REVISTA ROMÂNĂ DE STUDII FILOSOFICE ȘI SOCIALE

Ideo

ROMANIAN JOURNAL OF PHILOSOPHICAL AND SOCIAL STUDIES

PHILOSOPHY
PSYCHOLOGY
CULTURAL STUDIES
POLITICAL SCIENCE
LAW

VOL. 1 (2016), ISSUE 1

LAW

Iovan, Marțian. 2016. The Problem of Truth in Prescriptive Statements. *Ideo: Romanian Journal of Philosophical and Social Studies* 1/1: 25-42. Published online on July 1, 2016 at: http://ideo.acadiasi.ro/sites/default/files/papers/Ideo-2016-1-02.pdf

Keywords: imperative statements, legal texts, truth, demonstration, justice

# The Problem of Truth in Prescriptive Statements

Marțian Iovan

This article argues the need to address the law, that is, the legal prescriptions, with reference to alethic criteria. Even though they have an imperative meaning, legal norms and prescriptive sentences cannot elude the problem of truth. Legal norms generally emerge from certain knowledge and real experience, which are embedded in laws and in the way in which legal texts are written. The rationale undertaken by the author converges into demonstrating that the aim of carrying out justice and the functioning of the legal system in a society are unconditionally reliant on finding the truth. These aims are the result of coherent, true, necessary, and sufficient knowledge.

## 1. Introduction

The main parts of knowledge in the field of legal culture are objectified in legal sciences and in the the law (legal statues), in customs and practices. This knowledge is generally expressed in imperative and prescriptive sentences. Theoreticians and logicians do not generally include prescriptive sentences in the category of legal knowledge. By prescriptive sentences, we understand normative/imperative sentences contained in legal texts, normative codes, regulations, statutes, state authority decisions, etc. The legal system of a community that ensures the functioning of the state institutions comprises of legal norms expressed as prescriptive statements.

Just as in natural sciences and humanities, the assertions of legal sciences also hold alethic values and are testable by criteria of truth. Prescriptive assertions are differently understood. Some philosophers, logicians and theorists have denied that they might be true. The assertions within the laws are often seen as standards to which human beings, the

agents of social action, relate in order to make decisions regarding the self-regulation of their behavior and in order to act legitimately; they should be mandatory, that is, regulations meant to be respected. Since they refer to what and how needs to be done, prescriptive sentences cannot really possess truth value. In other words, you cannot say that an order, a command or an instruction is false or true. Their meaning signifies imperatives that concern the peoples' compliance.

In this article we wish to discuss certain questions about the alethic status of prescriptive statements. Are the laws, the legal norms of all types, and generally the knowledge one finds in legal sciences, beyond any alethic testing? Can we really understand laws, either in letter or in spirit, when we put aside alethic evaluations? Law texts contain sentences that convey meaning and sense, which can be evaluated by truth criteria. Are not the implicit truths subsidiary to the texts of different laws that make possible the legitimacy of these laws' application and stability? The answers to these questions involve logical and grammatical analyses of law texts; they also involve exploiting information from legal epistemology, philosophy of law, theory of argumentation, and also accepting the assumption that every branch of knowledge contains specific truths and truth evaluation criteria. We agree that "one will not be able to seek a truth criterion suitable for any discourse or for any type of knowledge, that it will vary depending on the various types of discourse or knowledge, relative to different subject areas" (Drago and Boroli 2004, 24). The legal knowledge and its products, especially the system of legal norms, has a certain uniqueness, which requires a differentiated approach of the problem of truth, its criteria and validation procedures.

## 2. Truth and prescriptive sentences

A legal norm can be defined as "a general and impersonal rule of conduct, established or recognized by the public power, whose mandatory compliance is enforced, when necessary, by the state's coercive force" (Ceterchi and Craiovan 1993, 38). Legal norms have been created in order to regulate the behavior of individual and social agents (individuals, social

groups, organizations, etc.), as well as the inter-individual and inter-institutional relations. The main aim is to reach a social order that corresponds to the will of a majority and promotes a set of values and ideas that predominate in a specific society. The legal norms have a general, impersonal and prescriptive characteristic. They establish imperative rights and obligations, reinforcements and permissions for those subjected to legal relations. Thus, legal norms express distinctively identified standards that regulate the behavior of people, institutions, and organizations in a society. Peoples' behavior will be judged as lawful or unlawful depending on these standards.

The legal norms contain normative or imperative sentences. They introduce, varying from case to case, obligations, permissions or interdictions, and thus bear a resemblance to commandments, orders or instructions, since they do not allow derogations from what they stipulate. Compulsoriness is a trait of legal norms (except for when the state power itself allows, within the text of the law, recommendations or suppletive assertions). In this way, the legislator and the political class ensure that the social order they designed and desire shall be established. Therefore, the legal norms govern the transition from the current state of the social relations to the future one, from what is (*Sein*) to what should be (*Sollen*), from the indicative to the imperative. In this case, we agree with Giorgio del Vecchio who, referring to the mandatory nature of the legal norms, shows that the mere assertion of a state of fact is not legal in nature. In other words, the indicative does not exist in the law; if this form is used in codes or laws, it will essentially have an imperative meaning (del Vecchio 1994, 206). But, at the same time, it must be stressed that all imperative statements must be based on true statements. Imperatives based on lies or falsehood can cause great damage to a community, to human community generally. Consequently, normative statements used in law texts should be based on legal statements elaborated within the field of legal sciences; these statements pertaining to the legal sciences are verified in terms of their truth, since these premises are invariably valid.

Normative sentences like, for example, "The law, customs and general principles of law are sources of the civil law" (Noul C. c. 2012, Art. 5) or "Any person who is under criminal investigation or under trial must be treated

with respect for human dignity. Subjecting them to torture or to cruel, inhumane, and degrading treatments is punishable by the law" (Noul C. p. 2012, Art. 11(1)), or "Any person is considered innocent until found guilty by a definitive criminal ruling" (*ibid*, Art. 4(1)) and other similar formulations have the following basic structure: in the given X conditions, Y must occur, otherwise the Z sanction is applied. The structural logical elements of any legal norm can be found in this formula: hypothesis, disposition, and sanction. In a more general understanding, a legal sentence has the following logical structure: under certain conditions established by the rule of law, a certain coercive act must be carried out, which is as well determined by the rule of law (Kelsen 1967, 193-278). Therefore, just as the laws of nature express repeatable, objective, general relations, necessary within the frame of the various laws of nature, relations of causality, evolution, functionality, etc., legal norms (legal statutes), legal statements included, do as well express relations between two elements (for instance, between crime and punishment, between subjection to torture or acts of human cruelty and punishment, etc.). However, there are differences between the statements of natural sciences and the imperative or legal prescriptions. The first establish and reflect causal relations expressed in natural laws and holding for objective phenomena, whereas the legal statements emerge from the legislator will and, indirectly, from the will of the civil society's majority. The link between the elements of the legal sentence is performed via a rule established by the state authority, i.e. by a voluntary and rational act. In formulating legal sentences, the copulative must (*Sollen*) occurs, linking the condition to the consequence, like in these examples: "Throughout their marriage, husbands are compelled to use the name they have declared when they got married." (Family Code, Art. 28), or "Throughout the development of the criminal trial, one must ensure that the truth about the facts and circumstances, as well as about who the perpetrator is, will be found out." (Codul p.p. 2012, Art. 3). The legal meaning of must (*Sollen*) is threefold: mandatory, prohibitive, and positive consequence permission. The legal sentence states that "according to a certain legal system, under certain circumstances, there has to be a certain consequence" (Kelsen 1967, 193-278). The term "must" encompasses both the case where the execution of the right

consequence is only positively permitted or reinforced, as well as the case where it is imposed, commanded or ordered.

Now, the following question arises: Can legal prescriptive sentences—i.e. sentences that mandatorily prescribe certain behaviors for the social agent and specify the hypothesis in which this conduct applies, as well as the consequences of failing to comply with this conduct—be tested in terms of their truth value? The answer to this question can only be as nuanced as the question itself. A straightforward answer will state that legal sentences expressing orders, interdictions, reinforcements or various imperatives are neither true nor false. But this answer could be dismantled by evidence substantiated by several articles from the Constitution, organic laws, and other laws, which are written in the indicative. For instance: "Citizens are equal before the law and public authorities, without privileges or discrimination" (The Romanian Constitution, Art. 16); or "Based on evidence, the judiciary bodies have the obligation to ensure that the truth regarding the facts and circumstances of the cause, as well as regarding the person of the suspect or the accused will be discovered." (Noul C. p. p. 2012, Art 5); or "In matters regulated by this code, the laws of the European Union have supremacy, regardless of the nature or statute of the parties" (*ibid*, Art. 4). As parts (articles) taken from the texts of some laws, such legal sentences formulate, first and foremost, the purpose of the law as a generally-binding law system. They express legal imperatives and standards used to create a socio-economic order, a much needed discipline in each society. When promulgated and published, laws become undeniable standards similar to objective facts and natural laws. Agents should follow and respect them as such. From this point of view, legal sentences and prescriptive statements do not have a truth value. Alethic assessments are not applicable to them.

Yet, the assertions cited above, analyzed alone or in relation to the volume of facts and acts of the legal entities, and the people who followed since these rules came into force, will allow us approach the possibility that normative statements might hold a truth value. A statement from the Constitution stated in the indicative, such as: "The Romanian citizens are equal before the law and the public authorities" expresses an assertion or a factual judgement. Consequently, it may be subjected to truth tests. A

sentence like: "The decisions of the criminal courts are enforceable when they become final" (*ibid*, Art. 550) expresses the link between a logical Subject and a logical Predicate. We might ask about the degree of correspondence with the reality in relation with this sentence.

It follows that prescriptive sentences can also be addressed in their factual, descriptive form, since they also have an assertive connotation, alongside the imperative one. A statement from a normative text is logically ambivalent: firstly, it can express something about something else—for instance, the sentence "The court judges via a judge panel, whose structure is prescribed by the law" (Codul p.p. 2012, Art. 292). This is a cognitive sentence which possesses a truth value. Secondly, and at the same time, it expresses legal imperatives, since it is a constitutive sentence of a law article.

Of course, in legal standards, prescriptive sentences can be assessed, first and foremost, through other forms of evaluation than the alethic one; there is, for instance, an assessment through the utility criterion (prescriptive sentences can be useful, useless, functional or nonfunctional, etc.) or through the legitimacy criterion (which is brought up whenever that law erodes itself and becomes obsolete). One can evaluate prescriptive sentences also according to the nuances of the prescriptive nature of the normative sentences (these can express legal principles, general provisions, definitions, tasks contained in codes or in texts of law). There is an evaluation according to the degree of generality (general, individual, special, exceptional) or according to the nature of the behavior they prescribe (they can be onerative, prohibitive, and permissive). Finaly, it is possible to evaluate prescriptive sentences according to the morality criterion (they can be good or bad, appropriate or inappropriate in relation to moral values).

However, the alethic approach of these sentences is not without importance, because, starting with the first codes of human history (Moses, Manu, Hamurabi) and the first constitutions, and in the light of the various products of contemporary legislators, we are dealing with legal innovations and creative legal cultural products, with a sort of "materialization" of legal knowledge, of cognitive, explicative, and argumentative acquisitions, and least but not last, with methodological acquisitions in legal sciences. In this area of knowledge, culture, art, and creation, the truth is a value and

standard that predominates, guides, and regulates both the elaboration of laws, as well as their quality, efficiency, application, and interpretation. Therefore, the elaboration of prescriptive sentences, as well as their practical applications depend on the legal knowledge, the amount of truths and their accuracy contained in legal sciences.

One can also address the imperative/prescriptive aspect of statements from different law texts in terms of truth by changing the mood of the verbs through logical conversions. But most of the times we will be able to notice that the truths of legal sciences, as well as the truths of legal sentences presented in the doxastic knowledge or the truths incorporated in the law texts are relative. They have a statistical-probabilistic validity. In most cases, there are degrees of truth expressing merely tendencies. This is because legal norms, as objective standards, like most laws of nature, only express general tendencies, objective regularities, compared to which we might find some deviations or exceptions. The laws of genetics regarding the passing on of characteristics from parents to their offspring express statistical regularities while giving room for some deviation. The economic laws of the market and the laws elaborated by economic sciences also express only general tendencies, like the rule about how the current price is calculated in a market economy, according to which price is based on the total costs and the relation between supply and demand. But in the real economic life, quite often we encounter deviations from this general rule: there are underpriced transactions or, on the contrary, speculative ones, like selling something for a price ten times greater than the real cost. The social, economic, and legal laws regulating the behavior of individuals and legal entities have a weaker, more diminished probability regarding their regulation and amplitude, compared to the laws of nature. We don't even take into consideration that many laws of natural sciences are dynamic, i.e. they do not allow exceptions from the rule, like, for example, the Archimedes' law, the laws of classical mechanics, the energy transformation and conservation law, etc. We can agree with Giorgio del Vecchio, who wrote that "the violation of a legal law reinforces the latter and renders its truth more profoundly perceivable in its purely idealistic sense" (del Vecchio 1994, 194).

Hegel acknowledged the common features and the differences between the laws of nature, the socio-economic laws, and the legal laws, all being expressed as truths. In this sense, he wrote:

> The sun and the planets also have their laws, but they are unavare of them. Barbarians are guverned by drives, customs [Sitten], and feelings, but they have no consciousness of these. When right is posited and known [Gewuβt], all the contingencies of feeling [Empfindung] and selfishness fall away, so that right only then attains its true determinacy and is duly honoured. (Hegel 1991, §211)

Laws everywhere have an objective nature; their application results in a certain degree of order in the area they regulate. The lack of laws, including the legal ones, means chaos, the reign of hazard. The legal laws reflect the objective requirements of the laws of nature, society, and knowledge. Those who elaborate, promulgate and apply them to specific cases are aware of the fact that they are statistical-probabilistic truths. Thus, the sentences contained in the texts of laws have truth value. Their truth is associated with an imperative sense regarding what people should do. Not only prescriptive sentences can be tested against their truthfulness, but other moments of the law as well: its elaboration and promulgation, its interpretation, the application of the legal provisions in specific cases, and the changing of the legal system (Gheorghe 1996).

In the elaboration and application of new legal norms it is necessary to ensure a natural correspondence between the theoretical-scientific approach on the law and the social realities which are the subject of the new law. The viability of the new rules or, on the contrary, the opposition against the law depends on this correspondence or compliance of the new law with the objective laws that govern society (Djuvara 1997, 118-159).

In some cases, one cannot clarify the status of legal sentences found in legal research from the alethic perspective. In other cases, we will consider as truths, even absolute truths, the definitions in the texts of law. Such definitions are, for instance: “The person against who the criminal action was set in motion is part of the criminal trial and is called defendant” (Noul C. p. p. 2012, Art. 82), or: “The victim who exercises the civil action within the

criminal trial is called a plaintiff claiming damages." (*ibid*, Art. 84(1)) and: "The offense is the act specified by the criminal law, committed with guilt, unjustifiable and imputable to the person who committed it." (*ibid*, Art. 15(1)) All these sentences are legal analytical propositions. They are nominal definitions which correspond to analytical and indisputable truths. In various laws, the legislator accepted definitions of certain operational concepts. Definitions of legal terms (kinship, nominal, servitude, plaintiff, defendant, etc.), regardless of their nature (real, nominal, functional, ostensive, etc.), confer precision, clarity, and rigor to legal concepts and make possible the correct understanding and interpretation of different rules. The definitions contained in the texts of laws, as undeniable truths, also have a normative nature. They confer legitimate meanings and lay at the origin of the interpretation of legal norms and their application.

## 3. The Procedural Nature of Getting Close to the Truth

In all fields of knowledge, and in the legal knowledge and judicial practice as well, the road to the truth is paved with various obstacles which may hinder or alter our knowledge either at the sensory-perceptual level, or at the logical and rational level. However, it is within the power of human intellect to overcome almost any type of obstacle so that human beings will progress in discovering new truths. Knowledge advances from relative truths to more profound, complete, better founded, more coherent, and useful truths; from incomplete and partial truths to ones with better support in the community. In this regard, K. R. Popper wrote, with conviction and accuracy:

> We can say that a statement *a* gets nearer to the truth than a statement *b* if and only if its truth content has increased without an increase in its falsity content [...]. There is therefore no reason whatever to be skeptical about the notion of getting nearer to the truth, or of the advancement of knowledge. And though we may always err, we have in many cases (especially in cases of crucial tests deciding between two theories) a fair idea of whether or not we have in fact got nearer to the truth. (Popper 2002, 492)

In the case of scientific legal knowledge and legal practice, getting nearer to the truth is essentially procedural and gradual; this means gather-

ing new evidence, arguments, demonstrations, and fundamental evidence which improves the objective content of knowledge whilst increasing its argumentative basis and certainty. This is the case, for instance, with the criminal trial that aims to complete, on time, the registration of the facts constituting crimes, so that "Any person who has committed a crime may be punished accordingly and no innocent will be criminally held accountable." (Noul C. p. p. 2012, Art. 1) It is a process of knowledge, research, discovery, both during the criminal investigation and throughout the trial with the sole purpose of discovering the legal truth. The New Romanian Criminal Procedure Code clearly states that "The judiciary bodies have the duty to ensure based on evidence that the truth regarding the facts and circumstances of the case is discovered, as well as the truth regarding the person of the suspect or defendant." (*ibid*, Art.5(1))

The full knowledge of the real objective that is relevant for the development of the judiciary process is the *sine qua non* condition of justice being delivered. The mental reconstruction of the facts constituting crimes and of the unfolding of the events thereof through criminal or judiciary investigation and through experience of judiciary knowledge, along with the knowledge of the concrete circumstances that have left their mark on these events and facts, leads to more reliable, precise, and detailed knowledge, consistent with the objective reality, i.e. with the objective truth. The relative, cumulative, and predictable nature of truth will result in depersonalization and deanthropomorphization of the cognitive and legal content, and will also lead to an increase in objectivity.

The progress of legal knowledge involves the logical operations of synthesis and analysis, abstraction and concretization, induction and deduction, comparison, mental reconstruction, destructuralization, and restructuration. It also includes searches and failures, hypothesis generation and anticipation, etc. On this route, one of the following may occur: the detection of errors previously considered as truths, the discovery and creation of new truths, the reevaluation of the previous knowledge through the latest findings. The new wave of results in the legal knowledge can actively impact on the initial situation and sometimes triggers revisions with the aim of restoring the overall coherence. One may discover lack of inspiration in

choosing a research hypothesis or a knowledge strategy and this makes obvious the need to design a new route in knowledge, a new heuristic approach. There are necessary interactions and complementarities of the relative truths with the absolute truth, the latter being something that theoreticians and practitioners aspire to. It is plausible that, through their efforts to get closer to the truth, the agents involved in the act of justice (magistrates, lawyers, legal advisors, the parties involved in the judiciary duel, etc.) capitalize in a subjective and personal way assertions that have only relative truth value when evaluated in relation to the legal standards, the facts and circumstances, the relations between the incriminated people, and the situational factors relevant for the case. In other words, these agents enroll themselves on a route to getting closer to the absolute truth. Therefore, while each objective truth is relative, it also contains steps towards the absolute truth. The latter represents an aspiration for many people, for a whole generation of intellectuals or for a historical age; it also represents an ideal boundary in the process of the historical evolution of knowledge. However, in order to deliver justice in the real world, one should not demand absolute and eternal truths; relative, either logical or factual truths are sufficient, if they come in form of reliable, compelling, relevant, and irrefutable evidence.

In most cases, regardless of the form it takes, the truth is relative. We are referring here to those truths obtained via inductive methods characteristic to empirical reports and resulting from people's efforts to reconstruct past events or structures currently unavailable for observation. Each time we learn about certain actions or social relations, there will be varying degrees of correspondence between cognitive representations and their corresponding objects. In other words, there are degrees of truth which have their own corresponding relativity markers. The higher the degree of truth for a representation regarding a situation and/or a criminal act (i.e. the closer one gets to the absolute truth), the lower the relativity marker will be. The objective truth and the relativity of some contextual assertions or evidences are in a relation of inverted covariance.

In the judiciary practice, in the civil suit for example, the final end is to fully convince the magistrates that they are as close to the truth as

possible. The main tool used to discover the truth is the evidence. In a civil suit, the court analyses first of all the admissibility of the evidence. It follows the administration of the evidence approved and the analysis and assessment of the evidence that was admitted. All evidence must meet the following requirements (Ciobanu 1997, 156-161):

a) The evidence must be legal, i.e. one shall follow the legal conditions and provisions based on which the concrete evidence can be admitted.

b) The evidence must be pertinent, which means that it must be connected to the subject of the trial.

c) The evidence must be credible, i.e. it must be consistent with the laws of nature, the "common sense," and the collective mentality; it should also be coherent with other evidence of the same type. This is the sole way to proving certain past or possible acts.

d) The evidence must be conclusive, i.e. it should contribute to solving the case.

When the judge is exercising his active and creative role in order to discover the truth and to achieve a representative, objective and complete depiction of the evidence of both parties, his cognitive approach is based upon analysis and synthesis. Based on his professional experience, he constructs an axiomatic matrix as an instrument that helps him to separate what is legal, relevant, and conclusive to solving the case from the intimate reactivation of his convictions. He relates in a realistic and hypothetic manner to those legal standards relevant for the case he has to solve. In his deliberation, the judge analyzes and compares the evidence, establishes hierarchies, applies tests of correspondence, utility, veracity, or coherence. He conducts relative and absolute presumptions (the latter cannot be denied by any evidence *juris et jure*) in order to get as close as possible to the legal truth. One can reach a fair solution to a given case only by getting through a specialized process meant to intimately familiarize the judge with the evidence and the information obtained, via objective means and according to the procedure, from both parties, but also from the court sessions in which the judiciary duel takes place whilst all are focused on finding the truth and respecting the rule of law.

## 4. Justice as the result of true, coherent, necessary, and sufficient knowledge

The creation of complete and veridical representations regarding the offenders, their criminal acts, and the circumstances favorable or not to them has a procedural nature. The activities conducted by the judiciary entities in collaboration with the parties consist of the procurement, verification, and filing of the evidence, based on which the facts will be clarified and the case solved. In order to discover the truth, the judiciary bodies must know the objective circumstances of the case. This can only be achieved by the administration of evidence, i.e. the analysis by the judiciary body of the facts and circumstances that confer meaning to any piece of evidence. The aim is to reach an exact representation of the events that occurred. The administration of evidence implies that the judiciary body is informed exclusively based on the sources and in the form permitted by the legal norms. The administration of evidence implies conferring legal efficiency to different concrete aspects contained in the evidence, in order to solve of the case. (Costin et al. 1983, 53)

The civil and criminal trials are based on a thorough knowledge, on complex investigations and searches, through which the judiciary body is compelled to discover the truth, to reach an unquestionable clarification regarding the author of the crime, its actual unfolding, the direct and indirect effects, the situational factors that have exerted an influence on the offender's personality, the offender-victim relation, and other aspects that have influenced the crime, including psychosocial and cultural aspects. Clarifying the cause in all its characteristics, forming a veridical and complete representation of it requires the discovery of truth by the prosecutorial authority and by the court, as well as attaining the feeling of certainty. Evidence is a necessary element in this process.

In legal language, the term evidence has many meanings. In a wide sense, evidence encompasses all probative means and procedures. The New Criminal Procedure Code contains a detailed definition of the term:

> Any element which serves to determine the existence or non-existence of a crime, which serves to identify the person who has committed such an act, to discover the circumstances necessary for the fair and just solving of the case, and which also contributes to the finding of the truth in the criminal trial is considered evidence. (Noul C. p. p. 2014, Art. 97(1))

Afterwards, it follows that

> Samples do not have a predetermined value. The evaluation of each piece of evidence is carried out by the prosecutorial authority and by the court, in accordance with their convictions, which are a result of the evaluation of all administered evidence and having their conscience as compass. (*ibid*)

The concept of evidence was given a logical, scientific, and legal meaning. For the purpose mentioned, the pieces of evidence have operational value in knowledge, serving as a tool that helps us forming an increasingly accurate image regarding the cause and a feeling of certainty regarding this "image". Both the prosecutorial authority as well as the court needs this feeling of certainty when they reach the verdict of guilty or not guilty. Thus, the pieces of evidence are milestones one must reach in order to achieve a gradual convergence with the truth. They are instruments of knowledge, i.e. of gradually getting closer to the truth. At the same time, evidence is also the means to prove the claims and allegations made by the parties involved in the judiciary trial. Evidence is used to answer the requests made during the trial, to demonstrate one's own assertions or requests, and to refute the claims of the opposing party.

The evidence or proof is to be administered by the judicial body to solve the case. The Criminal Procedure Code states that

> The evidence which establishes actual facts that may serve as evidence includes the statements of the accused or the defendant, the statements of the victim, the civil party's statements and the statements of the plaintiff party, the witness' statements, documents, audio or video recordings, photos, material means of evidence, technical-scientific findings, forensic findings and expert opinions. (Noul C. p. p. 2012, Art. 64)

Various other types of evidence are included in other codes, such as: on the scene findings, reconstructions, any means permitted by the law.

We can infer that concrete evidence is of an impressive diversity and requires the development of certain taxonomies. We have evidence used in prosecution or defense; direct and indirect evidence, fundamental and secondary evidence, doxatic and epistemic evidence, verbal and extra verbal evidence, preexisting and resulting evidence, real and potential evidence, etc. We must emphasize that, regardless of their nature or form, all types of evidence are in the service of knowledge, of clarifying the case, since they carry a specific amount of information. For example, material evidence encompasses any type of objects: the weapon of the crime, the stolen objects, the object bearing the fingerprints of the offender, the counterfeit document in the case of a forgery, hair fibers of the person who has committed a burglary, etc. All these objects possess some information waiting to be discovered by the investigators who aim to find out the truth and solve the case. In many cases, such "mute witnesses" are able to provide information which is more accurate and more reliable than the testimonials or any other verbal piece of evidence.

The rules of evidence consist of a number of operations of advancing and gathering evidence, of how to admit and administer it, to analyze or capitalize it. These rules also specify how to draw a conclusion based on the available evidence or to extract the appropriate legal effects from the evidence considered as valid by the judiciary bodies. Basically, the rules of evidence are cognitive processes and operations with verified knowledge, subsumed to a knowledge strategy that is meant to help finding the truth in the civil and criminal cases and that intermediates a fair sentence. The theoretical aspects regarding the questions of what needs to be proven in a trial in order to have the case solved, or who shall present the evidence are not of an epistemic interest here. We focused on those argumentative, demonstrative, cognitive, and logical mechanisms which extract the legal effects from the valid, coherent, conclusive, sufficient, and replicable evidence, whenever it is called for, within a reasonable and legal time frame.

## 5. Conclusions

We may conclude that legal knowledge, in general, and law science, in particular, are centered on truth. The elaboration of legal norms, their interpretation and improvement, the historical changes that occur in the dynamics of the legal system are based on true knowledge and experiences. The courts try past actions. Therefore, the methods and procedures aimed at searching the legal truth are similar to those of the historians dealing with the events of the past. But jurists, magistrates in particular, are guided by a specific cognitive strategy which is based on the administration of a necessary and sufficient amount of evidence. This requires the utilization and application of logic, legal epistemology, and the art of demonstration and argumentation. Carrying out justice through court decisions is a process based on truth, expressed via argumentation and demonstration.

We can now answer the question whether legal norms and imperative sentences have a truth value. From what we presented here, it results that they come from authentic, legal knowledge and experiences, in accordance with the political will of the majority. If we understand laws as legitimate, mandatory standards, meant to guide peoples' behavior and the behavior of groups and organizations, we may say that the value that takes a seat in the front row is the utility, along with the value of efficiency. The alethic dimensions of the judiciary norms remains into the background.

Along with other law theorists, we shall say that the function of truth in the legal culture, in our legal system, and in the connection between "must" and "is", as well as in the elaboration and application of the legal norms, in the interpretation and initiation of new laws, and even in the civic and legal education, depends on the truth of the legal texts, on the harmony between the legal texts and truths from legal and socio-economic sciences, from humanities and natural sciences. This is because the legal truth "has significant meanings in the value constellation of a historical time and, at the same time, being a Truth for freedom, Truth for justice, Truth for human dignity" (Craiovan 1998, 269).

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