

Book Review

INTRODUCING LOGIC TO LAW STUDENTS

Legal Problem Solving and Syllogistic Analysis: A Guide for Foundation Law Students
by KENNETH YIN and ANIBETH DESIERTO
LexisNexis Butterworths, Australia, 2016
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INTRODUCTION

This highly readable and practical book is aimed primarily at undergraduate law students, providing a guide to developing their problem-solving skills. Although it is a slim volume, it is carefully written and thoughtfully tailored to a student readership. That said, while the target market is clearly students, lecturers will also find it to be an engaging and valuable read. While primarily intended to be a practical guide, the authors clearly identify throughout the established theories and pedagogical research that underpin their approach.

The book is divided in to six chapters:

- Introduction
- IRAC, Legal Deductive Logic, and the Syllogism
- Common Syllogistic Fallacies
- Identifying the Major Premise
- The Extraction of the Minor Premise
- Organising the Answer

It opens with a persuasive argument of the importance of problem solving skills for law students and highlights the link between the concept of a syllogism (a statement of logical relationship) and the IRAC (Issue, Rule, Application, Conclusion) approach often adopted by law schools. Indeed, syllogistic analysis is the focus of the book and it is this which sets it apart from other texts that seek to support students in studying law. There are no obvious competitors that have syllogism as their central theme, as least not in terms of the student market.

Subsequent chapters unpack the core elements of a syllogism as manifested in legal problem-solving, focusing upon inductive and deductive logic. The authors explain how inductive logic (creating and evolving rules) forms the basis of the major premise of the syllogism, while deductive logic (applying those rules) forms the basis of the minor premise. They illustrate how this works in action by using simple examples that will be readily understood even by first year law students, despite the authors' Australian context manifesting itself in the major premises: 'It is always unpleasantly hot in February' and, just as startling, 'It is hot every day in January'. English law tutors may find it more of a struggle than their Australian colleagues to defend the purported truth of these premises!

As the book progresses, the examples become more complex and nuanced in character, culminating in sophisticated legal scenarios. Indeed, a clear strength of the book is its recognition of the criticality of problem solving in the context of undergraduate law. For example, the authors acknowledge that a typical law student is most likely to formulate an argument within the narrow context of a specific case study. Consequently, the chapter on syllogistic fallacies focuses upon the importance of logical connections between major premise, minor premise and conclusion in the context of legal problem-solving, rather than the philosophical debates around open-ended syllogistic analysis. Using a series of case studies based around the foundation law subjects such as contract, tort and crime, the authors walk students through the most common pitfalls that result in flawed syllogism. For example, students are asked to consider the potential liability of the owner of a rampant lawnmower that turns itself on, tears down the neighbour's fence and destroys a flowerbed. The case studies have been carefully scaffolded so that students can tackle early, simple examples with confidence, but then clearly measure their own progress as the level of complexity gradually increases. This may involve responding to a variation on the facts of an earlier example, or tailor their answer to focus upon the strongest argument for their client. In the case of the lawnmower, they are asked to adjust their major premise to set out the strongest argument that the owner of the lawnmower can advance in his defence. The accompanying narratives emphasise the importance of identifying the legal issue accurately and avoiding circular reasoning or hasty, unsubstantiated conclusions. Students are encouraged to recognise the details and subtleties in the case studies and why it is important to consider all of them. There can be little doubt that the authors have encountered every pitfall and point of confusion experienced by law students, probably many times over.

CONCLUDING REMARKS

The level of detail throughout is admirable and should enable the reader to replicate the authors' own reasoning processes, as these are painstakingly first deconstructed, then reconstructed. That is not to say, however, that a student should be able to read this book from cover to cover and find their own problem-solving skills miraculously transformed. They will need to practice, reflect and repeat the process in order to gain mastery of it, but that is as it should be; the book functions as a diagnostic tool for current progress as well as a guide for future improvement.

If a fault can be found with this book, ironically it lies in its dedication to helping students to solve the problem. The case studies, by and large, present problems that are capable of a definite solution. While this is, of course, the principal purpose of the syllogistic analysis approach promoted by the authors, in reality not every legal problem is so clear and unambiguous. Students must grapple with scenarios that raise ethical and moral dilemmas, or illuminate a lack of certainty in the law. A student who follows the syllogistic approach too slavishly may produce an answer that is technically correct and demonstrates a logical line of reasoning, but which may not engage fully with alternative interpretations or demonstrate an ethical approach to practice. While it is clearly beyond the intended scope of this particular book to address those issues directly, the authors could perhaps have included more explicit acknowledgement of them.

The practical focus of the book, well-scaffolded case studies and clear explanations make this a valuable and strongly recommended resource for students from the outset of their undergraduate studies.

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