

CULTURE OF FACT (SHAPIRO, 2000)

2 FACT - ESTAB. PRIOR TO ADOPTION BY NATURAL  
LAW:

9 1/2 CANON - COMMON = SEPARATED FACT / LAW - Juror / Judges  
· CONFIDENCE IN LAY JURIES - FACT ABILITY  
· 16<sup>th</sup> C - MORE

11 EVIDENCE REQUIREMENT - TO ESTABLISH FACT: PROOF

14 CREDIBILITY - LITTLE JUDICIAL GUIDELINES

hearsay: mid-18<sup>th</sup> C.

19 FACT CREDIBILITY - E.G. WITNESS = EROSION

22 VERDICTS: CONSCIENCE

: MORAL CERTAINTY

: MID-18<sup>th</sup> C. REASONABLE DOUBT

\* 25 TRUST: CONDITION OF TRUTH: ↑ DEMOCRATIC IN UK '10 ELSEWHERE

· LEGAL ACTORS = ↑ DEMOCRATIC

27 IMPARTIALITY

29 DISTRUST OF LEGAL RHETORIC

ADVANTAGES OF ADVERSARIAL PROCESS

COURT- AS- LAB

· MORAL & EMPIRICAL FUNCTIONS

31 EPISTEM. ASSUMP. - FACTS THRU TESTIMONY

· CONFIDENCE IN JURY SYSTEM

Historical FACT:

34 ARISTOTLE: REAL V. FICTIONAL

CLASSICAL: 1st-HAND - CICERO: WITNESS TO PAST

· TRUTH = de-emphasized: MORAL EDUCATION

LAW: AUTHORITY THRU HX = TRANSFORMATION

· HX-AS-LEGAL EVIDENCE

37 · LAWYERS-AS-HISTORIANS: MORE, ETC.

42 LOCKE: CHRONOLOGY & GEOGRAPHY

EVIDENCE = REQUIRED

LEGAL LANGUAGE - USE

48 DOCUMENTARY & 1st-HAND

DOCUMENT COLLECTION: ELIZABETHAN

53 HOBBS: FACT ≠ UNIVERSAL SCIENCE

HUME: HX: DISCOVER UNIVERSALS

56 IMPARTIALITY:

· DOCUMENTS

Ananda  
Smith

61 documents, etc. - ↓ lx - as - human ACT.

TRAVEL:

- \*> 65 law: NO recourse TO giving up - TOTAL SKEPTICISM
- \*> 73 BACON: TRAVEL = CHANGED 'Ø
- 75 TRUST = FOUNDATION

NEWS... PRESS:

- 87 NEWS = W/ADVENT OF PRINT (1513)
- LICENSING ACT
- 91 REPORTER FIDELITY
- 104 VERIFIABILITY

NATURE:

- 107 BACON: FACT - human → NATURAL PHENOM.  
· PARTICULARISM - '10 ARISTOTLE
- 110 · '10 HOBBS: REASON '10 EXPERIMENT  
· EXPERIMENT: EYES - AS WITNESSES/JUDGES (HARVEY)
- 113 Royal Society:  
· JURY SYSTEM
- 116 · WITNESSES '10 DISCUSSION  
· LAW - AS - AUTHENTICATING PREDECESSOR
- \*> · " " REPLACEMENT FOR ARISTOCRATIC MODEL
- 124 · REPLICATION = MULTIPLE WITNESSES  
· FACT + FALLIBILITY
- 128 INSTRUMENTS: > CREDIBILITY
- \*> 141 CULTURE OF FACT - CULTURE OF PROF. SUCCESS '10 COURTESY
- 145 ~ JOINING FACT TO HYPOTHESIS
- 154 Newton: USE OF MATH REASON → SYSTEMS  
· deduced FROM FACTS → FACT
- \*> 156 · MATH. = decline in LEGAL ANALOGIES  
· = Ø CHANGE
- 165 Beginning 17<sup>th</sup> C: NO SCIENTIFIC FACT → 18<sup>th</sup> C. = CENTRAL  
POLITENESS V. SCIENTIFIC CULTURE  
HYPOTHESS & LINK TO LAW = ASTRONOMY, ETC.

Religion:

168 FACT + PROTESTANT RATIONALITY

Grotius:  $\mathbb{P}$  =  $\text{HX}$  religion: FACTSWARD: WITNESSES / TESTIMONY188 WRITTEN FACT  $\%$  ROMAN ORAL TRAD. + AUTHORITYCultural:189 Locke: ESSAY

· LAW: disinclined TO MAKE STRONG ASSERTIONS w/o OBSERVATION

· ~ NEWTON - MATH POTENTIAL

195 Reid: OBSERVATION + EXPERIMENT

· LAWS OF NATURE - MECHANICS, ETC.

· RULES  $\rightarrow$  RULES  $\%$  CONJECTURE

· INDUCTION ALONE = BELIEF

218 DEMOCRATIZATION OF FACT - DETERMINING PROCESS