Michael Walsh

Enrico Franceschi: Dual State Revisited

The Political Order of the Volksgeisterei
about the political order

First, Friedman also shares the focus on the state and the market's role in determining prices and resource allocation. He argues that the state's role is not to micromanage the economy but to ensure the rules of the game are fair and transparent. Friedman emphasizes the importance of property rights and the rule of law, which he believes are necessary for a successful market economy.

Second, Friedman critiques the role of government in regulating the economy. He argues that government intervention can be counterproductive, leading to inefficiencies and distortions. Friedman advocates for a minimal role of government, emphasizing the importance of market forces in determining economic outcomes.

Third, Friedman is a strong proponent of free trade and反对政府干预的论点。他认为国际贸易对所有国家都有利，通过促进竞争和创新来提高生活水平。Friedman's perspective on free trade is closely tied to his broader views on the role of the state, emphasizing the importance of openness and flexibility in the economy.

Fourth, Friedman is known for his advocacy of lower tax rates. He argues that higher taxes reduce incentives to work, invest, and innovate, leading to a lower standard of living. Friedman believes that lower taxes will unlock the economy's full potential and improve living standards for all.

Overall, Friedman's views on the role of government in the economy are characterized by a strong emphasis on the importance of individual liberty and the free market. He believes that the state's role is to provide a stable framework within which the economy can thrive, rather than to micromanage it.
the frontlines—a fact which meant that he later was exempted from the antisemitic professional prohibitions of the Nazi regime and allowed to continue practicing law for a time. When the war ended, Fraenkel was a member of a soldier’s council in his Darmstadt garrison, but he was not a staunch revolutionary. After being discharged from the army, he decided to study history but then compromised with his uncle and majored in law, with history as his minor.

Together with Franz Neumann and Leo Löwenthal, with whom he became acquainted in Frankfurt, Fraenkel established a socialist student group in 1919. Neumann joined the Sozialdemokratische Partei Deutschland [SPD – Social Democratic Party Germany] in the same year. Fraenkel followed suit in 1921 and remained a reformist, although he saw himself as a member of the party’s left wing. Hugo Sinzheimer, who held the first professorship for labor law in Germany, became the role model for these young Social Democratic lawyers. Antisemitic students with völkisch convictions abhorred Sinzheimer, as a Social Democrat and lawyer who had played a key role in formulating the Weimar constitution. His inaugural lecture was disrupted by rowdies; democrazically minded students, among them Franz Neumann, had to force his way to the podium. Later, in 1933, he was one of the first professors in Frankfurt to be dismissed and forced to emigrate. His students included Fraenkel, Neumann, Otto Kahn-Freund, Hans Morgenthau, and Carlo Schmid; Schmid and Fraenkel completed their doctorates in 1923, with Sinzheimer as their doctoral adviser. Fraenkel then became Sinzheimer’s assistant at the university, a position later held by Franz Neumann. Sinzheimer survived by going underground in the Netherlands, but due to the exertions of Nazi persecution and life in hiding, he died only a few weeks after liberation in 1945. In a very personal and moving speech held in 1958 in Frankfurt in memory of Sinzheimer, Fraenkel broke with the Zeitgeist of post-war Germany and spoke openly of the antisemitism, which had driven Sinzheimer out of the country.

While labor law might evoke images of uninspiring contract negotiations and legal proceedings in labor courts, these young left-wing lawyers were aware of the significant political dimensions of the field. In the German tradition, the juridical order was closely linked to the state and to laws; in Hegel’s legal philosophy, these spheres were even seen as congruent. Law [Recht] was set down by the state and by no one else. After emigrating, Neumann continued to refer to this concept in replying to the question of whether the Nazi regime was indeed a state: “If a state is characterized by the rule of law, our answer to this question will be negative, since we deny that law exists in Germany.”

Modern labor law opposed equating the state and the law in this way. It not only recognized the existence of unions, employer’s associations and other such organizations within society. It also recognized that these collective organizations negotiated tariff contracts with each other and that such contracts established legal norms which members of the respective organizations could refer to in disputes brought to trial in labor courts, without any law having been passed by the legislature.

Ernst Fraenkel took up this new, social dimension sketched by Sinzheimer, pursued these thoughts further and published, as early as the 1920s, several essays devoted to the theoretical development of the concept of collective democracy. According to Fraenkel, collective democracy meant that “in forming the will of the state, no longer only single people or individuals are involved, but also organizations as such.” This did not mean that a sphere devoid of legal norms outside of or even in opposition to the state was to be established. The constitutional state and the constitution continued to form the sheltering roof of a collective democracy. Even in this early work, Fraenkel’s aim was to outline a theory of social democracy as a complement to a form of democracy predominantly mediated through the state; later, after the war, he elaborated upon this work in his pluralism theory, which had a great influence on political science in the 1950s and 1960s. “Collective democracy (which is not merely an empty wish, but rather an effective component of the life of our state, and which will be expanded, in the sense formulated by Marx, not as a matter of realizing ideals, but in order to set into motion elements of freedom) will not represent an independent social constitution existing beside the state constitution, but will instead insert itself into the state constitution.”

Such considerations ensured that Fraenkel was immune to Carl Schmitt’s arguments about the common identity of the governed and the governing and about the categorical homogeneity of the political order. Fraenkel not only asserted the existence of social inequality, he
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The Political Order of the Volunteership

André H. T. Newbery, "Human Rights and International Maxims: The Coercion of Consent in Modern Law"

In the context of the definition of political power as an inherent feature in the exercise of power, the concept of the "volunteership" is crucial. Voluntary consent is the basis for the legitimacy of political power. Without the consent of the governed, political power loses its legitimacy. The idea of a government derived from the consent of the governed is fundamental to modern political philosophy. The concept of the volunteership is therefore central to understanding modern political power. The volunteership is a meritocratic system, where power is not imposed but voluntarily given by the governed. This is in contrast to a coercive state, where power is imposed by force. The volunteership represents a shift from a traditional coercive state to a modern, consent-based political order. The volunteership is a model of political power that emphasizes the role of consent and voluntary participation in the governance process. This model is more aligned with the principles of modern human rights and international law. The volunteership is a political order that is based on the idea of voluntary consent, which is a fundamental feature of modern political philosophy.
The Political Order of the Volksgemeinschaft

Michael Walther

Opposition to the crumbling of the Weimar Republic was a political key instrument in the construction of a new political order. During the Weimar Republic, the concept of the Volksgemeinschaft was commonly associated with a desire for national unity and social harmony. However, the failure of the Weimar Republic to achieve these goals led to the rise of political parties that were critical of the existing social order.

The Nazi party, led by Adolf Hitler, emerged as a powerful force in German politics. The party's appeal to the working class, the middle class, and the rural population was based on a promise of a stronger Germany and a united nation.

The National Socialist German Workers' Party (NSDAP) came to power in 1933, and the Nazi regime established a totalitarian state that was marked by the suppression of political opposition, the persecution of minority groups, and the enforcement of strict cultural and social norms.

Hitler's vision of a new Germany was shaped by his belief in the superiority of the Aryan race and the need for a strong leader to guide the nation towards greatness.

The Nazi party's rise to power was facilitated by the economic hardship and social unrest that characterized the Weimar Republic. The party was able to capitalize on these conditions to gain support from a broad range of groups.

The political order of the Volksgemeinschaft was characterized by a strong central government, the suppression of political opposition, and a focus on the needs of the nation as a whole. This approach was intended to create a unified society that was strong enough to resist external threats and to ensure the well-being of all its citizens.
The political order of the Voldemortish empire

The control of the magic is a hierarchical system where the highest power is Voldemort. His followers, known as the Death Eaters, are divided into different ranks based on their loyalty and power. The Ministry of Magic, also known as the Department of Magic, is responsible for enforcing Voldemort's rule, but it is controlled by the Dark Lord himself. The ministry is led by Voldemort's trusted followers, such as Lucius Malfoy and Severus Snape.

The political order of the Voldemortish empire is structured like a pyramid, with Voldemort at the top, followed by high-ranking members of the Death Eaters, then the Ministry, and finally the wizarding population. This structure ensures that the power is concentrated in the hands of a few, making it difficult for anyone to challenge Voldemort's authority.

In addition to the political hierarchy, the Voldemortish empire also has a strict social hierarchy. Non-magical people, known as Muggles, are considered inferior and are treated with utmost suspicion and hostility. They are not allowed to participate in the Voldemortish society and are often the targets of violence and discrimination.

The Voldemortish empire's political and social structures are designed to maintain the power and control of Voldemort and his followers, ensuring that no one can challenge their authority or question their rule. The empire's laws and regulations are strictly enforced, and any attempt to oppose Voldemort's rule is met with severe consequences, including death.
society, amended to codify inequality as its fundamental principle. A new, 'freed' Jewish order is ordered within a structure of power that is assumed, not to be 'non-racist' as Jewishness assumed, but rather dictated by the normative State. The other leads to complete lawlessness, as Freudian.

[Text continues...]

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