Introduction

Two longtime friends, Andrés Santacoloma Santacoloma and Gonzalo Villa Rosas, met in a village on the coast of the Ligurian Sea in the summer of 2012. They attended the lectures of some well-known scholars from the Genoese School of Legal Thought. The skeptical point of view of these lecturers aroused in them numerous intellectual concerns. Everlasting questions, which have been explored again and again since the beginning of the modern age, were rethought and reformulated in various ways through their heated discussions. What is the relationship between truth and objectivity? Are these two congruent concepts or rather preconditions of one for the other? Do objectivity and truth play some roles in practical reasoning? And if they do, how are these concepts related to law and morals? From these considerations emerged the proposal to organize a discussion forum that examines the current various approaches to these problems. The proposal of the Special Workshop "Truth and Objectivity in Law and Morals" was submitted to and accepted by the organizational committee of the 26th World Congress of the International Association for Philosophy of Law and Social Philosophy. This project was promptly supported by Hajime Yoshino who was a visiting professor at the University of Kiel where Villa Rosas was a PhD student. The workshop was held at the Campus of the Federal University of Minas Gerais (UFMG) in Belo Horizonte, Brazil on July 22nd 2013. Fourteen lecturers from around the world participated in it. This volume consists of a selection of the papers presented there. The editors wish to express their gratitude to the authors of this volume and the participants in the workshop.

The present compilation has been divided into four chapters. Specifically, the first part of the volume, devoted to the examination of the relation between truth and law, consists of contributions from Hajime Yoshino and Andrés Santacoloma.

Hajime Yoshino presents "The Concept of Truth in Law as the Validity of Law." In this paper, Yoshino discusses the concept of truth in law as the validity of law from Logical Jurisprudence's point of view. According to Logical Jurisprudence, the concept of truth in law has historically been represented as the validity of law in legal practice. The author presents a formal semantic definition of the concept of truth in logic and proves that the truth in logic can be applied to legal sentences. He also provides a formal semantic foundation of the concept of validity as truth and demonstrates that the truth of law can be regarded and represented as the validity of law from the logical point of view. The author further discusses how validity of law can be linguistically and logically represented. On the basis of these considerations, he discusses how truth as validity of legal sentences is determined in law, whereby he insists that truth of law as valid is determined through a legal meta-inference. The author then clarifies a system of fundamental and positive legal meta-rule sentences, which should be applied to determine the validity of legal sentences in a legal meta-inference.

Santacoloma's paper titled "On Truth of Norm Propositions. Re-finding a True Path" aims at arguing against the skeptic view proposed and defended by Tecla Mazzarese. Santacoloma holds against this author that even if we accept that norm propositions are conjunctions of different statements, or even if we accept them as complex linguistic entities, this does not undermine their capability of being truth-bearers. In order to lay the foundations for his position, Santacoloma offers

five arguments. First, the complexity of the linguistic entity norm proposition could be understood and solved with a detailed account of the nature of the sentences and statements involved. Second, the lack of truth capability, pointed out by Mazzarese, is a result of the lack of a sharp distinction between the concept of truth and the criteria of truth. Third, in Mazzarese's skeptical account, a clear distinction between the event of interpretation and the content of the interpretation is missing, from which follows the viability of norm propositions as truth-bearers. Fourth, a clear definition of the abstract noun validity and its uses is a necessary condition for determining the propositional reference of norm propositions. Fifth, the fuzziness of language is not a problem but a necessary condition for law to fulfill its purpose, which does not undermine the possibility of norm propositions to be truth-bearers.

The second chapter of this volume, devoted to exploring the relation between truth and legal reasoning, consists of contributions from Giusy Conza, Flora Di Donato and Francesca Scamardella, and Fernando José Armando Ribeiro. Conza, Di Donato and Scamardella present the paper titled "Searching the Legal Truth between some Classical Theories of Argumentation and New Contextual Approaches," through which they aim to show how judicial searching for truth is not a simple objective-argumentative process, but rather it is a process influenced not only by the legal actors' activity, but also by socio-cultural factors which work as the framework in which judicial decisions arise. Their thesis is verified through the analysis of some decisions of the Italian Supreme Court.

Fernando José Armando Ribeiro, having as its main premise that legal texts only set abstract commandments to be interpreted, argues in his paper titled "Truth, Hermeneutics and Judicial Decision" that law is only to be found in the work of interpreters. This conclusion leads Ribeiro not only to affirm that without hermeneutics there is no law, but also to adopt Gadamer hermeneutics to investigate the scope of legal interpretation. He explains – as far as it is possible to be done in a short paper – the very fundamental ideas of Gadamer's hermeneutics, where the ideas of traditions, understanding and merging horizons have a central role to play. In order to show how these elements of Gadamer's hermeneutics could be applied in law, and why hermeneutics has to be a part of the legal interpretation, he introduces a discussion about originalism in the interpretation of constitutional provisions and its consequences.

The third part of this volume, dealing with the relation between objectivity and legal reasoning, contains contributions from Bruce Anderson and Michael Shute, and Luiz Fernando Castilhos Silveira. Anderson and Shute present the paper "The Procedural and Contextual Aspects of Objectivity in Legal Reasoning," in which they start with a reconstruction of some notions of objectivity offered by four well known legal philosophers in order to show that their failure lies in not recognizing the way subjectivity works for the construction of objectivity. In making this argument, and offering a way out, they take into account the ideas about objectivity put forward by Bernard Lonergan. They hold that objectivity could be understood as a result of a subjective process of intelligently asking and answering the relevant questions, achieving insights, gathering and evaluating sufficient evidence to be able to make well informed, reasonable and responsible factual as well as value judgments about the appropriate materials after being selected and analyzed. In other words, objectivity will be reached through an intelligent and critical inquiry, in which truth

is also an aspect of objectivity, since the judgments being made are to be considered true judgments.

Silveira offers an approach to objectivity in his paper "Objectivity and Legal Decision-Making: an Objective Discovery?" that aims at differentiating it from other concepts to which it is commonly confused e. g. truth, certainty, or determinacy, relating it to the problem of epistemic luck. After an analysis of some conceptions of objectivity in the 19th and 20th centuries, Silveira argues against the distinction between context of discovery and context of justification. Like Anderson and Shute, Silveira follows Bernard Lonergan's arguments regarding objectivity in order to claim that objectivity in the process of legal decision-making is a consequence of a plurality of judgments, i. e. objectivity is a result of subjectivity, a goal reached and maintained through individuals.

The last chapter of this volume deals with objectivity in the legal and moral purview. It contains contributions from Alejandro Sahuí and Gonzalo Villa Rosas. Sahuí argues in his paper titled "Legal Positivism and Argumentative Conception of Law: Are They Compatible?" that it is possible to be a methodological positivist and, at the same time, to be an objectivist and cognitivist in practical philosophy. Based on Rawls' position, Sahuí also defends that Kantian constructivism allows one to circumvent some problems related to the definition of objectivity in realistic terms. Indeed, constructivism allows one to assess the truth or correctness of a rule without requiring its correspondence with external facts. According to Sahuí, in the same vein of Rawls' position regarding the legal and political domains, Carlos Santiago Nino has defended that the objectivity of rules and the justification of decisions do not imply appealing to any external body to conventions or practices which lie outside of morals.

Finally, Villa Rosas presents the paper "The Two Strategies. Objectivity, Epistemic Access, and Extreme Positions," in which he aims to assess whether extreme internalist and externalist positions used for the ontological definition of practical reason overcome the epistemic access objection raised originally by John L. Mackie. Against extreme externalist positions, Villa Rosas claims that even assuming the ontological condition that moral facts and properties either exist independently of natural kinds or supervene somehow upon them, it is possible to maintain that our inability to have epistemic access to them makes their existence irrelevant to us. Given that extreme externalist positions owe us an account of how it is that we can have epistemic access to the moral facts and properties posited by themselves, we can conclude that these positions are not a suitable account of the objectivity of our practical matters.

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