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Reasoning with Rules

An Essay on Legal Reasoning and
Its Underlying Logic

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Reasoning With Rules An Essay On Legal Reasoning And Its Underlying Logic

**Dov M. Gabbay, Patrice Canivez, Shahid
Rahman, Alexandre Thiercelin**

Reasoning With Rules An Essay On Legal Reasoning And Its Underlying Logic:

Reasoning with Rules Jaap Hage, 1996-11-30 Rule applying legal arguments are traditionally treated as a kind of syllogism. Such a treatment overlooks the fact that legal principles and rules are not statements which describe the world but rather means by which humans impose structure on the world. Legal rules create legal consequences; they do not describe them. This has consequences for the logic of rule and principle applying arguments, the most important of which may be that such arguments are defeasible. This book offers an extensive analysis of the role of rules and principles in legal reasoning which focuses on the close relationship between rules, principles and reasons. Moreover, it describes a logical theory which assigns a central place to the notion of reasons for and against a conclusion and which is especially suited to deal with rules and principles.

Reasoning with Rules Jaap C. HAGE, 1997 Handbook of Legal Reasoning and Argumentation Giorgio Bongiovanni, Gerald Postema, Antonino Rotolo, Giovanni Sartor, Chiara Valentini, Douglas Walton, 2018-07-02 This handbook addresses legal reasoning and argumentation from a logical, philosophical and legal perspective. The main forms of legal reasoning and argumentation are covered in an exhaustive and critical fashion and are analysed in connection with more general types and problems of reasoning. Accordingly, the subject matter of the handbook divides in three parts. The first one introduces and discusses the basic concepts of practical reasoning. The second one discusses the general structures and procedures of reasoning and argumentation that are relevant to legal discourse. The third one looks at their instantiations and developments of these aspects of argumentation as they are put to work in the law in different areas and applications of legal reasoning.

Methods of Legal Reasoning Jerzy Stelmach, Bartosz Brozek, 2006-09-03 Anyone reflecting on the methodology of legal reasoning faces a difficult task. The number of methodological theories in jurisprudence and the vast literature on the subject are not the only problems that have to be taken into account. Perhaps the most striking difficulty concerning the methodology of legal argument is the heated debate between jurists, legal theorists and philosophers of law that has been recurring since at least nineteenth century. Therefore a justification is needed for writing yet another book concerning the methods of legal reasoning, a book that aims to cover a lot of what has already been proposed in legal theory. We believe that there is such a justification. First, the perspective that we adopt in the present book is unique at least in some respects. We venture to look at the methodology of legal reasoning from the outside, i.e. from a more general philosophical perspective while taking into account the hardness of law. This perspective enables us to ask questions about the justification for the methods of legal argument presented. Second, we do not want to defend one paradigmatic conception of legal reasoning. On the contrary, we put forward the thesis that there is a plurality of argumentative methods. The plurality, however, does not lead to relativism in legal decision making. Third, we reject any hierarchy of the methods of legal reasoning and take the view that one can speak only of the precision and flexibility of different methodologies.

Logical Models of Legal Argumentation H. Prakken, Giovanni Sartor, 2012-12-06 In the study of forms of legal reasoning, logic and

argumentation theory long followed separate tracks Legal logicians tended to focus on a deductive reconstruction of justifying a decision disregarding the dialectical process leading to the chosen justification Others instead emphasized the adversarial and discretionary nature of legal reasoning involving reasonable evaluation of alternative choices and the use of analogical reasoning Recently however developments in Artificial Intelligence and Law have paved the way for overcoming this separation Logic has widened its scope to defensible argumentation and informal accounts of analogy and dialectics have inspired the construction of computer programs Thus the prospect is emerging of an integrated logical and dialectical account of legal argument adding to the understanding of legal reasoning and providing a formal basis for computer tools that assist and mediate legal debates while leaving room for human initiative This book presents contributions to this development From a logical point of view it covers topics such as evaluating conflicting arguments weighing reasons modelling legal disputes as a dialogue game the role of the burden of proof the relation between principles rules reasons and facts and the relation between deductive and nondeductive arguments Written by leading scholars in the field and building on recent developments in logic and Artificial Intelligence the chapters provide a state of the art account of research on the logical aspects of legal argument

Judicial Applications of Artificial Intelligence Giovanni Sartor, L. Karl

Branting, 2013-04-17 The judiciary is in the early stages of a transformation in which AI Artificial Intelligence technology will help to make the judicial process faster cheaper and more predictable without compromising the integrity of judges discretionary reasoning Judicial decision making is an area of daunting complexity where highly sophisticated legal expertise merges with cognitive and emotional competence How can AI contribute to a process that encompasses such a wide range of knowledge judgment and experience Rather than aiming at the impossible dream or nightmare of building an automatic judge AI research has had two more practical goals producing tools to support judicial activities including programs for intelligent document assembly case retrieval and support for discretionary decision making and developing new analytical tools for understanding and modeling the judicial process such as case based reasoning and formal models of dialectics argumentation and negotiation Judges squeezed between tightening budgets and increasing demands for justice are desperately trying to maintain the quality of their decision making process while coping with time and resource limitations Flexible AI tools for decision support may promote uniformity and efficiency in judicial practice while supporting rational judicial discretion Similarly AI may promote flexibility efficiency and accuracy in other judicial tasks such as drafting various judicial documents The contributions in this volume exemplify some of the directions that the AI transformation of the judiciary will take

Political Friendship and the Good Life Gianfrancesco Zanetti, 2002-07-31 The main subject of this book is the rather fascinating link between an acceptable concept of political whole and its legal and moral implications When we face this problem we find that widespread categories like happiness and friendship are at the same time necessary and dangerous crucial and elusive In order to make the case against the so called Legal Enforcement of Morals and to grasp the

complex relationship between law and morality from a liberal point of view it is not enough to reject a pattern of happiness or of human flourishing from which to draw normative instructions for men and women it must be recognized that integration of individuals in the comprehensive groups as well as in the political whole itself is not the only valuable option The fragile value of a relative lack of integration a right to unhappiness turns out to be eventually what makes the weak but decisive moral primacy of liberal societies

Approaches for Community Decision Making and Collective Reasoning: Knowledge Technology Support Yearwood, John, Stranieri, Andrew, 2012-06-30 This book focuses on how groups can structure their activities toward making better decisions or in developing technologies for the support of decision making in groups Provided by publisher

Approaches to Legal Rationality Dov M. Gabbay, Patrice Canivez, Shahid Rahman, Alexandre Thiercelin, 2010-10-04 Legal theory political sciences sociology philosophy logic artificial intelligence there are many approaches to legal argumentation Each of them provides specific insights into highly complex phenomena Different disciplines but also different traditions in disciplines e g analytical and continental traditions in philosophy find here a rare occasion to meet The present book contains contributions both historical and thematic from leading researchers in several of the most important approaches to legal rationality One of the main issues is the relation between logic and law the way logic is actually used in law but also the way logic can make law explicit An outstanding group of philosophers logicians and jurists try to meet this issue The book is more than a collection of papers However different their respective conceptual tools may be the authors share a common conception legal argumentation is a specific argumentation context

Living Lawfully Z. Bankowski, 2013-04-17 The aim of this book is to explore what it means to live a life under the law Does a life of law preclude love and does a life of love preclude law Part of the theme of the book is that social questions also raise individual moral and ethical questions that to live lawfully implies both a question of how I should live in my relations with my fellows and how society should be organised These questions must be looked at together The book explores these questions and in looking at the articulation of law and love touches upon debates in personal morality aesthetics epistemology social and political organisation institutional design and the form and substance of law It raises questions that are of interest to students and those working in law theology and social and political theory

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