

Chapitre 3

Questions contemporaines (20^{ème}-21^{ème} siècle)

1. Carl Schmitt



Il écrit durant l'entre-deux-guerres dans un contexte de chute de la monarchie, et de la défaite de l'Allemagne qui est en difficulté économique.

Pour les conservateurs comme Schmitt, la République de Weimar apparaît comme la décomposition de l'État. Son obsession est de refonder la grandeur de l'État.

Il va donc publier entre 1919 et 1933 ses livres les + connus et surtout 2 en particulier (*Théorie de la Constitution* & *La notion de politique*).

Il y dépeint une contradiction entre les principes libéraux et l'affirmation du politique. Il estime que le libéralisme évacue la dimension politique de l'État moderne.

→ Il fait donc la distinction entre la démocratie pratique et l'État moderne. Ses thèses vont ensuite croiser l'idéologie nazie.

Schmitt est un théoricien malgré qu'il ait été nazi (Moreau). La pensée de Schmitt est mobilisée aujourd'hui par la gauche lorsque l'on parle de la crise de la politique.

1.1 La détermination du politique :

1.1.1 Politique et étatique :

« Le concept d'état présuppose celui de politique ».

⇒ Pour Schmitt confond politique et étatique. Il peut y avoir du politique en dehors de l'État puisque l'État est une construction historique alors que le politique est indispensable à la vie société pour s'organiser.

« Le politique n'a pas de substance propre ».

⇒ Le politique n'a pas de contenu car tout est susceptible de devenir politique en fonction de l'intensité des rapports humains.

1.1.2 La distinction ami/ennemi :

Dans la sphère du politique, il faut faire la distinction entre l'ami et l'ennemi. L'ennemi est celui avec qui on est susceptible de rentrer en conflit parce qu'il menace mon existence.

Le conflit est inscrit dans la nature humaine (*pessimisme anthropologique*). Un domaine est politique s'il approche la distinction entre l'ami et l'ennemi.

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Strickler Yves Strickler



L'arbitrage Questions Contemporaines:

L'arbitrage Strickler Yves Strickler, 2016 **L'arbitrage** Yves Strickler, 2012-07-01 L'arbitrage mode alternatif de règlement des litiges d'habitude et fascine. Il propose le traitement d'un litige en dehors du recours aux tribunaux étatiques. Il s'agit donc d'un autre mode de justice et de droit. Il n'en est pas moins un mode conventionnel de règlement juridictionnel d'un litige. Cet ouvrage pose les principes de base de l'arbitrage et analyse les questions contemporaines qui le traversent. En annexe: Les Règlements de la Cour européenne d'arbitrage en anglais L'arbitrage international Ferdinand Dreyfus, 1892

Destination Sciences Po Questions contemporaines 2022 Grégory Bozonnet, Pascal Bernard, Nicolas Dewerd, Alexandre Freu, Jules Vidal, 2021-10-13 Le manuel de référence La méthodologie de la dissertation Le cours complet sur les deux thèmes Une approche multidisciplinaire histoire sociologie droit relations internationales sciences politiques sciences humaines 6 sujets corrigés 100 auteurs clés et 20 citations 20 exemples de dissertations Préparez-vous la preuve de questions contemporaines IEP d'Aix en Provence IEP de Lille IEP de Lyon IEP de Rennes IEP de Saint Germain en Laye IEP de Strasbourg IEP de Toulouse *The Three Ages of International Commercial Arbitration* Mikaël Schinazi, 2021-12-16 Drawing on a wide range of previously unpublished sources this unique history of international commercial arbitration in the modern era identifies three periods in its development the Age of Aspirations c 1780 1920 the Age of Institutionalization 1920s 1950s and the Age of Autonomy 1950s present Mikaël Schinazi analyzes the key features of each period arguing that the history of international commercial arbitration has oscillated between moments of renewal and anxiety During periods of renewal new approaches instruments and institutions were developed to carry international commercial arbitration forward These developments were then reined in during periods of anxiety for fear that international arbitration might be overstepping its bounds The resulting tension between renewal and anxiety is a key thread running through the evolution of international commercial arbitration This book fills a key gap in the scholarship for anyone interested in the fields of international arbitration legal history and international law Sports Law in France Jean-Michel Marmayou, 2019-04-16 Derived from the renowned multi volume International Encyclopaedia of Laws this practical analysis of sports law in France deals with the regulation of sports activity by both public authorities and private sports organizations The growing internationalization of sports inevitably increases the weight of global regulation yet each country maintains its own distinct regime of sports law and its own national and local sports organizations Sports law at a national or organizational level thus gains a growing relevance in comparative law The book describes and discusses both state created rules and autonomous self regulation regarding the variety of economic social commercial cultural and political aspects of sports activities Self regulation manifests itself in the form of by laws and encompasses organizational provisions disciplinary rules and rules of play However the trend towards more professionalism in sports and the growing economic social and cultural relevance of sports have prompted an increasing reliance on legal rules adopted by public authorities This form of

regulation appears in a variety of legal areas including criminal law labour law commercial law tax law competition law and tort law and may vary following a particular type or sector of sport It is in this dual and overlapping context that such much publicized aspects as doping sponsoring and media and responsibility for injuries are legally measured This monograph fills a gap in the legal literature by giving academics practitioners sports organizations and policy makers access to sports law at this specific level Lawyers representing parties with interests in France will welcome this very useful guide and academics and researchers will appreciate its value in the study of comparative sports law

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Le règlement des litiges commerciaux en Afrique de l'ouest Mandiou Traoré,2023-07-20 L organisation du r glement des litiges commerciaux en Afrique de l Ouest notamment dans les tats parties au Trait OHADA est marqu e la fois par l intervention des juridictions nationales d instance et d appel et de la Cour commune de justice et d arbitrage Les maux qui gangr nent la justice en Afrique sont multiformes le manque d infrastructures ad quates doubl de la corruption en milieu judiciaire ternissent l image de celle ci Au regard de ces constats et en vue de cr er un environnement favorable au climat des affaires cet ouvrage invite recourir d autres m canismes de r glement des litiges notamment l arbitrage et la m diation

French International Arbitration Law Reports: 1963-2007 Thomas Clay,Philippe Pinsolle,Thomas Voisin,2014-04-01 The French law of international arbitration has a beginning 1963 and a culminating point 2007 but fortunately it does not have an ending Indeed it does not cease to evolve to improve to perfect itself Thus it invites one to carefully observe it But before undertaking this careful observation by annually identifying the most important decisions as this collection has been doing since 2008 it is important to recall the origins of French law on international arbitration how it was built and in so doing predict where it is heading Looking into the past to anticipate the future that is also the interest of a book like the present one This selection necessarily subjective is also shaped by the advantages that a retrospective look offers The benefit of hindsight allows one to confidently distinguish between the

decisions that deserve mention and those which did not make it into history Only the former are printed in the following pages but all of such decisions are included Conversely all decisions from 2008 onwards will be methodically published in the annual reports of this collection of which two editions have already been released for the years 2008 and 2009 Aimed for practitioners and academics alike the knowledge of French case law is indispensable to understanding international arbitration and its important influence around the world

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