Record Nr. UNISA996309237603316 Analogy and exemplary reasoning in legal discourse / / edited by **Titolo** Hendrik Kaptein and Bastiaan van der Velden Pubbl/distr/stampa Amsterdam:,: Amsterdam University Press,, [2017] ©2017 **ISBN** 90-485-3714-2 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. rhetorical, or just heuristic force of analogy in law? Is analogy really different from extensive interpretation, reasoning by precedent and appeal to paradigm?