Abstract

The importance of the so-called "naturalistic fallacy" in the juridical philosophy of the past two centuries is almost indisputable, not only due to how frequently it is used as an irrefutable argument but also because of the centrality that the defense of its validity has in positivist thought¹. The following pages contain a brief examination of one of the edges on which this argument was built, the epistemological one, followed by its analysis and a description of the answers given from jus-naturalism. The intention here is revealing and highlighting the existing connection between the fallacy argument and juridical modernity.

Keywords

Naturalistic fallacy, juridical modernity, nature, natural right, positive right.

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