HANS KELSEN ON CONSTITUTIONAL DEMOCRACY

This volume challenges conventional interpretations by demonstrating that Hans Kelsen was far from being a purely formalist thinker. Instead, it highlights his profound and enduring engagement with the threats facing constitutional democracies. The political and institutional upheavals of interwar Europe significantly influenced Kelsen's evolving vision of democracy, as this volume shows. His contributions to twentieth-century democratic theory include groundbreaking insights into multiparty systems, mechanisms of moderation, minority protections, and judicial review. Furthermore, Kelsen's reflections on the crises and collapses of democracies during the 1930s remain strikingly relevant, offering valuable perspectives on contemporary challenges such as polarisation and populism. This title is also available as Open Access on Cambridge Core.

SANDRINE BAUME is a full professor at the University of Lausanne. Her research lies at the crossroads of democratic theory and the history of political thought. She has particularly concentrated on institutions (such as constitutional courts), key actors (like political parties), principles (including transparency and democratic self-defence), and practices (such as compromise). Her deep knowledge of legal scholars from the Weimar Republic has played a pivotal role in shaping her reflections and publications.

DAVID RAGAZZONI is a tenure-track assistant professor in Liberal Democratic Theory at the Political Science Department of the University of Toronto. Previously, he was a postdoctoral research fellow at New York University School of Law and a lecturer at Columbia University, where he completed his PhD. His work sits at the intersection of democratic theory and the history of political and legal ideas, with a focus on historical and contemporary debates on political parties, leaders, and representative institutions.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 17 Nov 2026 at 19:33:47, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009230360

CAMBRIDGE STUDIES IN CONSTITUTIONAL LAW

The aim of this series is to produce leading monographs in constitutional law. All areas of constitutional law and public law fall within the ambit of the series, including human rights and civil liberties law, administrative law, as well as constitutional theory and the history of constitutional law. A wide variety of scholarly approaches is encouraged, with the governing criterion being simply that the work is of interest to an international audience. Thus, works concerned with only one jurisdiction will be included in the series as appropriate, while, at the same time, the series will include works which are explicitly comparative or theoretical – or both. The series editors likewise welcome proposals that work at the intersection of constitutional and international law or that seek to bridge the gaps between civil law systems, the US, and the common law jurisdictions of the Commonwealth.

Series Editors

David Dyzenhaus

Professor of Law and Philosophy, University of Toronto, Canada

Thomas Poole

Professor of Law, London School of Economics and Political Science

Books in the series

Hans Kelsen on Constitutional Democracy: Genesis, Theory, Legacies
Sandrine Baume and David Ragazzoni

Alter-Native Constitutionalism: Common-ing 'Common' Law, Transforming Property in South Africa
Sindiso Mnisi

The Failures of Others: Justifying Institutional Expansion in Comparative Public and International Law
Michaela Hailbronner

Constitutionalizing the Private Sphere: A Comparative Inquiry
Christina R. Bambrick

Beyond Expropriation Without Compensation: Law, Land Reform and Redistributive Justice in South Africa

Olaf Zenker, Cherryl Walker and Zsa-Zsa Boggenpoel

Trust, Courts and Social Rights: A Trust-Based Framework for Social Rights Enforcement
David Vitale

The Collaborative Constitution
Aileen Kavanagh

Non-Statutory Executive Powers and Judicial Review
Jason Grant Allen

The Law as a Conversation among Equals
Roberto Gargarella

For a complete list of titles in this series, please visit the Cambridge University Press online bookstore.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 17 Nov 2026 at 19:33:47, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009230360

HANS KELSEN ON CONSTITUTIONAL DEMOCRACY

Genesis, Theory, Legacies

Edited by

SANDRINE BAUME

University of Lausanne

DAVID RAGAZZONI

University of Toronto

CAMBRIDGE UNIVERSITY PRESS

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 17 Nov 2026 at 19:33:47, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009230360



Shaftesbury Road, Cambridge CB2 8EA, United Kingdom

One Liberty Plaza, 20th Floor, New York, NY 10006, USA

477 Williamstown Road, Port Melbourne, VIC 3207, Australia

314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre, New Delhi – 110025, India

103 Penang Road, #05–06/07, Visioncrest Commercial, Singapore 238467

Cambridge University Press is part of Cambridge University Press & Assessment, a department of the University of Cambridge.

We share the University's mission to contribute to society through the pursuit of education, learning and research at the highest international levels of excellence.

www.cambridge.org
Information on this title: www.cambridge.org/9781009230377

DOI: 10.1017/9781009230360

© Cambridge University Press 2026

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, with the exception of the Creative Commons version the link for which is provided below, no reproduction of any part may take place without the written permission of Cambridge University Press & Assessment.

An online version of this work is published at doi.org/10.1017/9781009230360 under a Creative Commons Open Access license CC-BY-NC 4.0 which permits re-use, distribution and reproduction in any medium for non-commercial purposes providing appropriate credit to the original work is given and any changes made are indicated. To view a copy of this license visit https://creativecommons.org/licenses/by-nc/4.0

When citing this work, please include a reference to the DOI 10.1017/9781009230360

First published 2026

Cover image: Hans Kelsen in Berkeley, 1965. Provided by and used with permission of Anne Feder Lee, Ph.D., granddaughter of Hans Kelsen.

A catalogue record for this publication is available from the British Library

A Cataloging-in-Publication data record for this book is available from the Library of Congress

ISBN 978-1-009-23037-7 Hardback

Cambridge University Press & Assessment has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.

For EU product safety concerns, contact us at Calle de José Abascal, 56, 1°, 28003 Madrid, Spain, or email eugpsr@cambridge.org

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 17 Nov 2026 at 19:33:47, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009230360