

AN INTRODUCTION TO

LAW and
LEGAL
REASONING

Second Edition

Steven J. Burton



Aspen Law & Business

Tipe Legal Reasoning Steven J Burton

Scott Brewer



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Analogical Reasoning in Law Maciej Koszowski, 2019-04-02 This work tackles the most intriguing type of reasoning which one may employ within the field of law In addition to the merits and drawbacks of legal analogy it discusses the orthodox approaches to it together with their critical analysis also posing challenges that these conceptions have difficulty in managing As an alternative the book advances an account of legal analogical reasoning that correlates well with the division into rational and intuitive thinking that occurs in contemporary psychology By doing so many of the unique properties of legal analogy which have been traditionally associated with it and which have often been difficult to explain become readily understandable Moreover the very source of the almost mystical faith in power and infallibleness of such analogy is revealed here while this faith astonishing or not not only escapes condemnation but is shown to be warranted from a scientific point of view Finally the book also presents vast scope of application premises schematic structures and factors able to influence the force of legal analogy

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

Logic, Probability, and Presumptions in Legal Reasoning Scott Brewer, 2013-06-17 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

Analogical Reasoning D.H. Helman, 2013-06-29 In the last few years there has been an enormous amount of activity in the study of analogy and metaphor This is partly because of an interest of artificial intelligence researchers in simulating learning processes using analogy It also arises from critical examinations of standard theories in the philosophy of language with their inbuilt literal meta phoric distinction This volume consists of recent previously unpublished work in this area with a particular emphasis upon the role of analogies in reasoning and more generally their role in thought and language The papers are contributed by philosophers computer scientists cognitive scientists and literary critics Researchers in these fields whose focus is the study of analogy and metaphor will find much of interest in this volume These essays can also serve as an introduction to some of the major approaches taken in the investigation of analogy As noted this volume brings together the

work of researchers in several different disciplines The various approaches taken with respect to the understanding of analogy tend to be rather different however the articles suggest a common conclusion Analogy and metaphor pervade thought and language their close investigation thus constitutes a valuable contribution to our understanding of persons

DAVID H HELMAN Case Western Reserve University vii PART I CONCEPTUAL AND CATEGORICAL THEORIES OF ANALOGICAL UNDERSTANDING MARK TURNER CATEGORIES AND ANALOGIES I want to pursue the following claims The way we categorize helps explain the way we recognize a statement as an analogy

Essays in Legal Theory Robert Summers, 2013-11-11 As I explain in the introduction this is the third in a series of collections of my previously published essays in legal theory All of the essays here but three have been revised for this volume I now wish to record my gratitude and indebtedness to various persons I am most indebted and grateful to my wife Dorothy Kopp Summers to whom I dedicate this book I also wish to record my gratitude for his interest and patience to Hendrik Jan van Leusen of Kluwer Academic Publishers He strongly encouraged me to put this collection together and without his efforts it certainly would not have appeared in this timely fashion I also wish to thank his successor Sabine Wesseldijk for assistance In the course of my academic career I have benefitted greatly from the many Cornell Law School students serving as my research assistants I have also been privileged to have the fine aid of many Cornell Law School secretaries and administrative assistants Foremost here is Mrs Pamela Finnigan who has so ably seen this collection put together from start to finish

South Dakota Law Review, 1994 New York City Law Review, 1996 Virtue Jurisprudence C. Farrelly, L. Solum, 2019-06-12 This book is the first authoritative text on virtue jurisprudence the belief that the final end of law is not to maximize preference satisfaction or protect certain rights and privileges but to promote human flourishing Scholars of law philosophy and politics illustrate here the value of the virtue ethics tradition to modern legal theory

The Uses of Argument Daniel Farr, Ontario Society for the Study of Argumentation, 2005

Queer Philosophy, 2012-01-01 The book is a collection of the presentations of the Society for Lesbian and Gay Philosophy from 1998 to 2008 The essays are organized historically starting in 1998 Their topics cover virtually every philosophical field and such that each is connected to gay and lesbian studies Topics include how we are to understand sexual orientation whether same sex leads to polygamy teaching gay studies to undergraduates promiscuity and virtue the war on terror and gay oppression the rationality of coming out the ethics of outing connections between being gay and being happy and last but not least dignity and being gay

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