Introduction to law and legal reasoning law is uncsfu (2023)


Legal Reasoning and Legal Theory

1994-08-11

what makes an argument in a law case good or bad can legal decisions be justified by purely rational argument or are they ultimately determined by more subjective influences these questions are central to the study of jurisprudence and are thoroughly and critically examined in legal reasoning and legal theory now with a new and up to date foreword its clarity of explanation and argument make this classic legal text readily accessible to lawyers philosophers and any general reader interested in legal processes human reasoning or practical logic

On Law and Legal Reasoning

2002-08-07

this book is about legal theory and legal reasoning in particular it seeks to examine the relations that obtain between law and a theory of law and legal reasoning and a theory of legal reasoning two features of law and legal reasoning are treated as being of particular importance in this regard law is institutional and legal reasoning is formal these two features are so closely connected that it is reasonable to believe that in fact they are simply two ways of looking at the same issue this becomes clearer as the focus of the book shifts from the institutional nature of law to the consequences of this
for legal reasoning and which is the principal focus of the book the author received the european academy of legal theory award in 2000 for the doctoral dissertation on which this work was based

**An Introduction to Law and Legal Reasoning**

2007-01-10

now in its third edition an introduction to law and legal reasoning continues to be the ideal go to for the first year law student it is a short practical book that introduces beginning law students and others to contemporary law and legal reasoning by presenting these topics through various discussions of cases and examples it provides students with a solid source to reference for years to come a dependable practical source that covers analogical and deductive reasoning as well as the roles of legal conventions purposes and policies in legal reasoning discusses cases of varying difficulty to diversify the learning process presents law and legal reasoning primarily through discussions of cases and examples that avoid the abstraction characteristic of most competing books emphasizes the law as used in practice by lawyers and judges provides an explicit and systematic introduction to law and legal reasoning offers a source suitable for use as supplementary reading in any first year course in legal research and writing courses in paralegal courses and in other settings this great new edition has been carefully updated to include a new chapter hardest cases that highlights cases notorious in the press updates throughout that guarantee the most current legal information

**Logic and Legal Reasoning**

2001

this insightful and highly readable advanced introduction provides a succinct yet comprehensive overview of legal reasoning covering both reasoning from canonical texts and legal decision making in the absence of rules overall it argues that there are only two methods by which judges decide legal disputes deductive reasoning from rules and unconstrained moral practical and empirical reasoning

**Advanced Introduction to Legal Reasoning**

2021-05-28
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

**Handbook of Legal Reasoning and Argumentation**

2018-07-02

rethinking legal reasoning seems a bold aim given the large amount of literature devoted to this topic in this thought provoking book geoffrey samuel proposes a different way of approaching legal reasoning by examining the topic through the context of legal knowledge epistemology what is it to have knowledge of legal reasoning

**Rethinking Legal Reasoning**

2018-08-31

this collection contains studies on justice juridical reasoning and argumentation which contributed to my ideas on the new rhetoric my reflections on justice from 1944 to the present day have given rise to various studies the first of these was published in english as the idea of justice and the problem of argument routledge kegan paul london 1963 the others of which several are out of print or have never previously been published are reunited in the present volume as justice is for me the prime example of a confused notion of a notion which like many philosophical concepts cannot be reduced to clarity without being distorted one cannot treat it without recourse to the methods of reasoning analyzed by the new rhetoric in actuality these methods have long been put into practice by jurists legal reasoning is fertile ground for the study of argumentation it is to the new rhetoric what mathematics is to formal logic and to the theory of demonstrative proof it is important then that philosophers should not limit their methodological studies to mathematics and the natural sciences they must not neglect law in the search for practical reason i hope that these essays lead to a better understanding of how law can enrich philosophical thought ch p
it is twenty five years since the publication of neil maccormick's book legal reasoning and legal theory a book that has been in print continuously since its first publication this book looks at how examining legal reasoning can bring up important theoretical and ethical issues as maccormick revisits the issues anew in his current work

this major reference series brings together a wide range of key international articles in law and legal theory many of these essays are not readily accessible and their presentation in these volumes will provide a vital new resource for both research and teaching each volume is edited by leading international authorities who explain the significance and context of articles in an informative and complete introduction

this book intends to unite studies in different fields related to the development of the relations between logic law and legal reasoning combining historical and philosophical studies on legal reasoning in civil and common law and on the often neglected arabic and talmudic traditions of jurisprudence this project unites these areas with recent technical developments in computer science this combination has resulted in renewed interest in deontic logic and logic of norms that stems from the interaction between artificial intelligence and law and their applications to these areas of logic the book also aims to motivate and launch a more intense interaction between the historical and philosophical work of arabic talmudic and european jurisprudence the publication discusses new insights in the interaction between logic and law and more precisely the study of different answers to the question what role does logic play in legal reasoning varying perspectives include that of foundational studies such as logical principles and frameworks to applications and historical perspectives
**New Developments in Legal Reasoning and Logic**

2021-12-16

this short introduction looks at judging and reasoning from three perspectives what legal reasoning has been what legal reasoning is from the view of judges and jurists themselves the internal view and what legal reasoning is from the view of a social scientist epistemologist or humanities specialist the external view combining cases and materials with original text this unique concise format is designed for students who are starting out on their law programmes as well as for students and researchers who would like to examine judging and legal reasoning in more depth

**A Short Introduction to Judging and to Legal Reasoning**

2016-08-26

at least since plato and aristotle thinkers have pondered the relationship between philosophical arguments and the sophistical arguments offered by the sophists who were the first professional lawyers judges wield substantial political power and the justifications they offer for their decisions are a vital means by which citizens can assess the legitimacy of how that power is exercised however to evaluate judicial justifications requires close attention to the method of reasoning behind decisions this new collection illuminates and explains the political and moral importance in justifying the exercise of judicial power

**Logic, Probability, and Presumptions in Legal Reasoning**

2013-06-17

this volume explores the relation between legal reasoning and logic from both a historical and a systematic perspective the topics addressed include among others conditional legal acts disjunctions in legal acts presumptions and conjectures conflicts of values jørgensen s dilemma the rhetor s dilemma the theory of legal fictions and the categorization of contracts the unifying problematic of these contributions concerns the conditional structures and more particularly the relationship between legal theory and legal reasoning in the context of conditions the contributions in this work constitute the first results of the anr dfg joint research project jurilog jurisprudence and logic which aims at fostering the cooperation between legal scholars and philosophers on the one hand lawyers and legal scholars have an interest in emphasizing the logical character of legal reasoning in this respect the present enquiry examines the question of how logic especially newer forms of dialogical logic can be made fruitful as a significant area of philosophy for jurisprudence and legal practice on the other hand logicians find in legal reasoning a striving towards clear definitions and inference
procedures that is relevant to their discipline in order to fully understand such reciprocal relationships it is necessary to bridge the gap between law
logic and philosophy in contemporary academic research the essays collected in this volume all work towards this common goal the book is divided in
three sections in the first part the strong relation between roman law and logic is explored with respect to the analysis of disjunctive statements in
legal acts the second part focuses on leibniz s legal theory the third part finally is dedicated to current interactions between law and logic

Past and Present Interactions in Legal Reasoning and Logic

2015-05-18

methods of legal reasoning describes and criticizes four methods used in legal practice legal dogmatics and legal theory logic analysis argumentation
and hermeneutics the book takes the unusual approach of discussing in a single study four different sometimes competing concepts of legal method
sketched this way the panorama allows the reader to reflect deeply on questions concerning the methodological conditioning of legal science and the
existence of a unique specific legal method

Methods of Legal Reasoning

2006-09-03

this primer on legal reasoning is aimed at law students and upper level undergraduates but it is also an original exposition of basic legal concepts that
scholars and lawyers will find stimulating it covers such topics as rules precedent authority analogical reasoning the common law statutory
interpretation legal realism judicial opinions legal facts and burden of proof in addressing the question whether legal reasoning is distinctive frederick
schauer emphasizes the formality and rule dependence of law when taking the words of a statute seriously when following a rule even when it does
not produce the best result when treating the fact of a past decision as a reason for making the same decision again or when relying on authoritative
sources the law embodies values other than simply that of making the best decision for the particular occasion or dispute in thus pursuing goals of
stability predictability and constraint on the idiosyncrasies of individual decision makers the law employs forms of reasoning that may not be unique
to it but are far more dominant in legal decision making than elsewhere schauer s analysis of what makes legal reasoning special will be a valuable
guide for students while also presenting a challenge to a wide range of current academic theories

Thinking Like a Lawyer
this book of legal philosophy contends that positive law is better understood if it is not too easily equated with power force or command law is more a matter of discourse and deliberation than of sheer decision or of power relations here is thought provoking reading for lawyers advocates scholars of jurisprudence students of law philosophy and political science and general readers concerned with the future of the constitutional state

**Constitutionalism and Legal Reasoning**

2007-04-10

is legal reasoning rationally persuasive working within a discernible structure and using recognisable kinds of arguments does it belong to rhetoric in this sense or to the domain of the merely rhetorical in an adversative sense is there any reasonable certainty about legal outcomes in dispute situations if not what becomes of the rule of law neil maccormick's book tackles these questions in establishing an overall theory of legal reasoning which shows the essential part legal syllogism plays in reasoning aimed at the application of law while acknowledging that simple deductive reasoning though always necessary is very rarely sufficient to justify a decision there are always problems of relevancy classification or interpretation in relation to both facts and law in justifying conclusions about such problems reasoning has to be universalistic and yet fully sensitive to the particulars of specific cases how is this possible is legal justification at this level consequentialist in character or principled and right based both normative coherence and narrative coherence have a part to play in justification and in accounting for the validity of arguments by analogy looking at such long discussed subjects as precedent and analogy and the interpretative character of the reasoning involved neil maccormick expands upon his celebrated legal reasoning and legal theory oup 1978 and 1994 and restates his institutional theory of law

**Moral and Legal Reasoning**

1980-06-18

legal theorists consider their discipline as an objective endeavour in line with other fields of science objectivity in science is generally regarded as a fundamental condition informing how science should be practised and how truths may be found objective scientists venture to uncover empirical truths about the world and ought to eliminate personal biases prior commitments and emotional involvement however legal theorists are inevitably bound up with a given legal culture consequently their scholarly work derives at least in part from this environment and their subtle interaction with it this book questions critically in novel ways and from various perspectives the possibilities of objectivity of legal theory in the twenty first century it transpires that legal theory is unavoidably confronted with varying conceptions of law underlying ideologies approaches to legal method argumentation and discourse etc which limit the possibilities of objectivity in law and in legal reasoning the authors of this book reveal some of these
underlying notions and discuss their consequences for legal theory

Rhetoric and The Rule of Law

2005-07-28

based on his experience that students learn legal reasoning and legal writing better when they are taught together neumann offers guidance on making professional writing decisions constructing proof of a conclusion of law and developing processes of writing no dates are noted for earlier edition

Objectivity in Law and Legal Reasoning

2013-01-28

law school has the reputation of being one of the hardest academic programs it is a reputation well earned however law school basics is chock full of insights and strategies that will prepare you well and give you a head start on the competition law school basics presents a thorough overview of law school legal reasoning and legal writing it was written for those who are considering law school for those who are about to start law school and for those who are interested in knowing more about lawyering and the legal process law school basics was written with one overriding goal to enlighten you about everything the author wishes he had known before starting law school

Legal Reasoning and Legal Writing

2001

demystifying legal reasoning defends the proposition that there are no special forms of reasoning peculiar to law legal decision makers engage in the same modes of reasoning that all actors use in deciding what to do open ended moral reasoning empirical reasoning and deduction from authoritative rules this book addresses common law reasoning when prior judicial decisions determine the law and interpretation of texts in both areas the popular view that legal decision makers practise special forms of reasoning is false
what is the role and value of virtue emotion and imagination in law and legal reasoning these new essays by leading scholars of both law and
philosophy offer striking and exploratory answers to this neglected question the collection takes a holistic approach inquiring as to the connections
and relations between virtue emotion and imagination in addition to the principal focus on adjudication essays in the collection also engage with a
variety of different legal political and moral contexts eg criminal law sentencing the black lives matter movement and professional ethics a number of
different areas of the law are addressed eg criminal law constitutional law and tort law and the issues explored include the benefits and limits of
empathy in legal reasoning the role of attention and perception in judicial reasoning the identification of judicial virtues such as compassion and
humility and judicial vices such as callousness and partiality the values and dangers of certain imaginative devices eg personification and the
interactive and social dimensions of virtue emotion and imagination

Essays on the Nature of Law and Legal Reasoning

1992

La 4e de couverture indique legal reasoning collected essays includes four essays written over a twenty year span that present a comprehensive and
original account of legal reasoning as done by judges lawyers and legal academics in a work that is likely to become the definitive introduction to
critical legal theory by a leading theorist of the critical legal studies movement the author has been the first to put together in a systematic way the
insights of american legal realism with continental phenomenology and semiotics his version of legal reasoning presents it as work in a medium
deploying a set of argument bites analogous to the words of a language the result is simultaneous freedom and constraint kennedy then turns his
approach to a critique of current european legal theory with an essay on hart and kelsen and another on the approach of the european jurists pre
occupied with coherence and with the european social model in the current process of harmonization of european law

Demystifying Legal Reasoning

2008-06-16

this is the first book to bring together distinguished jurisprudential theorists as well as up and coming scholars to critically assess the nature of legal
reasoning the volume is divided into 3 parts the first part general jurisprudence and legal reasoning addresses issues at the intersection of general
jurisprudence those pertaining to the nature of law itself and legal reasoning the second part rules and reasons addresses two concepts central to two prominent types of theory of legal reasoning the essays in the third and final part doctrine and practice delve into the mechanics of legal practice and doctrine from a legal reasoning perspective

Virtue, Emotion and Imagination in Law and Legal Reasoning

2020-02-06

providing an accessible introduction to the application of multi criteria analysis in law this book illustrates how simple additive weighing a well known method in decision theory can be used in problem structuring analysis and decision support for overall assessments and balancing of interests in the context of law

Legal Reasoning

2008

this two volume collection of essays brings together major contemporary theoretical works on freedom of speech volume i begins with a theoretical overview of freedom of speech and then turns to the topics of what justifies freedom of speech and what kinds of acts raise free speech concerns volume ii examines the distinctions among content regulations and between content and content neutral regulations it also analyses the concept of the public forum inciting and hateful speech and lastly the tension between the subsidizing activities of the affirmative state and the negative liberty of freedom of speech

Moral Theory and Legal Reasoning

1998

at least since plato and aristotle thinkers have pondered the relationship between philosophical arguments and the sophistical arguments offered by the sophists who were the first professional lawyers judges wield substantial political power and the justifications they offer for their decisions are a vital means by which citizens can assess the legitimacy of how that power is exercised however to evaluate judicial justifications requires close attention to
the method of reasoning behind decisions this new collection illuminates and explains the political and moral importance in justifying the exercise of judicial power

New Essays on the Nature of Legal Reasoning

2022-05-19

first published in 1998 this five volume series contains some of this century s most influential or thought provoking articles on the subject of legal argument that have appeared in anglo american philosophy journals and law reviews this volume offers a collection of essays by philosophers and legal scholars on economics artificial intelligence and the physical sciences

Multi-criteria Analysis in Legal Reasoning

2017-05-26

this book of legal philosophy contends that positive law is better understood if it is not too easily equated with power force or command law is more a matter of discourse and deliberation than of sheer decision or of power relations here is thought provoking reading for lawyers advocates scholars of jurisprudence students of law philosophy and political science and general readers concerned with the future of the constitutional state

Legal Reasoning and Legal Writing

1995-12-01

legal reasoning and objective writing a comprehensive approach is a textbook for the objective writing segment of a first year legal writing class written by two professors who have collaborated for many years and who between them have over 50 years of experience teaching legal analysis and writing the book which is written in a conversational manner to engage students and put them at ease so that they grasp difficult concepts easily uses a variety of short examples throughout the chapters as well as sample documents in the appendices with comprehensive annotations keyed to relevant portions of the book each chapter and accompanying optional closed memo problem provide students with a sophisticated yet concrete step by step method to learn the analytical organizational and presentational skills necessary to convey legal analysis effectively the accompanying optional
introductory problem and related assignment materials use a flipped class approach to guide students through the memo project independently allowing teachers to adapt the problem to fit a variety of teaching sequences

**Legal Rules and Legal Reasoning**

2000

This book takes a fresh approach to first year introduction to law courses. It is a new Australian work based partly on the author's earlier successful United Kingdom book Introduction to Legal Method, co-authored with Tony Dugdale. It concentrates on legal reasoning and legal method for first year law students and business students. The book is set in the context of a broad social view of the legal system and emphasizes the legal process in a sometimes critical fashion, referring to both Australian and New Zealand law and the contrasts between them. This book focuses on how lawyers think and reason; it also covers how legal reasoning claims to be distinctive while following practical reasoning techniques with policy and value elements. Written succinctly and in plain English, the engaging subject matter covers indigenous people's customs and rights, fallacies in reasoning, international influences, and human rights. It also includes a discussion of the impact of the information revolution on law and lawyers and whether this affects the lawyer's role and status. Authored by the highly respected Dr. John Farrar and based on his teaching experience in the United Kingdom, Australia, and New Zealand, this book provides a rigorous introduction to law that will put the student in a solid position to tackle future subjects.

**Precedents, Statutes, and Analysis of Legal Concepts**

2013-06-17

Comparative legal reasoning and European law deals with the use of comparative law in European legal adjudication. It describes the different forms of the use of comparative law in legal reasoning, argumentation, and justification in several national legal orders and in European level legal institutions. The book begins with an inquiry into the nature of comparative law as a legal source after the description of the empirical study. It ends with the general theory of European law and several hard cases of European law are examined. The book is intended for students and researchers in European law but it also contains aspects to be taken into account in the practical work in European legal orders and legal institutions by judges and legal practitioners.

**Legal Reasoning**
law is a product and a producer of reason legal reasoning is an intellectual challenge whereby judges and lawyers find legal premises to argue their decisions or invalidate premises without bending logic it is a topic of importance for lawyers and legal scholars and demands a great measure of logical rigour it is not so simple legal reasoning involves various components such as analogy legal culture textual analysis judicial discretion and historical development taking all factors into consideration taking legal texts or legal precedent to argue a case or decide actual cases involves more than reaching the right judgement law practice critical analysis and legal reasoning provides a comprehensive analysis of various areas of law particularly legal reasoning and will assess research in law and analysing conclusions this book will help move the debate of wide ranging new problems and develop useful suggestions on these issues back cover

Scientific Models of Legal Reasoning

2013-10-28

mind machine and metaphor is a rich original and wide ranging view of legal theory in the context of artificial intelligence ai research it is essential reading for legal theorists and for legal scholars and students of ai with an interest in each other s fields

Constitutionalism and Legal Reasoning

2007-04-20

Legal Reasoning and Objective Writing

2016-02-29
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