ABSTRACT: On the phenomenal view of evidence, seemings are evidence. More precisely, if it seems to S that p, S has evidence for p. Here, I raise a worry for this view of evidence; namely, that it has the counterintuitive consequence that two people who disagree would rarely, if ever, share evidence. This is because almost all differences in beliefs would involve differences in seemings: if S believes p, it seems to S that p; if S believes not-p, it seems to S that not-p. However, many literatures in epistemology, including the disagreement literature and the permissivism literature, presuppose that people who disagree can share evidence. I conclude that this is a reason to question the phenomenal view of evidence.

KEYWORDS: evidence; phenomenal conservatism; seemings; disagreement; permissivism

1. INTRODUCTION

Several philosophers have defended the view the seemings have a central epistemological role to play. Michael Huemer, and other phenomenal conservatives, argue that seemings confer epistemic justification: “If it seems to S that p, then, in the absence of defeaters, S thereby has at least some degree of justification for believing that p” (Huemer 2007: 30; see Audi 1993, Chisholm 1989, Swinburne 2001, Pollock & Cruz 1999, Pryor 2000, 2004, and Huemer 2013, 2014 for defenses of this claim; see Hawthorne & Lasonen-Aarnio 2021 and Kelly 2008 for critical discussion).

Here, I’m concerned with a variation of this view: the view that seemings are evidence. Most authors that connect seemings with epistemic justification affirm this, as they maintain that seemings confer justification because of their evidential role. Other phenomenal conservatives argue directly that seemings are evidence. For example, in their widely-read paper defending evidentialism, Conee and Feldman (1985: 32n2) explain: “As to what constitutes evidence, it seems clear that this includes...sensory states such as feeling very warm and having the visual experience of seeing blue.” Even more explicitly, Chris Tucker (2011: 52) argues that “if it seems to a subject that P, then the subject thereby possesses evidence which supports P.” McCain and Moretti (2021) also defend the view that seemings are evidence; on their view, different types of seemings provide more or stronger than evidence than others (depending on, among other things, explanatory fit). Others who argue that seemings are evidence include Pust (2000), Yandall (1993), and McAlister (2016).

These authors don’t endorse the phenomenal view of evidence for no reason. As Kelly (2008) points out, the phenomenal view makes our access to evidence easy, and also provides a response to skepticism. On the other hand, it also makes evidence easy to come by—perhaps too easy, if every seeming confers evidential weight (Markie 2005; Littlejohn 2011; Tooley 2013). The worry raised in this paper is related to this more general concern, but focuses on disagreement. More precisely, I’ll argue that the phenomenal view of evidence makes it extremely difficult, if not impossible, for people who disagree to share evidence.

Consider three variations of the phenomenal view of evidence:

(a) If it seems to S that p, S has evidence for p.
(b) If S has evidence for p, it seems to S that p.
(c) It seems to S that p iff S has evidence for p.

The problem I raise in this paper will be a problem for those who endorse (a) or (c). Both (a) and (c) are largely accepted by phenomenal conservatives; Tucker, for example, explicitly endorses (a), along with a number of those cited above. Insofar as (a) and (c) are widely endorsed by phenomenal conservatives, this may be a problem for the view more generally. However, I'll target proponents of (a) and (c) specifically here; this may not be a problem for those who endorse (b) only, or perhaps those who connect seemings and justification but don't appeal to evidence.

The paper proceeds as follows. In Section 2, I motivate a key claim: that possibly, S1 and S2 disagree about whether p and share evidence that bears on p. I show how this claim falls naturally out of several literatures in epistemology, including the permissivism and disagreement literatures. In Section 3, I explain why this key claim, along with other plausible premises, creates problems for the phenomenal view of evidence—specifically, for (a) and (c). I also respond to objections. I conclude in Section 4.

2. THE KEY CLAIM: DISAGREEING PEOPLE CAN SHARE EVIDENCE

In this section, I explain and motivate a key claim that conflicts with the phenomenal view of evidence:

**Key claim:** Possibly, S1 and S2 disagree about whether p and share evidence that bears on p.

A few clarifications about this claim. First, by “disagree” I simply mean that S1 believes p and S2 disbelieves p (or believes not-p). While there may be other ways of disagreeing (involving, e.g. withholding belief or credences), this paper focuses on this basic, uncontroversial way of disagreeing. “Share evidence” is a little harder to define, especially since it hinges on controversial issues, some of which are at stake in this paper (e.g. What is evidence? What does it mean for evidence to bear on a proposition? What does it mean to have evidence?). I don’t want to be overly committal at this point, but to invoke a pre-theoretic notion of evidence. However, note two things the second conjunct of the key claim does not mean. One, S1 and S2 need not share all their evidence; they simply need to share evidence that bears on some proposition. Two, S1 and S2 need not be full-on epistemic peers in the sense often invoked in the disagreement literature (and see King 2012 and Matteson 2014 for arguments that epistemic peers are quite rare).

Why think the key claim holds? Here, I'll discuss at least two reasons. The first involves the large (and still growing) literature on the epistemology of disagreement: how should we respond when smart, educated people disagree with us? Steadfasters argue that we can continue to hold onto our beliefs in the face of disagreement, whereas conciliationists argue that we should alter our beliefs in some way. However, suppose that when two people disagree, they never share evidence. This throws a wrench in the debate and makes its key questions much less interesting. For one thing, it's hard to see what would motivate conciliationism if all differences in beliefs vary with differences in relevant evidence; conciliationism is a plausible and interesting view, and shouldn't be dismissed so easily. Furthermore, if disagreement with shared evidence is impossible, this wouldn't merely mean that most people we encounter every day don't share our evidence; this means that, even in idealized cases, disagreeing people couldn't share evidence. This seems like a hard pill to swallow, as even those who think evidence is rarely or never shared in real life still...
acknowledge evidence could be shared by disagreeing parties in idealized cases (see, e.g., Matteson 2014).

The second consideration in favor of the key claim comes from the permissivism literature. The permissivism literature concerns the question: can a body of evidence ever rationally permit more than one attitude toward a proposition? Notice that this question holds the evidence fixed, and asks if different responses to that evidence could be rational. This seems to suppose that disagreeing people—who take different attitudes—can share evidence. Furthermore, most of this literature has focused on arguments for and against interpersonal permissivism: the view that two agents with the same evidence could both be rational, even if taking different attitudes. While there’s been a more recent interest in intrapersonal permissivism (concerning a single agent and her evidence) the majority of the literature on interpersonal permissivism would concern an impossible case if the key claim were false. Why care if two disagreeing persons with the same evidence can both be rational, if disagreeing persons can't share evidence in the first place? Kopec and Titelbaum put the point this way, in a discussion about why the conception of evidence is central to the permissivism debate: “…if we were to use a very mentalistic notion of evidence that includes every thought crossing through an agent’s head, we get a thesis that seems trivially true. As soon as one agent judges that P while the other judges that not P, the two agents would have different ‘evidence’” (Kopec and Titelbaum 2016: 191).

Thus, both the disagreement and the permissivism literatures seem to presuppose that disagreeing persons can share evidence. Furthermore, recent debates in epistemology either don’t make sense or are based on a false presupposition if the key claim is false. Now, I’ll argue that this key claim conflicts with the phenomenal view of evidence.

3. A PROBLEM FOR THE PHENOMENAL VIEW OF EVIDENCE

We are now in a position to see the problem for the phenomenal view of evidence. Consider again our disagreeing persons, S1 and S2. We can combine their situation with the phenomenal view of evidence, as follows:

(1) S1 believes p.
(2) If S1 believes p, it seems to S1 that p.
(3) If it seems to S1 that p, then S1 has evidence that p.

(1*) S2 believes not-p.
(2*) If S2 believes not-p, it seems to S2 that not-p.
(3*) If it seems to S2 that not-p, then S2 has evidence that not-p.

Let’s discuss each of these in turn. (1) and (1*) are true by stipulation. (2) and (2*) are perhaps the most controversial, but there’s good reason to think they are true. First, note that (2) and (2*) do not mean that seemings are beliefs, or that if it seems to S that p, then S believes p. Things can seem true to us but we don’t believe them (e.g. because we have a defeater); it also could be appropriate to have contradictory seemings, but it’s never okay to have contradictory beliefs.

Why think that (2) and (2*) hold? One reason has to do with the nature of belief. If you believe p, you represent the world such that p is true. In virtue of having p as part of your picture of the world and adopting p as true, p seems true to you. It doesn’t mean that not-p can’t also in some sense be intuitive to you, but there’s also presumably some reason you went with p. And even if
your belief that \( p \) is say, the consequence of a long chain of reasoning, there’s at least some sense in which \( p \) seems true to you.

Further, many phenomenal conservatives are sympathetic to (2) and (2*). For example, Huemer (2007: 40) argues that almost all differences in beliefs are due to differences in seemings:

“when we form beliefs, with a few exceptions not relevant here, our beliefs are based on the way things seem to us. Indeed, I think that the way things appear to oneself is normally the only (proximately) causally relevant factor in one’s belief-formation. In other words, in normal contexts, including that of the present discussion of epistemic justification, one would not form different beliefs unless things appeared different to oneself in some way (belief content supervenes on appearances, in normal circumstances). Furthermore, in normal conditions, the way appearances determine beliefs is by inclining one towards believing what appears to oneself to be so, as opposed, say, to our being inclined to believe the things that seem false.”

This means that, in the large majority of cases, if you believe \( p \), it seems to you that \( p \). The “exceptions” that Huemer mentions are “self-deception and leaps of faith” and “[perhaps] severe disorders” (2007: n14). You might have other counterexamples in mind, too. In response, first, I think there are plausible responses to most if not all of these counterexamples: e.g. some may not involve genuine belief (given what we’ve said above about the committal, representational nature of belief), and others may in fact involve seemings, even if they are otherwise psychologically complicated (perhaps they involve conflicting seemings, or weak seemings).

However, to be maximally charitable to the objector, let’s suppose not all beliefs confer seemings. What follows? It follows that disagreeing persons can only share evidence in (the rare) cases where their beliefs don’t seem true to them. That’s an odd consequence, for two reasons. One, it would also mean that the cases in which disagreeing persons can share evidence are quite rare; it’s still the case that in almost every situation, those who disagree wouldn’t share evidence. Two, it is counterintuitive to think that disagreeing persons could only share evidence in these unique cases that often involve irrational or abnormal belief formation. Note that these cases likely have no overlap with the cases of “idealized epistemic peers,” in which almost all epistemologists hold there can be disagreement and shared evidence.

Finally, (3) and (3*) are statements of the phenomenal view of evidence, the target claim of this paper (i.e. (a) and/or (c)). (3) is an instance of (a) and one direction of (c), and (3*) is (3) with variables changed. There is one thing to note about (3) and (3*), though: seemings must confer evidence in some special way, and not merely in the generic "evidence is cheap" sense. This is because one could accept (3) and (3*) but also argue that S1 and S2 do share evidence: both S1 and S2 have the same evidence, and this evidence supports both \( p \) and not-\( p \). While this move is possible, I doubt the phenomenal conservative will want to take it. That is because most phenomenal conservatives maintain that seemings have a justificatory force: absent defeaters, seemings justify, and in fact, seemings are the primary vehicle of justification. And again, while perhaps not all seemings are created equal—i.e. there could be cases of weak or conflicting seemings that don’t justify beliefs—again, the phenomenal conservative would likely not want to maintain these are the only cases in which disagreeing parties can share evidence. Then, from (1)–(3) and (1*)–(3*), follows:

(4) Thus, S1 has (special) evidence that \( p \), and S2 has (special) evidence that not-\( p \).
But (4) conflicts with the key claim. I suggest that (3) and (3*), and thus (a) and (c), are the claims to reject. Let me note one final point. Suppose that (1)–(3) and (1*)–(3*) do not hold universally; perhaps there are certain exceptions, maybe mentioned above (cases of delusion where you believe something that doesn’t seem true to you, or cases where you have conflicting seemings). Even so, it would be quite odd if these expectational cases, many of which are abnormal and even irrational, are the only cases where disagreeing parties can share evidence. As mentioned above, this seems to fly in the face of most of the permissivism literature, in which it is assumed we can hold the evidence fixed and ask questions about whether reasonable disagreement can occur. These exceptional cases also do not seem to align with the cases of ideal disagreement in which shared evidence is almost universally acknowledged in the disagreement literature. So even if it’s not impossible to share evidence in the face of disagreement, it’s nonetheless extremely rare, and occurs in an unexpected set of cases. This conclusion is counterintuitive enough that it provides a noteworthy challenge for the phenomenal view of evidence.

4. CONCLUSION

I’ve advanced an objection to the phenomenal view of evidence: the view that, if it seems to S that p, S has evidence for p. First, I’ve motivated the claim that two disagreeing parties can share evidence. Then, I’ve shown how this claim conflicts with the phenomenal view of evidence. I’ve considered several ways out for the phenomenal conservative and argued that none of these are especially promising. While this, of course, is one consideration among many in the complex debate regarding phenomenal conservatism, I maintain that phenomenal conservatives owe us an explanation for the apparent possibility of disagreement and shared evidence.

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