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The Oxbridge-Turin Connection: From Peano and Russell to Bobbio and Hart

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ABSTRACT: The article sketches a possible line of development on the Oxbridge-Turin axis from the early analytic philosophy of Peano and Russell to the analytically renewed legal theory of Bobbio and Hart. The paper discusses the different character of the interactions between Russell and Peano and Bobbio and Hart, and then analyzes some of Bobbio's main critical contributions to the discussion of Hart's theory on obligation, secondary rules, and the notion of sanction. Finally, it hypothesises that some of the most famous theses of Hart's theory were briefly anticipated by Bobbio in writings from the late 1950s.

KEYWORDS: Early Analytic Philosophy, Analytical Legal Theory, Norberto Bobbio.

1. *"Mythical Places"*

Cambridge, Oxford, and Turin are almost mythical places for the history of analytic philosophy. Since the times of Giuseppe Peano (1858-1932) and Bertrand Russell (1872-1970), these three places have repeatedly influenced each other for some time. Contemporary analytic general philosophy can be said to have emerged on the Cambridge-Turin axis, while contemporary analytic *legal* philosophy emerged, albeit in different forms, on the Oxford-Turin axis. As we shall see, however, both disciplines took a different direction in the debates that followed their first founding encounters.

The story of Peano and Russell is quite well known[1], and it is generally assumed that the younger Russell took over the baton from the older Peano at the beginning of the last century and led the analytic philosophy for at least two decades. Indeed, the history of contemporary analytic philosophy begins with a famous encounter at the Paris Congress of Philosophy in 1900, where Russell was surprised to find that Peano had the upper hand in every discussion and realized that this was due to the conceptual web that the Turin mathematician had developed. Russell then learned Peano's logical notation and began his own successful adventure in the foundations of logic and analytic philosophy, culminating in the publication of masterpieces such as *Principles of Mathematics*[2], *Principia Mathematica*[3], and *Introduction to Mathematical Philosophy*[4]. The two men corresponded and met several times in the thirteen years following the Paris Congress. Particularly important is the last recorded meeting at the Cambridge Congress of Mathematicians in 1912, where Russell discussed *Principia*

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[1] For a more comprehensive reconstruction, and related references, see GIOVANNI BATTISTA RATTI, *Introduction to Peano's Review of Principia Mathematica*, «Russell. The Journal of Bertrand Russell Studies», 44, 2024, pp. 87-95.

[2] BERTRAND RUSSELL, *Principles of Mathematics* (1903), London, Routlegde, 2010.

[3] ALFRED N. WHITEHEAD, BERTRAND RUSSELL, *Principia Mathematica* (1910-13), Cambridge, Cambridge University Press, 1963^2.

[4] BERTRAND RUSSELL, *Introduction to Mathematical Philosophy*, London, Allen & Unwin, 1920^2.

Mathematica with Peano and some members of his school. No further meetings are known, although Peano lived until 1932.

When Peano died, Italy had already been living under the yoke of fascism for ten years and culture was dominated by an Italian-style form of idealism whose ideological and political linchpin was Giovanni Gentile, the notorious Minister of Education in the first Mussolini government (1922-24) and one of the main intellectual figures of the regime. During fascism, analytic philosophy was essentially laid to rest: Peano was side-lined[5], his school essentially disappeared, so-called (at the time) 'scientific philosophy' in general was extinguished. As Parrini aptly points out, «Italian 'scientific philosophy' (whose main figures were Peano, Vailati, and Enriques) lost in the battle with Croce's and Gentile's idealistic philosophies. [...] On the cultural level, this hegemony caused the suppression of scientific culture and philosophy in comparison with humanistic culture, and the subsequent philosophical isolation of Italy from the majority of the movements of scientific philosophy working in those years in the other European countries and in the United States of America»[6].

Norberto Bobbio (1909-2004), the most important philosopher of the Italian post-war period, recalls that after the victory over fascism and the return to democracy, there was

> una duplice esigenza, che era quella di emanciparsi dall'idealismo, filosofia spiritualistica – lo Spirito come atto puro di Gentile e il motivo della filosofia dello Spirito di Croce – e antiscientifica, e di allargare i propri discorsi al di fuori delle porte di casa. L'idealismo era stato una filosofia molto italianizzante, in contrasto col positivismo che era invece cosmopolitico[7].

This triggered a rationalist reaction, as Bobbio again explains

> L'esigenza universalistica era condivisa da tutti: il fascismo come nazionalismo esasperato sino all'autarchia, non solo economica ma culturale, aveva condotto l'Italia al disastro. L'esigenza antidealistica era stata colta dai filosofi nella direzione dell'anti-spiritualismo, del razionalismo critico, del pragmatismo, del neoilluminismo insomma[8].

A link between the first attempt to establish analytic philosophy (or at least its logical foundations) in the Peano school and its resumption at the time of Italy's liberation can be found in the relationship between Ludovico Geymonat (1908-1991) and Bobbio himself. Geymonat studied mathematics and philosophy in Turin, where he was a student of Peano, went to Vienna in 1934 to study with Moritz Schlick, and was welcomed into the Vienna Circle mainly because he was a student of the Turin mathematician. After the war (during which he actively participated in the resistance against fascism in the communist groups), he founded the

[5] On Peano's antifascism, see CLARA SILVIA ROERO, *Antifascismo esplicito e tacito all'università di Torino 1926-1932*, «Rivista di Storia dell'Università di Torino», X.2, 2021.

[6] PAOLO PARRINI, *Neo-positivism and Italian Philosophy*, in JAN WOLENSKI, ECKEHART KÖHLER (eds.), *Alfred Tarski and the Vienna Circle. Austro-Polish Connections in Logical Empiricism*, Dordrecht, Spinger, 2010, p. 275.

[7] NORBERTO BOBBIO, *Sul Centro Studi Metodologici*, «Rivista di storia della filosofia», 71, 2016, p. 119: «a double need, namely, to emancipate oneself from idealism, a spiritualist [...] and anti-scientific philosophy, and to expand one's own discourses beyond the boundaries of one's own house. Idealism was a very Italianizing philosophy, in contrast to positivism, which was cosmopolitan».

[8] *Ibid.*: «The universalist need was shared by all: fascism as exaggerated nationalism to the point of autarchy, not only economically but also culturally, had led Italy to disaster. The anti-idealist need was taken up by philosophers in the direction of anti-spiritualism, critical rationalism, pragmatism, in short: neo-Enlightenment».

analytical movement in Italy, in particular by establishing the Centre for Methodological Studies, in which Bobbio played an important role as a very active collaborator.

Bobbio affirms at this regard in his autobiography:

> Subito dopo la Guerra mi ero avvicinato, attraverso la mia partecipazione al Centro di studi metodologici, al neopositivismo e alla filosofia analitica anglosassone che aveva dato vita alla «cosiddetta svolta linguistica del filosofare» secondo cui – lo dico un po' sbrigativamente – l'«analisi del linguaggio» aveva la virtù terapeutica di liberare la filosofia da tanti falsi problemi. Il centro di studi metodologici era stato fondato a Torino da Ludovico Geymonat. Era composto da studiosi di diversa formazione […] che avevano l'ambizione di superare i tradizionali steccati che separavano cultura scientifica e cultura umanistica. Nel marzo del 1949 venni invitato dagli amici del Centro a tenere una conferenza sulla scienza del diritto che intitolai *Scienza del diritto analisi del linguaggio*. Vi sostenevo che il positivismo logico aveva elaborato una teoria della scienza, fondata più sul concetto di rigore del metodo che su quello di verità dei contenuti, che permetteva finalmente ai giuristi di considerare il proprio lavoro, che era eminentemente quello di rendere rigoroso il linguaggio del legislatore, come «scientifico». La tesi era originale ma tutt'altro che fondata. Tuttavia […] il saggio ebbe fortuna e suscitò una discreta discussione. […] Ritornai ancora una volta sul tema in una relazione al Congresso del Centro di studi metodologici del 1952, che intitolai *Il rigore della scienza giuridica*. Nella seconda metà degli anni Cinquanta abbandonai questo filone di ricerca, che non avevo sufficientemente approfondito, ma il mio articolo è stato considerato l'inizio della cosiddetta scuola torinese di scienza del diritto, la quale ha avuto allievi illustri, in grado di sviluppare la disciplina assai meglio del sottoscritto, primo fra tutti Uberto Scarpelli[9].

2. *Bobbio and Hart: The Founding Fathers of Modern Analytic Legal Theory*

Bobbio's article on legal science[10] is generally regarded as the founding act of the analytical legal theory in Italy. In such an article, Bobbio considers the philosophy of law as a meta-metalanguage bearing upon the metalanguage of the science of law (i.e. legal dogmatics), which

[9] NORBERTO BOBBIO, *Autobiografia*, Bari, Laterza, 1994, pp. 134-135: «Immediately after the war, through my participation in the Centre for Methodological Studies, I had become acquainted with neo-positivism and anglophone analytic philosophy, from which the so-called 'linguistic turn in philosophy' emerged, according to which (I say this somewhat cursorily) the analysis of language had the therapeutic advantage of freeing philosophy from many false problems. The Centre for Methodological Studies was founded in Turin by Ludovico Geymonat. It was made up of scholars from different backgrounds [...] who had the ambition to overcome the traditional barriers that separated scientific culture from humanistic culture. In March 1949, I was invited by friends of the Centre to give a conference on the science of law, which I titled 'Scienza del diritto e analisi del linguaggio' (Science of Law and Analysis of Language). I argued that logical positivism had developed a theory of science that relied more on the concept of methodological rigour than on that of substantive truth, which ultimately enabled jurists to regard their work, which consisted primarily in making the language of the legislator rigorous, as 'scientific'. The thesis was original, but far from well-founded. Nevertheless [...] the essay was successful and triggered a lively discussion. [...] I took up the subject again in a report at the 1952 congress of the Centre for Methodological Studies entitled 'The Rigour of Legal Science'. In the second half of the 1950s, I abandoned this line of research, which I had not sufficiently explored, but my article was considered the beginning of the so-called Turin School of legal theory which had famous disciples who were able to develop the discipline much better than I did, first and foremost Uberto Scarpelli».

[10] NORBERTO BOBBIO, *Scienza del diritto e analisi del linguaggio* (1950), in Id., *Saggi sulla scienza giuridica*, Torino, Giappichelli, 2011; English translation: *Science of Law and Analysis of Language*, in. MARIO JORI, ANA PINTORE (eds.), *Law and Language: The Italian Analytical School*, Liverpool, Deborah Charles, 1997.

in turn refers to the object language of law (i.e., the language of legal authorities). Here the influence of the founding fathers of analytic philosophy, such as Russell with his theory of types and Wittgenstein with the theses framed in the *Tractatus*, becomes clear[11]. In Bobbio, there is also a clear (although mostly silent) reference to Carnap's process of rational reconstruction, which consists in examining the syntax and semantics of a scientific language in a formal framework and classifying scientific terms and propositions according to categories of philosophical interest. Consequently, the analysis of language Bobbio provides, is not the philosophy of ordinary language or common usage, but rather a philosophical analysis of expert language from a metalinguistic point of view.

When Bobbio was launching Italian analytic philosophy of law, HLA Hart (1907-1992) became Professor of Jurisprudence at Oxford (1952) at the suggestion of John Langshaw Austin (1911-1960), having been appointed tutor at New College in 1945. Hart began to develop his views under the influence of Oxford philosophy of language[12], which at the time was undoubtedly dominated by Austin. His methodology is explained by Peter Milton in this effective way:

> Unlike Wittgenstein, who seems to have had no influence on [Hart], Austin was a classicist who was fascinated by the minutiae of ordinary linguistic usage, something which, despite his occasional panegyrics on ordinary language, interested Wittgenstein hardly at all. For Austin the reason why philosophers so often failed to make any real progress was not that all their problems were spurious, though some were, but that they were usually badly formulated and, above all, complex. The occupational disease of philosophers was giving simple answers to complicated problems on the basis of a small number of examples, all too often the same old ones. Part of the cure for this was a detailed and painstaking examination of ordinary language and the immense number of subtle distinctions it contains[13].

In the same years in which Bobbio became acquainted with the work of, say, Russell, Carnap, and Neurath on epistemology and logic, and later of García Máynez and von Wright on deontic logic, and applied them to the theory of law, Hart distanced himself from the earlier analytic philosophy and turned to the philosophy of ordinary language in two essays that preceded his career as a philosopher of law. In the first essay, he denounced what he considered to be a kind of overestimation of the powers of logic in philosophical analysis, while in the second criticized Russell on epistemology[14]. Bobbio and Hart were thus analytical in two different ways. While Bobbio's method was mainly aimed at debunking false philosophical problems about law through logical and conceptual analysis, Hart's method was to take ordinary

[11] RICCARDO GUASTINI, *Bobbio sulla scienza giuridica. Introduzione alla lettura*, in N. BOBBIO, *Saggi sulla scienza giuridica*, 2011 cit., p. IX.
[12] Cfr. GREGORY BLIGH, *Les bases philosophiques du positivisme juridique de H.L.A. Hart*, Clermont-Ferrand, Institut Universitaire Varenne, 2017; CHARLES-MAXIME PANACCIO, *Hart's French Bulldog. Gregory Bligh on The Philosophical Foundations of H.L.A. Hart's Legal Positivism*, «Analisi e diritto», 1-2023; ADRIANO ZAMBON, *Analysis and paradigm cases in philosophy of law. An Essay on H.L.A. Hart's and A.M. Honoré's Method*, Torino, Giappichelli, 2024.
[13] PHILIP MILTON, *HLA Hart: Jurisprudence and Linguistic Philosophy*, «Modern Law Review», 47, 1984, p. 752.
[14] On these two papers, see NICOLA LACEY, *A Life of HLA Hart: The Nightmare and the Noble Dream*, Oxford, Oxford University Press, 2004, p. 145.

talk about law at face value and shed light on our understanding of legal phenomena by analysing the way we talk about law.

Bobbio and Hart, of course, did not have the same relationship as Peano and Russell. They were roughly the same age, there was no master-pupil relationship, and they had developed their own legal theories independently of each other when they first came into contact. The correspondence between Peano and Russell lasted about thirteen years, while the correspondence between Bobbio and Hart was shorter. It began in 1958, when Bobbio thanked Hart for sending him a reprint of his essay on legal positivism and ended (at least as far as we know) with Bobbio thanking Hart for sending him the final version of his essay on legal obligation, which Hart presented at the 1965 Bellagio conference on the same topic they co-organized. Moreover, Peano and Russell frequently commented on each other's works, while Hart never commented on a single work by Bobbio[15], who in turn devoted several essays to examining various features of Hart's theory. So, while Peano-Russell relation was asymmetrical regarding the "rank" (Peano being the master, and Russell the pupil), but quite symmetrical in terms of analysing each other's theory, Bobbio-Hart was symmetrical in terms of "rank", but asymmetrical in terms of analysis.

3. *Bobbio and Hart: The Encounter between the Two Men and the Missed Encounter between Two Traditions*

Bobbio and Hart met at least twice at the Bellagio conferences, held in the early 1960s under the auspices of the Rockefeller Foundation, of which Bobbio was one of the organizers. The first conference, held in 1960, dealt with legal positivism, while the second, held in 1965, was devoted to examining the concept of legal obligation[16].

These were very fruitful meetings at which a large part of the legal positivist works of the "golden age" were conceived, planned or presented. We do not know how strong the influence of these meetings was on Hart, but one can note that there are themes that were addressed by Bobbio before the conferences (and probably presented by Bobbio at the conferences) that reappear in Hart's masterpiece *The Concept of Law*.

Indeed, in two courses he gave at the law faculty in Turin in the late 1950s, which were collected in the 1993 book *Teoria generale del diritto*, Bobbio anticipated many of the themes that would become popular a few years later in Hart's *The Concept of Law*. For example, Bobbio made a clear distinction between power-conferring and duty-imposing rules[17] and affirmed a thesis that would be popularized by Hart in 1961: namely, that acceptance (or consensus, as Bobbio put it) about the foundations of the legal system, at least by the officials of a legal system, is necessary for that system to exist[18]. Bobbio even goes so far as to envisage

[15] Lacey (*ibid.*, p. 190) states that at one point Hart planned to write a paper on Italian legal philosophers, but never did. Curiously, Russell wrote a paper on the works by Italian mathematicians, but never published it. See BERTRAND RUSSELL, *Recent Italian Work on the Foundations of Mathematics* (1902), in GREGORY H. MOORE (ed.), *Toward the "Principles of Mathematics" 1900-02,* The Collected Papers of Bertrand Russell, vol. 3, London, Routledge, 1993.

[16] A report on the first conference can be read in RICHARD A. FALK, SAMUEL I. SHUMAN, *The Bellagio Conference on Legal Positivism*, «Journal of Legal Education», 14, 1961. The proceedings (in Italian) of the second conference can be found in «Rivista di filosofia», 57, 1966.

[17] NORBERTO BOBBIO, *Teoria generale del diritto*, Torino, Giappichelli, 1993, pp. 134-136.

[18] *Ibid.*, pp. 142-143.

that the basic norm of a legal system is, or is based on, a convention[19], and that this convention is first and foremost a judicial one[20]. This is precisely Hart's celebrated thesis that there must be a basic rule at the top of a legal system (which Hart famously calls a "rule of recognition") whose existence is based on a convergent judicial practice of accepting and identifying rules.

The topics on which Bobbio publicly commented on Hart's works in the sixties and seventies are manifold: from the theory of obligation (which was the subject of the correspondence between Bobbio and Hart before the Bellagio conference in 1965) to the distinction between primary and secondary rules and nullity as opposed to sanctions. Let us look at them briefly.

On the first point, Bobbio criticises Hart's thesis that obligation and sanction are unrelated concepts, claiming that in a complex legal system such as the one Hart has in mind, first-order rules of conduct that impose duties are necessarily linked to second-order rules that give officials the power to reprimand unlawful conduct. Consequently, to say that someone has an obligation to do X means not only (as Hart thinks) that there is a rule that imposes X on the subject in question, but also that there is a secondary rule that gives an official the power to sanction X if he fails to comply with the duty-imposing rule[21].

One of Hart's great achievements is to have drawn attention to the fact that our legal systems are combinations of primary rules (i.e. rules of conduct) and secondary rules (which Hart understands largely as power-conferring rules)[22]. Within the secondary rules, Hart famously distinguishes between the rules of adjudication, which establish procedures and criteria for the application of the law by officials, the rules of change, which establish procedures and criteria for modifying the content of the law, and the rule of recognition, which establishes the criteria for identifying valid legal rules.

In reading Hart, Bobbio stresses two important circumstances that Hart has lost sight of[23]. First, there can be more than one rule of recognition in a legal system, and these can usually be regarded as essentially coextensive with rules of change; second, the term "secondary" is not entirely clear, as it obscures the fact that such rules are "secondary" in different ways: rules of adjudication are secondary to rules of conduct, rules of change are secondary to rules of adjudication but tertiary to rules of conduct, and rules of recognition are secondary to rules of change, but tertiary to rules of adjudication and quaternary to rules of conduct.

Finally, one of Hart's most important theses in *The Concept of Law* is that nullity is not a sanction[24]. The main reason for this thesis is that the discouragement of conduct by an associated sanction is not at play with power-conferring rules, where the legal consequence of

[19] *Ibid.*, p. 193: «[La norma fondamentale] è una convenzione».
[20] *Ibid*., p. 191-2: «il giudizio sulla validità di una norma è decisivo, se non sempre per la condotta del cittadino, sempre per la condotta del giudice».
[21] NORBERTO BOBBIO, *Obbligo giuridico* (1966), in Id., *Contributi ad un dizionario giuridico*, Torino, Giappichelli, 1994, p. 253: «Siccome tra le norme secondarie, perlomeno in un sistema giuridico evoluto, vi sono quelle che provvedono a infliggere sanzioni in caso di violazione delle norme primarie, si può parlare propriamente di obbligo giuridico […], quando la violazione di una norma primaria sia essa stessa prevista e regolata da norme».
[22] HERBERT L.A. HART, *The Concept of Law*, Oxford, Clarendon, 1994[2], pp. 91-99. For remarks on Hart's main innovations and influences, see A.W. BRIAN SIMPSON, *Reflections on the 'The Concept of Law'*, Oxford, Oxford University Press, 2011.
[23] NORBERTO BOBBIO, *Norme secondarie* (1975), in Id., *Contributi ad un dizionario giuridico*, 1994 cit., pp. 233-243.
[24] HART, *The Concept of Law*, 1994 cit., p. 28: «though it is a nullity our failure to comply with the statutory provision is not a 'breach' or a 'violation' of any obligation or duty nor an 'offence' and it would be confusing to think of it in such terms».

failing to achieve the desired effect when the criteria provided by such rules are not met is the lack of recognition by the legal system. By contrast, according to Bobbio, nullity is a kind of sanction: while the legal system ensures, through punishment or reparation, that non-compliance has a certain effect that is contrary to the effect desired by the non-observer; through nullity, it ensures instead that non-compliance prevents the non-observer from achieving the desired effect. In these cases, then, the effect of the remedy for this kind of defect is what Bobbio calls "frustration", in the sense that the burdensome measure to which the one who violates the rule is subjected does not make his action disadvantageous to him (as happens with the sanctions associated with duty-imposing rules), but useless[25].

Hart never replied to Bobbio and did not use Bobbio's insights to address the issues he dealt with. As mentioned above, the only debate Hart and Bobbio had at the time can be found in their correspondence, which is now kept at the *Piero Gobetti Research Centre* in Turin.

Bobbio never publicly complained that Hart did not respond to, or comment on, his criticisms or insights, but he once wrote in correspondence that the fact that English-speaking legal theorists seem to ignore theorists in other languages is regrettable. In fact, in a 1979 letter to the Argentine jurist and judge Genaro Carrió, Bobbio commented that it was necessary[26]:

> ricordare a coloro che scrivono in inglese che anche in altre lingue si possono leggere cose che possono essere considerate interessanti. Anch'io ho avuto più volte occasione di constatare che una conoscenza reciproca sarebbe utile a entrambe le parti. Un esempio tipico di ignoranza del diritto continentale è stato per me il libro di Raz *The Concept of a Legal System*. Quando lo lessi ormai sono molti anni mi colpì il fatto che egli aveva inventato nuovi nomi per indicare categorie di norme conosciute da tempo immemorabile con altri nomi. Tutto questo sfoggio di una nuova terminologia dipendeva unicamente a mio parere dal fatto che l'autore non aveva studiato seriamente la teoria del diritto tradizionale, che è nata, non dobbiamo dimenticarlo, in Germania. Ero stato tanto colpito da questa varietà di linguaggi che insieme con alcuni colleghi mi ero messo in testa di elaborare un "lessico" di teoria generale del diritto per cercare di distinguere le controversie verbali da quelle reali.

These remarks are all the more important when one considers that Raz's book *The Concept of a Legal System*[27] was the elaboration of his doctoral thesis, which he had written under Hart's supervision. One can therefore read between the lines a criticism of Hart himself. Consider also that the essay Bobbio wrote in 1975 for the planned lexicon – *Per un lessico di teoria general del diritto* – accuses the epigons of Hart above all of failing to recognize that many of the new

[25] NORBERTO BOBBIO, *Sanzione* (1969), in Id., *Contributi ad un dizionario giuridico*, 1994 cit., p. 321.

[26] *Letter from Norberto Bobbio to Genaro R. Carrió, July 13, 1979*, in MARIO G. LOSANO (ed.), *Norberto Bobbio - Genaro R. Carrió Un carteggio su struttura e funzione nel diritto 1964-1980*, Milano, Led, 2024, pp. 112-113: «[…] to remind those who write in English that it is possible to read things in other languages that can be considered interesting. I have also had several occasions to point out that mutual knowledge would be useful for both sides. A typical example of ignorance of continental law for me was Raz's book *The Concept of a Legal System*. When I read it many years ago, I noticed that he had invented new names to designate categories of norms that had always been known by other names. In my opinion, this whole display of new terminology was based solely on the fact that the author had not seriously studied the theory of traditional law, which, let us not forget, originated in Germany. I was so impressed by this linguistic diversity that, together with some colleagues, I set out to create a "lexicon" of general legal theory in order to try to distinguish verbal disputes from real ones».

[27] JOSEPH RAZ, *The Concept of a Legal System. An Introduction to the Theory of Legal System*, Oxford, Clarendon, 1980[2].

concepts Hart presented as a "fresh start" for legal theory were in fact reformulations of concepts already treated in legal theory under other names. Indeed, Bobbio affirms, rules of recognition and rules of change had previously been studied under the heading "rules on legal production" and the main aim of his linguistic analysis of these concepts is precisely that of avoiding confusions that can arise from the belief that new things correspond to new names[28].

One could say that the analytic theory of law, broadly construed, could have been more unified if it had taken the same path that the philosophy of mathematics took with Peano and Russell. As anyone familiar with the discipline knows, unlike legal theory, the debate among philosophers of mathematics is international and not fragmented along national or cultural lines[29]. The difference with the theory of law lies perhaps in the obvious fact that the subject matter of the philosophy of mathematics is universal, whereas the subject matter of the philosophy of law appears at first sight to be local. On closer inspection, however, legal theory strives for generality, as it attempts to reconstruct the general features of most legal systems (or at least most legal systems of a certain kind). The works of Bobbio and Hart are paradigmatic in this sense, as they both aim to identify common general features of developed legal systems. The fact that Hart's and Bobbio's work ran in parallel, rather than interacting as Peano's and Russell's did, is in some ways unfortunate and has led to a divide between Anglo-American and non-Anglo-American legal theory that persists, at least in part, to this day[30].

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[28] BOBBIO, *Norme secondarie*, 1994 cit., p. 238: «La novità della terminologia […] può far credere che prima di Hart non si conoscesse, insieme col nome, neppure la cosa. Il principale scopo di un'analisi linguistica […] è proprio d'impedire la confusione che nasce dal credere che a nomi nuovi corrispondano cose nuove».
[29] EVANDRO AGAZZI, G. DARVAS GYÖRGY (eds.), *Philosophy of Mathematics Today,* Dordrecht, Springer, 1997.
[30] See DAN PRIEL, *The Narrowing of Legal Positivism*, in LUKA BURAZIN, KENNETH H. HIMMA, GIORGIO PINO (eds.), *Jurisprudence in the Mirror. The Common Law Meets the Civil Law World*, Oxford, Oxford University Press, 2024.

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BOBBIO NORBERTO, *Considerazioni in margine*, «Rivista di Filosofia», 1966, pp. 235-246; republished as *Obbligo giuridico*, in Id., *Contributi ad un dizionario giuridico*, Torino, Giappichelli, 1994, pp. 245-256.

BOBBIO NORBERTO, *Sanzione*, in *Novissimo digesto italiano*, vol. XVI, Torino, 1969, pp. 530-540; now in Id., *Contributi ad un dizionario giuridico*, Torino, Giappichelli, 1994, pp. 307-333.

BOBBIO NORBERTO, *Per un lessico di teoria generale del diritto*, in *Studi in memoria di Enrico Guicciardi*, Padova, Cedam, 1975, pp. 47-55; also published as *Norme secondarie*, in Id., *Contributi ad un dizionario giuridico*, Torino, Giappichelli, 1994, pp. 233-243.

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