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Logical Tools for Modelling Legal Argument

A Study of Defeasible Reasoning
in Law

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Logical Tools For Modelling Legal Argument A Study Of Defeasible Reasoning In Law

Ioannis Hatzilygeroudis, Jim Prentzas



Logical Tools For Modelling Legal Argument A Study Of Defeasible Reasoning In Law:

Logical Tools for Modelling Legal Argument H. Prakken, 2013-04-17 This book is a revised and extended version of my PhD Thesis Logical Tools for Modelling Legal Argument which I defended on 14 January 1993 at the Free University Amsterdam The first five chapters of the thesis have remained almost completely unchanged but the other chapters have undergone considerable revision and expansion Most importantly I have replaced the formal argument based system of the old Chapters 6 7 and 8 with a revised and extended system which I have developed during the last three years in collaboration with Giovanni Sartor Apart from some technical improvements the main additions to the old system are the enrichment of its language with a nonprovability operator and the ability to formalise reasoning about preference criteria Moreover the new system has a very intuitive dialectical form as opposed to the rather unintuitive fixed point appearance of the old system Another important revision is the split of the old Chapter 9 into two new chapters The old Section 9 1 on related research has been updated and expanded into a whole chapter while the rest of the old chapter is now in revised form in Chapter 10 This chapter also contains two new contributions a detailed discussion of Gordon's Pleasings Game and a general description of a multi layered overall view on the structure of argumentation comprising a logical dialectical procedural and strategic layer Finally in the revised conclusion I have paid more attention to the relevance of my investigations for legal philosophy and argumentation theory

A Treatise of Legal Philosophy and General Jurisprudence Enrico Pattaro, 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

Logic in the Theory and Practice of Lawmaking Michał Araszkiewicz, Krzysztof Pleszka, 2015-10-05 This book presents the current state of the art regarding the application of logical tools to the problems of theory and practice of lawmaking It shows how contemporary logic may be useful in the analysis of legislation legislative drafting and legal reasoning concerning different contexts of law making Elaborations of the process of law making have variously emphasised its political social or economic aspects Yet despite strong interest in logical analyses of law questions remains about the role of logical tools in law making This volume attempts to bridge that gap or at least to narrow it drawing together some important research problems and some possible solutions as seen through the work of leading contemporary academics The

volume encompasses 20 chapters written by authors from 16 countries and it presents diversified views on the understanding of logic from strict mathematical approaches to the informal argumentative ones and differentiated choices concerning the aspects of law making taken into account The book presents a broad set of perspectives insights and results into the emerging field of research devoted to the logical analysis of the area of creation of law How does logic inform lawmaking Are legal systems consistent and complete How can legal rules be represented by means of formal calculi and visualization techniques Does the structure of statutes or of legal systems resemble the structure of deductive systems What are the logical relations between the basic concepts of jurisprudence that constitute the system of law How are theories of legal interpretation relevant to the process of legislation How might the statutory text be analysed by means of contemporary computer programs These and other questions ranging from the theoretical to the immediately practical are addressed in this definitive collection

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

The Logic of Legal Requirements Jordi Ferrer Beltrán, Giovanni Battista Ratti, 2012-09-13 Does the law contain implicit exceptions to its own rules If so what consequence does that have for understanding the relationship between law and morality This collection gathers leading legal philosophers to analyse the logical structure of legal norms advancing the understanding of the general philosophy of law

The Principle of Legal Certainty in EC Law J. Raitio, 2013-03-14 The intertwinement of EC law and national law may create unforeseeability in situations where EC law invades the national cases which gives rise to the very question of legal certainty in EC law This study contributes to the contemporary discussion which wrestles with the following questions in particular What have been the visions and objectives for European integration in the last decades How to describe European Union as a political entity and a legal system What is the relationship between legal certainty rule of law various general principles and human rights What is the core of legal certainty on the basis of the case study What kind of legal arguments and patterns of justification are there from a comparative perspective How has the term legal certainty been defined in the Nordic legal theory How predictable and acceptable are the interpretations of the European Court of Justice is it running wild Legal certainty relates to the principle of non retroactivity and the protection of legitimate expectations in

particular but more profoundly it can be related to the conceptual scale for weighing up and balancing between formal justice and material fairness in legal decision making This scale is illustrated by presenting the terms formal factual and substantive legal certainty

The Rule of Law History, Theory and Criticism Pietro Costa, Danilo Zolo, 2007-05-06 Authors Costa and Zolo share the conviction that a proper understanding of the rule of law today requires reference to a global problematic horizon This book offers some relevant guides for orienting the reader through a political and legal debate where the rule of law and the doctrine of human rights is a concept both controversial and significant at the national and international levels

Legal Knowledge and Information Systems Bart Verheij, 2001 This volume contains the proceedings of the fourteenth JURIX conference held December 13 14 2001 at the University of Amsterdam The Foundation for Legal Knowledge Based Systems JURIX is a forum for research in law and computer science Since 1988 JURIX has organized annual international conferences on research in the field Topics addressed range from the theoretical such as the modelling of the law and legal reasoning to the practical such as the design of systems that support legal decision making and teaching

Studies in Legal Logic Jaap Hage, 2006-03-30 Studies in Legal Logic is a collection of nine interrelated papers about the logic epistemology and ontology of law All of the papers were written after the publication of the author's Reasoning with Rules and supplement the issues addressed therein Some of the papers are new others have been revised substantially after the publication of their original versions The emphasis is on analysis not on logical technicalities Studies in Legal Logic contains chapters about the nature of norms the role of coherence in the law the nature of defeasibility the role of dialectics in law and artificial intelligence the statics and dynamics of the law and the consistency of rules Moreover it contains a new simplified and yet more powerful version of Reason based Logic and extensive examples of how it can be used for the analysis of legal reasoning The examples deal with legal theory construction case based reasoning and judicial proof

Group Rights as Human Rights Neus Torbisco Casals, 2006-06-30 Liberal theories have long insisted that cultural diversity in democratic societies can be accommodated through classical liberal tools in particular through individual rights and they have often rejected the claims of cultural minorities for group rights as illiberal Group Rights as Human Rights argues that such a rejection is misguided Based on a thorough analysis of the concept of group rights it proposes to overcome the dominant dichotomy between individual human rights and collective group rights by recognizing that group rights also serve individual interests It also challenges the claim that group rights so understood conflict with the liberal principle of neutrality on the contrary these rights help realize the neutrality ideal as they counter cultural biases that exist in Western states Group rights deserve to be classified as human rights because they respond to fundamental and morally important human interests Reading the theories of Will Kymlicka and Charles Taylor as complementary rather than opposed Group Rights as Human Rights sees group rights as anchored both in the value of cultural belonging for the development of individual autonomy and in each person's need for a recognition of her identity This double foundation has important

consequences for the scope of group rights it highlights their potential not only in dealing with national minorities but also with immigrant groups and it allows to determine how far such rights should also benefit illiberal groups Participation not intervention should here be the guiding principle if group rights are to realize the liberal promise

The Concept of Rights George W. Rainbolt, 2006-07-08 Discussions of rights are ubiquitous One constantly hears things such as The Chinese are violating Tibetan rights Landlords have a right that their tenants pay their rent Students have a right to be graded fairly Animals have a right not to suffer merely to bring pleasure to humans Abortion violates a fetus right to life We violate the rights of future generations when we pollute the water These statements assert that Tibetans landlords students animals fetuses and future generations all have rights Tibetans landlords students animals fetuses and future generations do not seem to have much in common When one presses for clarity it is very difficult to say precisely what a right is What is it to have a right That is the question this book seeks to answer To paint with an overly broad brush previous answers to this question can be divided into two groups Some hold interest bene t theories of rights while others hold choice will theories of rights Perhaps the first person to propose an interest bene t theory was Jeremy Bentham Its most cited contemporary defender is Joseph Raz The seminal statement of the choice theory was made by H L A Hart Carl Wellman is perhaps the most able defender of a will theory of rights The debate between these two groups of theories has been a productive one

Being Apart from Reasons Cláudio Jr. Michelson, 2006-04-23 Being Apart from Reasons deals with the question of how we should go about using reasons to decide what to do More particularly the book presents objections to the most common response given by contemporary legal and political theorists to the moral complexity of decision making in modern societies namely the attempt to release public agents from their argumentative burden by insulating a particular set of reasons from the general pool of reasons and assigning the former systematic priority over all other reasons That strategy is apparent both in Rawls claim that reasons concerning the right are systematically prior to reasons concerning the good and in Raz s claim that pre emptive reasons are systematically prior to first order reasons The same strategy is also instantiated by certain arguments for the procedural value of law such as Jeremy Waldron s In the book each of those arguments for the insulation of reasons is objected to in order to defend the thesis the reasoning by public agents must always be as comprehensive as possible The remaining chapters object to those arguments mentioned above which aim at justifying the exclusion of certain reasons from public agents decision making

Legal Institutions D.W. Ruiter, 2013-03-14 Building on his contributions to institutional legal theory in Institutional Legal Facts of 1993 Law and Philosophy Library volume 18 the author presents a comprehensive theory of legal institutions To that end the initial theoretical approach which mainly concentrated on problems connected with legal powers and legal acts acts in law is widened to allow for the development of a theory of legal judgements capable of accounting not only for enacted but also unwritten law legal principles and customary law With the use of the concept of institutional legal facts the structure of legal institutions is analyzed in detail In addition to that a

classification of legal institutions is provided Extensive attention is given to logical as well as doctrinal problems connected with a conception of legal validity as the mode of existence of legal conditions rather than as a value of legal norms similar to the truth of propositions The study results in an elaborate conceptual framework for institutional analysis of positive law In a final chapter the analytical potential of the framework is put to the test by applying it to the branch of public international law known as the law of treaties Readership Specialists in legal theory and lawyers interested in theoretical issues particularly in linguistic approaches and questions related to the institutional nature of law

Legal Reductionism and Freedom Martin V.B.P.M. van Hees, 2012-12-06 Martin van Hees presents a new approach to the study of law legal reductionism which combines elements of legal positivism new institutionalism and decision theory From legal positivism Van Hees derives some fundamental insights into the nature of legal systems but he also revises some of its key tenets He argues that law can be reduced to facts moreover he re establishes the relation between law and morality by arguing that law and positive morality are inherently related He subsequently uses decision theoretic tools to develop and defend his reductionist methodology The second part of the study applies the resulting approach to an analysis of legal freedom By showing that legal reductionism allows us to analyse the value of liberal legal systems Van Hees makes a forceful case for including the study of law in moral and political philosophy The book is accessible to a wide readership including legal and moral philosophers political theorists and social scientists

The Invisible Origins of Legal Positivism W.E. Conklin, 2012-12-06 Conklin s thesis is that the tradition of modern legal positivism beginning with Thomas Hobbes postulated different senses of the invisible as the authorising origin of humanly posited laws Conklin re reads the tradition by privileging how the canons share a particular understanding of legal language as written Leading philosophers who have espoused the tenets of the tradition have assumed that legal language is written and that the authorising origin of humanly posited rules norms is inaccessible to the written legal language Conklin s re reading of the tradition teases out how each of these leading philosophers has postulated that the authorising origin of humanly posited laws is an unanalysable externality to the written language of the legal structure As such the authorising origin of posited rules norms is inaccessible or invisible to their written language What is this authorising origin Different forms include an originary author an a priori concept and an immediacy of bonding between person and laws In each case the origin is unwritten in the sense of being inaccessible to the authoritative texts written by the officials of civil institutions of the sovereign state Conklin sets his thesis in the context of the legal theory of the polis and the pre polis of Greek tribes The author claims that the problem is that the tradition of legal positivism of a modern sovereign state excises the experiential or bodily meanings from the written language of the posited rules norms thereby forgetting the very pre legal authorising origin of the posited norms that each philosopher admits as offering the finality that legal reasoning demands if it is to be authoritative

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

The Legal Essays of Michael Bayles W.L. Robison, 2002-06-30 The legal essays by Michael Bayles in this collection display his commitment to utilitarianism both as a moral theory and an analytical device A utilitarian must choose between the best of all possible alternatives and so must lay out the alternatives and thus their consequences carefully and completely As it happens there is no better way of understanding why something is as it is in the law and no better way to lay the foundations for criticism and improvement than to lay out what the alternatives are carefully distinguishing them their justifications and their implications for changing other areas of the law and for changing our relation to the law Bayles was a master at such work and each essay thus repays careful study for anyone concerned about the law The essays cover a wide variety of topics from contract law to the criminal law from torts to theory and form a natural set Laying out the alternatives in one area makes it much clearer how and why alternatives in other areas are acceptable or required Interconnections within the legal system as a whole not readily visible when studying one area of the law become obvious when several are laid out side by side using the analytical skill required by a good utilitarian

The Concept of Ideals in Legal Theory Sanne Taekema, 2002-12-31 Talk about law often includes reference to ideals of justice equality or freedom But what do we refer to when we speak about ideals in the context of law This book explores the concept of ideals by combining an investigation of different theories of ideals with a discussion of the role of ideals in law A comparison of the theories of Gustav Radbruch and Philip Selznick leads up to a pragmatist theory of legal ideals which provides an interesting new position in the debate about values in law between legal positivists and natural law thinkers Attention for law s central ideals enables us to understand law s autonomous character while at the same time tracing its connection to societal values Essential reading for anyone interested in the role of values or ideals in law

Combinations of Intelligent Methods and Applications Ioannis Hatzilygeroudis, Jim Prentzas, 2011-03-29 The combination of different intelligent methods is a very active research area in Artificial Intelligence AI The aim is to create integrated or hybrid methods that benefit from each of their components Some of the existing efforts combine soft computing methods either among themselves or with more traditional AI methods such as logic and rules Another stream of efforts integrates machine learning with soft computing or traditional AI methods Yet another integrates agent based approaches with logic and also non symbolic approaches Some of the combinations have been quite important and more extensively used like neuro symbolic methods neuro fuzzy methods and methods combining rule based and case based reasoning However there are other combinations that are still under investigation such as those related to the Semantic Web The 2nd Workshop on Combinations of Intelligent Methods and Applications CIMA 2010 was intended to become a forum for exchanging experience and ideas among researchers and practitioners who are dealing with combining intelligent methods either based on first principles or in the context of specific applications CIMA 2010 was held in conjunction with the 22nd IEEE International Conference on Tools with Artificial Intelligence ICTAI 2010 Also a special track was organized in ICTAI 2010 under the same title This volume includes revised versions of the papers presented in CIMA 2010 and one of the short papers presented in the corresponding ICTAI 2010 special track It also includes a paper of the editors as invited

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Table of Contents Logical Tools For Modelling Legal Argument A Study Of Defeasible Reasoning In Law

1. Understanding the eBook Logical Tools For Modelling Legal Argument A Study Of Defeasible Reasoning In Law
 - The Rise of Digital Reading Logical Tools For Modelling Legal Argument A Study Of Defeasible Reasoning In Law
 - Advantages of eBooks Over Traditional Books
2. Identifying Logical Tools For Modelling Legal Argument A Study Of Defeasible Reasoning In Law
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Logical Tools For Modelling Legal Argument A Study Of Defeasible Reasoning In Law
 - User-Friendly Interface
4. Exploring eBook Recommendations from Logical Tools For Modelling Legal Argument A Study Of Defeasible Reasoning In Law

- Personalized Recommendations
 - Logical Tools For Modelling Legal Argument A Study Of Defeasible Reasoning In Law User Reviews and Ratings
 - Logical Tools For Modelling Legal Argument A Study Of Defeasible Reasoning In Law and Bestseller Lists
5. Accessing Logical Tools For Modelling Legal Argument A Study Of Defeasible Reasoning In Law Free and Paid eBooks
 - Logical Tools For Modelling Legal Argument A Study Of Defeasible Reasoning In Law Public Domain eBooks
 - Logical Tools For Modelling Legal Argument A Study Of Defeasible Reasoning In Law eBook Subscription Services
 - Logical Tools For Modelling Legal Argument A Study Of Defeasible Reasoning In Law Budget-Friendly Options
 6. Navigating Logical Tools For Modelling Legal Argument A Study Of Defeasible Reasoning In Law eBook Formats
 - ePub, PDF, MOBI, and More
 - Logical Tools For Modelling Legal Argument A Study Of Defeasible Reasoning In Law Compatibility with Devices
 - Logical Tools For Modelling Legal Argument A Study Of Defeasible Reasoning In Law Enhanced eBook Features
 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Logical Tools For Modelling Legal Argument A Study Of Defeasible Reasoning In Law
 - Highlighting and Note-Taking Logical Tools For Modelling Legal Argument A Study Of Defeasible Reasoning In Law
 - Interactive Elements Logical Tools For Modelling Legal Argument A Study Of Defeasible Reasoning In Law
 8. Staying Engaged with Logical Tools For Modelling Legal Argument A Study Of Defeasible Reasoning In Law
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Logical Tools For Modelling Legal Argument A Study Of Defeasible Reasoning In Law
 9. Balancing eBooks and Physical Books Logical Tools For Modelling Legal Argument A Study Of Defeasible Reasoning In Law
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Logical Tools For Modelling Legal Argument A Study Of Defeasible Reasoning In Law
 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain

- Minimizing Distractions
- Managing Screen Time
- 11. Cultivating a Reading Routine Logical Tools For Modelling Legal Argument A Study Of Defeasible Reasoning In Law
 - Setting Reading Goals Logical Tools For Modelling Legal Argument A Study Of Defeasible Reasoning In Law
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Logical Tools For Modelling Legal Argument A Study Of Defeasible Reasoning In Law
 - Fact-Checking eBook Content of Logical Tools For Modelling Legal Argument A Study Of Defeasible Reasoning In Law
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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