LEGAL PROBABILISM

MARCELLO DI BELLO – ASU

READING GUIDE – WEEK #6

Smith.

- Sec. 1 describes the puzzle about statistical evidence in the law . What is the puzzle?

- Sec. 2 offers one attempt at resolving the puzzle, based on the idea of sensitivity. What is sensitivity? Why does the author think this account fail?

- Sec. 3 defends the author's preferred solution to the puzzle, based on the idea of normic support. What is normic support? How does it solve the puzzle?

- Sec. 4 is about DNA match evidence and normic support. Why is DNA evidence a difficult case for normic support?

Gardiner

- Sec. 1 sets up the problem and distinguishes weight and balance. What is the claim of the paper? What is the point of the US midterm elections example?

- Sec. 2 is an excursus into the relevant alternatives account of knowledge. Knowledge is understood as ruling out relevant error possibilities. What are they?

- Sec. 3 applies the relevant alternatives account to legal standards of proof, such as 'clear and convincing' and 'beyond a reasonable doubt.' How are they defined?

- Sec. 4 discusses when an error possibility is remote enough that it can be properly ignored. What does this matter?

- Sec. 5 defends the relevant alternatives account against competing accounts. It identifies several problems that the probability-based account suffers from, including the puzzle of statistical evidence. Make sure you understand the discussion about the Rapid Transit case towards the end.

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.