

Legal Reasoning

Law

How lawyers argue from rules and cases to conclusions.

Modes of legal argument.

Modes

Deductive — apply the rule to the facts

Analogical — like cases decided alike

Distinguishing — material facts differ

Policy — consequences of a rule

Purposive — what the provision aims at

In practice

Most arguments combine several modes

Analogy needs the relevant similarity stated

Policy arguments carry less weight at trial

Precedent constrains but rarely dictates

Educational reference. Saying two cases are alike is not an argument until you say which similarity is legally relevant.