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DISCOVERING THE LOGIC OF LEGAL REASONING

aspects of legal reasoning—fields such as psychology,⁵ rhetoric,⁶ informal logic, ⁷ and artificial intelligence (“AI”) ⁸ What is missing, adequate justification ...

LAW, LOGIC, RHETORIC: A PROCEDURALMODEL OF LEGAL ...

LAW, LOGIC, RHETORIC: A PROCEDURAL MODEL OF LEGAL ARGUMENTATION 571 Recently, Verheij (1999) has given an interesting account on the topic of legal logic² The question he asks is whether any ordinary logic or argumentation theory suffices to model legal reasoning or whether a special logic or argumentation theory is needed

A Basis for Legal Reasoning: Logic on Appeal

A Basis for Legal Reasoning: Logic on Appeal* Mary Massaron Ross*** The training of lawyers is a training in logic The process of analogy, discrimination, and deduction are those in ...

The Limits of Logic in Legal Argumentation

The Limits of Logic in Legal Argumentation James C Raymond University of Alabama, substantial form of rhetoric in the Roman Empire, To understand why logic is virtually powerless in legal argumentation we need a new theory of knowledge, or perhaps to rediscover an old one

DEDUCTION, LEGAL REASONING, AND THE RULE OF LAW

DEDUCTION, LEGAL REASONING, AND THE RULE OF LAW RHETORIC AND THE RULE OF LAW A THEORY OF LEGAL REASONING By Neil MacCormick1 Oxford: Oxford University Press, 2005 Pp xvi + 287 \$7400 Torben Spaak2 I INTRODUCTION Neil Mac Cormick first put forward his thoughts on legal reasoning in a book entitled Legal Reasoning and Legal Theory

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LEGAL REASONING AS ARGUMENTATION Donald H J Hermann* I LEGAL REASONING: CONVENTIONAL ANALYSIS AND CONTEMPORARY CRITIQUE A Traditional View The integrity of legal reasoning, which is central to the legitimacy of the rule of law, has been subjected to relentless challenge for half a century'

updated: January 24, 2020 - Sacramento State

Logical reasoning skills can be learned and improved It is not a case of "Either you're naturally good at it or you're not" Rather, nearly everyone is capable of reasoning well, and everyone is capable of improvement The opposite of logical reasoning is uncritical ...

The Semiotic Model of Legal Reasoning - IJLLD

dicendi, that is, grammar, dialectic (logic) and rhetoric (Morris, 1938, p 56); for instance, Morris saw rhetoric as an early form of pragmatics The classic trivium has privileged grammar and logic at the expense of the problematizing effects of the third element The Semiotic Model of Legal Reasoning ...

Introducing Legal Reasoning - JSTOR

571 Introducing Legal Reasoning David R Samuelson We embarked on a profitable journey, my methods students and I For four weeks we sought to discover just how it is that judges decide law cases

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MODELS FOR THE ANALYSIS OF LEGAL ARGUMENTATION

argumentation theory, informal logic, legal theory and rhetoric, different models have been developed for reconstructing patterns of legal reasoning that underlie the process of legal decision-making, with the aim of evaluating the quality of judicial decisions They address questions regarding both

the quality of the decision-making process in

Rhetoric and Dialectic in Legal Argumentation: Realizing ...

Rhetoric and Dialectic in Legal Argumentation: Realizing Alessandro Giuliani's Aristotelian Theory formal logic and explained in accordance with the principle of noncontradiction assert that - are closely linked because legal reasoning also involves the proffering and testing of opinions in ordinary language

Discovering the Logic of Legal Reasoning

DISCOVERING THE LOGIC OF LEGAL REASONING Vern R Walker* I INTRODUCTION The rule of law rests on the quality of legal reasoning The rule of law requires that similar cases should be decided similarly, that each case should be decided on its merits, and that decision-making processes

LEGAL METHOD & REASONING - GBV

Legal Method & Reasoning 333 Statutory interpretation: consideration of legislation by the courts 33 334 The law of the European Community 34 335 The law relating to human rights 34 336 Summary 34 34 Understanding the format of a Statute 37 341 Introduction 37 342 Types of legislation: primary and secondary 39

The Character of Legal Reasoning - School of Law

THE CHARACTER OF LEGAL REASONING 735 distance in the almost 250 years since Blackstone spoke of the garden of the common law, bounded by a protective hedge and characterized by gradual growth and change³ This assault has come from both ends of the political spectrum⁴ Some have argued that legal reasoning is essentially political,⁵ and

A Night in the Topics: The Reason of Legal Rhetoric and ...

Even the defenders of rhetoric [*212] have sometimes bought into the opposition between rhetoric and reason, assuming that the value of rhetoric and narrative lie in their ability to provide some alternative to sterile logic or to respond to some deficit in legal reasoning

INTRODUCTION TO ARGUMENT AND RHETORIC

INTRODUCTION TO ARGUMENT AND RHETORIC What is an argument? An argument is not a fight or a debate When we think of an argument we might imagine a disagreement between people, when in fact, an argument may not imply discord at all • Logos: appeals to logic using reasoning

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