

**EVIDENCE AND EXPLANATION IN
LAW AND LITERATURE**

Jeff Johnson
Yale WHC: Law and Fictional Discourse
May 19, 2015

Inference to the Best Explanation

- Structure of evidence
 - e_1 through e_n are data that provide evidence for t_0 .
 - t_0 *explains* e_1 through e_n .
- Standard of good evidence
 - Rival explanations
 - t_0 must be better than all the rival explanations
- How do you tell?
 - Simplest
 - Most complete
 - Least *ad hoc*
 - Most plausible

e_1 , Premise
 e_2 , Premise
 e_3 , Premise
 ...
 e_n , Premise
 =====
 t_0 , Conclusion

e_1 . He left Connie all alone at the record hop.
 e_2 . He was gone for half an hour or more.
 e_3 . There was a lipstick stain on his collar.
 e_4 . When confronted he claimed that the stain came from Connie.
 e_5 . The stain was red.
 e_6 . Connie's lipstick was baby pink.
 e_7 . Mary Jane's lipstick was all a mess.

=====

t_0 . He had been smooching Mary Jane during the half hour absence.

- Rival explanations
 - t_1 . He went out for a soda pop, just as he said. When asked about the lipstick stain he responded that it came from Connie, since she was the only one he had been smooching. The laundry detergent his mother uses left a residue on his collar that chemically changed the baby pink lipstick to a bright red color. Mary Jane had been smooching a new guy she met at the record hop, and this messed up her lipstick.
 - t_2 . He left Connie all alone because he was feeling ill, but thought it more decorous to say he wanted a soda pop. Mary Jane has been harboring a grudge against Connie since the last student council meeting. She found him in the lobby, distracted him, and wiped lipstick on his collar. After he left to return to Connie, Mary Jane smudged her lipstick with the back of her hand. When he returned and was asked about the stain, he told Connie it was hers because she was the only one he had been smooching.
- Best explanation?

e_1 . Watson had chalk between his left finger and thumb.
 e_2 . He uses the chalk when he plays billiards.
 e_3 . He only plays billiards with Thurston

=====

t'_0 . Watson played billiards with Thurston last night.
 e_4 . He told Holmes four weeks ago that Thurston had an option on some South African property which would expire in a month.
 e_5 . Watson's check book is locked in Holmes' drawer.
 e_6 . Watson has not asked for the key.

=====

t''_0 . Watson has decided against the investment.

- Rival explanations
 - t'_1 . Watson played billiards with someone else last night.
 - t'_2 . Watson was purchasing a new cue, and applied the chalk to test its feel.
 - t'_3 . Something else entirely was responsible for the chalk on Watson's hand.
 - t''_1 . Watson keeps a secret stash of money, and made the investment with Thurston from this source of cash.
 - t''_2 . Thurston's option has been extended an additional two months, and Watson is still considering the investment.
 - t'_3 . Something else entirely is the reason Watson did not ask for the key.
- Best explanation?

e₁. The "text" is on a sign.
 e₂. The sign is on a door.
 e₃. The door is to the Johns Hopkins University Club.
 e₄. The "text" reads, "PRIVATE MEMBERS ONLY".

=====

t₀. Only those persons who belong to this club may enter it.

- Rival explanations
 - t₁. Only those who are secretly and not publicly members of this club may enter it.
 - t₂. Only the genitalia of members may enter.
 - t₃. You may bring in your own genitalia.
 - t₄. Only genitalia may enter.
 - t₅. The sign was intentionally designed with the double meaning by witty intellectuals.
- Best explanation?

e₁. Hamlet exhibits anhedonia – e.g., “He speaks at length to Rosencrantz and Guildenstern, saying he has lost all mirth and that man does not delight him.”
 e₂. Hamlet expresses negative beliefs – e.g., “He calls Denmark a prison. His comments to Ophelia on women are bitter.”
 e₃. Hamlet “alludes to sleep disturbance ‘were it not that I had bad dreams’.”
 e₄. Hamlet “has experienced events likely to precipitate depression: his father’s sudden death, his mother’s hasty marriage, and his disappointment in the succession.”

=====

t₀. Hamlet suffered from depressive illness.

- Rival explanations
- The entire critical literature on *Hamlet*