Spring School on Argumentation in Artificial Intelligence and Law



Day 3 Thursday April 12

Evidence

- 8:30 Burdens of proof in the law (Giovanni Sartor)
- 10:00 *Break*
- 10:30 Three approaches to rational proof in criminal cases (Henry Prakken)
- 12:00 Break
- 14:30 Hybrid models of rational legal proof (Bart Verheij)
- 16:00 *Break*
- 16:30 Discussion

17:30

Hybrid models of rational legal proof

Bart Verheij Institute of Artificial Intelligence and Cognitive Engineering www.ai.rug.nl/~verheij

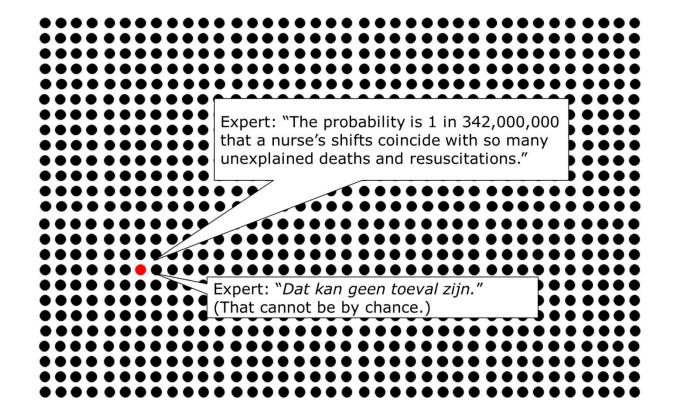


 faculty of mathematics and natural sciences



How can forensic evidence be handled effectively and safely?





Analyses of what went wrong

1. The statistical calculations were erroneous. Wrongly combining p-values

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- 2. The statistics were erroneous. Biased data collection

Analyses of what went wrong

- 1. The statistical calculations were erroneous. Wrongly combining p-values
- 2. The statistics were erroneous. Biased data collection

3. The statistics only show that what happened is rare.

Lack of context

What makes a suspect's guilt convincing?

When the context speaks for itself.

E.g.,

- The murder weapon is found.
- Fingerprints found on the gun match the suspect's.
- The suspect has `shooting hands'.
- The suspect is a known hitman.
- The victim was a drug dealer involved in a gang war.



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. .

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Goal:

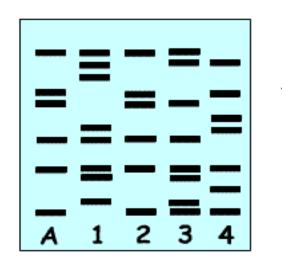
promote rational handling of evidence in courts

Tool needed: a normative framework shared between experts and factfinders

DNA profiling

Successful

High information value Scientific foundation Precise statistical information (Random Match Probability)





DNA profiling

DNA Profile		Allele	frequency from database			Genotype frequency for locus		
Locus	Alleles	Times allele observed	Size of database	Frequ	Frequency		Number	
	10	109	422	<i>p</i> =	0.25	- 2 <i>pq</i>	0.16	
CSF1PO	11	134	432 -	<i>q</i> =	0.31		0.16	
	8	229	432		0 52	n ²	0.20	
TPOX	8			<i>p</i> =	0.53	<i>p</i> ²	0.28	
	6	102	429	<i>p</i> =	0.24		0.07	
THO1	7	64	428	<i>q</i> =	0.15	- 2 <i>pq</i>	0.07	
	16	01	420		0.21	2		
vWA	16	91	428	<i>p</i> =	0.21	<i>p</i> ²	0.05	
				p	rofile fre	equency=	0.00014	Rou 1 in

Random Match Probability

Charles H. Brenner

"The DNA effect"

By the success and nature of DNA the following idea has gained momentum:

Evidence is only valuable when it comes with scientifically supported statistics.

(Cf. the CSI effect; http://en.wikipedia.org/wiki/CSI_effect)

Proof With and Without Probabilities

Bart Verheij Institute of Artificial Intelligence and Cognitive Engineering www.ai.rug.nl/~verheij



 faculty of mathematics and natural sciences

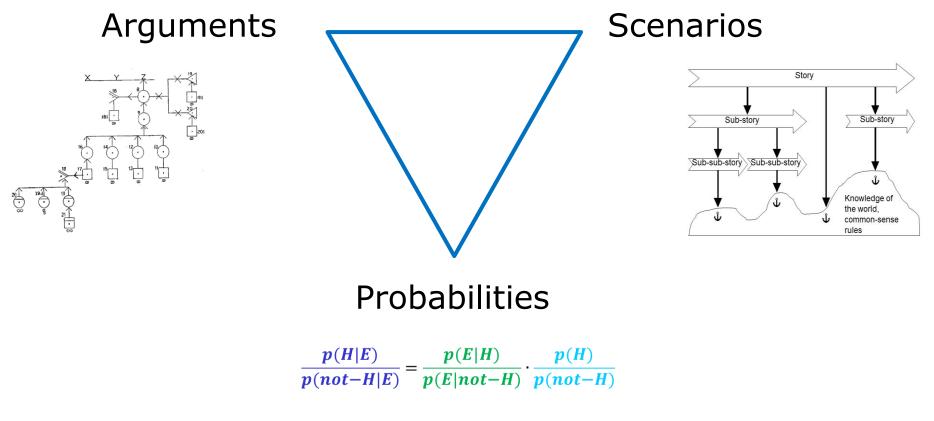


Goal:

promote rational handling of evidence in courts

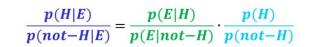
Tool needed: a normative framework shared between experts and factfinders

Three normative frameworks

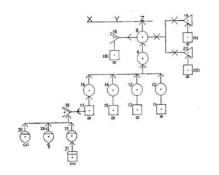


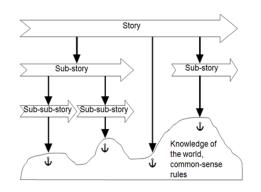
Posterior odds = Likelihood ratio · Prior odds

Three normative frameworks



Posterior odds = Likelihood ratio · Prior odds





Probabilities

E.g., follow the calculus, don't transpose conditional probabilities, don't forget prior probabilities

Argumentation

E.g., take all arguments into account, both pro and con, assess strength and relative strength, avoid fallacies

Scenarios

E.g., consider alternative scenarios, assess plausibility and coherence, consider which evidence is explained or contradicted

Three normative frameworks

 $\frac{p(H|E)}{p(not-H|E)} = \frac{p(E|H)}{p(E|not-H)} \cdot \frac{p(H)}{p(not-H)}$

Posterior odds = Likelihood ratio · Prior odds

Probabilities

E.g., follow t

condition

proba

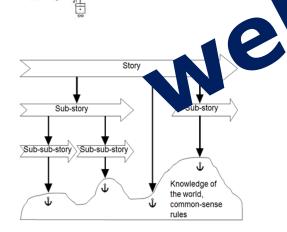
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Scenarios

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EVIDENTIAL REASONING Chapter for the Handbook of Legal Reasoning

Marcello Di Bello & Bart Verheij - April 19, 2017

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Conflicting evidence

Arguments Three kinds of attack can be distinguished: rebutting, undercutting and undermining. Three kinds of support can be distinguished: multiple, subordinated and coordinated. Arguments can involve complex structures of supporting and attacking reasons.

Scenarios There may be conflicting scenarios about what has happened. Evidence can be explained by one scenario, but not by another. Scenarios can be contradicted by evidence.

Probabilities Support can be characterized as "probability increase" or "positive likelihood ratio". Attack can be characterized as "probability decrease" or "negative likelihood ratio". The conflict between two pieces of evidence can be described probabilistically.

Evidential value

Probabilities The incremental evidential value is measured by probabilistic change. The overall evidential value is measured by the overall conditional probability. The use of evidence with high incremental evidential value has complications.

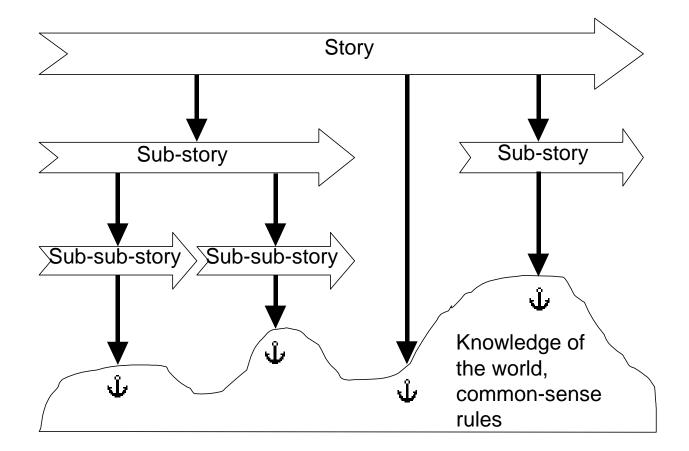
Arguments The reasons used can be conclusive or defeasible. Arguments can be evaluated by asking critical questions. It can be subject to debate whether a reason supports or attacks a conclusion.

Scenarios Scenarios can be plausible and logically consistent. The more evidence a scenario can explain, the better. The more pieces of evidence a scenario is consistent with, the

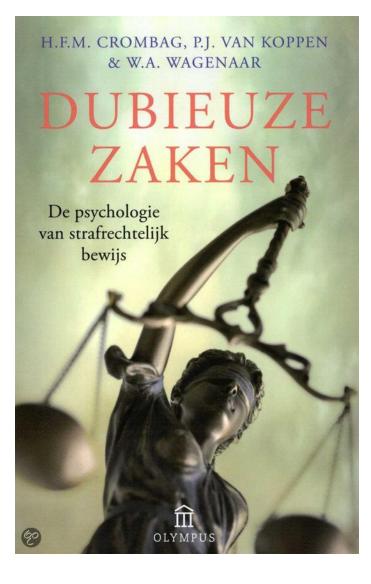
Introduction Hybrid models

AI & Law

Anchored narratives



Crombag, H.F.M., van Koppen, P.J., and Wagenaar, W.A. (1992, 1994), *Dubieuze Zaken: De Psychologie van Strafrechtelijk Bewijs. (Dubious Cases. The Psychology of Criminal Evidence.)* (Amsterdam: Contact).





geredetwijfel.nl

Ten universal rules of evidence

- 1. The prosecution must present at least **one well-shaped narrative**.
- 2. The prosecution must present a limited set of well-shaped narratives.
- 3. Essential components of the narrative must be anchored.
- 4. **Anchors** for different components of the charge **should be independent** of each other.
- 5. The trier of fact should give **reasons for the decision** by specifying the narrative and the accompanying anchoring.
- 6. A fact-finder's decision as to **the level of analysis** of the evidence **should be explained through an articulation of the general beliefs used as anchors**.
- 7. There should be **no competing story** with equally good or better anchoring.
- 8. There should be **no falsifications of the** indictment's **narrative** and nested sub-narratives.
- 9. There should be **no anchoring onto obviously false beliefs**.
- 10. The indictment and the verdict should contain the same narrative.

Wagenaar, W.A., van Koppen, P.J., and Crombag, H.F.M. (1993), Anchored Narratives. The Psychology of Criminal Evidence (London: Harvester Wheatsheaf).

Anchored narratives

ANT can be regarded as a mixed approach, with story-based and argument-based elements.

Verheij, B. (2000). Dialectical Argumentation as a Heuristic for Courtroom Decision Making. *Rationality, Information and Progress in Law and Psychology. Liber Amicorum Hans F. Crombag* (eds. van Koppen, P.J., & Roos, N.), 203-226. Maastricht: Metajuridica Publications.

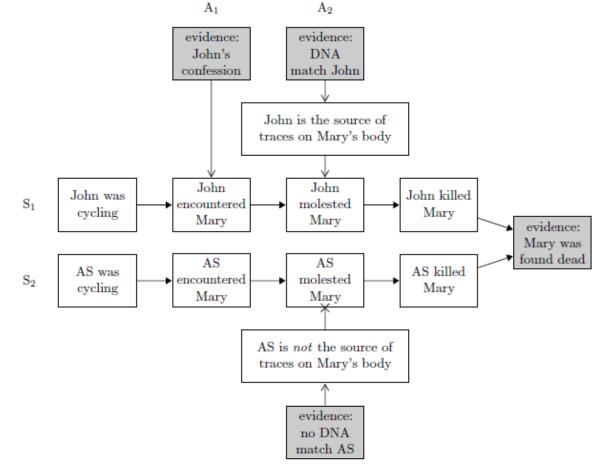
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Arguments and scenarios





Bex 2009 dissertation

 A_3

Connecting arguments and scenarios: a hybrid theory

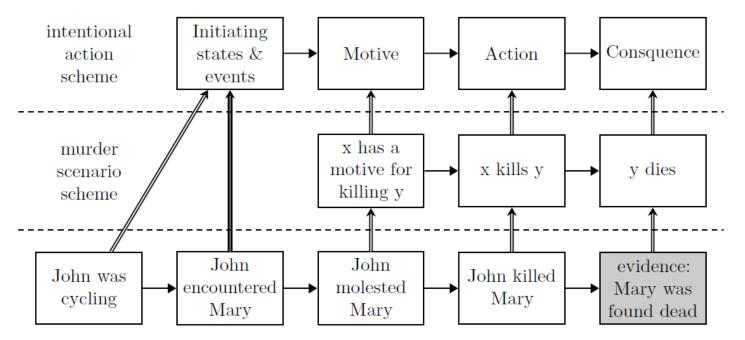


Figure 4: The scenario S_1 as an instance of different scenario schemes

Bex 2009 dissertation

Bayesian networks

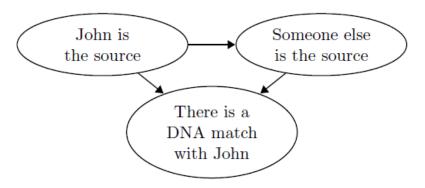


Figure 5: A Bayesian network structure with dependency relations

John is the source

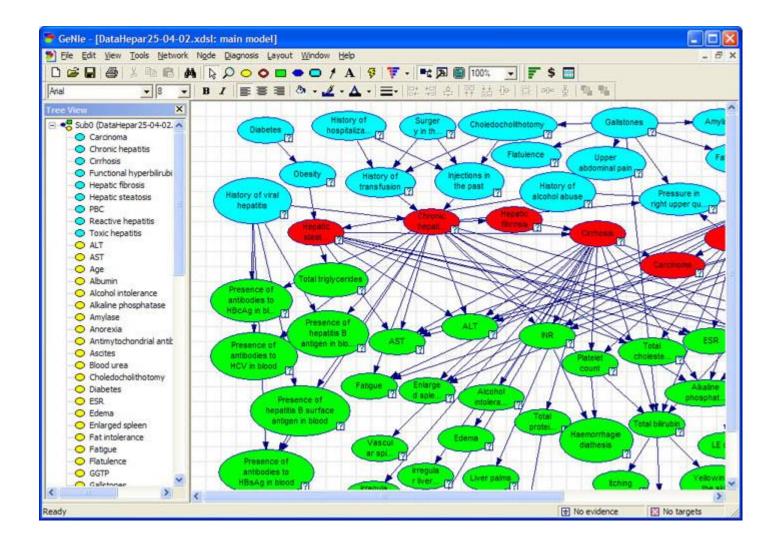
John is the source $=$ false	8000/8001
John is the source $=$ true	1/8001

Someone else is the source

John is the source	false	true
Someone else is the source $=$ false	0	1
Someone else is the source $=$ true	1	0

DNA match

John is the source		false	true	
Someone else	false	true	false	true
DNA match = false	0.5^{*}	$1 - 0.66 \cdot 10^{-21}$	0	0.5^{*}
DNA match $=$ true	0.5^{*}	$0.66 \cdot 10^{-21}$	1	0.5^*



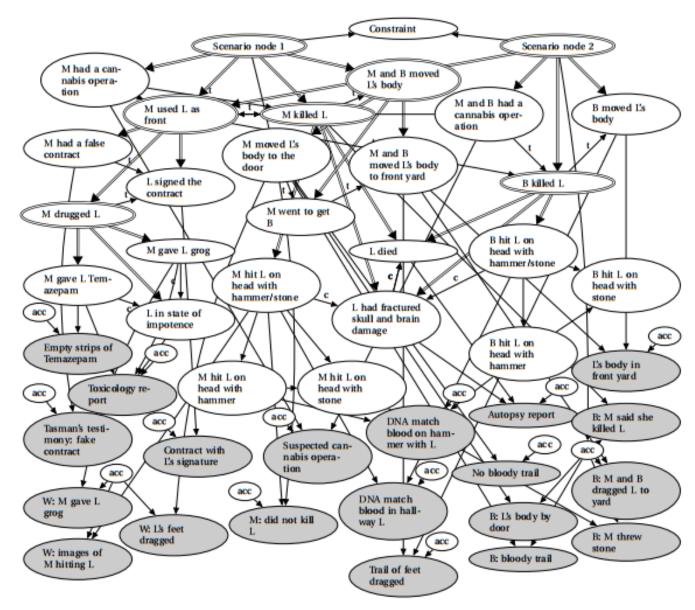
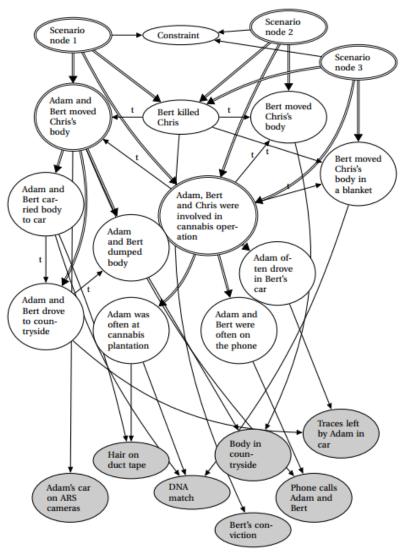
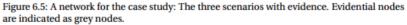


Figure 4.11: Scenario 1 and scenario 2 with evidence. Evidential nodes are indicated as grey nodes.

76

Vlek 2016 dissertation





Vlek 2016 dissertation

114

• Scenarios in the network:

- Scenario 1 (prior probability: 0.001, posterior probability: 0.5296):

Scenario: Bert killed Chris, and Adam, Bert and Chris were involved in cannabis operation. Then Adam and Bert moved Chris's body.

Adam, Bert and Chris were involved in cannabis operation: Adam was often at cannabis location and Adam and Bert were often on the phone and Adam often drove in Bert's car.

Adam and Bert moved Chris's body: Adam and Bert carried body to car. Then Adam and Bert drove to countryside. Then Adam and Bert dumped body.

- Scenario 2 (prior probability: 0.001, posterior probability: 0.1180):

Scenario: Bert killed Chris, and Adam, Bert and Chris were involved in cannabis operation. Then Bert moved Chris's body.

Adam, Bert and Chris were involved in cannabis operation: Adam was often at cannabis location and Adam and Bert were often on the phone and Adam often drove in Bert's car.

- Scenario 3 (prior probability: 0.001, posterior probability: 0.2913):

Scenario: Bert killed Chris, and Adam, Bert and Chris were involved in cannabis operation. Then Bert moved Chris's body in a blanket. **Adam, Bert and Chris were involved in cannabis operation**: Adam was often at cannabis location and Adam and Bert were often on the phone and Adam often drove in Bert's car.

- Scenario quality
 - Scenario 1 is complete and consistent. It contains the supported implausible element Bert killed Chris.
 - Scenario 2 is complete and consistent. It contains the supported implausible element Bert killed Chris.
 - Scenario 3 is complete and consistent. It contains the supported implausible element Bert killed Chris.
- Evidence related to each scenario
 - Evidence for and against scenario 1:
 - * Adam's car not on ARS cameras: weak evidence to attack scenario 1.
 - * DNA match: moderate evidence to support scenario 1.
 - * Hair on duct tape: moderate evidence to support scenario 1.
 - * Bert's conviction: moderate evidence to support scenario 1.
 - * Body in countryside: strong evidence to support scenario 1.
 - * Phone calls Adam and Bert: weak evidence to support scenario 1.
 - $\ast~$ Traces of Adam in car: weak evidence to support scenario 1.
 - $\ast\,$ All evidence combined: strong evidence to support scenario 1.
 - Evidence for and against scenario 2:
 - * Adam's car not on ARS cameras: weak evidence to attack scenario 2.
 - * DNA match: moderate evidence to support scenario 2.



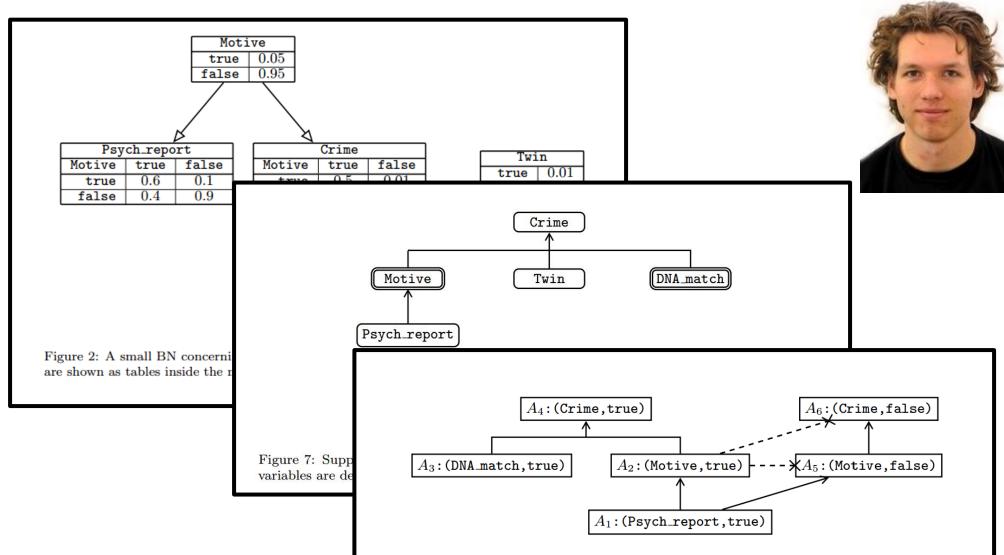


Figure 8: An argument graph resulting from our running example. Arrows show the immediate sub-argument relation. Besides the intuitively correct arguments A_1, \ldots, A_4 there are two additional arguments depicted that can also be made but that are successfully rebutted by A_2 . The dashed arrows with crosshair tips show the defeat relation between arguments. Argument A_5 is defeated by A_2 because (Motive, true) is probabilistically stronger (using the likelihood ratio measure of strength in this case) than (Motive, false) based on this evidence. Any conclusion that builds on this second argument (such as A_6) is also defeated.

Timmer 2017 dissertation



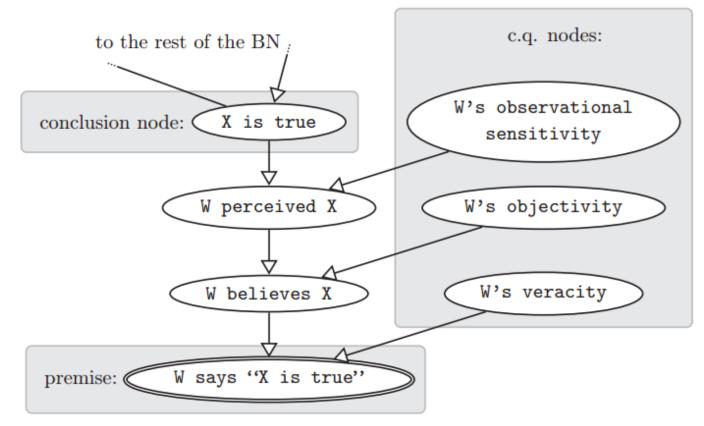


Figure 5.7: Modelling critical questions as a chain of exceptions.

Timmer 2017 dissertation

NWO Forensic Science project

- A method to incorporate argument schemes in a Bayesian Network (Timmer, 2017; Timmer et al., 2015a);
- An algorithm to extract argumentative information from a Bayesian Network modeling hypotheses and evidence (Timmer, 2017; Timmer et al., 2016);
- A method to manually design a Bayesian Network incorporating hypothetical scenarios and the available evidence (Vlek, 2016; Vlek et al., 2014);
- A method to generate a structured explanatory text of a Bayesian Network modeled according to this method (Vlek, 2016; Vlek et al., 2016);
- A case study testing the design method (Vlek, 2016; Vlek et al., 2014);
- A case study testing the explanation method (Vlek, 2016).

http://www.ai.rug.nl/~verheij/nwofs/

Bayesian Network modeling with idioms

Strengths

Explicit complex model (allows for discussion) Correct calculations (supported by software) Systematic, reusable (idioms)

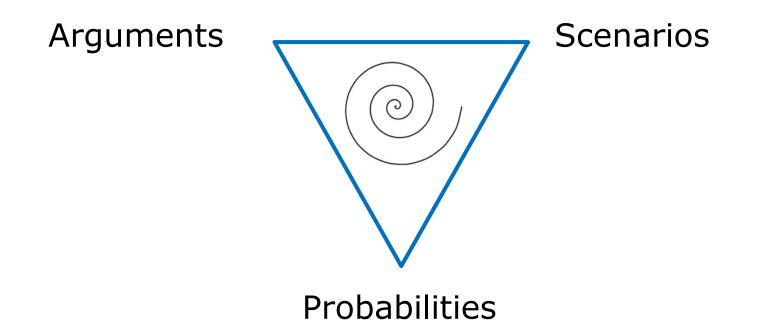
Issues

Design (numbers, dependencies, compositionality of idioms) Interpretation (formal versus material meaning) Goal:

promote rational handling of evidence in courts

Tool needed: a normative framework shared between experts and factfinders





Verheij, B. (2017). Proof With and Without Probabilities. Correct Evidential Reasoning with Presumptive Arguments, Coherent Hypotheses and Degrees of Uncertainty. *Artificial Intelligence and Law* 25 (1), 127-154. http://dx.doi.org/10.1007/s10506-017-9199-4

Integrating the three perspectives

- They are just three different ways of speaking about the same things, each emphasising some specific aspects
- There is no need to idolize any
- There is no need to demonize any

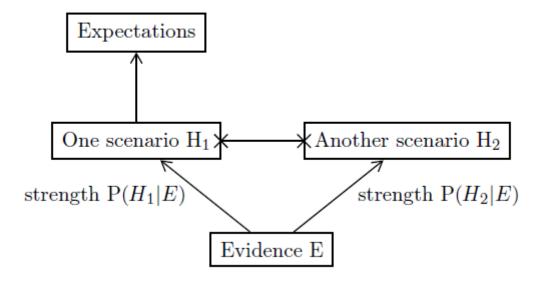
Hypothesis



There exists an integrated perspective On arguments, scenarios and probabilities as normative tools for evidential reasoning in which each has its natural and transparent place.



Arguments, scenarios and probabilities



Verheij, B. (2014). To Catch a Thief With and Without Numbers: Arguments, Scenarios and Probabilities in Evidential Reasoning. *Law, Probability and Risk*, 13, 307-325.

Definition 1. (Case models) A case model is a pair (C, \geq) with finite $C \subseteq L$, such that the following hold, for all φ , ψ and $\chi \in C$:

1. $\not\models \neg \varphi$; 2. If $\not\models \varphi \leftrightarrow \psi$, then $\models \neg (\varphi \land \psi)$; 3. If $\models \varphi \leftrightarrow \psi$, then $\varphi = \psi$; 4. $\varphi \ge \psi$ or $\psi \ge \varphi$; 5. If $\varphi \ge \psi$ and $\psi \ge \chi$, then $\varphi \ge \chi$.

Case models are `with and without numbers' in a precise sense:

- the ordering can be derived from a numeric representation;
- it is without numbers since an ordering is a qualitative relation.

Proof With and Without Probabilities

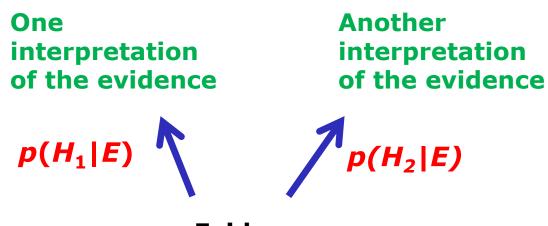
Correct Evidential Reasoning with Presumptive Arguments, Coherent Hypotheses and Degrees of Uncertainty

Bart Verheij

Received: date / Accepted: date

Abstract Evidential reasoning is hard, and errors can lead to miscarriages of justice with serious consequences. Analytic methods for the correct handling of evidence come in different styles, typically focusing on one of three tools: arguments, scenarios or probabilities. Recent research used Bayesian Networks for connecting arguments, scenarios, and probabilities. Well-known issues with Bayesian Networks were encountered: More numbers are needed than are available, and there is a risk of misinterpretation of the graph underlying the Bayesian Network, for instance as a causal model. The formalism presented here models presumptive arguments about coherent hypotheses that are compared in terms of their strength. No choice is needed between qualitative or quantitative analytic styles, since the formalism can be interpreted with and without numbers. The formalism is applied to key concepts in argumentative, scenario and probabilistic analyses of evidential reasoning, and is illustrated with a fictional crime investigation example based on Alfred Hitchcock's film 'To Catch A Thief'.

Verheij, B. (2017). Proof With and Without Probabilities. Correct Evidential Reasoning with Presumptive Arguments, Coherent Hypotheses and Degrees of Uncertainty. *Artificial Intelligence and Law* 25 (1), 127-154. http://dx.doi.org/10.1007/s10506-017-9199-4.



Evidence

Proof With and Without Probabilities

An argumentation theory that connects

- presumptive arguments,
- coherent hypotheses, and
- degrees of uncertainty

using classical logic and standard probability theory.

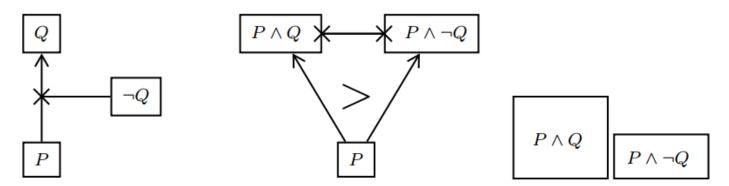


Fig. 1 General idea: an argument with a counterargument (left); arguments for conflicting cases and their comparison (middle); cases and their comparitive value (right)

- Patients have reported a sexual assault by their doctor (patients).
- The DNA of a trace of semen found on one patient is compared with the DNA in a blood sample taken from the doctor. There is no match (¬dna-match).
- The doctor had implanted a drain into his arm, filled with someone else's blood (implant).

By patients, we presume dna-match and guilt
 patients ~> dna-match ^ guilt

We find ¬dna-match, so now we presume ¬guilt patients ^ ¬dna-match ~> ¬guilt

We find implant, so we presume, in fact conclude, guilt
 patients ^ -dna-match ^ implant ~> guilt
 patients ^ -dna-match ^ implant => guilt

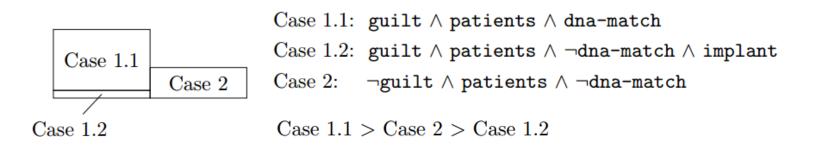


Figure 2: Case model for the example

3 > 2 > 1

Pr(Case1.1) = 3/(3+2+1) = 50% $Pr(Case2) = 2/(3+2+1) \sim 33\%$ $Pr(Case1.2) = 1/(3+2+1) \sim 17\%$

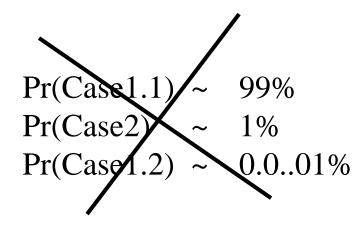
$\pi > e > 1$

 $Pr(Case1.1) = \pi/(\pi+e+1) \sim 46\%$ $Pr(Case2) = e/(\pi+e+1) \sim 40\%$ $Pr(Case1.2) = 1/(\pi+e+1) \sim 14\%$

very high > low > extremely small

Pr(Case1.1) ~ 99% Pr(Case2) ~ 1% Pr(Case1.2) ~ 0.0..01%

very high > low > extremely small



(It seems that we don't need the numbers)

Kinds of argument validity

Coherent arguments

 $(C, \geq) \models (\varphi, \psi)$ if and only if $\exists \omega \in C : \omega \models \varphi \land \psi$.

Conclusive arguments

 $(C, \geq) \models \varphi \Rightarrow \psi$ if and only if $\exists \omega \in C: \omega \models \varphi \land \psi$ and $\forall \omega \in C:$ if $\omega \models \varphi$, then $\omega \models \varphi \land \psi$.

Presumptively valid arguments

$$(C, \geq) \models \varphi \rightsquigarrow \psi$$
 if and only if $\exists \omega \in C$:

1.
$$\omega \models \varphi \land \psi$$
; and
2. $\forall \omega' \in C : \text{if } \omega' \models \varphi$, then $\omega \ge \omega'$.

Arguments	Scenarios	Probabilities
Coherence	Coherence	p>0
Presumptive validity	Plausible	p maximal, p> t
Conclusive	Beyond a reasonable doubt	p=1

Three kinds of validity

Coherent arguments

 $p(\psi \mid \varphi) > 0$

 $(C, \geq) \models (\varphi, \psi)$ if and only if $\exists \omega \in C : \omega \models \varphi \land \psi$.

Presumptive arguments $(C, \geq) \models \varphi \rightsquigarrow \psi \text{ if and only if } \exists \omega \in C:$ 1. $\omega \models \varphi \land \psi; \text{ and}$ 2. $\forall \omega' \in C: \text{ if } \omega' \models \varphi, \text{ then } \omega \geq \omega'.$

Conclusive arguments

 $p(\psi \mid \varphi) = 1$

 $(C,\geq)\models\varphi\Rightarrow\psi\text{ if and only if }\exists\omega\in C:\omega\models\varphi\wedge\psi\text{ and }\forall\omega\in C:\text{ if }\omega\models\varphi\text{, then }\omega\models\varphi\wedge\psi.$

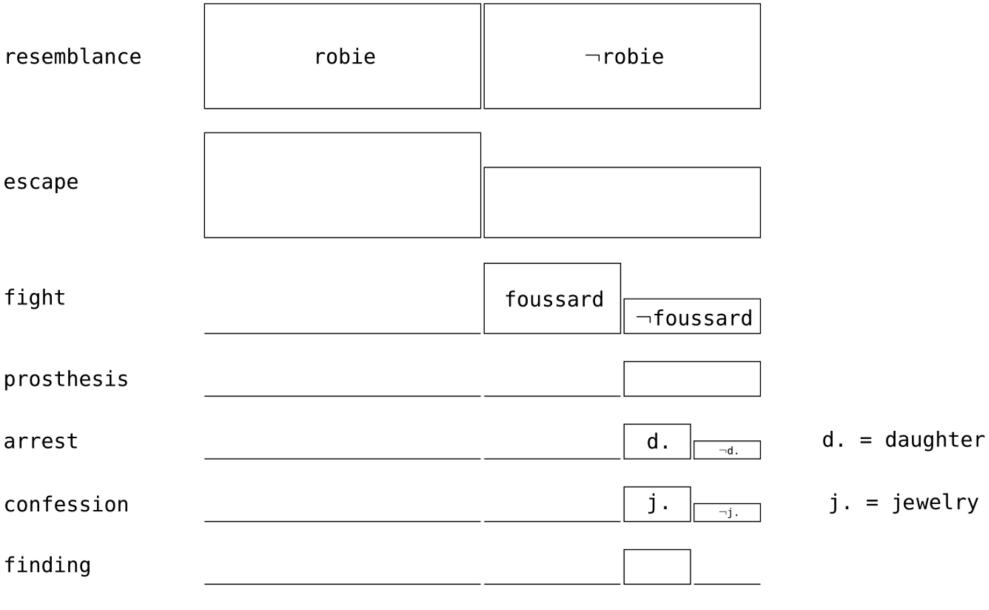






↓ Evidence

Hypotheses



Hypothesis 1 Hypothesis 2 Hyp. 3 Hyp. 4

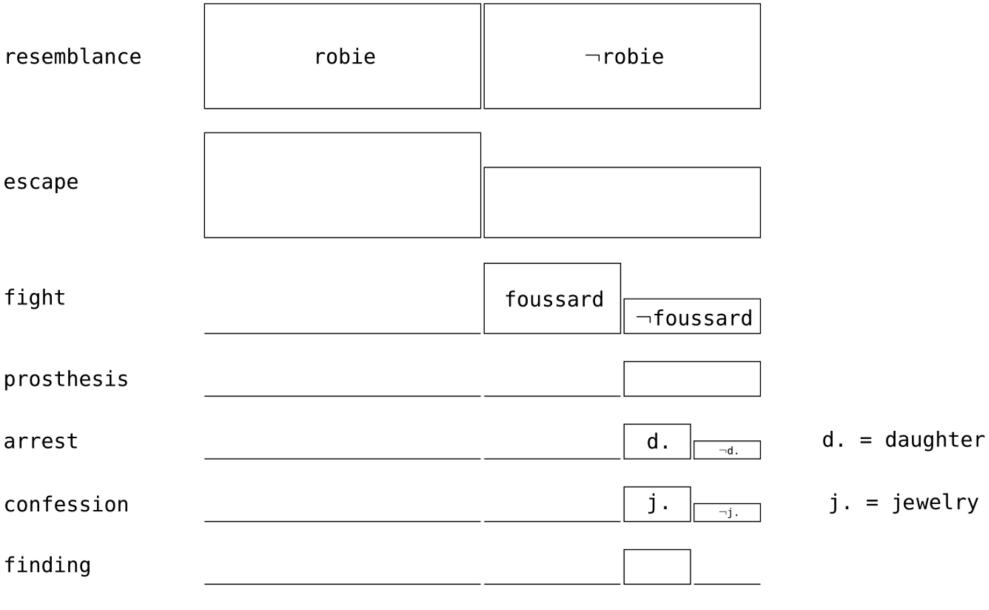
	5						
1		6					
	2	3	7				

Block 1: Robie indeed was the thief

Block 3: Resistance friend Foussard's daughter was the thief

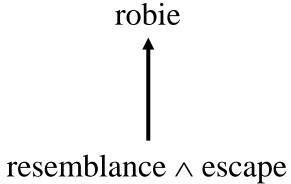
↓ Evidence

Hypotheses



Hypothesis 1 Hypothesis 2 Hyp. 3 Hyp. 4





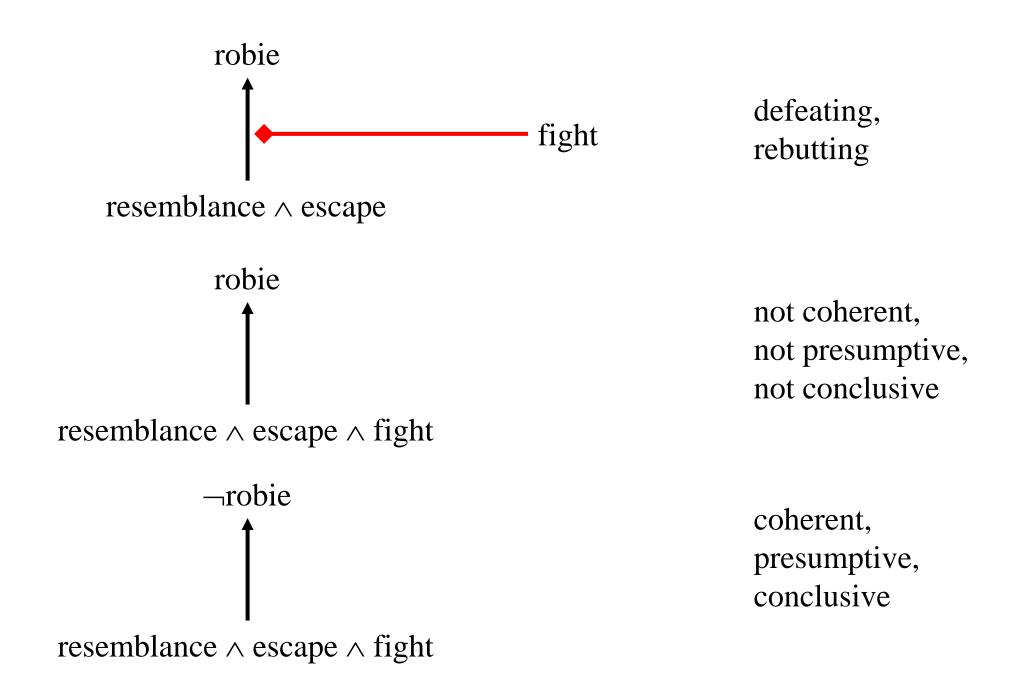
coherent, presumptive, not conclusive

-robie

coherent, not presumptive, not conclusive

resemblance \land escape



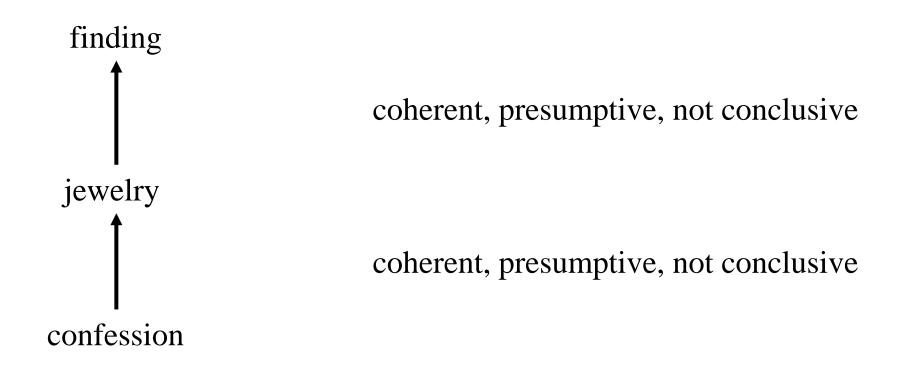




\neg robie $\land \neg$ fousard \land daughter \land jewelry

resemblance \land escape \land fight \land prosthesis \land arrest \land confession \land finding

coherent, presumptive, conclusive

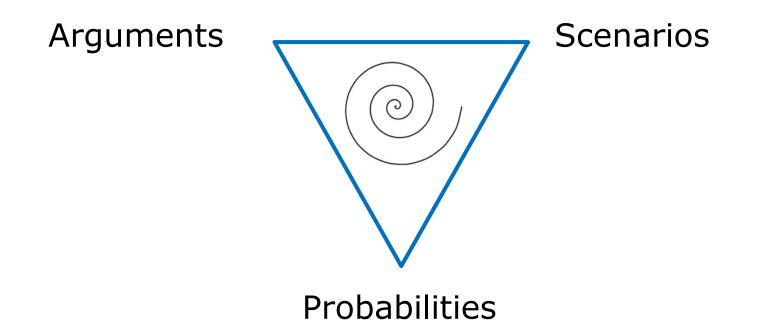


Hypothesis



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Verheij, B. (2017). Proof With and Without Probabilities. Correct Evidential Reasoning with Presumptive Arguments, Coherent Hypotheses and Degrees of Uncertainty. *Artificial Intelligence and Law* 25 (1), 127-154. http://dx.doi.org/10.1007/s10506-017-9199-4 Introduction Hybrid models **AI & Law**

Artificial intelligence and Law



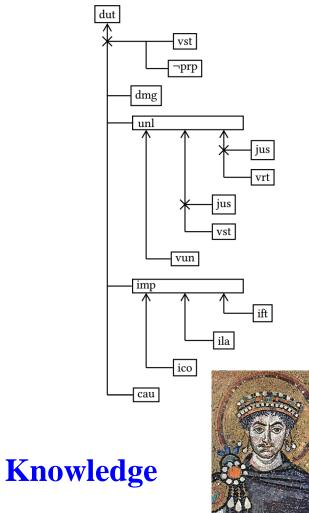
Legal artificial intelligence

Artificial Intelligence and Law

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Data

The two faces of Artificial Intelligence

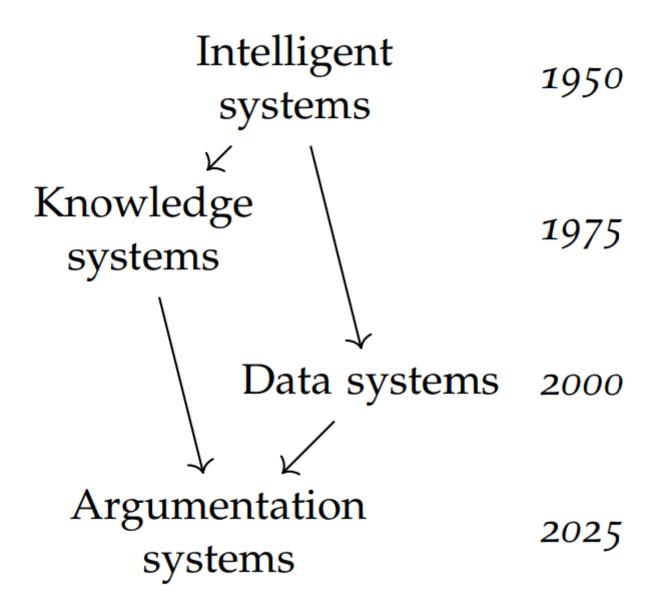
Expert systems **Business rules** Open data **IBM's Deep Blue**

Explainability

Adaptive system Machine le Big d .son

Data tech Foundation: probability theory

Scalability





Day 1 Tuesday April 10

Abstract and structured formal frameworks for argumentation

- 8:30 Introduction and abstract argumentation frameworks (Bart Verheij)
- 10:00 *Break*
- 10:30 Structured argumentation frameworks, in particular ASPIC+ (Henry Prakken)
- 12:00 *Break*
- 14:30 Legal defeasibility as modelled in abstract and structured argumentation frameworks (Giovanni Sartor)
- 16:00 *Break*
- 16:30 Discussion

17:30



Day 2 Wednesday April 11

Legal argumentation

- 8:30 Cases & Rules: HYPO, CATO and beyond (Henry Prakken)
- 10:00 *Break*
- 10:30 Case models (Bart Verheij)
- 12:00 Break
- 14:30 Balancing & interpretation (Giovanni Sartor)
- 16:00 *Break*
- 16:30 Discussion

17:30



Day 3 Thursday April 12

Evidence

- 8:30 Burdens of proof in the law (Giovanni Sartor)
- 10:00 *Break*
- 10:30 Three approaches to rational proof in criminal cases (Henry Prakken)
- 12:00 Break
- 14:30 Hybrid models of rational legal proof (Bart Verheij)
- 16:00 *Break*
- 16:30 Discussion

17:30

Invited graduate course at the Institute of Logic and Cognition, Sun Yat-Sen University, Guangzhou

Henry Prakken, Giovanni Sartor, Bart Verheij, April 2018



http://www.ai.rug.nl/~verheij/sysu2018/



Three frameworks Di Bello & Verheij 2018 Hybrid models Verheij et al 2016 Vlek et al 2017 Timmer 2017 Verheij 2017a **Bayesian Networks project** http://www.ai.rug.nl/~verheij/nwofs/