

LA VERITÀ DIETRO I "PRINCIPIA" O LE CONTRADDIZIONI DEL NORMATIVO

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Abstract: This paper discusses Luigi Ferrajoli's axiomatic theory of law from both a philosophical and a logical point of view. Ferrajoli's axiomatization is criticized for being 1) philosophically obsolete; 2) based on an improper application of the model of the double language (theoretical and observational) to the legal language, as well as 3) on a misunderstanding of the nature and value of the axiomatic method. Most importantly, Ferrajoli's axiomatic theory is likely to contain a contradiction. Indeed, the contradiction emerges as soon as we depart from Ferrajoli's idiosyncratic symbolic notation and rewrite his axiom P3 in a simple second-order extension (i.e., allowing quantification over predicate variables) of the first-order language in which the theory is originally (though incorrectly) formulated. The contradiction follows in a few logical steps from Ferrajoli's axiom P1 (the usual D axiom of standard deontic logic) and the proper second-order formulation of P3. The argument is merely formal and does not depend on any particular interpretation of P3. The truth behind the "Principia" is that the whole theory is inconsistent. The paper closes with some comments about Ferrajoli's proposed solution to the "crisis of legal and political reason".

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