LEGAL PROBABILISM

MARCELLO DI BELLO – ASU

READING GUIDE – WEEK #10

Cohen 1977 - Chapter 5:

Sec. 17 Statement of the conjunction paradox. What is the paradox, exactly?

Sec. 18 Possible solution by dropping independence. How does this solution work and why does Cohen think it ultimately fails?

Sec. 19 Possible solution based on a comparative approach. How does this solution work and why does Cohen think it ultimately fails?

Sec. 20 Possible solution by relying on the difference between prior and posterior posterior probability. How does this solution work and why does Cohen think it ultimately fails?

Sec. 21 Possible solution by evaluating the case holistically. How does this solution work and why does Cohen think it ultimately fails?

Spottswood 2016:

Sec 2 The conjunction paradox in general (2.1), in law and jury instructions (2.2 and 2.3) and in psychology (2.4)

Sec 3 A solution based on inference to the best explanation. Does Spottswood think this solution succeeds or fails?

Sec 4 Mathemathics-based solutions by Nesson, Cheng and Clermont (4.1). Why does Spottswood think these solutions fail (4.2)?

Sec 5 What does Spottswood think jury instructions should be like if they are address the conjunction paradox?

Precis. No specific instructions this week. Your precis should describe (a) topic of the paper (or court opinion); (b) main thesis (or theses, if more than one); (c) supporting arguments; (d) objections to these arguments, complications or difficulties that the author considers (if any).

A precis should be no more than one page. If you want to write more, that's fine, but do not exaggerate! Be clear, simple, and concise. Due at the beginning of class.