

1. Record Nr.	UNINA9910272342103321
Autore	Kaptein Hendrik
Titolo	Analogy and exemplary reasoning in legal discourse // edited by Hendrik Kaptein and Bastiaan van der Velden
Pubbl/distr/stampa	Amsterdam University Press, 2018 Amsterdam : , : Amsterdam University Press, , [2017] ©2017
ISBN	1-003-69082-3 1-04-077268-4 90-485-3714-2
Edizione	[1st ed.]
Descrizione fisica	1 online resource (197 pages)
Disciplina	340/.1
Soggetti	Law - Methodology Analogy
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Nota di bibliografia	Includes bibliographical references (pages 177-187) and index.
Nota di contenuto	Introduction -- Imitation and analogy / Amalia Amaya -- Indefeasible analogical argument / Scott Brewer -- Is analogy a form of legal reasoning? / Bartosz Brozek -- Analogical reasoning and extensive interpretation / Damiano Canale and Giovanni Tuzet -- Analogy and balancing : the partial reducibility thesis and its problems / David Duarte -- Analogy and balancing : a reply to David Duarte / Bartosz Brozek -- Analogy and balancing once again : a reply to Bartosz Brozek / David Duarte -- Argument by analogy in the law / Martin Golding -- Undoing damage by analogy : as if (almost) nothing happened, with notes on the meaning of everything / Hendrik Kaptein -- Analogy in the strict liability rules in the Dutch civil code / Bastiaan van der Velden.
Sommario/riassunto	This book brings together contributions from leading figures in legal studies on analogy and related forms of reasoning in the law. Analogical reasoning-which relies on the concept of two different things being in some way like each other-is hugely important not just in the practice of law, but it is nonetheless strongly contested. This volume raises key questions like: What is the logical, argumentative,

retorical, or just heuristic force of analogy in law? Is analogy really different from extensive interpretation, reasoning by precedent and appeal to paradigm?

---