

Table of Contents

Preface	V
Introduction	1
1. A Man at Rest	4
2. Regarding 2.061	7
3. Empiricism or Positivism	7
4. Radical Legal Positivism	10
Chapter I: Logic of Norms I	15
1. A Normative State of Affairs	15
2. Is and Ought	19
3. Laws, Scientific and Legal	22
4. Beyond Prescriptions	26
5. The Normative Relation	28
6. Power in Reason	30
7. Fact and Fiction	32
8. Summary – The Law as Common Ground	34
Chapter II: A Positive Conception of the State	39
1. Commands of the Sovereign	39
2. Leviathan, not Rex	43
3. Political Agency	44
4. The Absolute State	49
5. <i>Volonté Générale</i> and the Legal Concept of the Political	53
6. The Unity of the State	58
Chapter III: Deus sive Civitas	63
1. Jurisprudence and Theology	64
2. State as Hypostasis	67

3. The Problem of Many, of No Gods	70
4. “Absolute Positivism”	74
5. Value Nihilism	76
6. Kelsen’s Golden Calf	80
7. Spunk	83
8. The Tyranny of Necessity	85
9. A First Convention	88
10. The Social Construction of the State	90
 Chapter IV: Legal Norms as Plurale Tantum	 99
1. Validity and the Collective	99
2. Modernity and the Law	100
3. Objectivity and its Propositional Content	103
4. Subjectivity and Interpretation	105
5. The Structure of Law	109
6. The Starting Position	110
7. The Flux of Sovereignty	112
8. Plurale Tantum	118
9. The Logical Sentence	120
10. Absolute Validity	125
 Chapter V: Facts and Matters of Fact (Logic of Norms II)	 129
1. Naturalism and Realism	132
2. ‘Hard Facts make Bad Law’	140
3. The Critique of Pure, not Practical, Reason	144
4. Objectivity in the Law	150
5. Knowing the Law	153
6. The Mode of Expression	156
 Conclusion: Law as Constitution	 159
 Bibliography	 173
Index	179