

**Philosophy 338**  
**Philosophy of Law**  
**2017**  
**Note Eighteen**

SOME POST-TEST #2 OBSERVATIONS

1. This was a very popular question; however, there were few cases where the subtleties were adequately addressed. Few people defined what implicit or hidden bias actually is. Most people got it correct that if jurors are subject to considerable implicit bias, it might lead us to discredit their reasoning abilities. This would possibly lead us to big box scepticism, which we try to avoid. However, many people failed to address the data that we discussed in this context and to mention our desire to respect the data. This was an important aspect of the question, because the inconclusiveness of the data is precisely why we had to leave this matter unsettled.
2. Most people had a clear understanding of the distinction between the up-above and the down-below, although more details on the qualities of these would have been useful (there's a helpful list in the text). One of the biggest issues on this question was not adequately relating this distinction to matters relevant to the course. Likewise, in some cases, someone would tell me that it would or wouldn't follow that most things we know are known implicitly and tacitly, but there was no clear explanation as to why that would be the case.
3. Certain aspects of the setup data were very important here (whereas Linda's specific profession was less so). The two options had to be described where the first option was a single statement unrelated to her background and the second option was the same statement plus another statement related to her background. Unfortunately, many people simply misconstrued the charge that was leveled against the legal system and the defense of the legal system here.
4. By far the least answered question. Several answers failed to say what *ex falso quodlibet* is and most answers did not get the significance for law correct. Most people were able to correctly describe the two types of relevance in law.
5. Almost everyone answered this question. Many answers left out a description of the procedures used by law and science to close the world and merely said that law does close the world. Most of the descriptions of a closed and open world were in the right direction, but could have been more carefully described.