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[P Chiassoni](#) - [Analisi e diritto](#), 2006

To begin with, however, being a (Continental) lawyer, I will interpret the phrase "English law and ius commune" liberally, ie, as making reference to the cultural watershed between the Common law and the Civil law traditions¹. Furthermore, being a student of jurisprudence, I ...

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[E Bulygin](#) - [Analisi e diritto](#), 2004

Christian Dahlman, the chairman of the workshop on "Law and Objectivity" at the IVR World Congress in Lund 2003, asked me to produce a paper on that topic. He told me that the workshop was intended to address the claims concerning "objectivity" that are raised in ...

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[A Schiavello](#) - [ANALISI E DIRITTO](#), 2008

Andrei Marmor's main purpose in Interpretation and Legal Theory [from now on, I & LT] 1 is to defend legal positivism against the criticisms by Ronald Dworkin. The central thesis of legal positivism is identified by the author in the conventionalist thesis that «law is ...

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[B Celano](#) - [Analisi e diritto](#), 2004

Gli ordinamenti giuridici degli odierni Stati costituzionali di diritto (intendo con questa locuzione la forma tipica che lo Stato di diritto ha assunto in gran parte dei paesi dell'Occidente nel secondo dopoguerra) presentano caratteristiche peculiari, attinenti sia ...

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[M Barberis](#) - [Analisi e diritto](#), 2004

I giuristi fanno i conti da due secoli con un dilemma: un problema abbastanza intricato e importante da poter essere chiamato, come si farà qui di seguito, contraddizione fondamentale¹. In due parole, si tratta di questo: da un lato, molti giuristi condividono (...

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[\[PDF\] „Bobbio et le positivisme“](#)

[P Brunet](#) - [Analisi e diritto](#), 2005

A l'heure où certains cherchent à concilier le positivisme juridique et le cognitivisme¹, il paraît pertinent d'approfondir l'une des thèses que Bobbio a très souvent affirmée sans véritablement l'argumenter: celle de l'absence de lien entre les divers sens de l'...

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[\[CITATION\] 1: Centre de Théorie et Analyse du Droit \(CTAD\) CNRS: UMR7074–Université de Paris X-Nanterre–Ecole des Hautes Etudes en Sciences Sociales \(...](#)

[E Millard...](#) - [Analisi e Diritto](#), 2008

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[E Millard](#) - [Analisi e Diritto](#), 2005

L'objectif de ce texte n'est pas de rechercher une nouvelle interprétation des principaux travaux théoriques de Norberto Bobbio, ou de fournir une critique argumentée à leur encontre. Il est bien plus modeste: je voudrais insister sur une méthode caractéristique ...

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[G Sartor](#) - [Analisi e diritto](#), 2007

L'analisi inferenziale ed eliminativa dei concetti giuridici proposta da Alf Ross sarà collegata ai modelli dei concetti teorici nella scienza di Frank Ramsey e Rudolf Carnap.

Conseguentemente, il mero possesso di un concetto giuridico sarà distinto dalla sua ...

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[M Barberis](#) - [Analisi e diritto](#), 2006

La secolare discussione fra positivismo giuridico e giusnaturalismo non sarà, per avventura, solo una disputa razionalmente interminabile? Questo il dubbio che sorge dinanzi al rifiorire della discussione fra giusnaturalisti e giuspositivisti, e fra gli stessi giuspositivisti, dopo ...

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[G Sartor](#) - [Analisi e diritto](#), 2004

Ciò ci conduce a definire diverse nozioni di giustificabilità, benché tutte queste nozioni siano controfattuali: esse non riguardano gli stati mentali che una persona ha, di fatto, ma piuttosto gli stati mentali che una persona avrebbe se applicasse perfettamente tutti gli strumenti ...

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[PE Navarro](#) - [Analisi e diritto](#), 2007

Junto con la prohibición de retroactividad y la reserva de ley, la precisión de las normas penales es una de las dimensiones específicas del principio de legalidad en derecho penal.

La relevancia de la precisión de las normas es pocas veces puesta en duda, y su ...

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[P Chiassoni](#) - [Analisi e diritto](#), 2004

I teorici del diritto d'indirizzo analitico sono una categoria d'importuni. Sono soliti pensare, ad esempio: (i) che i termini tecnico-giuridici utilizzati dai pratici del diritto (avvocati e giudici) e dai giuristi, nel quotidiano disbrigo delle loro attività istituzionali, siano sovente equivoci; ...
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[G Pino](#) - [Analisi e diritto](#), 2008

L'oggetto di questo lavoro è una analisi di alcuni possibili significati a) del concetto di "esistenza" riferito ad entità giuridiche, eb) del concetto di gerarchia normativa. In particolare, dopo aver distinto disposizioni e norme, vengono individuate tre differenti ...

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[V VILLA](#) - [Analisi e diritto](#), 2009

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[P Raphaël](#) - [Analisi e diritto](#), 2005

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[\[PDF\] «A Skeptical View on Legal Interpretation»](#)

[R Guastini](#) - [Analisi e diritto. Ricerche di giurisprudenza analitica](#), 2005

By scepticism—in the province of legal interpretation theories—I mean the thesis according to which interpretive statements are neither true nor false. An interpretive statement is a meaning-ascribing sentence, ie, a sentence to the effect that a legal (eg, constitutional, ...

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[\[PDF\] The One True Interpretation](#)

[T Endicott](#) - [Analisi e Diritto](#). Ed. P. Comanducci and R. Guastini, 2005

When a lawmaker uses language to make law, a court often needs to make evaluative judgments (concerning the purpose of the law and the values that can be promoted by adopting one interpretation or another) just to apply the law laid down. The utterance of a ...

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[V Velluzzi](#) - [Analisi e diritto: ricerche di giurisprudenza analitica](#).

My aim in this paper is to analyze Chapter 8 of Andrei Marmor's Interpretation and Legal Theory (quotations are from this book). The issue I'm going to deal with is the role of the legislature's intentions in legal interpretation¹. In my opinion, the role of the legislature's ...

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[B Celano](#) - [Analisi e diritto](#) 2005. [Ricerche di giurisprudenza](#) ..., 2006

Three issues are, I think, crucial to our understanding of legal interpretation and legal reasoning generally. First, how does the interpretation of cultural, linguistic artifacts fare within non-cooperative interpretive games (sect. 3)? Second, how can a game in which ...

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[\[PDF\] Bobbio sobre la norma fundamental y la regla de reconocimiento](#)

[R GUASTINI](#) - [Analisi e diritto](#). Torino: G. Giappichelli Editore, 2006

Como se sabe, la Grundnorm de Kelsen y la rule of recognition de Hart son cosas bastante distintas. Para Kelsen, la norma fundamental (NF) es una norma no positiva, no puesta, sino

presupuesta por la ciencia jurídica1. Para Hart, la regla de reconocimiento (RR) sí es una ...

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[F Poggi](#) - 2007

La prima parte del comma I dell'art. 12 disp. prel. cc dispone:«Nell'applicare la legge non si può ad essa attribuire altro senso che quello fatto palese dal significato proprio delle parole secondo la connessione di esse». Per opinione diffusa tale disposizione prescrive il ...

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