This Course meets GE Area A3 – Critical Thinking

By the end of this course, students will be able to:

- distinguish between reasoning (e.g., explanation, argument) and other types of discourse (e.g., description, assertion);
- identify, analyze, and evaluate different types of reasoning;
- find and state crucial unstated assumptions in reasoning;
- evaluate factual claims or statements used in reasoning and evaluate the sources of evidence for such claims; and
- locate, retrieve, organize, analyze, synthesize, and communicate information of relevance to controversial legal issues and constitutional law.

I firmly believe that this is the most important, useful class that you will take during your college career. Critical thinking is the very foundation of a university education. The skills of critical thinking that you develop in this course will assist you not only succeed at SJSU, but through the rest of your life, both personally and professionally. The ability to think critically is power. It gives you the ability to build powerful arguments and detect the flaws in arguments of others, which is the key to success in most professional endeavors, from political science to computer science to business to education, to name just a few.

Unfortunately, the quality of discourse in this nation (and political discourse in particular) appears to have declined in recent years. Extended, reasoned argumentation has largely been replaced by the sound bite. Actors in the political arena frequently advance their agendas by denigrating opponents with emotionally charged (and often irrelevant) rhetoric rather than confronting them with principled and logical arguments. In a multi-cultural society such as ours, this trend leads to increased fragmentation and divisiveness, and inhibits compromise.

In this course, you will become part of the solution rather than the problem by learning the art of critical thinking and reasoning. You will learn how to recognize and construct arguments based on sound evidence and principles of logic. You will learn the difference between empirical and normative claims, as well the difference between inductive and deductive reasoning. You will discover the errors and biases which can result in arguments that are misleading or just plain wrong. In short, you will learn how to be an informed consumer of the arguments that confront you daily.
And you will have the opportunity to apply the skills you acquire through analyzing numerous topical, controversial legal issues, both in oral and written form.

**Be forewarned:** This course requires your active participation. Just as one cannot master a second language without actually speaking and writing it, the learning of critical reasoning skills cannot be achieved passively. To a degree, this involves constructing and criticizing written arguments. In addition, a significant proportion of your grade is dependent upon your oral participation in class. Discussing these topics with other students is an excellent way to test the validity of your opinions in a mini "marketplace of ideas".

**Textbooks:**

All students are required to purchase the following 2 textbooks:


In addition, all students must purchase a packet of readings at the A.S. Print Shop. Please note that this packet will not be ready for several weeks.

On page 5 of this syllabus, the course topics and readings are listed. Students should have the assigned reading completed by the day that the corresponding topic is discussed in class.

**Grading:**

Your grade in this course will be based on a number of things. First, during the semester you will be asked to perform eight "homework" exercises -- activities designed to help you practice and utilize the skills learned that week. Second, you will have a one midterm and one final examination, each of which will consist exclusively of essay questions and will be in open-book, open-note format. Makeup exams will only be administered to students with written documentation of an acceptable excuse. Third, you will be expected to participate orally in class. I do not take attendance, but if you do not attend regularly, you will be unable to participate and will thus lower your grade. Fourth, all students will be required to participate in a simulation of the U.S. Supreme Court. This simulation consists of both oral and written components, and will be explained more fully in the first class session.

The final component of your grade is class participation. Participation constitutes 15% of your grade, and its importance cannot be overemphasized. If you do not make an effort to contribute orally to the class, your final mark will be one and one-half grades lower than your average on all the other assignments. Most students who do not participate receive a "D" or "F" as their final course grade. If, however, you participate frequently, you can substantially improve an otherwise lackluster performance.
A Note on Examinations and Homework -- The homework assignments in this course are extremely important for two reasons. First and most obviously, they are worth 30% of your grade, making them the single most important component of your overall grade in this course. Second, the homework assignments will prepare you for the exams. To understand this second point, you first need an understanding of the nature of the exams in this course.

The examinations in this class will probably be unlike the exams you take in other classes. Exams in many other classes emphasize memorization: how well do you know the substance of the material? This usually involves remembering names, dates, parts of the body, formulas, and so on. The exams in this class will emphasize not your ability to remember, but your ability to argue. I am not very interested in whether you remember the content of particular court cases. Instead, I am interested in your ability to defend a conclusion based on logic and the appropriate application of legal concepts developed in class. This is the reason why my tests are open book, open note exams. Your exam grades will not be particularly high if you merely repeat back to me the things that I tell you -- with open notes, virtually anyone could do that. Rather, you will need to tell me what you think about the legal issues involved, supporting your conclusion with premises that are reasonable, relevant, and sufficient.

This is also why the homework assignments are so important. Argumentation is not the same as memorization, and many students need practice in developing their argumentative skills. The homework assignments are designed to give you some of the practice you will need. The homework assignments are designed to be similar to what you will be asked to do on your tests, and you can use them as a diagnostic tool. If you do well on the homework assignments, you will probably do well on the exams. If you do poorly on the homework assignments, you will probably do poorly on the exam. I urge all students to complete all homework assignments. If you fail to complete an assignment, you will not only lose 5 points from your overall course grade (which is one-half of one full letter grade), you will also not get the practice that may be necessary to do well on the exams. Any student who consistently receives 3 points or fewer on the homework assignments should see me before the midterm. Although I do not offer extra credit, I will give feedback on an unlimited number of extra practice exercises submitted by any student who feels that (s)he needs extra assistance.

I will make eight homework assignments during the semester. Students are only required to submit six, meaning that they can miss two assignments without penalty. If a student submits more than six assignments, I will give them credit for the six assignments with the highest grades. Homework will generally be due one week after they are assigned. Assignments not submitted in class on that day will generally be considered late and will not be accepted for credit. If you miss a class, make sure that you talk to me or another student to find out if any homework was assigned. Late homework assignments will not be accepted, but as stated above, you may skip two assignment without penalty.

A Note On Participation -- I realize that oral participation is not easy for some people. Nevertheless, it is required by the university's General Education Guidelines for this course, and I personally believe very strongly in the value of learning to express yourself orally. The course topics were chosen specifically because they are highly controversial, and you ought to have opinions on at least some of them. However, be forewarned: I will challenge you on the things that you say. Because this is an argumentation class, I will argue with you (even if I agree with what you're saying). I will ask you to tell me more than your opinions -- I will challenge you to justify the
reasons for your opinions. Although I will rarely tell you that you are wrong, I may tell you that I think you're wrong. If I disagree with you, don't just accept my word as gospel -- show me that I'm wrong! Some students are afraid to confront and disagree with their professor, but every day I will invite you to do just that. Even if we never change each other's minds, hopefully we will both develop stronger arguments for our respective positions. I may disagree with everything you say this semester, but if you can offer me good justifications for your beliefs, you will earn both my respect and full credit for the participation component of your grade. Summon up the courage and let your classmates know what you're thinking! A modest effort on your part will pay off handsomely.

I expect that these discussion sessions will be lively and (hopefully) fun. However, since the emphasis here is on critical reasoning, I will not tolerate personal attacks on fellow students. You are encouraged to disagree and argue with each other and with me, but these exchanges should be limited to things such as logic and evidence, and should not degenerate into simple name-calling. I will play the role of umpire in these situations, letting you know when your arguments have ceased to be arguments.

If you find participation difficult, there are two strategies I might suggest. First, if you ask questions in class about the material, that is just as good as answering questions. If you cannot bring yourself to argue with me and your fellow students, I suggest that you ask a lot of questions. Second, you can come to my office before a class, and I can give you a "sneak preview" of what we'll be talking about over the next week. This will give you the opportunity to think about things in advance and formulate your opinions and justifications.

The breakdown of your grade is as follows:

- Homework (6 assignments; 5% each) 30%
- Class Participation 15%
- Midterm (March 7) 15%
- Supreme Court Simulation Paper #1 (due April 2) 10%
- Supreme Court Simulation Paper #2 (due May 9) 15%
- Final (Thurs., May 23, 9:45 a.m.) 15%

How to Get a Good Grade in this Course:

There are five simple things you can do to ensure that you receive a good grade in this course.

1) attend class regularly
2) do all the assigned reading on time
3) do all the homework assignments
4) participate in class
5) think

You are enrolled in a university, and I make the presumption that you are eager and willing to learn, question, explore, and argue. If you are not prepared to do the five things listed above, I urge you to consider taking another section of this course. I intend for this course to be fun, but I also intend for it to be challenging and beneficial to your intellectual development.
Miscellaneous:

I like to grade assignments anonymously. On all class assignments, I would like you to omit your name and include only your social security number. I will not accept assignments with names on them.

Course Topics and Readings:

Note: Readings should be completed before the corresponding topic is discussed in class.

Weeks 1-6: Critical Thinking
A. The Importance of Critical Thinking – Browne and Keeley Chapter 1
B. Obstacles to Critical Thinking
C. The Anatomy of An Argument – Browne and Keeley Chapters 2 and 3
D. Language and Argumentation – Browne & Keeley Chapter 4
E. Evaluating Arguments and Evidence – Browne & Keeley Chapters 5-13;
   1. Reasonableness
   2. Relevancy
   3. Sufficiency
   4. Identifying Assumptions
F. Writing the Argumentative Essay

Weeks 7 and 8: The Politics of Church and State – Perkins, Issue 12; Packet Section 1

Week 9: The Right of Privacy – Perkins, Issues 6 and 17; Packet Section 2

Week 10: Free Speech: Perkins, Issue 11; Packet Section 3


Week 13: Cruel and Unusual Punishment – Perkins, Issue 8; Packet Section 5

Week 14: Civil Rights and Affirmative Action – Perkins, Issue 10; Packet Section 6

Week 15: Immigration – Issue 20; Packet Section 7

THE SUPREME COURT SIMULATION
In order to utilize the critical thinking skills you have developed, all students will participate in a simulation of the United States Supreme Court. When the Court decides a case, it hears oral argument from attorneys on both sides of the controversy. We will recreate this ritual in class, with every student assuming one of two roles -- either an attorney arguing a case before the Court, or a justice on the Court itself. Depending on the number of students enrolled in the course, we will need either four or eight students to assume the role of an attorney, while the remaining students will play Supreme Court justices. All grades will be dependent upon both oral and written work. However, the requirements for these roles vary; read the following descriptions and think about which role you would prefer to play.

**Attorneys** -- Attorneys stand before the Court and orally present and defend the position of their client. Students who assume this role will have two responsibilities. First, they must write and submit a 10-15 page brief (paper) supporting the argument of their client. Second, they will have 15 minutes in which to orally make their case and take questions from the justices. Students who assume this role should not be shy about making public presentations, since you will be in the spotlight for a quarter of an hour. However, the reward for your bravery is the fact that you only have to submit one paper.

**Justices** -- Supreme Court justices also have two responsibilities. First, as a member of the Court, you will be expected to participate in oral argument -- ask probing and relevant questions of the attorneys arguing the cases in front of you. Hence, you are expected to participate orally, but since there will be eight or nine other justices on the court with you, a flair for the dramatic is not as necessary as it is for attorneys. Second, all justices will be required to write two papers – one for each case, each paper being 7-10 pages in length. The simulation will be conducted as follows:

In all likelihood, we will have two separate Supreme Courts hearing a total of four cases (i.e. each Court will hear two cases). Early in the semester, I will ask for volunteers to play the number of attorneys that we will need. If there are not a sufficient number of volunteers, I will select students at random. However, in the past I have had no trouble obtaining volunteers. The actual simulations will be held on March 19 and April 25. Attorneys should be prepared to submit an outline of their argument to opposing counsel one week prior to oral argument. On the simulation days, one attorney will argue one side of a case to the Court for 15 minutes, followed by the attorney representing the other side. As in real oral argument, these presentations can be subject to questions from the justices. After the Court has heard each case, the justices will confer among themselves and take a vote to determine which side has won each case (the results to be announced in a later class). The justices will then individually write their own opinions, explaining and defending the position they believe in.

**Grading:** The grades of the justices will be dependent on both your participation in oral argument and the written opinions you submit. You will be expected to ask relevant questions of the attorneys during oral argument, but you should not intentionally be trying to make their lives more difficult. For justices, however, the written component is more important than the oral component. The grades of the attorneys will be more heavily reliant upon their oral presentation, but please don't panic. I realize the burden of being put on the spot like this, and a strong written paper can compensate for a somewhat shaky oral presentation. Your grade will not depend upon whether or not you win your case.
All students are required to attend class on March 19 and April 25. If you do not attend on those day, you will receive an "F" for that portion of the course. Absences will be allowed only in extreme circumstances, and only with written documentation. These papers must be typed and double-spaced. All late papers will be penalized a full letter grade, regardless of excuse. While points will be deducted for poor spelling and grammar, the primary grading criterion will be your ability to defend a conclusion based on the principles of sound reasoning as developed in class. Originality and insight are also pluses. If you have any concerns whatsoever, whether about this assignment or about any aspect of the course, I strongly encourage you to visit me in my office. The office hours listed on the syllabus are not meant to be exhaustive.