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PREFACE

xvii

tending to destroy the present order and to replace it by another one believed to be better will not have much use for such a cognition of law either. But a science of law cares neither for the one nor for the other. Such a science the pure theory of law wishes to be.

The postulate of complete separation of jurisprudence from politics cannot sincerely be questioned if there is to be anything like a science of law. Doubtful only is the degree to which the separation is realizable in this field. A marked difference does indeed exist in this very feature between natural and social science. Of course, no one would maintain that natural science runs no danger at all of attempts by political interests to influence it. History demonstrates the contrary, and shows clearly enough that a world power has sometimes felt itself threatened by the truth concerning the course of the stars. But the fact that in the past natural science had been able to achieve its complete independence from politics is due to the powerful social interest in this victory: the interest in that advance of technique which only a free science can guarantee. But social theory leads to no such direct advantage afforded by social technique as physics and chemistry produce on the acquisition of engineering knowledge and medical therapy. In social and especially in legal science, there is still no influence to counteract the overwhelming interest that those residing in power, as well as those craving for power, have in a theory pleasing to their wishes, that is, in a political ideology.

This is especially true in our time, which indeed "is out of joint," when the foundations of social life have been shaken to the depths by two World Wars. The ideal of an objective science of law and State, free from all political ideologies, has a better chance for recognition in a period of social equilibrium.

It seems, therefore, that a pure theory of law is untimely today, when in great and important countries, under the rule of party dictatorship, some of the most prominent representatives of jurisprudence know no higher task than to serve—with their "science"—the political power of the moment. If the author, nevertheless, ventures to publish this general theory of law and State, it is with the belief that in the Anglo-American world, where freedom of science continues to be respected and where political power is better stabilized than elsewhere, ideas are in greater esteem than power; and also with the hope that even on the European continent, after its liberation from political tyranny, the younger generation will be won over to the ideal of an independent science of law; for the fruit of such a science can never be lost.

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