

# *Nec tecum nec sine te.* Ovvero la “stranezza” del giuspositivismo

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*Nec tecum nec sine te. “Weird” Legal Positivism*

*Abstract:* This is a reply on two comments given about my latest book *Il diritto contro se stesso*. In this reply legal positivism is once again challenged. In particular “inclusive” legal positivism is shown to act as sort of “weird” theory, indeed basing on a promise of justification then considered impossible to meet. “Exclusive” positivism on the other hand is criticized as a pre-Hartian approach to the concept of law, once it at the end of the day comes back to assume a basically essentialist definition (of the “nature”) of law. Metaethical noncognitivism as a tool for reaffirming a positivist doctrine is also challenged as a form of “ascriptivism”, and against “foxes” (sceptical beings) “hedgehogs” (one right answer animals) are presented as better guardians of common sense about morality.

*Keywords:* Inclusive positivism, Exclusive positivism, Values incommensurability, Internal point of view.

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