

#	Question	Asker Name	Asker Email
1	If your view is correct, what should we think about law's relation to epistemic injustice? Does your view have any effects?	Ben Nelson	bsnelson@uwaterloo.ca
2	What makes you think that MORE innocent people would be convicted to fulfill epistemic goals? I would expect the opposite: if high epistemic standards are adopted, very few people, innocent or otherwise, would be convicted.	Andres Paez	apaez@uniandes.edu.co
3	What about legal epistemology to support a norm of being evidentially guided rather than a knowledge norm? So to ask "How many innocent people are you willing to put in jail to ensure that people are put in jail when and only when it fits the evidence to put them in jail?" I don't think it would be indefensible to say: All the ones for which the evidence supports putting them in jail! Is this a way to redeem legal epistemology?	Kolja Keller	kolja.keller@rochester.edu
4	I really like your argument. But one thing I've been struggling with is intersectional issues: there is in fact a substantial and very important history of white women making false charges of assault against black men (e.g. those watching birds!). Have you thought at all about how to accommodate this kind of concern?	Jenny Saul	
5	One question that remains for me concerns relative trustworthiness. We might increase confidence in women's testimony, but nevertheless end up giving it far less weight than we give to that of the man contradicting her testimony. Do you think there's a parity constraint here as well?	Cat St. Croix	
6	Is there a difference between the imperative to believe women and simply the imperative to believe testimony? Is the thought that there's more reason to believe testimony with respect to some people's testimony than others (a kind of standpoint epistemology)? Also, is there a worry about knowledge laundering via testimony here?	Rima Basu	
7	Could you provide a salient example where a reasonable person has taken the position ~(#believewomen)?	Anonymous Attendee	
8	Thanks so much for this. I'm largely sympathetic to this — I think that the best version of #believewomen is something like what you suggest (even though that's not always how the hashtag is used). But I'm wondering why a presumption of innocence would be the other desirable goal that we're worried about preserving. Since the hashtag is often about beliefs of the public, rather than what happens in a courtroom, the desirable standard is probably weaker than the legal standard.	Chelsea Rosenthal	crosth@sfu.ca

9	Doesn't "believe women" imply at least the possibility of treating what "Beth" says as "beyond reasonable doubt", even though "Alex" denies it and there's no other evidence?	Tony Ward	tony.ward@northumbria.ac.uk
10	Thanks Renee. You mention “reasonable trust”, which is updating “in proportion to their trustworthiness”. If doubting accusations is sufficiently wide practice in society, would this make doubting accusations reasonable or rational, because the widespread suspicion itself is evidence that accusations (as a class) are often false? That is, if most people don’t believe accusations, could this make it rational to be suspicious of accusations? Because that is how it would work for things like conspiracy theory assertions.	Georgi Gardiner	georgicloud9@gmail.com
11	(I think there is a desirable aim in that neighborhood, just not quite presumption of innocence)	Chelsea Rosenthal	crosth@sfu.ca
12	Is the separation between the evidential and the agential demand as sharp as you put it? Why don’t we owe the agent, who’s at the same time a knower, full belief in their testimony?	Linh Mac	lmac@vols.utk.edu
13	I had a similar question to Georgi. The qualification 'in proportion to their trustworthiness', I think, would have to be understood in an objective rather than a subjective sense, since the problem is that women are often, especially in this context, assumed to be untrustworthy.	Sarah Sawyer	s.a.sawyer@sussex.ac.uk
14	Follow up to what I typed earlier in the QnA, re. Renee’s talk: Suppose “reasonable trust” means we are less inclined to believe rape denials than assertions. (Because, say, they tend to be false.) One way we learn that a class of assertions tends to be false is that people in society tend to doubt the class of assertions.) But then does widespread doubt (of rape accusations) itself render doubt reasonable?	Georgi Gardiner	georgicloud9@gmail.com
15	Perhaps an aside, for the sake of coloration: there is no exclusion of heresay in the inferior courts in my home province, so long as done as evidence that a thing was said and not in the truth of what was said. But that is, presumably, of limited interest to a legal epistemologist, since it’s not truth-probative in the usual sense.	Ben Nelson	bsnelson@uwaterloo.ca
16	Here's a hypothesis: swearing in testifiers is a way of putting their reputation more at stake and thereby taking advantage of costly signaling. In the same way that my reputation is more at stake when I say, "I'm certain that p" than when I say, "I think that maybe p." If I turn out to be wrong in the former case, my reputation suffers more (there are lots of empirical studies of this). Likewise, if I testify under oath that p vs. merely assert with certainty that p, my reputation	Mark Alfano	mark.alfano@gmail.com

	suffers more if I turn out to be wrong (and I could be convicted of perjury and legally sanctioned). If this is on the right track, there's very good reason to continue swearing people in, even if they are atheists.		
	The first kind of error you note about the political system is that the legally codified conditions might not match the actual moral conditions, I take it that this is how you can explain illegitimate political systems that nonetheless are very good at creating the kind of environment that allows it to justify itself--- create more ways to criminalized people to justify imprisoning more of the population. How does one correct such a political system given that every aspect of it would be designed to entrench the kind of inequality it's aiming at-- it creates the evidence that justifies itself. (But it's likely I've misunderstood part of it)	Rima Basu	
17	might it be helpful to switch from a system in which people specialize as prosecutors or defense lawyers to a system in which, whether you're on the side of the prosecution or the defense, is randomized? I get the sense that prosecutors are trained to only look for inculpatory evidence whereas defenders are trained and enculturated to only look for exculpatory evidence. Maybe mixing up the training and enculturation would help realize better systematic outcomes	Mark Alfano	mark.alfano@gmail.com
18	Do the "high stakes" depend primarily on the sentence or on the gravity of the assertion of wrongdoing implicit in the verdict? Wrongly censuring someone for a grave crime is extremely serious whatever the sentence.	Tony Ward	tony.ward@northumbria.ac.uk
19	What about a worry that the legal system is (at least) tri-furcated, not bifurcated. There are facts about how the sentence will influence individuals: Are they claustrophobic, do they have children, do they have addiction or health issues, etc. These facts can affect the stakes, since it affects the consequences of the verdict. Should this information be given to the jury? And how can we obtain that info? (Note too that people with cushier lives might have worse "effects" of a sentence, since the opportunity costs are higher. They could have been skiing instead!!)	Georgi Gardiner	georgicloud9@gmail.com
20	What about the stakes from the other direction? That is, Jurors are still confronted with the dangers of not locking up someone who, by the description of the crimes, seems like a danger to society (e.g. Jeffrey Dahmer type cases). In that case, do the stakes of letting someone like this go free lower the threshold for knowing that the defendant is guilty if they in fact are? And is there something especially perfidious in only allowing the contextual stakes to shift in	Kolja Keller	kolja.keller@rochester.edu

	one direction, especially in light of talk of "super predators" and such that might make Jurors over-estimate the probability of repeat offending?		
21	First, this is awesome! And I think you're right about a lot of this. But I do wonder if we should be worried about this effect working in the other direction too — if jurors know more about the stakes, will they be overly willing to convict on limited evidence in "low-stakes" cases?	Chelsea Rosenthal	crosesth@sfu.ca
22	I wonder about the epistemic articulation of the jury's role in a division of labor — after all, juries really aren't great detectives or reasoners. Arguably they're just there for purposes of flak control: the justice system gets to say to the accused, 'look, your peers judged you, not us'. But in that case the bifurcation is unjust, on non-epistemic grounds — in which case it looks like David's project would be (to that extent, potentially) vindicated.	Ben Nelson	bsnelson@uwaterloo.ca
23	The common fear surrounding jurors knowing sentencing possibilities is the risk of inconsistent jury nullification. Wouldn't that pose a significant risk to the standard application of punishment in the legal system and the epistemic integrity of jury verdicts?	Richard Arning	rarning@vols.utk.edu
24	Thanks Sarah! Some of your cases are where there are false beliefs about the stakes, and so maybe false beliefs about whether one knows. How much info do you think would be good to have? What the realistic possibilities are? What the likelihood is? Presumably there's lots of more and more detailed info that could be provided.	Robbie Williams	phljrgw@leeds.ac.uk