalizing political repercussions the crisis of the Eurozone has triggered.

Claus Offe, born 1940, was (until his retirement in 2005) Professor of Political Science at Humboldt University, Berlin, where he has held a chair of Political Sociology and Social Policy. He earned his PhD (Dr. rer. pol.) at the University of Frankfurt (1968) and his *Habilitation* at the University of Constance (1973). Since 2006 he has been teaching at the Hertie School of Governance, a private professional school of public policy, where he held a chair of Political Sociology. Previous positions include professorships at the Universities of Bielefeld and Bremen, where he has served as director of the Center of Social Policy Research. He has held research fellowships and visiting professorships and taught courses in the US, Canada, Australia, Russia, Hungary, Poland, Austria, Italy, and the Netherlands. He was awarded an honorary degree by the Australian National University in 2007. His fields of research include democratic theory, transition studies, EU integration, and welfare state and labor market studies. He has published numerous articles and book chapters in these fields, a selection of which is recently reprinted as *Herausforderungen der Demokratie. Zur Integrations- und Leistungsfähigkeit politischer Institutionen* (2003). Book publications in English include *Contradictions of the Welfare State* (1984, Chinese translation 2005), *Varieties of Transition* (1996), *Modernity and the State: East and West* (1996), *Institutional Design in Post-Communist Societies* (1998, with J. Elster and U. K. Preuss), *Reflections on America. Tocqueville, Weber, and Adorno in the United States* (2006) and *Europe Entrapped* (forthcoming 2014).

**Crisis and the Consumer: Reconstructions of Liberalism in Twentieth Century Western European
Political Thought**

Niklas Olsen (University of Copenhagen)

Abstract:

Today, the consumer is a paramount category that comprises several ideas, identities and social practices. We talk and think of each other and ourselves as consumers in an increasing number of societal areas, and we assign the consumer key positions in politics. For some, the consumer is associated with wealth, entrepreneurship, rights, democracy and independence and must be placed at the center of modern society. To others, the consumer implies hyper-individualization and societal disengagement and poses a challenge to civil society and the virtues of traditional citizenship. The consumer thus takes many shapes and has become a key site of societal-political contestation.

This paper illuminates the making of the contemporary consumer-figure in twentieth century Western European political thought. The paper argues that the meaning, role and status ascribed to the consumer-figure today is to a great extent a product of semantic reconstructions of the figure, which took place in times of crises and was performed by liberal academics and politicians with the aim of reconstructing liberalism. The paper focuses specifically on the coinage of the notion of consumers' sovereignty by the English economist William H. Hutt (1899-1988) in the book *Economists and the Public* from 1936, in which Hutt

tried to remedy certain malfunctions that he identified in classic liberal capitalism. He did so by offering an updated version of liberalism, based on consumers' sovereignty and a scheme of government intervention, which aimed to ensure a more equal, just and productive society and solve the contemporary 'crisis of liberalism'.

Moreover, the paper traces how liberal thinkers and politicians have further developed the notion of the consumer, and of consumers' sovereignty, in attempts to update liberalism in times of perceived societal crisis after 1945. It also illustrates how Hutt's key concerns with the notion were gradually forgotten, that is, how liberals no longer, as Hutt, understood markets and consumers as imperfect, irrational and fragile beings, which have to be created and protected by the state.

Niklas Olsen is Assistant Professor at the Center of Modern European Studies at the University of Copenhagen. He received his PhD from the European University Institute in Florence. He is currently working on a project on the variants of liberalism in Western Europe from 1945 to 1990. His recent publications include *Re-Inventing Western Civilisation: Transnational Reconstructions of Liberalism in Europe in the Twentieth Century* (co-edited with Hagen Schulz-Forberg, 2014) and *History in the Plural: An Introduction to the Work of Reinhart Koselleck* (2012).

The Stakes of "Crisis"

Janet Roitman (Anthropology Department, The New School for Social Research)

Abstract:

What are the stakes of crisis"? While there are abundant essays and analyses that attempt to explain crises, there is a surprising lack of attention to the concept of crisis itself. There is virtually no scholarship that inquires into the significance of this foundational concept and an analysis of the practice of that concept. Therefore, instead of starting with a particular crisis (e.g. subprime crisis, humanitarian crisis) and then proceeding to delineate the causes, this work asks questions of the concept of crisis itself. I ask how the term crisis functions as a blind spot in the production of knowledge and the narration of history. "Crisis" is assumed as an analytic or descriptive category, which both sets the stage for, and legitimates social science inquiry. By opening the black box of crisis, we can consider the presumption that crisis has an a priori status in history. How does the term crisis serve as a place from which narrative accounting can begin? How does "crisis" serve as a narrative device, which establishes certain events as moments of truth? How is crisis mobilized to engender conditions of action, serving to constitute a particular ethics or mode of critique? This paper attends to the practice of the concept of crisis by excavating the crisis term in the critique-and-crisis cognate, illustrating how the term enables and forecloses various kinds of questions. It does so with reference to analyses of what is known as "the 2007-09 financial crisis," examining the criteria

assumed and mobilized in judgments of epistemological or ethical failure. Instead of arguing “against” crisis – imagining that one could somehow move “beyond crisis” – I focus on the *effects* of the claim to crisis.

Janet Roitman is Associate Professor of Anthropology at the New School for Social Research. Before coming to the New School, she served as an instructor at the *Fondation Nationale des Sciences Politiques de Paris* (Sciences-po) and was a research fellow with the *Centre National de la Recherche Scientifique* (CNRS) affiliated with the *Institut Marcel-Mauss* (CNRS-EHESS) in Paris. She has conducted extensive research in Central Africa, focusing specifically on the borders of Cameroon, Nigeria, the Central African Republic and Chad. Her book, *Fiscal Disobedience: An Anthropology of Economic Regulation in Central Africa* (Princeton University Press), is an analysis of emergent forms of economic regulation in the region of the Chad Basin and considers consequential transformations in the nature of fiscal relations and citizenship. Her more recent book, entitled *Anti-Crisis* (Duke University Press) inquires into the status of the concept of crisis in the social sciences, a project she has developed with the support of the Institute for Public Knowledge, New York University, where she was a scholar-in-residence from 2010-11.

What time frame makes sense for thinking about crises?

David Runciman (Cambridge University)

Abstract:

This paper will explore a set of semantic and conceptual questions surrounding the terminology of crisis and its relationship to different ways of thinking about the passage of time. During the course of the twentieth century the language of crisis became increasingly ubiquitous, supplanting other vocabularies for talking about breaks with the normal pattern of social and political life (for instance, the vocabulary of ‘events’). With that ubiquity went growing indeterminacy: a ‘crisis’ can denote an acute moment of threat/danger/choice and also a problem that is entrenched and intractable (e.g. ‘the crisis of democracy’). Crises have in that sense become both immediate and enduring phenomena. This raises problems of definition and also of framing: when does a crisis begin and when does it end? What is its focal point? The paper will discuss some of these questions in relation to the European experience of the financial crisis of 2008 and its aftermath, looking at the current indeterminacy about whether the crisis has ended. It will compare short, medium and long term perspectives on the phenomenon of crisis and describe the very different implications these have for thinking about the current condition of democracy.

David Runciman is Professor of Politics at Cambridge University and the author of *The Politics of Good Intentions* (Princeton 2006), *Political Hypocrisy* (Princeton 2008) and *The Confidence Trap: A History of*

Democracy in Crisis from WWI to the Present (Princeton 2013). He is currently co-director of two research projects: *Conspiracy and Democracy* and *Digital Society* (as part of the *Cambridge Centre for Digital Knowledge*). He writes regularly about contemporary politics for the *London Review of Books*.

Crises and Extra-Legality: From Above and From Below
William E. Scheuermann (University of Indiana Bloomington)

Abstract:

The proposed paper deals with some illuminating conceptual and semantic overlap in recent debates about the proper place of extra-legal political action in the context of societal crises. Although neglected by the scholarly literature, many recent justifications for executive action outside the law (i.e., for "extra-legal" executive action) in the face of (supposedly) dire "crises" are often mirrored by arguments in defence of (illegal) popular disobedience to government (e.g., civil disobedience). In both arguments, we find similar claims about the limits of legality in the face of crisis situations, as well as sometimes strikingly parallel models for how political actors should be expected to conduct themselves. Key differences, however, emerge in their competing views about how "crisis" should be conceptualized. Such differences, in turn, may suggest some key normative differences between executive-level extra-legality "from above" and popular forms of "extra-legal" protest from "below." The potential relevance for this conceptual analysis for the legacy of European crises is also examined.

The Constitutionalization of Labour Law and the Failure of National Democracy
Chris Thornhill: (Manchester University)

Abstract:

This paper will examine the intersection between nation building and labour law in the development of democratic states in the 20th century. It argues that in the Weimar Republic the constitutionalization of labour law was promoted, paradigmatically, as a strategy for accelerating processes of national formation, and for solidifying the national state as a fully inclusionary legal/political order. This paradigm was extended to other national societies, in Europe, Latin America and Africa, which partly emulated the Weimar experiment in national-corporate constitutionalism. At the same time, the paper argues that the crisis of democracy in Weimar Germany was both a crisis in the constitutionalization of labour law and a crisis in the process of nation building. The paper then goes on to explain how and why patterns of nation building which developed after 1945, partly stimulated by a catastrophic learning process in Weimar, were more effective in creating inclusive nations and inclusive national states. It contrasts nation making by labour law and nation making

by judicial review as two primary modes of national inclusion; both modes of national formation are deeply linked to the Weimar experience.

Chris Thornhill is Professor in Law at the University of Manchester, UK. He is the author of a number of publications on the sociological origins of constitutional law and transnational public law, including recently (as author) *A Sociology of Constitutions* (2011) and (as co-editor), *Law and the Formation of Modern Europe: Perspectives from the Historical Sociology of Law* (2014) . At present, he is researching for a book on the sociology of transnational constitutional law. His research is currently funded by the European Research Council.

Dreaming of European Civil War – Crisis Thinking on the Radical Anti-Muslim Right

Mikkel Thorup (Aarhus University)

Abstract:

Starting out from the premise that the right-wing violent fantasy is civil war, this paper will explore the themes of crisis, treason, internal enemies and its culmination in a civil war among contemporary right-wing anti-Muslim writers. The paper will especially ask what it means for thinking about crisis, culmination and solution when one frames these within a civil war narrative.

Mikkel Thorup is associate professor in the history of political thought at the Institute of Culture and Society, University of Aarhus, Denmark. Author, amongst others, of *An Intellectual History of Terror* (2010) and *The Total Enemy* (forthcoming). Presently head of two research projects, *The History of Economic Rationalities* and *Contested Property Claims*.

The breakthrough of anti-modernism: Towards a typology of crisis discourses in interwar East

Central Europe

Balázs Trencsényi (Central European University Budapest)

Abstract:

The interwar period witnessed a general radicalization in terms of political style. This was linked to a shift in the image of history, turning from an evolutionist vision to various models stressing cyclicity, discontinuity and return to previous configurations. A key *topos* in this new image of historicity was crisis, emphasizing the rupture of development and a liminal period threatening the community with dissolution but also carrying the promise of renovation. In my presentation, I seek to link this to the broader ideological framework of “anti-modernism” that had a powerful appeal in this period all over Continental Europe.

In Eastern Europe, this “crisis discourse” had a number of analytically separable, although in many ways overlapping functions. First, it was often connected to symbolic geographical models, contrasting the “over-refined,” “artificial,” “declining,” etc. Western civilization to the virile, youthful, expansive East. Second, crisis could be perceived as a liminal phase, in-between two different world orders. Third, the discourse of crisis could also be used to describe the situation of certain social groups, institutions and social relations, such as the crisis of the bourgeoisie, of the intelligentsia, of democracy, of the village, of the family, etc. Arguably, the most common Eastern European application of the crisis discourse was the counter-position of the aged and declining West and the youthful East. However, the definition of the two poles of this counter-position could be varied. The projects of the revitalization of Europe were thus context-bound, as representatives of Slavic cultures often defined the rising East as Slav, while others put the emphasis on other symbolic geographical categories.

The European sources for the discourse of crisis were multifarious. In the early 1920s the impact of Spengler was visible in all cultures of East Central Europe. The local readings of the “Decline of the West” were usually marked by a certain ambiguity. Eastern European authors considered their high culture to be linked to the West and thus hit by the crisis but, at the same time, they often stressed that their society was definitely not as over-refined as the Western one and thus the temporal lag between them opened up a possibility of turning the decline of the West to the advantage of the Eastern Europeans. Significantly, this was also in line with Spengler’s own prediction about the rise of the Russian East at the expense of the ailing West. Other key sources to this discussion were the writings on the rise of mass society and the crisis of the elites (Ortega y Gasset, Unamuno, Michels), the crisis of rationalism (Bergson, Husserl, Berdyaev) and in particular the crisis of intelligentsia (Julien Benda).

The most obvious common denominator of these debates in East Central Europe was the crisis of “national mediation”: the double failure of the intelligentsia to digest the external influences before transmitting them to the common people and the incapacity to format the essence of the popular culture as a basis of high culture. To this many analysts added the crisis of social roles and values, with the intelligentsia (and in a broader sense the middle class) unable to sustain the cultural and social circulation.

Summing up, the “crisis discourse” in East Central Europe had multifarious political implications. Although it could be formulated from a liberal or a leftist perspective as well, its most common application was in the broadly conceived conservative / anti-modernist ideological camp where it was closely linked to the growing disbelief in the evolutionary vision of social development. A particularly influential sub-genre of the debate concerned the emergence of the modern national project, as some of the most important intellectuals of the period turned to reassess in an extremely critical way the genesis of their respective national canon and its problematic relationship to the formative Western influence. At the same time, since the topos of crisis was not bound to any particular ideological group, the crisis discourse also had a different role in different ideological contexts. In general, adherents to a radical transformation (both in a conservative and a socialist

direction) tended to use it as a critical weapon, but as soon as they achieved the coveted transfer of power they abandoned it and became apologists of the new authoritarian or totalitarian regime. In contrast, other intellectuals, usually of the metaphysical anti-modernist branch, kept to it and also described the rise of totalitarianism as a symptom of the crisis of modernity.

Balázs Trencsényi is Associate Professor in the History Department of Central European University, Budapest, and co-director of Pasts, Inc. Center for Historical Studies. Member of Academia Europaea since 2012 His main field of interest is the history of political thought in East Central Europe. Between 2008 and 2013, he was Principal Investigator of the project, supported by the European Research Council, “*Negotiating Modernity*”: *History of Modern Political Thought in East Central Europe* (www.negotiating.cas.bg). He also serves as associate editor of the journal *East Central Europe* (Brill). Among other publications, he is the author of the monograph, *The Politics of ‘National Character’: A Study in Interwar East European Thought* (Routledge, 2012), as well as co-editor of *Nation-Building and Contested Identities: Romanian and Hungarian Case Studies* (Regio Books, 2001); *Discourses of Collective Identity in Central and Southeast Europe (1775–1945)*, vols. I–II, IV. (CEU Press, 2006–7, 2014); *Narratives Unbound: Historical Studies in Post-Communist Eastern Europe* (CEU Press, 2006-2007); *Whose Love of Which Country? Composite States, National Histories and Patriotic Discourses in Early Modern East Central Europe* (Brill, 2010); *Hungary and Romania Beyond National Narratives: Comparisons and Entanglements* (Peter Lang, 2013); and *“Regimes of Historicity” in Southeastern and Northern Europe. Discourses of Identity and Temporality, 1890-1945* (Palgrave Macmillan, 2014).