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Title of PhD thesis: Having the Law Both Ways. A Defense of a Quasi-Cognitivist Picture of Internal Legal Statements

This thesis defends a quasi-cognitivist account of internal legal statements, that is, statements of the form “It is the law that N” made from the perspective of someone within the legal discourse – someone endorsing the norm or criticizing deviations from it. Internal legal statements seem to mix cognitive appearances, typically linked to beliefs, with practical properties, often related to desire-like states. Nonetheless, a powerful Humean tradition in the philosophy of mind holds that beliefs and desires are what Hume called “distinct existences.” Therefore, the duality of internal legal statements creates a tension that is revealed by the following question: Are internal legal statements products of the cognitive capacities of participants in legal discourse, or rather outcomes of their desire-like processes? Quasi-cognitivism confronts this question by stating that internal legal statements express both beliefs and desires. At the same time, it emphasizes the primacy of the cognitive dimension of internal legal statements. This primacy is revealed in two respects. Firstly, legal quasi-cognitivism states that the explanation of the content of legal statements necessarily involves the subject matter of the law. Secondly, it diagnoses the practical function of internal legal statements as emerging from post-semantic, pragmatic processes, rather than their semantics. In this thesis, I offer a version of legal quasi-cognitivism that explains the cognitivist content of internal legal statements in terms of the sources of law and interpretive procedures set by a proper method of interpretation. Nonetheless, I also provide a critical examination of the proposed position, addressing the challenges of the above solution. In doing so, I consider the problems of infinite regress of interpretation, the underdetermination of the properness of interpretive methods, and the incoherence of such methods. In response to these challenges, this thesis presents several counterarguments that reinforce the viability of the quasi-cognitivist stance under discussion. This thesis not only contributes to the ongoing debates in legal philosophy by offering a nuanced quasi-cognitivist account that accommodates the complexity of legal thought and discourse, but also reinforces the authority of legal norms and the capacity of the subject matter of legal domain to guide legal practitioners, policymakers, and scholars in navigating complex legal dilemmas.