



## Unit 5

### Defeasible Reasoning, Law, and Cognitive Science

#### SELECTED READINGS

The present bibliography features both general titles on defeasible (non-monotonic) reasoning – some of them addressing the topic from an AI perspective –, and selected titles on defeasibility in the law.

As far as we know, there is no established field of inquiry under the heading “the psychology of defeasible reasoning” – *a fortiori*, no literature is devoted specifically to the psychology of *legal* defeasible reasoning. We have included in the list titles on the subject involving, in some way or other, a psychological perspective. The topic, however, still is, largely, *terra incognita*.

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3. Pollock J.L., “Defeasible Reasoning”, *Cognitive Science*, 11, 1987: 481–518. [https://doi.org/10.1207/s15516709cog1104\\_4](https://doi.org/10.1207/s15516709cog1104_4)
4. Kyburg H.E. Jr., Loui R.P., Carlson G.N. (eds), *Knowledge Representation and Defeasible Reasoning*. Kluwer Academic Publishers, 1990.
5. Schauer F., “Exceptions”, *University of Chicago Law Review*, 58, 3, 1991: 871-904.
6. Meyer J.-J., Wieringa R.J. (eds), *Deontic Logic in Computer Sciences. Normative Systems Specifications*, Wiley & Sons, 1993.
7. Sartor G., “Defeasibility in Legal Reasoning”, in Bankowski Z., White I., Hahn U. (eds), *Informatics and the Foundations of Legal Reasoning*, Springer, 1995: 119-157.
8. Silverberg A., “Psychological Laws and Non-Monotonic Logic”, *Erkenntnis*, 44, 2, 1996: 199-224. Doi: [10.1007/BF00166501](https://doi.org/10.1007/BF00166501).
9. Pelletier F.J., Renée E., “On Reasoning with Default Rules and Exceptions”, *Proceedings of the 18th Conference of the Cognitive Science Society*, Routledge, 1996: 131-141.
10. McCormick N., “Defeasibility in Law and Logic”, In Bankowski Z. (ed), *Informatics and the Foundations of Legal Reasoning*, Kluwer Academic Publishers, 1996: 99-117. [https://doi.org/10.1007/978-94-015-8531-6\\_3](https://doi.org/10.1007/978-94-015-8531-6_3)
11. Alchourron C.E., “Detachment and Defeasibility in Deontic Logic”, *Studia Logica*, 57, 1, 1996: 5-18. <https://doi.org/10.1007/BF00370667>
12. Prakken H., *Logical Tools for Modelling Legal Argument. A Study of Defeasible Reasoning in Law*. Kluwer, 1997.
13. Hage J., *Reasoning with Rules*, Kluwer, 1997.
14. Atienza M., Ruiz Manero J., *A Theory of Legal Sentences*, Springer, 1998.
15. Mulligan K., “Justification, Rule-Breaking and the Mind”, *Proceedings of the Aristotelian Society*, 99, 2, 1999: 123-139. <https://doi.org/10.1111/1467-9264.00051>
16. Tur R.H.S., “Defeasibilism”, *Oxford Journal of Legal Studies*, 21, 2, 2001: 355-368. Doi: [10.1093/ojls/21.2.355](https://doi.org/10.1093/ojls/21.2.355).
17. Bayón J.C., “Why is Legal Reasoning Defeasible?”. In Soeteman A. (ed), *Pluralism and Law*, Kluwer Academic Publisher, 2001: 327-346.
18. Pollock J.L., “Defeasible Reasoning with Variable Degrees of Justification”, *Artificial intelligence*, 133, 1-2, 2001: 233-282.
19. Pfeifer N., Kleiter G.D., “Non-Monotonicity and Human Probabilistic Reasoning”, *Proceedings of the 6th Workshop on Uncertainty Processing*, Oeconomica, 2003: 221-234.

20. Hage J., "Law and Defeasibility", *Artificial Intelligence and Law*, 11, 2003: 221-243. Doi: [10.1023/B:ARTI.0000046011.13621.08](https://doi.org/10.1023/B:ARTI.0000046011.13621.08)
21. Bulygin E., "Review of Jaap Hage's *Law and Defeasibility*", *Artificial Intelligence and Law*, 11, 2003: 245-250. <https://doi.org/10.1023/B:ARTI.0000046012.44321.27>
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24. Ford M., "Human Non-Monotonic Reasoning: the Importance of Seeing the Logical Strength of Arguments", *Synthese*, 146, 2005: 71-92. <https://doi.org/10.1007/s11229-005-9071-z>
25. Ferrer Beltrán J., Ratti G.B. (eds), *The Logic of Legal Requirements*, Oxford University Press, 2012.
26. Brigaglia M., Celano B., "Reasons, Rules, Exceptions: Towards a Psychological Account", *Analisi e Diritto*, 14, 2017: 131-144.