ARGUING THE WORLD: A LOGOCRATIC EXPLANATION OF "POST-TRUTH" LAW AND POLITICS

By

PROFESSOR SCOTT BREWER, HARVARD LAW SCHOOL

SPEAKER

Scott Brewer joined the Harvard Law School faculty full-time in 1991, having been a lecturer in 1988. He holds a Ph.D. in Philosophy from Harvard University (1997; Robert Nozick was his thesis adviser) and a J.D. from Yale Law School (1988), where he was the Editor-in-Chief for Volume 97 of the Yale Law Journal. He was a law clerk for Judge Harry T. Edwards of the United States D.C. Circuit Court of Appeals (1989-90) and then for Justice Thurgood Marshall on the United States Supreme Court (October Term 1990).

He teaches the basic courses on contracts and evidence as well as a variety of courses in jurisprudence and philosophy of law. In 2011, he co-founded and continues to co-administer (with Professor Giovanni Sartor of the European University Institute) the annual Summer School on Law and Logic. He is also the founder and administrator of the Logocratic Academy, a forum that promotes the development, theoretical study and practical application of the Logocratic Method. Professor Brewer writes and teaches about the nature and uses of arguments (including but not limited to legal arguments), the role of arguments in law (and specifically, contract law and the law of evidence), politics, and "everyday life." He also teaches and writes about what constitutes a fulfilled life, as for example, in the course "The Fulfilled Life and the Life of the Law", taught at Harvard Law School and in universities in Europe and Asia.

ABSTRACT

It has become an unfortunate commonplace to say that much of the world is beset by “post-truth” politics. Professor Scott Brewer will present a lecture exploring the relation among evidence, reason, and argument in post-truth (or, perhaps more accurately, non-truth) spaces of argument, understanding, and action. Our perceptions and understandings of the world, and of humanly vital domains within the world, such as politics, law, science, religion, and philosophy, are mediated by and constructed on the basis of arguments and the judgments that arguments produce. In a post-truth or non-truth space, canons of argument that call for careful weighing of evidence and the testing of judgments about what is true are either overtly rejected and disparaged or silently disrespected and unheeded. And, it is not difficult to discern post-truth or non-truth processes of legal judgment in many legal systems, including those that boast most proudly of “rule of law” values.

To explain the phenomena of post-truth, non-truth, in politics and law (and other vital human domains), Professor Brewer will outline the “Logocratic Method,” an explication of the nature and uses of argument and reasoned evidence. The Logocratic Method explains, precisely, three ways in which arguments can be strong or weak. This explanation in turn suggests what are both the powers and the daunting limits of reasoned, evidence-based arguments. It offers an understanding of post-truth and non-truth processes that is neither utopian nor dystopic, that does not seek to restore an “Enlightened” faith in reason, but instead provides and promotes an empowering perspective on these ceaselessly troubling phenomena of human understanding and action.

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