TRANSLATOR'S PREFACE

The present work is a translation of the second German edition of Hans Kelsen's *Reine Rechtslehre*, published in 1960, a completely revised version of the first edition, published in 1934. In the first edition Kelsen confined himself to formulate the characteristic results of his Pure Theory of Law. In the second edition he attempts to solve the fundamental problems of a general theory of law according to the principles of methodological purity of jurisprudential cognition and to determine to a greater extent than before the position of the science of law in the system of the sciences.

It stands to reason that a theory whose first draft was contained in Kelsen's *Hauptprobleme der Staatsrechtslehre*, published in 1911, does not remain entirely unchanged during such a long time. Some changes were incorporated earlier—in Kelsen's *General Theory of Law and State* (Cambridge, Mass., 1945) and in the French translation of the first edition by Professor Henri Thevenaz, *Théorie Pure du Droit* (Paris, 1953). In the present work, the most important changes are pointed out in the footnotes, usually changes pertaining to a more rigorous exposition of principles—to the results of a development originating from tendencies that are immanent in a theory which, in itself, has remained essentially unchanged. (Many polemical footnotes, however, were omitted in this translation.)

With the diversity of the contents of positive legal orders increasing, a general theory of law is in danger of missing some legal phenomena among its fundamental legal concepts; some of these concepts may turn out to be too narrow, others too wide. Kelsen is much aware of this danger and has stressed that he welcomes constructive criticism. He regards even the present edition

not as the final word but as an enterprise that would benefit by continued additions, refinements, or improvements in general.

This translation, carefully checked by the author, represents a compromise between a contents-conscious author and a form-conscious translator. Kelsen's immense experience with misinterpretations of his works as a result of "elegant" translations had to be the deciding factor when seemingly repetitious or Germanic-sounding passages, expunged from or rephrased in an earlier draft of the translation as too literally mirroring the original, were restored. In view of the detailed Contents page an index was dispensed with.

A personal note may be permitted. It was my good fortune to study under Professor Kelsen both at the University of Vienna and at the University of California. My admiration for the scope, integrity, and consistency of his theory has been matched only by my respect for his humanity and modesty, and my affection for the man himself. The long working association with him provided me with my most rewarding intellectual experience.

I would like to express my appreciation to Professor Albert Ehrenzweig of the University of California Law School in Berkeley whose initiative made this work possible, and whose good offices secured the sponsorship of the Institute of Social Sciences and of the Law School's Committee for International Legal Studies.

Max Knight