

The “exception” is the basis for his affirmation of the concept (or rather the necessary fact) of sovereignty. Many political societies make explicit provisions for the exception in their constitutions by specifying a condition called a “state of emergency,” or some equivalent. As was the case in the Weimar Republic, the constitution may specify who may decree the emergency and thus the suspension of ordinary law; Schmitt insists, however, that “the precise details of an emergency cannot be anticipated, nor can one spell out what may take place in such a case, especially when it is truly a matter of an extreme emergency and of how it is to be eliminated.”⁶ Neither the “preconditions” nor the extent of emergency powers can be specified in advance, and that means that the state of emergency remains a true exception, an exception to ordinary constitutionalism as it regulates and channels the flow of