

# *Sovereignty as Constituent Power in the Weimar Republic*

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## **The author:**

Lucia Rubinelli is Teaching and Research Fellow in the History of Political Thought (JRF) at Robinson College. Before, she was Fellow in Political Theory at the London School of Economics. Lucia received her PhD from the University of Cambridge in 2017 and holds degrees from the Ecole des Hautes Etudes en Sciences Sociales (Paris), the LSE and the Università di Trieste. Her primary research interests include the history of nineteenth and twentieth century political thought, political and constitutional theory. Her first book, *Constituent power. A history*, forthcoming with CUP, offers a history of the language of constituent power in relation to ideas of national, popular and parliamentary sovereignty. Her research has appeared or will appear in *European Journal of Political Theory*, *History of European Ideas*, *The Review of Politics* and *History of Political Thought*.

## **The paper:**

This paper is the third chapter of a book manuscript, titled *Constituent power. A history*. The book mainly focuses on how Sieyes' first theorisation of *pouvoir constituant* has been used and misused by subsequent theorists, among whom Carl Schmitt, legal scholars in the '50s and '60s and Hannah Arendt. In this chapter, I argue that Carl Schmitt theorised constituent power as the democratic embodiment of sovereignty. Schmitt's collapse of constituent power and sovereignty is well known, but I suggest that he did not simply take the two ideas to be interchangeable. Rather, he aimed to introduce a meaning for popular power that could be consistent with his definition of sovereignty as the power to decide on the exception. This was not provided by ideas of national and parliamentary sovereignty. The latter gave birth to liberal parliamentarianism, which he accused of dissolving the essence of sovereignty; the former encouraged direct and local democracy, which prevented the prompt expression of the sovereign will. By contrast, Schmitt found in Sieyes' idea of constituent power a way to associate the extra-ordinary character of his account of sovereignty to the democratic principle of popular power. He thus presented constituent power as the meaning of sovereignty in democratic states. On his interpretation of Sieyes' theory, constituent power belonged to the nation but, to be exercised, needed to be represented by a unitary figure, approved through plebiscites, and able to embody the unity of the nation acting as a unitary instance of decision: the sovereign dictator. The result is a complete reversal of Sieyes' theory.