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## Kelsen [photocopie].

**Auteur : Foucault, Michel**

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and those of the legal right and the legal duty on the other, in French and German jurisprudence presented as a contrast between law in an objective and law in a subjective sense; and, last but not least, as regards the relationship between law and State.

Austin shares the traditional opinion according to which law and State are two different entities, although he does not go so far as most legal theorists who present the State as the creator of the law, as the power and moral authority behind the law, as the god of the world of law. The pure theory of law shows the true meaning of these figurative expressions. It shows that the State as a social order must necessarily be identical with the law or, at least, with a specific, a relatively centralized legal order, that is, the national legal order in contradistinction to the international, highly decentralized, legal order. Just as the pure theory of law eliminates the dualism of law and justice and the dualism of objective and subjective law, so it abolishes the dualism of law and State. By so doing it establishes a theory of the State as an intrinsic part of the theory of law and postulates a unity of national and international law within a legal system comprising all the positive legal orders.

The pure theory of law is a monistic theory. It shows that the State imagined as a personal being is, at best, nothing but the personification of the national legal order, and more frequently merely a hypostatization of certain moral-political postulates. By abolishing this dualism through dissolving the hypostatization usually connected with the ambiguous term "State," the pure theory of law discloses the political ideologies within the traditional jurisprudence.

It is precisely by its anti-ideological character that the pure theory of law proves itself a true science of law. Science as cognition has always the immanent tendency to unveil its object. But political ideology veils reality either by transfiguring reality in order to conserve and defend it, or by disfiguring reality in order to attack, to destroy, or to replace it by another reality. Every political ideology has its root in volition, not in cognition; in the emotional, not in the rational, element of our consciousness; it arises from certain interests, or, rather, from interests other than the interest in truth. This remark, of course, does not imply any assertion regarding the value of the other interests. There is no possibility of deciding rationally between opposite values. It is precisely from this situation that a really tragic conflict arises: the conflict between the fundamental principle of science, Truth, and the supreme ideal of politics, Justice.

The political authority creating the law and, therefore, wishing to conserve it, may doubt whether a purely scientific cognition of its products, free from any political ideology, is desirable. Similarly, the forces



