
CRITICAL ANALYSIS OF THE USE OF LOGICAL AND CRITICAL THINKING IN ADVOCACY

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ABSTRACT

Profoundly, it has been accepted globally that life on this good earth of ours is regulated either by the laws of Mother Nature or by those made by man. Negatively it has been interpreted by individuals worldwide that the existence of laws is the living testimony that we men are not at peace with ourselves but jurists have often articulated that it's the very existence of these laws that affirms the fact that peace and man can co-exist together, otherwise it's the stone-age for us all over again. With recent advancements being executed and implemented in the field of law in order to accelerate the justice delivery system and make it a mass reach out programme, on a war footing, little is being articulated and researched upon the fact that what really drives law making, policy making, availability of impartial, practically feasible and judicious laws. Logical and Critical thinking, particularly and primarily in the field of Advocacy, where the modern day lawyer is held to be the harbinger of justice or an angel of justice, is of prima facie importance because it's basically these two factors that drive the legal psychology of an everyday lawyer. How he thinks, perceives, interprets and analyses a law is totally dependent on these two echelons. Logical and Critical thinking predominates an extremely important role in budding lawyers who primarily act as a bridge between the layman, the general citizenry and the legal establishment of the nation and also work towards building a judicious nation. This paper will analyze the role of critical and logical thinking in the professional life of a lawyer, how it enables a lawyer to be in sync with his conscience and a sense of justice. It also endeavours to establish the fact as to how the overall general ambit of logical and critical thinking is important in the field of law, encompassing the different facets of the same and will also deal as to how it actually establishes a successful body of advocacy with deserving lawyers in a manner that inspires future generations to work towards establishing a society in the Republic of India which has the virtues of 'Rule of Law' embedded in it.

Keywords: Critical Thinking, Logical Thinking, Advocacy, Society, Effects.

Introduction

The world and multiverse of law has ever been fascinating, with the current era of Bollywood portraying court-rooms as modern era battlefields, lawyers/barristers/advocates etc., by whatever name you might know these black-apparel clad individuals as the new infantrymen and foot soldiers, the judges being the commanders of the field and finally the respective petitioners and respondents being the victims of war or ironically the POWs (Prisoners of War). Sarcasm pretty much,¹ but it's more of an augmented reality than the actual picture, at least in this facet, it's implored, don't mix reel with real life, legal life is not that benevolent, but it's a bittersweet symphony of a preposterous exasperatingly vexatious facets. It has to be realized by modern-day teenagers, primarily, that the world of advocacy is more than banging tables and hand movements to sway all those present in the courtroom, it's more than cliché statements like modern day movies.² It's a sacred practice, a warehouse of ideals, a religion in itself, it's more than a word, a feeling, a notion and it cannot be articulated by any individual for it holds an uncharted ocean of endless meanings where each drop speaks volumes.

But for the betterment of understanding and to do justice to the paper and to the ones reviewing it, putting forward mundane pre-destined and formatted skeletal approach is the only way possible and that will be done so rest assured, the concerned paper will not disappoint you and will not fail to give the complete analysis that is expected out of it.

The paper will primarily focus on the general ambit of advocacy, its uses, its importance, and its types. After that shifting to logical and critical thinking, a general overview of critical and logical thinking, its individualistic importance in the field of law,³ primarily of advocacy and lastly a summary.

I. General Overview of Advocacy

Since the beginning of law school, apart from the legal maxims, torturous abbreviations, preposterous foreign 'Latin' legal terms, two words that we all have confronted and posed with

¹ Obar, Jonathan (4 December 2014). "Canadian Advocacy 2.0: A Study of Social Media Use by Social Movement Groups and Activists in Canada". Canadian Journal of Communication.

² Ope, J.A.M. (1999). "From the Streets to the Internet: The Cyber-Diffusion of Contention". Annals of the American Academy of Political and Social Science. 566: 132–143.

³ <https://www.thelawyerportal.com/free-guides/legal-careers-deciding-on-law/what-is-advocacy/> "If you are considering a legal career, you may have heard the term 'advocacy' being cited as a key skill. But what is advocacy?"

is 'Advocacy' and 'Arguing'.⁴ The latter being not so important in this paper, while the former occupies the centre stage here. Though, advocacy, unofficially, mean a dozen gazillion things, like for starters, for e.g. 'the art of arguing', 'the way a lawyer is supposed to conduct himself in the legal arena', 'the general ambit of lawyering', 'supposed norms to be followed inside a court room', etc. the list goes on and on, and if this pathway was supposed to be followed, then the requisitioned word limit would have been, condescendingly, outflanked.

So, to cut a long tale short, advocacy is a skill. When a legal advisor puts forward a particular argument to a court with a view to persuading the court to come to a decision favourable to their respective clients, this is a pretty fair idea to the approach of advocacy, it can many things, but in particular it refers to taking action.⁵ Furthermore, before direct action comes planning, and before planning comes an understanding of what needs to be put in the plan. However, advocacy can be both written and oral, and in actual fact it encompasses a whole range of skills which are invaluable to lawyers.

Now, to give a general reminder of what advocacy actually preaches, the following are to be considered⁶-

- Advocacy is active promotion of a cause or principle;
- Advocacy involves actions that lead to a selected goal;
- Advocacy is one of many possible strategies, or ways to approach a problem;
- Advocacy can be used as part of a community initiative, nested in with other components;
- Advocacy is not direct service;
- Advocacy does not necessarily involve confrontation or conflict.

When we take a general overview of the above mentioned points, what strikes the mundane mind is that overall advocacy is just a process of bringing to bear, ethically, rightful arms for a cause higher than you, but that's just scratching the surface of it, advocacy is more than that.

⁴ UNICEF (2010). Advocacy toolkit - A guide to influencing decisions that improve children's lives

⁵ Advocacy Training Manual. Wisconsin Coalition for Advocacy (1996), p. 1.

⁶ <https://ctb.ku.edu/en/table-of-contents/advocacy/advocacy-principles/overview/main>

Advocacy in a real time scenario, primarily in the 21st Century encompasses a plethora of abilities which takes into account case analysis, drafting and using skeleton arguments, making oral submissions, cross-examining witnesses in criminal, civil, constitutional, consumer trials and being able to put forward a strong and persuasive case⁷. You will need it whether you're considering training as a solicitor or barrister. Advocacy begins when you meet a client and continues as you research the case, ethically examining the actual backdrop, prepare documents for trial and finally present the case in court.⁸

It is often said that oral advocacy in particular here is an art rather than a science. It is best done when the advocate stays true to their personality while putting forward a strong argument. For some people, advocacy is a new role. It may be uncomfortable particularly if confrontation and conflict are involved, but that also varies cases to case, advocate to advocate.⁹ Advocacy particularly in the Republic of India can be glamorous: the David vs. Goliath image, manning the barricades, making an impact. But the decision to put major resources into advocacy is not one to be taken in a light manner.¹⁰ If it doesn't work, if you stick your necks way out and don't succeed, not only will you fail, but you may do so in public, discrediting your cause and making a bad spearhead, perhaps making conditions worse for the people you set out to help and you yourself in this arena of colossal competition.¹¹

Advocacy can be confrontational, subject to variations and different singularities, but conflict is usually a bad place to start. Cemented and smart advocates know they must think very hard about any confrontation that's going to be necessary. That's one reason for careful planning of strategy, tactics and probable countermeasures. Even if the issue seems as clear as a fragment of crystal and choice of actions seems just as obvious and benevolent, it's a good idea to take another long, deep and hard analytical look.

Ultimately, some ingredients that might help a budding or practicing advocate to hone his/her

⁷<https://www.undp.org/content/dam/undp/library/gender/ProcessAndAdvocacySkillsLearningAndInformationPack.pdf>

⁸ Kremers, Daniel (2014). "Transnational Migrant Advocacy From Japan: Tipping the Scales in the Policy-making Process". Pacific Affairs.

⁹ Loue, S.; Lloyd, L.S.; O'Shea, D.J. (2003). Community health advocacy. New York: Kluwer Academic/Plenum Publishers.

¹⁰ <https://ctb.ku.edu/en/table-of-contents/advocacy/advocacy-principles/overview/main> "Section 1. Overview: Getting an Advocacy Campaign Off the Ground

¹¹ Advocates and Solicitors (Jersey) Law 1997

advocacy skills into effective ones are the following¹²:

- The ethicality or righteousness of the cause;
- The strength of the foundation of the advocates (i.e., more of them is much better than less);
- The fastidiousness with which the advocates researched and investigated the issues, the defense or contrapositioned parties, and the disposition of opinion about the issue in the community;
- Their scrupulousness of skill in using the advocacy tools available (including the media);
- Above all, charting out and affirming of effective strategies and tactics.

Both solicitors and barristers can advocate before a court. An individual can also advocate on his/her own behalf before a court of law, then the concerned individual is then referred to as a 'litigant in person' because he/she has no legal mandated representative advocating on his/her behalf.¹³ Advocacy is most always in an obvious manner applicable in the context of court litigation which is usually the last resort when it comes to resolving disputes arising out of various conflicting fundamentals and actions, which can be of varied matters, civil, criminal being some of them.¹⁴ The image of a lawyer, in white and black attire arguing in a court of law, facing a judge, with a whole lot of spectating individuals, a preposterous mix of normal civilians and other fellow advocates, interneers, is probably the first thing people think of when they hear the phrase 'legal advocacy'. However, the skill set associated with advocacy are rarely limited to the perimeter of the courtroom. They apply to other forms of dispute resolution such as arbitration and mediation as well as to the work lawyers do with clients generally like interviewing, counselling, backdrop investigation etc. to cite some.¹⁵

Legal advocacy is just a single type that we are focusing here, in order to stick with the topic of paper at hand, there are others such as¹⁶:

¹² Cohen, D.; de la Vega, R.; Watson, G. (2001). Advocacy for social justice. Bloomfield, CT: Kumarian Press.

¹³ <https://www.thelawyerportal.com/free-guides/legal-careers-deciding-on-law/what-is-advocacy/>

¹⁴ "LAW PROFESSIONALS" 2013-07-28 at the Wayback Machine, Department of Labor South Africa

¹⁵ Law Lord's Department (2000-07-20). "House of Lords - Arthur J.S Hall and Co. v. Simons (A.P.) Barratt v. Ansell and Others (Trading As Woolf Seddon (A Firm) Harris v. Scholfield Roberts and Hill (Conjoined Appeals))"

¹⁶ <https://www.thelawyerportal.com/free-guides/legal-careers-deciding-on-law/what-is-advocacy/>

- Self-advocacy: taking action to represent and advance your own interests;
- Peer advocacy: taking action to represent the rights and interests of someone other than yourself;¹⁷
- Systems advocacy: taking action to influence social, political, and economic systems to bring about change for groups of people; and
- Legal advocacy:¹⁸ taking action to use attorneys and the legal or administrative systems to establish or protect legal rights.

Given and generally agreed that maintaining to being a successful advocate involves mastering an entire plethora of abilities and skills from public speaking to critical thinking¹⁹, it is unsurprising that it is a highly sought after skill for lawyers which can be termed as a second nature of sorts.²⁰ Advocacy experience and exposure is highly prized by employers; not only does it improve and filter your vocabulary, communication and research skills,²¹ it also develops confidence and is a great test of your academic ability²².

II. Critical Thinking

A. Insight into Critical Thinking

Critical thinking as it seems, is a prevalent topic days, a well demanded skill set in 97.86% of jobs these days that the employers seeks in the 21st Century. As famously defined by **Francis Bacon** in 1605²³, and I quote,

“Critical thinking is a desire to seek, patience to doubt, fondness to meditate, slowness to assert, readiness to consider, carefulness to dispose and set in order and hatred for every

¹⁷ <https://www.brainline.org/article/advocacy-toolkit-skills-and-strategies-effective-and-peer-advocacy>

¹⁸ Obar, J.A.; Zube, P.; Lampe, C. (2012). "Advocacy 2.0: An analysis of how advocacy groups in the United States perceive and use social media as tools for facilitating civic engagement and collective action". Journal of Information Policy.

¹⁹ Clarke, John (2019). Critical Dialogues: Thinking Together in Turbulent Times. Bristol: Policy Press.

²⁰ Edward M. Glaser. "Defining Critical Thinking". The International Center for the Assessment of Higher Order Thinking (ICAT, US)/Critical Thinking Community.

²¹ Stanlick, Nancy A.; Strawser, Michael J. (2015). Asking Good Questions: Case Studies in Ethics and Critical Thinking. Indianapolis: Hackett Publishing.

²² Visser, Jan; Visser, Muriel (2019). Seeking Understanding: The Lifelong Pursuit to Build the Scientific Mind.

²³ <https://www.criticalthinking.org/pages/defining-critical-thinking/766> "Critical thinking...the awakening of the intellect to the study of itself."

kind of imposture.”

Then again, according to Michael Scriven & Richard Paul, presented at the 8th Annual International Conference on Critical Thinking and Education Reform, summer 1987²⁴, and I quote,

“Critical thinking is the intellectually disciplined process of actively and skilfully conceptualizing, applying, analysing, synthesizing, and/or evaluating information gathered from, or generated by, observation, experience, reflection, reasoning, or communication, as a guide to belief and action. In its exemplary form, it is based on universal intellectual values that transcend subject matter divisions: clarity, accuracy, precision, consistency, relevance, sound evidence, good reasons, depth, breadth, and fairness.”

Much well given out by Francis Bacon, Michael Scriven & Richard Paul, but what does it really mean in the modern day concept? The rationality of the world is what is at risk. Too many people are taken advantage of because of their lack of critical thinking, logic and deductive reasoning, and to prevent either of these to come true, the following definitions can be taken into account:

- a. Critical thinking is the ability to think clearly and rationally about what to do or what to believe. It includes the ability to engage in reflective and independent thinking²⁵.
- b. Critical thinking is the ability to think clearly and rationally, understanding the logical connection between ideas. Critical thinking might be described as the ability to engage in reflective and independent thinking.²⁶
- c. Critical thinking is the ability to think in an organized and rational manner in order to understand connections between ideas and/or facts. It helps you decide what to believe in. In other words, it's “thinking about thinking”—identifying, analysing, and then fixing flaws in the way we think.²⁷

²⁴ <https://www.skillsyouneed.com/learn/critical-thinking.html> “Critical thinking has been the subject of much debate and thought since the time of early Greek philosophers such as Plato and Socrates and has continued to be a subject of discussion into the modern age, for example the ability to recognize fake news.

²⁵ Walters, Kerry (1994). *Re-Thinking Reason*. Albany: State University of New York Press.

²⁶ *ibid*

²⁷ *ibid*

d. Critical thinking means making reasoned judgments that are logical and well-thought out. It is a way of thinking in which you don't simply accept all arguments and conclusions you are exposed to but rather have an attitude involving questioning such arguments and conclusions. It requires wanting to see what evidence is involved to support a particular argument or conclusion.²⁸

e. Critical Thinking is the ability to analyze the way you think and present evidence for your ideas, rather than simply accepting your personal reasoning as sufficient proof. You can gain numerous benefits from mastering critical thinking skills, such as better control of your own learning and empathy for other points of view.²⁹

Though we can see that the definition of the meaning to critical thinking varies and is highly contested upon, but the competing definitions can be accommodated as varying conceptions of the same basic concept: careful thinking directed to a goal.³⁰ Each conception differs with respect to the scope of such intelligentsia, the nature of the goal, the criteria and norms for thinking carefully, and the thinking parts on which they focus.³¹ In short, critical thinking is a, self-directed, self-disciplined, self-monitored, and self-corrective thinking. It presupposes assent to rigorous standards of excellence and mindful command of their use. It entails effective communication and problem solving abilities and a commitment to overcome our native egocentrism and sociocentrism.³²

Primarily, critical thinking can be sub-divided into the following core skills:

1. **Curiosity** is the mundane human doting inclination to seek and inculcate more intelligence and pursue factual evidence as well as being open to new ideas.
2. **Skepticism** involves having a flourishing opinionated articulative temperament about new information that you are exposed to and not blindly take in everything any individual tells

²⁸ Mulnix, J. W. (2010). "Thinking critically about critical thinking". Educational Philosophy and Theory.

²⁹ Facione, Peter A.; Facione, Noreen C. (March 1993). "Profiling critical thinking dispositions". Assessment Update.

³⁰ Halpern, Diane F. (2006), "The Nature and Nurture of Critical Thinking", in Sternberg, Robert J; Roediger Iii, Henry L; Halpern, Diane F (eds.), Critical Thinking in Psychology, Cambridge University Press

³¹ <https://philosophy.hku.hk/think/critical/ct.php> "Critical thinking is the ability to think clearly and rationally about what to do or what to believe. It includes the ability to engage in reflective and independent thinking.

³² Salmon, Merrilee H. (2013). Introduction to Logic and Critical Thinking, Sixth Edition. Boston, MA: Cengage Learning.

you.³³

3. **Humility** is the comprehensive capacity to concede that your convictions and believed abstraction are farce when faced with new affirming evidence that states otherwise.

Then, coming to the advantages associated with Critical Thinking, they are as follows:³⁴

- a. Understanding, with dexterity the establishing a bridge between ideas;
- b. Ordain the signification and applicability of the contention of arguments and ideas;
- c. Notice and diagnosticate, construct and appreciate articulated arguments;
- d. Approach issues in an unvarying and systemized manner;
- e. Reflect on the justification of their own postulation, ethics and presupposition.

There exists a mass prevalent myth that critical thinking impedes and trammels creativity because it demands following the norms of logic and rationality,³⁵ but creativity might require splitting rules. This is a mistaken delusion. Critical thinking is quite adaptable and congruent with thinking "out-of-the-box", vindicating consensus and chasing less celebrated approachable accessions.³⁶ If anything, critical thinking is cardinal and necessitous organ of creativity because we need critical thinking to evaluate, judge improve our creative ideas and memory.

B. Individualistic Importance in the Field of Advocacy

Critical thinking is not an issue or dilemma of assembling and tinkering with information. An individual with a good memory and who knows a lot of facts is not by either obligation or necessity, necessarily should be good at critical thinking.³⁷ A critical thinking mundane is the one who is consciously able to elucidate the most probable consequences from what he/she knows, and he/she knows how to bring bear, adopt and capitalize that information to expound

³³ Lilienfeld, Scott (2017). "Teaching Skepticism: How Early Can We Begin?". *Skeptical Inquirer*.

³⁴ Sherrie, Wisdom (2015). *Handbook of Research on Advancing Critical Thinking in Higher Education*. Hershey, PA: IGI Global.

³⁵ Ennis, Robert H. (2015), "Critical Thinking", *The Palgrave Handbook of Critical Thinking in Higher Education*, Palgrave Macmillan

³⁶ <https://philosophy.hku.hk/think/critical/ct.php> "[C01] What is critical thinking?"

³⁷ Kuhn, Deanna (January 2015). "Thinking Together and Alone". *Educational Researcher*.

and untangle problems, and to seek relevant sources of information to inform himself.³⁸

In the field of advocacy they hold paramount importance since in the ever so growing 21st Century, affected excruciatingly with globalization the competition is vast and advocates in order to survive this ever so evolving market of competition and germinating skills³⁹, they need to possess the facets of critical thinking since it is important for them in the following ways:

a. Critical Thinking is a Domain-General Thinking Skill.

A field as demanding and ever evolving like law, here the competence to think lucidly and rationally is of highest importance in whatever we choose to do. If you work in education, research, finance, management or the legal profession, then critical thinking is obviously important. But critical thinking skills are not pinned to a particular subject area. Being able to think ostensibly and decipher any complications systematically,⁴⁰ head on is an asset for any career, primarily the legal one.

b. Critical Thinking is Very Important in the Contemporary Knowledge Economy.

The global knowledge economy is driven by information and technology⁴¹, with law taking a multi-dimensional change and in a century where legal apparatus is getting teraformed radically, nowadays law is not restricted to books and evidence not to the scene of the mishap. One has to be able to deal with changes precisely, effectively and prejudicially.⁴² The new legal knowledge economy places increasing demands on flexible intellectual skills, and the aptitude to analyze information and consolidate diverse sources and spring of knowledge in resolving problems. Good critical thinking bolsters such thinking skills, and is very beneficial in the fast-changing workplace.

c. Critical Thinking Enhances Language and Presentation Skills.

Thinking comprehensively and rationally can improve the way we express our ideas,⁴³ in law

³⁸ Salmon, Merrilee H. (2013). Introduction to Logic and Critical Thinking, Sixth Edition. Boston, MA: Cengage Learning.

³⁹ Ope, J.A.M. (1999). "From the Streets to the Internet: The Cyber-Diffusion of Contention". Annals of the American Academy of Political and Social Science.

⁴⁰ 0 Kerry S. Walters (1994). Re-Thinking Reason: New Perspectives in Critical Thinking. SUNY Press.

⁴¹ *ibid*

⁴² Sherrie, Wisdom (2015). Handbook of Research on Advancing Critical Thinking in Higher Education. Hershey, PA: IGI Global

⁴³ *ibid*

the sooner you accept the reality and become a realist, the better. In learning how to analyze, critically, the logical structure of texts, critical thinking also improves apperception and discernment abilities.

d. Critical Thinking Promotes Creativity.

What sets different lawyers apart is their style of advocacy otherwise it's an edified building full of counterfeit squabblers. To come up with a creative solution to a problem involves not just having ingenious ideas. It must also be the case that the newfangled ideas being generated come into play and are useful and relevant to the task at hand.⁴⁴ Critical thinking plays a compelling pivotal role in adjudicating new ideas, choosing the best ones and to recast them if the situation calls for so.⁴⁵

e. Critical Thinking is Crucial for Self-Reflection.

Sometimes loosing cases in the legal dimension is an inevitable reality but still it's part of the game you are playing with the highest honor. In order to live a meaningful life and to construct the same accordingly, we need to justify and reflect on our own values and decisions that we take.⁴⁶ Critical thinking provides the tools for this process of self-evaluation which should be, individually, without any remorse.⁴⁷

f. Good Critical Thinking is the Foundation of Legal Science and Democracy.

Law requires humility and the critical use of reason in experimentation and theory confirmation. The proper functioning of a national legal structure and a liberal democracy requires advocates and citizens who can think critically about social issues to inform their judgments about proper governance and to overcome biases and prejudice. After carefully analysing the good amount of importance that critical thinking holds in the vast realm of law, one has to now understand that in order to grasp this concept, how should one go about it or what are the steps, so, the following steps should now be taken into abigail consideration if one

⁴⁴ Plato on the tenets of Critical Thinking, <https://plato.stanford.edu/entries/critical-thinking/>

⁴⁵ Reynolds, Martin (2011). Critical thinking and systems thinking: towards a critical literacy for systems thinking in practice. In: Horvath, Chrii. and Forte, James M. eds. Critical Thinking. New York: Nova Science Publishers

⁴⁶ *ibid*

⁴⁷ Facione, Peter A.; Sánchez, Carol A.; Facione, Noreen C.; Gainen, Joanne (1995). "The Disposition Toward Critical Thinking". The Journal of General Education.

wants to master its elements:

- **Identify The Problem or Question.**

Be as precise and concise as mundanely possible: the narrower the issue, the effortless it is to find solutions or answers to the issue at hand.⁴⁸

- **Gather Data, Opinions, and Arguments.**

Strive to find proportionate sources that present diverse ideas and points of view.

- **Analyze and Evaluate the Data.**

In this particular field, always ask yourself these three questions at every step, Are the sources reliable? Are their conclusions data-backed or just argumentative? Is there enough information or data to support given proposition and its foundation?

- **Identify Assumptions.**

After the entire process and operation of collecting and evaluating of the concerned data is completed, now ask yourself these two questions, Are you sure the sources you found are unbiased? Are you sure you weren't biased in your search for answers? These questions will make sure that your solutions are free from any uncertainty and perplexity.⁴⁹

- **Establish Significance in Particular.**

After the entire debacle and battle for analysing, identifying and evaluating the information at hand is done, now comes the hard confrontation of establishing its essence.⁵⁰ Keep on asking, what piece of information is most important? Is the sample size sufficient? Are all opinions and arguments even relevant to the problem you're trying to solve?

- **Make a Decision/Reach a Conclusion.**

Diagnose and analyze various outcomes and cessations that are possible and decide which, if

⁴⁸ <https://www.schooladvocacy.ca/basic%20advocacy.pdf>

⁴⁹ *ibid*

⁵⁰ *ibid*

any, of them are sufficiently reinforced. Weigh strengths and limitations of all possible options.

- **Present or Communicate.**

After all and everything, particularly in law, the ultimate showdown of the titans boils down to one simple facet, “The Courtroom”. Once you’ve reached a conclusion, present it to all stakeholders.⁵¹

III. Logical Thinking

A. Insight into Logical Thinking

Logical thinking is the premise of deeply analysing a scenario and coming up with a sound solution.⁵² Almost similar and a sort of brother to critical thinking, logical thinking requires the use of reasoning skills to examine an issue objectively, which would allow the concerned individual to make a rational predisposition about how to proceed.⁵³ When we use the facts available to us to address any problem we may be facing at work, for example, then we are using our logical reasoning skills.

Logical thinking is a widely welcomed and mandated educational goal. Its definition is contested, but the competing rival definitions can be understood as contrasting cognitions of the same basic design: careful contemplation directed to an objective.⁵⁴ Impressions differ with reverence to the scope of such rationale, the type of target, the basis and pattern for thinking circumspectly, and the brainstorming components on which they draw the spotlight upon.⁵⁵

Its adoption as a scholarly mark has been advocated on the basis of regard for students’ sovereignty and adapting students for triumph and prosperity in life and for egalitarian emancipation. “Logical thinkers” have the proclivity and capabilities that lead them to think critically when appropriately mandated. The countenance can be identified directly; the frame

⁵¹ Bailin, Sharon; Case, Roland; Coombs, Jerrold R.; Daniels, Leroi B. (May 1999). "Common misconceptions of critical thinking". *Journal of Curriculum Studies*.

⁵² <https://www.sciencedirect.com/topics/psychology/logical-thinking> “Logical Thinking Is The Rational Cognitive Process Of Reflecting Objective Reality Actively With The Help Of Concepts, Judgments, Reasoning And Other Forms Of Thinking.”

⁵³ Walters, Kerry (1994). *Re-Thinking Reason*. Albany: State University of New York Press.

⁵⁴ Solomon, S.A. (2002) "Two Systems of Reasoning", in *Heuristics and Biases: The Psychology of Intuitive Judgment*, Govitch, Griffin, Kahneman (Eds), Cambridge University Press.

⁵⁵ Reichertz, Jo (2014), "Induction, deduction, abduction", in Flick, Uwe (ed.), *Qualitative Data Analysis*

of mind indirectly, by considering what instrumentality proffers to or restricts exercise of the concerned resourcefulness.⁵⁶

Standardized tests have been constructed throughout time to evaluate and reckon the tenor and limit to which a person possesses such spirit and predilection. Academic intercession has been shown experimentally to upgrade them, particularly when it includes confabulation, secured edification, and counsel guide.⁵⁷ Frequent altercations have arisen over the generalizability of logical thinking across varied disciplines, over alleged bias in logical thinking theories and tutelage, and over the liaison affinity of logical thinking to other types of thinking.

It begs for the analysis of those structures or organs of thought implicit in all reasoning: purpose, predicament, or question-at-dilemma; theorization; supposition; empirical grounding; corollary acumen leading to conclusions; ramifications and outcomes; from secondary perspectives; and foundation of insinuation. Logical thinking — in being sentient to variable thesis or case matter, contention, and ulterior motive — is incorporated in a family of meshed modes of thinking,⁵⁸ some among them being: scientific thinking, mathematical thinking, historical thinking, anthropological cum societal thinking, economic thinking, moral thinking, and philosophical thinking.

B. Individualistic Importance in the Field of Advocacy

Logical thinking skills matter *prima facie* because these help you reason through important decisions, solve issues, call upon creative notions and set benchmarks—all of which are an obligation for developing your career. Whether you have just entered the legal workforce or want to advance your career in the practicing field, you will be tested on a daily basis that require logical reasoning skills. The more cemented and founded your logical thinking skills are, the more easily you will be able to come up with solutions and plans that benefit you, your client,⁵⁹ your firm (if you are working with one) and overall your future career.

Individual lawyers at any level can be subjected and expected to solve problems that are

⁵⁶ Thinking and Reasoning in Human Decision Making: The Method of Argument and Heuristic Analysis, Facione and Facione, 2007, California Academic Press.

⁵⁷ Menzies, T. (1996), "Applications of Abduction: Knowledge-level modeling", International Journal of Human – Computer Studies

⁵⁸ Walsh, Catherine, M. (2007). "California Critical Thinking Disposition Inventory: Further Factor Analytic Examination". Perceptual and Motor Skills.

⁵⁹ Consumption and Management, 2011

inherent to the area of their particular legal field of expertise. Therefore, the more logical thinking skills are utilized in a cohesive manner, the better will be the decision-making process with fewer slip-ups.⁶⁰

After carefully analysing the good amount of importance that logical thinking has in the realm of law, one has to now understand that in order to grasp this concept, how should one go about it or what are the steps, so, the following steps should now be taken into foremost consideration if one wants to master its elements:

a. Learn to Put it all Together Effectively.

In the legal profession particularly, it is very important to try to arrange ones thoughts in any individual case, or from any side, petitioner or respondent, whether by writing or by using mind mapping to help him/her get them cleared out first. Examine all information you have at hand and investigate every piece of evidence, be it a testimony, affidavit, forensics, physical evidence etc., figure out relationships among those tit-bits of received information, and finalize which ones are of the highest value.⁶¹ Compare and weigh all available options and components once you have laid them down in front of you, and then call upon a decision or better, come up with a logical solution.

b. Bring your Perspective into Focus.

In any profession whatsoever, you have to understand the biases you may have as a human being by prompting what precisely they are, how they may affect the way you deal with any and every aspect of information. Be flexibly sound enough understand an issue from different prognostic views even if they contradict your cardinal beliefs.⁶² Make peace with a sympathetic mind and entertain any fresh information, without any personal biases that you may hold particularly.

c. Develop and Hone Upon the Habit of Questioning.

As traditions and conventional mind-sets go, it's indeed true that every lawyers cardinal duty

⁶⁰ Walters, Kerry. (1994). *Re-Thinking Reason*. Albany, NY: State University of New York Press.

⁶¹ Abrami, P. C., Bernard, R. M., Borokhovski, E., Waddington, D. I., Wade, C. A., & Persson, T. (2014). *Strategies for Teaching Students to Think Critically: A Meta-Analysis*. *Review of Educational Research*

⁶² Lau, Joe; Chan, Jonathan. "[F08] Cognitive biases"

is to question and help the court to interpret laws and statutes more precisely and effectively, without any room for question. Now if a lawyer fails in this particular facet, his/her entire positive ambit for everyone collapses. Nevertheless, it's always truly advisable that try as much as you can to master your sense of questioning and use this skill everywhere, literally. Whatever information you and your client or partner possess and collected, whether facts, statistics and figures or simple dispositions, verify their credibility always.

Examine and cross-check your sources of intelligentsia and invest time to go through every piece of information that you may even find slightly doubtful.⁶³ A lawyer must check everything for its objective authenticity before he/she begins to evaluate the worth of any such information he/she might have gathered.

d. Try to Anticipate the Outcome of your Decisions

As a lawyer, when labouring to make your logical thinking skills more ethically founded, it is helpful to consider what impact your every possible decision might have in the existing and future of your case. The more minutely you pay attention to the outcomes of your decisions, the authentic and accommodative the process will get. When you come up with a solution to an issue at court, try to think about what the possible outcomes will be. Eventually, he/she will find it much easier to believe in the immediate and long-term outcomes of your decisions, which is a cardinal component of logical thinking. Logical thinking skills can be easily strengthened with daily practice by employing your wit and wisdom more frequently.

IV. Conclusion

From the entire detailed prognosis that has been articulated above the prima facie question still remains, What importance does old empirical data still hold in the radically changed legal structure of this Republic? Primarily, in terms of critical and logical thinking. Well, for starters, this particular data that still exists gives the foundation and the base for future operations for further research on critical and logical thinking skills in the legal and judicial system, particularly the one in the Indian context. Considering the paramount importance these two skills hold that people say are too "Basic" in nature is indeed very preposterous, taking into account the calibre of ground it holds for the success of any lawyer in varied legal facets and

⁶³ Boychuk Duchscher, Judy E. (1999). "Catching the wave: understanding the concept of critical thinking". Journal of Advanced Nursing

fields. Agreed that more research needs to happen in order to make the common and general citizenry accept and understand it's importance, because ultimately it boils to one single fact that at the end of the day, ultimately, these harbingers of law and justice will be fighting and articulating over their rights and well-founded legal disputes and if they are not armed with the proper tools in their psychological inventory, then it's already a failed system of a civilized dispute resolution apparatus and justice requisitioning system.

It has to be of Abigail importance that legal researchers come up with more ingenious approaches to this particular psychological facet of law and more conclusive and well-founded studies are done, but till that happens this field is still in safe hands, provided the cemented judicial system of this nation always prevails. No matter how dark the days of the contemporary times become, the judicial system will always have to draw the silver sword, from time-to-time to make its enlightening presence felt for because democracy dies in the silhouette of darkness.