**Discussion 9: Inclusive Legal Positivism**

* Topic: Inclusive Positivism
* Reading: Dare [excerpt from](https://www.coursebuilder.cad.auckland.ac.nz/flexicourses/3015/publish/1/17/files/positivism_and_the_incorporation_of_moral_terms.docx%22%20%5Co%20%22%22%20%5Ct%20%22_blank)*[The Counsel of Rogues](https://www.coursebuilder.cad.auckland.ac.nz/flexicourses/3015/publish/1/17/files/positivism_and_the_incorporation_of_moral_terms.docx%22%20%5Co%20%22%22%20%5Ct%20%22_blank)*: How can posivists incorporate moral terms into legal reasoning?; Waluchow: “The Weak Social Thesis”;  Dare: “Waluchow and the Argument from Authority”
* Questions:
	1. Dare argues that moral terms incorporated into legal reasoning function as legal not moral terms.  How does he think that happens?  Is he right?
	2. Why does Waluchow think inclusive legal positivism is to be preferred over exclusive legal positivism?
	3. Why does Dare disagree?
	4. How should Dare respond to Waluchow’s most recent contribution to the debate?