

# Philosophy 619: Epistemology

Fall 2022

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Office Hours: by appointment

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Course Location and Time: Monday 11:05-13:55, Leacock 927

## Prerequisites:

- Phil 210 – Introduction to Deductive Logic
- Phil 419 – Epistemology
- Phil 415 – Philosophy of Language

## COURSE DESCRIPTION

Civil procedure in common law countries is governed by the standard of the *Preponderance of the Evidence* (PE), according to which a defendant must be found at fault in a civil suit if it is *more likely than not* (given the evidence) that the defendant is at fault. From a philosophical point of view, PE is implausible. It not only sets the bar intuitively rather low; it also gives rise to a family of paradoxes and puzzles which strongly suggest that legal standards of proof cannot be formulated probabilistically. Most importantly, PE is empirically inadequate: recent empirical studies suggest that actual legal practice in civil procedure requires a significantly higher standard of proof than PE. But if PE doesn't provide us with a suitable understanding of the epistemic norms governing civil procedure, what normative principle does?

Legal epistemology has become one of the most actively and controversially discussed topics in recent epistemology. This course is located at the heart of this debate: it aims to introduce to the different views defended in the area, to discuss objections to those views, and to compare their relative advantages and disadvantages. The course approaches these topics from the point of view of analytic epistemology and focusses on *philosophical* questions arising at the foundations of legal epistemology.

Topics discussed include:

- Legal standards of proof
- Evidence, confirmation, and probative value
- The role of knowledge in courts of law

## REQUIREMENTS

It is required that students attend the seminar and participate in the discussion. Participants will be required to give up to three seminar presentations of 15 minutes and to prepare a handout of (exactly) one page.

## **ASSESSMENT**

The final mark will be based on one major paper, which might be the reworking of a seminar presentation (about 20 pages, on a topic to be agreed upon individually). In marking the paper, I shall take into consideration the extent to which it reflects active engagement in seminar discussion. I shall not accept a paper that might have been written in a different context altogether.

Late papers will be downgraded at a rate of 5% per day (e.g., from 72% to 67%, 90% to 85%, etc.), including weekend days/holidays. Late submissions will not be accepted 10 days after the deadline and the paper will count as 0%. Requests for extensions will be considered (but not automatically granted) only when requested at least 24 hours *before* the paper is due and substantiated at the time of request by a doctor's note documenting illness. Extensions will not be more than seven days.

## **MYCOURSES**

The webpage for this course is located at <http://www.mcgill.ca/lms/>. It will be used to post the syllabus, readings, and periodic announcements. You must check the course webpage regularly. If you have technical problems with MyCourses, contact ICT customer support at: <http://www.mcgill.ca/mycourses/students/help/>.

**IMPORTANT:** *papers must be submitted on MyCourses as MS Word documents.* Submissions by email or in hard copy will not be considered.

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*No audio or video recording of any kind is allowed in class without the explicit permission of the instructor.*

In accord with McGill University's Charter of Students' Rights, students in this course have the right to submit in English or in French any written work that is to be graded. This does not apply to courses in which acquiring proficiency in a language is one of the objectives.

In the event of extraordinary circumstances beyond the University's control, the content and/or evaluation scheme in this course is subject to change.