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Logic, Argumentation and Interpretation / Lógica, Argumentación e Interpretación

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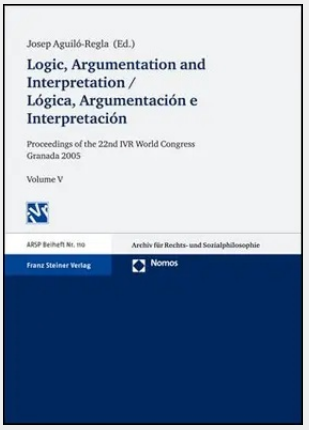

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The volume is divided into five sections. In the first chapter entitled „Theory of argumentation“, contributors debate the idea of a rational modification of beliefs as the basis of rational consensus, the Günther-Alexy debate, Opocher’s conception of justice which is taken from a descriptive level to an argumentative one, truth in the field of rhetoric and judicial argumentation as well as sincerity as a necessary condition for effectiveness in legal argumentation. Further sections deal with “Analysis and representation of arguments”, “Contextualized judicial arguments”, “Norms and interpretations” and finally a section on “Logic” with contributions on the stit theory and logic problems in the formalization and representation of legal knowledge in constructing an expert system. Contents I. Theory of Argumentation / Teoría de la argumentación: José Manuel Cabra Apalategui: Discurso, racionalidad y persuasión Peng-Hsiang Wang: Coherence and Revision. Critical Remarks on Günther-Alexy Debate Maurizio Manzin: Justice, Argumentation and Truth in Legal Reasoning. In Memory of Enrico Opocher (1914–2004) Federico Puppo: The Problem of Truth in Judicial Argumentation C.E. Smith: Sincerity in Legal Argumentation Theory II. Analysis and Representation of Argumentation /Análisis y representación de argumentos: Eveline T. Feteris: The Rational Reconstruction of Teleological-Evaluative Arguments Harm Kloosterhuis: Ad Absurdum Arguments in Legal Decisions Günther Kreuzbauer: Visualization of Legal Argumentation III. Contextualized Judicial Argumentation /Argumentación judicial contextualizada: Marko Novak: Limiting Courts: Towards Greater Consistency of Adjudication in the Civil Law System Sonia Esperanza Rodríguez Boente: Los principios generales del Derecho en la argumentación jurídica Thomas da Rosa de Bustamante / Denis Franco Silva: Prospective Overruling: Why and How it Should be Applied (The example of the Brazilian Legal Systen) Stanislovas Tomas: Theory of Judicial Shamanism Derk Venema: Formalism and Non-formalism in Occupied Holland and Belgium 1940–1945 IV. Norms and Interpretation / Normas e interpretación: Jaap Hage: Why Norms are not Imperatives Raymundo Gama Leyva: Some ideas about the nature of presumption rules Josep Aguiló-Regla: On presumptions and Legal Argumentation Marijan Pavcnik: Constitutional Interpretation V. Logic / Lógica Mateusz Klinowski: Theory of Action on a Tree José Pedro Úbeda Rives: Problemas que el Derecho plantea a la lógica

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