

Deontic Defeasible Reasoning in Legal Interpretation: Two Options for Modelling Interpretive Arguments

Abstract: This paper offers a new logical machinery for reasoning about interpretive canons. We identify some options for modelling reasoning about interpretations and show that interpretative argumentation has a distinctive structure where the claim that a legal text ought or may be interpreted in a certain way can be supported or attacked by arguments, whose conflicts may have to be assessed according to further arguments. In particular, the logical machinery is based on the following ideas: (a) canons are represented by defeasible rules; (b) different reasoning patterns can be identified depending on whether we work on interpretations as activities or as outcomes; (c) competing interpretive options can be handled by stating a priority over conflicting rules, but different ranking preferences can also be introduced among compatible interpretive acts; (d) canons are defeasible rules licensing deontic interpretive claims; (e) the logic can deal with the interpretation of abstract, non-analysed provisions and of structured provisions.

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