Is there an Ultimate Moderator for Counterexample Acceptance in Legal Reasoning?

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Defeasible reasoning has become a hot topic over the last years especially in regard to legal reasoning (e.g. Bäcker, 2010; Gazzo Castaneda & Knauff, 2016; Prakken & Sator, 2004). Thus, one can state that legal rules are often formulated as non-monotonic conditionals. In particular, exculpatory circumstances assume the role of counterexamples which might defeat an a priori valid verdict (consequence). In a recent study, Gazzo Castaneda and Knauff (2016) illustrates that the acceptance of counterexamples was moderated by the degree of crimes' moral outrage. Further empirical investigations have examined other moderating factors, such as probability, believability, source trustworthiness, salience or utility of counterexamples (Bonnefon & Sloman, 2013; DeNeys, 2003; Geiger, 2007). Yet, many possible moderators were separately and independently studied without classifying which one has the greatest impact on the acceptance of counterexamples. On this basis, the question is raised whether there is one specific factor which affects counterexample acceptance more than others. More directly: Is it possible to create a classification of different moderators respectively to their power in influencing the acceptance of counterexamples? In the first set of consecutive studies, the contribution of counterexamples' believability and probability shall be investigated. Furthermore, the possibility whether juridical experts and lay people differ in accepting counterexamples shall be explored, as well as, Gazzo Castaneda and Knauff (2016) found it for moral outrage.