

INTER ALIA

wednesday, january 19, 2005

When Good Thinking Goes Bad

By Eric Harris

Shortly before the end of our last semester I came across the book "Why people believe weird things" by Michael Shermer. In it he lists twenty-five ways that thinking goes wrong (see ch.3 and below). The list is not exhaustive. Nor are the categories mutually exclusive. The categories are divided up into scientific methodology, logic, and psychology. I was formally familiar with several of the categories and with the rest by common sense, but I have found this information lumped together in its current form as presented here to be extremely useful as a reminder. Reviewing my life, I have found that I have violated every single category on multiple occasions, and I still fall into traps – perhaps out of mental laziness.

If everyone in the law school were to answer the question, "Are you sufficiently honest?" I'm sure everyone would say yes, or mostly yes. The same goes for society at large. Beyond that which is within the enforcement mechanisms of the law and social pressures, we are left to our own devices. Obviously this discretion cuts both ways. Honesty can dispel prejudice and intolerance on one hand and grossly offend on the other. Children and the mentally handicapped are the only groups that can be perfectly honest and get away with it. When was the last time you told someone that they are ugly? Matters of honesty entirely within our own discretion may be the most meaningful legacy we leave behind.

How thinking goes wrong:

1. **Theory influences observations** – The theory in part constructs the reality. Relying on Ptolemy's

harris continued on page 3

Kibbie Dome Upset by Racial Conclusions of Passersby

By Christopher Taylor

MOSCOW, ID—Members of the University of Idaho community were overheard making a variety of racial comments regarding the Kibbie Dome while trekking through the Western frontier of campus parking during the past week.

"I've been called 'whitey,' 'cracker,' and 'of European descent' by an assortment of passersby," the Kibbie Dome related. "It is one thing when undergraduates deny my Native American and Asian ancestry. But when [University President Timothy] White ignores my multi-racial heritage by publicly



calling me 'snow-covered,' I just want to cry."

"We tried to comfort her," said ASUI-Kibbie Activity Center Manager Tom McGann of the athletic structure. "We promised her we would address these issues to the best of our ability. But she just looks so white right now, and that isn't helping public perception."

McGann's early suggestion that the Kibbie Dome tattoo her ample roof with more overt indicators of her ethnicity met

with opposition from the Office of Multicultural Affairs.

"We don't believe the Kibbie Dome should have to adorn herself on the

outside to convince others of who she is inside," explained OMA Director Francisco Salinas.

McGann vows to continue to search for a more agreeable solution.

Jealously Guarded Terminology

By Christopher Taylor

A few months back, I was chatting with a gaggle of natural resource management students—and, yes, "gaggle" is the appropriate word for a group of natural resource students; *inter alia* readers may also be interested to know that law students get "murder," just like crows—when the subject of seagulls came up. [Note: at the time I was not aware of the Utah state bird, so the conversation

must have arrived at seagulls by some other avenue.] The exchange may have gone something like this:

Me: So, how's the fish biology coming?

Natural Resource Student #1: Great. How's the law coming?

Me: Great. Would you look at all those seagulls eating garbage in the Winco parking lot?

NRS #2: Excuse me?

Me: Garbage. In the parking lot across

taylor continued on page 4

Law Students Want Longer Break, Poll Finds

By Christopher Taylor

MOSCOW, ID—Just one week after returning to school, University of Idaho, College of Law students declared the winter break “too short,” according to a new survey.

An inter alia-Center for Statistical Understanding (IA/CSU) poll of registered law students showed support for more time between Fall finals and Spring classes by a two-to-one margin. Commentators have inferred the possibility of walkouts and the hostage-taking of Dean Burnett.

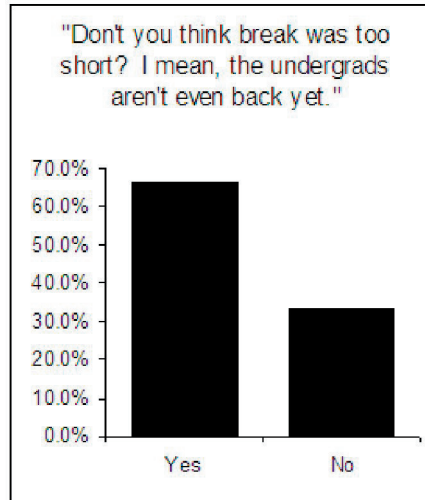
“We can safely assume from these numbers that some retaliatory action is imminent,” said pollster Christopher Taylor. “After all, two-thirds of law students are, apparently, unhappy with the administration’s decision to cut the break short.”

The survey, conducted last week, includes responses from three Idaho law students. The results carry a margin of error of plus or minus fifty-four percentage points.

Statisticians have attacked the poll, and CSU’s methods generally, for failing to adhere to standard statistical practices.

“CSU routinely uses blatantly biased questions,” explained Dennis Christopher, a Professor of Statistics. “For example, in this poll they asked, ‘Don’t you think break was too short? I mean, the undergrads aren’t even back yet.’ Also, CSU fails to even attempt to randomly select its survey participants. I’ve been told they only ask questions of homosexuals and smokers, which goes some of the way toward explaining their poll last month that suggested 50% of law students are in gay relationships, 50% are drink-everyday alcoholics, and a whopping 67% smoke more than a pack a day. Third, as you can see from the 54.4% margin of error – which does not account for the bias problems, mind you – the sample size chosen was much too small.”

CSU could not be reached for comment.



your lucky numbers are 23, 465, and 2).

Leo (July 23 – Aug. 22): Beware the grave consequences of forgetting to turn your cell phone off before class.

Virgo (Aug. 23 – Sept. 23): Sometimes you should resist the urge to raise your hand.

Libra (Sept. 24 – Oct. 23): Your anxious behavior as of late can be remedied by making a great change in your life. Start with your screen saver.



Scorpio (Oct. 24 – Nov. 22): Do not try and double your financial aid check at the Coeur d'Alene Casino; but if you do, make sure you go to the Steak and Seafood buffet while you're there.

Sagittarius (Nov. 23 – Dec. 21): Although it may be fun, making snow angels in professor's yards will not impress them.

Capricorn (Dec. 22 – Jan. 20): The glass of water is not half empty, it is half full. The water may be slightly green and have little floaties, but it is still half full.

Aquarius (Jan. 21 – Feb. 19): Honesty is the best policy, except when it comes to your spouse/girlfriend/boyfriend/significant other's new hairstyle (the correct answer is always that it looks great).

Pisces (Feb. 20 – Mar. 20): Don't listen to what everybody else says; white-collar prison is a valid backup plan.

Horoscopes

By Madam Lowre d'Expectations

Aries (Mar. 21 – April 20): All the answers to your questions will be revealed if you tilt your head to the left, squint your eyes and intently stare at the tile on the bathroom floor.

Taurus (Apr. 21 – May 21): Beware of the third fluffy bunny (the first two are okay).

Gemini (May 22 – June 21): Call your mother.

Cancer (June 22 – July 22): You will find happiness (not today, but eventually – oh yeah, and

inter alia

editor: christopher taylor
 email: crtaylor@uidaho.edu
 blog: ui-interalia.blogspot.com

Inter alia is the University of Idaho, College of Law's official humor and opinion pamphlet, published on alternating Wednesdays. Submissions for publication are encouraged. Any opinions represented herein are those of the indicated author or *inter alia*'s staff and in no way represent the opinions of the Student Bar Association.

harris continued from page 1

spherical earth calculations, Columbus thought that he had reached Asia. During his life he stubbornly refused to accept that he had discovered a new continent. The world he knew had no room for a western hemisphere. New World plants and peoples were consequently misnamed, perpetuated to the current day.

2. The observer changes the observed – The act of studying an event can change it. For example, reality TV shows are never quite “reality” because participants know they are being observed and they modify their own behavior. Also, in the realm of quantum mechanics the fact of measurement itself appears to disturb the system of subatomic particles as demonstrated by the Heisenberg Uncertainty Principle.

3. Equipment constructs results – e.g., some assume that the IQ test defines the whole of intelligence (or at least the part we value), or does it? Maybe the same could be said for the LSAT and the aptitude to be a successful attorney.

4. Anecdotes do not make a science – e.g., we hear and often believe incredible stories, usually second-hand...

5. Scientific language does not make a science – i.e., scientific lingo with no precise or operational definitions.

6. Bold statements do not make claims true – “The more extraordinary the claim, the more extraordinarily well-tested the evidence must be.”

7. Heresy does not equal correctness – Being laughed at or persecuted does not mean you are right... nor does it mean you are wrong.

8. Burden of proof – The person making the extraordinary claim has the burden of proving the validity of the claim.

9. Rumors do not necessarily equal reality – e.g., how many re-

ligious-based rumors and half-truths were perpetuated and eventually canonized? Question your assumptions.

10. Unexplained not inexplicable – e.g., “if we can’t explain how the pyramids of Egypt were constructed, then they must have been constructed by space aliens.”

11. Failures are rationalized – Honesty requires that failures or contrary evidence be acknowledged, not rationalized, marginalized, or ignored.

12. After-the-fact reasoning – “Correlation does not mean causation.” For example, some reason that if their church feels good spiritually, then that is proof that their church is right and others are wrong.

13. Coincidence – The human mind seeks relationships between events and often finds them even when they are not present, when instead probability is at work.

14. Representativeness – “Humans tend to remember hits and ignore misses and soon the sum of coincidences equals certainty.”

15. Emotive words and false analogies – Tools of rhetoric, e.g., “raping the environment.”

16. Ad ignorantiam – Some argue that “if you cannot prove that something does not exist, then it must exist.” On the other hand, some argue that “if you cannot prove something exists, then it must not exist.” However, “belief should come from positive evidence

in support of a claim, not lack of evidence for or against a claim.”

17. Ad hominem – “Redirects the focus from thinking about the idea to thinking about the person holding the idea.” Even though it is important to know a person’s ideology and biases, refuting claims should be done directly, not indirectly.

18. Hasty generalization – Prejudice. “Conclusions are drawn before the facts warrant it.”

19. Over-reliance on authorities – Humans tend to rely on experts (in both science and religion). In a high-

Current Meetings and Events

Student Bar Association.

Friday, January 21.

1:30 PM.

Room TBA.

Agenda: Rep. Terry

Derden’s replacement.

All welcome.

Snacks provided.

Contact your class representative or Alycia Feindel (fein1859@uidaho.edu) for more information.

Send all meeting and event notices to crtaylor@uidaho.edu, preferably at least one week in advance of the meeting or event.

tech society we must to some degree. When possible we should examine the evidence on our own and seek multiple sources, especially when the stakes are high.

20. Either-or – “The tendency to dichotomize the world so that if you discredit one position, the observer is forced to accept the other.”

21. Circular reasoning – “When the conclusion or claim is merely a restatement of one of the premises.” For example, “Is there a God? Yes. How do you know? Because the Bible says so. How do you know the Bible is correct? Because it was inspired by God” or “Gravity is because gravity is.” Claims should be testable.

22. Reductio ad absurdum and the slippery slope – Reductio ad absurdum is the refutation of an argument by carrying the argument to its logical end and so reducing it to an ab-

“The act of studying an event can change it. For example, reality TV shows are never quite “reality” because participants know they are being observed and they modify their own behavior.”

harris continued on page 4

harris continued from page 3

surd conclusion.” “The slippery slope fallacy involves constructing a scenario in which one thing leads ultimately to an end so extreme that the first step should never be taken.”

23. **Effort inadequacies and the need for certainty, control, and simplicity** – “Most of us, most of the time, want certainty, want to control our environment, and want nice, neat, simple explanations.” “This can interfere with critical thinking and problem solving.” Thinking is skilled work.

24. **Problem-solving inadequacies** – “Psychologist Barry Switzer demonstrated that psychological disruptions cause inadequacies in problem solving.” In problem solving activities, his subjects were prone to the following:

- Immediately form a hypothesis and look only for examples to confirm it.
- Do not seek evidence to disprove the hypothesis.
- Are very slow to change the hypothesis even when it is obviously wrong.
- If the info is too complex, adopt overly simple hypotheses or strategies for solutions.
- If there is no solution, if the problem is a trick and “right” and “wrong” is given at random, form hypotheses about coincidental relationships they observed. Causality is always found.

(Singer, B., and G. Abell, eds. 1981. *Science and the Paranormal*. New York: Scribner’s).

25. **Ideological immunity, confirmation bias, or the Planck problem** – Resisting fundamental paradigm change, e.g., educated, intelligent, and successful adults rarely change their most fundamental pre-suppositions. “The consequence of this is immunity against new ideas that do not corroborate previous ones.” (Snelson, J.S. 1993. *The Ideological Immune System*. *Skeptic* 1, no. 4:44-54) Thus, the anecdote that science and religion often progress one funeral at a time.

taylor continued from page 1

the way.

NRS #1: I believe [NRS #2] was questioning your use of the term “seagull.”

Me: Oh. Why?

NRS #2: Where do we live?

Me: Idaho. Well, you live in Washington. But I live in Idaho.

NRS #2: Right. Where is the sea?

Me: Huh?

NRS #2: The sea! The sea! A large body of salt water!

Me: Utah?

NRS #1: I think he means the Pacific.

Me: Oh. The Pacific is West of here. A few hundred kilometers, I think.

NRS #2: Right. So why are you calling those birds eating garbage in the Winco parking lot “seagulls?”

Me: Because that is what they are called.

NRS #2: [Cursing.] You stupid non-science student. They don’t live at the sea, so they are not seagulls. They are simply called “gulls.”

Me: Um. I guess I see your point. But the English language is rife with misnomers that are nevertheless correct. Like prairie dog—not a dog—and American Indians—who are not from India.

NRS #2: Those are not correct. Those are also mistakes. They should be prairie not-a-dog and Native Americans respectively.

Me: Um. Okay.

At which point I walked away. You understand this was a few months ago, so I’m a bit fuzzy on the particulars. But the gist—that those birds that eat garbage in the Winco parking lot should be called “gulls” and not “seagulls” because we are in a landlocked state—is true to its origin.

Which is just wrong. The scientific community co-opted an entire dead language (Latin) for the purposes of streamlining its terminology. Thus, a scientist does have a superior position in deciding what scientific name to use to describe a particular animal. But because scientists gave up the common name, they’ve lost all superior rights to it. I have just as much right to refer to the bird that eats garbage in the Winco parking lot as a “seagull” as Natural Resources Student #2 has to refer to it as a “gull.”

Which got me to thinking how the recent push in the legal profession towards doing away with legalese might end up blowing up in our faces. When we had our own language that included terms like

quantum meruit, pro bono, and decedent we had a sort of superiority over laymen, and could justifiably laugh at television actors who misused them. But now that we have started using terms like restitution, for free, and dead baby, the actor is not so clearly beneath us, because those words have their own common meaning that may differ from our technical meaning, and so he may be using the words correctly.

Conclusion: let’s take Latin back from those filthy scientists.

