

Interpreting Precedents A Comparative Study

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An interesting comparison is made by Gunnar Bergholtz and Aleksander Peozenik, who compare precedential law to a casuistic statute, by stating that: "In interpreting precedents, use is made of a number of reasons which in part resemble argument by analogy in statutory interpretation.

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Other precedents are interpreted as suggesting an alternative result. 286 BOOK REVIEW If a precedent is cited in argument supporting a conclusion then it could be said to have exerted a, perhaps strong, force on the result. If the precedent is not cited or is adversely commented upon then it could be said to have exerted a weaker force.