PREFACE

It is a great pleasure to write the preface to this book by Christian Behrendt and Frédéric Bouhon. They have taken an extremely complex subject, the General Theory of the State, and have produced a most enlightening work on the subject. It will be of use to students studying the subject, and also to all academics who are interested in this central aspect of public law.

The approach throughout the work is sophisticated and clear. The authors approach each of the topics that are central to this study from an historical and philosophical perspective. The discussion is therefore always grounded and informed by insightful extracts from seminal historical works, the importance of which continues to this day. Thus the discussion of issues such as sovereignty, the hierarchy of norms, state powers and the other topics covered in this book are introduced through discussion of the works of writers such as Hobbes, Bodin, Rousseau, Grotius and the like. This historical and philosophical approach is essential for a proper appreciation of the subject matter dealt with in this book.

The ideas of such writers continue to have resonance for the subjects studied, and this remains so notwithstanding the passage of time. Indeed, one of the unfortunate trappings of intellectual modernity can be the tendency to think that we are the first to discover intellectual ideas, when the reality is that others have grappled with such problems for centuries. The use of, and reference to, the classical historical and philosophical works remains equally pertinent even where there are significant differences between the situation as it prevailed in the seventeenth or eighteenth century and that currently prevailing in the new millennium. The very fact of these differences can serve to sharpen our understanding of the subject matter being studied.

The richness of the material drawn on in this work is further attested to by the broad range of more modern legal philosophical work, with frequent use made of writers such as Austin, Hart and Kelsen.

A work on the General Theory of the State cannot however remain at too abstract a level. It must be grounded in real world examples in order to test the philosophical propositions and imbue the subject matter with practical reality. This book succeeds admirably in that regard. Thus, in each chapter the more abstract precepts dealt with in the early part of the chapter are grounded, tested and brought to life by juxtaposition to more concrete legal situations drawn from national,
regional or international law. The range of materials considered in this regard is most impressive, with examples being drawn from a range of national jurisdictions, as well as international law, the EU and the ECHR.

The Manuel without doubt constitutes a valuable didactic tool through which to teach this difficult subject, and the authors provide a text that will stimulate thought and discussion, which is the essence of intellectual inquiry and advancement.

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