

INDEX

- absolute rulers, 224
- abstract determination, 99, 132
- abstraction, 18, 70, 72, 134, 189–190, 192–193, 221–222, 224
- abstractness, 139, 213
- accidents, 175, 180, 205, 231
 - external, 205, 222
- addressees, 34, 66, 97, 113–115, 209
- adjudication, 4–7, 11, 14, 28, 32, 51, 53, 105–107, 136
- administration, 51, 208–209, 226
- admiration, 170, 215, 221, 225
- aesthetics, 107, 168
- Ahrens, Heinrich, 147
- ambiguities, 8, 123, 140, 181
- analogy, 5, 55–56, 68, 72, 143, 144, 146, 148, 196
- antecedents, 17, 24, 27, 196
- antitheses, 128–129, 174, 177, 179, 186, 204, 207, 210, 218
- applicability, legitimate, 28, 32–33
- application of statute, 5, 210
- appropriateness, 79, 85
- arbitrariness, 42, 85, 122, 193, 209, 230, 231
- art of logic, 120
- aspirations, 59, 79, 84, 87, 99, 119, 122, 167, 171
- assessments, 18, 49, 62, 132, 174
- authoritativeness, 18, 21, 23
- authority, 15–17, 30, 166, 167, 172, 175–176, 193, 200–201, 225
 - legislative, 30, 64, 70, 83, 119
 - political, 24, 34
 - sovereign, 24–25, 26
- autonomous ethics, 171
- autonomy, 82, 107, 177, 204–206, 220, 228
- bail, 142–143, 144, 146
- Bentham, Jeremy, 14, 96–99, 118, 119
- Berolzheimer, Fritz, 62, 110
- bills of exchange, 130, 133
- biological categories, 203, 229, 231
- boundaries, 74, 133, 186, 221
 - factual, 187
- Bozi, Alfred, 148
- Brinz, Alois von, 77–78
- calculability, 8, 25, 122, 137, 167, 195
- canon law, 192, 213, 215
- Catholic Church, 16, 214–215, 224, 229
- Catholic doctrine, 16, 215
- causal explanations, 48, 85, 181, 189
- causal-psychological explanations, 60
- charisma, 229
- choice, 26–27, 32, 49, 85, 96, 123, 200, 202
 - sovereign, 25–26, 29
- citizens, 23, 79, 97, 208
- civil law, 73, 121, 149, 229
- civil servants, 77, 197, 207, 218, 222
- clarity, methodological, 44, 56, 127–129, 153, 224
- classification, 149–150, 212
- closure, 55, 184, 196, 213
- codifications, 109, 118, 121, 167
- coercion, 19–21, 199–202, 205, 207, 211, 213, 218, 228
- coerciveness, 201, 207
- Cohen, Hermann, 171–172, 202
- collectivity, 182, 231
- collegial courts, 104
- collegiality, 10, 103–107, 113
- commands, 6–7, 71–72, 81, 91, 124, 132, 138, 194, 198
- commingling of law and ethics, 206, 212

- common sense, healthy, 60, 114
- competence, 30, 71, 122, 145–146, 207–208, 215
 - of jury courts, 143, 145
- Concept of the Political*, 2
- conceptual continuity, 198–199
- concrete cases/decisions, 5, 6, 70, 76, 79–80, 92, 95, 98, 213–214
- concrete content, 64–65, 169, 201, 205, 213
- concrete humans/persons, 121, 185, 222, 224, 229
- concrete order, 29, 32–33, 42
- concrete state, 190, 193, 198–199, 225
- concretization, 9, 14, 25, 27, 47, 213
- conditions, external, 20, 171, 186, 205, 207
- conformity to statute, 7, 50–51, 62–64, 77–84, 93–94, 102–103, 117, 136, 140
- confusion, 17, 125–126, 186, 191, 206, 207, 220, 222, 230
- consciousness, 181, 203, 205, 210, 230
 - false, 5, 8
 - legal, 38, 139
- consistency, 91, 157, 175, 182, 187, 203
- constituent power, 1, 26–27, 30–34
- constitutional law, 26, 30–31
 - Constitutional Theory*, 2, 26, 30
- constitutions, 26, 28, 29, 32, 34, 42, 124, 145
 - positive, 26–27, 30–31
- construction, 55–56, 71, 76, 91, 98–99, 114, 197, 223, 225
 - juristic, 91, 123, 196, 197, 230
- contemporary legal practice, 10, 48, 64, 94, 96, 103–105, 107, 108
- content
 - concrete, 64–65, 169, 201, 205, 213
 - manifest, 7, 52, 53, 72, 75, 81, 209
 - stable, 74, 77
 - of statutes, 52–53, 78, 84, 116, 129
- continuity, 24, 191, 194, 198, 209, 218
 - conceptual, 198–199
- contract, 134, 231
 - theory, 231
- control, 23, 215
 - de facto, 18, 23
- de facto, 18, 23
- effective coercive, 17
- large-scale social, 18
- corporeality, 215
- correct decisions, 8, 69, 71, 77–78, 90, 92, 99, 101, 103–141
- correct interpretation, 13, 69
- correct law, 116, 204
- correct thinking, 206, 219
- correctness, 47–49, 50–51, 61–64, 69–72, 96, 99–101, 115–117, 120–129, 134–141
- absolute, 115
- criterion, 72–74, 78–80, 81, 93, 96, 97, 124, 125, 129
 - of decision, 7, 8–9, 10, 54, 63, 70, 107, 136–137, 140
- of interpretation, 13, 63, 69–70
 - timeless, 47, 214
- courts, 3, 28, 33, 51, 113, 122, 147, 151–152, 208
 - appellate, 51, 113, 145
 - collegial, 104
 - higher, 10, 107
 - highest, 103, 107–108, 141
 - jury, 143, 145–146
- crimes, 85, 142–146, 184
 - political, 143–146
 - prosecution, 146
- criminal law, 54, 133, 142, 144, 146, 149
- criminal procedure, 142–143
- criminals, 20, 187, 211–212
- cultural ideal, 62, 79, 111
- cultural norms, 78, 111, 116, 124, 140
- culture, 102, 116, 166–167, 173, 232
 - ethical, 205
- customary law, 87, 117, 135
- customs, 11, 12
 - established, 11, 14
- daimonion*, 149
- Däubler, Theodor, 165, 184, 217, 222
- de facto control, 18, 23
- de facto power, 16–17, 21
- decisions
 - correct, 8, 69, 71, 77–78, 90, 92, 99, 101, 103–141
 - correctness, 54, 63, 70, 80, 96, 115, 123, 136–137

- judicial *See* judicial decisions
- legal, 8, 11, 15, 35–36
- legislative, 26, 152
- reasons of decision, 103, 112, 123
- sovereign, 16, 24, 26, 32, 34, 213
 - statutory, 117, 137
- decision-takers, 3, 5, 13
- decisiveness, 70, 135
- deference, 10, 17
- degradation, 118, 210, 218, 222
- deliberations, 68, 104–105, 128, 131
- delicts, 84, 142–143
- délits*, 143, 144, 146
- democracy, 1, 29
- dependence, 48, 101, 210, 213
- determinacy *See* legal determinacy
- Dictatorship*, 2, 24, 29, 42
- dignity, 22–23, 193, 198, 205, 210, 218, 222, 224–225, 232
- disciplinary police, matters of, 143–144, 146
- discretion, 3, 91, 109, 141
- disorder, 32, 97
- distrust, 215–216
- diversity, 35, 114
- doctors, 93, 149–150
- dogmas, 67, 228
- dominant opinion, 70, 109, 165, 196–197
- dominant value judgments, 84, 99
- drafters, 65, 112, 120–121, 151
- dualism, 114, 177, 211, 212, 215, 222
- durability, historical, 224
- duties, 4, 7, 8, 97, 170, 200–202, 218, 227, 230
- educated laypersons, 113, 114
- effectiveness, 44, 48, 77, 120–122, 124, 207
- egoism, 180, 182, 217, 223
- Ehrlich, Eugen, 139, 147–149
- empirical facts, 148, 182, 220
- empirical individuality, 168, 209, 231
- empirical states, 23, 196, 198, 225
- empirical types, 10, 80, 103, 108–111, 139, 166, 221
- empirical world, 15–16, 17, 19, 22, 186, 197, 199, 201, 210–211
- enemies, 27, 33–35, 107, 214
- enforceability, 187, 199, 201, 207, 211, 212, 213
- entitlements, 104, 218, 222
- equality, 20, 56, 100, 117, 166, 187, 209
- equity, 43, 135, 137, 212
- errors, 59, 109, 119–121, 125–126, 140, 157, 168, 227, 231
 - logical, 117, 227
- ethical values, 183, 205
- ethics, 80, 171, 172, 187–188, 199–201, 204–205, 212, 215, 228
 - autonomous, 171
 - Kantian, 205, 220
- evaluation, 61, 111–112, 125, 134, 167, 168, 178–179, 180, 182
 - legal, 51, 184, 186
- events, 48, 116, 175, 179, 181, 184
 - historical, 170, 174, 189
- everyday life, 50, 174
- exact natural sciences, 148, 167
- exegesis, 55, 62, 71, 73, 92, 94–95, 97, 101, 121–122
 - methods, 54–55, 92, 119–120
 - scientific, 73, 95
- expediency, 84, 193, 212
- experience, 25, 125, 174, 181, 186, 201, 220
- expectation*, 97–99
- external accidents, 205, 222
- external conditions, 20, 171, 186, 205, 207
- external world, 197, 230
- externality, 203, 204, 205
- extra-legal powers, 33, 35
- extra-positive norms, 124, 137
- factors of legislation, 65, 151–152
- facts
 - empirical, 148, 182, 220
 - psychological, 175, 203
 - sociological, 21
- factual power, 179, 194, 199, 200
- factual relations, 168, 202
- factual significance, 96, 134
- factual success, 120, 122, 200
- factual superiority, 175, 180
- factual validity, 122, 131

- factuality, 177–178, 187, 189, 195, 197, 209, 217, 230, 232
- Feuerbach, Ludwig, 171, 206
- Fichte, Johann Gottlieb, 170, 206, 215, 220
- ictions, 52, 67–68, 71, 74, 76, 80–81, 138, 209, 228–230
- force, 18, 21, 132, 134–135, 139, 173, 178, 180, 216
- coercive, 218, 228
- legal, 8, 112, 199
- probative, 107, 176
- formal procedure, 144–145
- formalism, 3–4, 89–90
- formalities, 195, 198
- formulae, 103–104, 107–108, 115, 116, 123, 126, 135, 138–140, 226–227
- formulation, 5, 77, 118, 119, 184–186, 206, 213–214
- frameworks, 1, 29, 85
- Frank, Reinhard, 152
- free law, 5–8, 11–12, 124
- movement, 4–7, 11, 55, 58, 78, 84, 146–147, 149, 150–151
- norms, 116, 122, 124, 140, 147
- free religion movement, 150
- French practice, 143–144
- Fuchs, Ernst, 142, 149
- fulfillment, 201, 221, 225, 227–228, 232
- functionaries, 209, 218, 221–222
- functions, 15, 18, 65–66, 70, 122–123, 124, 196, 197, 221–223
- future state, 192
- gaps, 8, 11, 55–59, 62, 87, 116, 126, 184
- Gerechtigkeitsgefühl*, 38
- Gesetz* See also statute, 14, 17, 37–38, 123, 210, 215, 220, 222–225, 231
- Gesetz und Urteil*, 37, 156
- Gesetzlichkeit*, 193, 202, 204, 223
- Gesetzmäßigkeit*, 7, 225
- Gnaeus Flavius, 4, 150
- goals, 9, 12, 18, 77, 79, 152, 165, 190, 221
- God, 101, 178–179, 199, 206, 220, 225, 229
- personal, 167, 206
- good faith, 229
- government, 65, 84, 169, 215, 220
- gradualness, 172, 183
- grounding, 167, 177–178, 180, 183, 191, 193
- habits of intercourse, 9, 83–84
- harmony, 165, 170, 194, 204
- Hart, H. L. A., 3, 5
- Hegel, G.W.F., 58, 86, 214, 221, 233
- hermeneutics, 54, 58, 65, 142, 150
- heterogeneity, 77, 79, 107, 123, 153, 170, 187, 189
- heteronomy, 22, 107, 118, 166, 204–206
- historical development, 175, 228, 230
- historical durability, 224
- historical events, 170, 174, 189
- history, 65, 147, 151, 174, 179, 192, 198, 221, 228
- Hitler, Adolf, 30–32
- Hobbes, Thomas, 16, 21
- Hofmann, Hasso, 23
- homogeneity, 13, 27–29, 32–36
- human beings/humans, 104–105, 113–114, 176–177, 185, 186–187, 202–203, 215–217, 221–224, 225–226
- individual, 193, 197, 205, 206, 216, 221, 226, 227, 231
- human opinion, 177, 185
- hypocrisy, 61, 217
- ideal state, 190, 193, 222, 227
- ideals, 47, 50, 231
- cultural, 62, 79, 111
- Ihering, Rudolf von, 75, 147–148
- immediacy, 200, 232–233
- implementation, 32, 120, 143, 146, 177, 207, 212
- incompatibility, 77, 184, 205, 227
- inconsistencies, 28, 67, 186, 194, 231
- independence, 42, 51, 100, 196, 199, 208–210, 229
- indeterminacy, 3, 5–6, 68, 84
- indifference, 9, 85, 99, 101, 111, 129, 134, 213–214
- individual interests, 21–22, 182
- individual judges, 10–12, 80, 104, 106, 108, 126, 136

- individuality, 167–168, 171, 219, 226, 228
- empirical, 168, 209, 231
- individuals, 22–23, 182–183, 202, 204, 217–233
- induction, 49, 148–149
- infallibility, 215, 224
- inferences, 48, 68, 81, 117–118, 144, 148, 177
- infinite regress, 198, 227
- injustice, 187, 211–212, 221
- inquiry, 48, 65, 108, 132, 140, 148, 169, 171, 193
 - legal-philosophic, 169, 195, 221
 - methodological, 90, 112, 139–140
 - normative, 79–80, 91
- institutional jurisprudence, 33
- intellectual activity, 94, 125, 195
- intentions, 56, 120, 143, 145–146, 152
- intercourse, 9, 56, 79, 80–84, 113–114, 116, 137, 153
 - commercial, 152
 - legal, 43, 53, 76–77, 79, 88, 210
 - needs of, 123–124
- interests, 43–44, 47, 49, 56, 120, 169, 180–182, 212–214, 225–226
 - individual, 21–22, 182
 - juristic, 170, 229
- intermediate links, 60, 209, 216
- internal morality, 20, 205
- internality, 203, 204, 205
- interpretation, 66–67, 70–71, 76–78, 98–101, 118–119, 151–153, 195–196, 212–213, 219–220
 - correctness, 13, 63, 69–70
 - methods, 54, 69, 80, 119, 121, 129
 - rules, 91, 99
- interpreters, 5, 16, 60, 61, 66–67, 74, 121, 215
- investigation, 39, 43–48, 50, 90–91, 94, 141, 146, 189, 190
 - methodological, 107, 114, 122, 140–141
 - philosophic, 170, 195
- irrelevance, 101, 209, 220
- judges, 4–14, 49–51, 59–62, 76–81, 103–106, 108–109, 111–119, 122–130, 207–210
 - individual, 10–12, 80, 104, 106, 108, 126, 136
- judicial decisions, 8–9, 10–12, 14–15, 27–28, 48, 49, 54–55, 71–72, 100–105, 213
 - correctness, 47–51
 - predictability, 10, 14
- jurisprudence, 59, 80, 84, 89, 92–93, 99, 148–149, 150, 172
 - comparison with other sciences, 148–150
- juristic argumentation, 60, 123, 178
- juristic construction, 91, 123, 196, 197, 230
- juristic persons, 229–230
- jurists, 72, 113–114, 119, 148, 150, 171–172, 178, 184
 - trained, 4, 11, 103
- jury courts, 143, 145–146
- jus divinum*, 212, 215, 229
- jus respondendi*, 122, 147
- justice, 75, 77, 87–89, 96–97, 99, 102, 106, 108, 207–208
 - ideal of, 87–90, 115
 - sense of, 56, 60, 61–62, 85–87, 105–106, 114, 115–117, 123–124, 125
- justifiability, 76, 79
- juxtaposition, 126, 129, 175, 182, 189, 197, 204, 208, 211
- Kant, Immanuel, 21–22, 171, 178, 190, 200–202, 220, 226, 227
- Kantian ethics, 205, 220
- Kantorowicz, Hermann Ulrich, 4–8, 12, 150, 172
- Kelsen, Hans, 20–21, 28, 212
- kinship, 193–194, 228
- Kirchenrecht* *See* canon law
- Kirchmann, J.H. von, 89, 142, 149
- knowledge, 56, 60, 121, 125, 168, 172, 187, 190, 207–208
- Kuntze, J.E., 122, 147

- language, 15, 35–37, 64, 118, 121, 145, 172, 190–191
natural, 3, 5
- law
and ethics, 200
legitimacy of, 24, 34–36, 228
and morality, 20–21, 201, 202, 204, 206
and power, 174–188
and state, 189–216
See also Introductory Note
lawfulness, 78, 175, 187, 204, 223, 225
lawgiving, 22, 200, 202
lawless space, 78, 186
laypersons, educated, 113, 114
legal concepts, 57, 91, 93, 95, 148, 172
legal decisions, 8, 11, 15, 35–36
legal determinacy, 8–14, 27–28, 33–36, 83–105, 117–119, 121–124, 132–139
complete, 9, 36
legal evaluation, 51, 184, 186
legal force, 8, 112, 199
legal intercourse, 43, 53, 76–77, 79, 88, 210
legal life, 96, 103, 116, 122, 139, 197, 202, 207–208, 228–229
legal norms, 37–38, 69–70, 86, 92, 101, 196, 199, 201, 207
legal officials, 5, 8, 10, 12, 14
legal order, legitimate, 34, 35
legal philosophy, 24, 170, 172, 174, 192, 202, 216, 220
legal practice, 8–13, 33, 39–47, 48–49, 80–82, 92–94, 104–105, 106–107, 137–138
contemporary, 10, 48, 64, 94, 96, 103–105, 107, 108
conventions, 11
modern, 13, 47, 48–49, 103
phenomena, 93, 101
legal propositions, 56, 194, 211–212, 213
legal rules, 3, 5, 8, 13
legal science, 89, 92–94, 111, 114, 147, 151, 171–172, 211, 215
legal subject, 188, 198, 204, 230
legality, 2, 17–18, 20, 27, 30, 32, 34, 36
legal-philosophic inquiry, 169, 195, 221
legislation, 7, 67, 92, 152, 166, 200
factors of, 65, 151–152
legislative authority, 30, 64, 70, 83, 119
legislative decisions, 26, 152
legislators, 64–71, 72, 76, 81–84, 95–98, 109, 126–129, 145, 151
will, 52, 64, 68, 71, 97
legitimacy, 14–15, 18, 24, 26, 27, 31, 34, 93, 192
of law, 24, 34–36
political, 2
legitimate applicability, 28, 32–33
legitimate legal order, 34, 35
legitimation, 23, 49, 72, 121, 123, 195, 198
Leist, Burkard Wilhelm, 92, 147–148
liberty, 21, 224
literal meanings, 68, 97, 135, 151, 153
logic, 61, 120, 122, 150, 176
logical mistakes, 56–57
Luther, 171, 179, 205, 215
Machtergreifung, 29–34
manifest content, 7, 52, 53, 72, 75, 81, 209
materials of statute, 151–153
Mayer, M.E., 111, 116
meanings, literal, 68, 97, 135, 151, 153
mediacy, 167, 232–233
mediators, 207, 210, 228
medicine, 93, 149–150, 205
meta-positive idea of law, 15–16
method of practice, 76, 82, 91–93, 96, 104, 111, 120
methodological clarity, 44, 49, 56, 127–129, 153, 224
methodological inquiry, 90, 112, 139–140
methodological investigation, 107, 114, 122, 140–141
methodological significance, 91, 120, 135, 149
minor offences, 143, 144–145
Montesquieu, 52, 119, 227
moral law, 22, 215
moral life, 22, 186

- moral standards, 9, 18
- morality, 8, 10, 19–21, 37, 61, 117, 199, 200–201, 202–206
 - external, 20, 205
 - internal, 20, 205
 - and law, 20–21, 201, 202, 204, 206
- morals, good, 131, 141
- motives, 61, 65, 100, 151–152, 200, 221, 225–226
 - psychological, 200, 226
- murder, 9, 85, 180, 181
- murderers, 174–175, 180
- mutual relations, 170, 184, 195, 209
- National Socialism, 29
- Natorp, Paul, 202, 204
- natural law, 18–19, 29, 37, 59, 211, 230–231, 232
- natural sciences, exact, 148, 167
- Nazi era, 29–30, 33
- negative claims, 16, 169
- noiselessness, 20, 207
- normality
 - condition of, 25, 28, 32
 - situation of, 25, 26, 32
- normative inquiry, 79–80, 91
- normative standards, 5, 19
- normativity, 20–21, 24
- norm-conformity, 78, 124
- norms, 37–42, 124, 177–178, 181–184, 186–189, 194–200, 201–202, 206, 228
 - complexes of, 103, 199
 - cultural, 78, 111, 116, 124, 140
 - extra-positive, 124, 137
 - free law, 116, 122, 124, 140, 147
 - legal, 37–38, 69–70, 86, 92, 101, 196, 199, 201, 207
 - positive, 14, 15, 25–26, 28, 33, 101, 137
 - pre-juristic complex of, 101–103
 - statutory *See* statutory norms
 - supra-positive, 62
 - valid, 76, 220
- objective thought-content, 70, 74, 81, 196
- objectivity, 107, 118, 198, 226
- obligations, 54, 130, 133, 200
- opinions, dominant, 70, 109, 165, 196–197
- order, 11, 20, 26, 32, 180, 190, 207, 209, 217
 - concrete, 29, 32–33, 42
 - social, 9, 13, 20, 25–27, 33, 35
- ordinances, police, 85, 211
- perfection, 110–111, 171
- personal God, 167, 206
- personality, 105, 113, 125–126, 149, 209–210, 218, 221, 226, 230
- phenomena, 3, 70, 103–104, 107, 122, 135, 167, 199, 204
 - empirical, 189–190
- philosophers, 73, 165, 170, 215, 222–223, 224, 226, 231
- philosophic investigation, 170, 195
- philosophy, 169, 178, 206, 227
 - legal, 24, 170, 172, 174, 192, 202, 216, 220
- Plato, 166, 215, 219, 222
- plurality, 35, 203
- police
 - disciplinary *See* disciplinary police
 - ordinances, 85, 211
- political authorities, 24, 34
- political crimes/offences, 143–146
- Political Theology*, 2, 15, 24–25, 42
- politicians, 165, 169–170, 231
- politics, 1, 170, 220, 232
 - legal, 99
- polymorphism, 139, 169
- positive constitution, 26–27, 30–31
- positive law, 9, 14–18, 19–22, 24–27, 34–35, 50–51, 62–64, 128–129, 135–137
- positive norms, 14, 15, 25–26, 28, 33, 101, 137
- positive statute, 49, 51, 62, 86, 116–117, 124–128, 137–138, 186, 213–214
- positivism, 2, 17–18
 - statutory, 4–7, 8, 11–12, 14, 17, 23
- potestas indirecta*, 215
- poverty, 55, 168

- power, 17, 174–180, 182–183, 184–186, 194–195, 198, 206–210, 215–218, 231–232
- constituent, 1, 26–27, 30–34
- de facto, 16–17, 21
- extra-legal, 33, 35
- factual, 179, 194, 199, 200
- highest, 192, 194, 199, 217
- and law, 174–188
- real, 119, 207
- separation of powers, 51
- theory, 174–175, 177, 186, 194
- practical life, 94, 169
- practical standards, 16, 18–19
- practice
 - method of, 76, 82, 91–93, 96, 104, 111, 120
 - modern, 48, 49, 94, 99, 115, 122
 - and theory, 43, 94, 121, 170, 172
 - theory of, 169–170
- practitioners, 8, 49, 73, 95, 130, 165, 169
- precedence, 97, 195, 229, 231
- precedents, 11, 53, 103–104, 111, 113, 123, 124, 131–132, 134
- predictability, 8, 10, 12, 14, 106, 137
- pre-juristic complex of norms, 101–103
- prescriptions, 50–51, 54, 72, 107, 143, 201, 208, 209, 212
- press offences, 143–144, 145–146
- presumptions, 14–15, 74, 80, 84
- presuppositions, 48, 55, 70, 167, 170, 191, 194, 220, 227
- primacy of law, 175, 181, 188, 194–195, 197
- prince, 65, 66–67, 224
- probative force, 107, 176
- procedure, formal, 144–145
- processes, psychological, 64, 99–100, 113, 187, 206
- proof, 47, 55, 96, 99, 114, 130, 136–137, 140, 144
- property, 21, 65, 131
- provisional release, 142–144, 145–146
- Prussia, 130, 141, 180
- psychological facts, 175, 203
- psychological motives, 200, 226
- psychological processes, 64, 99–100, 113, 187, 206
- punishment, 9, 84–85, 133, 166, 212
- measure of, 133
- purity, 134, 172, 201, 214
- purpose, notion of, 71, 184–186, 212
- purposiveness, 90, 131, 179, 211
- Rathenau, Walther, 167
- realization of law, 1–36
- reasonableness, 102, 180, 201, 217
- reasons of decision, 103, 112, 123
- Recht*, 14–17, 18–22, 23–27, 147, 149, 173, 176, 179–180, 186
- content of, 16, 19, 26, 32
- notion of, 14, 21, 25–26, 27
- realization of, 15–17
- Rechtsbewusstsein*, 38
- Rechtsgefühl*, 13, 38
- Rechtsstaat*, 15, 21, 195
- Rechtsverwirklichung* *See* realization of law
- reconstruction, scientific, 92, 111
- regress, 175–176
 - infinite, 198, 227
- Reichsgericht*, 79, 113, 129–134, 137, 140–141, 151–152, 208
- relations
 - factual, 168, 202
 - mutual, 170, 184, 195, 209
- relativity, 193, 224
- release, 142, 143–144, 146
 - provisional, 142–144, 145–146
- representation, 183, 200–201
- Rhenish province, 143–146
- rights, 14, 20, 193, 206, 222, 227, 230
 - equal, 180
- Roman Catholic Church *See* Catholic Church
- Roman Law, 48, 65
- rule-of-law state, 195–196, 198, 227
- rules, 3, 8, 19, 34–35, 85, 98, 119, 167, 225–226
 - of interpretation, 91, 99
 - statutory, 5, 7, 11–12, 14–15, 28, 32
- Rüthers, Bernd, 33
- Savigny, F.C. von, 85, 230
- Schloßmann, K.J., 149, 150

INDEX

259

- science, 59–61, 93, 148, 149, 167, 170–172, 203
 - social, 49, 93, 99
- scientific reconstruction, 92, 111
- scientific value, 43, 131–132, 134, 139
- security, 186, 190, 205, 217–218
- self-confidence, 170, 223
- sense of justice, 56, 60, 61–62, 85–87, 105–106, 114, 115–117, 123–124, 125
- senselessness, 178, 183, 193, 195
- separation of powers, 51
- significance
 - factual, 96, 134
 - methodological, 91, 120, 135, 149
- silence, 53, 57, 68, 133
- Silesius, Angelus, 232
- Simon, Heinrich, 216
- slogans, 1, 42
- social contract theory, 21
- social groups, 49, 175, 222
- social life, 14, 25–26, 32, 34, 97
- social order, 9, 13, 20, 25–27, 33, 35
- social science, 49, 93, 99
- society, 5–6, 8, 9, 12–13, 25–27, 33, 36, 97, 181
- sociology, 5, 11, 50, 59, 91, 105, 129, 148, 168
- soul, 50, 61, 113, 114, 221, 229
- sources, 23–24, 37, 62–64, 77, 86, 102, 129, 196
- sovereign authority, 24–25, 26
- sovereign choice, 25–26, 29
- sovereign decisions, 16, 24, 26, 32, 34, 213
- sovereignty, 16, 24, 32, 34, 42, 220, 228, 230
 - acts of, 28, 35
- specificity, 9, 14, 175, 179, 200
- stability, 106, 117, 139
- Stahl, F.J., 89, 149, 180, 206, 227
- Stammler, R., 94, 171, 202–204, 206, 220
- standards, 9, 43, 62, 107, 110–111, 229
 - moral, 9, 18
- normative, 5, 19
- practical, 16, 18–19
- state
 - concrete, 190, 193, 198–199, 225
 - empirical, 23, 196, 198, 225
 - future, 192
 - ideal, 190, 193, 222, 227
 - and law, 189–216
 - rule-of-law, 195–196, 198, 227
 - See also Introductory Note*
- Statute and Judgment*, 2, 6, 10, 14, 24–25, 28, 37–38
 - translation, 39–51
- statutes
 - conformity to, 7, 50–51, 62–64, 77–84, 93–94, 102–103, 117, 136, 140
 - content, 52–53, 78, 84, 116, 129
 - content of, 52–53, 78, 84, 116, 129
 - materials of, 151–153
 - positive, 49, 51, 62, 86, 116–117, 124–128, 137–138, 186, 213–214
 - subjection to, 6, 51–53, 174, 209
 - will of statute, 52, 64, 68, 70–71, 74–76, 81–84, 109
- statutory law, 4–8, 9, 12, 28–29, 33, 38, 79, 176, 226
- statutory norms, 5–7, 28, 33, 37–38
 - positive, 25, 101
- statutory positivism, 4–7, 8, 11–12, 14, 17, 23
- statutory rules, 5, 7, 11–12, 14–15, 28, 32
- Sternberg, T., 66, 151, 212
- subjection to statute, 6, 51–53, 174, 209
- subjectivity, 104, 109, 126, 129, 197, 217
- sublimity, 183, 205, 223
- subsumability, 77–80, 96
- subsumption, 28, 52–53, 78, 80, 94–96, 116–118, 124, 167, 222
 - smooth, 53, 87, 116
- success, factual, 120, 122, 200
- succession, temporal, 92, 165
- superiority, 87, 174, 180, 182, 193, 204, 206–208, 229
 - factual, 175, 180
- supra-positive norms, 62

- tasks, 19, 21–22, 23–25, 48, 166, 197, 198–199, 218, 221–223
techniques, 4–5, 56, 80, 119, 120–121, 150, 216
temporal succession, 92, 165
terminology, 2, 15, 121, 143, 149, 171, 175, 206
territory, 17, 18, 21, 23, 191–192, 194, 198–199
theology, 150–151, 225
theory
 and practice, 43, 94, 121, 170, 172
 of practice, 169–170
thought-content, objective, 70, 74, 81, 196
timeless correctness, 47, 214
transcendental unity, 206, 220
transitions, 29, 87, 150, 171, 172, 183, 197, 213
trust, 170, 179, 190, 216
truth, 55–57, 60, 126–128, 133, 170, 171, 192, 194, 200–201
uniqueness, 228, 232
unity, 1, 168, 171, 194, 202, 204, 206, 218
transcendental, 206, 220
untimeliness, 167, 168
valid law, 18, 49–50, 58, 68, 78, 91, 94, 147, 177–178
validity, 30, 49, 76, 136, 140, 171, 176–178, 181, 187
 factual, 122, 131
value, ethical, 183, 205
value judgments, 34, 84, 111
 dominant, 84, 99
Value of the State and the Significance of the Individual, 2, 14, 156–157
 translation, 233
values
 scientific, 43, 131–132, 134, 139
 system of, 15, 193
Van Calker, F., 41, 44, 110–111
violence, 34, 170, 174, 175, 190
virtue, 231
Weimar Republic, 25–26, 29–31
Wert des Staates und die Bedeutung des Einzelnen, 156
will
 of legislator, 52, 64, 68, 71, 97
 of statute, 52, 64–84, 109
Zitelmann, Ernst, 123, 149
Zuchtpolizeisachen, 143