

## PART 2

# ANALYZING ARGUMENTS

**“The prison has become a looming presence in our society to an extent unparalleled in our history--or that of any other industrial democracy.”**

### OBJECTIVE:

Students delineate and analyze the position, premises, reasoning, evidence and perspective of arguments.



## ACTIVITIES

### 1- UNDERSTANDING ARGUMENTATIVE POSITION

The teacher introduces the concept of an argumentative position through a discussion of the unit's issue.

### 2- IDENTIFYING ELEMENTS OF AN ARGUMENT

The teacher leads an exploration of the elements of argumentation in an everyday context.

### 3- DELINEATING ARGUMENTATION

Student teams read and delineate arguments.

### 4- UNDERSTANDING PERSPECTIVE

The teacher leads an exploration of the concept of perspective in an everyday context.

### 5- COMPARING PERSPECTIVES

Students analyze and compare perspectives in argumentative texts.

### 6- DELINEATING ADDITIONAL ARGUMENTS

*As needed*, students read and analyze additional arguments related to the unit's issue.

### 7 - WRITING TO ANALYZE ARGUMENTS

Students write short essays analyzing an argument.

### MATERIALS:

Text Sets 3-5  
Forming EBC Tool  
Delineating Arguments Tool  
Model Arguments  
TCD Checklist  
EBA Terms



## ALIGNMENT TO CCSS

### TARGETED STANDARDS:

**RI.11-12.6:** Determine an author's point of view or purpose in a text in which the rhetoric is particularly effective, analyzing how style and content contribute to the power, persuasiveness, or beauty of the text.

**RI.11-12.8:** Delineate and evaluate the reasoning in seminal U.S. texts, including the application of constitutional principles and use of legal reasoning and the premises, purposes, and arguments in works of public advocacy.

**RI.11-12.9:** Analyze seventeenth-, eighteenth-, and nineteenth-century foundational U.S. documents of historical and literary significance (including The Declaration of Independence, the Preamble to the Constitution, the Bill of Rights, and Lincoln's Second Inaugural Address) for their themes, purposes, and rhetorical features.

**W.11-12.2:** Write informative/explanatory texts to examine and convey complex ideas, concepts, and information clearly and accurately through the effective selection, organization, and analysis of content.

### SUPPORTING STANDARDS:

**RI.11-12.1:** Cite strong and thorough textual evidence to support analysis of what the text says explicitly as well as inferences drawn from the text, including determining where the text leaves matters uncertain. **RI.11-12.2:** Determine two or more central ideas of a text and analyze their development over the course of the text, including how they interact and build on one another to provide a complex analysis; provide an objective summary of the text. **RI.11-12.3:** Analyze a complex set of ideas or sequence of events and explain how specific individuals, ideas, or events interact and develop over the course of the text. **RI.11-12.4:** Determine the meaning of words and phrases as they are used in a text, including figurative, connotative, and technical meanings; analyze how an author uses and refines the meaning of a key term or terms over the course of a text (e.g., how Madison defines faction in Federalist No. 10).

**SL.11-12.1:** Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grades 11–12 topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively.

**W.11-12.9:** Draw evidence from literary or informational texts to support analysis, reflection, and research.

# ACTIVITY 1: UNDERSTANDING ARGUMENTATIVE POSITION

The teacher introduces the concept of an argumentative position through a discussion of the unit's issue.

## INSTRUCTIONAL NOTES

In Part 2 discussion and instruction shifts from the previous focus on understanding the background and nature of the unit's issue to a focus on the various controversies, or differences of opinion, that have surrounded the issue historically and/or currently, and have led to various positions and arguments.

### CLASS BRAINSTORM

- As a class, brainstorm a list of questions that highlight various points of controversy or debate within the issue. If applicable, this can be related to the initial prior-knowledge/KWL activity.
- *Can restorative justice be effectively incorporated into the United States' criminal justice system? Why or why not? In which circumstances?*

The questions might address the current debate about the US prison complex, and who should receive what type(s) of punishment.

They can also examine aspects of the topic that are more peripheral to the central debate, but may still be very relevant, e.g.:

- *Are juveniles as responsible for their crimes as an adult who commits the same crime? Why or why not? Why does age make a difference? At what age should a juvenile be considered an "adult"?*

### INTRODUCE CONCEPT OF POSITION

All questions, however, should be framed in a manner that suggests multiple ways of responding, that prepares students to examine various perspectives from which an answer could come as well as various positions that might be taken in response to the topic and question.

- Discuss with students how each of these questions can be responded to in various ways.
- Introduce the term *position*, which can be defined as *someone's stance on what to do or think about a clearly defined issue based on their perspective and understanding of it. When writing argumentative essays, one's position may be expressed as a thesis.*
- Discuss how the term relates to points of controversy in the issue.

### CARTOON ANALYSIS

- Distribute Text Set #3, a set of political cartoons related to the unit's issue. Use one example to model how the cartoon can be seen as expressing a *position* on the issue.
- As a class discuss the various "positions" expressed in the cartoons. Discuss how argumentative essays develop arguments to support positions. Ask if students see the beginnings of any basic arguments to support the position in the visual details of the cartoons, and discuss the evidence they identify.

## TEXT SET #3: TEXTUAL NOTES

### TEXT 3.1: "GUILLOTINE JUSTICE"

**Author:** Chris Slane; **Source/Publisher:** Politicalcartoons.com

### TEXT 3.2: "US PRISON SYSTEM"

**Author:** Dave Granlund; **Source/Publisher:** davegranlund.com

**Text Notes:** Two cartoons are provided in the text set. The first, by Chris Slane, compares the retributive justice philosophy to the Reign of Terror, while depicting a doomed Marie Antoinette asking for a restorative approach. The second, by Dave Granlund suggests that the prison system does not function as a correctional program, but rather as one where prisoners enter a type of in/out cycle.

Once cartoons are selected, students should "read" them closely by visually scanning for key details and presentation techniques, considering also any text that may be presented with the cartoon. Ideally a cartoon

# ACTIVITY 1: UNDERSTANDING ARGUMENTATIVE POSITION (CONT'D)

## TEXT SET #3: TEXTUAL NOTES

set will provide examples that come from several different perspectives and take several different positions as they communicate political commentary through their imagery and words. Model how one can “read” a cartoon and its details to determine the point or commentary communicated by the cartoon, and thus determine its *position* (which may or may not be stated). Finally, model how a cartoon artist presents visual details as *evidence* that establishes and supports the cartoon’s position.

Following this modeling and some guided practice, students might then work in teams with a cartoon set. The questioning and analysis sequence might begin with a general text question(s) from the *Reading Closely for Details: Guiding Questions* handout, such as:

*Which key details stand out to me as I scan the cartoon/text? How are these details keys to understanding the cartoonist’s/author’s perspective? What does the cartoon/text seem to be saying about the topic – what is its commentary or position?*

# ACTIVITY 2: IDENTIFYING ELEMENTS OF ARGUMENTATION

The teacher introduces and the class explores the elements of argumentation in a familiar context.

## INSTRUCTIONAL NOTES

### INTRODUCE ARGUMENT TERMS

Once students have a good understanding of the concept of a *position* on an *issue* and the idea that positions are supported with argumentation, instruction can shift to the specific argumentative elements authors use to explain and defend their positions. The objective of this activity is for students to have a solid conceptual understanding of the elements of an argument and to be able to use a set of terms to identify and analyze them. The **terms for elements of argumentation used in this unit** are *issue, relationship to issue, perspective, position, implications, premise, reasoning, evidence, and chain of reasoning*. Teachers may have already worked with students using different nomenclature and might elect to use that terminology instead. For instance, some might call a *position* a *thesis* or a *premise* a *supporting claim*. This unit is based on a view that *claims* used in the context of *argumentation* are called *premises*. Whatever nomenclature a teacher chooses, it should be used consistently so students develop an understanding and facility with the terminology.

Introduce and describe how authors explain and defend their positions with a series of linked *premises*

(*claims*), developed through a chain of *reasoning*, and supported by *evidence*. When introducing these concepts, it is best to model and practice their use with topics from students’ personal experiences and everyday life that do not require background information.

### PRATICE USING ARGUMENTATION TERMS

A *Delineating Arguments* tool can be used as an instructional strategy.

For this activity focus on the terms *position, premise, evidence* and *reasoning*.

- Begin by showing students a basic model of the *Delineating Arguments* tool. NOTE: If using the *Delineating Arguments* tool, teachers can use one of the included models or develop their own that would work better with their students. Talk about each element and its relationship to the other elements as you read the model aloud.
- Have students identify alternative premises and evidence to defend the same position and the reasoning that would connect them.

## ACTIVITY 2: IDENTIFYING ELEMENTS OF ARGUMENTATION (CONT'D)

### INSTRUCTIONAL NOTES (CONT'D)

- In reading teams have students work with blank tools to develop a different position and argument on the “issue.”
- Have reading teams present their positions and arguments explaining each element. As a class, discuss the way the reading teams applied each element.
- Encourage the students to use the vocabulary terms they have learned. Write the new vocabulary on the board so they can use the words as references for discussion.
- Once students have some facility with the elements, explain to students that they will be using the terminology to analyze and compare various arguments related to the unit’s issue.

## ACTIVITY 3: DELINEATING ARGUMENTS

Student teams read and delineate arguments.

### INSTRUCTIONAL NOTES

Students next read and analyze Text 4.1, an accessible, foundational argument related to the unit’s issue. Use text-dependent questions to help students attend to key details related to the argument’s position, premises/claims, structure and reasoning, and supporting evidence. Emphasize that at this point students are reading to *delineate* and not yet *evaluate* the argument.

- Students first read the argument independently, considering general guiding questions such as: “What is the author thinking and saying about the issue or problem?” [Guiding Questions Handout]
- Introduce a set of text-based questions to drive a closer reading and analysis of the text’s argument; then have students follow along as the text is read aloud/presented to them.
- In reading teams, students discuss the text-based questions and search for relevant details, highlighting and labeling their text where they identify the various elements of argumentation.
- Teachers/students might also choose to use a blank *Delineating Arguments* tool to structure and capture their delineation.
- Assign each team one or more of the elements of the argument (position, premises, reasoning, evidence) and have them prepare a short presentation for the class about what they have discovered through their analysis of the argument. Emphasize that each team will need to cite specific evidence from the text that supports their analysis.
- As a class delineate the article’s argument by identifying its position, premises, reasoning, and evidence.
- Model the writing of a claim about **how** the author has presented and developed one element of the argument (e.g., its position). Then have students individually write a claim about the author’s use of the element their team studied.

## ACTIVITY 3: DELINEATING ARGUMENTS (CONT'D)

### TEXT SET #4: TEXTUAL NOTES

#### TEXT 4.1: "TREATING YOUTH LIKE YOUTH: WHY IT'S TIME TO 'RAISE THE AGE' IN NEW YORK"

**Author:** Gabrielle Horowitz-Prisco; **Source/Publisher:** Correctional Association of New York;

**Date:** July 2013

**Complexity Level:** Measures at 1440L. While more challenging, it provides a clear, evidence-based argument for why New York State should raise the age at which juvenile offenders are tried as adults for certain criminal offenses.

**Text Notes:** This policy brief is included as the first text within text set 4 because its author has a clear perspective – that New York State should raise the age at which juveniles can be convicted of a criminal offense – which is supported by clearly outlined claims with research-based evidence. Students can debate the merits of the evidence and the material not included due to bias, but must grapple with the evidence presented here and think through how the evidence influences their own thinking. Students can use this text as a way to identify all parts of an argument and evidence-based claims.

**Sample Text-Dependent Questions** (to drive closer reading and discussion):

1. What is the mission of the Correctional Association of New York? What is the Juvenile Justice Project at the Correctional Association of New York? How might Horowitz-Pesco's role as the Director of its Juvenile Justice Project influence her position?
2. Horowitz-Pesco outlines four major reasons why the age at which juveniles should be tried as adult criminals in New York state should be raised. Based on your knowledge regarding theories of punishment outline (in one to two sentences) a rebuttal for each of her claims.
3. What, if anything, does Horowitz-Pesco fail to address when making the case to raise the age at which juveniles are tried?
4. Of her claims, which did you find the most compelling and why?
5. How does the evidence in text influence your understanding of the issue punishment and incarceration in the US? In what ways?

## ACTIVITY 4: UNDERSTANDING PERSPECTIVE

The teacher leads an exploration of the concept of perspective.

### INSTRUCTIONAL NOTES

- Introduce the terms *relationship to issue* and *perspective* to the class. *Relationship to issue* can be defined in this context as a person's particular personal involvement with an issue, given his or her experience, education, occupation, socio-economic-geographical status, interests, or other characteristics. *Perspective* can be defined as how someone understands and views an issue based on his/her current relationship to it and analysis of the issue. Spend some time to explore the various meanings of perspective and how they might relate to how the term is used here.
- Compare the author's perspective to an iceberg, where the author's particular argument or position is clearly seen, but his or her personal relationship and perspective on the issue may or may not be

## ACTIVITY 4: UNDERSTANDING PERSPECTIVE (CONT'D)

### INSTRUCTIONAL NOTES (CONT'D)

explicitly revealed in the text. Without this perspective, however, the author's position would not be possible; the author's perspective influences how he or she approaches and ultimately defines an issue and eventually a particular position on it.

Revisit the everyday argumentative contexts that the class explored in Activity 2. Discuss the various perspectives of the actors in those situations. Discuss how the actors' personal relationship to the issue influences their perspective. And how their perspective influences their understanding of the issue and their position.

NOTE: Teachers might choose to BEGIN the exploration of perspective by having students refer back to this activity. Teachers could use a Socratic discussion model to lead students to an understanding of perspective by having them explore the various positions and the reasons why the various actors might hold those positions. After students have come to an initial understanding of perspective, teachers could then introduce the terms and their definitions.

## ACTIVITY 5: COMPARING PERSPECTIVES

Students analyze and compare perspective in argumentative texts.

### INSTRUCTIONAL NOTES

Students revisit Text #4.1 after developing an understanding of how perspective helps shape an author's position and argument.

- The teacher models a claim that analyzes how an author's position on the issue is directly influenced by his or her relationship to it. The teacher can use the argument from Activity 2 to model this claim.
- In reading teams, students write their own claims on how the perspective of Text #4.1's author influences his or her position on the issue.

The remaining texts in Text Set 4 present students with different perspectives, positions, and arguments for students to read and analyze. Students will use these texts to move from guided to independent practice of the close reading skills associated with analyzing an argument.

- Students first read the argument independently, considering general guiding questions such as: "What is the author thinking and saying about the issue or problem?" "What do the author's language and approach suggest about his/her relationship to and perspective on the issue or problem?" "How does the author's relationship to the issue help shape his/her position?" [Guiding Questions Handout]

- Introduce a set of text-based questions to drive a closer reading and analysis of the text's argument; then have students follow along as the text is read aloud/presented to them.
- In reading teams, students discuss the text-based questions and search for relevant details, highlighting and annotating them.
- Students might use a *Delineating Arguments* tool to delineate the author's argument.
- Discuss as a class the author's position, argument, and perspective.
- Model developing an evidence-based claim comparing how the authors have used one of the elements of argumentation differently, as influenced by their perspectives. Then have students individually develop their own comparative EBCs. Note: These evidence-based claims can be developed orally, on paper, or using an *Organizing EBC* tool.
- Teachers may also choose to discuss the various ways authors structure the logical reasoning of arguments.

# ACTIVITY 5: COMPARING PERSPECTIVES (CONT'D)

## TEXT SET #4: TEXTUAL NOTES

Texts 4.2 is a Supreme Court case in which those for and against the ruling take very different *positions* and come from very distinct *perspectives* (based a great deal on each author's personal *relationship to the issue*). Either, or both, can provide an interesting text for students to use in analyzing and comparing perspectives.

Texts 4.3 and 4.4 present excerpts from opinion pieces on the United States' "industrial prison complex". They can be used as alternatives to Texts 4.2 or as additional reading for students.

### TEXT 4.2: "MILLER v. ALABAMA" - SYLLABUS AND DISSENTING OPINION

**Author:** Supreme Court Justice Roberts; **Source/Publisher:** The Supreme Court; **Date:** June 25, 2012

**Complexity Level:** At 1330L, this text is accessible and fundamental for students. It is important that students, as US citizens, learn to read and understand Supreme Court case decisions.

**Text Notes:** The Syllabus portion (pages 1-4) of the Supreme Court document provides background for the case relevant both to the opinion of the court and to the dissenting opinions. It is recommended that the teacher first review the syllabus portion of the document to familiarize students with the case, and then focus on Justice Roberts' dissenting opinion located on pages 37-46. Roberts' opinion provides a good contrast to the position presented by Gabrielle Horowitz-Prisco in text 4.1 Understanding the language of the law and the influence of the Supreme Court in overseeing the ethics and effectiveness of the criminal justice system is critical to students' understanding of the issues regarding disciplining juvenile offenders. The teacher may choose to incorporate the other opinions into the unit if appropriate.

The questioning and analysis sequence might begin with a general text question(s) from the *Reading Closely for Details: Guiding Questions* handout, such as:

*What is the author's personal relationship to the topic? How does this influence the author's perspective?*

**Sample Text-Dependent Questions** (to drive closer reading and discussion):

1. What is the premise of this case?
2. What role does the Eighth Amendment play in this case?
3. On page 2 in the syllabus the word "precedent" is used in context of the Eighth Amendment. What does "precedent" mean in this context and how are the "two strands of precedents" mentioned in the syllabus relevant to the case?
4. On page 3 of his opinion, Justice Roberts discusses the difference between "decency" and "leniency." What evidence does he provide against the rehabilitative model?
5. On page 5 of this piece, Justice Roberts discusses the intersection of two laws. Why is this important and relevant to his dissenting opinion?
6. How does the evidence in text influence your understanding of the issue punishment and incarceration in the US? In what ways?

# ACTIVITY 5: COMPARING PERSPECTIVES

## (CONT'D)

### TEXT SET #4: TEXTUAL NOTES

#### TEXT 4.3: "THE LEFT'S PRISON COMPLEX: THE CASE AGAINST THE CASE AGAINST JAIL"

**Author:** Eli Lehrer; **Source/Publisher:** The Heritage Foundation; **Date:** October 9, 2000

#### TEXT 4.4: "HELP THY NEIGHBOR AND GO STRAIGHT TO PRISON"

**Author:** Nicholas Kristoff; **Source/Publisher:** The New York Times; **Date:** August 10, 2013

**Complexity Level:** The Heritage piece measures at 1450, and although the piece is complex, it is concise. Students can spend the time necessary to understand the text. Kristoff's Op.Ed in *The New York Times* measures at 1280 and is a more accessible piece with an equally strong opinion.

**Text Notes:** The Heritage piece tackles claims that the U.S. system is racist and over-populated, head-on. Students will remember statistics from the text sets at the beginning of the unit, which will inform their understanding and ability to interpret this text. The author argues that increasing prison sentences does in fact deter crime, and asks students to question whether or not the increasing prison population is truly a problem, or actually a benefit to our country.

Kristoff presents the view that mass incarceration is a problem and ultimately, a failure. He humanizes his argument by providing individual examples, and includes larger trends towards the end. His opinion piece provides a clear contrast to the Heritage article.

Students' questioning and analysis sequence might begin with a general text question(s) from the *Reading Closely for Details: Guiding Questions* handout, such as: *What is the author's personal relationship to the topic? How does this influence the author's perspective?*

**Sample Text-Dependent Questions** (to drive closer reading and discussion):

1. What evidence does Lehrer, in his article for the Heritage Foundation, provide to refute claims that the U.S. prison system is racist?
2. What evidence does Lehrer provide that shows that longer sentences deter crime?
3. How does Lehrer connect capitalism to the prison system?
4. Do you find the Lehrer's argument convincing? If so, why? If not, what additional evidence might you present to counter his major arguments?
5. What evidence does Nicholas Kristoff provide to show that the U.S.'s mass incarceration is a problem?
6. What does the Kristoff piece say about minority populations in the prison system? What does he say about juveniles?
7. Which article had a greater influence on your own thinking about the prison population in the United States? Why?

# ≡ ACTIVITY 6: DELINEATING ADDITIONAL ≡ ARGUMENTS

As needed, teachers may choose to have students read and delineate additional arguments related to the unit's issue.

## INSTRUCTIONAL NOTES

To more fully understand the issue, students may need to explore additional arguments. Possibilities related to the unit's issue are listed in the text set, but teachers and students are also encouraged to find additional texts themselves. (NOTE: this is the point in the unit at which students might embark on further research, guided by the *Researching to Deepen Understanding* unit's activities and resources.)

For each argument read, students might complete a *Delineating Arguments* tool and write an evidence-based-claim about the author's perspective. To broaden the class's access to many arguments, students might work in "expert" teams focused on one or more of the arguments, then "jigsaw" to share their team's findings with students from other teams.

## TEXT SET #5: TEXTUAL NOTES

### TEXT SET 5 – ADDITIONAL ARGUMENTS:

Students should now be familiar with background information and some seminal arguments about the United States criminal justice system. They should now be prepared to examine the issues surrounding criminal justice as they are currently being discussed, debated, and responded to. The unit's text set lists examples of such arguments - current as of fall 2013, including articles that represent many perspectives on incarceration rates and the US criminal justice system.

It is anticipated that as the issues and problems associated with criminal justice and approaches to punishment, evolve, the nature of contemporary arguments and speeches will also change. Therefore, teachers and students are encouraged to look beyond the listed examples and search for more current texts that reflect what pundits, columnists, commentators, and the public are saying about immigration in the US at any given moment in current history.

# ≡ ACTIVITY 7: WRITING TO ANALYZE ≡ ARGUMENTS

Students write short essays analyzing an argument.

## INSTRUCTIONAL NOTES

Students use their notes, annotations, and tools to write short essays analyzing one of the arguments they have read thus far in the unit. In their essays, students:

- state the author’s position
- identify the elements of the argument (premises, reasoning, evidence, perspective)
- make an evidence-based claim about how the author’s perspective shapes the position and/or argumentation
- use evidence from the text to support their analysis.

# ≡ ASSESSMENT OPPORTUNITIES

Part 2 presents many opportunities for formative assessment. The two most important proficiencies to assess here are a student’s:

1. understanding of and facility with the concepts for analyzing arguments; and
2. ability to analyze and write about other authors’ arguments

Teachers can use the tools, claims, and conversations from Activities 2 and 4 to assess emerging proficiency with the analytic concepts without the interference of additional reading comprehension loads. These activities have been designed for development and assessment of these core literacy proficiencies in all students (including ELL and students reading below grade level).

The claims and conversation from Activities 3, 5, and 6 add the opportunity to assess the proficiency in analyzing and writing about other arguments.

The short essay from Activity 7 provides a mid-unit formative assessment on both proficiencies and the ability to link and develop analysis across several paragraphs.

As a formative assessment of the text-centered discussions that have led to their claims, students might complete two *TDC Checklists*, one that rates their team’s overall performance and one that represents a self-assessment of their own participation.