

Truth and Truth-makers in Legal Discourse

Paweł Banaś

SUMMARY

In my dissertation I focus on a metaphysical status of truth-makers in the discourse of law, i.e. legal facts. I present my view towards ontology of legal facts as a solution to the placement problem as discussed within general metaphysics. In the first part of my dissertation, I offer a short overview of different placement strategies found in literature on legal theory. Eventually, I argue that my own solution to the placement problem is to be coined in terms of law being a social artefact.

The second part of my thesis is devoted to providing details of metaphysical framework behind my solution. I argue that legal facts ought to be understood as facts about some entities belonging to a certain class (or a kind) or there being some relations between two or more classes (or kinds). In this thoroughly philosophical part I explain the notion of social artefacts which I see as institutional kinds - and conclude by stating explicitly that law as well as its institutions are to be understood in terms of institutional kinds. (rather than natural ones).

In the third part I introduce the method of cognizing the content of legal kinds. I argue that this method is best seen as a Canberra-style method of conceptual analysis which aims at reconstructing contents of our collective concepts.

Part four is devoted to comparing my placement strategy to some significant theories of law that may, *prima facie*, look as identical with mine.

I conclude my dissertation by constructing an argument in favour of conceptual analysis as a sound method of the inquiry into the nature of law.

Paweł Banaś
7.01.2018