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Approaching Factors and Dimensions with Explanation-Based Argumentation

Giovanni SILENO a,1, Alexander BOER a and Tom VAN ENGERS a

a University of Amsterdam, Leibniz Center for Law, The Netherlands

Abstract. Current research in legal argumentation theory tries to bridge the gap between representations of the arguments brought by parties, and representations of factors and dimensions, as used in case-based reasoning frameworks. The present paper targets the same objective, but taking an alternative approach. Instead of reasoning in terms of attack or support relationships between claims, we consider the relation of the collected messages with alternative interpretations of the case, thus referring to explanation-based argumentation (EBA). This shift of perspective allows us to start an alternative investigation into some of the questions raised in the literature. A prototype application is presented along with the paper.

Keywords. Explanation-Based Argumentation, Justification, Factors, Dimensions, Pierson vs Post, Answer Set Programming

Introduction

According to a shared approach in AI & Law concerning adjudication (see e.g. [3]), legal reasoning practically consists of a progression:

(i) from evidence to facts,
(ii) from facts to factors,
(iii) from factors to legal consequences.

Evidently, factors play a central role in this scheme. In (ii), factors allow to express generalizations about a certain domain, disengaging from the problem of providing definitive extensional definitions. In (iii), factors synthesize stereotypical collections of facts, that, according to legal experts, have consequences on the outcome of a case. This is the definition used in case-based frameworks like CATO [1]. Here, factors are assigned outside of the adjudication process: the analyst is required to interpret the case and to create a synthetic model through the identification of the relevant factors. Equivalently, this means that CATO focuses only on the step (iii).

Recent works as [3] express the urge to make explicit the connection between the selection of factors and the adjudication process, and specifically by considering the arguments involved the case. In particular, the proposal of Atkinson et al. is based on the projection of facts on dimensions, following HYPO [2], integrating the formal argumentation framework ASPIC+ [14]. We agree on the necessity of defining factors and magnitude on factors, and therefore we support the integration of the dimension concept. However, instead of reasoning in terms of attack or support relationships between claims, as in traditional argumentation theory, our contribution builds upon an explanation-based argumentation (EBA) framework, first introduced in [18], considering the relation of mes-

1Corresponding author: g.sileno@uva.nl
sages with alternative explanations of the case and of the process of construction of the case. In doing this, we are pushing further the requirement of “depth” of representation.

The primary motivation behind this innovation is expressed by the following question: why a certain claim brought by one party is in contrast with the claim brought by another party? Apart from simple “syntactic” attacks, any response requires an interpretation of what the claim means, in the overall economy of the argumentation and its underlying knowledge, and this meaning, just as the attribution of factors, may differ amongst analysts. Our objective is therefore to go deeper in the modeling, touching the structural components defining the interpretations of the case, and considering the argumentation as a constructive process interacting with such interpretations.\(^2\)

This change of perspective allows us to try alternative research directions to approach some of the questions raised in the literature, e.g. the three at the end of [3]:

1. how to differentiate the strength of factors in reaching a conclusion?
2. how to relate facts to the points on a dimension?
3. how to assign facts on the basis of (possibly conflicting) evidence?

1. Cased-based reasoning: fundamental concepts

The elements involved in case-based reasoning may be synthesized as follows (cf. [10]):

- A fact \( f \) is a justified grounded true belief. As this is shared within the court, for simplicity we consider it as a simple true proposition. The argumentation process starts usually with some facts, e.g. evidence, and grows along two epistemic intertwined directions: story reconstruction (the matter of fact) and legal interpretation (the matter of law). Decisions are taken after a justification process, and creates new facts.
- A rule \( r \) is a conditional statement relating a premise with a conclusion.
- A situation \( \Sigma \) is a set of facts: \( \Sigma = \{f_1, f_2, \ldots, f_n\} \).
- A case \( c \) consists of a situation, a rule and a conclusion: \( c = \langle \Sigma, r, \phi \rangle \). The conclusion is an assertion decided on the basis of that rule, applied on part of the facts accounted in or implied by the situation. The applicability condition of a rule \( r \) in a certain situation \( \Sigma \) is expressed by \( \Sigma \models \text{Premise}(r) \).
- Such sub-set of facts \( R_\phi = \{f^\phi_1, f^\phi_2, \ldots, f^\phi_m\} \subseteq \Sigma \) is also called the reason for the conclusion \( \phi \). Its components are also called factors for \( \phi \), i.e. legally significant facts holding in the case.\(^3\)
- Considering similar cases, such factors can be regrouped and abstracted, so as to identify patterns of facts. Given a certain case, factors hold, or do not. They favour the plaintiff or the defendant.
- In contrast, dimensions are defined by a sequence of points, distributed within along two opposite outcomes: they are still pro-plaintiff or pro-defendant, but up to a certain degree. The point of passage from supporting the plaintiff or the defendant is generally the core issue in a trial.\(^4\)

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2As structuralism is an important perspective in narratology, we are currently investigating our framework in terms of narrative concepts as well, e.g. in [19].

3The semantic implication makes explicit the domain abstraction provided by factors.

4The existence of such criticality let some authors suggest to consider the points of dimension as mere facts, rather than factors.
2. Explanation-based argumentation$^5$

Argumentation can be seen essentially as a dialectic process.$^6$ The presumption of conflict between the parties motivates the epistemic function of argumentation, i.e. to establish (more definite) conclusions, via justification and grounding. Parties produce messages and receive others’ messages, interpreting and evaluating them. Sometimes these messages are collected by a third-party adjudicator, entitled to interpret the case from a neutral position. The set of collected messages forms an observation.

Considering the description of a case, we distinguish two sets of events: the reported events, i.e. the matter of the case (the story), which do not occur in front of the court, and the events of reporting, which conversely bring up and construct the case (the meta-story). Given a disputed case, an explanation is a possible scenario compatible with the content of the provided messages and with the generation process of the messages as well. An explanation is valid if it reproduces the messages collected in the observation. Evidently, the nature of such scenarios is that of a multi-representation model [16]: they may integrate physical, intentional, socio-institutional, and abstract domains.

The definition of an adequate search space of explanations is inflected in two main steps: generation, via the allocation of relevant factors, and pruning, depending on certain constraints, i.e. applicable rules concerning practical and legal domains.$^7$ Therefore, instead of being a static entity, the space of hypothetical explanation is incrementally constructed along with the observation. The motivation behind explanation-based argumentation (EBA) lies here: in the intuition that agents make claims in order to manipulate the explanatory search space.

In addition to the explicit foreground given by the observation, the full picture includes common and expert knowledge about the world (as background), consisting of rules and facts, together with strengths of epistemic commitment. This background is the result of a framing process: the foreground activates certain facts and rules known by the recipient agent, determining in a second instance which are the factors relevant to the case, and, when applicable, act as constraints in pruning the explanations.

Extending the reasoning model given in [18], we recognize four operational steps:

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$^5$This section and the following extend the results first presented in [18].
$^6$An overview of contributions focusing on the dialogical aspect of argumentation can be found in [6, 2.1].
$^7$Argumentation frameworks based on default reasoning may be seen as covering these steps as well, but focusing on the inferential aspect of the problem, rather than the selection of an adequate search space.
(a) **contextualization**: the facts explicitly given by the case (concerning the story and the meta-story) activate known rules, and identify the factors which are relevant to reach a decision about a certain conclusion;
(b) **generation**: relevant factors are grounded into scenarios, allocating all permutations of factors to situations;
(c) **pruning**, divided in two sub-steps: (I) impossible scenarios are removed, leaving the set of possible scenarios; (II) possible scenarios fitting the observation are selected as explanations;
(d) **justification**: the relative position of explanations is evaluated according some measure of epistemic commitment, determining which are the best explanations.

The main difference between (c) and (d) is matter of certainty (in a way similar to the difference between strict and defeasible rules): they both represent a refinement over (b). After some confirming message, the relative weights of explanations will change, and, consequently, stronger explanations will emerge from the set of hypothesis. Conversely, when messages transport conflicting claims, they are actually disconfirming certain explanations, equilibrating their relative weight. The matter becomes raw again.

It is worth to observe that messages play a crucial role also in (a). The introduction of new facts, and new rules, brings in new factors and constraints, which eventually modify the result of the generation and pruning steps.

3. Generating, pruning and justifying explanations

In this section, we will translate the four steps of explanations-based reasoning in a concrete computational setting, leveraging the capabilities of answer set programming and providing some modeling guidelines.\(^8\) Even if part of the modeling remains necessarily responsibility of the analyst it is our objective to discriminate which representational components are needed for a scalable application.

A prototype application implementing this operationalization, named \textit{aspj – Answer Set Programming Justificator}, is currently running on \url{http://justinian.leibnizcenter.org/aspj} (comments are welcome). At the moment, it invokes \texttt{lparse} (an ASP parser) and \texttt{smodels} (solver). It has been used to compute the results presented in the paper.

\(^8\)Answer set programming is a declarative programming paradigm based on the stable-model semantics [9] – applying ideas of auto-epistemic logic of Moore [15] and default logic of Reiter [17] – oriented towards difficult (NP-hard) search problems. In ASP, similarly to Prolog, the programmer models a problem in terms of rules and facts, instead of specifying an algorithm. The resulting code is given as input to a solver, which returns multiple answer sets or stable models satisfying the problem. The main operational difference to Prolog is that all variables are grounded before performing search, and unlike SLDNF resolution, ASP solvers algorithms always terminate. Our intuition behind the integration with EBA is that this approach is very similar to the allocation in phase (b).

\(^9\)In the full version of EBA, explanations and observations would be built upon multi-agent systems based on agent-roles [7], in order to take into account intentional and institutional layers, and multiple figures for speech acts. For simplicity, we will consider here only a generic emission of propositional content, and neglect all intentional and causal components, leaving them to future extensions.
3.1. Integrating ASP with Explanation-Based Argumentation

Our idea is to take advantage of the search capabilities of ASP solvers, so as to effectively perform the generation and pruning steps at once. Three main types of statements are used for explanation-based argumentation:

- **facts**, modeling shared assumptions,
- **rules**, modeling a conditional shared assumption.
- **allocation choices**, grounding permutations of relevant factors.

**Facts**  Facts are written as in Prolog. For instance, “Post was in hot pursuit of a fox” and “the fox has not been wounded” can be written as:

\[
\text{hot_pursuit.} \\
\text{~wounded.}
\]

**Rules**  A rule gives a property of the world (and then acts as a constraint on possible worlds). It consist of a head (conclusion) and a body (premise). For instance, the rule that the hunter acquires ownership when he takes physical possession of the animal, described by \( R_1 : \text{possessed} \rightarrow \text{ownership} \), can be written similarly to Prolog as:

\[
\text{ownership} :- \text{possessed}.
\]

Rules can be also described at a meta-level, i.e. introducing an evaluation of the context to check their applicability. This condition, external to the “primary” content of the rule, triggers the constraint that the rule posits on the world. Using the material implication (\( a \rightarrow b \Leftrightarrow \neg a \lor b \)), we can translate \( R_1 \) as \( \neg \text{possessed} \lor \text{ownership} \). Anchoring the rule to this factor \( r_1 \) (to be read as the rule \( R_1 \) applies, or \( R_1 \) is applicable), we can write it as:

\[
1\{ \neg \text{possessed}, \text{ownership} \} :- r_1.
\]

If \( r_1 \) is not grounded, i.e. the applicability of \( R_1 \) is matter of debate, we count it as a relevant factor and not as a fact.

**Allocation choices**  Differently from the traditional modeling with Prolog, our objective is to ground all relevant factors, so as to generate all scenarios, possible and impossible, and then pruning the impossible ones, with the application of the posited rules. In ASP, a factor \( f \) can be allocated using the choice operator[^11], and precisely by instantiating the principle of non-contradiction (\( f \) holds or it doesn’t: \( f \oplus \neg f \)). To correspondent code is:

\[
1\{f, \neg f\}.
\]

We consider the following allocation principle: all factors in the rules of the observation and in the background knowledge have to be allocated. Note that, considering the whole system of rules, an individual rule may generate a conclusion which may be relevant factor for another rule. Therefore, with our approach, both premises and conclusions of rules are handled as factors. Applying the principle on the first \( R_1 \), we have:

[^10]: For simplicity we use atomic formulas, rather then predicates; the extension is possible however.
[^11]: The syntax of ASP logic operators in lparse+smodels is:

<table>
<thead>
<tr>
<th>Operator</th>
<th>Syntax</th>
</tr>
</thead>
<tbody>
<tr>
<td>OR</td>
<td>( a_1 \lor \ldots \lor a_N \Leftrightarrow 1{a_1, \ldots, a_N} )</td>
</tr>
<tr>
<td>XOR</td>
<td>( a_1 \oplus \ldots \oplus a_N \Leftrightarrow 1{a_1, \ldots, a_N} )</td>
</tr>
<tr>
<td>AND</td>
<td>( a_1 \land \ldots \land a_N \Leftrightarrow a_1, \ldots, a_N ) (only in the body of rules) or ( \text{N}(a_1, \ldots, a_N) \text{N}(\text{body and head}) ).</td>
</tr>
</tbody>
</table>
Reported facts and reported rules When someone reports something, he may tell the truth or not, i.e. what he says may hold or not, considering truth as a successful word-to-world alignment. In addition, the confidence attributed to the source is usually a sufficient condition to consider the content of the message as holding. The fact that we have no confidence towards an agent does not imply that he is necessarily lying, but, if we consider him to be not trustworthy, it is perfectly acceptable that what he says does not hold. The case of conflicting messages is analyzed with a certain detail in [18], investigating an interesting puzzle proposed by Pollock [11] about probability and argumentation. We will return to this in the conclusion. In this paper, we focus on reported rules.

In Pierson vs Post, the judge Tomkins refers to Justinian, and specifically to a rule that the jurisprudential tradition associates to decisions concerning property on wild animals (for the sake of an example, let us imagine it corresponds to $R_1$). As observers, we receive a message encapsulated twice: Tomkins says that Justinian says that $R_1$. In reality, Tomkins is not only stating something about the speech act of Justinian, but also about its applicability. In order to model the applicability condition related to these meta-levels, we follow a simple naming convention:

\[
\neg \{\text{possessed}, \neg \text{possessed}\} \land \neg \{\text{ownership}, \neg \text{ownership}\} \land \text{possessed}.
\]

\[
\text{ownership} :- \text{possessed}.
\]

Incremental knowledge components In constrast to the normal use of ASP programs, we are interested in modeling the incremental aspect of argumentation. We need an operator distinguishing a message from another; in order to maintain backward compatibility, we rely on the comment operator ‘%’ to create new operators. Therefore, we choose to separate the messages in the code by using the ‘%%’ construct at the beginning of line. For instance, in order to separate the contribution of Justinian from that of Pufendorf, we write (neglecting the allocations):

\[
%%
\neg \{\text{possessed}, \text{ownership}\} :- \text{justinian}.
\]

%%
\text{justinian} :- \text{tomkins}.

We have introduced two new factors, justinian and tomkins; justinian, for instance, labels the belief that what Justinian said is applicable, or being confident that what Justinian said holds.\[14\]

12Consider the case of direct perceptions. In general we are practically certain of the reliability of our senses.

13The relation “being reliable” has at this point no direct reference with the real intent of the emitter/assertor.

14From the program perspective, the two rules can be easily read as the fact that Justinian said $R_1$, and the fact that Tomkins says that what said by Justinian holds.
The proposed rules translate the ordering constraints contained in the dimension.

### 3.2. ASP execution cycle in asp\textit{j}

Considering a certain case, we observe the following correspondences between the components in the program and output of the solver:

<table>
<thead>
<tr>
<th>input given as ASP program</th>
<th>ASP solver output — EBA phase</th>
</tr>
</thead>
<tbody>
<tr>
<td>only allocations</td>
<td>scenarios (possible and impossible) — (b)</td>
</tr>
<tr>
<td>allocations and background rules, facts</td>
<td>possible scenarios — (c, I)</td>
</tr>
<tr>
<td>allocations, background rules and observation</td>
<td>possible scenarios fitting with the observation, i.e. the explanations — (c, II)</td>
</tr>
</tbody>
</table>

Being independent from the observation, the code generating (c, I) can be interpreted as the deep model of the domain ascribed by the analyst to the case.

The extensions proposed in the previous paragraph allow us to divide the program in incremental parts, in order to explore the progress of argumentation stepwise. To exploit this capability, asp\textit{j} integrates two components:

- a code splitter, which generates from the initial code the programs for the intermediate observations, further divided in pre and post observation components.
- a parser of the outputs of the ASP solver, used to record the stable models associated to the scenarios in an internal representation to be used to compute the justification.

### 3.3. Computing justification

The remaining problem is to decide how to evaluate explanations, or, equivalently, how to measure their degree of justification. Pollock presents in [11] a lucid analysis about the problems at stake; inspired by his work, we analyzed the problem in more detail in [18]. This section will only summarize the principles behind our proposal.

In traditional formal argumentation frameworks, justification is defined only in discrete terms: an argument is justified or not, and if justified, it can be skeptically or credulously justified (e.g. in extension-based semantics for argument systems [4]). A more fine-grained determination is however necessary in most practical cases [11].

Following the subjective interpretation of Bayesian probability, probability can be used as a measure of the strength of belief. Therefore, in this line of thought, a certain probability assigned to arguments can be considered as a proxy for their strength. In the
literature, some authors, as for instance [13], propose to integrate probability to Dung’s abstract framework; others target more applied contexts, as evidential reasoning [12], in the legal domain [8,21,22].

Even if this contribution shares the same mathematical framework, there is a crucial difference with these approaches. While the latter generally insist on the computation of posterior probabilities, we handle confirmation measures over explanations. The objective behind this is to make the role of prior commitments more explicit in the reasoning model, as subjective assumptions taken after having faced the manifold possibilities expressed by the domain model.\textsuperscript{15} In practice, we compute an ordinal judgment of explanations. Given an observation $O$, and an explanation $E$, we consider at the moment the following confirmation measure:

$$c(O,E) = \frac{P(O|E) - P(O|\neg E)}{P(O|E) + P(O|\neg E)}$$

Put in words, an observation confirms an explanation if it fits with the explanation and discriminates the explanation from its alternatives.\textsuperscript{16} Once calculated for all explanations, confirmation values can be used to order them.

4. Case example and results

In this section, we refer to a simplified model of the well-known Pierson vs Post case (the full code is reported in the appendix). We consider 8 different incremental steps, here synthesized in a readable form:

0. Post was in hot pursuit, and the fox was not wounded (ground facts). (This step includes the relevant background knowledge, e.g. the pursuit dimension.)
1. Justinian says that ownership occurs only when there is physical possession.
2. Pufendorf says that an inevitable capture is sufficient to ownership.
3. Tomkins brings in Justinian’s contribution.
4. Tomkins brings in Pufendorf’s contribution.
5. Tomkins says that hot pursuit is not sufficient to ownership.
6. Livingston says that hot pursuit is sufficient to ownership.
7. Livingston attacks the applicability of Justinian’s contribution.

Running the proposed model on \texttt{aspj}, we obtain:

<table>
<thead>
<tr>
<th>step</th>
<th># relevant factors</th>
<th># allocations</th>
<th># possible scenarios</th>
<th># explanations</th>
</tr>
</thead>
<tbody>
<tr>
<td>step 1</td>
<td>9</td>
<td>512</td>
<td>18</td>
<td>2</td>
</tr>
<tr>
<td>step 2</td>
<td>10</td>
<td>1024</td>
<td>36</td>
<td>3</td>
</tr>
<tr>
<td>step 3</td>
<td>11</td>
<td>2048</td>
<td>72</td>
<td>6</td>
</tr>
<tr>
<td>step 4</td>
<td>12</td>
<td>4096</td>
<td>144</td>
<td>8</td>
</tr>
<tr>
<td>step 5</td>
<td>12</td>
<td>4096</td>
<td>144</td>
<td>8</td>
</tr>
<tr>
<td>step 6</td>
<td>12</td>
<td>4096</td>
<td>144</td>
<td>8</td>
</tr>
<tr>
<td>step 7</td>
<td>13</td>
<td>8192</td>
<td>288</td>
<td>9</td>
</tr>
<tr>
<td>step 8</td>
<td>13</td>
<td>8192</td>
<td>288</td>
<td>9</td>
</tr>
</tbody>
</table>

\textsuperscript{15}Furthermore, we think there is a high criticality in using posterior probability (constructed over “objective” information on aggregates) to judge an individual case.

\textsuperscript{16}Tentori et al. [20] suggest that the above is the psychologically most plausible confirmation measure of those proposed in the literature.
Outcomes of justification  Apart from a quantitative point of view, the previous analysis is not very insightful. The quality of the explanations, i.e. the actual scenarios they describe, is what matters for the parties and for the adjudicator. The union of the 9 explanations says just a bit more about the case: all factors remain undecided, apart from seen, chase_started, hot_pursuit and effort which are true, and wounded, capture_inevitable and possessed which are false.

Let us therefore consider the case in which we hold a higher commitment towards what judges Tomkins and Livingston say. We associate to the factors tomkins and livingston a prior probability of e.g. 0.6.

In principle, each factor can be considered as a target claim. The change of its truth value in the union of best explanations can be used to understand which is the impact of a certain argument (brought in a certain step of the argumentation) in its respect. We consider three axes of change. The first two are incremental, i.e. they consider the current step and the previous one. The first axis (I) concerns the possible scenarios and reflects a change in the deep model of the domain, or in the commitments (not investigated yet). The second axis (II) is about the explanations (post observation): it is a measure of the incremental impact of the new argument to what said until now. The third axis (III) represents the impact of the full observation within a fully established background: i.e. given a certain step, it is about the change occurring between the possible scenarios before the whole observation (and not the last incremental step), and after the observation. It gives an information about the overall conclusion. The result computed by aspj is summarized in the following table:

<table>
<thead>
<tr>
<th>axis of change</th>
<th>step 1</th>
<th>step 2</th>
<th>step 3</th>
<th>step 4</th>
<th>step 5</th>
<th>step 6</th>
<th>step 7</th>
<th>step 8</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>I</td>
<td>II</td>
<td>III</td>
<td>I</td>
<td>II</td>
<td>III</td>
<td>I</td>
<td>II</td>
</tr>
<tr>
<td>seen</td>
<td>+</td>
<td>-</td>
<td>-</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
</tr>
<tr>
<td>chase_started</td>
<td>-</td>
<td>+</td>
<td>+</td>
<td>-</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
</tr>
<tr>
<td>hot_pursuit</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>+</td>
<td>+</td>
<td>+</td>
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</tr>
<tr>
<td>wounded</td>
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<td>-</td>
</tr>
<tr>
<td>capture_inevitable</td>
<td>-</td>
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<td>possessed</td>
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<td>effort</td>
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<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
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<tr>
<td>successful_effort</td>
<td>-</td>
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<tr>
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<td>-</td>
</tr>
<tr>
<td>justinian</td>
<td>+</td>
<td>+</td>
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<td>+</td>
<td>+</td>
</tr>
<tr>
<td>pufendorf</td>
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<td>+</td>
<td>+</td>
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<tr>
<td>tomkins</td>
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<tr>
<td>livingston</td>
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<td>+</td>
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<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
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</tbody>
</table>

The “+” in the I column shows only that the factor is introduced at that moment in the possible scenarios, and, as we have a higher commitment than a neutral position, it is positively characterized after its introduction. The “+” and “-” in the III column show what claims are respectively supported or attacked by the observation considering the commitment configuration reached at that step. The “+” and “-” in the II column are more similar to the usual meaning of the support and attack relationships used in argumentation. The first intervention of Tomkins (step 4), which supports the applicability of Justinian’s claim, automatically attacks the ownership and successful_effort factors. Vice-versa, when Livingston claims his interpretation of the case, he attacks Tomkins, Justinian and Pufendorf’s claims, and, as we are equally committed to both judges, we return to a condition of neutrality about the matter of ownership. The majority opinion

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17The union of explanations is a simple summary representation: factors assume an undecided value if conflicting between explanations, otherwise take the common truth value.
used in courts can be seen as a direct consequences of an equal prior commitment to judges’ opinions.

5. Conclusion

The paper presented an initial investigation on the integration of factors and dimensions in an explanation-based argumentation (EBA) framework, operationalized via answer set programming with aspJ. With this approach, factors turn out to be all the propositions which are relevant to the domain rules.

In pragmatics, relevance is associated to the alignment of the informational content with the intents of the speaker/listener. Considering the epistemic intent of the adjudication, relevance corresponds to the impact of a certain claim in reaching a definite conclusion. This is coherent with the proposed operationalization.

Even without referring to legal realism, however, we can plausibly affirm that adjudication is not a “pure” epistemic process. According to value-based theories of legal adjudication [5], for instance, judges choose the conclusion which best responds to some general principles (even more when facing hard cases); consequently, values guide (implicitly or explicitly) the choices in detecting the applicable rules. The same holds for the parties, which, rather than general values, have specific interests. In principle, a full account of EBA should allow to take into account all these “deeper” intentional interpretations within the model, and can be used to evaluate the impact of facts in correspondence to those factors.

This definition of factors is wider than the traditional one (we thank the anonymous reviewer for the important remark): we have factors which are present only in this specific case (e.g. tomkins) and factors which are recurrent in other cases (e.g. hot_pursuit). We attempt an explanation. Case-based reasoning is built upon many cases occurred in time and of each case it considers only the rule finally applied for the decision. Thus, the importance of certain factors in a certain legal domain results from a selection performed at inter-case level. In this work, we are considering only one judgment, and we take into account all arguments, even those which were not integrated in the final decision. The importance of certain factors in the final decision is consequent to the selection occurring inter-argument. Only the factors surviving at intra-case level have access at the inter-case level arena.

A similar analysis can be performed on the definition of dimensions. In this work, they have been implemented as chains of dependency rules. The dimensions about factual matters (e.g. actual metric dimensions, different phases in a course of action) are in practice shared assumptions, and intervene already at intra-case level. The dimensions about legal matters are less evident, but they can plausibly be extracted as recurring en chaining of factors in deep models of similar cases, characterized as well with a certain legal conclusion (pro-plaintiff, pro-defendant). This remains to be investigated.

In Pierson vs Post, the explicit conflict is about the applicability of rules, but our approach covers also the interpretation of facts after conflicting evidence. We specifically address this problem in [18], using a previous version of EBA on a puzzle given by Pollock [11]. It can be found as well on the online version of aspJ.
References


A. Pierson vs Post, simplified model for aspj

The following code, modeling the argumentation process of the Pierson vs Post case, runs on the ASP solver lparse+smodels. In order to be fully exploited, however, it should be used with aspj, the web-based application presented in this paper, which provides intermediate pre- and post-processing functions on top of the ASP solver. aspj is a computational framework implementing explanation-based argumentation. A running version is available at http://justinian.leibnizcenter.org/aspj.

```prolog
%%% step 0
hot_pursuit.
-wounded.

%%% background knowledge
seen :- chase_started.
chase_started :- hot_pursuit.
hot_pursuit :- wounded.
wounded :- capture_inevitable.
capture_inevitable :- possessed.
effort :- chase_started.
successful_effort :- ownership.
ownership :- successful_effort.

1{seen, -seen}.1.
1{chase_started, -chase_started}.1.
1{hot_pursuit, -hot_pursuit}.1.
1{wounded, -wounded}.1.
1{capture_inevitable, -capture_inevitable}.1.
1{possessed, -possessed}.1.
1{effort, -effort}.1.
1{successful_effort, -successful_effort}.1.
1{ownership, -ownership}.1.

%%% step 1
1{~possessed, ownership} :- justinian.
1{possessed, ~ownership} :- justinian.
1{justinian, ~justinian}.1.

%%% step 2
1{~capture_inevitable, ownership} :- pufendorf.
1{pufendorf, ~pufendorf}.1.

%%% step 3
justinian :- tomkins.
1{tomkins, ~tomkins}.1.

%%% step 4
pufendorf :- tomkins.

%%% step 5
1{~hot_pursuit, ~ownership} :- tomkins.
```
%%% step 6
1{-hot_pursuit, ownership} :- livingston.
1{livingston, -livingston}1.

%%% step 7
-justinian :- livingston.