

Exploring the Jurists Frame of Mind: Constraints and Preconceptions in Civil Law Argumentation



This book is unique in that it tries to gain insight into the frame of mind of jurists in civil law. To this end, it explores eight typical characteristics of argument and reasoning in civil law. All characteristics contribute to revealing the enigma of the frame of mind, not through step-by-step deduction that is simply impossible but through experiments of an intuitive, exploratory, or even cubist nature. Each chapter describes one such experiment. In conclusion, a new way of argument and reasoning in civil law is advocated: less dogmatic, more international, more open to balancing the interests and values at stake, and also more willing to integrate socio-legal and legal economic insights and arguments. In his conclusion, the author joins in the world-wide discussion on improving the academic quality of legal science, and on its far-reaching consequences for the curricula of law schools everywhere. Every civil law scholar practitioner or lawyer who sometimes feels the need to reflect his daily work should read this book. In a very easy and engaging style it opens new, surprising perspectives on dealing with civil law.

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