

# Legal Reasoning



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# Introduction

- So far, we've discussed law in fairly abstract terms (positive vs. natural law, common law vs. civil law, criminal vs. civil cases, etc.).
- Moving forward, we want to incorporate more concrete applications of law using a practice known as legal reasoning.

# The skill of legal reasoning

- Legal reasoning involves the application of an abstract definition to a concrete example.
- As it turns out, definitions can be tricky, even when a little trivial (e.g., “love”).
- With law, we try to define terms like “rational” or “compelling.”



# Deductive reasoning: Syllogisms

- Deductive reasoning involves drawing conclusions about specific things from general ones.
- We start with a “major premise,” then a “minor premise,” and from them draw a conclusion.
- Legal reasoning involves a broad legal principle/rule (major) and a fact pattern (minor).

## Law of Syllogism

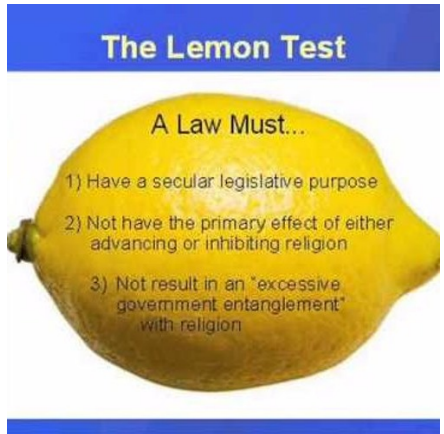
**Statement 1:** If  $p$ , then  $q$

**Statement 2:** If  $q$ , then  $r$

**Conclusion:** If  $p$ , then  $r$

# Complex major premises

- Some major premises could involve multiple parts.
- In legal reasoning, those parts could be specific elements to a broader rule (e.g, the *Lemon* test).
- Of course, more complicated fact-patterns or legal rules makes a case harder to adjudicate.



# Polysyllogisms

- A polysyllogism uses multiple syllogisms as part of a chain of logic.
- That is, conclusions become subsequent premises to reach further conclusions.

P1: All poodles are dogs.

P2: All dogs are carnivores.

C1: All poodles are carnivores.

P3/C1: All poodles are carnivores.

P4: All carnivores are animals.

C2: All poodles are animals.

P5/C2: All poodles are animals.

P6: Fido is a poodle.

C3: Fido is an animal.

# Conclusion

- The practice of law requires just that—practice.
- That means training yourself to think logically about law through the application of specific fact patterns to broader legal rules or principles.
- It also means learning how to argue multiple sides of a given dispute.