

**The “How to Reason” Course,
Also Called Interdisciplinary Legal Reasoning**

Course Description

Three-Hour Course, Spring 2018
Professor Crump

How to Reason: The Course Content. This course will begin with a study of logic, including the logic of inferences and the logic of propositions. It will explore common fallacies and the limits of reasoning. Then it will go on to consider certain areas of economic, ethical, political, and jurisprudential reasoning. And it will cover certain other thinking tools that can be used to analyze the law.

The sources will range from Plato to Pareto, from Kant to Clausewitz, from Rawls to Russell, from Freud to Friedman, and from Adam and Eve to Adam Smith. You will study the fallacy of Bertrand Russell’s chicken, as well as game theorists’ analyses of the game of chicken. You will see how air conditioning works, how schizophrenia is diagnosed, and how General Norman Schwarzkopf initiated the invasion that began Desert Storm.

But All Ideas Will Be Relevant to Legal Reasoning and Practice. In every instance, however, these ideas will have been selected because they can be tied to legal theories or public policy. For example, you will apply symbolic logic to the Supreme Court’s negative commerce clause jurisprudence and analyze punitive damages in light of market economics and ethical philosophy. You will study different political theories of liberty and equality, see how attribution theory affects jury persuasion, and consider what game theory can tell us about discovery in litigation. Even the air conditioning example will be related to the law, because it depends on a concept called entropy, which also has implications for enforcement of antitrust and criminal statutes.

The Coursebook, Its Contents, and Reading Assignments: How to Reason by David Crump. The coursebook will be “How to Reason,” by David Crump, published by Lexis, but now republished in a new edition. A chapter-by-chapter outline of the book is included with this course description. The approximate length of the book is 500 pages, including illustrations and diagrams (but the pages are shorter because they are paperback pages). Reading assignments will be reasonable in length as compared to, e.g., such courses as Constitutional Law or Procedure I. The coursebook contains explanations of the subject areas together with sections called “Examples and Problems” that challenge the reader to put the subjects to work in common legal reasoning situations.

Course Objectives: Why Take This Course? Ralph Nader once said that at the Harvard Law School, “they teach you how to be sharp by making you narrow.” This course is about how to think more deeply about the law. The principal objective is to sharpen reasoning processes without narrowing them. It is hoped that the course will assist students in the short run to better understand substantive courses, examination-taking, and legal reasoning generally. In the longer run, the objective is clearer thinking about choices in public policy, law and life.

Methods and Course Administration: Two-Part Segments, Reading and Discussion, and

Examination. In general, with some variations, each chapter will be treated by a series of two-part segments that will focus on understanding first, and then on analysis of problems. Classes will combine lecture, question-and-response methods, and Socratic dialogue. The reading will be neither excessively heavy nor unusually light, but it will be different from what is found in the usual law course. The grading will be by an examination. Past examination results have demonstrated that a traditional examination can produce reliable grade assignments.

Innovative Structure: The Course Is Designed to Do Something Different. It already has had several years of successful classes, but the student should realize that this is an innovative endeavor. That, after all, is the point: a different kind of course, one that adds something. It is important that the student approach the course with the attitude of an explorer trying something new.

Student Evaluations of Past Offerings of the Course. Student evaluations have been highly positive. Students tend to concur that day-to-day preparation is not heavy, but reasonable. Students do, however, report that studying for the exam is challenging because the course is different (that's the point of it, of course!)

Some Questions and Answers

About the How-To-Reason Course

Q: Will I need to understand mathematics?

A: Yes, but only at the seventh or eighth grade level. The only necessary mathematical operations are addition, subtraction, multiplication, division, exponents, and conversion of fractions to decimals or percentages. Though necessary in a few instances, mathematical concepts are a very small part of the course, and they have been kept at a level that will be accessible to every law student.

Q: Will I be at a disadvantage compared to others who already have studied one or more of these subject areas?

A: It's unlikely. That just hasn't been a problem. Few students have mastered sufficiently large portions of the material to make any significant difference. Also, few students have studied the impact of the relevant subjects on legal reasoning.

Q: How exhaustive is the coverage of each of the subject areas?

A: Pretty basic. Each coverage is intended to give you a feel for the fields considered and to increase your reasoning capacity. In each instance, the book explores selected issues. It isn't a treatise. That's because the course doesn't aim to make anyone into an accomplished logician, social psychologist, political scientist, statistician or game theoretician, but rather to use ideas from these fields to sharpen legal reasoning.

Q: Will I need to learn technical concepts?

A: In some cases. There will be a few concepts that few students have heard of, like Arrow's Theorem in political science, propositional calculus in logic, the alpha value in statistics, and the iterated prisoner's dilemma in game theory. But all of these concepts will be carefully explained in lay persons' terminology. The point of every course, after all, is to learn something new, and besides, every one of these concepts is more interesting than, say, springing executory interests or supplemental jurisdiction, and none of them is any more difficult.

Q: Will the Professor really know something about all these different areas?

A: "Something" is the correct way to put it. Nobody is truly an expert in all of these fields. But the idea behind the course is sound, and if there is to be such a course, somebody's got to teach it. But then, that's actually the way it is with every law professor teaching every law school course! And actually I've taught the course enough times to be able to organize and explain it effectively.

Q: Will the course will be unusually difficult?

A: No. It will be about average in difficulty.

Q: Most law school books don't have pictures. Are there any pictures in the How-to-Reason book?

A: Yes, indeed. Of all kinds of folks, from Plato to Carol Gilligan (she's a psychologist who inspired the feminist jurisprudence movement). And there are charts, graphs, and figures, ranging from a depiction of Judge Learned Hand's economics-based negligence definition to a game theory payoff matrix for the Battle of the Bismarck Sea. This is going to be an interesting course.

Q: What is going to make it interesting?

A: Relative to law courses generally, it might even be fun. For instance, did you know that there was a method of deductive inference named Barbara? It's in Chapter 1. Or, have you ever considered the logical structure of a joke? See Chapter 2. We could go on, but suffice it to say that paradox, humor, and strange implications abound. At the same time, it's all aimed at sharpening your reasoning.

Q: What about the course book?

A. It was published by LEXIS/NEXIS, one of the largest book publishers. It now is republished in a second edition, just updated. It doesn't have cases in it, although it confronts legal problems throughout. It's a different kind of book, unlike other law school books, but it's aimed at law schools and it's targeted to this specific kind of course. LEXIS/NEXIS had faith in this project and concluded that the book will add something important to your law school education.

Q: What is in the book?

A. The next page of this announcement is the chapter-by-chapter table of contents. The subjects range from ethics to game theory, and from rhetoric to scientific method. The best way to get a quick, one-page sense of the course is probably to read this table of contents.

CHAPTER TABLE OF CONTENTS

| | Page |
|--|-------------|
| Part I | |
| LOGIC AND FALLACY IN THE LAW | |
| Chapter 1. LOGIC. | 1 |
| Chapter 2. FALLACY. | 35 |
| Part II | |
| ECONOMICS, FINANCE, AND MARKETS | |
| Chapter 3. ECONOMICS I. | 75 |
| Chapter 4. ECONOMICS II. | 109 |
| Chapter 5. FINANCE. | 141 |
| Chapter 6. MANAGEMENT. | 173 |
| Part III | |
| ETHICAL AND POLITICAL REASONING | |
| Chapter 7. ETHICS. | 203 |
| Chapter 8. POLITICS. | 241 |
| Part IV | |
| SCIENCE AND THE SOCIAL SCIENCES | |
| Chapter 9. SCIENCE. | 279 |
| Chapter 10. JURISPRUDENCE. | 321 |
| Chapter 11. PSYCHOLOGY. | 349 |
| Part V | |
| PROBABILITIES AND STATISTICS IN LEGAL REASONING | |
| Chapter 12. PROBABILITIES | 389 |
| Chapter 13. STATISTICS. | 415 |
| Part VI | |
| GAME THEORY AND STRATEGY | |
| Chapter 14. GAME THEORY I. | 459 |
| Chapter 15. GAME THEORY II. | 491 |
| Chapter 16. RHETORIC. | 517 |