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Vern Walker: Logic and Legal Reasoning

6.1 Argument

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Re: Logic, Rhetoric, Legal Reasoning in The Quran « Reply #2 on: December 07, 2010, 10:48:59 PM » Prince, I apologise, I owed you a scanned copy of this from back in the day and now Wakas has just made everything so much easier

Logic, Rhetoric, Legal Reasoning in The Quran

aspects of legal reasoning—fields such as psychology,5 rhetoric,6 informal logic,7 and artificial intelligence (" AI ")8 What is missing, adequate justification for a reasonable person ' s adoption of the conclusion. Logic is distinct from the study of methods for discovering correct lines of reasoning (for example, heuristics), although

DISCOVERING THE LOGIC OF LEGAL REASONING

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Legal Reasoning - an overview | ScienceDirect Topics

The aim of most reasoning, including legal reasoning is to persuade. The module will therefore introduce students to the skills of legal persuasion via written and oral advocacy. The theoretical background will provide the basis upon which students will learn to construct effective (legal) arguments and to practice the skills learned in a variety of written and oral contexts including skeleton arguments and mootng

Critical and Legal Reasoning - LW640 - Modules ...

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Muslims have always used verses from the Qur'an to support opinions on law, theology, or life in general, but almost no attention has been paid to how the Qur'an presents its own precepts as conclusions proceeding from reasoned arguments. Whether it is a question of God's powers of creation, the rationale for his acts, or how people are to think clearly about their lives and fates, Muslims have so internalized Qur'anic patterns of reasoning that many will assert that the Qur'an appeals first of all to the human powers of intellect. This book provides a new key to both the Qur'an and Islamic intellectual history. Examining Qur'anic argument by form and not content helps readers to discover the significance of passages often ignored by the scholar who compares texts and the believer who focuses upon commandments, as it allows scholars of Qur'anic exegesis, Islamic theology, philosophy, and law to tie their findings in yet another way to the text that Muslims consider the speech of God.

This collection contains studies on justice, juridical reasoning and argumentation which contributed to my ideas on the new rhetoric. My reflections on justice, from 1944 to the present day, have given rise to various studies. The first of these was published in English as The Idea of Justice and the Problem of Argument (Routledge & Kegan Paul, London, 1963). The others, of which several are out of print or have never previously been published, are reunited in the present volume. As justice is, for me, the prime example of a "confused notion", of a notion which, like many philosophical concepts, cannot be reduced to clarity without being distorted, one cannot treat it without recourse to the methods of reasoning analyzed by the new rhetoric. In actuality, these methods have long been put into practice by jurists. Legal reasoning is fertile ground for the study of argumentation: it is to the new rhetoric what mathematics is to formal logic and to the theory of demonstrative proof. It is important, then, that philosophers should not limit their methodological studies to mathematics and the natural sciences. They must not neglect law in the search for practical reason. I hope that these essays lead to a better understanding of how law can enrich philosophical thought. CH, P.

Is legal reasoning rationally persuasive, working within a discernible structure and using recognisable kinds of arguments? Does it belong to rhetoric in this sense, or to the domain of the merely 'rhetorical' in an adversative sense? Is there any reasonable certainty about legal outcomes in dispute-situations? If not, what becomes of the Rule of Law? Neil McCormick's book tackles these questions in establishing an overall theory of legal reasoning which shows the essential part 'legal syllogism' plays in reasoning aimed at the application of law, while acknowledging that simple deductive reasoning, though always necessary, is very rarely sufficient to justify a decision. There are always problems of relevancy, classification or interpretation in relation to both facts and law. In justifying conclusions about such problems, reasoning has to be universalistic and yet fully sensitive to the particulars of specific cases. How is this possible? Is legal justification at this level consequentialist in character or principled and right-based? Both normative coherence and narrative coherence have a part to play in justification, and in accounting for the validity of arguments by analogy. Looking at such long-discussed subjects as precedent and analogy and the interpretative character of the reasoning involved, Neil McCormick expands upon his celebrated Legal Reasoning and Legal Theory (OUP 1978 and 1994) and restates his 'institutional theory of law'.

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.

Jesus was a product of Semitic monotheism, moral law, piety and humility. His kingdom was the other worldly. His ethical monotheism was transformed by the Roman Empire and mythology. The supernatural, Trinitarian and miraculous Roman Christianity transitioned into unintelligible dogmas, the abolition of law, moral laxity, this worldly kingdom and divine right absolutism. Natural theology, law, cosmology and politics were all compromised. Religious freedom was barred, and persecutions were normalised. Latin Christendom was a persecutory society. Islam was an intellectual cure to Christian paradoxes and an egalitarian pluralistic alternate to Christian inquisitions and religiopolitical absolutism. It spread in the Eastern Christian territories like a bush fire. This reformation of Christian excesses in religiopolitical theology reformed its paradoxical incarnational theology, antinomianism, grace-based salvation scheme, divine right Church and monarchy, interventionist cosmology and religious persecutions. This insightful and groundbreaking new book provides an in-depth study of the Is-lamic, Southern Reformation of Christianity; a reformation seldom acknowledged or studied by the historians. It explores how the Islamic reformative scheme emphasised ethical, transcendental monotheism, natural theology and rational discourse. It limited monarchy and placed significance on an inclusive, pluralistic and free society. The Seventh Century Islamic natural, rational, moral, republican and egalitarian reformation was the Southern Reformation of Christianity, long before the partial Northern Reformation of Luther and Calvin.

Assisting students of the English legal system to achieve an understanding of the law, it's institutions and processes, this edition sets the law and legal system in its social context and outlines a range of critical views.

Methods of Legal Reasoning describes and criticizes four methods used in legal practice, legal dogmatics and legal theory: logic, analysis, argumentation and hermeneutics. The book takes the unusual approach of discussing in a single study four different, sometimes competing concepts of legal method. Sketched this way, the panorama allows the reader to reflect deeply on questions concerning the methodological conditioning of legal science and the existence of a unique, specific legal method.

This valuable reference work synthesizes and elucidates traditional themes and issues in Islamic philosophy as well as prominent topics emerging from the last twenty years of scholarship. Written for a wide readership of students and scholars, The Routledge Companion to Islamic Philosophy is unique in including coverage of both perennial philosophical issues in an Islamic context and also distinct concerns that emerge from Islamic religious thought. This work constitutes a substantial affirmation that Islamic philosophy is an integral part of the Western philosophical tradition. Featuring 33 chapters, divided into seven thematic sections, this volume explores the major areas of philosophy: Logic, Metaphysics, Philosophy in the Sciences, Philosophy of Mind/Epistemology, and Ethics/Politics as well as philosophical issues salient in Islamic revelation, theology, prophecy, and mysticism. Other features include: •A focus on both the classical and post-classical periods •A contributing body that includes both widely respected scholars from around the world and a handful of the very best younger scholars •"Reference" and "Further Reading" sections for each chapter and a comprehensive index for the whole volume The result is a work that captures Islamic philosophy as philosophy, in this way it serves students and scholars of philosophy and religious studies and at the same time provides valuable essays relevant to the study of Islamic thought and theology.

This book brings together the study of two great disciplines of the Islamic world: law and philosophy. In both sunni and shiite Islam, it became the norm for scholars to acquire a high level of expertise in the legal tradition. Thus some of the greatest names in the history of Aristotelianism were trained jurists, like Averroes, or commented on the status and nature of law, like al-F r b . While such authors sought to put law in its place relative to the philosophical disciplines, others criticized philosophy from a legal viewpoint, like al-Ghaz l and Ibn Taymiyya. But this collection of papers does not only explore the relative standing of law and philosophy. It also looks at how philosophers, theologians, and jurists answered philosophical questions that arise from jurisprudence itself. What is the logical structure of a well-formed legal argument? What standard of certainty needs to be attained in passing down judgments, and how is that standard reached? What are the sources of valid legal judgment and what makes these sources authoritative? May a believer be excused on grounds of ignorance? Together the contributions provide an unprecedented demonstration of the close connections between philosophy and law in Islamic society, while also highlighting the philosophical interest of texts normally studied only by legal historians.

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