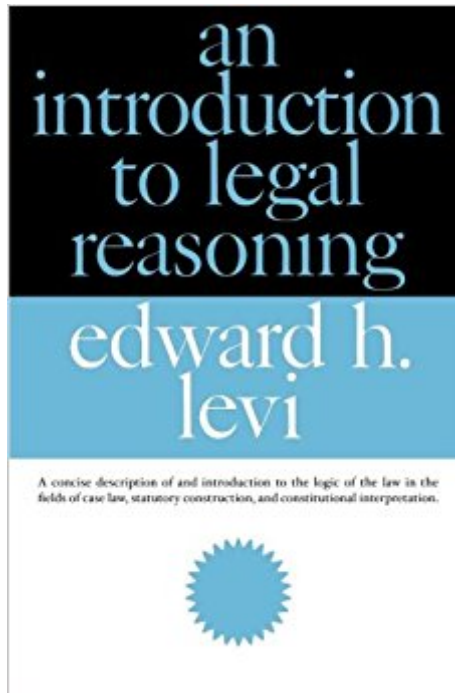




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An Introduction To Legal Reasoning (Phoenix Books)



Synopsis

This volume will be of interest and value to students of logic, ethics, and political philosophy, as well as to members of the legal profession and to everyone concerned with problems of government and jurisprudence. By citing a large number of cases, the author makes his presentation of the processes of judicial interpretation particularly lucid.

Book Information

Series: Phoenix Books

Paperback: 112 pages

Publisher: University of Chicago Press; Revised edition (February 15, 1962)

Language: English

ISBN-10: 0226474089

ISBN-13: 978-0226474083

Product Dimensions: 5.2 x 0.3 x 8 inches

Shipping Weight: 4 ounces

Average Customer Review: 3.8 out of 5 stars 19 customer reviews

Best Sellers Rank: #332,799 in Books (See Top 100 in Books) #92 in Books > Textbooks > Law > Legal Reference #159 in Books > Law > Philosophy #213 in Books > Law > Business > Reference

Customer Reviews

Edward H. Levi (1911-2000) was the Glen A. Lloyd Distinguished Service Professor Emeritus in the College and the Law School of the University of Chicago.

A classic, filled with wisdom and insights into the shifts in legal reasoning following the New Deal cases. The book itself is short and extremely dry - a slog to get through. Having said that, the book is a valuable read and a classic in the field.

It is a short book, but worth the price, and comprehensively packed with details about logical and legal reasoning. I can't imagine what you could do with it other than prepare for law school and/or law school exams/writing, but for that purposes, it reliably serves you well. If you're heading to law school next Fall, pick it up (but be prepared to feel a bit overwhelmed/excited about how much there is to learn), and when you're IN law school, pick it up (and be prepared to understand a heck of a lot more than when you read it the first time)!

Some of the material was slightly dated, and it was written with a legal style which can be difficult for the legal novice. Sort of a Catch-22. If you can read and clearly understand, you do not need what you just read.

This book was not all bad. I enjoyed the info behind the law and how they were created. Other than that it was just OK.

Received on time just as described. This book offers a general overview of case law versus statutory law, alongside it's legislative interpretations.

Legal reasoning is something you need to have beaten into you, it's not something you can read. Go to school.

Preliminary Information: Edward H. Levi *An Introduction to Legal Reasoning* University of Chicago Press, London: 1949 104pp. ISBN: 0-226-47408-9 paper Introduction: Edward H. Levi explains in the preface that the purpose of his thesis is to provide an analysis developed at the trial level based on statutory and constitutional law. The trials and their analysis are ones, for the most part, which have reached the appellate level. He notes that Judge Frank appreciates the discretionary organization of fact at the trial level whereas Dean O'Meara appreciates benefits of the natural law approach. O'meara contends that for those trials that to do reach the appellate level, "a well established principle, expressive of the earlier decisions, is clearly dispositive of the controversy." Levi dedicates his thesis to providing examples which help provide an explanation to the process of legal reasoning. He focuses more on the process rather than one method over another Development: Levi begins to explain the process of legal reasoning as it relates to case law and initially that it is a three step process; similarity is seen between cases, law inherent in the first case is announced, and then the rule of law is made applicable to the second case. This method works well for case law but that for other areas it may present many imperfections. It is the similarities or differences in each case that is determined by the judge. There will be cases where there is no precedent and therefore in these cases the legal process cannot simply be the "application of known rules to diverse facts." Reasoning by example in the law, as Levi writes, is key in part to that which the law process holds over the litigants. As the law is ever changing to meet the new challenges presented by a growing and highly technological society, reasoning by example or precedent illustrates the important role

where the common ideas of a society can have in shaping the law. "What a court says is dictum, but what a legislature says is statute. Interpretation of intention when dealing with a statute the is way of describing the attempt to compare cases on the basis of the standard thought to be common at the time the legislation was passed." The courts interpret legislation through the appellate process and it is here, through this process, that the courts impact the ever changing law. In section two of Levi's thesis he gives examples of how judges interpreted the law based on precedent and also how each opinion led to changes in the next. The cases he sites begin with MacPherson v. Buick; the potential liability of a seller of an article which cause injury to a person who did not buy the article from the seller. Due to limited space I am going to attempt to be very brief describing these. This case was in 1816 and takes us to 1851; Langridge v. Levy. The plaintiff contended that the defendant had sold a defective gun for the use of himself and his sons. In this case the gun went off causing a lamp to explode which caused the actual injuries to the son. Five years later in Winterbottom v. Wright the court refused to permit a coachman to recover against the defendant who had provided a defective coach under contract with the Postmaster General. The coach had broken down and the plaintiff causing him to become lame. "He could not recover because to extend liability this far would lead to absurd and outrageous consequences. This is where I believe the author is getting close to "Proximate Cause and just how far liability should extend at the time of this writing in 1949." "It must be realized that the words of a statute are not dictum but rather legislative intent. The legislature may have had a particular case uppermost in mind, but it has spoken in general terms." In this sense the statutory interpretation tells how to operate and through the courts application of the appellate process the statute changes with the views of a society with the constraints of the Constitution. " On June 25th, 1910, the Mann Act provides in part: Any person who shall knowingly transport to or cause to be transported, or aid or assist in obtaining transportation for, or in transporting, in interstate or foreign commerce or in any territory or in the District of Columbia, any woman or girl for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose to induce, entice, or compel such woman or girl to become a prostitute, or to give herself up to debauchery, or to engage in any other immoral practice... shall be deemed guilty of a felony. During the time of the Mann Act large American cities had illegal and segregated red light districts. Some representatives thought the bill to be too vague in almost every respect. There was much debate surrounding this bill. On one side there were those in favor of home rules, or powers of the state. On the other side there were those that argued that "public health and public morals appeal to us. The proposed legislation is constitutional, and it is related to moral considerations of the most compelling force." Levi dedicates an impressive amount of his thesis in

order to follow the changes to The Mann Act over time. It is not within the scope of this review to attempt to paraphrase this work to the reader in this review, as interesting as it is. It is my belief that Levi follows the changes and history of The Mann Act in order to reinforce the belief that laws and statutes are ever changing in order to meet the needs of a changing society. Had this thesis been written in 2009, as opposed to 1949, I believe we would still enjoy this fundamental belief but with the added excitement and challenges which technology brings to the table. Conclusion: Levi has used examples of case law, statutory law, and constitutional interpretation to illustrate his point that the law is ever changing as technology and a society changes within the constraints of its constitution. Things that may have at one time been considered to be extremely dangerous items for sale may have become commonplace due to improved technologies and experience. I believe Levi's main point in this thesis is to illustrate the "process" of legal reasoning through the examples he has provided. Changes in technology, society, and communication all play their respective parts in the process of legal reasoning as Levi has presented them.

The prose is utterly unclear in terms of jargon, structure, and concepts. The author makes some good points, but nothing revolutionary and certainly convoluted in his examples. If this extended essay weren't required reading, I would not have made it to page 5. This reader questions whether some of its expounded 'truths' aren't outdated in their entirety since law and society have developed much since the late 1940s.

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