

SINGAPORE SYMPOSIUM IN LEGAL THEORY

“Must the Epistemology of Law Track Its Metaphysics? A Case Study in Nonbasic Epistemology”

BY Professor Mark Greenberg
University of California, Los Angeles

12 MAY 2022, THURSDAY
9.00AM – 11.00AM (SGT)
(VIA ZOOM)

ABSTRACT

The paper introduces a topic, which it labels loosely *nonbasic epistemology*. Somewhat more precisely, the topic concerns whether, and if so, under what conditions, the epistemology of a nonbasic domain must *track* its metaphysics. The explication of this central notion of tracking is an important part of the project. Some domains are nonbasic in the sense that the facts of those domains obtain in virtue of more basic facts. My topic concerns the relation between how the facts of nonbasic domains are (metaphysically) determined and how we can ascertain these facts. More specifically, I focus on a cluster of questions concerning whether and under what conditions we need to infer the facts of a domain from the more basic determining facts. There are some relatively clear instances of non-inferential access to the facts of a domain. One’s access to one’s own mental states and perception of the external world are good examples. In these cases, tracking is unnecessary: because of our non-inferential access to the target facts, we don’t have to infer the target facts from the more basic facts that determine them. But there are difficult questions about other domains. In this paper, after clarifying the issues, I take the legal domain as a case study.

ABOUT THE SPEAKER



Mark Greenberg is the Michael H. Schill Endowed Chair in Law and Professor of Philosophy. His areas of expertise include philosophy of law, philosophy of mind and psychology, ethics, and criminal law. He is co-director of the UCLA Law and Philosophy Program. After receiving his B.A. from Johns Hopkins University and his J.D. from Boalt Hall School of Law of the University of California, Berkeley, Greenberg served as law clerk to the Honorable Ruth Bader Ginsburg on the United States Court of Appeals for the District of Columbia Circuit. He was subsequently a Marshall Scholar at Oxford University where he earned both his B.Phil. and D.Phil. in philosophy. In addition, he has been a Fulbright Scholar at the University of Stockholm, a research fellow at the Australian National University, and a Harrington Fellow at the University of Texas at Austin. Greenberg taught at Princeton University and the University of Oxford. Prior to that, he also served as Deputy Assistant Attorney General in the U.S. Department of Justice.

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