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The Delicate Neutrality in Norberto Bobbio: Between Rigorous Form and the Urgency of Values

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Summary

This article analyzes the delicate neutrality in Norberto Bobbio's legal thought, conceived as a constitutive tension between the demand for methodological rigor and the axiological commitment to democratic values. Drawing on the theory of norms, the legal system, and the distinction between methodological and ideological positivism, it argues that Bobbio's neutrality does not reflect evaluative indifference, but rather an epistemological strategy aimed at preserving the autonomy of legal science without obliterating its normative dimension. The research demonstrates that such neutrality, simultaneously a theoretical contribution and a revelation of the limitations of the separation between science and politics, persists as a paradigmatic model for understanding the epistemological impasses of contemporary legal theory.

Keywords: Norberto Bobbio; Scientific neutrality; Legal positivism; Legal theory; Democracy; Legal epistemology.

Abstract

This article examines the delicate notion of neutrality within Norberto Bobbio's legal thought, conceived as a constitutive tension between the demand for methodological rigor and the axiological commitment to democratic values. Proceeding from the theory of norms, the structure of the legal system, and the distinction between methodological and ideological positivism, it advances the thesis that Bobbioan neutrality does not mean value indifference. Rather, it constitutes an epistemological strategy aimed at preserving the autonomy of legal science without, however, obliterating its intrinsic normative dimension. The investigation demonstrates that such neutrality, simultaneously a foundational theoretical contribution and a revelation of the limitations inherent in the separation of science and politics, hardens as an indispensable paradigmatic framework for understanding the epistemological impasses of the contemporary legal theory.

Keywords: Norberto Bobbio; Scientific Neutrality; Legal Positivism; Legal Theory; Democracy; Legal Epistemology.

1. Introduction

The problem of scientific neutrality in Norberto's legal thought

Bobbio highlights an irreducible structural tension between the demand for rigor conceptual methodological and the inescapable recognition of the axiological-political dimension that permeates the legal phenomenon. This tension is paradigmatically manifested in its

affiliation to legal positivism, a discursive *locus* where the aspiration to autonomy epistemological jurisprudence collides (without ever canceling itself out!) with the interpellation normative of democratic values in the architecture of late modernity.

Legal positivism – as a theoretical-methodological configuration of law positive – is part of a tradition that dates back, *ab initio,* to the founding cleavages of Western legal modernity. The very expression “legal positivism” is rooted in opposition (already hinted at in the conceptual categories of Greco-Latin thought) between *ius positum* and *ius naturale,* a distinction that “as to the conceptual content, is already found in Greek and Latin thought” (Bobbio, 1995a, p. 15). This original duality serves, in Bobbio, as a framework for a conception of neutrality that (rejecting axiolatry or moral indifference) is imposed as *a procedural strategy* designed to protect the methodological specificity of legal analysis against the temptations of confusion disciplinary.

Bobbian meditation on legal science emerges on a horizon epistemological marked by the need to overcome the classical *duplicatio scientiae,* that historically configured the legal field as a space divided between “una giurisprudenza che non è scienza” and “una scienza che di per se stessa non ha più nulla a che fare con la giurisprudenza” (Bobbio, 1949, p. 344). The reconciliation of this dichotomy (re)claims a reconfiguration of the epistemic status of jurisprudence, capable of articulating the demand for scientificity with its interventionist vocation in social *praxis* .

Neutrality, in this context, is not assumed as a dogma, but as a response conceptual to the “complesso d'inferiorità of the giurista on the front agli altri scienziati” (BOBBIO, 1949, p. 349). It is about establishing a paradigm of legal scientificity that, without giving up the *ethos* of methodological precision, affirm the irreducibility of the legal to *codes* of natural sciences – establishing an autonomous rationality, situated in the tension between *Zweckrationalität* and *Wertrationalität.*

It is precisely in the theory of legal norm that this tension between form and value takes on a particularly eloquent configuration. Bobbio seeks, in this framework, combine three valuation plans – “justice, validity and effectiveness” (Bobbio, 2003, p. 45) – , whose coexistence reveals the complex *Sinnzusammenhang* of an approach that preserves the autonomy of legal dogma, without obliterating its social implications and axiological.

This is how Bobbian's delicate neutrality is outlined: not as ethical exile, but as a way of reconciling (tense and unfinished!) the science of law and its inscription

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on the democratic horizon. There is no static synthesis here, but a productive oscillation between "strong reason" and "weak reason", between "law of reason" and "legal reason" (Bobbio, 1988, p. 100), in an argumentative constellation that combines formal rationality and civic responsibility.

It is this fruitful tension that the present investigation seeks to thematize, questioning the possibility of a legal discourse that, at the same time as it claims the scientific neutrality, does not give up a commitment to the founding values of constitutional democracy. This analysis will allow us to understand, in a critical key, the singularity of Bobbian's contribution to legal theory, as well as mapping its internal limits and the hermeneutic possibilities that are inscribed within it.

The relevance of this research lies in the persistence of the dilemmas that Bobbio faced – dilemmas that continue to challenge legal thought *today* contemporary. The tension between neutrality and axiology, between technique and value, remains as a fundamental question, all the more pressing the more the mutation processes sociopolitical demands from law a reconfiguration of its normative promises and its legitimizing function.

2. Theoretical Framework

The theoretical construction of scientific neutrality in Norberto Bobbio is based on a critical reconfiguration of the dogmatic-epistemological legacies that – throughout the tradition Western legal-philosophical theory – sought to anchor the scientific nature of jurisprudence. This reconfiguration is not limited to a gesture of overcoming the conceptual insufficiencies that devastated these traditions; it operates as *a relecture* that, without giving up the *strong Methode,* reinscribes law in the plane of systematic rationality (without dissolving its character normative-speculative under the yoke of empirical sciences).

It is in the theory of legal norm that the systematic core of this is inscribed construction, through the distinction between different categories of normative propositions, the which organize the legal field as a prescriptive language and system of commands. The tension between imperatives and permissions reveals the structural complexity of legal *terms* , where "permissive norms are necessary where a system of imperatives that present, in certain circumstances or by certain people, an abrogation or a derogation" (Bobbio, 2003, p. 128). This

dialectic between command and normative exemption does not illustrate any neutrality uncommitted, but a topological understanding of normativity, in which judgment on permissibility depends on a logical structure internal to the system itself obligations.

The extension of this logic is further articulated in the theory of ordering legal, where the question of systemic coherence becomes the core criterion of intelligibility of the normative order. Within this grammar of cohesion, the antinomies legal entities represent (not mere systemic accidents) structural figures that require interpreter a reconstructive operation – often situated on the threshold of creation normative. In fact, “in the case of conflict between two norms, for which neither is valid the chronological criterion, neither the hierarchical nor the specialty criterion, the interpreter, be he the judge or jurist, has three possibilities before him: 1) eliminate one; 2) eliminate both; 3) preserve both” (Bobbio, 1995b, p. 100). This interpretative trichotomy reveals that scientific neutrality, in Bobbio, is not resolved in a subsumptive mechanism, but demands a hermeneutic activity that – even guided by formal criteria – is marked by the heuristic dimension of the interpretative act – *actus interpretandi* which is it often approaches normative *poiesis (ÿÿÿÿÿÿÿ) .*

The distinction between validity, effectiveness and justice, as criteria for valuing the legal, reinforces this pluralization of analytical levels, allowing to circumscribe domains conceptual elements that, without being hermetically sealed, maintain their autonomy functional. This separation does not postulate a *splendid isolation* between facticity, normativity and value, but constitutes a *methodological strategy* oriented towards systematic treatment of the complexity of the legal phenomenon, without reducing plurality from its constitutive aspects to a conceptual monology.

It is in this horizon that Bobbian's reflection on reason is also inscribed in law, articulated in a semantic cleavage between *strong reason* and *weak reason,* while expressions of “two different moments of the legal universe, that of the creation of law and that of its application” (Bobbio, 1988, p. 100). The segmentation between genesis normative and operative execution allows us to configure a differentiated theory of neutrality, sensitive to the mutations of meaning that occur between the constituent moment and the moment of application of the law. Neutrality reveals itself (not as an absolute value!) as *a modus operandi* that requires gradation and prudence *(ÿÿÿÿÿÿÿ)* depending on the *locus* in which the legal-rational activity is included.

The insertion of ideological positivism into this framework adds a new layer of complexity to the Bobbian conception. Here, scientific neutrality is crossed by evaluative interpellation typical of modern democratic regimes, making it inevitable friction between description and normativity. “As an ideology, legal positivism represents the belief in certain values, on the basis of this belief, trust it I decree that it is, because it alone exists, a positive value, dispensing with all consideration about its correspondence with the ideal right” (Bobbio, 2015, p.106). Scientificity then ceases to operate *sub specie abstractionis,* being driven to confront the ideological assumptions that legitimize the legal system itself as such.

In this sense, secondary literature has emphasized the originality and inflection critique of Bobbiana's proposal in the context of 20th-century Italian legal philosophy. “In this sense, Bobbio proposes the commitment of a liberal-socialism, movement characterized by the synthesis between political liberalism and economic socialism and based on a pluralistic and procedural vision of democracy. Reconciling civil and political liberties with the ideals of equality and social justice, where the State democratic would be the fundamental element. His concern is to find a democratic alternative to the model of bourgeois liberal democracy, an alternative socialist, not Marxist, of this model” (Fontes, 2012, p. 4). This orientation, simultaneously methodological and programmatic, helps to understand the internal tension – never resolved, but permanently rebalanced – between analytical rationality and normative sensitivity that informs Bobbian's work.

The evolution of the author's thought ultimately reflects a progressive expansion of its theoretical horizon, evident in the transition from the Faculty of Law to the Faculty of Political Sciences, in 1973 – a movement that marks, more than a rupture, a deepening. In fact, “in your cultural and academic life the interest in topics more legal than political predominated in a first phase, while in a second phase will reach greater weight in the most political themes” (Losano, 2004, p. 115). of institutional *locus* reflects a theoretical shift towards meta-reflection on the political-normative implications of neutrality, without this implying the dilution of the original scientific ideal – resizing it in light of the demands of a reflexive democracy.

3. Results and Discussion

The analysis of scientific neutrality in Norberto Bobbio reveals a constitutive (and unresolvable!) tension that runs transversally through its proposal conceptual. This tension, far from being configured as a contradiction that can be suppressed by dialectical synthesis, operates as a founding tension *(Grundspannung),* whose productivity lies in the permanently unstable cohabitation between the demand for rigor methodological and the normative interpellation coming from the axiological sphere. This is an ineliminable *Verflechtung ,* which runs through the Bobbian *corpus* as a trace unmistakable legal rationality that does not abandon its scientific claim, without obliterating its inscription in the evaluative horizon of political modernity.

3.1 Neutrality as an Epistemological Strategy: Between Science and Ideology

The emergence of scientific neutrality in Bobbio is a response theoretical-structural to a fundamental requirement of legal modernity: the transfiguration of legal knowledge in a *modus cognoscendi* endowed with analogous epistemic consistency to that claimed by the nomothetic sciences of nature and society. In this sense, the purpose is clear – to build a "true and adequate science that would have the same characteristics of the physical-mathematical, natural and social sciences" (Bobbio, 1995a, p. 135).

The cornerstone of this methodological reconfiguration is the rigorous dissociation between *Tatsachenurteile* and *Werturteile* – or, in Bobbian terminology, between judgments of fact and value judgments – given that "science consists only of judgments of fact" (Bobbio, 1995a, p. 135). Bobbian legal epistemology, *in eo contextu,* is not blind to values, but imposes itself as a strategy of categorical containment, which aims to subtract scientificity from the right to the contagion of uncontrolled axiological projections.

This methodological device is exemplarily manifested in fidelity to Austin's maxim, according to which the "legal positivist assumes a scientific attitude in front of the law since, as Austin said, he studies the law as it is, not as should be" (Bobbio, 1995a, p. 136). The cleavage between validity and value translates into a device of double ontological inscription: "the validity of a legal norm indicates the quality of such a norm, according to which it exists in the sphere of law" while "the value of

a legal norm indicates the quality of such norm, by which it is in accordance with the law ideal" (Bobbio, 1995a, p. 136-137). Neutrality emerges, therefore, as a form of epistemological *epoché* – not to deny the ethical dimension of the legal, but to submit it to a discursively controlled treatment.

It is in this light that the delimitation of the spheres of science and philosophy of law, operated by the "distinction between judgment of validity and judgment of value", which "came to assume the role of delimiting the boundaries between science and philosophy of law" (Bobbio, 1995a, p. 138). The philosopher transcends the description of the *status quo iuris* to confront the question of his ultimate *telos (ÿÿÿÿÿ) :* "the philosopher of law is not content to know the empirical reality of law, but wants to investigate its foundation, the justification: and here he is thus placed before the problem of the value of law" (Bobbio, 1995a, p. 138). Neutrality, then, more than removing the foundational dimension, determines the appropriate plan for its discursive treatment, giving it a status specific – that of the philosophical problem of value.

3.2 The Tension between Rigorous Form and Value Urgency in Value Theory Ordering

It is within the theory of the legal system that the tension between form systematic and the evaluative urgency reaches its most tangible expression – *epiphainetai,* one would say – as a structural problem of the legal system as a whole normatively coherent. The author attempts here a reconciliation between rationality formal *(Formrationalität)* and the irruption of value contingency in legal *praxis .*

The question of antinomies constitutes the privileged space of this tension, insofar as in which they denounce the limits of any attempt at absolute systematization. When "neither the chronological criterion, nor the hierarchical one, nor the specialty one are valid", the interpreter is faced with "three possibilities: 1) eliminate one; 2) eliminate both; 3) preserve both" (Bobbio, 1995b, p. 100). This hermeneutic *Trilemma* displaces the act interpretative of pure subsumption to the domain of rationally grounded decision, forcing the jurist to recognize the inventive, and not just declarative, character of his activity.

The author's methodological preference for the third way – simultaneous conservation of incompatible standards, by eliminating the incompatibility – presents a reconstructive operation that aims to preserve the integrity of the system and the continuity of

its performative authority. It is a matter of avoiding (by interpretative means) the *Entwertung* of standard. Hence the maxim that "the system must be obtained with the least disorder, or, in other words, that the system requirement must not cause harm to the principle of authority" (Bobbio, 1995b, p. 104).

This principle of interpretative restraint translates into the methodological obligation to maximize the legal meaning of current standards, even when apparently unadjusted: "it is the strict duty of the interpreter, before arriving at the abrogating interpretation (which, at first, we would opt for), try any way out so that the norm legal has a meaning. There is a right to existence that cannot be denied to the norm, since it came to light" (Bobbio, 1995b, p. 105). The norm, as a legal product instituted, thus enjoys a *praesumptio iuris pro vita sua,* the denial of which requires reinforced foundation. Neutrality, in this sense, no longer operates as a simple axiological abstinence, but as structural surveillance that ensures the balance between systemic rationality and normative legitimacy.

3.3 Reason in Law: Between Creation and Application

Bobbian's reflection on reason in law introduces a theoretical inflection decisive in the configuration of scientific neutrality, as it complicates the relationship between the two major moments of the legal phenomenon: that of normative genesis and that of its application. This distinction is based on the vertical segmentation of the spaces in which "the theory of law encounters reason" – distinguishing "the higher place where over the centuries reason has been attributed to creating or founding force, and the lowest place where reason has the secondary or subordinate task of carrying out what is already laid down" (Bobbio, 1988, p. 101). The recognition of this structural duplicity allows reinscribe the question of scientific neutrality in the field of tensions between *Schöpfung* (creation) and *Anwendung* (application), between foundation and execution.

The historical-conceptual transformation of the idea of legal reason is reflected in the alteration of its founding function: while, in the classical tradition, reason was conceived as *a principium iuris,* endowed with instituting force, in the modern framework its prevalence reconfiguration as an operational instrument of the application. In effect, "the expression 'reason in law' essentially, I am tempted to say exclusively, evokes the second meaning, that is, it suggests the topic of legal reasoning" (Bobbio, 1988, p. 101). from founding reason to operative reason represents a mutation of the legal *logos :* from

its status as *archÿ (ÿÿÿÿ)* originating for a function of technical rationality within of an already established system.

However, the author does not entirely abdicate the creative dimension of reason, identifying in it the force that opposes the great traditional cleavages of thought legal: "reason-revelation antithesis", "reason-will" and "reason-history (for experience)" (Bobbio, 1988, p. 103). The tension here does not dissolve, but transitions to an articulation more subtle, where scientific neutrality emerges as a susceptible *modus pensandi* to integrate both dimensions of reason – its structuring function and its capacity operative.

Legal interpretation constitutes the space where this duality manifests itself most intensely. The jurist (in addition to exercising a function of mere formal subsumption) acts as a rational mediator between the text and the living norm, between the given and the constructed. In this sense, the minimum definition of law as "the whole of the rules of conduct inducing the orderly human society" (Bobbio, 1988, p. 105) requires the interpreter not only loyalty to the system, but awareness of its integrating function in the order social. Neutrality is no longer understood as the exclusion of values, but as an instrument of rationalization of legal practices in a horizon of *societal ordering.*

3.4 Ideological Positivism and Democratic Commitment

It is in the analysis of ideological positivism that the tension between scientific neutrality and axiological commitment reaches its most critical point. This problematic core highlights the effort to articulate the autonomy of legal investigation with the requirements norms of constitutional democracy. Neutrality is not an axiological abandonment, but instance of conceptual mediation between science and politics.

Ideological positivism, in its formulation, presents itself as an "ideology of justice", which gives positive law "a positive value, well-being directly a fair Law (strong version), good because it is an instrument to the obtaining of certain fines desirables, tales like (...) the order, the peace, the certainty and, in general, legality (weak version)" (Jiménez Cano, 2009, p. 1-2). The distinction between the strong and weak versions highlights the cleavage between ethical foundation and political functionality. normative. The axiological commitment, in this framework, does not arise

mechanically from science, but results from an autonomous choice that demands specific legitimation – autonomía de lo político.

The "positivist ideology" defended by Bobbio "is based on the idea that security and preservation of the rights of all individuals requires a certain form of government that is synthesized in the idea of the State of Right" (Jiménez Cano, 2009, p. 2-3). The rule of law operates as a point of convergence between the method scientific and institutional realization of democratic values, condensing the ideal of a rational legality in the service of political freedom.

This articulation manifests itself in three structuring theses. The first postulates "the consideration that only the rights of individuals in situations of peace, for which the establishment of a normative democratic order is necessary aimed at resolving conflicts" (Jiménez Cano, 2009, p. 3). Legal democracy thus emerges as a pragmatic requirement for the protection of fundamental rights. In effect, democracy "has as its primary objective to enable the solution of conflicts through 'contracting' between the parties, if this is not successful, by means of the mayoral vote, thus excluding the resort to violence" (Jiménez Cano, 2009, p. 3). Neutrality, in this sense, constitutes the procedural framework in which the value democratic is inscribed as a horizon of peaceful resolution.

The second thesis highlights "the pretension that the norms that impose the order democratic social tengan the form of leyes, is to decide, that posean the features of generality and abstraction" (Jiménez Cano, 2009, p. 3). The legal form – *lex generalis et abstracta* – becomes here an instrument of articulation between neutrality and justice distributive. The law, in this sense, cumulatively performs "the equalizing function" (...) the security function or certainty (...) (and) facilitates freedom" (Jiménez Cano, 2009, p. 3-4), revealing the performative effectiveness of the form in realizing normative values.

The third thesis supports "the need for public powers to exercise the power in a limited way by adhering to pre-established laws that pursue the common good" (Jiménez Cano, 2009, p. 4), culminating in the statement that "force is necessary to exercise power, not to justify it" (Bobbio, 2011, p. 227). Here, the *limitatio potestatis* translates into the inscription of political power under the sign of rational legality. The The rule of law, thus understood, does not represent the negation of neutrality scientific, but its political complement: a space in which legal reason is articulated with the *bonum commune* without dissolving into substantive ethics. It is a model

of structural mediation, where science and axiology coexist in a relationship of tension dynamic and functional.

3.5 The Limitations and Contradictions of Bobbian Neutrality

An in-depth analysis of the author's neutrality makes it possible to glimpse (not exclusively the theoretical construction that supports it) its internal fissures – not as accidental failures, but as symptomatic expressions of a structure that, in trying to reconciling disparate epistemological and normative logics leads to irresolvable tensions. The impossibility of delimiting the domains of science in an absolutely watertight manner and ideology, description and prescription, denounces the porous character of any theoretical construction that aims to separate (methodologically!) what, in *practice* legal, is intertwined.

The first limitation comes from the attempt – conceptually ambitious, but empirically fragile – to draw an unequivocal line of demarcation between science and ideology. The distinction between “scientific definitions” and “philosophical definitions” of law, according to which “the first are factual, or non-evaluative, or even ontological definitions, that is, they define the law as it is”, while “the latter are definitions ideological, or evaluative, or deontological” (Bobbio, 1995a, p. 138), collapses before the practical difficulty of operationalizing such a cleavage without incurring circularities, contaminations or arbitrariness.

The second limitation falls within the field of legal hermeneutics and manifests itself if in the tension between the claim to neutrality and the – inevitable – recognition of creative dimension of interpretation. The interpreter, as we have seen, is not *the bouche de la loi,* but a productive agent of meaning. The analysis of legal antinomies demonstrates that interpretative activity is not reduced to the application of predetermined rules, being traversed by inescapable value choices. This problem is captured in the requirement according to which the interpreter must “try any way out so that the legal norm has a sense” (Bobbio, 1995b, p. 105) – a requirement that presupposes a pre-understood axiological: the imperative of preserving the system and its normative authority.

The third limitation emerges from the – conceptually delicate – intersection between the methodological positivism and ideological positivism. The defense of the rule of law democratic – although justified on an axiological level – is not deduced from scientific analysis of the legal phenomenon. It is an option that (although rationally founded)

exceeds the internal validity criteria of the theory, requiring a reconfiguration of the the very epistemic status of legal discourse. Such articulation exposes the fragility of separation between scientific neutrality and normative commitment, especially when the legal knowledge is mobilized for political-transformative purposes.

The fourth limitation stems from Bobbio's own intellectual trajectory and the mutation progressive shift in its investigative focus. The transition from strictly legal studies to an increasingly marked political reflection reveals the gradual politicization of its thought. Such inflection highlights, *ex negativa,* the internal limits of a conception of neutrality based exclusively on methodological criteria. When confronted with the demands of the democratic public space, the ideal of neutrality scientific is forced to reconfigure itself under new categories – *engagement,* responsibility, institutional criticism –, revealing the ideological contours which, from the beginning, inhabited its supposed epistemological purity.

3.6 Delicate Neutrality as Contribution and Problem

Bobbian neutrality – with all its sophisticated ambivalence – reveals itself simultaneously as a major theoretical contribution and as an emblematic figure of the aporias that permeate any attempt to found a rigorous and autonomous legal science. The its greatness is revealed precisely in the awareness of the impossibility of separation absolute between epistemology and politics, between form and content, between scientific description and normative prescription.

Its fundamental contribution consists in demonstrating that neutrality scientific (far from implying axiological indifference) constitutes a strategy methodological approach designed to allow rational and systematic treatment of the dimension valuation of law. Against any normative romanticism or ethical naturalism, Bobbio proposes a legal rationality that, while maintaining its scientific *habitus* , does not closes the question about what is fair, legitimate, democratic.

However, it is in this attempt at delimitation that the central problem manifests itself. of neutrality: the difficulty of preserving the purity of analytical levels when confronted with the complexity of concrete legal experience. This difficulty reveals the structural limit of the application of natural science paradigms to the domain of the social and human sciences. The attempt to isolate the legal in the field of the factual

devalues its historical-normative constitution, disregarding the fact that the law always operates as an intersection between text and context, between norm and *praxis,* between to be and to have to be.

Delicate neutrality persists as a paradigm – not of resolution, but of possible articulation – between methodological rigor and axiological sensitivity. This is a model that (despite being incomplete and marked by unresolved tensions) continues to offer an essential point of reference for those dedicated to the study of right under the dual condition of scientists and citizens. In this horizon, Bobbio does not offers a finished synthesis, but an open grammar for thinking about law between science and democracy – *inter scientiam et rem publicam.*

4. Final Considerations

The analysis of the so-called delicate neutrality in Norberto Bobbio reveals, in a particularly expressive, a *Grundspannung* that runs through – like a guiding thread invisible – the totality of his work: the structural tension (constitutive and irreducible!) between the methodological rigor required by a science of law as an enterprise autonomous epistemic and the axiological commitment that arises from the social and political function of the legal phenomenon within democratic societies. This tension (does not constitute an aporia to be resolved through pacifying conceptual syntheses) expresses the intrinsic complexity of modern *Rechtsdogmatik ,* which oscillates between the ideal of neutrality and the reality of situated normativity.

The investigative path developed here allowed us to identify three dimensions matrices of Bobbian neutrality, each of which simultaneously highlights the virtualities and the limits of its methodological proposal. The first dimension is based on the epistemological strategy that aims to separate, *ex hypothesi,* science and ideology, without obliterating the axiological burden inherent in law. The second is part of the theory of ordering legal, where the requirement for systematic coherence is confronted with the complexity contradictory of concrete normative experience. The third emerges in the articulation between the methodological positivism and democratic commitment, demanding a reconciliation between the claim to neutrality and the *Wertbindung* inherent in the democratic ideal.

It is (primarily) in the theory of the legal system that this *Spannungsverhältnis* acquires maximum density. The observation that “orderings

existing legal systems are more than one" and that "the ideal of a single legal system persisted in Western legal thought" (Bobbio, 1995b, p. 161) imposes on the legal thought, overcoming normative monism and opening up to pluralism contemporary legal system. In effect, the coexistence of "orders above the State, such as the international order", "orders below the State, such as those properly social orders", "orders alongside the State" and "orders against the State" (Bobbio, 1995b, p. 164) reveals a *Vielheit der Rechtsordnungen,* whose complexity prevents any reductive subsumption to traditional frameworks of state legality.

This legal plurality places specific demands on scientific neutrality, to the extent that the management of inter-order relations – whether coordination, subordination or conflict – cannot be reduced to the technical application of criteria logically predetermined. The categorization of relationships as "total exclusion", "total inclusion" or "partial exclusion" always implies interpretative options endowed with axiological density. In this context, neutrality ceases to be a *descriptio sine valore* and inevitably becomes a normative ordering technique endowed with political implications.

The evolution of his thought accentuates this tension, as his reflection moves from the strictly legal plane to the field of political theory. Democracy, in its most robust sense, it is no longer presented simply as a "set of rules", but as a way of life based on shared values – "tolerance, non-violence, (...) the gradual renewal of society through the free debate of ideas" (Santillán, 2004, p. 10). Scientific neutrality, in this horizon, is called upon to articulate itself with a *Wertsystem* that guides, legitimizes and conditions the very practice of legal discourse.

The explanation of the "rules of democracy" – according to which "all the citizens who have reached the majority of the city, without distinction of race, religion, of economic condition, sex, etc., must enjoy political rights" and "the vote of all citizens must have the same weight" (Santillán, 2004, p. 9) – reveals that the neutrality, in Bobbian's conception, does not mean *Wertindifferenz,* but constitutes a methodical device that aims to allow the rational foundation of axiological choices in democratic contexts. As the same author emphasizes, this foundation is not only theoretical, but finds an echo in concrete political struggles: "la democracia ha inspired political fights that were shaped in the implementation of the susodichas reglas" (Santillán, 2004, p. 10).

In this context, Bobbio's contribution assumes exemplary value: demonstrating that scientific neutrality constitutes an epistemological strategy that allows us to approach the complexity of the legal system without renouncing either its scientific autonomy or its political inscription. The tension between “strong reason” and “weak reason,” between *Erzeugung* (creation) and *Anwendung* (application), between neutrality and value, is irreducible – and it is precisely this irreducibility that gives philosophical density to legal theory modern.

The limitations of this neutrality – inevitable – are manifested above all in the difficulty in maintaining the separation between the different planes of analysis intact, when confronted with the opacity and multiplicity of concrete normative experience. The evolution of Bobbian thought itself, particularly visible in its transition from legal studies for political theory, reveals that neutrality cannot be maintained as an absolute principle when questioned by the *Realitätssinn* of democracy. This This finding does not represent a failure, but confirmation that the methods of natural sciences, when transposed *mechanisch* to the domain of human sciences, reach their own internal limits.

The relevance of its proposal is evident in its ability to articulate rigor and value, method and politics, science and democracy – not through a peaceful synthesis, but through the maintenance of a productive tension. In a legal world marked by globalization, the proliferation of normative systems, the erosion of sovereignty state and the demands of material justice, Bobbio's *delikate Neutralität* persists as a paradigmatic model of the possibilities and impasses of a legal science compromised.

The research carried out here therefore allows us to conclude that this neutrality is simultaneously contribution and problem, theory and criticism, method and threshold. The tension that inhabits it should not be seen as an obstacle to overcome, but as expression of the very condition of modern legal reflection. It is a tension constitutive, which requires the jurist to be able to think about law at the exact point where science and politics intertwine – *wo Wissenschaft und Politik sich durchdringen.*

The relevance of such an approach therefore also goes beyond the limits of academic dogma and reaches all those who – in practice and in theory – face the challenge of thinking about law as an autonomous science without renouncing its commitment with democracy. Bobbian neutrality (although marked by irresolvable tensions) remains as *a Leitmotiv* of a legal reflection that does not give up rationality

scientific or ethical responsibility. And it is precisely in this in-between place – between the method and value – which configures the theoretical horizon of a legal science truly contemporary.

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