

THE LONG ARC OF LEGALITY

Hobbes, Kelsen, Hart

DAVID DYZENHAUS

University of Toronto



CAMBRIDGE
UNIVERSITY PRESS



Shaftesbury Road, Cambridge CB2 8EA, United Kingdom

One Liberty Plaza, 20th Floor, New York, NY 10006, USA

477 Williamstown Road, Port Melbourne, VIC 3207, Australia

314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre, New Delhi – 110025, India

103 Penang Road, #05–06/07, Visioncrest Commercial, Singapore 238467

Cambridge University Press is part of Cambridge University Press & Assessment,
a department of the University of Cambridge.

We share the University's mission to contribute to society through the pursuit of
education, learning and research at the highest international levels of excellence.

www.cambridge.org

Information on this title: www.cambridge.org/9781009048866

DOI: 10.1017/9781009049054

© David Dyzenhaus 2022

This publication is in copyright. Subject to statutory exception and to the provisions
of relevant collective licensing agreements, no reproduction of any part may take
place without the written permission of Cambridge University Press & Assessment.

First published 2022

First paperback edition 2023

A catalogue record for this publication is available from the British Library

Library of Congress Cataloging-in-Publication data

Names: Dyzenhaus, David, author.

Title: The long arc of legality : Hobbes, Kelsen, Hart / David Dyzenhaus, University of Toronto.

Description: Cambridge, United Kingdom ; New York, NY, USA Cambridge University Press,
2021. | Includes bibliographical references and index.

Identifiers: LCCN 2021034737 (print) | LCCN 2021034738 (ebook) | ISBN 9781316518052
(hardback) | ISBN 9781009048866 (paperback) | ISBN 9781009049054 (epub)

Subjects: LCSH: Rule of law--Philosophy. | Law--Philosophy.

Classification: LCC K3171 . D992 2021 (print) | LCC K3171 (ebook) | DDC 340/.11--dc23

LC record available at <https://lccn.loc.gov/2021034737>

LC ebook record available at <https://lccn.loc.gov/2021034738>

ISBN 978-1-316-51805-2 Hardback

ISBN 978-1-009-04886-6 Paperback

Cambridge University Press & Assessment has no responsibility for the persistence
or accuracy of URLs for external or third-party internet websites referred to in this
publication and does not guarantee that any content on such websites is, or will
remain, accurate or appropriate.

CONTENTS

<i>Preface</i>	ix
Introduction	1
1 The Puzzle of Very Unjust Law I: Hart and Dworkin	41
2 The Puzzle of Very Unjust Law II: Hobbes	88
3 The Constitution of Legal Authority / The Authority of Legal Constitutions	149
4 The Janus-Faced Constitution	224
5 The Politics of Legal Space	297
6 Legality's Promise	352
<i>Appendix I Exclusive and Inclusive Legal Positivism</i>	<i>423</i>
<i>Appendix II Kantian Private Law Theory</i>	<i>431</i>
<i>Appendix III John Finnis and 'Schmittean Logic'</i>	<i>435</i>
<i>Bibliography</i>	<i>445</i>
<i>Index</i>	<i>467</i>