

Evaluative and Explanatory Reasoning

Stuart S. Nagel

Evaluative And Explanatory Legal Reasoning

Stuart B. Nagel



Evaluative And Explanatory Legal Reasoning:

Evaluative and Explanatory Legal Reasoning Stuart B. Nagel, 1992 **On Law and Legal Reasoning** Fernando Atria, 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 Evaluative and Explanatory Reasoning Stuart S. Nagel, 1992-09-21 This volume is a culmination of years of development and the first to introduce the concepts of superoptimum evaluative and explanatory reasoning Nagel s new Quorum book will help academic and practicing attorneys in two important ways By understanding evaluative reasoning they will gain a better grasp of the appropriate behavior to be adopted to achieve desired goals and by understanding explanatory reasoning they will learn why decisions are reached through the hypothesizing of goals or the causal perceptions of decision makers *Evidential Legal Reasoning* Jordi Ferrer Beltrán, Carmen Vázquez, Carmen Vázquez Rojas, 2022-05-19 A global overview of evidentiary reasoning with contributions from leading authorities from different legal traditions and four continents **Argument Evaluation and Evidence** Douglas Walton, 2015-08-04 This monograph poses a series of key problems of evidential reasoning and argumentation It then offers solutions achieved by applying recently developed computational models of argumentation made available in artificial intelligence Each problem is posed in such a way that the solution is easily understood The book progresses from confronting these problems and offering solutions to them building a useful general method for evaluating arguments along the way It provides a hands on survey explaining to the reader how to use current argumentation methods and concepts that are increasingly being implemented in more precise ways for the application of software tools in computational argumentation systems It shows how the use of these tools and methods requires a new approach to the concepts of knowledge and explanation suitable for diverse settings such as issues of public safety and health debate legal argumentation forensic evidence science education and the use of expert opinion evidence in personal and public deliberations

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 **New**

Developments in Legal Reasoning and Logic Shahid Rahman, Matthias Armgardt, Hans Christian Nordtveit Kvernenes, 2021-12-16 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 Essays on the Nature of Legal Reasoning** Mark McBride, James Penner, 2022-05-19 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 *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 Problems in Argument Analysis and Evaluation Trudy Govier, 2019-11-05 No detailed description available for Problems in Argument Analysis and Evaluation **Case-Based**

Reasoning Research and Development Stewart Massie, Sutanu Chakraborti, 2023-07-29 This book constitutes the proceedings of the 31st International Conference on Case Based Reasoning Research and Development ICCBR 2023 which took place in Aberdeen UK in July 2023. The 26 full papers included in this book were carefully reviewed and selected from 79 submissions. The papers have been organized in topical sections as follows: CBR and deep learning representation and similarity; CBR and explainable AI; case base maintenance; adaptation techniques and application; and case based applications.

The Tapestry of Reason Amalia Amaya, 2015-04-30 In recent years coherence theories of law and adjudication have been extremely influential in legal scholarship. These theories significantly advance the case for coherentism in law. Nonetheless, there remain a number of problems in the coherence theory in law. This ambitious new work makes the first concerted attempt to develop a coherence based theory of legal reasoning and in so doing addresses or at least mitigates these problems. The book is organized in three parts. The first part provides a critical analysis of the main coherentist approaches to both normative and factual reasoning in law. The second part investigates the coherence theory in a number of fields that are relevant to law: coherence theories of epistemic justification; coherentist approaches to belief revision and theory choice in science; coherence theories of practical and moral reasoning; and coherence based approaches to discourse interpretation. Taking this interdisciplinary analysis as a starting point, the third part develops a coherence based model of legal reasoning. While this model builds upon the standard theory of legal reasoning, it also leads to rethinking some of the basic assumptions that characterize this theory and suggests some lines along which it may be further developed. Thus, ultimately, the book not only improves upon the current state of coherence theory in law but also contributes to the larger debate about how to articulate a theory of legal reasoning that results in better decision making. Towards a Rational

Legislative Evaluation in Criminal Law Adán Nieto Martín, Marta Muñoz de Morales Romero, 2016-08-27 This book launches a debate on the need to evaluate criminal policies and what is more complex and ambitious: to develop an evaluation method. The contributions address topics such as the general methodology for evaluating public policy; preparing criminal statistics; and analyzing costs, cost effectiveness, and cost benefits. Additionally, the work explores the state of affairs in various countries including Spain, Sweden, USA, Germany, and in the EU. It also examines issues such as the relationship between legislative evaluation and criminal principles and the constitutional courts' control over criminal acts. *Case-based Reasoning* Janet L. Kolodner, 1988

Moral Theory and Legal Reasoning Scott Brewer, 1998 Legal Meanings Janet Giltrow, Frances Olsen, Donato Mancini, 2021-09-07 This collection is about how law makes meaning and how meaning makes law. Through clear methodology and substantial findings, chapters expose the deficits of literal meaning and the difficulties in ordinary meaning in international legal contexts and in more immediate social ones as well as in courtrooms. Further chapters in this volume see the challenges to national and international commitments to all speakers sharing a common meaning.

Explanation in Ethics and Mathematics Uri D. Leibowitz, Neil Sinclair, 2016-05-27 How far should our realism extend? For

many years philosophers of mathematics and philosophers of ethics have worked independently to address the question of how best to understand the entities apparently referred to by mathematical and ethical talk. But the similarities between their endeavours are not often emphasised. This book provides that emphasis. In particular it focuses on two types of argumentative strategies that have been deployed in both areas. The first, debunking arguments, aims to put pressure on realism by emphasising the seeming redundancy of mathematical or moral entities when it comes to explaining our judgements. In the moral realm this challenge has been made by Gilbert Harman and Sharon Street; in the mathematical realm it is known as the Benacerraf Field problem. The second strategy, indispensability arguments, aims to provide support for realism by emphasising the seeming intellectual indispensability of mathematical or moral entities for example when constructing good explanatory theories. This strategy is associated with Quine and Putnam in mathematics and with Nicholas Sturgeon and David Enoch in ethics. *Explanation in Ethics and Mathematics* addresses these issues through an explicitly comparative methodology which we call the companions in illumination approach. By considering how argumentative strategies in the philosophy of mathematics might apply to the philosophy of ethics and vice versa, the papers collected here break new ground in both areas. For good measure two further companions for illumination are also broached: the philosophy of chance and the philosophy of religion. Collectively these comparisons light up new questions, arguments and problems of interest to scholars interested in realism in any area.

Argumentation Methods for Artificial Intelligence in Law

Douglas Walton, 2005-06-30. Use of argumentation methods applied to legal reasoning is a relatively new field of study. The book provides a survey of the leading problems and outlines how future research using argumentation based methods show great promise of leading to useful solutions. The problems studied include not only these of argument evaluation and argument invention but also analysis of specific kinds of evidence commonly used in law like witness testimony, circumstantial evidence, forensic evidence and character evidence. New tools for analyzing these kinds of evidence are introduced.

Maimonides for Moderns Ira Bedzow, 2016-11-26. This book aims to construct a contemporary Jewish philosophy that accounts for virtue ethics or rather to give Jewish virtue ethics a contemporary language for its expression. Ira Bedzow draws significantly on the work of Moses Maimonides and his religious philosophical explanation of Jewish ethics. However, Bedzow moves away from various aspects of Maimonides's Aristotelian biology, physics, metaphysics and psychology. The objective of the volume is to integrate the normative principles of the Jewish tradition into everyday life. While the book translates Jewish ethics from a medieval Aristotelian framework into a contemporary one, it also serves as a means for Judaism to continue as a living tradition.

Comparative Law Esin Örüçü, David Nelken, 2007-10-12. This innovative, refreshing and reader friendly book is aimed at enabling students to familiarise themselves with the challenges and controversies found in comparative law. At present there is no book which clearly explains the contemporary debates and methodological innovations found in modern comparative law. This book fills that gap in teaching at undergraduate level and for postgraduates will be a starting point for

further reading and discussion Among the topics covered are globalisation legal culture comparative law and diversity economic approaches competition between legal systems legal families and mixed systems comparative law beyond Europe convergence and a new ius commune comparative commercial law comparative family law the common core and the better law approaches comparative administrative law comparative studies in constitutional contexts comparative law for international criminal justice judicial comparativism in human rights comparative law in law reform comparative law in courts and a comparative law research project The individual chapters can also be read as stand alone contributions and are written by experts such as Masha Antokolskaia John Bell Roger Cotterell Sjef van Erp Nicholas Foster Patrick Glenn Andrew Harding Peter Leyland Christopher McCrudden Werner Menski David Nelken Anthony Ogus Esin r c Paul Roberts Jan Smits and William Twining Each chapter begins with a description of key concepts and includes questions for discussion and reading lists to aid further study Traditional topics of private law such as contracts obligations and unjustified enrichment are omitted as they are amply covered in other comparative law books but developments in other areas of private law such as family law are included as being of current interest

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