Book Review


Jaap Hage is one of the mysterious members of the AI and Law community: someone capable of significant insights lost in insignificant prose, someone who delivers scholarship and erudition through burbling lines of symbols.

It is therefore with eagerness and fear that one approaches his major work to date, *Reasoning with Rules* (Kluwer, 1997). A good book is an image of its author, and this book is in fact a faithful portrait of Jaap Hage’s thought. It is an important addition to the Law and Philosophy Library series because it addresses important issues in an accessible way. The surprise is that the book is not really written for the AI and Law community, which has been the cauldron for the themes that emerge in the book. It is a book for the wider philosophical legal readership, an exporting of the ideas of AI to the philosophy of law. It is a book that I am happy to say AI and Law researchers will be quick to recommend to outsiders.

The book is a meditation on the formal modeling of rule application. It begins by arguing for defeasibility, then brushes through Raz (exclusions), Toulmin (argumentation), and Naess (balancing reasons), while commenting on some philosophy of rules (Anscombe and Searle). The book is preoccupied with distinctions: between rules that explain and rules that justify, brute facts and institutional facts, constitutive and normative rules, rules and reasons, social rules and social reasons, social reasons and personal reasons, goals and reasons, principles and rules, and so forth. The resulting map is the kind of thing that would result from a survey course in the philosophy of rules. It is unfortunate that Hage chooses to be glib in his treatment of these distinctions, taking a common language philosophy approach, rather than delving into the formal distinctions that modelers might make that would reflect philosophical differences.

One important topic for Hage is *deontic collapse*, which refers to the way

\[ P \rightarrow O Q \]

in deontic logic is replaced by something like

\[ P \gg Q \]
in a system of defeasible reasons. On this topic, Hage’s common language approach is effective. Having made enough room for all kinds of reasons, Hage has us wondering why some would insist that all norms be expressed as deontic facts. That is, why one would insist on the traditional deontic approach, when there are so many legitimate alternative ways of making facts, norms, rules, and reasons interact. More interestingly, Hage’s explanation is both arresting for its plausibility and frustrating for its twists:

in all cases of deontic collapse . . . , we have reasons to perform some mental action that would lead to a particular result, and these reasons do not only make that (sic; [make it the case that]?) we should perform this action, but also to (sic; [but also make]?) the results of performing this action. The reasons why we should let a goal, principle or rule generate reasons [−] function [−] as reasons why the goal, principle or rule actually generates reasons, [ . . . ] and the reasons for assuming the presence of a state [−] function [−] as reasons why this state is already present. (p. 126)

It is a mouthful, no matter how it is edited. While this is not the kind of philosophy that I appreciate best, and it almost certainly needs some deciphering, I find Hage here no more convoluted than a Stanley Fish–Ronald Dworkin debate, and much more rewarding. Hage probably has in mind something like the difference between quoting and disquoting in logic (“Boston is a nice city” versus “‘Boston’ has six letters”), or the difference between evaluation and protection from evaluation in an environment such as an operating system’s command-line interpreter (‘rm *’ versus ‘echo rm *’) “P ⊢ Q” is a substitute for “P → OQ” because the latter is asserted within a context of evaluating reasons normatively. This has to be the right idea about deontic collapse (and one suspects that if more deontic logicians used UNIX, there would be less animosity toward those who do not take normative statements to have truth values). Of course, one wishes Jaap Hage could deliver the knockout punch rather than merely float like a butterfly.

The second half of the book launches into RBL, Hage’s ‘Reason Based Logic’ that weighs reasons and permits an interaction of rules and principles. RBL possesses enough ways to express reasons for applying rules to satisfy someone of even Jaap Hage’s broad interests: cases, interpretations, rationales, exclusions and priorities all fall within the scope of RBL, at least in Hage’s expert hands.

The book ends with some comparison of technical approaches and a curious recollection of the main metaphors used in the book. It is clear that these metaphors impress Hage deeply and drive his work, though it is unfortunate that these metaphors will not amaze anyone, inside or outside of the related technical fields. Those metaphors are: (1) the container metaphor for logic (as a representation), and (2) the balance-of-forces metaphor for (judicial) reasoning. The first idea is that logic is less useful than many logicians would have us believe. Deduction is essentially noninformative.