

Conditionals and Legal Reasoning. Elements of a Logic of Law¹

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Abstract: The main aim of this paper is to study the notion of conditional right by means of a dialogical approach to constructive type theory (CTT). We will develop this idea in a frame-work where the distinction between local-reason and strategic-reason leads to the further distinction between two basic kinds of pieces of evidence, factual and logical.

The present paper is based on Rahman (2015). However, though the underlying CTT-analysis is the same, the dialogical reconstruction makes use of a new way of linking dialogical logic and CTT.

Key-words: Leibniz, argumentation, legal reasoning, conditional-right, dialogues, logic, epistemic logic.

Résumé: L'objectif principal de cet article est d'étudier la notion de droit conditionnel au moyen d'une approche dialogique de la théorie des types constructifs (TCT). Nous développerons cette idée dans un cadre où la distinction entre "raison locale" et "raison stratégique" conduit à une distinction plus poussée entre deux types élémentaires de preuves: factuelles et logiques.

La présente étude est basée sur Rahman (2015). Cependant, bien que l'analyse TCT sous-jacente soit la même, la reconstruction dialogique utilise une nouvelle manière de relier la logique dialogique et la TCT.

Mots-clés: Leibniz, argumentation, raisonnement juridique, droit conditionnel, dialogues, logique, logique épistémique.

Introduction:

Sébastien Magnier (2013) provides a remarkable analysis of the notion of conditional right² that he generalizes for the logical study of legal norms. The main idea of Magnier, motivated by the exhaustive precedent textual and systematic work of Matthias Armgardt (2001, 2008, 2010)³ and the subsequent studies carried out by Alexandre Thiercelin (2001, 2008, 2010)⁴, involves Leibniz' notion of *certification*, which has a central role in the famous

¹ The present paper is based on Rahman (2015). However, though the underlying CTT-analysis is the same, the dialogical reconstruction makes use of a new way of linking dialogical logic and CTT.

² The terminology used in the present paper follows the one of Leibniz rather than the one in use in nowadays Law-contexts.

³ The work of Matthias Armgardt launched and influenced a host of new researches on the bearings of Leibniz's approach to nowadays studies in legal rationality.

⁴ In fact, Thiercelin researches have been triggered by the work of Armgardt.

Reasoning And The Law The Elements

Matthias Klatt



Reasoning And The Law The Elements:

Reasoning and the Law Elias E. Savellos, Richard F. Galvin, 2001 This text focuses on providing undergraduates the information they need to develop a command of logical analytical techniques From beginning to end the text applies the tools of logic to actual cases all examples and applications are from the legal context Compact but rich in content the text provides tips and warnings a variety of aids and appendices covering an overview of the legal environmental and a guide to writing argumentative papers

The Elements of Logic Robert Latta, Alexander Macbeath, 1929 *The Elements of Logic, Theoretical and Practical* James Hervey Hyslop, 1892 **The Elements of Logic** James Hervey Hyslop, 1892 *Coherence: Insights from Philosophy, Jurisprudence and Artificial Intelligence* Michał Araszkiewicz, Jaromír Šavelka, 2013-04-05 This book is a thorough treatise concerned with coherence and its significance in legal reasoning The individual chapters present the topic from the general philosophical perspective the perspective of legal theory as well as the viewpoint of cognitive sciences and the research on artificial intelligence and law As it has turned out the interchange of knowledge among these disciplines is very fruitful for each of them providing mutual inspiration and increasing understanding of a given topic This book is a unique resource for anyone interested in the concept of coherence and the role it plays in reasoning As this book captures important contemporary issues concerning the ongoing discussion on coherence and law those interested in legal reasoning should find it particularly helpful By presenting such a broad scope of views and methods on approaching the issue of coherence we hope to promote the general interest in the topic as well as the academic research that centers around coherence and law

The Cambridge Companion to the Philosophy of Law John Tasioulas, 2020-07-02 An accessible comprehensive and high quality companion to legal philosophy written by a stellar cast of international contributors

Principles of Eidetics Arnaldo Arduini, 2012-12-06 the Author strongly feels the still immeasurable gap existing between the todays comprehensible neurophysiology concerning somatic and autonomic functions on the one hand and the still incomprehensible properties of mind when approached in the same neurophysiological term on the other hand For this reason the book is first aiming at given an understandable critically viewed fundament on the kernel of mind the ideas their relationship with the corresponding concepts with the development of thought with memory with will In this book the Author does not advance neurophysioligal models to put to test rather strives to encase the forementioned mind s functional properties and its abstract structures within the same reference framework of physical principles outlined for the somatic and autonomic functions in his preceding volume PRINCIPLES OF THEORETICAL NEUROPHYSIOLOGY Springer 1987

[A Critique of Proportionality and Balancing](#) Francisco J. Urbina, 2017-01-26 The principle of proportionality which has become the standard test for adjudicating human and constitutional rights disputes in jurisdictions worldwide has had few critics Proportionality is generally taken for granted or enthusiastically promoted or accepted with minor qualifications A Critique of Proportionality and Balancing presents a frontal challenge to this orthodoxy It provides a comprehensive critique of the

proportionality principle and particularly of its most characteristic component balancing Divided into three parts the book presents arguments against the proportionality test critiques the view of rights entailed by it and proposes an alternative understanding of fundamental rights and their limits **Critical Letters. Letter 1st(-4th). By R. F. Brancassine (Dr. F. Halle).** Hughes R. P. Fraser HALLE,1869 **Critical letters. Letter 3, 4** Hughes R P. Fraser Halle,1861 *Oral Performance and the Veil of Text* Ben F. van Veen,2024-01-26 It is common opinion in biblical scholarship that the biblical documents functioned in a sociocultural context dominated by the spoken word Detextification is the result of addressing the complex relation between this formally acknowledged functioning in its original oral delivery and the daily praxis of biblical scholarship in which these documents function as autonomous texts in an ever expanding universe of texts The argument in this book is that in addition to acknowledging the difference in media oral performance there and then versus reading text here and now it is crucial to differentiate and explicate the mindsets behind these media A literate reader in the present structures thought vis a vis text differently from someone intensively formed by oral aural communication in the moment of exposure to a performing orator The latter perspective was Paul s in the process of his letter composition Therefore this is a leading question in detextification How can a contemporary biblical scholar relate to the text of Paul s letters in such a way as to understand how the apostle envisioned his original addressees structuring their thoughts during the event of a letter s oral aural delivery Two test cases are provided from the Letter to the Galatians Gal 2 3 **Hobbes's Creativity** James J. Hamilton,2023-05-15 This book approaches Hobbes s philosophy from a completely new perspective his creativity Creativity is the production of something which experts consider to be original valuable and of high quality James Hamilton explores Hobbes s creativity by focusing on his development personality and motivation in the context of his culture and environment and on the ways in which he thought creatively as inferred from his writings Identification of the ideas which Hobbes drew upon is an important part of the study for two reasons First they are necessary to determine which of Hobbes s ideas and theories are original and which are not Second analysis of his creativity requires an understanding of the ideas from which he drew Hamilton concludes that Hobbes became a great philosopher because of his creative virtuosity The Elements of Intellectual Science a Manual for Schools and Colleges: Abridged from "The Human Intellect.", Noah Porter (the Younger.),1872 *Psychology [transl.]*. Antonio Rosmini-Serbati,1888 **Psychology** Antonio Rosmini,Antonio Rosmini-Serbati,1888 *The Chemical News and Journal of Physical Science* ,1913 *The Elements of Psychology* David Jayne Hill,1888 **Constitutionally Conforming Interpretation - Comparative Perspectives** Matthias Klatt,2025-08-21 This is the second part of a 2 volume set which presents an in depth investigation into the canon of constitutionally conforming interpretation This second volume builds upon the insights of the first volume which includes national reports on the use of constitutional interpretation In Volume 2 the analysis is extended beyond the national context discussing its application in the supranational and international contexts including in EU law and the domestic use of international law It

presents several critical perspectives challenging the legitimacy of constitutionally conforming interpretation and looks at the invisible constitution constitutional amendments and the impact of legalism The volume is rounded off by three comparative analyses which formulate universally applicable insights Together with Volume 1 this book fills an important gap in legal scholarship and sets the stage for cross national discourse on this critical legal method **The 'Contextual**

Elements' of the Crime of Genocide Nasour Coursami, 2018-02-10 This book examines the position of contextual elements as a constitutive element of the legal definition of the crime of genocide and determines the extent to which an individual genocidaire is required to act within a particular genocidal context Unlike other books in the field of the study of the crime of genocide this book captures the nuance and the complex issues of the debate by providing book length comprehensive examination of the position of contextual elements in light of the evolution of genocide as a concept and the literal legal definition of the crime of genocide which expressly characterized the crime with only the existence of an individualistic intent to destroy a group With scholars of international criminal law students researchers practitioners in the field and international criminal tribunals in mind the author tackles many of the issues raised on the position of contextual elements in both academic literature and judicial decisions Nasour Coursami is the Director of Applied Research and a Lecturer at the National School of Administration in Chad He studied law at Cardiff and Bristol Universities and holds a Ph D in International Law from the University of Edinburgh The Chemical News ,1906

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