5. Understanding Legal Reasoning

This chapter focuses on legal reasoning more conceptually. It aims to develop a deeper understanding of what is involved in legal reasoning within the process of adjudication, focusing on how legal arguments seek to provide justification for specific decisions, and to help to predict the form of argument that judges may prefer. Legal reasoning is presented first as a theoretical construction, on which there is much debate, then as a specific process. The chapter explores the philosophical territory of legal theory or jurisprudence, examining the theories that underpin legal reasoning and the way that reasoning techniques are employed in legal contexts.
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