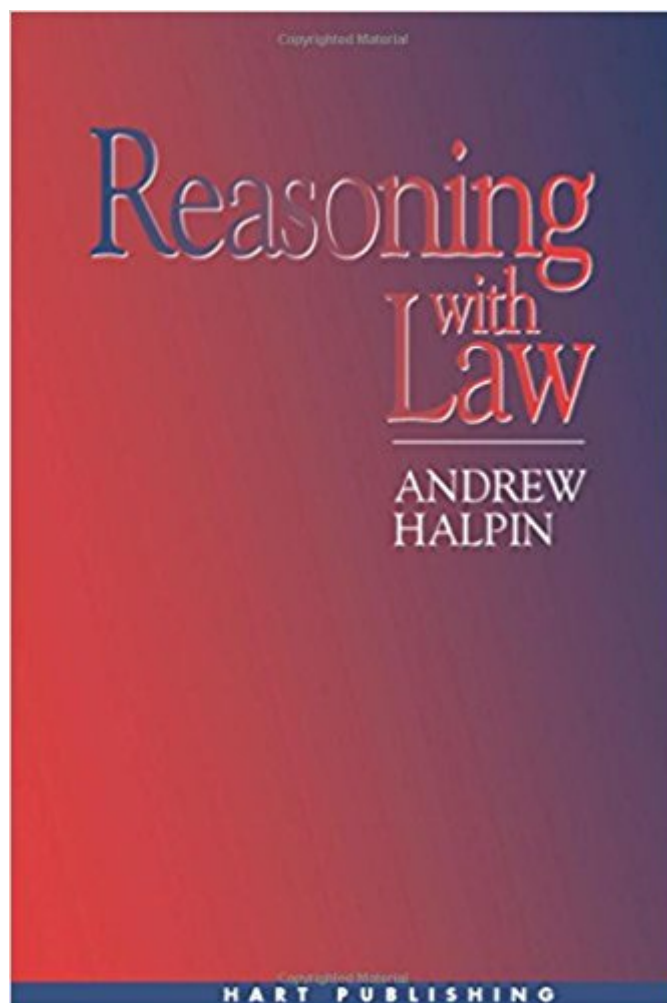


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Reasoning With Law



Synopsis

This book attempts to demonstrate how the problems of understanding legal reasoning replicate difficulties encountered in the philosophy of language. At the same time, it challenges the attempts that have been made to harness approaches from within that discipline to illuminate legal reasoning. An introductory section deals with some preliminary matters in considering the nature of the relationship between legal theory and the practice of law, the scope of legal reasoning, and the role of the judge. Then the suggestion is made that the practice at the heart of legal reasoning is itself a manifestation of the way in which the limitations of language and the incompleteness of human experience at the same time provide the opportunity for coherent development, as well as displaying an inherent instability. The final section considers some of the implications of this suggestion for the practice of legal definition, an institutional approach to law, the general possibility of providing a theoretical model of law, and the nature of law's critical aperture.

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Andrew Halpin is Professor of Legal Theory in the School of Law at Swansea University.

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