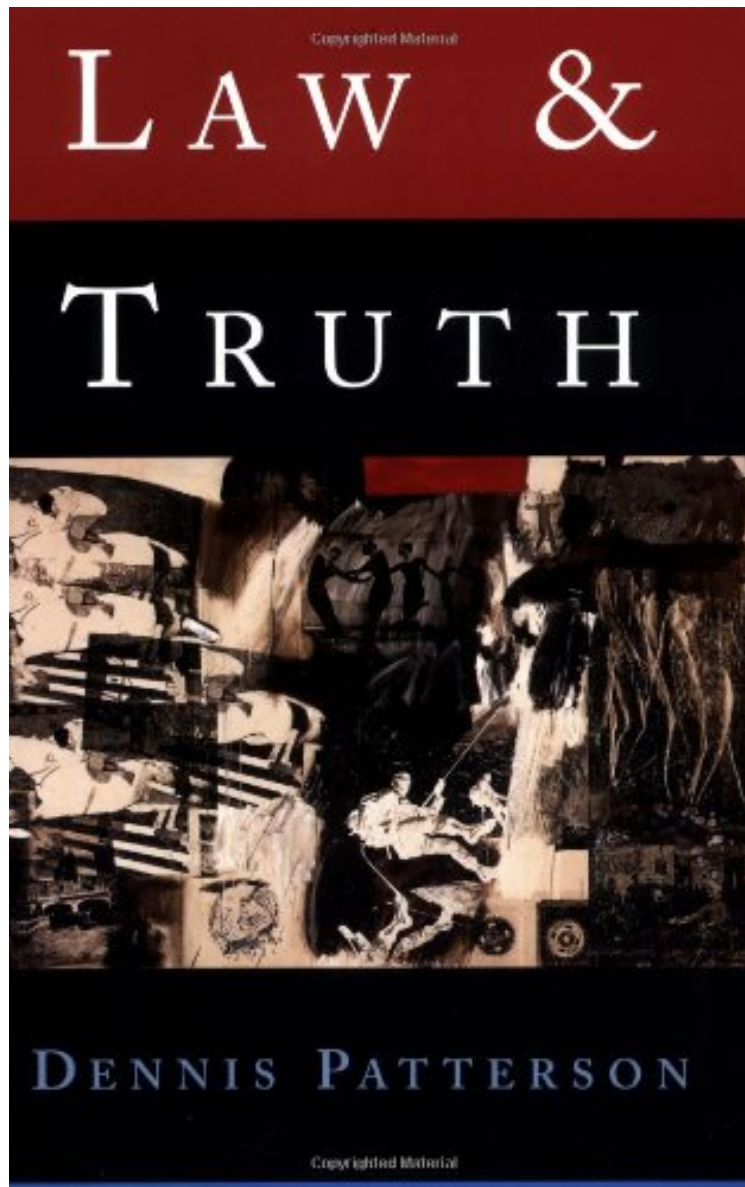


(Ebook pdf) Law and Truth

## Law and Truth

*Dennis Patterson*

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**Dennis Patterson : Law and Truth** before purchasing it in order to gauge whether or not it would be worth my time, and all praised Law and Truth:

3 of 3 people found the following review helpful. Truth or truths? By Hande Z The question that is the focal point of this book is: "What do we mean when we say that a proposition of law is true?" The simplicity of its form belies a mass of difficult issues that require time and space to set out, At the risk of oversimplification, it can be understood by

reference to the question of what relationship there is between truth, justice, and law. Even to philosophers and lawyers that issue resounds with extravagant and often nebulous connotations, yielding contradictory and vague meanings. The conundrum in the question (and its sub and related forms) may seem less formidable, and begin to make sense when we examine a more specific question - are there truths or only Truth in law? This question has, in turn, been repackaged by philosophers as the questions of realism or anti-realism, and objectivity or subjectivity (which is an important but different question from realism or anti-realism). We should gain more from our attempts to understand law, justice, and truth and their relationship with each other once we resolve the realism/anti-realism; objectivity-subjectivity questions. That is, whether there is only one truth or many truths; and whether there is one (objective) way of finding the truth or many (subjective) ways of reaching it. Patterson's book is a clear, organized, and learned discourse that explains the problems and how some of the best minds (Hart, Dworkin, Fish, and Weinrib) dealt with them. Finally, he tells us what he thinks the answer is. You may agree with him or you might prefer the others, or you might even have your own propositions. Whichever the case, this book is an excellent starting point. 9 of 10 people found the following review helpful. Everything you wanted to know about legal theory

By weissliv  
This book is a fine introduction to the problems of contemporary legal theory organized around a simple question: what makes a proposition of law true? Although a tad cantankerous at times, Patterson provides a thorough overview of contemporary approaches to law (realism, interpretivism, etc.) and their limitations before introducing his own theory of law as a linguistic/argumentative practice and applying it to selected legal problems. The book is thus a good choice for those seeking a one-stop introduction to contemporary legal theory as well as those interested in the philosophic debate regarding the nature of truth, etc. It will also make you sound a lot better at (sophisticated) cocktail parties. 12 of 12 people found the following review helpful. What is "truth" in law?

By John S. Ryan  
Many of my favorite books in philosophy follow a common pattern: the author will pose a problem or question, canvass its historically and/or presently available resolutions, say straightforwardly what he believes to be lacking in each, and offer a resolution of his own (or the beginning of one) that avoids the difficulties he has identified in the others. I will not say that all philosophy books should be written to this plan. But the ones that are tend to fulfill a dual purpose: they provide a useful and nontrivial introduction/overview for a newcomer to the topic in question, and they genuinely advance the discussion among professionals who have long dealt with it. This isn't easy to pull off, and authors who manage to do it command my respect quite apart from whether I agree with their conclusions. Prof. Dennis Patterson of Rutgers University School of Law is such an author, and Law and Truth is such a book. And the topic with which it deals is one that is, or should be, central to the philosophy of law: "What does it mean," as Patterson himself puts it, "to say that a proposition of law is true?" Patterson sorts helpfully through the array of proposed answers to this question in contemporary jurisprudence. In particular, he deals in turn with Ernest Weinrib's account of the immanent rationality of law; the moral realism of Michael Moore and David O. Brink; the legal positivism of H.L.A. Hart; the interpretation-based approaches of Ronald Dworkin and Stanley Fish; and the "modal" account of Philip Bobbitt. In each case he deftly, clearly, and fairly summarizes the account in question and proceeds to raise his own objections. (All his discussions are well executed, but I especially enjoyed his brilliant and occasionally wry reply to Fish.) He concludes with a chapter on "Postmodern Jurisprudence," in which he sets out his own view. Having argued that the argument between legal "realism" and "anti-realism" is based on shared (false) premises, he maintains that the normativity of law is rooted firmly in communal linguistic practices -- "linguistic" here being taken sufficiently broadly to include the forms of legal argumentation. I shall not try to comment in detail, as -- owing to other constraints on my time -- I have only just finished reading the book for the first time. But as a general matter, I can say that, while I do have disagreements with Patterson's thesis, I am surprised to have as few disagreements as I do. In particular Patterson has an acute sense of one of the apparent paradoxes of legal truth -- that it is not simply a matter of accurate "representation," but rather (this is not quite his own way of putting it) truth in law is in some way constituted by our own activities, including speech and thought. (I would extend this insight to many other areas as well, by the way, and perhaps Patterson would too.) Now, the rejection of "representationalism" is not necessarily the acceptance of postmodernism; objective idealism would concur with that rejection but would likely balk at the apparent reduction of truth to a matter of strictly linguistic practices a la the later Wittgenstein. And as I am in the objective-idealist camp myself, I would probably alter the way Patterson makes this or that point even when I agree with it in principle. (I also suspect that, although Patterson's critiques of Weinrib are trenchant and important, Weinrib's own account is probably able to deal with them.) Be that as it may, Patterson presents his case not only with a solid, accessible exposition of the philosophical issues at stake in the discussion but also with concrete and pertinent examples of actual legal reasoning and patterns of criticism. His well-chosen examples are remarkably successful both in highlighting flaws in existing accounts of legal truth and in supporting his own contrasting account. As for that account itself, where he sees a revolution, I tend to see a chance to revive some of the lost tenets of objective idealism; but even that would be a revolution in its way, and one not necessarily at odds with Patterson's own. Moreover, as I have noted already, his exposition will be an invaluable introduction to those who want to know why there is any fuss about the logical status of legal propositions in the first place. This volume will thus be of tremendous interest to a broad audience of scholars and students.

Taking up a single question--"What does it mean to say a proposition of law is true?"--this book advances a major new account of truth in law. Drawing upon the later philosophy of Wittgenstein, as well as more recent postmodern theory of the relationship between language, meaning, and the world, Patterson examines leading contemporary jurisprudential approaches to this question and finds them flawed in similar and previously unnoticed ways. He offers a powerful alternative account of legal justification, one in which linguistic practice--the use of forms of legal argument--holds the key to legal meaning.

"Law Truth is one of the most significant books on jurisprudence to be published in recent years."--Notre Dame Law  
"Patterson's project succeeds."--Columbia Law "An invaluable addition to the literature on philosophical realism, language philosophy, and legal philosophy."--Choice  
"An excellent compendium of contemporary views on the epistemological soundness of contemporary theory of jurisprudence....[Includes] two superlative [chapters] on the jurisprudential notions of Ronald Dworkin and Stanley Fish. This thorough ventilation of the claims and pretensions of these two eminent jurists brings readers... to the forefront of controversy in the philosophy of law and related philosophical disciplines.... The concluding chapters...offer Patterson's own claim that truth is best seen as a linguistic practice among competently trained communicators.... An invaluable addition to the literature on philosophical realism, language philosophy and legal philosophy."--Choice  
"Patterson's book is an important piece of work on a topic fundamental to legal theory and currently of great interest in scholarly circles. Professor Patterson addresses large and difficult issues of metaphysics, epistemology, and the philosophy of language, which many believe to lie at the foundations of law and legal reasoning."--Gerald J. Postema, University of North Carolina at Chapel Hill  
From the Back Cover  
Taking up a single question - "What does it mean to say that a proposition of law is true?" - this book advances a major new account of truth in law. Drawing upon the later philosophy of Wittgenstein, as well as more recent postmodern theory of the relationship between language, meaning, and the world, Patterson examines leading contemporary jurisprudential approaches to this question and finds them flawed in similar and previously unnoticed ways. Despite surface differences, the most widely discussed accounts of legal meaning - from moral realism to interpretivism - each commit themselves, Patterson argues, to a defective notion of reference in accounting for the truth of legal propositions. Tracing this common truth-conditional perspective - wherein propositions of law are true in virtue of some condition, be it a moral essence, a social fact, or communal agreement - to its source in modernism, Patterson develops an alternative (postmodern) account of legal justification, one in which linguistic practice - the use of forms of legal argument - holds the key to legal meaning. A work of provocative scope, argued with uncommon clarity, Law and Truth will interest legal theorists, philosophers, and anyone else concerned with the implications of postmodern thought for jurisprudence.  
About the Author  
Dennis Patterson Distinguished Professor of Law Rutgers University School of Law, Camden