

ANALOGY AND COHERENCE

The aim of the workshop is to look at what part questions of analogy and coherence play in law and legal reasoning. There appear to be many interconnections but these have never really been specified. Is analogy a method of bringing about coherence? Or is it merely a particular method which is useful in legal reasoning and interpretation? And what about coherence? What is the function of that? When and if we say that a legal system is coherent, what do we mean to say? If we think of it as all fitting together under a scheme of ever widening principles and rules, are we saying something about its rationality and universality? In that case there is a connection with analogy because analogy can be looked upon as a way of connecting objects under the optic of a wide general principle. On the other hand, are we talking about something no more than consistency? And what are the relations between the two?

When talking of the legal system then, we might a) be trying to describe and define what it means to talk of the essential identity of the system b) describing how things in the legal system are alike (or coherent) which enables us to give the system some unity. We have also to distinguish the use of coherence as a justificatory concept from trying to decide what it *is*. We must be clear as to what it *is* before we can be able to use it to justify our modes of reasoning within a legal system. In this context narrativity becomes important for it sometimes appears to do both. Is this the grand scheme under which all the problems could be brought up or is it another way of talking about the same problems? Part of the problem here would be whether we see all this as part of a universalising rationality or as another way of looking at it, or are both ways of looking at it interconnected.

These are all relatively general problems and the aim would be to bring scholars from the disciplines of AI, Law, Philosophy and Theology where these questions are discussed and are important to see if they shed any light on the central focus of law, on the possible connections between analogy and coherence, and see if any general theory can be built up.