

LEGAL  
ARGUMENTATION  
AND  
EVIDENCE

*Douglas Walton*

# Legal Argumentation And Evidence

**Chunjie Luo, Weiping Li**



## **Legal Argumentation And Evidence:**

**Legal Argumentation and Evidence** Douglas Walton, 2010-11-01 A leading expert in informal logic Douglas Walton turns his attention in this new book to how reasoning operates in trials and other legal contexts with special emphasis on the law of evidence The new model he develops drawing on methods of argumentation theory that are gaining wide acceptance in computing fields like artificial intelligence can be used to identify analyze and evaluate specific types of legal argument In contrast with approaches that rely on deductive and inductive logic and rule out many common types of argument as fallacious Walton s aim is to provide a more expansive view of what can be considered reasonable in legal argument when it is construed as a dynamic rule governed and goal directed conversation This dialogical model gives new meaning to the key notions of relevance and probative weight with the latter analyzed in terms of pragmatic criteria for what constitutes plausible evidence rather than truth *Argument Types and Fallacies in Legal Argumentation* Thomas Bustamante, Christian

Dahlman, 2015-04-07 This book provides theoretical tools for evaluating the soundness of arguments in the context of legal argumentation It deals with a number of general argument types and their particular use in legal argumentation It provides detailed analyses of argument from authority argument ad hominem argument from ignorance slippery slope argument and other general argument types Each of these argument types can be used to construct arguments that are sound as well as arguments that are unsound To evaluate an argument correctly one must be able to distinguish the sound instances of a certain argument type from its unsound instances This book promotes the development of theoretical tools for this task

*The Logic of Legal Argumentation* Marko Novak, 2024-02-26 Presents a thorough analysis of multi modal argumentation and its practicality within the law Takes both a descriptive and a normative approach Applicable in a variety of areas from Philosophy of Law to Communication Studies **Legal Argumentation Theory: Cross-Disciplinary Perspectives**

Christian Dahlman, Eveline T. Feteris, 2012-09-12 This book offers its readers an overview of recent developments in the theory of legal argumentation written by representatives from various disciplines including argumentation theory philosophy of law logic and artificial intelligence It presents an overview of contributions representative of different academic and legal cultures and different continents and countries The book contains contributions on strategic maneuvering argumentum ad absurdum argumentum ad hominem consequentialist argumentation weighing and balancing the relation between legal argumentation and truth the distinction between the context of discovery and context of justification and the role of constitutive and regulative rules in legal argumentation It is based on a selection of papers that were presented in the special workshop on Legal Argumentation organized at the 25th IVR World Congress for Philosophy of Law and Social Philosophy held 15-20 August 2011 in Frankfurt Germany **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

**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

**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

*Ethical Argumentation* Douglas N. Walton, 2003-01-01 Bridging the gap between applied ethics and ethical theory Ethical Argumentation draws on recent research in argumentation theory to develop a more realistic model of how ethical justification actually works Douglas Walton presents a new model of ethical argumentation in which ethical justification is analyzed as a defeasible form of argumentation considered in a balanced dialogue Walton's new model employs techniques such as asking the appropriate critical questions probing accepted values finding nonexplicit assumptions in an ethical argument and deconstructing emotive terms and persuasive definitions This book will be of

significant interest to scholars and advanced students in applied ethics and theory      Fundamentals of Legal Argumentation Eveline T. Feteris, 2017-07-10 This book is an updated and revised edition of *Fundamentals of Legal Argumentation* published in 1999. It discusses new developments that have taken place in the past 15 years in research of legal argumentation, legal justification and legal interpretation as well as the implications of these new developments for the theory of legal argumentation. Almost every chapter has been revised and updated and the chapters include discussions of recent studies, major additions on topical issues, new perspectives and new developments in several theoretical areas. Examples of these additions are discussions of recent developments in such areas as Habermas's theory, MacCormick's theory, Alexy's theory, Artificial Intelligence and law and the pragma-dialectical theory of legal argumentation. Furthermore, it provides an extensive and systematic overview of approaches and studies of legal argumentation in the context of legal justification in various legal systems and countries that have been important for the development of research of legal argumentation. The book contains a discussion of influential theories that conceive the law and legal justification as argumentative activity. From different disciplinary and theoretical angles, it addresses such topics as the institutional characteristics of the law and the relation between general standards for moral discussions and legal standards such as the Rule of Law. It discusses patterns of legal justification in the context of different types of problems in the application of the law and it describes rules for rational legal discussions. The combination of the sound basis of the first edition and the discussions of new developments make this new edition an up-to-date and comprehensive survey of the various theoretical influences which have informed the study of legal argumentation. It discusses salient backgrounds to this field as well as major approaches and trends in the contemporary research. It surveys the relevant theoretical factors both from various continental law traditions and common law countries.

*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.      **Between Text, Meaning and Legal Languages** Jan Engberg, 2023-12-04 This collection on legal interpretation in a broad sense presents state-of-the-art linguistic approaches that are applied for studying interpretation and meaning generation in various legal settings. It covers different aspects of the concepts like judicial dissent, court argumentation, investigating sociological meaning or comparing legal meaning in

comparative law Scholars can turn to the volume for methods and findings to ground their own inquiries and students will find guides to topics and methods in the field of law meaning generation and language **Relevance in Argumentation**

Douglas Walton, 2003-10-17 In *Relevance in Argumentation* author Douglas Walton presents a new method for critically evaluating arguments for relevance This method enables a critic to judge whether a move can be said to be relevant or irrelevant and is based on case studies of argumentation in which an argument or part of an argument has been criticized as irrelevant Walton's method is based on a new theory of relevance that incorporates techniques of argumentation theory logic and artificial intelligence The work uses a case study approach with numerous examples of controversial arguments strategies of attack in argumentation and fallacies Walton reviews ordinary cases of irrelevance in argumentation and uses them as a basis to advance and develop his new theory of irrelevance and relevance The volume also presents a clear account of the technical problems in the previous attempts to define relevance including an analysis of formal systems of relevance logic and an explanation of the Grecian notion of conversational relevance This volume is intended for graduate and advanced undergraduate courses in those fields using argumentation theory especially philosophy linguistics cognitive science and communication studies in addition to argumentation The work also has practical use as it applies theory directly to familiar examples of argumentation in daily and professional life With a clear and comprehensive method for determining relevance and irrelevance it can be convincingly applied to highly significant practical problems about relevance including those in legal and political argumentation Legal Knowledge and Information Systems M. Araszkievicz, V.

Rodríguez-Doncel, 2019-12-19 In recent years the application of machine learning tools to legally relevant tasks has become much more prevalent and the growing influence of AI in the legal sphere has prompted the profession to take more of an interest in the explainability trustworthiness and responsibility of intelligent systems This book presents the proceedings of the 32nd International Conference on Legal Knowledge and Information Systems JURIX 2019 held in Madrid Spain from 11 to 13 December 2019 Traditionally focused on legal knowledge representation and engineering computational models of legal reasoning and analyses of legal data more recently the conference has also encompassed the use of machine learning tools A total of 81 submissions were received for the conference of which 14 were selected as full papers and 17 as short papers A further 3 submissions were accepted as demo presentations resulting in a total acceptance rate of 41.98% with a competitive 25.5% acceptance rate for full papers The 34 papers presented here cover a broad range of topics from computational models of legal argumentation case based reasoning legal ontologies and evidential reasoning through classification of different types of text in legal documents and comparing similarities to the relevance of judicial decisions to issues of governmental transparency The book will be of interest to all those whose work involves the use of knowledge and information systems in the legal sphere *Evidential Legal Reasoning* Jordi Ferrer Beltrán, Carmen Vázquez, 2022-05-19

This book offers a transnational perspective of evidentiary problems drawing on insights from different systems and legal

traditions It avoids the isolated manner of analyzing evidence and proof within each Common Law and Civil Law tradition Instead it features contributions from leading authors in the evidentiary field from a variety of jurisdictions and offers an overview of essential topics that are of both theoretical and practical interest The collection examines evidence not only as a transnational field but in a cross disciplinary context Each chapter engages with the interdisciplinary themes cutting through the issues discussed benefiting from the expertise and experience of their diverse authors

**Groupware: Design, Implementation, and Use** Joerg M. Haake, Sergio F. Ochoa, Alejandra Cechich, 2007-08-30 This book constitutes the refereed proceedings of the 13th International Workshop on Groupware CRIWG 2007 held in Bariloche Argentina The 17 revised full papers and 10 revised work in progress papers are organized in topical sections on group awareness and social aspects groupware design and development computer supported collaborative learning groupware applications and studies group negotiation and knowledge management and groupware activities and evaluation

**Economics in Legal Reasoning** Péter Cserne, Fabrizio Esposito, 2020-06-30 This Palgrave Pivot is the first book in the field of Law Economics looking at the relationship between economics and law in legal reasoning The book constitutes a reference point for the economic analysis of legal institutions as legal reasoning remains the dimension of legal systems least explored by economists Despite their differences economics and legal reasoning interact in many interesting ways This book offers a fast track to these interactions Both supporters and critics of Law Economics will be exposed to a yet to be developed area of interaction between the disciplines This book will be of interest to economists legal scholars and Law and Economics specialists and can be used as teaching material in courses on Law Economics and legal reasoning as well

**Intelligent Computers, Algorithms, and Applications** Chunjie Luo, Weiping Li, 2025-05-22 This book constitutes the proceedings of the 4th BenchCouncil International Symposium on Intelligent Computers Algorithms and Applications IC 2024 held in Guangzhou China during December 4 6 2024 The 16 full papers included in this book were carefully reviewed and selected from 31 submissions They were organized in topical sections as follows Algorithms Education Evaluation System

**Witness Testimony Evidence** Douglas Walton, 2007-11-19 Recent work in artificial intelligence has increasingly turned to argumentation as a rich interdisciplinary area of research that can provide new methods related to evidence and reasoning in the area of law Douglas Walton provides an introduction to basic concepts tools and methods in argumentation theory and artificial intelligence as applied to the analysis and evaluation of witness testimony He shows how witness testimony is by its nature inherently fallible and sometimes subject to disastrous failures At the same time such testimony can provide evidence that is not only necessary but inherently reasonable for logically guiding legal experts to accept or reject a claim Walton shows how to overcome the traditional disdain for witness testimony as a type of evidence shown by logical positivists and the views of trial sceptics who doubt that trial rules deal with witness testimony in a way that yields a rational decision making process

**Legal Knowledge and Information Systems** R. Hoekstra, 2014-11-28 The JURIX conferences are an

established international forum for academics practitioners government and industry to present and discuss advanced research at the interface between law and computer science Subjects addressed in this book cover all aspects of this diverse field theoretical focused on a better understanding of argumentation reasoning norms and evidence empirical targeted at a more general understanding of law and legal texts in particular and practical papers aimed at enabling a broader technical application of theoretical insights This book presents the proceedings of the 27th International Conference on Legal Knowledge and Information Systems JURIX 2014 held in Krak w Poland in December 2014 The book includes the 14 full papers 8 short papers 6 posters and 2 demos the first time that poster submissions have been included in the proceedings The book will be of interest to all those whose work involves legal theory argumentation and practice and who need a current overview of the ways in which current information technology is relevant to legal practice

**Visualizing Argumentation**  
Paul A. Kirschner, Simon J. Buckingham-Shum, Chad S. Carr, 2002-12-05 This text examines the use of collaboration technologies in the problem solving or decision making process These systems are widely used in both education and in the workplace to enable virtual groups to discuss and exchange ideas on issues ranging from applied problems to theoretical debate While some systems are text based the majority rely on visualization techniques to allow participants to represent their ideas in a more flexible graphical form The text evaluates existing systems and looks at how the specific needs of users in both educational and corporate environments can be reflected in the design of new systems



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