Suppose John has good evidence for believing P. However, he ignores the evidence and believes P for some bad reasons. He is not justified in holding the belief, because his believing P is not based on the evidence. One plausible account of the basing relation is a causal account. According to the causal account, the belief P is based on evidence E at t if and only if either E causes the belief P at t or E counterfactually causes the belief P at t in the sense that E would cause the belief P if it had not been caused by its actual cause. Apparently, the counterfactual clause is introduced to accommodate beliefs that are ill-formed initially but justified by later identified or later collected evidence.

Some time ago, Keith Lehrer constructed an example of a gypsy lawyer in which Lehrer attempted to show that a belief is justified for a person, even though the belief is not caused by the evidence she has. Because the basing relation is a necessary condition of epistemic justification, the example, if it succeeds, would discredit the causal account of the basing relation. The example is very intriguing and looks convincing. I have not seen any argument from the causalist camp that explained away the example. However, the causal
account of the basing relation is very much alive in current epistemology. This paper revisits the example and attempts to defend the causal account of the basing relation.

Let us consider the example. A lawyer is defending a man who is accused of committing a hideous murder. Due to the infamous crime record of the man, everyone, including the lawyer, is convinced that the man is guilty of the murder. However, the lawyer is a gypsy who has an absolute faith in cards. One day the lawyer consults the cards about his case and the cards tell him that his client is innocent of the murder. This causes him to believe that his client is innocent of the murder and prompts him to re-examine the evidence. “As a result he finds a very complicated though completely valid line of reasoning from the evidence to the conclusion that his client is innocent of the... murder.”(Lehrer, 1971) However, this case is emotionally charged. Thus, “if it were not for his unshakable faith in the cards, the lawyer himself would be swayed by those emotional factors and would doubt that his client was innocent of that...murder.”(Lehrer, 1971)

By finding reasoning from the evidence to the belief, Lehrer means the following: the lawyer has done a valid line of reasoning from the evidence to the conclusion and as a result he becomes newly aware of the justificatory force of the evidence for the conclusion belief that his client is innocent of the murder. The heart of the example is that the above reasoning and the consequent awareness is caused by what initially caused the conclusion belief, namely the lawyer’s belief that the tarot cards say that his client is innocent. That is why the evidence does not counterfactually cause the conclusion belief. That is, if the original cause of the belief had been absent (if the tarots cards had not told that his client is innocent), the lawyer would not have done the reasoning and thus he would not have had the above
awareness. In this case, the doxastic state of the lawyer is identical to his doxastic state before he consulted the tarot cards. Therefore, the evidence has no chance to cause the belief because of all of those emotional factors. The doxastic situation of the gypsy lawyer can be summarized by the following figure:

![Diagram](image)

Before launching into my own objection to the gypsy lawyer example, I will consider two attempts to save the causal account of the basing relation from the example. First, Robert Audi claims that the gypsy lawyer is not justified in believing that his client is innocent of the murder. Marshall Swain agrees with Lehrer that the lawyer is justified in believing the innocence of his client and then attempts to show that the evidence indeed counterfactually causes the belief. Let me consider Audi's argument first.

Audi's reasoning is roughly as follows (Audi, 1983): if a belief would not be formed or maintained according to the evidence in a
close range of counterfactual circumstances, the belief is not sensitive to the evidence and thus it is only by luck that the belief is supported by the evidence. If so, we can hardly say that the belief is based on the evidence in this case. Therefore, the belief is not justified for a cognitive agent. According to Audi, the gypsy lawyer's belief that his client is innocent is such a belief. If the cards had told that his client were guilty, the lawyer would have believed, contrary to the evidence, that his client was guilty. Thus, the belief is not based on the evidence and the lawyer is not justified in the belief.

In the above argument Audi is identifying "being sensitive to evidence" with "being formed or maintained by evidence". The best way to understand the latter is to take it as a causal relation. Then, Audi's claim is that in order to be justified a belief must be sensitive to the evidence by being caused by it. Otherwise, the belief is not based on the evidence and thus is not justified. In addition, Audi agrees with Lehrer that in the case of the gypsy lawyer the evidence does not cause the belief about the innocence of his client. From this, Audi concludes that the gypsy lawyer's belief is not justified because it is not based on the evidence.

The above reasoning seems quite plausible. However, we still feel hesitant about concluding from this argument that the lawyer is not justified in believing that his client is innocent. For we have a very strong intuition that the gypsy lawyer is justified in the belief. He not only has good evidence for the belief, but also has he done a valid line of reasoning from the evidence to the belief. Moreover, as a result of the reasoning, he becomes aware of the justificatory force of the evidence for the belief in question. What more do we ask for from the gypsy lawyer? This conflict between our intuition concerning the justification of the lawyer's belief and Audi's reasoning naturally makes us look for some possible ways to
reinterpret the gypsy lawyer example so that the evidence counterfactually causes the belief. Swain provides such an interpretation.

Swain claims that the gypsy lawyer example “can be interpreted in such a way that there is a causal connection between the gypsy lawyer's justifying reason state and his belief in his client's innocence.” (Swain, 1981) If the lawyer had not consulted the tarot cards, he would not have believed in his client's innocence and he would not have done the reasoning for the belief. However, according to Swain, if he had done the reasoning and had had the consequent awareness of the justificatory force of the evidence for the belief, then it may very well be that the evidence would cause the belief in the innocence of his client.

The problem of Swain's argument lies in underestimating the power of emotional factors in the gypsy lawyer example. Of course, other things being equal, doing a valid line of reasoning for the belief about the innocence of his client would cause the lawyer to believe the innocence of his client. However, other things are not equal. The lawyer has strong emotions against his client, which in turn causes the lawyer to believe that his client is guilty of the crime. Moreover, the reasoning the lawyer has done for the belief in his client's innocence is complicated. Therefore, even though the lawyer does a valid line of reasoning for the conclusion, the lawyer's preconception of his client affected by emotional factors would keep him from concluding that his client is innocent. This preconception would rather make him doubt the validity of the reasoning if it had not been for the tarot cards' telling of his innocence.

Adding awareness of the justificatory force of the evidence for the belief in question does not change the situation. Someone may be aware that certain evidence makes a belief likely to be true and think
at the same time that there might (or must) be further evidence that destroys the support relation between the pre-existing evidence and the belief. In this kind of case, the evidence would not cause the person to hold the belief. The gypsy lawyer case seems to be such a case. Even though he is aware that the evidence he has is a pretty good ground for believing the innocence of his client, his negative emotions against the client may be strong enough to let him reserve a final judgment on his client. I believe that this is a part of Lehrer's gypsy lawyer scenario. If not, the scenario can be so modified.

We are back where we were. The causal account of the basing relation has not been completely saved from the gypsy lawyer counterexample. In the rest of this paper, I will argue that, contrary to appearances, the evidence indeed counterfactually causes the belief in the sense relevant to the basing relation.

Before re-evaluating the gypsy lawyer example, consider the following two cases:

The case of Gary: Gary has good evidence for \( P \), but he ignores the evidence and believes \( P \) for bad reasons. Later he acquires some evidence for believing not \( P \).

The case of Mary: Mary has good evidence for \( P \). She does a good line of reasoning for the belief \( P \) on the basis of the evidence and consequently she becomes aware of the justificatory force of the evidence for the belief \( P \). However, Mary also acquires some evidence for believing not \( P \).

Let us suppose that for, both Gary and Mary, the later-acquired evidence is strong enough to undermine their confidence in belief that \( P \). In this case, neither is justified in believing \( P \) because both have an independent reason to reject \( P \). However, Gary's belief \( P \) is still
epistemically inferior to Mary's belief P, because Gary's belief is not based on the good evidence, while Mary's belief is.

The above examples, particularly the case of Mary, seem to threaten the counterfactual-causation analysis of the basing relation. In neither case does the good evidence counterfactually cause the belief P; If the actual cause had not caused the belief P, the evidence would still not cause the belief P because of the later collected new evidence against P. Thus, according to the counterfactual-causation account of the basing relation, neither Mary's belief P nor Gary's belief P is based on good evidence. This is unacceptable because Mary's belief P is in fact based on the evidence.

However, the above problem for a counterfactual-causation account of the connection is not real. Distinguishing two independent aspects of epistemic justification provides the first step to identify what is spurious about the above problem. In order for a cognitive agent to be justified in a belief, she must satisfy two conditions. First, she must have some good reasons to hold the belief—the positive evidence for the belief—and second, she must not have reasons not to hold the belief—negative evidence or defeaters. Presumably these two conditions are independent of each other and we have been focusing on the positive evidential aspect of epistemic justification. More specifically, we have been focusing exclusively on the nature of the basing relation that concerns the relation between a belief whose justification is in question and some positive evidence for it.

The above consideration suggests that the question of the basing relation which matters in epistemology concerns primarily the relation between a belief and the positive evidence for it. It suggests, therefore, that the basing relation must be analyzed without regard to defeaters' possible effects. Moreover, there is an argument, elaborating on the above cases of Gary and Mary, which shows why
causalists should disregard defeaters' possible effects in their analysis of the basing relation. The following are premises of the argument:

(1) (x) (x's Belief P is based on E iff E is a reason why x believes P).
(2) Mary's belief P is based on E, while Gary's is not.
(3) Both Mary and Gary have a defeater for the belief P.

(1) is not only plausible in itself, but also a foundation for any causal approach to the basing relation. Without it, no one would be inclined to analyze the basing relation in terms of a causal relation. (2) is obvious from the example and without it we cannot make sense of the distinction between Mary's belief and Gary's belief. (3) is a part of the story. Now an indirect proof begins:

Assume: Defeaters' effects are considered in the analysis of the basing relation.

Then,

(4) Both for Mary and Gary, E is not (or cannot be) a reason why they believe P—by (3).
(5) For both Mary and Gary, belief P is not based on E—by (1) and (4).
(6) (5) contradicts (2).

Therefore, defeaters' effects are not to be considered in the analysis of the basing relation—the denial of the assumption.

Once it is admitted that defeaters and their possible effects must be disregarded in the analysis of the basing relation, Mary's case is not
a problem any longer for the counterfactual-causation analysis of the basing relation. The nature of the apparent problem which Mary's case raised for the counterfactual-causation account lies in the fact that the introduction of a defeater overshadowed the pre-existing counterfactual relation between the belief in question and evidence for it. My argument above, however, shows that this overshadowing effect must be ignored in the analysis of the basing relation. If that is so, the fact that Mary's belief is based on the evidence while Gary's is not can be explained and accommodated by the counterfactual-causation account without difficulty; but for the defeater, the evidence would cause Mary, but not Gary, to believe P if it had not been caused by its original cause (and by other counterfactual causes).

Now let us return to the gypsy lawyer example in light of what we have learned so far. There are two features of the gypsy lawyer example which are important for our discussion. First, the lawyer's belief in his client's being guilty, caused by his antipathy toward the client, defeats his belief about his client's innocence. Second, the defeater is neutralized by some other belief, namely the belief that the tarot cards reveal that his client is innocent of the murder. Because the lawyer is an avid believer in the veracity of tarot cards, the indication by the cards that his client is innocent neutralizes the lawyer's emotional reaction against his client and thus prevents his emotions from producing the belief that his client is guilty. This way, the defeater loses its power of defeating and thus the lawyer is justified in believing in the innocence of his client. Now the figure 1 can be supplemented as follows by incorporating the above relations of defeating and neutralizing:
Hostile Emotions → Belief (Guilty)

Evidence → Belief (Innocence)

Reasoning (Awareness)

Tarot Cards' Testimony

→ : causal relations

→ : defeating relations

Figure 2

Figure 2 shows that tarot cards' testimony plays various roles. It causes the belief about his client's innocence and the reasoning between evidence and the belief; Only because tarot cards say so, the lawyer believes that his client is innocent of the murder and he re-examines the evidence. Tarot cards' testimony also neutralizes the defeater of the belief; the lawyer only because the tarot cards said so, and at the same time this testimony of tarots cards puts the lawyer's feelings against his client on hold so that they do not produce the belief that his client is guilty of the murder. Thus, if the actual cause of the belief were absent, the neutralizer of the defeater of the belief would be absent as well. Then, the defeater regains its power of defeating the belief. Because of this defeater, the evidence would not have caused the lawyer to hold the belief, had the tarot cards' testimony not caused the belief.
However, this is not a reason to claim that the lawyer's belief in his client's innocence is not based on the evidence in a causalist sense. As I argued, the basing relation must be analyzed independently of the possible overshadowing impact defeaters might have on the relation. Then, the fair question to be asked concerning the legitimacy of a causal analysis of the basing relation is whether the evidence would cause the belief had it not been for defeaters. The answer is yes. Because the lawyer has done a valid line of reasoning from the evidence to the belief and is aware consequently that the evidence makes the belief likely to be true, the evidence would cause the lawyer to hold the belief if the belief had not been caused by its actual cause and if there were not defeaters. Thus, the gypsy lawyer example does not succeed in showing that the lawyer's belief in his client's innocence is not based on the evidence in the causalist sense. More precisely, the gypsy lawyer example does not show that the basing relation that holds between the lawyer's belief and the evidence for it cannot be analyzed by counterfactual causation.

The core of my argument in this paper is the claim that the basing relation is primarily a matter of the relation between a belief and positive evidence for it, and that possible effects of defeaters on the relation must be disregarded. The claim illuminated why the case of the gypsy lawyer, as presented by Lehrer, was not a counter-example to the causal analysis of the basing relation. Thus, unless Lehrer independently proves that an analysis of the basing relation must take defeaters' effects into account, the causal analysis of the basing relation is not to be given up in the face of the gypsy lawyer case. The burden of proof is on the shoulders of Lehrer because the claim that the analysis of the basing relation must be given independently of the possible impacts of defeaters is very intuitive, and because to
argue otherwise is counter-intuitive to that extent. I don't foresee such a proof forthcoming.

Reference

