

LA FALLACIA NATURALISTICA NELLE ODIERNE TEORIE EVOLUZIONISTE SUL DIRITTO

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Abstract. The present paper analyzes contemporary research attempts of overcoming the barrier of the naturalistic fallacy. In particular, it sheds light on Heindrik Gommer who, in some recent writings, has placed the need to reach valid legal conclusions by starting from the scientific explanation of all living beings.

Moreover, some limitations of the proposed theory are highlighted, although such limitations do not actually reduce the need for a scientific approach aimed at taking the whole historical biological-cultural development into serious account. This approach would take its departure point from the origins of culture traced back in the human species and would explain stepwise the whole development until today. The research would be a journey which might, although if not necessarily, last very long before it will lead to some results, normatively valid for today.

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