

# Critical Thinking and the Law

## PLE 350/AJU 350



### CRITICAL THINKING: CONSIDER THE VERDICT

CLASS LECTURE #1  
CHAPTERS 1 & 2

FALL 2010  
CLAY MCDONOUGH

# Chapter 1 - Introduction

## *Critical Thinking In Everyday Life*

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# Chapter 1 – Introduction (continued)



## *Play Fair*

- Examining an argument
  - As an argument examiner, one must avoid:
    - ✦ Bias
    - ✦ Prejudice
    - ✦ Close-mindedness / Narrow-mindedness
  - In selecting argument examiners, such as a jury, it is imperative to discover potential jurors' possible biases and prejudices
    - ✦ **VOIR DIRE** :
      - The process of questioning potential jurors in order to select a jury
    - ✦ Question: Do we want biased jurors?

# Chapter 1 – Introduction (continued)



## *The Adversarial Pursuit of Truth*

- “When skilled advocates put forth the strongest evidence available and the best arguments they can develop, and when both sides probe the opposing claims for falsity and fallacy, then (if the playing field is level and the contest is fair) the position that is left standing has been tested and tried and found worthy.”
- “Critical thinking is important in adversarial settings, but it is more than just a sword for subduing your opponent and winning your argument. Critical thinking is also valuable in determining exactly what the problems are, exploring the various possibilities for resolving them, examining the effects of the alternatives, and arriving at the best solution for all concerned.”
- Example: *McCardle v. Powers*

# Chapter 2 – A Few Important Terms



- **ARGUMENT:**
  - ✦ offers a **conclusion** and supports that conclusion with reasons (**premises**)
- **CONCLUSION:**
  - ✦ What an argument aims at proving; the **statement** that is supposedly proved by the premises of an argument.
- **PREMISE:**
  - ✦ A **statement** that supports or provides justification for the conclusion
- **STATEMENT/PROPOSITION:**
  - ✦ A claim that is true or false; a statement has a truth value
  - Statements have a truth value. Both premises and conclusions are statements. Therefore, both premises and conclusions have truth values.

# Chapter 2 – A Few (more) Important Terms

## *Premises & Conclusion Spotting*

- Words and phrases that usually indicate premises:
  - ✦ since
  - ✦ due to the fact that
  - ✦ because
  
- Words and phrases that usually signal Conclusions:
  - ✦ therefore
  - ✦ hence
  - ✦ it follows that
  - ✦ so
  - ✦ consequently

# Chapter 2 – A Few (more) Important Terms



- Arguments are often multilayered and may contain sub-arguments, sub-conclusions, and sub-premises
  - Look at the example on page 13 in the text – a sub-conclusion often acts as a premise to the overall argument
- While a statement (premise/conclusion) has a truth value, arguments are NOT true or false
  - Arguments are:
    - ✦ valid/invalid
    - ✦ sound/unsound
    - ✦ strong/weak
    - ✦ cogent/uncogent

# Chapter 2 – A Few (more) Important Terms



- **VALID ARGUMENT:**

- ✦ A **deductive argument** in which the truth of the premises guarantees the truth of the conclusion; in a valid argument, if the premises are true, then the conclusion must be true.

- **DEDUCTIVE ARGUMENT**

- ✦ An argument that draws its conclusions from the premises by logical operations; it extracts from the premises a conclusion that is logically implied by the premises, or already contained in the premises.

- Example: If the key players for the Giants are healthy and able to play, then the Giants will win their next home game. The key Giants players are healthy and ready to play. Therefore, the Giants will win their next home game.

- **SOUND ARGUMENT:**

- ✦ A deductive argument that is both valid and has all true premises.



# Chapter 2 – A Few (more) Important Terms



- **STRONG ARGUMENT:**

- ✦ An **inductive argument**, the premises of which (if they were true) would make the conclusion very probably true. (An inductive argument may be strong even though its premises are false; if it is strong and its premises are actually true, then the inductive argument is **cogent**.)

- **INDUCTIVE ARGUMENT:**

- ✦ An argument that uses the premises to draw a conclusion that goes beyond the premises; an inductive argument may make its conclusion highly probable, but since the conclusion is not logically extracted from the premises (as in a deductive argument), the conclusion is not established with logical certainty.

- Example: The Giants have won all their home games for the last 2 years; so they will win their next home game.

# Chapter 2 – A Few (more) Important Terms



- **COGENT ARGUMENT:**

- ✦ An inductive argument that is strong and has all true premises. If an inductive argument is not strong, or it has a false premise, then it is uncogent.

# In Class Assignment for 08.30.2010



- Divide into groups of 4
- Create an argument with the following conclusion:
  - ✦ Mr. McDonough will not be attending class next Monday.
- Group 1 – Create a valid, but unsound deductive argument
- Group 2 – Create a sound deductive argument
- Group 3 – Create an invalid deductive argument
- Group 4 – Create a strong, but uncogent inductive argument
- Group 5 – Create a cogent inductive argument
- Group 6 – Create a weak inductive argument