

Manipulating Metacognition in *Witness for the Prosecution*

Lisa Zunshine*

Abstract

This essay exemplifies a cognitive approach to literary and film studies, with particular emphasis on fictional reimagining of legal institutions. It draws on research of cognitive scientists who study metacognition—specifically, the difference between *reflective* and *intuitive* beliefs—to suggest that courtroom dramas, such as Billy Wilder’s *Witness for the Prosecution* (1957), can manipulate their viewers into believing something that they, on some level, know cannot be true. In this case, viewers accept the *not guilty* verdict by the jury even though “the facts in the case” are “simple” and point to the guilt of the defendant. I show how different versions of *Witness for the Prosecution*—from Agatha Christie’s original short story (1925) and her subsequent play based on that story (1953), to the Hollywood film (1957), and the BBC mini-series (2016)—trigger our reflective beliefs about the defendant’s innocence, so that we find the verdict satisfying (at least for a short while). I conclude by considering literary payoffs of this manipulation, especially in the context of a culture that subscribes to a view of the mind as, in principle, knowable, and thus readable by skillful others.

I. Introduction, Key Concepts, and Expectations

In Billy Wilder’s film *Witness for the Prosecution* (1957), a man named Leonard Vole, a “shiftless good-for-nothing,” cultivates the affections of an older rich woman. Then, after she changes her will to leave him the bulk of her money, she is found murdered. All the evidence points to Vole; “the facts in this case,” as the prosecutor puts it, “are simple.” Yet the man’s brilliant lawyer, Sir Wilfrid Robarts, the jury members, and we as viewers are somehow made to think that he may be innocent.

How is this possible? How can a courtroom drama make us believe something that we, on some level, know cannot be true? To answer this question, this essay draws on research of cognitive scientists who study metacognition, that is, thinking about thinking. Specifically, it argues that the film intuitively exploits an important cognitive phenomenon: we can believe that other people believe something even though we ourselves do not believe it. (For instance, I may think, based on a trial’s outcome, that the court thinks that a defendant is not guilty, while I myself still think that he is guilty.) This leaves us, both as social beings and as consumers of cultural representations, vulnerable to a particular kind of manipulation: we can be maneuvered by a skillful foregrounding of our awareness of other people’s beliefs, into disregarding, at least for a short while, the actual content of those beliefs.

* Professor of English, University of Kentucky, Lexington, USA. I thank Maksymilian Del Mar for his useful suggestions.

When it comes to *Witness for the Prosecution*, the process of manipulating the audience's metacognition was begun in Agatha Christie's short story, published in 1925 and originally titled "Traitor Hands." It was further elaborated when Christie turned it into a play in 1953. The 1957 movie script, written by Billy Wilder and Harry Kurnitz, deepened some existing aspects of this manipulation and added new ones, and so did, in its turn, the 2016 BBC mini-series, written by Sarah Phelps.

In what follows I show how it was done. I start by discussing the role of metacognition—here, beliefs about other people's beliefs—in the functioning of courts of law.¹ I then argue that *Witness for the Prosecution* triggers such beliefs and makes them strategically important to the plot. I focus on the 1957 film, although I also reach back, to the 1953 play and the 1925 short story, as well as forward, to the 2016 production. I conclude by considering literary payoffs of this manipulation, especially in the context of a culture that subscribes to a view of the mind as, in principle, knowable, and thus readable by skillful others.

A. *Intuitive and Reflective Beliefs*

Two concepts from cognitive science key to my argument are *intuitive* and *reflective* beliefs. According to cognitive evolutionary anthropologist Dan Sperber, intuitive beliefs are those that we treat simply as data, without reflecting or even being "capable of reflecting on the way we arrived at them or the specific justification we may have for holding them."² We let them circulate among our mental databases without restrictions: serving as inputs for other inferences and influencing a wide variety of behaviors. In contrast, reflective beliefs are "not freely used as premises in inference"³ because they are subject to constraints that restrict their movement among the mental databases, constraints that may involve our awareness of the circumstances in which we acquired them or limited contexts in which they obtain.

For instance, my belief in gravity is intuitive. I don't know who and when first told me about it, and I don't have to reflect on this belief or wonder if other people share it, in order for my daily behavior to be influenced by this belief in myriad ways. In contrast, my belief in the parting of the Red Sea is reflective. I know its source (Exodus 14: 19-31); I know that some people believe that this event really took place, while others do not; and I certainly don't let it influence my behavior when faced with a body of water.

On the whole, it would be inaccurate to say that I don't have this belief. Instead, I have it, but I hold it metarepresentationally, that is, framed by my knowledge of its source, by my attitude toward it, and by my awareness of other people's attitudes toward it.

¹ See Dan Sperber, *Intuitive and Reflective Beliefs*, 12 *Mind & Language* 67 (1997); Pascal Boyer, *Why "Belief" is Hard Work: Implications of Tanya Luhrmann's *When God Talks Back**, 3 *HAU: J. Ethnographic Theory* 349 (2013); Hugo Mercier & Pascal Boyer, *Truth-Making Institutions: From Divination, Ordeals and Oaths to Judicial Torture and Rules of Evidence*, 42 *Evolution & Human Behavior* 259 (2021).

² Sperber, *supra* note 1, at 68.

³ *Id.* at 69.

The difference between intuitive and reflective (that is, metarepresentational) beliefs is not absolute. As Sperber puts it, it “should even be possible that some contents be believed both intuitively and reflectively by the same individual at the same time, each belief playing a different role in the believer’s thinking and behavior.”⁴ For example, to quote cognitive anthropologist and evolutionary psychologist Pascal Boyer, “[W]e all have physical intuitions, which . . . help us to predict the trajectory of the ball that bounced on the floor. We can also entertain reflective thoughts about the fact that a ball in motion contains momentum or force.”⁵

The capacity to entertain reflective beliefs plays “a major role in the development and transmission of cultural representations, allowing concepts and ideas that are only half-understood, or that are well understood but only within the context of explicit theories, to stabilize in a human population and to expand the range of thoughts that can be entertained, way beyond what would be possible on a strict intuitive basis.” In other words, “much of culture, from religion to science, is made of reflective concepts and beliefs.”⁶

Elsewhere I talked about implications of using the concepts of intuitive and reflective beliefs for study of literature.⁷ Here, I focus on the role of those beliefs in legal contexts and their fictional counterparts. To do so, I turn to the recent essay by cognitive anthropologists Hugo Mercier and Pascal Boyer, “Truth-making Institutions: From Divination, Ordeals and Oaths to Judicial Torture and Rules of Evidence.” Based on their arguments, I outline four expectations about what we are likely to encounter in a courtroom drama whose plot depends on presenting as plausible and emotionally compelling something that we know cannot be true. I don’t expect that every such story will fulfill all four expectations; this list is neither final nor exhaustive. My goal is to start a conversation about metacognition and genre, by highlighting representational tactics that exploit features of our social cognition in specific generic contexts.

B. Four Expectations

According to Mercier and Boyer, while one may think that there is an unbridgeable gulf between legal institutions relying on divination and ordeals, and those relying on rules of evidence, there are actually some important commonalities between them. Specifically, both sets of institutions optimize epistemic vigilance and social regulation by allowing their participants to reach valuable social consensus regarding, for instance, the defendant’s culpability, without having to convince everyone of the real truth of this conclusion.

⁴ Id. at 81.

⁵ Boyer, *supra* note 1, at 352.

⁶ Sperber, *supra* note 1, at 83; see also Nicolas Baumard & Pascal Boyer, Religious Beliefs as Reflective Elaborations on Intuitions: A Modified Dual-Process Model, 22 *Current Directions Psych. Sci.* 295 (2013).

⁷ Lisa Zunshine, Belief Is a Mess: That Makes It Good for Fiction, in *The Routledge Handbook of Fiction and Belief* (Alison James et al. eds., forthcoming 2023).

You may recall here the earlier observation that we may consider a reflective belief true as a metarepresentation without believing in its content (for instance, I know it's true that the court decreed that the defendant is not guilty, even though I still think that he is guilty). As Mercier and Boyer see it, it is crucial that "the statements delivered by truth-making institutions trigger reflective rather than intuitive beliefs. If an individual exculpates himself by undergoing an ordeal, e.g., by walking on fire, this triggers the belief 'according to the rules of the ordeal, the accused is innocent,' not the belief 'the accused is innocent.'" In the same way, a divination procedure will trigger the reflective belief "the cards said that 'your grandmother is a witch,'" which is not the same mental representation as the intuitive belief "your grandmother is a witch."⁸

Here are some ways of triggering reflective beliefs in participants of the truth-seeking procedures.

1. Institutions Are Perceived as Disinterested

To activate and sustain reflective beliefs, truth-making institutions, such as divination practices and courts of law, create the perception of disinterestedness. There are two sides to this issue. The first has to do with the danger of social disturbance. To illustrate this, let us say that I claim that such and such person is a witch and has caused the death of my grandmother. Even if many people around me share this view and think that the person is a witch, I still endanger myself and my allies by making this statement because it makes me a target for retribution by friends and family of the accused. However, if it is the divination process that identifies that person as a witch, no such social breach ensues because the divination process is ostensibly disinterested.

The second aspect of this process involves the participants' awareness of other participants' perceptions. As Mercier and Boyer explain,

In the case of divination, a participant who has the intuition that ostensive detachment alleviates the problem of judgements tainted by self-interest, can also assume that others entertain this intuition as well, and that others would expect most people to entertain it. So, you may entertain the assumption that divination-produced [statements] are (potentially) more compelling . . . than mere individual opinions. But you also entertain the assumption that others entertain that assumption, which makes it intuitively clear that others too will find divination statements compelling.⁹

Based on this, one expectation that I should have about a movie that manipulates us into thinking that the defendant may be innocent even though "the facts in this case are simple" and the guilty verdict should be a shoo-in, is that this movie would emphasize the disinterestedness of the framework of the law and the shared perception of this disinterestedness.

⁸ Mercier & Boyer, *supra* note 1, at 262.

⁹ *Id.* at 264.

2. Self-Interest Disqualifies

Every participant of the truth-making process is closely monitored for evidence of self-interest:

Epistemic vigilance examines a number of cues pertaining to the source and content of messages to ascertain how much weight to grant them. [Perhaps the] most crucial of the source cues is self-interest: self-interested statements are inherently mistrusted by everyone, including small children. Moreover, if some of the cues processed by epistemic vigilance might remain somewhat opaque, self-interest is frequently explicitly discussed as a reason for mistrusting someone's statements.¹⁰

Hence the second expectation that I would have about our manipulative movie, is that it would use intimations of self-interest to make us mistrust the sources which we would have otherwise trusted, and vice versa.

3. A Trustworthy Participant Believes in the Defendant's Innocence

Recall again that we can believe that a metarepresentation is true without committing to a belief in its content. For instance, I can believe that someone whose opinion I trust thinks that our neighbor is a witch without committing myself to thinking that the neighbor is a witch. Thus, the third expectation about the movie would be that it would work very hard on convincing us that a smart and trustworthy agent of the law firmly believes in the defendant's innocence.

4. Ordeals Foster Social Harmony (Which Is More Important than Truth)

Truth-making institutions use ordeals as a path to social cohesiveness.¹¹ As Mercier and Boyer put it,

In [some situations], it is beneficial for most community members if a verdict can be delivered, but members might be unwilling to take responsibility for the verdict. If there's a presumption of guilt, but insufficient evidence, many people in the community might wish to punish the accused, but have no obvious way of legitimately doing so. An ordeal offers a potential solution to this problem. By offering the accused the choice of either confessing or submitting to the ordeal, the judges (and the community more generally) avoid having to actually deliver a verdict, since the verdict is now in the hands of the accused (if they confess), or, nominally, of a supernatural entity if the accused chooses to undergo the ordeal.¹²

An example from the fourth book of the Jewish Torah (circa 6th century BCE) illustrates the role of ordeal for establishing social harmony as opposed to truth. A wife suspected by

¹⁰ Id. at 262.

¹¹ Social cohesiveness constitutes desideratum of a variety of courtroom practices. For instance, "judges and advocates, as part of the pleading process, work together to decide which issue should go to trial, and via which writ, not so much to reveal the truth, but rather so as to minimize the chance of the matter returning back to court, and thus with a view to smoothing over conflicts, creating some social harmony, even if the underlying disagreements don't reach any complete resolution." Maksymilian Del Mar, email communication, June 19, 2023.

¹² Mercier & Boyer, *supra* note 1, at 264.

her husband of infidelity had an option of undergoing a trial, known as the *sotah*, during which she would drink “the water of bitterness” (“Numbers,” 5:16), a noxious potion prepared by the priest, which was supposed to harm her if she is guilty and be harmless if she is not. Although it is not clear how many sotahs were actually carried out—the ritual was abolished in the first century CE—the idea behind it was that the husband would have to accept Heaven’s judgment in lieu of finding out the truth:

It would seem that the Sages understood the ordeal of the *sotah* less as a way of ‘proving’ to the husband that his suspicions were groundless. A man who might not be satisfied with a court’s finding of ‘not guilty in the absence of proof’ would have to accept the judgement of Heaven. Because it is unlikely that the ritual would produce a guilty verdict (unless through the psychosomatic reaction of a truly guilty wife), its purpose may well have been to alleviate the husband’s suspicion and restore domestic harmony.¹³

Whether or not the practice of sotah would have contributed to domestic harmony is an open question,¹⁴ but what is important for the present argument is the issue of choice. The individuals who choose to undergo ordeals “in an attempt to prove their innocence” are intentionally exposing themselves to suffering, both physical and mental. By doing so, they are “credibly signaling the importance of the verdict to them,”¹⁵ which is to say, the importance of the *reflective* belief, held by members of their community, about their guilt or innocence.

Hence the fourth expectation about the courtroom drama is that it would trigger the audience’s reflective beliefs about the defendant’s innocence by showing them undergo ordeals (even though, strictly speaking, torture is not an option in our courts of law).

II. How These Four Expectations Are Borne out by *Witness for the Prosecution* (1957)

A. The British Court Is a Quintessentially Disinterested Institution

The disinterestedness of the truth-making institution is established in the beginning of *Witness for the Prosecution* (1957), which presents a long shot view of the Central Criminal Court of England and Wales, accompanied by rousing music. The “final script” by Wilder and Kurnitz, dated June 10th 1957, emphasizes the impression of respectability and dignified tradition that this opening sequence was designed to convey:

A murder trial is about to begin. The venerable chamber of British justice is filled. The participants for the Prosecution and Defense are in their places. So is the jury. So are the spectators. . . . Three knocks from the wooden mallet are heard. An usher rises and calls out, “SILENCE!” Everyone stands. A door opens and the judicial procession solemnly

¹³ Etz Hayim: Torah and Commentary 796 (David L. Lieber et al. eds., 2001).

¹⁴ The modern-day rabbinic commentary is not optimistic about it. As one commentator puts it, “[we] can understand the promise of v. 28, that if the woman is found innocent, she will be . . . restored to life of love with her husband. But even if the ordeal . . . [turns] the husband’s heart back to his wife, what will it take to restore her trust in him and affection for him?” Etz Haiym, *supra* note 13, at 796.

¹⁵ Mercier & Boyer, *supra* note 1, at 264.

enters: the Sheriff, the City Marshal, the Mace-Bearer, the Sword-Bearer, the Lord Mayor, and, finally, the Judge. All in full regalia . . .¹⁶

“Venerable,” “solemn,” “in full regalia”: the description continues in this vein for a while, ending with a lingering shot of the “gleaming sword” poised above the Lord Mayor’s chair. Clearly, this is not a public institution liable to be moved by any sordid consideration of self-interest.¹⁷ We know it, and—no less important, according to Mercier and Boyer—we know that other people know it, i.e., the participants in the ceremony, its observers in the film, and, presumably, people watching the film.

B. The Two Key Witnesses Are Dismissed as Self-Interested

Intimations of self-interest play a key role during the trial. The initial evidence that could sink the defendant comes from the housekeeper of the dead woman, Janet MacKenzie, who heard Leonard Vole talk to her mistress shortly before she was found murdered. However, Sir Wilfrid succeeds in neutralizing Janet’s testimony by emphasizing her self-interest. She was supposed to inherit a bit of money, according to her mistress’s earlier will, but not the new one, so presumably, she is invested in a guilty verdict for Leonard Vole, which would annul the new will.

Here are some details of their exchange. Sir Wilfrid begins by reminding the court that the new will deprived the housekeeper of her expected inheritance. In response to that, Janet says that it will be a wicked injustice if Leonard ever touches a penny of that money. This is completely true, because if he is the murderer, as the housekeeper believes he is, then this indeed would be a wicked injustice. Janet’s phrasing, however, comes across as ambiguous, because, if her listeners are scanning what she says for evidence of self-interest, then it can be also interpreted as her believing that, as a long-time faithful servant, she deserves the money more than the enterprising newcomer.

Sir Wilfrid then presses his advantage by observing that “it is entirely understandable that you are antagonistic to the defendant because of your financial loss.” Janet’s response, “I’m not antagonistic to him. He’s a shiftless scheming rascal—but I’m not antagonistic to him,”¹⁸ provokes laughter in the audience, further undermining her credibility, even though, once more, it describes Leonard Vole quite accurately.

Sir Wilfrid then goes for the kill: “I suggest that you have formed this opinion because his friendship with your mistress cost you the bulk of her estate.” Janet responds by saying, again, truthfully, “I never liked him,” but this statement seems irrelevant, especially as Sir Wilfrid further undercuts her testimony by his ironic observation, “Your candor is refreshing.” Having thus eviscerated the housekeeper’s credibility, he moves on to sow

¹⁶ Billy Wilder & Harry Kurnitz, *Witness for the Prosecution*. Final Script 2 (1957).

¹⁷ For a useful related discussion of the relationship between “architectural design” of courthouses, “democracy, due process and the dignification of the people,” see Linda Mulcahy & Emma Rowden, *The Democratic Courthouse: A Modern History of Design, Due Process and Dignity* (2020).

¹⁸ Wilder & Kurnitz, *supra* note 16, at 87 (emphasis in the original).

doubt in the minds of the jurors about the most damning part of her testimony, namely Leonard's presence in the apartment right before the murder.

Janet MacKenzie's discounted (due to her presumed self-interest) testimony is, of course, a preview of the main attraction of the film: the similarly discounted testimony of the titular witness for the prosecution, Leonard Vole's wife, Christine Vole. Christine tells the court that her husband came home covered in blood and told her that he had killed the old woman. Her testimony is then shown to be driven by self-interest because she is discovered to be having an affair with another man and wanting to get rid of Leonard. The potentially intuitive belief, "Leonard is the murderer," becomes a reflective belief overshadowed and defined by its source: "Christine Vole wants us to think that Leonard is the murderer." As a reflective belief with a flagrantly compromised source, it is rightfully dismissed by the indignant jury.

C. A Brilliant Lawyer Stakes His Life on His Belief in the Defendant's Innocence

Sir Wilfrid sincerely believes that Leonard did not murder anyone. This belief might not have had much value coming from a lesser man, but, as the movie continuously reminds us, through the testimonies of his colleagues on the bench as well as those of people belonging to different professional communities, Sir Wilfrid is larger than life. Not only is he a brilliant, much sought-after lawyer, but he is also a penetrating man, always one step ahead of others. As a medical nurse, assigned to care for him (more about this below) exclaims, not once but twice: "Wilfrid the fox, that's what they call him and that's what he is!"

To establish beyond doubt the sincerity of this extraordinary man's belief that Leonard did not kill anyone, the script places Sir Wilfrid at death's door. He just came out of a coma, and he is on the verge of having another heart attack and dying. He shouldn't have taken this case, thus subjecting himself to the emotional roller-coaster of the courtroom. His conviction in his client's innocence is so strong, however, that it trumps even his need for self-preservation.

Here are some details that convey the precarious state of Sir Wilfrid's health. He is not allowed to get around on his own, being constantly accompanied by the nurse provided by the hospital. A special stair lift has been installed at his house, so that he does not have to exert himself going up even one flight of stairs. He receives regular injections. He must take pills throughout the trial every time he has chest pains, and, after a couple of days, we can tell that he has had a lot of those pains, because he is about to run out of pills. (See Figures 1 and 2.)



Figure 1: Sir Wilfrid's full set of pills

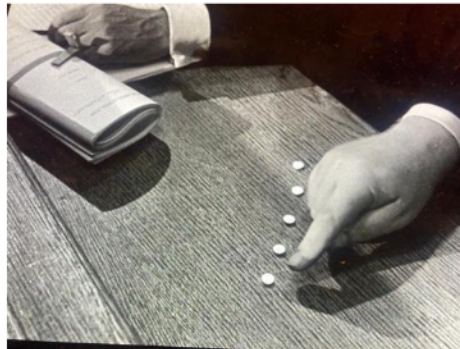


Figure 2: Sir Wilfrid's pills after several days of trial

Toward the end of the trial, Sir Wilfrid is in such a state of “steaming” agitation that his faithful retainer begs him to think of his “physical condition” and not “become so emotionally involved.”¹⁹

It is fascinating to see how Sir Wilfrid's illness and brilliance are made to work together. Everybody knows, and Sir Wilfrid knows that everybody knows, that Leonard's case is so hopeless that Sir Wilfrid is the only man in England who can possibly save him. Yet this shared understanding leaves open the possibility that he might take the case just to flaunt his power of persuasion and not because he thinks that his client is really innocent. By making Sir Wilfrid seriously ill, the script removes the possibility of this vainglorious motivation. It is Sir Wilfrid's sincere belief in Leonard's innocence, and his compassion for the young man's terrible situation, that make him risk his life.

One way to describe what is going on is to say that we are processing the reflective belief that the brilliant Sir Wilfrid believes with his whole heart and body that Leonard Vole is innocent, even though we are not committing ourselves to thinking that Leonard Vole is innocent. We do not dismiss or forget the evidence that points to Leonard as a probable murderer. In fact, we are routinely reminded, by different characters, including Leonard himself, that the case objectively looks bad for him, that it is simply “open-and-shut.”²⁰ It seems that the movie encourages a parallel processing of several types of belief. We leave

¹⁹ Id. at 112.

²⁰ Id. at 111.

open the possibility that Leonard may be guilty, yet at the same time we accumulate a wealth of beliefs about other people's beliefs about his innocence. When the "not guilty" verdict comes in, at the end of the movie, it resonates with those reflective beliefs (as in: "jury members believe that he is not guilty").

D. Ordeals Are Spectacular (And More Important than the Truth of the Matter)

Finally, ordeals. First, there is the "monocle test" administered by Sir Wilfrid, which consists of closely questioning people while blinding them with reflected sunlight (Figure 3). Leonard passes it with "flying colors," that is, without blinking or trying to cover his eyes. Observe that what we get out of the monocle test is not an intuitive belief, "Leonard is innocent," but a reflective belief, "Leonard is innocent according to the test designed by Sir Wilfrid, which has, apparently, proven infallible on previous occasions, and which is widely known among his colleagues."



Figure 3: "The monocle test"

The second, obvious ordeal is the trial itself. By being willing to stand it, Leonard signals his belief in the importance of the verdict. He also gets a platform from which to speak, passionately, about the "nightmare"²¹ of his current position; to evoke God as his witness;²² and to strategically shape his emotional outbursts. Specifically, when particularly damning evidence against him is presented, he cries out: "I didn't do anything, but you make it sound as though I did. I can hear it myself." This is a powerful metarepresentational manipulation. What Leonard is saying, in effect, is this: "your argument that I killed her is so convincing that even I, who knows that it is not true, would have to agree with what you saying." Paradoxically, instead of strengthening the case of his accusers, this serves to

²¹ Id. at 53.

²² On the importance of oaths and evocation of gods, see Mercier & Boyer, *supra* note 1, at 264.

weaken it. By emphasizing the *source* of the argument about his guilt, Leonard turns this potentially intuitive belief into a reflective belief, thus eroding its status as fact.

Perhaps the most excruciating ordeal inflicted on Leonard is the behavior of Christine Vole. A supposedly loving and devoted wife, she brutally betrays and abandons him during the trial. Not only does she testify that Leonard told her that he had killed the old woman, but she also announces that she has never loved him and only pretended to be his wife, while being married all this while to another man.

Leonard's reaction is pure anguish. The observers feel his pain, too: we witness an exchange between Miss Plimsoll and another member of the audience, who agree that Christine is an "awful" and "evil" woman.²³ Sir Wilfrid, on his part, makes the most of it when, subsequent to Christine's testimony, he dramatically waives his right to examine Leonard Vole in front of the jury, an examination which is supposed to be helpful to the defendant. Instead, Sir Wilfrid uses this occasion to remind everyone that "the prisoner just endured three days of the most profound mental agony and shock,"²⁴ an observation which rings true to us, for haven't we just witnessed Leonard's jumping to his feet in agony, grimacing, screaming, and, finally, quietly crying?

The emphasis on the various ordeals "endured" by the prisoner makes us forget the question of who killed the old woman and the fact that there is no other plausible suspect in the picture. The spectacle of ordeals and their outcomes become a focal point of the story; the truth of the matter seems almost irrelevant, or at least irrelevant long enough for the jury to reach their "non-guilty" verdict without us finding it preposterous.

To conclude, *Witness for the Prosecution* manipulates intuitive and reflective beliefs of its audience. Specifically, it makes us process a series of reflective beliefs about Leonard Vole's innocence, without ever having to commit ourselves to an intuitive belief that he is innocent. We accept that he is innocent according to some contexts, which is to say, according to the belief of his brilliant and disinterested lawyer; according to the rules of the ordeals; and according to the respectable institution of the British court (which delivers the non-guilty verdict). This is how the movie makes us believe something that we on some level know cannot be true, because "the facts in this case" are indeed "simple," and they condemn Leonard Vole.

III. Reflective Beliefs in Other Versions of the Story

A. "Traitor Hands" (1925)

Christie's original short story, "Traitor Hands,"²⁵ does not yet feature the larger-than-life barrister, Sir Wilfrid Robarts, QC. There is a "famous KC . . . engaged for the defense," one Sir Charles, but he only makes a brief appearance during the trial, while the central role is played by the solicitor, Mr. Mayherne: "a small man, precise in manner, neatly, not to say

²³ Wilder & Kurnitz, *supra* note 16, at 96.

²⁴ *Id.* at 104.

²⁵ Agatha Christie, *Traitor Hands*, 4 *Flynn Wkly.* 273 (1925).

foppishly dressed.” In one important way, however, Mr. Mayherne prefigures Sir Wilfrid of the subsequent stage version: he is “a smart man, well respected by his colleagues, . . . with a pair of very shrewd and piercing grey eyes. By no means a fool.” “Indeed,” Christie makes sure to add, “as a solicitor, Mr. Mayherne’s reputation stood very high.”²⁶

Like Sir Wilfrid, this “smart man” does not start out believing in his client’s innocence. Instead, he readily acknowledges to himself that Leonard’s case is “black enough” and that his “guilt” is “assured.” Soon, however, he starts to feel “a doubt,” “almost in spite of himself.” As he keeps talking to the man in custody, there comes a moment when “his belief in Leonard Vole’s innocence [is] strengthened,” though he has, yet, “no intention of saying so.” At the end of their conversation, however, he is won over so thoroughly that he assures Leonard: “I believe in your innocence in spite of the multitude of facts arrayed against you. I hope to prove it and vindicate you completely.”²⁷

Observe what happens as we follow Mr. Mayherne’s thought processes. It is not that we start thinking, as he does, that Leonard didn’t murder anyone. We may still think that he did. We do, however, become convinced that Mr. Mayherne believes in Leonard’s innocence. Our reflective belief in the clever solicitor’s belief that Leonard is innocent is what this story cultivates in order to render the forthcoming “not guilty” verdict plausible and acceptable.

The implied self-interest of the murdered woman’s housekeeper is also already there in the original story. “In cross-examination counsel for the defense . . . managed to drive home a feeling that jealousy and dislike of the prisoner were at the bottom of a good deal of [Janet Mackenzie’s] evidence.”²⁸ Brief as this description is, it serves its function of compromising the *source* of the intuitive belief that Leonard Vole is the murderer, thus weakening its potential factual status.

The discovery of the rank self-interest of the main witness for the prosecution, Leonard’s presumed wife (here, called Romaine) is central to the original story. As Romaine herself spells it out for Mr. Mayherne, sometime after the trial, “I know something of the psychology of crowds. Let my evidence be wrung from me, as an admission, damning me in the eyes of the law, and a reaction in favor of the prisoner would immediately set in.”²⁹ “Damned in the eyes of the law” is of course another way of saying “a thoroughly compromised source of information, which the jury members would now take as a point of pride not to consider factual anymore.”

“Traitor Hands” contains two ordeals, although they are more subdued than the spectacular affairs of the 1957 film. Leonard does not flaunt his agony and shock during his perfidious wife’s testimony. He simply sits “with downcast head and moody air, as though he knew he were doomed.” He also acquits himself well during the ordeal by trial:

²⁶ Id. at 273.

²⁷ Id. at 276.

²⁸ Id. at 318.

²⁹ Id. at 326.

“the prisoner himself went into the box and told his story in a manly straightforward manner, unshaken by cross-examination.”³⁰

To conclude, the 1925 story contains the gist of the manipulative techniques that trigger the readers’ reflective (as opposed to intuitive) beliefs in Leonard Vole’s innocence. Leonard undergoes two ordeals. The clever, well-respected solicitor wholeheartedly believes that Leonard didn’t murder anybody. The two key witnesses for the prosecution are suspected of self-interest; this turns their testimonies into reflective beliefs whose sources are suspect (as in, “she would like us to think that Leonard is the murderer”) and which thus stand to be dismissed by the jurors and readers alike.

B. *Witness for the Prosecution*, the Play (1953)

In 1953, Christie adapted her short story for the stage. It was first performed in London and, one year later, opened on Broadway. The play introduces the clever and powerful barrister, Sir Wilfrid Robarts, QC, although he is not ill and there is no “monocle test”—both of those would be added in the 1957 movie script. Like Mr. Mayherne of the original, Sir Wilfrid is shown to be gradually won over by Leonard: several times during their conversation, he is described as “disarmed”³¹ by the young man’s straightforward, open manner. When Leonard is taken away, Sir Wilfrid compares notes with the solicitor, Mr. Mayhew:

Sir Wilfrid. “Oh well, he seems to have impressed both of us favourably. I can’t think why. I never heard a weaker story . . . It must be a true one. It couldn’t be so idiotic if it wasn’t true. Put all the facts down in black and white and the whole thing is utterly damning. . . . And yet, when you talk to the boy and he blurts out these damning facts, you realize that the whole thing could happen just as he said.”³²

Mr. Mayhew readily concurs, and Sir Wilfrid turns to his secretary, Greta, the play’s *vox populi*:

Sir Wilfrid. Do you think he did it?
Greta. Oh no, sir, I’m sure he didn’t.
Sir Wilfrid. Oh, why not?
Greta. He’s far too nice.
Sir Wilfrid (to Mayhew). That makes three of us.³³

The emerging consensus constitutes an important reflective belief: “[A] smart barrister, a smart solicitor, and a young woman of the people all think that Leonard is innocent.”

When it comes to the construction of disinterestedness, the truth-making institution that would eventually pronounce Leonard not guilty is described, early on, as particularly trustworthy; as Mayhew puts it, “our English judicial system is, in my opinion, the finest in

³⁰ Id. at 323.

³¹ Agatha Christie, *Witness for the Prosecution: A Play* 9-10 (1954).

³² Id. at 16.

³³ Id. at 17.

the world.”³⁴ In contrast, the testimony of Janet MacKenzie is duly compromised in the eyes of the jury; as Sir Wilfrid tells her, “You felt the prisoner was a very real menace to your [comfortable] way of life . . . No wonder you felt so bitterly against [him].”³⁵

Two of the ordeals—the wife’s treacherous behavior and the trial—are firmly in place. After Romaine’s damning testimony against her husband and her revelation that she “never loved him,”³⁶ Sir Wilfrid makes a point of describing Leonard to Romaine, in front of the jury, as “the man whose heart and spirit you’ve just broken.”³⁷ Leonard, on his part, never misses a chance to speak up during the trial, adding qualifying source tags to the accounts that seem to prove his guilt (e.g., “I didn’t do anything, but you make it all sound as though I did. I can hear it myself”).³⁸

Sir Wilfrid’s final speech is a masterful manipulation of his audience’s metacognition. He seems to be *removing* source tags from the facts, claiming that his words could add nothing to the truth that “speaks for itself.” But what he is actually doing is drawing attention to various reflective beliefs that may be true yet whose validity has nothing to do with the crime itself:

Sir Wilfrid. Members of the Jury, when truth is clearly evident it speaks for itself. No words of mine I’m sure can add to the impression made upon you by the straightforward story which the prisoner has told, and by the very wicked attempt to incriminate him, evidence of which you have just witnessed.³⁹

It is true that members of the jury have just witnessed what could be considered as Leonard’s wife’s attempt to incriminate him. But that, on its own, does not invalidate the fact that Leonard may still be the murderer. What is happening here is that the jurors now share the reflective belief, “we know that Leonard’s perfidious wife lied to us.” This public consensus feels hard-won and highly emotionally compelling. The affective satisfaction that it brings in its wake obscures the importance of such minor details as that the old woman was murdered and that Leonard is still the only plausible perpetrator. The reflective beliefs carry the day even though the intuitive beliefs are still there, essentially uncontested.

C. Witness for the Prosecution (BBC Mini-Series, 2016)

The BBC 2016 mini-series, written by Sarah Phelps, returns to the original 1925 story. The events take place in the 1920s; the “small man,” Mr. Mayhew, is, once again, the central figure of the plot; Leonard Vole belongs to the “Lost Generation” of World War One veterans; and Leonard and Romaine Vole end up living happily ever after.

³⁴ Id. at 4.

³⁵ Id. at 39.

³⁶ Id. at 44.

³⁷ Id. at 46.

³⁸ Id. at 53.

³⁹ Id. at 67.

The BBC series does, however, retain some important details both from Christie's 1953 play and from Wilder and Kurnitz's 1957 movie. Specifically, it puts Mr. Mayhew through a physical and emotional grinder, making his belief in Leonard's innocence a matter of life-and-death to him; it features a *vox populi* that stands by Leonard, anticipating the not guilty verdict of the jury; it sows doubt about the trustworthiness of the witnesses testifying against Leonard; and it subjects Leonard to violent ordeals.

Although there is no freshly-out-of-coma-and-about-to-have-a-heart-attack Sir Wilfrid Robarts in the BBC mini-series, Mr. Mayhew is very ill. He begins with dry cough (reminiscent of "the little dry-as-dust cough that was wholly typical of" Mr. Mayherne of the 1925 story⁴⁰), which he explains as caused by the "gas damages" of the war, "nothing to be done about it."⁴¹ As the pressures of the trial mount, however, Mr. Mayhew starts coughing blood. Finally, just as the not guilty verdict is ensured, he faints, is diagnosed with bronchitis, and remains unconscious for four days. As he comes to, the grateful Leonard, free and already basking in his new prosperity, tells him, admiringly, that the doctor who diagnosed him didn't know "how [he had] kept going" all throughout the trial.

We do know it, however. Mr. Mayhew's conviction that Leonard didn't kill anyone is what would keep him going, as long as it is needed, even to the point of completely collapsing. So absolute is Mr. Mayhew's belief, that the young man becomes, for Mr. Mayhew and his wife, a surrogate child, of sorts, bringing back memories of their only son, who had died in the war. Heartbreakingly, on the day of the trial, Mr. Mayhew's wife gives Mr. Mayhew a fresh shirt to pass on to Leonard, so that he would look his best—a shirt, we presume, that used to belong to their boy and is among the few treasured possessions left of him. (One recurrent shot in the series features Mrs. Mayhew refolding and caressing her late son's sweater.)

The faith in Leonard's innocence, shared by the Mayhews, is also spreading to the people of London. As Mrs. Mayhew reports to her husband, "people in the streets are talking about you, about your case. In a shop when I go in . . . they all want to know if he did it." Her husband responds, "tell them no," and she says, with quiet determination, enhanced by her sad and dignified demeanor, "I will." What happens here is that, quite apart from whatever we may think about Leonard's guilt, we are also processing a reflective belief along the lines of, "the small man of the people, traumatized by the war, his sainted wife, and others in their community believe that Leonard didn't kill anyone."

The murdered woman's housekeeper, here named Janet McIntyre, one of the key witnesses for the prosecution, is shown to be unreliable, to the point of being mentally unstable and even, possibly, murderous. The series uses the strategy developed by the 1957 movie, in which the housekeeper's responses to the barrister's questions could be interpreted in two ways, either as a reflection of her belief in Leonard's guilt and in the

⁴⁰ Christie, *supra* note 25, at 276.

⁴¹ Sarah Phelps, *Witness for the Prosecution* (2016). All the following quotations refer to this 2016 BBC production.

importance of justice, or as a reflection of her selfish self-interest (as, for instance, when Janet MacKenzie says that it will be a wicked injustice if Leonard ever touches a penny of the dead woman's money).⁴²

In the mini-series, we see the prosecutor preparing Janet for the trial by warning her, "Try not to be vindictive. You don't want the jury to think you have some vendetta against him. Try to be more impartial." She responds: "I want him to know exactly what it's like. I want him to hang." Then, advises the prosecutor, "you must choose your words carefully." She rejoins with, "I'll say it the way you told me to say it. Anything to put that rope around his neck."

There is a simple enough interpretation of what Janet is saying. She is so convinced of Leonard's guilt that she wants to make sure that he does not escape the punishment, and that his punishment—a violent death—fits his crime. Yet the phrasing also implies—although yet tacitly, at this point—that the fact that she is taught how to manipulate the jurors' perception may indicate ulterior motivation, at least in the mind of some observers. The defense will make the most of it in front of the jury, when they notice that the prosecutor is making a warning gesture with his hand and Janet is catching herself to control her emotions, by asking with studied indignation, "Has the prosecution been coaching you on your answers, Miss McIntyre?"

During the trial, when Janet's testimony is questioned, she responds, "Are you saying I'm mad? Are you saying I'm seeing things?" Again, on one hand, this is an entirely understandable reaction of someone (not very bright) who is convinced that they know exactly what happened, and indignant about others' doubting their words. On the other hand, Janet's unfortunate phrasing does bring up the idea of her "seeing things"—again, not yet important at this point in the movie, but one that will assume paramount significance, once Leonard is acquitted, the search for another suspect begins, and the theory about the possessive housekeeper driven mad by jealousy moves to the fore.

When it comes to ordeals, the mini-series depicts them through a peculiarly religious iconography. First, Leonard is so unhinged by his wife's testimony that he becomes hysterical and unmanageable and has to be violently subdued, injected with a sedative, and left lying on the floor of his cell (the bare floor, as Mayhew points out, making sure that this cruel little detail does not escape our attention). The position of his arched body (Figure 4) is reminiscent of that of Christian martyrs; see, for instance, "The Young Martyr" by Guido Cagnacci (Figure 5).

⁴² It is an interesting question to which degree both the 1957 film and the 2016 series portray their respective housekeepers as lacking in credibility, not because of any specific character flaws, but because of their physical or mental conditions. While Janet McIntyre is, possibly, mentally unstable, Janet MacKenzie is partially deaf. For a discussion of the role of the concept of witness's credibility, as opposed to her truthfulness, see Julia Simon-Kerr, *Uncovering Credibility*, in *The Oxford Handbook of Law and Humanities* 583 (Simon Stern et al. eds., 2020).



Figure 4: Leonard being sedated



Figure 5: Guido Cagnacci (1601–1663), *The Young Martyr* (possibly Saint Martina) Royal Albert Memorial Museum & Art Gallery

The still bloodied Leonard is then dragged back in front of the jury and made to listen to the letter that Romaine wrote to her lover, “Max,” her treachery now assuming truly monstrous proportions. The public consensus, “we know that the accused’s wife lied to us and that Leonard, too, was deceived and victimized by her,” now firmly in place, the barrister dedicates his final address to the jury not to any facts of the case, but to Leonard’s martyrdom, making a passionate plea to God to right the fallen world that has been merciless to the innocent man:

Leonard Vole has been in prison; he has been beaten; his name, his reputation traduced. Every calumny of the state, the law, visiting upon him. The threat of death by hanging haunting him in his every waking moment. An innocent man. Good God, what world is this?⁴³

One effect of this sequence of ordeals is that everybody can now agree about Romaine’s deception and Leonard Vole’s cruel suffering. Members of the jury share this perspective, and so do we (even though we do not commit ourselves to any decisive view about Leonard’s actual fault or innocence). Thus, when the not guilty verdict comes, it

⁴³ Phelps, *supra* note 41, at 1:26:47.

builds on the sense of social harmony implied by this public consensus, rather than on the processing of the actual circumstances of the murder.

IV. Conclusion: Two Ways of Thinking About the Fictional Courtroom

As a literary critic working with cognitive science, I can think of two ways of understanding the significance of the pattern that we see in *Witness for the Prosecution* in its various page, stage, and screen incarnations. On one hand, we can explore the fraught socio-cognitive dynamic of the real courtroom highlighted by fictional representations. As cognitive legal scholar Neal Feigenson puts it, “cinematic fictions” depicting courtrooms “can offer glimpses into law’s subconscious dimensions.”⁴⁴ On the other hand, we can focus on specifically literary payoffs. That is, we can look at situations in which reflective beliefs interact and clash with intuitive beliefs—as for instance, when a work of fiction makes us believe something that we know cannot be true—and ask what special opportunities for constructing literary subjectivity such situations offer. Let us consider these two approaches in turn.

A. Ideology of Transparency and the Courtroom

In my recent book, I talk about a broad spectrum of institutions which take for granted a particular cultural perspective on our practice of *mindreading*, that is, of explaining people’s observable behavior as caused by their underlying mental states, such as thoughts, feelings, and intentions.⁴⁵ (Other terms used by cognitive scientists to describe this phenomenon are theory of mind and folk psychology).⁴⁶ This perspective assumes that others’ feelings and intentions are knowable, in principle, and that social practices which render them public are ethical, prosocial and, indeed, in some ways, fundamental to a liberal democracy.⁴⁷ This ideology of mind contrasts with that accepted in cultures which subscribe to the “opacity of mind” model, which assumes the essential unknowability and inviolability of others’ mental states (unless they themselves chose to share them) and would thus consider a public inquiry into another person’s intentions meaningless and offensive.⁴⁸

In reality, of course, both types of cultures function on the “not-very-rigid” continuums of opacity and transparency.⁴⁹ But what is important for the purpose of the present

⁴⁴ Neal Feigenson, *The Visual in Law: Some Problems for Legal Theory*, 10 *Law, Culture, & Human.* 17 (2014).

⁴⁵ Lisa Zunshine, *The Secret Life of Literature* (2022) (<https://direct.mit.edu/books/oa-monograph/5288/The-Secret-Life-of-Literature>).

⁴⁶ See Ian Apperly, *The Cognitive Basis of “Theory of Mind”* (2011).

⁴⁷ Zunshine, *supra* note 45, at 113 ff.

⁴⁸ See Bambi B. Schieffelin, *Speaking Only Your Own Mind: Reflections on Confession, Gossip, and Intentionality in Bosavi (PNG)*, 81 *Anthropological Q.* 431 (2008); Joel Robbins & Alan Rumsey, *Introduction: Cultural and Linguistic Anthropology and the Opacity of Other Minds*, 81 *Anthropological Q.* 407 (2008); Tanya Marie Luhmann, *Toward an Anthropological Theory of Mind: Overview*, 36 *Suomen Antropologi: J. Finnish Anthropological Soc’y* 5 (2011); Webb Keane, *Ethical Life: Its Natural and Social Histories* (2016).

⁴⁹ Zunshine, *supra* note 45, at 118.

argument is that, even in a culture that gravitates, on the whole, toward the “transparency” end of the spectrum, the practical and ethical meaning of public mindreading has to be constantly renegotiated. The reason for this is the fundamental ontological instability of mindreading as such:

After all, mental states are not ‘really’ there—they are something that we cobble together as we move along, to make sense of our social environment. While communities that subscribe to the opacity model respond to this instability by claiming that minds are not knowable (even as their private practices may belie the official doctrine), communities that subscribe to the transparency model insist that minds must be knowable and scramble to construct those ‘knowable’ minds, with very mixed results.⁵⁰

Our courtroom practices, in particular, are bound up with assumptions about the knowability of others’ minds and about the pro-sociality of the process of making those minds temporarily transparent, by uncovering, for instance, the witness’s *true* intentions and motives as opposed to those that she claimed to have had. The system’s entanglement with intentionality makes it extremely fraught, in spite of numerous elaborate regulations called forth to minimize the (self)deception and manipulation accompanying these public exercises in mindreading.

This is the context in which I propose to read both Mercier and Boyer’s work on the role of intuitive and reflective beliefs in the functioning of truth-making institutions, and the manipulation of those beliefs by courtroom dramas. Truth-making institutions evolve ways to mitigate their dependance on intentionality, especially, their dependance on uncovering true intentions of people immediately involved in a crime. Hence various rituals designed to trigger reflective rather than intuitive beliefs, which is to say, to foster social consensus about suspects’ culpability instead of uncovering the “real truth” about their intentions. Such rituals may be said to cultivate practices associated with the opacity of mind model, even when they appear in communities that subscribe, in many other ways, to the ideology of transparency.

Courtroom dramas, however, refocus the spotlight on what such rituals seek to evade. They bring intentionality back, with a vengeance, building up the clash between the public consensus and the “real truth” behind the defendant’s actions.⁵¹ Throughout the story, we get to consider a broad array of suppositions about various characters’ intentions and the defendant’s culpability, including those that foster a perception of consensus. But at the end, many of those suppositions as well as the consensus turn out to be groundless, and we get to enjoy the spectacle of full transparency, especially, that of the defendant.

It is beyond the scope of this essay to speculate about the role of such hopeful representations of fully-readable intentionality in the perpetuation of the cultural model that considers minds transparent. Still, one may assume that, to the degree to which we form

⁵⁰ Id. at 138-39.

⁵¹ The modern courtroom drama was not the first, of course, to discover this fruitful ground. As Subha Mukherji points out, English Renaissance dramatists enthusiastically exploited “uncertainties and conflicts within legal procedure and discourse.” Subha Mukherji, *Law and Representation in Early Modern Drama* 5 (2006).

our knowledge about the functioning of our legal system by consuming courtroom dramas, we may come to expect that legal inquiry should involve discovery of at least some “true intentions.”

B. The Literary Payoff of the Clash Between Intuitive and Reflective Beliefs

Had our courtroom dramas been more civic-minded, they might have followed the lead of truth-making institutions and focused on virtues and successes of public consensus instead of its deficiencies and failures. But fiction does not have the public good in mind. Its goals are selfish and have to do with constructing and maintaining a very particular kind of subjectivity. This subjectivity depends, centrally, on conjuring up complex social contexts, rife with mindreading and mind-misreading opportunities. Given those goals, clashes between reflective and intuitive beliefs, and various shortcomings of public consensus, are grist for the mill of storytelling.

Literary subjectivity (as I show elsewhere and will touch upon here only briefly) entails mindreading on a consistently high, i.e., third, level of recursive embedment of mental states, as in, “the creators of the BBC mini-series make Janet McIntyre’s testimony ambiguous because they *want* us to *realize* that jury members would *suspect* that Janet *wants* to deceive them.” What is important to keep in mind here is that complex embedments in fiction can be created by an extremely wide and subtle variety of representational means,⁵² and that they occur not occasionally and spectacularly but constantly and mundanely.

This means that fiction writers always cast about for new social contexts conducive to a high level of embedment, even though they are, of course, not aware of doing so. Instead, they may reason along the lines of the author of “Witness for the Prosecution.” As Christie put it in her *Autobiography*, “The whole point of a *good* detective story was that it must be somebody obvious but at the same time, for some reason, you would then find that it was *not* obvious, that he could not possibly have done it. Though really, of course, he had done it.”⁵³ If you start thinking of practical ways of implementing the scenario that Christie evokes here, you would be constructing a series of situations directly dependent on complex embedments, for instance, plotting it so that your audience would believe that someone intended someone else to think that they intended something other than what they really intended, etc.

As I have argued elsewhere, detective stories, with their credo “suspect everyone,” engage our metacognition in a particularly focused way.⁵⁴ Suspecting everyone means processing what everyone says with a strong source tag, or, to put it in terms of our present discussion, as a reflective belief and not as an intuitive belief, for instance, “*according to X*, she didn’t know about Y’s plans,” as opposed to, “X didn’t know about Y’s plans.” At the

⁵² See Lisa Zunshine, *Style Brings in Mental States: A Response to Alan Palmer’s *Social Minds**, 45 *Style* 349 (2011).

⁵³ Agatha Christie, *Autobiography* 262 (1977).

⁵⁴ Lisa Zunshine, *Why We Read Fiction: Theory of Mind and the Novel* (2006).

end, we arrive to a point at which source tags are effectively removed, and we are left with a series of intuitive beliefs, which is to say that, at the conclusion of the story, we know exactly what each person's intention/motivation has been in relation to the crime.

The genre of courtroom drama adds another nuance to this cognitive stimulation. For, on one hand, at the end of the courtroom drama, we get to the truth of the matter and acquire some bright and shiny intuitive beliefs about what characters really meant. On the other hand, we are also left with a series of reflective beliefs about some characters' false beliefs, which is to say, the beliefs that *we know* are false, but that *they think* are true. We understand where they are coming from in holding those beliefs because we know the false premises that they have been made to entertain. To use an example from the 2016 mini-series, at the end of *Witness for the Prosecution*, we understand why the jury members acquit Leonard Vole, who is guilty, and condemn to death Janet McIntyre, who is innocent.

The traditional literary-critical term for this mindreading dynamic is, of course, dramatic irony (i.e., we are pleased because we know something crucial that characters don't know). The blanket use of this term, however, prevents critics from investigating the underlying metacognitive processes, with their rich interplay of reflective and intuitive beliefs. For instance, at the end of the mini-series, we know what Leonard and Romaine really intended, and we also know that some characters share our knowledge about their intentions, while others continue to be mistaken. In addition, we may reflect on our own past beliefs about other characters' beliefs, which we now know to be false, as well as on the intentions of the creators of the series, who intuitively manipulated our social cognition in order to make us accept as plausible something that we knew cannot be true.

Each of these mindreading configurations calls for recursive embedment of mental states on a high level, thus delivering the tight package of complex subjectivity, which we have come to expect from fiction, replete with hard-won intuitive beliefs emerging from knotty social situations. Those may feel particularly rewarding in a culture that keeps insisting that minds are knowable, even though our daily experiences continuously frustrate our expectations of knowing other people's and, indeed, our own, "true" intentions. For, our ideology of transparency notwithstanding, in real life, we mostly settle for reflective beliefs, social consensus, and opaque minds.