

Lo scetticismo giuridico e i suoi critici

Le due versioni dello scetticismo giuridico di fronte alle sfide ermeneutica e anti-archimedea

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The Two Versions of Legal Scepticism in the Face of the Hermeneutic and the Anti-archimedean Challenges

Abstract: In this text I present the two versions of scepticism in the legal field: error theory and expressivist. Although they are well known, it is not entirely clear whether they have been effectively defended by the authors associated with one of the first formulations of scepticism in the legal field: Scandinavian legal realism. I will try to show that while there are elements to attribute the expressivist version to Scandinavian scepticism, there are inconclusive elements in favour of also attributing the error theory version to them. Furthermore, I will try to offer a response to two famous objections directed against scepticism. Firstly, a hermeneutical objection that can be found in Hart's criticisms against the Scandinavian theorists. Secondly, the criticism of Archimedeanism, formulated by Dworkin. I will try to show that scepticism can overcome both attacks.

Keywords: Expressivism, Error theory, Hermeneutic, Archimedean.

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