

Summary

Vermittlungsprobleme zwischen Demokratie und Rechtsstaat

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It is hardly denied nowadays that democracy and the rule of law are closely related. However, the perceptions of the rule of law differ and their relationship to democracy varies. The article outlines the debate regarding formal and material conceptions of the rule of law as well as the constitutional state. The line of argument is structured according to the different viewpoints as well as mediating positions in the constitutionalism debate. On these grounds the article concludes with an answer to the question as to what extent democracy is able to maintain itself procedurally and in how far it has to be restricted by the rule of law.