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Abstract This chapter addresses a core topic in the recent debates about disagree-6 ment between peers, namely whether and how you ought to revise your beliefs if 7 you discover that you are disagreeing with a peer – a colleague, fellow expert, or 8 simply someone that you have reason to believe is just as competent as you are on 9 the matter at hand. The topic of disagreement and more specifically the problem of 10 how to respond to disagreement, is relevant in many areas in life where the same 11 information is available to different people that come to hold different beliefs in 12 regard to what that information *means*. The topic also bears on questions relating to 13 epistemic warrant, namely to what extent one's beliefs can be justified by evidence, 14 to first-person conviction, epistemic humility, normative epistemology, and self-15 servicing beliefs.

In this chapter I approach this topic differently to how it has been approached in 17 the recent literature. I believe that there is a difference between addressing the 18 disagreement problem hypothetically, or in theory, as an abstraction of a case of 19 disagreement, and regarding this same problem when it is considered from a 20 practical point of view, in consideration of features that characterize actual cases 21 of disagreement. I believe that the core difference between these two cases relates 22 to judgments relating to the relevance of second-order evidence (roughly, evidence 23 about the viability of inferences made from what we regularly treat as evidence). In 24 actual cases of disagreement, as opposed to hypothetical abstractions of such cases, 25 what is or isn't relevant depends on how uncertain the situation is seen to be by the 26 person in question. And this depends on the level of confidence as perceived by that 27 person's subjective first-person judgment. In what follows I show that subjective 28 confidence about first-order judgments can swamp second-order evidence – against 29 a plausible view that it shouldn't. And I believe that this is a significant problem in 30 practical rationality that is brought into focus by disagreement problems. I focus 31 on the problem of relevancy judgments and how they relate to the calibration of 32

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first-person judgments with statistical data, and I demonstrate how this impinges on disagreements when these are considered from the first-person perspective.

5.1 Introduction

Recent debates dealing with the epistemic significance of peer disagreement have sought to provide responses to cases in which peers disagree about the epistemic import of a shared body of evidence. Various responses have been suggested in the literature. The problem, as typically addressed in the literature, takes the following general form:

If persons A and B are epistemic peers – meaning roughly that it is equally probable that A and B will be correct on matters relating to the domain in which they are peers – and on a particular unexpected occasion they happen to find out that they disagree about whether a particular proposition P (pertaining to that domain) is true given the evidence that is equally available to them both, and assuming that neither party has any independent reason to discount the dissenting party's conclusion, they ought to respond to this discovery ... in such and such a way.

The responses to this problem in the literature vary, and can roughly be divided into three types of response: (1) the *bootstrap* response; (2) the *conciliatory* response, and (3) the *egalitarian* response. I think that some of these responses have considerable appeal. But I also think that some make sense theoretically, but do not make sense from a practical point of view, and that others are simply unreasonable. All the same, I do not believe that the goal of establishing *which* of these responses is better, as a good deal of the recent debate has been focused on doing, actually address the important but understated problem of practical rationality that underlies the disagreement problem stated above.

Customarily, the problem of disagreement asks about the appropriate response (typically the response of a peer) upon encountering a disagreement between peers. The literature offers different solutions to the problem, each of which has more or less normative appeal. Yet none of these solutions seems to engage with what seems to be the *real* problem of disagreement. It is my aim in this chapter to highlight what the real problem of disagreement is. It is, roughly, the problem of deciding *whether* a revisionary tactic is appropriate following the discovery of disagreement, as well as deciding *which* revisionary tactic is appropriate. This non-standard approach to the disagreement problem exposes a slippery and inevitable difficulty that any discussion of disagreement ought to deal with. Once recognized, the real problem

¹ Another subject matter in the literature on disagreement is whether responses to peer disagreement ought to be the same (i.e., should entail the same revisionary response) in all domains. This question is discussed in Konigsberg 2013a.

² Such as the Equal Weight View (Elga 2007), the Total Evidence View (Kelly 2009), the Common Sense View (Enoch 2010) as well as a number of other closely related approaches (Feldman 2006, 2007; Christensen 2007; Matheson 2009; Moss 2011).

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of disagreement reflects on the standard question addressed in the literature about 67 *which* revisionary tactic is appropriate for dealing rationally with disagreement. 68 The problem also generalizes to broader problems in practical rationality. 69

The above-mentioned approaches (1–3 above) are characterized by the different 70 tactics that they propose for dealing with disagreement. But these tactics only 71 appear to be relevant after the truly hard work of deciding *whether* they are relevant 72 in each actual case of disagreement has been done. And this, I believe, is a huge 73 problem that has not been adequately recognized in the literature or has even largely 74 been missed until now. It is, in a word, *the problem of judgments about relevancy*. 75

The epistemic significance of this problem extends beyond debates surrounding 76 disagreement, since relevancy judgments involve the subjective appreciation of 77 evidence made about the reliability of inferences made from evidence. It is my aim 78 here to draw attention to this general problem which, I believe, also lies at the heart 79 of debates surrounding disagreement. It is my contention that *actual* cases of 80 disagreement, as opposed to *possible* cases of disagreement, must deal with this 81 inevitable situation.

The chapter will proceed in two stages. In the next section I outline what I take to 83 be the real problem of disagreement, setting forth my core argument. But I will start 84 with some preliminaries. After that I will present three approaches that I take to 85 characterize the solutions that have been proposed in the literature. In the course of 86 doing so I will show why most of these do not address the real problem of 87 disagreement. But I will also suggest which of the approaches in the literature is 88 most plausible in view of its partial recognition of the underlying difficulty brought 89 about by the inescapability of relevancy judgments. My foremost aim in this 90 chapter is to highlight a fundamental difficulty relating to first-person judgments 91 about the relevance of second-order information – roughly, information which is 92 applicable to specific cases by virtue of their location in a broader statistical 93 framework. I aim to demonstrate how this difficulty impinges on actual situations 94 where revisionary responses to disagreement are called for.

5.2 The Real Problem of Disagreement – Setting the Stage

The crux of the matter lies in a practical paradox of sorts, which is inevitable. This 97 paradox relates to judgments about evidence made from subjective standpoints. 98 Before I present this practical paradox I will start by clarifying what I mean by 99 disagreement.

5.2.1 Disagreements Between Ordinary People

Disagreements as I shall refer to them here are situations in which *people* disagree. 102 More specifically, these types of disagreements involve cases where one person 103



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finds out that another person, typically someone whose relevant epistemic capabilities are similar, holds a different opinion, view, or belief on the same matter. The fact that I will be referring to ordinary people in this context is important, and I make note of it here because it imparts that I wish to relate to the normative question of how *human* reasoners ought to respond to disagreements in situations that are characterized by uncertainty about who or what is correct. This approach contrasts to another, prevalent in the economic as well as the philosophical literature, in which rational agents rather than human reasoners are the focus. The rational behavior of rational agents is typically different to that of human reasoners, and so as to set the stage for addressing the problem, the distinction must be made.

114 5.2.2 A Brief Note on Disagreements in the Economic Literature

In the economic literature there has been an ongoing debate since the mid-1970s surrounding the question of disagreement. The core of this debate focuses on the possibility of rational disagreement between rational agents. The question posed is whether it is possible that agents who are expected to conditionalize on information in the same way, can agree to disagree (Aumann 1976). The debate considers whether it is possible for rational agents to disagree *rationally*.

In the cases of disagreement referred to in the economic literature the types of agents referred to are *not* human agents. And the rationality that is attributed to these agents is perhaps *not* human rationality. Human rationality, in the context of disagreement, relates to human reasoners that encounter evidence to which they know that they may respond imperfectly. The problem of disagreement is thus located in the wider context of human fallibility and regards disagreements as opportunities for corrective measures aimed at mitigating erroneous consequences of imperfect reasoning.

³ While opinions, views, and beliefs may suggest different meanings, each suited more than the other for a particular context; I use them here interchangeably as referring to what a person regards as true

⁴ By rational agents I have in mind something similar to what Thaler and Sunstein have recently referred to as *Econs*. See (Thaler and Sunstein 2008).

⁵ See for instance (Aumann 1976) and (Geanakoplos and Polemarchakis 1982; Cave 1983; Moses and Nachum 1990; Rubinstein and Wolinsky 1990; Hanson 2003; Dégremont and Roy 2009; Hansen and Cowen 2004; Milgrom and Stokey 1982).

5 Judgments About the Relevance of Evidence in the Context of Peer...

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Human Imperfection and Its Implications for Practical Reasoning Problems

There are two critical senses in which human imperfection impinges on disagreements. The first relates to the gathering of information, the second to inferring 133 conclusions from it. People's capacities in both these areas are limited, and they 134 commonly make mistakes. In the course of my discussion I will assume that people 135 are typically aware that they make mistakes – that we know that we are not normally 136 capable of taking all or perhaps unlimited information into account when we deliberate in uncertain conditions. Moreover, we are normally also aware of the fact that 138 when we do possess information that is relevant to our beliefs, our responses - 139 characteristically the inferences that we make from this information – are often 140 imperfect. And by 'imperfect' I have in mind, approximately, three things.

Imperfection and Reasoning 5.2.4

Firstly, when people infer conclusions from evidence, however limited or 143 encompassing this evidence may be, they are not always correct in what they 144 infer. And people commonly recognize this about themselves. What this actually 145 means is that they recognize that their reasoning is error prone, and thus imperfect. 146

Secondly, while people generally know that their reasoning is error prone, they 147 do not always recognize the occasions in which it is so. Because of this, people 148 often think they are right when they are wrong, and therefore incorrect reasoning 149 sometimes goes unrecognized.

Thirdly, because they know that they may sometimes be wrong about what they 151 believe, and because they also know that they do not always recognize the occasions when this is so, people should not always be certain that what they believe is 153 correct. Indeed, it appears that in general we ought to have some reservations about 154 the viability of our responses, particularly when they encounter dissent from an 155 esteemed counterpart or a fellow expert.

When Subjective Credence Plays Against Facts 5.2.5 of the Matter

In many situations of uncertainty, evidence may be more or less convincing, and 159 this seems to play subjective credences against perhaps unknown facts of the 160 matter. All the human reasoner has to go by is his subjective credence, which is 161 assumed to mirror the strength of the evidence that he has. In cases such as this, an 162 individual's subjective flaws as an evidence evaluator prescribe some type of risk 163 mitigating strategy so that inferences whose impact on credence is partly subjec- 164 tive, can be weighed against some type of objective standard that is not based on the 165 same error prone reasoning.

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167 5.2.6 First-Order and Second-Order Evidence

A helpful distinction has been made in the literature between two kinds of evidence. The distinction provides a convenient taxonomy for considering corrective standards for mitigating erroneous tendencies in reasoning. The distinction is between first-order evidence and second-order evidence and it can be understood as making a point about two kinds of epistemically relevant considerations, or evidence.

First-order evidence refers to the kind of evidence the presence of which can increase or decrease subjective credence in a particular proposition. And by increase, I mean that it can make one more confident about the proposition than before – either by moving one's belief towards that expressed by the proposition, or by strengthening one's belief. In the same way, first-order evidence can decrease one's confidence too. Moreover, if first-order evidence is epistemically insignificant, it may neither increase nor decrease credence.

The notion of second-order evidence refers to evidence that bears on whether one's beliefs, or the credences that one has assigned, are likely to be correct. For our purposes what is entailed by first-order evidence is partly subjective because credences that are based on first-order evidence are estimates of a proposition's truth value, based on subjective assessments of first-order evidence. Credences might appear precise because they are usually expressed in numerical form, but let's remember that credences are people's estimates of truth values, expressed as probabilities. As opposed to first-order evidence, which usually relates to a person's present judgment, second-order evidence is typically evidence that is based on past epistemic performance, or experience, and as such does not depend on corroboration by present judgment.

Here is an example illustrating this distinction. The first-order evidence (FOE) that I encounter may be the Candlestick in the Hall, which supports my belief that Colonel Mustard did it (P): <FOE |- P>, or else it increases credence in the belief that he did it. The second-order evidence (SOE) that I possess may be prior knowledge that in the past, when I inferred *who* was guilty on the basis of weapon and location alone (FOE), I was wrong 70 % of the time. In this case second-order evidence is the knowledge that I have about my past performance in inferring conclusions in similar conditions (using the same variables). It tells me how likely it is that my inference – e.g., <FOE |- P>, is correct.

In the context of disagreements between peers, first-order evidence will be the evidence that each peer encounters and which consequently leads each to believe as

⁶ Kelly (2009), Christensen (2007), and Feldman (2006) also refer to this distinction.

⁷ Compare Kelly's discussion of Downward Epistemic Push (Kelly 2009, sec. 5.3).

⁸ Second-order evidence, conceived as I am presently suggesting, provides information about the likelihood of some event, outcome or possibility in some general population of events, outcomes, or possibilities. It may take many different forms and prior experience or performance is only one such form.

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he does in the first-place. Therefore if the disagreement is, for instance, between 203 weather forecasters, and concerns the weather forecast for tomorrow, first-order 204 evidence is the evidence on which each person bases his belief about tomorrow's 205 weather. More generally, we might think of this as the type of evidence that is 206 normally needed for a weather forecaster to make up his mind about tomorrow's 207 weather, prior, that is, to finding out what his peer believes about it. Thus first-order 208 evidence in this context may perhaps be temperature maps (TM), atmospheric 209 factors (AF), and other metrological features (MF) on which weather forecasters 210 typically base their predictions. Let E denote a particular piece of evidence. In this 211 case a prediction based on FOE will look like this: <ETM; EAF; EMF |- P>.

Second-order evidence will typically be evidence that relates to the belief- 213 forming circumstances in which conclusions are inferred from first-order evidence. 214 This may for instance include considerations about how likely it is that the 215 inferences made from first-order evidence are correct. In disagreement problems, 216 second-order evidence will characteristically relate to prior knowledge about a 217 person's competence in inferring conclusions from first-order evidence (typically 218 stated in probabilities based on prior performance), or perhaps knowledge about the 219 person's susceptibility to error.

The widely consensual position in the literature is that in reasoning problems 221 that involve first and second-order evidence, subjective credences that are based on 222 first-order evidence ought to be balanced by probabilities derived from second- 223 order evidence based on past performance (in the same way circumstantial indica- 224 tors in Bayesian reasoning problems are weighed against base-rate information). 225 The general contention is that not to take into account second-order evidence, 226 usually prior probabilities, where these are informative and thus epistemically 227 relevant to the assessment of the viability of present evidence, is a failure of 228 reasoning. To be more specific, it is a failure to consider objective – i.e., second- 229 order as well as subjective – i.e., first-order – factors, both of which are of epistemic 230 value. Otherwise put, to only consider first-order evidence and not to consider 231 second-order evidence is a failure to consider all the relevant evidence.

This insight has been expressed in the literature. Kelly, for instance, articulates it 233 as follows: "what it is reasonable to believe about the world on the basis of one's 234 evidence is constrained by what it is reasonable to believe about one's evidence" 235 (Kelly 2009, sec. 5.3). So too, Christensen notes that "the rationality of first-order 236 beliefs cannot in general be divorced from the rationality of certain second-order 237 beliefs that bear on the epistemic status of those first-order beliefs" (Christensen 238 2007, 18). To apply this insight to our previous example, this would mean that if, 239 after encountering the Candlestick in the Hall I infer that Colonel Mustard did it, 240 without considering that second-order evidence suggests that my inference that 241 Colonel Mustard did it is 70 % likely to be wrong, I would be neglecting relevant 242 and thus epistemically valuable evidence.

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The prescription to consider second-order evidence in conjunction with first-order evidence appears to be unproblematic in theory. In situations of uncertainty, second-order evidence – usually prior probabilities – should be weighed against subjective likelihoods derived from first-order evidence, typically in accordance with Bayes' rule. But while in theory this appears unproblematic and straightforward, there seems to be a difficulty in realizing this prescription in practice.

Because the normative prescription is that second-order evidence ought to be incorporated in judgment in situations of uncertainty, it is subjective judgment that is responsible for determining a situation as uncertain, and consequently for determining whether second-order evidence is relevant as a risk-mitigating measure for addressing this uncertainty. But because determining whether a situation is uncertain depends, at least in part, on how confident the person is about first-order evidence, it can make the subjective judgment about whether second-order evidence is relevant dependent on the very unlawful outcome it is there to mitigate. And this is what paves the way to the real problem that a person that encounters first-order evidence appears to face.

The reason this is a practical rather than a theoretical problem is because in theory there is no apparent difficulty of incorporating second-order evidence in judgments about first-order evidence; in these kinds of theoretical cases, any judgment based on first-order evidence will be weighed against the second-order evidence that applies to that judgment. Why? Well because this is the normative thing to do; second-order evidence is the means by which an individual judgment is put in the context of passed judgments and thus undergoes statistical corroboration. It is what is needed so that the viability of an individual judgment can be properly assessed. But in practice, whether or not second-order evidence applies to an individual judgment depends on how uncertain the person is or how compelling first-order evidence appears to be. If first-order evidence is compelling, secondorder evidence may be taken to be irrelevant or inapplicable to that judgment because statistical corroboration appears unnecessary or inappropriate. Hence second-order evidence can be regarded as more or less applicable depending on the diagnostic value of individual judgment, which it was initially aimed to corroborate.

The normative problem that I am trying to outline is a problem of disagreement between peers considered from a practical point of view. And it is importantly different to theoretical abstractions of such disagreements. In theory, if you and I are peers and we disagree (even though each of us is confident about what we

⁹ Bayes's rule, or theorem, is a rule for operating on numerically expressed probabilities to revise a prior probability (in other words, the base-rate) into a posterior probability after new data have been observed. According to the theorem, the posterior probability for event H1 *after* data D is observed and accounted for is: p(H1|D) = p(H1) p(D|H1)/p(D), where p(H1) is the prior probability assigned to H1 *before* D is observed.

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believe), second-order evidence about our peerhood is the means by which we 281 locate ourselves in a statistical framework. The fact that we may find first-order 282 evidence compelling seems to be neither here nor there; because disagreement 283 exists between the two of us, and we are equally competent reasoners, second-order 284 evidence must be used, since second-order evidence will have to be judged relevant 285 to the case at hand in some sense and to some degree. In this case the question that 286 remains is how to deal with first-order and second-order evidence in relation to each 287 other. And this is what has traditionally been debated in the literature. But in 288 practice, if you regard first-order evidence as sufficiently compelling, you will 289 probably not regard the evidential situation as uncertain. And as such, the corroboration of your belief with second-order evidence may seem irrelevant or even 291 damaging to your subjective evaluation. In such a case, the fact that your peer 292 disagrees may be evidence in favor of their being wrong. But it is important to see 293 that even if, in such a case, you do not regard your situation as uncertain this does 294 not mean that you are denying that there is a case of peer disagreement. You're not. 295 Peer disagreement can still be a problem even if you yourself are confident about 296 the first-order evidence. I mention this here because one might object that if you 297 find that there is no uncertainty, then this is in fact a denial that there is a case of 298 peer disagreement. But this only seems to be the case if one assumes that an agent's 299 uncertainty about first-order evidence alone merits his using second-order evidence 300 to corroborate his belief.

5.2.8 Practical Problems with Theoretical Prescriptions in Disagreement Problems

The practical difficulty with implementing the normative prescription to weigh 304 first-order evidence against second-order evidence in situations of uncertainty is that from the first-person standpoint second-order evidence often has ambiguous 306 implications. To see this, consider a hypothetical situation. Assume that I know that 307 based on past performance I am 70 % likely to be correct in my predictions. On first 308 thought, I can take this to mean that there is a 70 % chance that my next prediction 309 will be correct and a 30 % chance that it won't. Now, having made my next 310 prediction there appears to be no way for me to ascertain, independent of relying 311 on my present judgment and the various considerations that support it, whether my 312 prediction falls in the positive or negative percentiles of chance. That is to say, I 313 have no way of knowing whether my present belief is an instance affirming the 314 70 % chance that I am correct or the 30 % that I am not. My probability of being 315 correct, based on past performance, is second-order evidence the inclusion of which 316 appears to depend on my present level of confidence about first-order evidence. And 317 if I my confidence is high, I may regard my present judgment as being an affirming 318 instance of the positive likelihood of my being correct (in line with how second- 319 order evidence can be understood), rather than an uncertainty in need of 320



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corroboration. And because, on this interpretation, *I am* correct, there is no need to weigh my present level of confidence against second-order evidence. Note that I am not suggesting that I would necessarily be justified in neglecting the 70:30 base-rate. Rather, what I am suggesting is that the significance of the 70:30 base rate can mean different things in terms of epistemic justification.

This suggests that aside from the normative prescription to weigh first-order evidence against second-order evidence I appear to also have a normative obligation to treat first-order evidence in accordance with the level of epistemic warrant that it provides. It does after all seem to be uncontroversial that different evidential situations warrant varying levels of confidence. And it seems that proper incorporation of new information about these situations depends on the epistemic warrant that is provided by first-order evidence. A person in a first-person standpoint may consequently be faced with two, possibly conflicting, normative prescriptions, from which the suspected practical paradox arises:

- 335 (1) Respond to first-order evidence in accordance with how convincing it appears to be.
- 337 (2) Mitigate the risk of being wrong by weighing first-order evidence against second-order evidence.

As noted, the practical problem here is that there is no independent way to ascertain which prescription – (1) or (2) – applies, and there is no immediately obvious or straightforward weigh of combining them. And this situation, in which we are asked about an individual's appropriate response once conflict with a peer is discovered, appears to be reflective of a class of epistemically ambiguous situations in which the crux seems to lie in an individual's ability to determine the appropriate revisionary response to the situation. And because doing so is largely a matter of how confident the individual is about the first-order evidence, the inclusion of second-order evidence seems to depend, at least in part, on the selfsame risk-prone reasoning it is there to mitigate. And this, it seems, is inevitable. As long as subjective judgment is responsible for deciding whether second-order evidence is relevant, it doesn't appear to matter that second-order evidence is independent of current judgment, the risk of fallible subjective judgments remains.

5.2.9 The Real Problem of Disagreement – A Practical Paradox

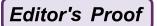
If the normative prescription is that an individual in a decision circumstance ought to decide whether or not second-order evidence is relevant to that circumstance, he

¹⁰ Kelly states of cases such as these that "one's first-order evidence not only confirms the belief in question; it also confirms a proposition to the effect that it is reasonable for one to hold that belief" (Kelly 2009, sec. 5.3).

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must have the ability to distinguish when it is and when it isn't relevant. We assume 356 that this is a function of how ambiguous the evidence is, perhaps how weak the 357 evidence is (Enoch 2010; Kelly 2005), or how uncertain he is about what he has 358 inferred from the evidence. In each case it is on the basis of such considerations that 359 the individual deems second-order evidence relevant or irrelevant. And this seems 360 to lead to a situation where the judgment of relevance has no independent evidence 361 to go by. Hence theoretically, Bayes rule may well offer a precise way to weigh 362 beliefs, and philosophers writing about disagreement may well make suggestions 363 about which responses are appropriate for peers that encounter conflicting beliefs. But tactics such as these only seem to be relevant after the hard work of deciding 365 relevancy has been done, and this, as I have tried to show, is theoretically an 366 underdescribed problem that I believe has largely been missed until now.

5.3 **Responses in the Literature**

I believe that responses to peer disagreement in the recent philosophical literature 369 can be divided into three kinds. In the next section I will address each of the 370 approaches in the literature in relation to the problem highlighted in Sect. 5.2. 371 Before doing so I will sketch a pseudo-particularized example of disagreement on 372 the basis of which the plausibility of each of the approaches can be assessed. 373

A Case of Peer Disagreement

Jill and Jack are two equally ranked chess masters. As it happens, Jill and Jack have 375 other things in common aside from sharing the same title and rank at chess. They 376 have both been playing chess for the same number of years and they have won the 377 same number of games, at equally ranked tournaments, against equally classed 378 players, using similar game strategies. Additionally, Jill and Jack also know all of 379 this about each other.

On a particular occasion, Jill and Jack are each independently asked by an 381 examiner which color has the advantage in a particular chessboard arrangement. Jill tells the examiner that she thinks that White has the advantage; Jack tells the 383 examiner that he thinks that Black has the advantage. Then each of them is told by 384 the examiner about what the other thinks. What should Jill and Jack do in regard to 385 their beliefs after being given this information, assuming that is, that neither one of 386

¹¹Elsewhere I discuss the epistemic significance of relevancy judgments. In this context see also Maya Bar-Hillel's seminal "The base rate fallacy in probability judgments" (Bar-Hillel 1980), which focuses on relevancy judgments in establishing whether or not base rates ought to be incorporated in probability judgments. See also: (Bar-Hillel and Fischhoff 1981; Bar-Hillel 1982; Welsh and Navarro 2012; Barbey and Sloman 2007; Ajzen 1977).