Can Experience Fulfill the Many Roles of Evidence?

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Introduction

It is still a live question in epistemology and philosophy of science as to what exactly evidence is. In my view, evidence consists in experiences called "seemings." This view is a version of *the phenomenal conception of evidence*, the position that evidence consists in nonfactive mental states with propositional content.[1] This conception is opposed by sense-data theorists, disjunctivists, and those who think evidence consists in physical objects or publicly observable states of affairs (what I call *the courtroom conception of evidence*). Thomas Kelly has recently argued that the phenomenal conception cannot play all the roles evidence plays and is thus inadequate.[2] Having first explained the nature of seemings, in this essay I utilize Kelly's own understanding of the four major roles of evidence and argue that the phenomenal conception can play each one. Experience is a good candidate for evidence.

The Nature of Seeming States

We all have seemings (or seeming states), experiences in which something seems to be the case. Not everything we might call an "experience" is evidence. For instance, we might say that Samantha underwent the experience of surgery even though she was anesthetized. But this sort of unconscious "experience" would be a poor candidate for epistemic evidence. So would the experience of the periphery of your visual field; you might be conscious of

[1] I hold that the mental state or experience *itself* is the evidence, not merely the propositional content of the experience or extramental facts. See especially John Turri, "The Ontology of Epistemic Reasons," *Noûs* 43, no. 3 (2009): 490–512. However, propositionalism and factualism are not necessarily at odds with the phenomenal conception or a commonsense, experience-first epistemology.

[2] Thomas Kelly, "Evidence," in Edward N. Zalta, ed., *The Stanford Encyclopedia of Philosophy* (Winter 2016 edition).

its contents but not explicitly aware of them. Seemings are, then, a subset of experiences taken in this broad sense—a subset in which one is aware of the experience's contents.

Regarding this content, William Tolhurst argues that seemings are intentional states—states that are *about* something.[3] They are not mere nonintentional states like an afterimage from a camera flash. Hence it is natural to see them as conscious experiences with propositional content (or content about the world). The content of seemings aims at having a "world-to-mind direction of fit."[4] Seemings aim at capturing the way the world really is. A desire might have propositional content but not aim at capturing the truth about the world. Seemings have a distinctive phenomenological character. Tolhurst describes it as "felt veridicality"; they "have the feel of truth, the feel of a state whose content reveals how things really are."[5] Tucker writes of seemings' "assertiveness," while Huemer refers to the "forcefulness" of seemings that "represent their contents as actualized."[6] Seemings, then, differ from other mental states that do not recommend themselves as representing the way that the world really is. The seeming that there is a person in front of me is distinguished from merely imagining that there is a person in front of me, not by the propositional content but by this distinctive phenomenology.

It is crucial to distinguish seemings not only from nonconscious states but also from mere sensory states or sensations. Seemings are "thick" experiences; they involve not just seeing but a *construal* or *seeing-as*. Think of the buzz of a bee or a solid green visual impression. Typically, when we have sensory impressions, they are accompanied by seeming states (the seeming that there is a bee nearby or that there is a green object before me), but they need not be. They are conceptually distinct. Think of a baby receiving visual sensations for the first time. Without concepts under which those sensations might be organized, classified, and made intelligible, it is difficult to see how anything in particular would seem to the baby to be the case. She sees colors but does not see them *as* a bird. It is reasonable to think that for the baby these are sensations without seemings, and hence the two are distinct.[7]

We should not, of course, posit distinct mental states like seemings without need. Perhaps for this reason many have thought that seemings might

[3] Tolhurst, "Seemings," *American Philosophical Quarterly* 35, no. 3 (1998): 293.

[4] John Searle, *Intentionality* (New York: Cambridge University Press, 1983), 8.

[5] Tolhurst, "Seemings," 298–99.

[6] Chris Tucker, "Why Open-Minded People Should Endorse Dogmatism," *Philosophical Perspectives* 24, no. 1 (2010): 530. Michael Huemer, *Skepticism and the Veil of Perception* (Lanham, MD: Rowman & Littlefield, 2001), 77.

[7] Tucker often distinguishes sensations from seemings with reference to blindsight and associative agnosia.

be reducible to more familiar states like beliefs or inclinations/dispositions to believe.[8] Advocates of seemings tend to resist this reduction, however.[9] Seemings do not appear to be beliefs because, even if seemings and inclinations typically go hand-in-hand, it is possible for it to seem that *p* without believing (or being inclined to believe) that *p*.[10] The standard example comes from known illusions. If I know I am standing in front of a carnival mirror, I will not believe (or even be tempted or inclined to believe) that I am as tall as I appear, or so the reasoning goes. Seemings advocates get the right conclusion here, but I think the reasoning is mistaken. If I am aware of the illusion, then the content of my seeming will be "I appear really tall" rather than "I am tall." And I either believe or am inclined to believe the former. More persuasive in my view is Huemer's argument that seemings often "provide non-trivial *explanations* for what we are disposed to believe. I am disposed to accept that there is a white cat on the couch *because* that is the way things appear to me, and this is not just to say that I am disposed to accept that there is a white cat because I am so disposed."[11] Viewing seemings as nondoxastic evidential states makes sense of the typical phenomenology of belief-formation (where belief tends to be based on the way things seem to the subject), and it stops the regress problem in an obvious way (by pointing to something other than a belief to ground basic beliefs).

In summary, a seeming state is a nondoxastic, conscious experience of which we are aware, with propositional content, distinct from belief and mere sensation, which has the "feel" of revealing the way the world is. We appear to have a variety of seemings that might be divided along the lines of our basic sources of knowledge: perception, memory, introspection, rational intuition, and perhaps others. What remains to be seen is whether seeming states can play the four major roles of evidence.

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[8] See D. M. Armstrong, *Perception and the Physical World* (London: Routledge, 1961), 84–87; William G. Lycan, *Judgement and Justification* (New York: Cambridge University Press, 1988), 165–66; Richard Swinburne, *Epistemic Justification* (Oxford: Oxford University Press, 2001), 135–51; and Jason Rogers and Jonathan Matheson, "Bergmann's Dilemma: Exit Strategies for Internalists," *Philosophical Studies* 152, no. 1 (2011): 55–80.

[9] Advocates of seemings are not alone in holding that evidence is nondoxastic. For example, John L. Pollock, *Contemporary Theories of Knowledge* (Totowa, NJ: Rowman & Littlefield, 1986), 87–92; and Paul K. Moser, *Knowledge and Evidence* (New York: Cambridge University Press, 1989), 88.

[10] George Bealer, "A Theory of the A Priori," *Philosophical Perspectives* 13 (1999): 31; Huemer, *Skepticism and the Veil of Perception*, 99–100, and "Compassionate Phenomenal Conservatism," *Philosophy and Phenomenological Research* 74, no. 1 (2007): 30–31.

[11] Huemer, "Compassionate Phenomenal Conservatism," 31.

The First Role: Evidence as That Which Justifies Belief

Reconciling the many philosophical accounts of evidence with how evidence is conceived and spoken of in other disciplines, or even by lay folk, is exceedingly difficult. Evidence just seems to play numerous, distinct roles. The first such role that Kelly draws our attention to is that of justifying beliefs. Many philosophers are convinced that the concept of evidence "is inseparable from that of justification" or that which makes belief reasonable.[12] Typical evidentialists, of course, believe that evidence is the *only* thing that epistemically justifies belief. The phenomenal conception of evidence, I argue in this section, accords well with this role of evidence.

The connection between seemings and epistemic justification appears intuitive. If I ask you why you believe that *p*, it is very natural for you to explain that it appears to you that *p* is true. You believe there is a tree outside because it seems like there is one. Hence many philosophers have suggested something along the following lines: "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*."[13] Because internalists like Huemer have developed the notion of seemings alongside their theories of justification, one might worry that only internalists care about seemings, and perhaps only internalists care about this first role of evidence as justifier. But this would be a mistake. Recent work has begun to incorporate seemings in an externalist-friendly manner.[14] True enough, first-person evidence (like seemings) features more prominently in internalist theories than in externalist ones. Yet even Plantinga affirms that having evidence for one's beliefs, being internally justified in one's beliefs, and being internally rational are epistemic virtues.[15] Additionally, on externalist accounts, evidence is often necessary to warrant or justification because one will often need defeater-defeaters (i.e., evidence

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[12] Jaegwon Kim, "What Is 'Naturalized Epistemology'?," *Philosophical Perspectives* 2 (1988): 390–91.

[13] Huemer, "Compassionate Phenomenal Conservatism," 30. For a catalog of such principles, see Logan Paul Gage, "Objectivity and Subjectivity in Epistemology: A Defense of the Phenomenal Conception of Evidence" (PhD diss., Baylor University, 2014, ch. 4).

[14] For example, Michael Bergmann, "Externalist Justification and the Role of Seemings," *Philosophical Studies* 166, no. 1 (2013): 163–84. For further interaction with Bergmann on externalism, internalism, and seemings, see Logan Paul Gage, "Phenomenal Conservatism and the Subject's Perspective Objection," *Acta Analytica* 31, no. 1 (2016): 43–58.

[15] Alvin Plantinga, *Warrant and Proper Function* (New York: Oxford University Press, 1993), 3; and *Warranted Christian Belief* (New York: Oxford University Press, 2000), 203–4, 241.

against potential defeaters).[16] Moreover, as Kelly notes, many reliabilists have felt the weight of the clairvoyance challenge to reliabilism and have modified their externalist models accordingly.[17] In attempting to account for why one must be at least somewhat responsive to evidence, such externalists bolster the commonsense connection between evidence and justified belief.

While evidence is that which justifies propositions or beliefs, evidence is typically (if not always) defeasible. That is, for any piece of evidence e_1 had by *S* for some proposition *p*, there may be future evidence e_2 that *S* could gain that would either (i) undercut the support e_1 was thought to give *p* or (ii) simply outweigh the strength of the support e_1 continues to give to *p* such that the conjunction of e_1 and e_2 does not support the proposition that *p*.[18] The phenomenal conception of evidence makes sense of the defeasibility of evidence. In conscious experience it seems to us that certain propositions are true and that they bear on the truth of other propositions. But it is possible that further experience may make it seem as though certain propositions were never really well-supported or that previous experience is now outweighed by further experience.

But if evidence consisted of physical objects or publicly observable states of affairs, in what sense would evidence be defeasible? How is a knife defeasible evidence that Smith committed the murder? Say that Detective Reagan finds what appears to be Smith's knife in a victim's back. Later on, however, Reagan finds Smith's actual knife. On the phenomenal account, it is quite easy to understand the first piece of evidence as *misleading evidence*. Misleading evidence is not to be confused with apparent or fake evidence. Misleading evidence is genuinely evidence for a conclusion that turns out to be false. Apparent or fake evidence, however, never really supports the conclusion in the first place. As Kelly explains, "The fact that misleading evidence is genuine evidence is why beliefs based on misleading evidence can be reasonable, given that what it is reasonable to believe depends on one's evidence."[19] It appeared to Reagan that this was Smith's knife, so he then *in fact* had evidence that Smith was the murderer. But upon finding the second knife, he had a second seeming state in which Smith did not appear to be the murderer. The phenomenal account makes sense of Reagan's initial seeming state or evidence. The appearance of Smith's knife at the crime scene is objectively

[16] Plantinga, *Warranted Christian Belief*, 357–73.

[17] For example, Alvin Goldman, *Epistemology and Cognition* (Cambridge: Harvard University Press, 1986), 109–12.

[18] Cf. John L. Pollock, *Knowledge and Justification* (Princeton: Princeton University Press, 1974), 42–43.

[19] Thomas Kelly, "Evidence: Fundamental Concepts and the Phenomenal Conception," *Philosophy Compass* 3, no. 5 (2008): 937. Cf. Kelly, "Evidence," 55n9.

good evidence that Smith is the murderer (i.e., it raises the probability that Smith is the murderer). This evidence can be outweighed, however, by learning that the appearance of Smith's knife was only an appearance and nothing more. So Smith's total evidence does not support the proposition that Smith is the murderer. The courtroom conception of evidence, however, has the awkward entailment that Reagan never really had evidence for Smith's guilt in the first place. If evidence does not consist in the appearance of things but in the objects themselves, then finding someone else's knife at the crime scene is in no way evidence for Smith's guilt. So the courtroom conception seems to collapse the intuitive distinction between misleading evidence and apparent or fake evidence.

The defeasible nature of evidence also cuts against a Williamsonian view of evidence in which one's total evidence is simply the collective body of propositions one knows—E = K, as the formula has it.[20] On such a conception, evidence is factive; to know a proposition *p*, *p* must be true. On Williamson's view one must say, as on the courtroom conception, that Detective Reagan never had evidence that Smith was guilty if Reagan believed the *false* proposition that "Smith's knife was found at the crime scene." Williamson would likely protest that Reagan still had as evidence the known proposition that "I [Reagan] was in such a state that it appeared to me that Smith's knife was at the crime scene." There are two vexing problems with this approach. First, a proposition must be believed to be known. And despite Williamson's assertion to the contrary,[21] it seems psychologically implausible that we typically have beliefs about our appearance states rather than about the world itself. It seems much more likely that Reagan believed that Smith's knife was found at the scene rather than that he *believed* he was appeared to Smith-knifely at the scene. Second, even if Reagan did believe this higher-order proposition about his experience, what justifies this belief? For Williamson, only the other propositions Reagan knows can constitute Reagan's evidence. So given that the phenomenal character of the experience cannot justify, and given that it would be absurd for the believed higher-order proposition to justify itself, which of Reagan's other known propositions could possibly justify this higher-order belief that he is having such-and-such an experience?[22]

If the courtroom and Williamsonian conceptions of evidence end up implying that Reagan had no evidence for Smith's guilt—and thus,

[20] Timothy Williamson, *Knowledge and Its Limits* (New York: Oxford University Press, 2000), 184–208.

[21] Williamson, *Knowledge and Its Limits*, 198–99.

[22] Cf. Anthony Brueckner, "E = K and Perceptual Knowledge," in Patrick Greenough and Duncan Pritchard, ed., *Williamson on Knowledge* (New York: Oxford University Press, 2009), 8.

presumably, that he was unjustified in believing Smith guilty—then the phenomenal conception clearly has the advantage in allowing that Reagan was justified in his false belief because he possessed good, if misleading, evidence. Indeed, it is precisely this consideration in regard to the misleading evidence of illusions and hallucinations that led prominent empiricists of the early twentieth century like Russell to adopt the phenomenal conception of evidence in the first place.[23] However, recent "disjunctivists"[24] maintain that my counterpart and I in the New Evil Demon thought experiment[25]—where we have all the same phenomenal experiences (qualitatively speaking) but my counterpart has no veridical experiences of an external world—*do not* share the same evidence. But if a fundamental role of evidence is to justify, and my counterpart in the evil demon scenario appears to be justified in holding his mistaken beliefs,[26] then there is some pressure on the disjunctivists to also revise their conception of justification and rationality. For this reason Williamson writes, "Rational thinkers are not always in a position to know what their evidence is; they are not always in a position to know what rationality requires of them."[27] Following in Williamson's footsteps, Clayton Littlejohn has been forced to the radical conclusion that justification itself must be factive.[28] After all, if false beliefs are not evidence, then what kind of guide for belief and action could they be? And if false beliefs cannot *appropriately* guide belief and action, then false beliefs cannot justify belief and action. Hence justification is factive (i.e., one can only be justified in believing true propositions). So the Williamsonian view of evidence not only offers a revisionist view of evidence but also faces pressure to offer a revisionist view of rationality and justification. We should not, then, follow Williamson and the disjunctivists in their initial revision of evidence. The phenomenal conception has the edge.

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[23] Bertrand Russell, *The Problems of Philosophy*, 2nd ed. (Oxford: Oxford University Press, 1998 [1912]); and *Our Knowledge of the External World* (Ithaca, NY: Cornell University Library, 2009 [1914]).

[24] For example, John McDowell, "Criteria, Defeasibility, and Knowledge," *Proceedings of the British Academy* 68 (1982): 455–79; Williamson, *Knowledge and Its Limits*; and Duncan Pritchard, *Epistemological Disjunctivism* (Oxford: Oxford University Press, 2012).

[25] Keith Lehrer and Stewart Cohen, "Justification, Truth, and Coherence," *Synthese* 55, no. 2 (1983): 191–207.

[26] See B. J. C. Madison, "Epistemic Value and the New Evil Demon," *Pacific Philosophical Quarterly* 98, no. 1 (2017): 91–98, for three reasons to think that victims of the New Evil Demon are justified.

[27] Williamson, *Knowledge and Its Limits*, 164.

[28] Clayton Littlejohn, *Justification and the Truth-Connection* (New York: Cambridge University Press, 2012), 121–56.

The phenomenal conception of evidence also accords better with the common notion that subjects must *possess* evidence for *p* if subjects are to be justified in believing that *p*. If evidence consists in seeming states, this makes perfect sense. We "possess" our seemings in the sense that they are *our* conscious states; we have direct, privileged, first-person access to them. On the courtroom conception, however, this seems impossible. In what sense does the jury have the evidence of the knife or the fingerprint in a murder trial? Perhaps this makes some sense in that they were once in a room with those physical objects. But think of our evidence that Caesar crossed the Rubicon in 49 BC. Surely we possess evidence for this proposition without ever having access to the relevant archaeological material or the initial state of affairs.

Defenders of the courtroom conception might reply that, while all evidence consists in physical objects or public states of affairs, in order to have a justified belief, a subject must have access to the relevant physical object or public state of affairs *and* have some sort of experience with the object or public state of affairs. So properly speaking, evidence consists in objective things or states, while justification requires the addition of subjective experience. But first, note the cost: evidence itself, on this view, does not justify beliefs—not without an experiential state. In other words, strictly speaking, this view does not account for the role of evidence as that which justifies belief. Furthermore, consider again the case in which Detective Reagan believes he has seen Smith's knife at the crime scene but, in fact, it was not Smith's knife. On the view under consideration, it is still difficult to see how Reagan was justified in his false belief that Smith is the murderer, even though Reagan surely seems justified. After all, on the view under consideration, Reagan needs evidence and an appropriate experiential state for justification. But if the knife was not Smith's—or even worse, say there was no physical knife but Reagan was the victim of an ingenious illusion—then, because he had no evidence, Reagan's belief was unjustified (despite all appearances to the contrary). So on this view too there is pressure to heavily revise our conception of justification. Better, then, to admit that appearance states can justify, even in the absence of the relevant physical objects or states of affairs. We conclude not only that the phenomenal conception of evidence can play the first role of evidence but that it does so better than its chief rivals.

The Second Role: Evidence as That Which Rational Thinkers Respect

The second major role played by evidence that Kelly identifies is similar to, yet distinct from, the first. It has long been thought that a hallmark of rationality consists in responsiveness to one's evidence—whether this responsiveness consists in heeding higher-order evidence, conditionalizing on new evidence, proportioning the strength of one's belief to the strength of one's evidence, and so on. As I will argue, the phenomenal conception accords better with recent developments in epistemology than its rivals.

Kelly draws our attention to recent literature that notes that higher-order evidence (evidence about our evidence) is itself evidence.[29] Say you observe a strange, bright light in the night sky. The next morning, your neighbor says she saw it too. You would naturally take this as evidence that your evidence was legitimate (you weren't hallucinating) and as further confirmation of the strange light. Some have worried that this natural reaction might double-count your evidence.[30] This would be correct if the evidence was the physical object or state of affairs itself. But if the evidence is your experience and your neighbor's testimony is a further experience in which it seems to you there was a strange light, then your new and stronger seeming is itself evidence. Even in the case of experts using the same first-order evidence, learning that the other expert took the first-order evidence in the same way is a further experience that would seem to legitimately raise the expert's credence. There is no double-counting; there were two separate experiences. Thus the phenomenal conception allows for the common practice of respecting one's higher-order evidence in a clear way.

With regard to conditionalization, Kelly himself notes that several epistemologists—most prominently Putnam—have argued that the introduction of a rival alternative hypothesis, even in the absence of any independent evidence for it, should lower our credence in our original hypothesis.[31] This would make little sense on the courtroom conception of evidence. After all, by hypothesis, we have no independent evidence for the rival hypothesis, so we have no physical evidence for it. Why then would it be rational to lower one's credence in her original hypothesis? On the phenomenal conception,

[29] For example, Richard Feldman, "Respecting the Evidence," in John Hawthorne, ed., *Philosophical Perspectives* vol. 19 (Oxford: Blackwell, 2005), 95–119.

[30] Thomas Kelly, "The Epistemic Significance of Disagreement," in Tamar Szabo Gendler and John Hawthorne, ed., *Oxford Studies in Epistemology* 1 (Oxford: Oxford University Press, 2005), 167–96.

[31] Kelly, "Evidence," 7–8. Hilary Putnam, *Mind, Language, and Reality* (Cambridge: Cambridge University Press, 1975).

the introduction of the rival hypothesis will tend to induce some doubt and decrease the strength of the seeming that the original hypothesis is true. The strength of the evidence for the original hypothesis, in other words, has decreased. So the phenomenal conception makes sense of why one's confidence should generally reflect the space of relevant alternative hypotheses *of which one is aware*.

Notice too that our duty is to respect our evidence rather than to believe the truth. Consider again my twin in the New Evil Demon scenario. Many have suggested that because we appear to have the same justification for believing the same propositions, we both ought to believe the same set of propositions.[32] There is something fundamentally good and correct about heeding our evidence, even if it all turns out to be misleading. My deceived twin is no less epistemically virtuous for having been systematically deceived. Rational creatures are to do their epistemic best vis-à-vis their evidence, regardless of access to the truth.

Recall, now, that on disjunctivism my demon-deceived counterpart and I do not share the same evidence (since only my mental states are factive). Because my counterpart believes numerous propositions about the material world without any evidence, he would seem far and away less rational than me despite our shared phenomenological and doxastic life. By sheer luck I became more rational than my counterpart.[33] The way to reject the disjunctivist claim that my counterpart is irrational (or even less rational) is to accept a view of evidence according to which we share the exact same evidence. Yet we do not share the same knowledge, since my counterpart is deceived. We do not share access to the same physical objects, as my counterpart may not have access to a material world at all. What we share are our phenomenal appearances. Given that this is all we share, if we are to retain (i) the commonsense intuition that we are equally rational and (ii) the commonsense view that responsiveness to evidence is a hallmark of rationality, it is difficult to see our evidence as consisting in anything other than our phenomenal appearances. As Kelly writes, "Intuitively, the Demon misleads his victims by *exploiting* their rationality, inasmuch as he trades on the sensitivity of their beliefs to misleading evidence. . . . But the Demon misleads by providing his victims with misleading experiences. Hence the temptation to simply identify

[32] Stewart Cohen, "Justification and Truth," *Philosophical Studies* 46, no. 3 (1984): 279–95.

[33] Silins also argues that there is a problem lurking for evidential externalists (like disjunctivists) in the other direction. On evidential externalism, it is possible for my demon-deceived counterpart to sometimes be more justified than me depending on how closely we align our credences with our total evidence. Nicholas Silins, "Deception and Evidence," *Philosophical Perspectives* 19, no. 1 (2005): 375–404.

one's evidence with one's experiences: once again, the phenomenal conception of evidence looms."[34] The phenomenal conception is at its strongest in fulfilling the second role of evidence.

Still, critics of the phenomenal conception might object: if my completely deceived counterpart is justified, then what good is evidence? Critics might claim that the value of being a rational agent lies in getting at the truth (or in increasing the likelihood of arriving at the truth) rather than in responsiveness to evidence.[35] But this would be a mistake. As far back as Plato's *Meno*, people have wondered what makes knowledge more valuable than true belief. The most plausible candidate is a first-person responsiveness to evidence or reasons. But if the critic were right, then respecting one's evidence would seem to add nothing to the value of true belief. This cannot be a proper account of rationality, for it implies that one wholly unresponsive to (or even disdainful of) evidence, but who still believes the truth, could be rational. The phenomenal conception, then, also has the advantage regarding the second role of evidence as that which rational thinkers respect.

The Third Role: Evidence as a Guide to Truth

While the phenomenal conception easily fulfills the first two roles of evidence and squares with common intuitions about justification and rationality, it is less than clear that it can fulfill the final two roles. In its third role, Kelly observes that evidence appears to function as a sign or mark of the truth. Evidence is often thought of as that which indicates the truth of something else. On the standard and most straightforward model, evidence *e* is thought of as that which confirms (or disconfirms) a hypothesis *h* by making the truth of *h* more (or less) probable.[36] With this in mind, some might concede that reasons-responsiveness or justification adds value to true belief but still worry about totally severing the link between evidence and truth. One's phenomenal evidence in a demon world seems of little value: "one might worry that a view according to which perfectly following one's evidence is compatible with a more or less completely mistaken view of one's situation threatens to render obscure why following one's evidence would be a good thing to do relative to the goal of having true rather than false beliefs."[37]

[34] Kelly, "Evidence," 14.

[35] Ibid., 15.

[36] More technically, *e* is evidence for *h* iff the probability of *h* given *e* (in conjunction with background information *i*) is greater than the unconditional the probability of *h*.

[37] Kelly, "Evidence," 15.

But why concede that the phenomenal conception severs the connection to truth? My demon-deceived counterpart's phenomenal evidence that "the Sun is in the sky" indicates the *truth* of that false proposition. My counterpart's phenomenal evidence makes the evidenced propositions *epistemically* probable for him. This epistemic probability is no less objective for being epistemic rather than statistical. As far back as the beginning of modern probability theory in the seventeenth century, we can distinguish two quite distinct kinds of probability, the first dealing with statistical frequencies and the second dealing with the degree to which an evidence set confirms a given proposition.[38] The latter can be given an objective or subjective interpretation,[39] and I see no reason why the phenomenalist cannot take the objective interpretation. Phenomenal states objectively evidence the truth of beliefs with the same propositional content (even if the beliefs are false).

Some have thought that there are counterexamples to the necessity of such evidential relationships. Ted Poston helpfully summarizes Bergmann's purported counterexample[40] to the thesis that "the fittingness of doxastic response B to evidence E is an essential property of that response to that evidence" this way: "The counterexample Bergmann presents involves possible cognizers who experience *olfactory sensations of the type [normal humans] experience when [normal humans] smell a meadow full of flowers* whenever they pick up a billiard ball and [naturally and non-inferentially] form the belief that *there is a smallish hard round object in my hand*. . . . This belief is fitting, so Bergmann claims. . . . However, the same belief is an unfitting response to the same evidence in actual cognizers."[41] The phenomenal conception can account for Bergmann's intuition and yet uphold the necessity of evidential relationships. While sensations often trigger seemings (and hence evidence), they are not themselves evidence; they are not the bearers of propositional content that stand in these objective evidential relationships.[42] Given that design plans can vary, it certainly seems possible for different sensations to trigger different seemings. The phenomenal view, however, is committed to

[38] Ian Hacking, *The Emergence of Probability: A Philosophical Study of Early Ideas about Probability, Induction and Statistical Inference*, 2nd ed. (New York: Cambridge University Press, 2006), 11–17.

[39] Swinburne, *Epistemic Justification*, ch. 3.

[40] Michael Bergmann, *Justification without Awareness: A Defense of Epistemic Externalism* (New York: Oxford University Press, 2006), 118–21.

[41] Ted Poston, "Justification without Awareness," *Philosophy and Phenomenological Research* 77, no. 2 (2008): 572.

[42] Seemings rather than sensations are capable of providing justification. Sensations are evidentially relevant, but this is only because sensations "often affect what I am justified in believing by affecting the way things seem." Tucker, "Open-Minded People," 530–31.

an objective, necessary relation between (i) seemings and what they evidence but not between (ii) sensations and seemings or sensations and beliefs. This counterexample only affects the latter.

The critic of the phenomenal conception vis-à-vis the third role follows BonJour and others in holding that evidence and justification are only *instrumentally* valuable in attaining the truth.[43] Even if this were the case, because experience can objectively evidence certain propositions, even the demon-deceived's only hope of attaining truth is to heed his experiential evidence. Heeding experience makes possible valuable states like knowledge and understanding that go beyond true belief. Understanding goes beyond true belief to see conceptual and/or explanatory connections. True belief is not our ultimate goal; true belief alone cannot explain the value of rational inquiry. Rather, true belief where we possess reasons and see connections between propositions and states of affairs is the true *telos* of the rational animal. The value is in seeing for one's self.

However, we should question whether having evidentially grounded or justified belief is only instrumentally valuable. The view that justification is only instrumentally valuable relative to the goal of true belief has unsavory implications. Consider the following: *A* and *B* are both demon-deceived, yet *A* is an excellent reasoner given how things seem to him, while *B* is an extremely poor reasoner given the way things seem to her. Do the beliefs of *A* and *B* have equal epistemic value? Madison argues[44] that if following evidence or holding justified beliefs is only valuable relative to attaining the truth, and neither *A* nor *B* has any hope of attaining the truth because of the evil demon, then neither of their beliefs have epistemic value. But intuitively this is not the case. Madison thinks that this is because *A*'s beliefs, while false, can still be appropriately based on her seemings, are not overly hasty nor overly confident, can cohere with each other, can display sensitivity to defeaters, and so on. If this is correct, then justified belief (belief appropriately based on evidence) is *intrinsically* valuable/excellent apart from true belief.

Even if the foregoing is mistaken, we should not assume that factive evidence would secure the truth connection better than phenomenalism. First, recall that Williamson thinks that one can know the proposition that "it seems to me that *p*," and hence this proposition can be evidence for the demon-deceived even if *p* is false.[45] As I argued, we don't normally have such metalevel beliefs, and thus the demon-deceived would not typically have this

[43] Laurence BonJour, *The Structure of Empirical Knowledge* (Cambridge: Harvard University Press, 1985), 7–8.

[44] Madison, "Epistemic Value," 91–98.

[45] Williamson, *Knowledge and Its Limits*, 198–99.

proposition as evidence. But if I am wrong and Williamson is correct, then his factive view of evidence is at no advantage over the phenomenal conception regarding the truth connection. The demon-deceived with this known proposition about experience will be led to innocently believe numerous false propositions. So the factivity of evidence *does not* secure the truth connection. Likewise, Williamson thinks that we are not always in a position to know which propositions we really know and which we only think we know.[46] If correct, then what *must* guide our thoughts and actions is the way things seem. Seemings—even for disjunctivists—are the very guide of life.

Setting aside those who think of evidence as factive, what about the claim that "evidence for *h* must be a *generally reliable* indicator of the truth of *h*"? Well, seeing as we have no access to God's book of objective statistical correlations, our only guide to reality is the way things seem. While some might want to treat "*e* is evidence for *h*" as synonymous with "*e* is a reliable indicator of *h*" so as to secure the connection between evidence and truth, this is a mistake. Should our well-established statistical correlations fail to hold in distant lands or even in the future (just think of Goodman's grue paradox), surely we should not say that we had *no* evidence for our current scientific beliefs. The phenomenal conception and the third (signifying) role of evidence, then, far from being incompatible, intertwine nicely.

The Fourth Role: Evidence as Neutral Arbiter

When it comes to justifying individuals from their own first-person point of view, the phenomenal conception is more than up to the task. The more difficult question is whether phenomenal evidence can serve the role it often does in science—the fourth role of neutral, public, intersubjective arbiter.[47] Listen to common usages and you will notice that "evidence" is often a contrastive notion. The person who has evidence for her belief is contrasted in literature, film, and everyday discourse with the person who blindly follows tradition, untested prejudice, ancient texts, or ideological (and especially theological) dogma.[48] One key feature of this role of evidence is its public or intersubjective nature, which is thought to lead to converging opinion over

[46] Ibid., 174.

[47] Achinstein, for one, argues that epistemologists' conception of evidence is at odds with how scientists conceive of evidence. Peter Achinstein, *The Book of Evidence* (New York: Oxford University Press, 2001).

[48] For recent work on phenomenal evidence and religious belief, see Logan Paul Gage and Blake McAllister, "The Phenomenal Conservative Approach to Religious Epistemology," in John DePoe and Tyler Dalton McNabb, ed., *Debating Religious*

time. Especially in science we have come to expect consensus opinion that outstrips the consensus-forging powers of, for instance, religion. For this reason, the word "evidence" itself is most readily identified in the public imagination with science.

Kelly mentions at least three potential problems for the phenomenal conception of evidence lurking in this fourth role: objectivity, peer disagreement, and publicity. I will treat each in turn. It should be kept in mind that these challenges have been thought to be the most serious—the very reason cited by the logical positivists as to why they rejected the phenomenal conception, and one of the key reasons that prominent philosophers like Kelly and Williamson reject it today.

Objectivity

The first problem Kelly raises is the objectivity of evidence. We already began to treat this issue in the previous section and saw that the phenomenal conception can easily maintain that evidential relationships are objective. So we will only briefly address the issue here with reference to a common example in the evidence literature—the example of Koplik's spots—in order to gain further insight into the phenomenal conception's ability to handle this role of evidence.

Kelly asks us to consider two individuals *A* and *B*. *A* sees

(i) the patient has Koplik's spots on her skin

as evidence for

(ii) the patient has measles

while *B* does not.[49] *B* is ignorant of the fact that Koplik's spots typically indicate the presence of measles—that is, that (i) statistically correlates with (ii). The potential problem is that (i) seems to be evidence for (ii), objectively speaking. That is, (i) is evidence for (ii) regardless of whether *B* is ignorant of the correlation. In this sense of evidence, we might say that smoke was evidence for fire before anyone noticed it. The phenomenal conception of evidence, it might be alleged, has trouble here since it thinks of evidence as being possessed by a given individual. So, while it sure seems that by virtue

Epistemology: An Introduction to Five Views on the Knowledge of God (New York: Bloomsbury Academic, forthcoming).

[49] Kelly, "Evidence," 35–36.

of being aware of (i) *B* has evidence for (ii), on the phenomenal conception it would be natural to say that *B* lacks evidence for (ii) since (i) does not prompt the seeming that (ii) is the case.

In response, the advocate of the phenomenal conception should note that "evidence" is simply used in more than one way. There is a scientific use of "evidence" in which "we are adopting an idealized third-person perspective."[50] The epistemological sense of "evidence" in which we are interested, however, is one in which a person's evidence (her first-person perspective) supports some proposition or propositions. Kelly himself holds that "evidence" in the latter sense is basically synonymous with "reasons for belief."[51] Given this, the phenomenal conception gets the correct answer in this case: *B* does not possess reasons to believe the patient has measles. Surely it is unreasonable for *B* to *believe* that the patient has measles given what he knows (and does not know)—that is, given the way things seem from his perspective. In fact, the phenomenalist should not agree that *B* has (i) as evidence at all. *B* is not in a mental state with (i) as its content. He knows nothing about Koplik's spots. He only knows the patient has red spots on her skin. This being the case, neither (i) nor (ii) is justified for *B* given the evidence he possesses. What epistemologists are interested in is what propositions are justified for *A* and *B*. Unless *A* and *B* know of the statistical correlation between (i) and (ii), that correlation is not currently part of their perspective/evidence—even if we can see that it is potentially part of their evidence from a third-person perspective. The phenomenal conception thus renders the right verdict and has little to fear from this first challenge regarding the objectivity of evidence.

Peer Disagreement[52]

A second challenge for the phenomenal conception vis-à-vis this fourth role of evidence arises from peer disagreement. A theory of evidence must account for how it is that two seemingly rational and well-informed people—what philosophers call "epistemic peers"—can come to widely divergent positions. An important condition of peerhood is that peers share the same (relevant) evidence. As Catherine Elgin writes, "Disagreement *per se*

[50] Trent Dougherty and Patrick Rysiew, "Experience First," in Matthias Steup, John Turri, and Ernest Sosa, ed., *Contemporary Debates in Epistemology*, 2nd ed. (Malden, MA: Wiley Blackwell, 2014), 19.

[51] Kelly, "Evidence: Fundamental Concepts," 953n4.

[52] This section draws on Logan Paul Gage, "Evidence and What We Make of It," *Southwest Philosophy Review* 30. no. 2 (2014): 89–99.

does not jeopardize epistemic standing. More problematic are cases in which opponents are, and consider themselves to be, epistemic peers. Then they have the *same evidence*."[53] One might be tempted to think that at least one of the peers must be having a lapse of rationality if they disagree. But as Kelly rightly remarks, since at least Kuhn there has been an increasing realization of just how often fully informed scientists have disagreed.[54] So either one has to say that scientists are not engaged in the rational enterprise we thought they were, or else one must account for *rational* peer disagreement. A variety of solutions have been offered. Kuhn argued that rationality is relative to a paradigm, and so two scientists coming to divergent opinions could be fully rational if working within different frameworks.[55] Carnap held that such scientists might both be rational if they employed different inductive methods.[56] Bayesians often appeal to the fact that the two scientists may have very different prior probability distributions. While there are limitations to disagreement in that one's priors can simply be swamped by overwhelming evidence, these distributions can lead to reasonable disagreement.

These approaches have a similar structure: "What it is reasonable for one to believe depends not only on one's total evidence but also on some further feature *F* (one's prior probability distribution, paradigm, inductive method). Because this further feature *F* can vary between different individuals, even *quite different responses to a given body of evidence might be equally reasonable*. On such views, the bearing of a given body of evidence on a given theory becomes a highly relativized matter. For this reason, the capacity of evidence to generate agreement among even impeccably rational individuals is in principle subject to significant limitations."[57] In other words, any view of evidence that appeals to an extraevidential factor to explain rational peer disagreement seems unable to fulfill this fourth role of evidence as neutral-arbiter; the extraevidential factor does the explanatory work. I would like to suggest that a serious advantage of the phenomenal view is its ability to account for rational disagreement without appealing to extraevidential factors.

In order to explain rational peer disagreement, rival conceptions of evidence tend to appeal to the view that *evidence* is one thing and *what we*

[53] Catherine Z. Elgin, "Persistent Disagreement," in Richard Feldman and Ted A. Warfield, ed., *Disagreement* (New York: Oxford University Press, 2010), 53 (emphasis added). Cf. Kelly, "Epistemic Significance," 174–75.

[54] Kelly, "Evidence," 36.

[55] Thomas S. Kuhn, *The Structure of Scientific Revolutions*, 3rd ed. (Chicago: University of Chicago Press, 1996 [1962]).

[56] Rudolf Carnap, *The Continuum of Inductive Methods* (Chicago: University of Chicago Press, 1952).

[57] Kelly, "Evidence," 37 (emphasis added).

make of it is quite another.[58] Many Bayesians, for instance, implicitly affirm this distinction when they distinguish between conditional probabilities *on* observations and unconditional probabilities *of* observations. If we want to affirm the courtroom conception of evidence and yet deny that irrationality in science is rampant, we might appeal to this distinction between evidence and what we make of it. We might say that while two scientists share the same evidence, they make different things of the evidence—perhaps they conceptualize or construe it in different ways, make different connections to other pieces of literature, and so on.

To illustrate this view of evidence, say two equally well-informed and talented arborists, Amy and Adam, walk through an unfamiliar forest. Though the same evidence is available to both, Amy and Adam disagree over the proper classification of a new tree species they discover. In the common construal of evidence, Amy and Adam share the same evidence but use their individual knowledge and skill (each of which is comparable to the other's knowledge and skill) to form the common evidence into support for incompatible propositions.

This distinction between evidence and what we make of it, I argue, rests on a faulty notion of what evidence is in the first place. On the phenomenal conception, evidence does not exist in the form of objects or events that are "out there" in the world but in individuals' mental states. We do not have access to raw (i.e., unperceived) data. We have, for better or worse, our own view of the world. It makes little sense, on the phenomenal conception, to speak of evidence *and* what we make of it. The phenomenalist need not think this distinction too far off the mark, however. There is still a great role that each one of us, along with our background beliefs, plays in arranging or construing data coming at us from the external world. Yet the phenomenalist should insist that this role is preevidential—it comes *before* the mental states that constitute one's evidence. Background beliefs, for instance, are not merely static evidence but *shape further evidence* for a subject *S* by affecting which mental states *S* has.

If this is correct, while our two arborists have very similar visual fields, Amy, due to her particular background knowledge, actually has different mental states than Adam in the forest. Amy and Adam amass different evidence (in the form of seemings) because of their different background beliefs, conceptual frameworks, prior experiences, and so on. Their background beliefs and experiences did not affect what Amy and Adam did with their common evidence; rather, given their background beliefs, they simply have *different*

[58] Cf. Jonathan L. Kvanvig, "The Rational Significance of Reflective Ascent," in Trent Dougherty, ed., *Evidentialism and Its Discontents* (New York: Oxford University Press, 2011), 53.

evidence despite their shared visual field and sensations. It seems to Amy that the tree is of one species, while to Adam it genuinely seems another. Even when it appears that two subjects have similar evidence for a given proposition *p*, they often do not—for they may have very different evidence in the form of different seemings. In affirming this, the phenomenalist has a plausible way to handle Kelly's quandary regarding peer disagreement without appealing to extraevidential factors to explain the disagreement.[59] Hence the phenomenal conception of evidence holds up well against this aspect of the fourth role of evidence.

Publicity

Third, and finally, one might see a problem for the phenomenal conception of evidence as regards the role of neutral arbiter because the phenomenal conception posits that evidence is essentially private and subjective. Mental states are only accessible to a single individual. How then can the phenomenal conception allow for neutral arbitration between individuals? Public objects or events may seem better candidates for evidence when it comes to science and intersubjective arbitration.

By way of reply, it is true that two individuals *A* and *B* cannot share the same token mental states; each must have his own. But there seems no reason to think that two individuals cannot have the same propositional content within their two, admittedly different, token mental states. Kelly rightly notes that the publicity of evidence has been a defining feature of science since its earliest days. Robert Boyle, for one, was adamant that the witnessing of experimental results was to be a communal affair.[60] The public nature of evidence in science has also been championed by Hempel, Popper, and more recently Williamson.[61] But surely Boyle and company are not insisting that there must be *no* difference in perspective among witnesses to an experiment. Surely they are not suggesting that science is subjective if these observers

[59] The phenomenal conception's recognition that two subjects may not share the same evidence even when at first glance it might appear otherwise can also lead toward a satisfactory resolution of other recent philosophical quandaries like Keith DeRose's Bank Cases. See Logan Paul Gage, "Against Contextualism: Belief, Evidence, & the Bank Cases," *Principia* 17, no. 1 (2013): 57–70.

[60] Steven Shapin, "Pump and Circumstance: Robert Boyle's Literary Technology," *Social Studies of Science* 14, no. 4 (1984): 481–520.

[61] Carl G. Hempel, *Fundamentals of Concept Formation in Empirical Science* (Chicago: University of Chicago Press, 1952), 22; Karl Popper, *The Logic of Scientific Discovery* (London: Routledge, 2002 [1935]); and Williamson, *Knowledge and Its Limits*, 193.

possess different token mental states. If the concern is that nothing is shared between multiple observers on the phenomenal conception, phenomenalists should simply deny the charge: observers are likely to share the same *type* of mental state with of the same (or similar) propositional content. Note too that even if the courtroom conception of evidence is correct, in order for an individual to *possess* the evidence, to gain a reason for belief, the evidence must be appropriated by individual experience.

While Kelly worries about our inability to share token mental states,[62] the logical positivists worried about our ability to argue about evidence on the phenomenal conception. As Carnap explained his early view of evidence, "Since the most certain knowledge is that of the immediately given, whereas knowledge of material things is derivative and less certain, it seemed that the philosopher must employ a language which uses sense-data as a basis. In the Vienna discussions my attitude changed gradually toward a preference for the physicalistic language. . . . In my view, one of the most important advantages of the physicalistic language is its intersubjectivity, i.e., the fact that the events described in this language are in principle observable by all users of the language."[63] Ayer also describes the positivists' shift away from the phenomenal conception of the early sense-data theorists. He writes,

> It was held . . . that perceiving physical objects was to be analyzed in terms of having sensations, or as Russell put it, of sensing sense data. Though physical objects might be publicly accessible, sense data were taken to be private. There could be no question of our literally sharing one another's sense data, any more than we can literally share one another's thoughts or images or feelings. . . . But the most serious difficulty [with this view] lay in the privacy of the objects to which the elementary statements were supposed to refer. . . . Because of such difficulties, Neurath, and subsequently Carnap . . . argued that if elementary statements were to serve as the basis for the intersubjective statements of science, they must themselves be intersubjective. They must refer, not to private incommunicable experiences, but to public physical events.[64]

The worry isn't just that our token mental states are private in that we alone host them. The worry is about our ability to share evidence. Kelly develops this worry nicely. The phenomenal conception, he writes,

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[62] Kelly, "Evidence: Fundamental Concepts," 949–50.

[63] Rudolf Carnap, "Intellectual Autobiography," in Paul Arthur Schilpp, ed., *The Philosophy of Rudolf Carnap* (La Salle, IL: Open Court, 1963), 50–52.

[64] A. J. Ayer, *Logical Positivism* (New York: MacMillan, 1959), 17–20.

> stands in no small measure of tension with the idea that a central function of evidence is to serve as a neutral arbiter among competing views. For it is natural to think that the ability of evidence to play this latter role depends crucially on its having an essentially *public* character, i.e., that it is the sort of thing which can be grasped and appreciated by multiple individuals. Here, the most natural contenders would seem to be physical objects and the states of affairs and events in which they participate, since it is such entities that are characteristically accessible to multiple observers. (I ask what evidence there is for your diagnosis that the patient suffers from measles; in response you might simply *point to* or *demonstrate* the lesions on her skin.) On the other hand, to the extent that one's evidence consists of essentially private states there would seem to be no possibility of sharing one's evidence with others. But it is precisely the possibility of sharing relevant evidence which is naturally thought to secure the objectivity of science.[65]

So the problem is not just that two subjects cannot share a token seeming but that to fulfill the fourth, public role of evidence, evidence must be *sharable* and *communicable*.[66]

Let us begin with the former. Why must the phenomenalist deny the ability to *share* evidence? Take Kelly's own example: "I ask what evidence there is for your diagnosis that the patient suffers from measles; in response, you might simply *point to* or *demonstrate* the lesions on her skin."[67] This makes perfect sense on the phenomenal conception: you point to the lesions because you are attempting to get me to have a type-identical seeming with the same (or similar) content. Carnap thought it a big advantage of his physicalist conception of evidence that "the events described in this language are in principle observable by all users of the language."[68] Yet what does this mean except that if another person were in the same position at the same time with the same relevant background beliefs and concepts, and so on, then they could also observe that *p*? The phenomenalist need not deny this but only claim that the evidence itself is not the event but the witnessing of the event. Scientists attempting to replicate one another's experiments, for instance, are attempting to *witness or observe* the same states or events.

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[65] Kelly, "Evidence," 40.

[66] Cf. Kelly, "Evidence: Fundamental Concepts," 949–50, and Williamson, *Knowledge and Its Limits*, 193.

[67] Kelly, "Evidence," 40.

[68] Carnap, "Intellectual Autobiography," 52.

The phenomenalist can even explain why the public nature of scientific evidence is not as public as advertised. That is, the phenomenal conception accounts for the fact that not just anyone can easily gain the relevant scientific evidence (recall Carnap's qualification that evidence is publicly observable "in principle"). Consider the words of Hanson: "The layman simply cannot see what the physicist sees . . . when the physicist looks at an X-ray tube, he sees the instrument in terms of electrical circuit theory, thermodynamic theory, the theories of metal and glass structure, thermionic emission, optical transmission, refraction, diffraction, atomic theory, quantum theory and special relativity."[69] This difference obtains not only between experts and nonexperts, according to Hanson, but between two experts like Hooke and Newton (or Amy and Adam).[70] The nature of scientific evidence, then, is not exactly publicly available or "there for anyone to see"—at least not in the most straightforward sense. Rather, as we saw with peer disagreement, because evidence consists in seemings, a lowly philosopher could view the same physical objects (e.g., the X-ray tube) and not have reason to believe the same propositions as the trained scientist. Observers' evidence can differ without any physical fact before them differing. The phenomenal conception, but not the courtroom conception, accounts for this. But this is not to deny that scientific evidence is uniquely objective in some sense. In order to have evidence like that of my scientist counterpart standing in the same situation, I can undertake specialized training, read the same books and journals, and so on—which is surely possible in principle, unlike the ability to observe another's headache.

On the phenomenal conception, one can also in principle *communicate* the content of their evidence because it has propositional content. The reason Carnap, Ayer, and others[71] think otherwise is that they think the phenomenal conception is wedded to sense-data theory. On classical sense-data theory, one has foundational sensations from which one infers various propositions. Sense-data theory is, then, an expression of indirect realism. We do not have foundational evidence for external-world, object-level propositions. Instead, we have sensations as our evidence. And this sort of evidence does indeed seem very difficult to communicate. It is difficult, for instance, to

[69] Norwood Russell Hanson, *Patterns of Discovery: An Inquiry into the Conceptual Foundations of Science* (Cambridge: Cambridge University Press, 1961), 19.

[70] Hanson, *Patterns of Discovery*, 13. N.B., the phenomenal conception need not claim that observations are theory-laden in a way that prohibits one peer from potentially observing what another observes. Cf. Jerry Fodor, *A Theory of Content and Other Essays* (Cambridge: MIT Press, 1992), 251.

[71] Kelly also links the phenomenal conception to indirect realism and sense-data theory. "Evidence: Fundamental Concepts," 945.

know what sort of content sensations might have; classically sense-data has been considered nonpropositional.[72] Now recall again Kelly's example: "I ask what evidence there is for your diagnosis that the patient suffers from measles; in response, you might simply *point to* or *demonstrate* the lesions on her skin."[73] Perhaps the worry is that on an indirect realist, sense-data view, one's evidence is neither the lesions themselves nor the direct perception of the lesions. Rather, one's evidence—and that of which one is directly aware—is the given, nonpropositional content of the sensory experience. That experience, its content, and how one tacitly inferred propositions from the sensing of nonpropositional sense-data may prove hard to communicate indeed.

Yet note that earlier we distinguished (nonpropositional) sensations from (propositional) seemings. The phenomenalist need only take the latter as evidence. Moreover, the phenomenalist need not be an indirect realist. Whereas the sense-data theorist thinks we only have direct access to sensory experience, the phenomenalist might maintain that we have access *to objects* by having mental states. That is to say, the phenomenalist can hold that normally perception makes us directly aware of external-world objects. True, as Huemer says, "we cannot perceive external objects without having perceptual experiences that represent them." But it is a mistake to conclude

> that we are not really, or not directly, perceiving external objects at all, but only our representations. In fact, perceptual experiences are the "tool" with which we perceive external objects. Their existence no more precludes us from perceiving those objects than the use of an axe precludes the woodcutter from chopping his wood. And just as it would be a mistake to conclude that the man is really chopping his axe, so it is a mistake to conclude that we are really perceiving (or otherwise enjoying awareness of) our perceptual experiences. We perceive external objects by *having* perceptual experiences—in the sense that those experiences partly constitute our perceiving of external objects.[74]

The direct realist can claim that she is directly aware of physical objects *and* that (noninferential) evidence for those objects exists in the form of seeming

[72] Ibid., 940.

[73] Kelly, "Evidence," 40.

[74] Huemer, *Skepticism and the Veil of Perception*, 81. Cf. Mortimer J. Adler, *Ten Philosophical Mistakes* (New York: Touchstone, 1985), 5–53.

states. Being directly aware of a blue light, for example, is compatible with one's evidence being the seeming that there is a blue light. This evidence is propositional and hence, in principle, communicable to others. Hence I conclude that the phenomenal conception *can* play the fourth role of neutral arbiter by providing a level of objectivity, by explaining how two peers can rationally disagree, and by providing for the publicity of evidence as sharable and communicable.

Conclusion

In Kelly's final estimation, there is a paradoxical tension between two of the four roles of evidence.[75] On the one hand, evidence is that which justifies belief. In this regard, introspective, first-person phenomenal evidence fares quite well, while the courtroom conception fares poorly. On the other hand, evidence is often seen as that which might lead to consensus opinion and can be shared by multiple individuals. Here, Kelly thinks, the courtroom conception fares well, while the phenomenal conception fares poorly. If the preceding arguments were successful, this dissatisfying paradox is resolvable. What is more, we are now in a position to think about *why* the phenomenal conception is able to play both kinds of roles.

Following the terminology of Silins, we can see why Williamson and the late-logical positivists might be lumped together despite their unique views of evidence.[76] Both are expressions of "evidential externalism" in thinking that evidence is a matter not merely of inner mental states but also of the subject's external environment. Similarly, we can see why many lump together the phenomenal conception with sense-data theory: both are expressions of "evidential internalism," which sees evidence as consisting in wholly internal mental states. But as Kelly himself notes, the propositionalist/nonpropositionalist distinction cuts across the evidential internalist/externalist divide.[77] A propositionalist, here, is someone who thinks that evidence has propositional content. Hence we have four basic views: propositionalist and nonpropositionalist evidential internalism and propositionalist and nonpropositionalist evidential externalism.

[75] Kelly, "Evidence," 45–46.

[76] Silins, "Deception and Evidence."

[77] Kelly, "Evidence: Fundamental Concepts," 940.

Matrix of Major Conceptions of Evidence

	Propositional Content	**No Propositional Content**
Evidential Internalism	Seeming State Conception	Sense-Data Conception
Evidential Externalism	Disjunctivist Conception	Courtroom Conception

Considering this logical space reveals why the phenomenal conception is able to play the role of both individual justifier and intersubjective arbiter. On the one hand, it must be person-relative and *subjective* (or internalist) in order to be the kind of thing that can adequately justify beliefs for particular subjects. On the other, it must have propositional content that can easily exist in *objective* evidential relationships. While the sense-data theory is subjective/internal, it has difficulty accounting for the objectivity of evidential relationships. While the courtroom conception was thought to yield objectivity, it has little chance of playing the role of justifier. While the disjunctivist conception of evidence is propositional (and hence can stand in objective evidential relationships), it is *too* objective and thus yields intuitively incorrect conclusions about justification and rationality. The phenomenal conception can play the various roles of evidence precisely because it is subjective (internal) and objective (propositional) in the right ways.[78]

[78] The author thanks Trent Dougherty, Blake McAllister, and Alex Plato for helpful comments on this essay.