

Logica e principi giuridici impliciti

Commenti al volume di Juan Pablo Alonso, *Principios jurídicos implícitos*

L'impossibile giuspositivismo congruentista

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The Impossibility of a Coherentist Legal Positivism

Abstract: In reaction to Dworkin's critique of legal positivism, J.P. Alonso (2018) claims that a positivist theory of implicit legal principles is possible. I argue, instead, that Alonso's theory fails to satisfy some of the central tenets of legal positivism: the social sources thesis and the separation of law and morals.

Keywords: Implicit legal principles, Positivism, Coherence, The social sources thesis, The separation thesis, The moral fallibility thesis, Judicial discretion.

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