

NOTES FOR A REVIEW ON "MODERN LOGIC IN THE SERVICE OF LAW"

This book is a product of work which the author and Ron Klinger started in Sydney about ten years ago under the auspices of the Australian Research Grants Committee. It was completed in Salzburg in consultation and cooperation with several leading Continental logicians and legal theorists. It is intended not only for academic lawyers but also for legal practitioners, who, too, in their work cannot discard what modern logic can offer for the enhancement of rationality of legal thought. It is indisputable that these arguments ought to be not only materially but also formally sound.

In the first part of his book, the author provides the theoretical foundation of legal logic understood as a formal discipline of thought. He has paid special attention to the simplicity and practical usefulness of formalised expressions and to the semantic requirements of terminology. Accordingly, he has developed an easily surveyable and readable notation (the language of formulae) and introduced useful terms for avoiding ambiguities and misleading connotations of words conveying logical ideas. Since lawyers must not only be able to ascertain expediently whether a legal conclusion is logically valid but also whether it is invalid, he has devised an efficient logical decision procedure (the Counter-formula Method). This method makes it possible also to determine whether a legal conclusion is logically either solid or insolid (i.e. whether or not it follows from a derivation basis free from contradictions), whether it contains redundancies, etc. The logical completeness of this method has been proved by the eminent German logician Paul Lorenzen and the IBM-Vienna has programmed it for computers. Variants of this method have been developed by other scholars (including the reviewer).

In the second part of his book, the author shows how expressions of law and legal arguments can be prepared for logical analysis and he provides a number of examples in which these are subjected logical decision. Of theoretical as well as of practical interest are the sections dealing with problems such as the inconsistencies, ambiguities and gaps in law, the logical conceivability of non-liquet declarations in international law, and the logical testing of the validity of gifts.

The author does not regard legal logic as the sole instrument for achieving the soundness of legal argument. The material aspect of legal arguments requires different procedures, which he styles "zetetic". An overview of various kinds of these procedures is supplied in an Appendix.

The present book has already been translated into Portuguese and will be published by the São Paulo University Press. Its Spanish translation is in preparation. Books covering essential parts of its contents have already been published in German.