This analysis of Hans Kelsen’s international law theory takes into account the context of the German international legal discourse in the first half of the twentieth century, including the reactions of Carl Schmitt and other Weimar opponents of Kelsen. The relationship between his Pure Theory of Law and his international law writings is examined, enabling the reader to understand how Kelsen tried to square his own liberal cosmopolitan project with his methodological convictions as laid out in his Pure Theory of Law. Finally, Jochen von Bernstorff discusses the limits and continuing relevance of Kelsenian formalism for international law under the term of “reflexive formalism,” and offers a reflection on Kelsen’s theory of international law against the background of current debates over constitutionalization, institutionalization, and fragmentation of international law. The book also includes biographical sketches of Hans Kelsen and his main students Alfred Verdross and Joseph L. Kunz.

Jochen von Bernstorff is a senior fellow of the Max Planck Institute for Comparative Public Law and International Law in Heidelberg and a lecturer at the University of Frankfurt. As a legal adviser in the UN Department of the German Federal Foreign Office, he was a member of the German delegation at the Commission on Human Rights in Geneva in 2004 and 2005 and the UN Human Rights Council in 2006, as well as a member of the German delegation at the UN General Assembly in 2003, 2004 and 2005 in New York.
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Believing in Universal Law

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and
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This book was originally published as Der Glaube an das universale Recht: Zur Völkerrechtstheorie Hans Kelsens und seiner Schüler (Baden-Baden: Nomos, 2001).

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This book first appeared in 2001 in Germany. It is based on my doctoral thesis written at the Max-Planck-Institute for European Legal History in Frankfurt between 1997 and 2000 in the context of a broader research project of the German Research Foundation on the history of international law and international legal scholarship in Germany in the first half of the twentieth century. As gratefully acknowledged in the German edition, many people helped me along the way, but my greatest debt is to Prof. Dr. Dr. h.c. Michael Stolleis, the director of the Max-Planck-Institute in Frankfurt and initiator of the research project, and to Prof. Dr. Eibe Riedel, who inspired, encouraged, and actively supported my work on Kelsen’s international law theory.

I can now take great pleasure in the appearance of the expanded English version of the book. I have resisted the temptation to rewrite parts of the book. Instead, I have added a postscript that reflects on the potential and limitations of Kelsenian formalism in the context of recent general debates in international law. I am indebted, first and foremost, to the director of the Max-Planck-Institute for Comparative Public Law and International Law in Heidelberg, Prof. Dr. Armin von Bogdandy, for his enthusiasm, intellectual inspiration, and active support regarding the idea and execution not only of this project. My gratitude extends to Prof. Dr. Dr. h.c. Rüdiger Wolfrum, the co-director of the Institute, and to the Max-Planck-Society for very generously supporting the translation of the book.

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