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Keller

PREFACE

THE PRESENT BOOK is intended to reformulate rather than merely to republish thoughts and ideas previously expressed in German and in French.* The aim has been a double one: first, to present the essential elements of what the author has come to call the "pure theory of law" in such a way as to bring it near to readers who have grown up in the traditions and atmosphere of the Common Law; secondly, to give to that theory such a formulation as to enable it to embrace the problems and institutions of English and American law as well as those of the Civil Law countries, for which it was formulated originally. It is hoped that this reformulation may have resulted in an improvement.

The theory which will be expounded in the main part of this book is a general theory of positive law. Positive law is always the law of a definite community: the law of the United States, the law of France, Mexican law, international law. To attain a scientific exposition of those particular legal orders constituting the corresponding legal communities is the design of the general theory of law here set forth. This theory, resulting from a comparative analysis of the different positive legal orders, furnishes the fundamental concepts by which the positive law of a definite legal community can be described. The subject matter of a general theory of law is the legal norms, their elements, their interrelation, the legal order as a whole, its structure, the relationship between different legal orders, and, finally, the unity of the law in the plurality of positive legal orders.

Since the aim of this general theory of law is to enable the jurist concerned with a particular legal order, the lawyer, the judge, the legislator, or the law-teacher, to understand and to describe as exactly as possible his own positive law, such a theory has to derive its concepts exclusively from the contents of positive legal norms. It must not be influenced by the motives or intentions of lawmaking authorities or by the wishes or interests of individuals with respect to the formation of the law to which they are subject, except in so far as these motives and intentions, these wishes and interests, are manifested in the material produced by the lawmaking process. What cannot be found in the contents of positive legal norms cannot enter a legal concept. The general

* ALLGEMEINE STAATSLERE (1925); THÉORIE GÉNÉRALE DU DROIT INTERNATIONAL PUBLIC (1928); REINE RECHTSLEHRE (1934). As to other publications, see the List of Publications at the end of this book.

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APPENDIX

The first of the two main parts of the book is devoted to a study of the history of the French language. The second part is devoted to a study of the French language in the present day. The first part is divided into two main sections. The first section is devoted to a study of the history of the French language from the beginning of the 17th century to the present day. The second section is devoted to a study of the French language in the present day. The second part is divided into two main sections. The first section is devoted to a study of the French language in the present day. The second section is devoted to a study of the French language in the present day.