

An Overview on Logics in Causation Reasoning

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Abstract

A great deal of effort has been devoted to the topic “causation” in the heavily piled legal literature only to achieve very limited success totally disproportional to the numerous volumes accumulated. The bifurcated approach to problems of causation has gained worldwide popularity, which leads to a two-phased inquiry, namely, in common law terminology, cause-in-fact and legal cause stage respectively. However, there always has been fatal defect in their causation reasoning since they exclusively restricted themselves to the logical “essential condition” part by referring to the “but-for” test or “condition sine qua non” dictum as the cause-in-fact stage of inquiry, without properly paying due attention to other logical condition components such as “sufficient condition”, “conjunctive condition” and “disjunctive condition”...etc. in their reasoning. Consequently, the normative labeling of the cause-in-fact stage of inquiry as “causative” or “factual” is actually neither factual nor logically causative at all.

This article attempted to elucidate systemically the fundamental logic regulations and illustrate the way they are manipulated in causation reasoning, with special emphasis on the missing condition components described above. Hopefully this overview will help to clarify the causation problems especially in the cause-in-fact stage of inquiry, and offer great aids in the pursuit of instinct nature of causation: “objectiveness” and “truth”, in stead of the historically theoretical preoccupation of scholars and judges dictated by common sense and equity.

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