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Conservatism in Epistemology

Defendants and the Presumption of Innocence

A democratic society's judicial system is based on the legal presumption of innocence: defendants are presumed innocent unless proven guilty. Defendants need not prove their innocence. The prosecution, not the defendant, bears the burden of proof. They must demonstrate, beyond a reasonable doubt, that the accused committed the crime with which they are charged. The presumption of innocence is to be contrasted with the presumption of guilt: defendants are presumed guilty unless proven innocent. Considerations of fairness decisively favor the presumption of innocence over the presumption of guilt. If defendants had to prove their innocence, justice would too frequently miscarry. Evidence of one's innocence might be unavailable. Acquiring such evidence might be prohibitively expensive.

The legal presumption of innocence may be expressed as follows:

Presumption of Innocence (PI): If a citizen is accused of a crime and not found guilty, then the citizen must be judged innocent.

What are the options for rejecting PI? As already mentioned, the immediate competitor for PI is

Presumption of Guilt (PG): If a citizen is accused of a crime and is not proven innocent then the citizen must be judged guilty.

In addition, there two further ways of rejecting PI. Neither of them is even remotely plausible. The first results from removing the second conjunct in the antecedent of PI:

Always Innocent (AI): If a citizen is accused of a crime then the citizen must be judged innocent.

According to AI, defendants must always be found innocent, even if there is evidence of guilt beyond a reasonable doubt. Given that many defendants are in fact guilty, AI is utterly lacking in justification. The final departure from PI tells us that defendants must always be judged guilty:

Always Guilty (AG): If a citizen is accused of a crime then the citizen must be judged guilty.

Since defendants are sometimes innocent, AG too is utterly lacking in justification. So, PI is the clear winner. PI is preferable to PG, and neither AI nor AG enjoy the least bit plausibility. However, when we consider related principles in epistemology, it turns out that the presumption of guilt is more plausible than the presumption of innocence, and that AI and AG have respected epistemic counterparts.

Beliefs and the Presumption of Innocence

When we consider the epistemic presumption of innocence, the view before us is standardly referred to as *conservatism*. beliefs are epistemically innocent (justified) unless

proven guilty (unjustified) by contrary evidence. To articulate this principle and compare it with its competitors, let's use the following abbreviations:

- Bp You believe that p;
- Ep Your total evidence supports p;
- ~Ep You don't have any evidence that p is true;
- E~p Your total evidence supports ~p;
- ~E~p You don't have any evidence that p is false;
- J(Bp) You are justified in believing p .

The conservative view about beliefs—taking beliefs to be innocent unless proven guilty—may now be expressed thus:

$$\text{B-CON} \quad (Bp \ \& \ \sim E\sim p) \ \rightarrow \ J(Bp)$$

The competing view is *credentialism*: beliefs are guilty unless found innocent, that is, unjustified unless backed up by supporting evidence. This is the epistemic presumption of guilt. More formally, the view may be stated as follows:

$$\text{B-CRE} \quad (Bp \ \& \ \sim Ep) \ \rightarrow \ \sim J(Bp)^1$$

As was the case in the context of the legal presumption of innocence, there are two additional ways of rejecting B-CON. According to the first, beliefs are justified no matter what. This is *belief dogmatism*, an obviously unacceptable view:

$$\text{B-DOG} \quad Bp \ \rightarrow \ J(Bp).^2$$

According to the second departure from B-CON, beliefs are always unjustified. This is *skepticism*, a view considerably more respectable than dogmatism but nevertheless unpalatable:

$$\text{B-SKE} \quad Bp \ \rightarrow \ \sim J(Bp).$$

To sum up, when we consider when beliefs are justified, there are four competing views:

- Conservatism: Beliefs are justified unless undermined by contrary evidence.
- Credentialism: Beliefs are unjustified unless backed up by positive evidence.
- Dogmatism: All beliefs are justified.
- Skepticism: No beliefs are justified.

When we compare these views with the four principles about defendants, two interesting differences emerge. First, whereas AG is entirely without merit, skepticism, though unpopular, enjoys the support of formidable arguments. Second, whereas in jurisprudence the presumption of innocence is uncontroversially more plausible than than

¹ Note that we cannot unproblematically go from B-CRE to $(Bp \ \& \ Ep) \ \rightarrow \ J(Bp)$. It's one thing to say that Ep is necessary for J(Bp), another to say it's sufficient for J(Bp). One reason for denying sufficiency is the basing requirement. It's a popular view that J(Bp) requires basing Bp on Ep. Another motivating for denying sufficiency arises from imposing a reliability condition on Ep. See, for example, Brogaard 2013. I myself reject these constraints and thus endorse $(Bp \ \& \ Ep) \ \rightarrow \ J(Bp)$.

² B-DOG must not be identified with the kind of dogmatism defended in Pryor 2000, which is a view, not about what justifies a belief, but rather about perceptual experiences as a source of justification. Further below, I'll discuss Pryor's view.

the presumption of guilt, in epistemology, it's the other way around: the presumption of guilty seems more plausible than the presumption of innocence.

Conservatism about Beliefs

Gilbert Harman defends conservatism in the context of comparing foundationalism and coherentism as competing theories of justification. He identifies foundationalism with the view that, for a belief to be justified, the subject must have a positive reason in its support, and coherentism with the view that positive support is required only if one has a special reason to doubt a particular belief.³ Coherentism, thus understood, entails that one can acquire justification for believing a proposition simply by believing it.⁴ This is a hallmark of conservatism about beliefs. David Christensen, as an opponent of conservatism, pins down his target by articulating the point in question as follows:

The principle of epistemic conservatism takes many forms. But the basic idea behind it is simple: that an agent is in some measure justified in maintaining a belief simply in virtue of the fact that the agent has that belief.⁵

William Lycan concurs:

Our rule of conservatism, then, is tantamount to the claim that the bare fact of one's holding a belief renders that belief justified, to some degree; any belief at all is at least minimally warranted."⁶

It seems to me neither Christiansen's nor Lycan's characterization of this core idea of conservatism is quite accurate. The point must be pinned down in terms of not doxastic but instead propositional justification. The difference between the two types of justification is that between *having justification for believing* that p and *having a justified belief* that p.⁷ Compare:

B-CON_D Bp → (Bp is justified to some degree)
B-CON_P Bp → (having some degree of justification for Bp).

B-CON_D is—uncontroversially, I would hope—false. It implies that every belief is at least minimally justified, or, to put it the other way around that no belief is entirely unjustified.

³ Harman 1986, p. 29.

⁴ Ibid, p. 30.

⁵ Christensen 1994, p. 69.

⁶ Lycan 1988, p. 162. Lycan adds: "Any belief at all is at least minimally warranted." If 'warranted' means 'justified', this is an astonishing claim. Surely some beliefs are unjustified. And an unjustified belief is not even minimally warranted, just as, for example, a solid substance is not even minimally liquid. It seems to me what Lycan must have had in mind is that, for any belief, however unjustified, the subject has at least some minimal degree of justification.

⁷ Doxastic justification requires propositional justification: a belief cannot be justified unless one has justification for it. The reverse relation does not hold: propositional justification does not entail doxastic justification. One can have justification for Bp but simply not bother to acquire Bp because p is trivial. (See Harman's point on clutter avoidance in 1986, p. 15.) Furthermore, even if one has justification for Bp, it might not be a case of J(Bp) because one's justification for Bp is defeated.

But there clearly are beliefs that are entirely unjustified. Consider the following case of belief preservation in the face of evidential discrediting.⁸

Ed is a test subject in a psychological study. He performed a certain task for, say, 20 minutes and immediately afterwards was told he did extremely well. Later he is debriefed and informed that the positive evaluation of his performance was part of the experiment. In fact, he is now finding out, his performance was poor, as the test-results in front of him clearly show. Although Ed's confidence in the belief that he performed well is initially shaken, later that day the belief reasserts itself: although evidentially discredited, Ed still believes that he did well.

Ed's belief is clearly unjustified.⁹ According to the way Christensen and Lycan construe B-CON, namely as B-CON_D, conservatism says that Ed's belief is at least to some degree justified. But conservatives and non-conservatives alike should agree that, being unjustified, Ed's belief is not justified to any degree.¹⁰ That is, B-CON should not be construed as yielding the utterly implausible consequence that Ed's belief is justified to some degree. Indeed, if B-CON_D were true, not only would Ed's belief be justified at least to some minimal degree, there would not even be any such thing as an unjustified belief. Every belief, by virtue of being a belief, would be minimally justified. That's not conservatism but dogmatism about belief, a view without any merit. So, charitably construed, B-CON should be understood as having not B-CON_D but B-CON_P as a corollary. When applied to our example, B-CON_P tells us something that is highly controversial but certainly not absurd: although his belief is unjustified, Ed has some degree of justification for his belief, and he has this degree of justification for believing simply by virtue of having that belief.

Next, I want to focus on the relation between

$$\text{B-CON} \quad (\text{Bp} \ \& \ \sim\text{E}\sim\text{p}) \ \rightarrow \ \text{J}(\text{Bp})$$

and

$$\text{B-CON}_P \quad \text{Bp} \ \rightarrow \ \text{having some degree of justification for Bp.}$$

Why is B-CON_P a corollary of B-CON? To answer this question, let's distinguish between two kinds of cases of Bp & ~E~p: those with Ep and those without Ep. Let's refer to them as A-type and B-type cases:

$$\text{A-type: } \text{Bp} \ \& \ \sim\text{E}\sim\text{p} \ \& \ \text{Ep}$$

$$\text{B-type: } \text{Bp} \ \& \ \sim\text{E}\sim\text{p} \ \& \ \sim\text{Ep}$$

⁸ Cf. Harman 1986, p. 36f.

⁹ If you disagree, replace the example with your own favorite case of an obviously unjustified belief.

¹⁰ See my earlier note on Lycan's point that, according to conservatism, every belief is at least minimally justified. The following is a contradiction: "Bp is unjustified & Bp is minimally justified." However, the following is possible: "Bp is unjustified but the subject has some justification for Bp." That is, the absence of doxastic justification is compatible with the presence of propositional justification. What's not possible is the absence of doxastic justification with a little bit of doxastic justification.

According to credentialism, since the view denies that there can be justification without evidential support, we have $J(Bp)$ in A-type cases but not in B-type cases. According to B-CON, we have $J(Bp)$ in *both* A-type and B-type cases. But if we have $J(Bp)$ in B-type cases—that is, if we have $J(Bp)$ without E_p —where does the belief’s justification come from? There is only one possible source: the belief itself. B-CON, therefore, requires that Bp be at least *sometimes*—namely in B-type cases—a source of justification. Advocates of B-CON would not have to hold that Bp is *always* a justification source. They could argue that believing is a justification source in B-type cases but not in A-type cases. In cases in which we have E_p , Bp is need not needed as a justification source because E_p *by itself* renders Bp justified. That version of B-CON seems *ad hoc*. It is not easy to see why, if Bp is a justification source in B-type cases, it should not also play a justificatory role in A-type cases, providing the belief with at least a little bit of justification in addition to the primary justification coming from E_p . I will assume, therefore, that on a plausible construal of conservatism about belief,

B-CON_p $Bp \rightarrow$ having some degree of justification for Bp .

is a corollary of

B-CON $(Bp \ \& \ \sim E \sim p) \rightarrow J(Bp)$.

According to belief conservatism thus understood, its core idea is the following: justification does not require positive evidential support because belief itself is a source of justification.

Against Conservatism about Beliefs

Opponents of B-CON reject on the thesis that belief as such is a source of justification on the basis of cases meant to elicit the intuition that continued belief is unjustified. Instead, the subject ought to suspend judgment. Christensen introduces the following example:

Christensen’s Coin Case

Suppose I flip a coin, and it lands out of Jack’s sight. Without going over to look, Jack decides that it has landed tails up. Jack do not believe the coin to be biased, nor does he believe himself telepathic, nor is he a victim of the gambler’s fallacy who has just seen several heads in a row. Jack simply believes that the coin has landed tails up.¹¹

Let “Tails” stand for the proposition that the coin has landed ‘tails.’ Jack’s total evidence neither supports neither Tails nor \sim Tails. Christensen’s intuition is that, given Jack’s total evidence, it would be dogmatic of Jack to continue believing Tails. The mere fact that he happens to believe Tails fails to confer any degree of justification on his belief. In the same vein, Richard Feldman describes the following case:

¹¹ 1994, p. 74. In his paper, Christensen describes the case featuring Christensen himself as the subject who believes the coin has landed tails up. For ease of subsequent presentation, I have replaced Christensen with Jack as the subject in this case.

Feldman's Detective Case

Detective Jones has definitively narrowed down the suspects in a crime to two individuals, Lefty and Righty. There are good reasons to think that Lefty did it, but there are equally good reasons to think that Righty did it. There is conclusive reason to think that no one other than Lefty or Righty did it. (2003, p. 144)

Feldman's view is that it would be unreasonable of Jones to believe that Lefty is the culprit, and that it would be unreasonable of Jones to believe that Righty is the culprit. An advocate of B-CON might agree that, if detective Jones does not already find himself believing either one of these propositions, he should suspend judgment. But, according to B-CON, if Jones were to believe Lefty did it prior to acquiring the equally good reasons for believing Righty did it, then, after acquiring these reasons, Jones's belief continues to be justified simply by virtue of being a belief Jones already has. That's what Feldman rejects. He says: "Furthermore, the mere fact that he already believes that one of them, say Lefty, did it, is of no epistemological significance whatsoever."¹²

Why think that the mere fact of believing p is a source of justification for believing p ? The standard argument advocates of B-CON offer is pragmatic.¹³ Change is always costly. Therefore, minimizing change is advantageous. This applies to both managing one's ordinary life and one's belief system. You shouldn't buy a new car unless there's a good reason for such a change. Likewise, you shouldn't get rid of a belief unless there's a good reason for doing so. There are two problems with this argument. First, in the two cases we are considering, it's entirely unclear exactly what the alleged cost of switching from belief to suspension of judgment would be. B-CON's competitor, B-CRED, says: Jack should suspend judgment instead of believing that the coin landed "tails" up, and detective Jones should suspend judgment instead of believing Lefty committed the crime. It's difficult to see what pragmatic "cost" either one of them is burdened with if they switch from belief to suspension of judgment. But suppose there is such a cost: a certain loss of cognitive energy, however small. Why should we think that this loss renders the respective beliefs epistemically justified? At best, it renders them (minimally) pragmatically justified. Moreover, when we switch from pragmatic to epistemic rationality, a rather significant cost comes clearly into view: the cost of holding a belief that has .5 chance of being false.

I conclude that B-CON is implausible. The proffered pragmatic rationale for it is not compelling. Moreover, B-CON yields the wrong judgments about the counterexamples Christensen and Feldman have proposed.

¹² Ibid.

¹³ Harman offers an additional argument in support of B-CON: the argument from lost justification. See his 1986, p. 41. For a response, see Christensen 1994. For critical discussion of B-CON, see also Foley 1983 and Fumerton 2007. For a defense, see Vahid 2004.

Modified Conservatism about Beliefs

Gilbert Harman has defended a version of conservatism that accommodates the two cases we considered in the previous section. According to Harman's conservatism, the respective beliefs in these cases are unjustified. His version of conservatism is based on the following principle:

Principle of Positive Undermining: One should stop believing P whenever one positively believes one's reasons for believing P are no good.¹⁴

To illustrate the relevance of this principle to change of belief, he describes the following case:

Harman's Twin Case

William looks out the window and, on the basis of what he sees, forms the belief that the girl his daughter is playing with in the backyard is the girl he met yesterday, named Connie. Later he learns Connie has an identical twin, Laura, whom he cannot distinguish from Connie. This leads him to realize that his reasons for his belief about the identity of the girl he saw playing with his daughter in the backyard are 'no good'.¹⁵

In this case, William has acquired an undermining defeater: evidence that his reason for thinking his daughter's playmate is Connie—a perceptual experience, namely the girl's looking like Connie—is not "an objectively reliable indicator of the identity of the girl he saw with his daughter."¹⁶ Therefore, he is no longer justified in believing that the girl his daughter is playing with is Connie. Instead, he is required to suspend judgment. If his belief persisted, it would be unjustified.

Notice that William has not acquired a rebutting defeater: evidence for believing that the girl playing with his daughter isn't Connie. Hence conservatism about beliefs as defined above,

$$\text{B-CON} \quad (\text{Bp} \ \& \ \sim\text{E}\sim\text{p}) \ \rightarrow \ \text{J}(\text{Bp}),$$

yields the judgment that, if William continues to believe that the girl is Connie after the acquisition of the defeater, his belief would remain justified. So, Harman's case is a counterexample to B-CON. Harman, however, takes the case to be an illustration of conservatism, not a counterexample to it. According to the version of conservatism he advocates, evidence that $\sim\text{p}$ isn't the only thing that can render a belief unjustified. An initial, generic definition of B-CON could be stated thus:

$$\text{B-CON}_1 \quad (\text{Bp} \ \& \ \text{no defeater}) \ \rightarrow \ \text{J}(\text{Bp}).$$

Since there are rebutting and undermining defeaters, we instantly get two versions of B-CON:

$$\text{B-CON}_2 \quad (\text{Bp} \ \& \ \text{no rebutting defeater}) \ \rightarrow \ \text{J}(\text{Bp}),$$

¹⁴ Harman 1986, p. 39.

¹⁵ Ibid, p. 44.

¹⁶ Ibid.

B-CON₃ (Bp & no rebutting defeater & no undermining defeater) → J(Bp). B-Con as initially defined corresponds to B-CON₂. However, Harman advocates B-CON₃, according to which there are two ways in which one can lose justification for believing that p: by acquiring evidence that ~p, and by acquiring a defeater that undermines one's evidence for p.¹⁷ In Feldman's counterexample to B-CON₂, detective Jones does not have evidence that Lefty is not the one who committed the crime. So, Jones does not have a rebutting defeater. But he does have an undermining defeater: his realization that the evidence pointing to Lefty is equal in strength to the evidence pointing to Righty. Harman would say that, since Jones has an undermining defeater, Feldman's case is not a counterexample to the version B-CON₃, the version Harman himself defends.

Is Modified B-CON Conservative?

According to Harman, when William finds out Connie has a look-alike twin sister, he is no longer justified in believing the girl his daughter is playing with is Connie. Why not?

Because, Harman says,

William at least implicitly relied on the belief that the perceptual appearances were an objectively reliable indicator of the identity of the girl he saw with his daughter. On learning that Connie has an identical twin, he now thinks appearances were not an objectively reliable indicator, so he thinks he was . . . justified only because he relied on a false belief. The relevant belief here, that the appearances are an objectively reliable indicator, is, to repeat, ordinarily implicit rather than explicit. It is something William is committed to in coming to believe that the girl he sees is the same girl as the one he spoke to earlier, whether or not he explicitly notes this commitment.¹⁸

Given that Harman self-identifies as a conservative, this is a remarkable passage. The view he articulates is, except for one important difference, in basic outline analogous to the view Bonjour defended in his 1985 *The Structure of Empirical Knowledge*.¹⁹ According to Bonjour 1985, no perceptual belief is justified unless the subject has additional beliefs that add up to an adequate meta-justificatory argument. The structure of this argument may be glossed as follows: Bp is a type-K belief formed under conditions C; forming a type-K beliefs under conditions C is reliable; therefore, p is probably true.²⁰ A meta-justificatory argument of this kind is, according to Harman, the very source of William's justification for believing that the girl his daughter is playing with is Connie. Of course,

¹⁷ See his Principle of Conservatism in Harman 1986, p. 46: "One is justified in continuing fully to accept something in the absence of a special reason not to." If conservatism is construed this way, exactly what the view entails depends on what counts as a special reason to not continue accepting something.

¹⁸ Harman 1986, p. 44.

¹⁹ Bonjour 1985.

²⁰ See Ibid, chapter 6.

whereas BonJour demands explicit meta-justificatory beliefs, Harman requires merely implicit beliefs. But this difference leaves intact agreement on the main point: both of them ground perceptual justification in a meta-justificatory argument for perceptual reliability.

On this main point, I find myself in complete agreement with BonJour and Harman.²¹ William's perceptual experience, his daughter's playmate looking like Connie, justifies his belief about her identity only if William has implicit beliefs to the effect that his perceptual experience is reliable. However, the question at hand is not whether Harman's account of perceptual justification is right, but rather whether it qualifies as a version of conservatism. It would seem it does not. Consider what's going on in the William case. Initially, William is justified in believing that the girl his daughter is playing with is Connie. What justifies his belief are two things: his perceptual experience (the Connie-look) and his implicit belief that his perceptual experience is reliable. But then William acquires an undermining defeater: Connie has a look-alike twin. He now realizes that the perceptual experience he took to be reliable is in fact not. Therefore, he loses his justification for believing that his daughter's playmate is Connie.

This is not a conservative but a credentialist account of justification. Prior to the acquisition of a defeater, William has evidence for the belief about the identity of his daughter's playmate, namely a perceptual experience. The case, therefore, involves both Bp and Ep and thus fails to be an instance of conservative justification: J(Bp) without Ep.²²

It might be objected that, although there is nothing conservative about Harman's treatment of the case involving William, Harman would nevertheless respond conservatively to Christensen's coin case, namely by judging that Jack is justified in believing that the coin landed tails up. So, let's compare the two cases. What both have in common is the absence of a rebutting defeater. William does not have a reason to think that his daughter's playmate isn't Connie, and Jack doesn't have a reason to believe that the coin has not landed tails up. B-CON, therefore, yields the judgment that Jack justified in believing the coin landed tails up, and that William, even after acquiring the undermining defeater, is still justified in believing his daughter's playmate is Connie. Harman, however, judges that William is no longer justified in believing this. According to Harman, William's belief is no longer justified because Harman endorses not

²¹ Regarding the question of whether the needed argument for perceptual reliability must be traceable to explicit or merely implicit beliefs, I'm siding with Harman. BonJour's requirement for explicit, fully articulated meta-justification is excessively demanding. It makes skepticism about perceptual knowledge inevitable.

²² There is a second reason why Harman's view is credentialist. According to Harman, William's belief is initially justified because he has a perceptual experience that constitutes evidence for it. That's the first non-conservative element. The second is the need for meta-justification: William's perceptual experience constitutes evidence only because he has a meta-justification (in the form of implicit beliefs) for taking the experience to be reliable. See my discussion below of the contrast between E-CON and E-CRE.

B-CON₂ (Bp & no rebutting defeater) → J(Bp),

but instead

B-CON₃ (Bp & no rebutting defeater & no undermining defeater) → J(Bp).

So, what Harman should say about Jack's belief depends on whether Jack as an undermining defeater. Does he?

Initially, it seems the Coin Case does not permit viewing Jack as having an undermining defeater. After all, for an undermining defeater to block justification, there must be a perceptual experience that, given the defeater, no longer constitutes evidence that p is true. In the Coin Case, Jack doesn't have any such perceptual experience. Christensen is explicit about that. Jack forms the belief that the coin landed tails up without looking. However, for a case to feature an undermining defeater, it is not necessary the subject have a perceptual experience that initially constitutes evidence that p. An undermining defeater can do its work in two ways: by neutralizing initial evidence the subject possesses (as in William's case), or alternatively by indicting a non-evidential belief source as unreliable. In Jack's case, the latter is going on. Since Jack has no evidence that the coin landed heads, he must view his belief as a mere guess. And surely he has the implicit belief that guessing is an unreliable belief source. These two implicit beliefs—the belief has its source in a guess, and guessing is unreliable—undermine the epistemic credentials of Jack's belief and render it unjustified.

It follows that Harman's treatment of the Twin Case applies as well to the Coin Case. Given that Harman judges William's belief to be unjustified, it would be inconsistent of him to judge that Jack's belief is justified. It thus turns out that the characteristic element of Harman's view, namely

J(Bp) → (no undermining defeater),

blocks the kind of judgments that are characteristic of B-CON. That is, on Harman's account of justification, there cannot be cases of J(Bp) without Ep. There cannot be such cases, on Harman's view, because, for undermining defeat to be absent, the subject must have a non-undermined reason for p. Harman's modified conservatism, it turns out, is not a conservative view after all but a form of credentialism.

This is a significant result. If we define B-CON in terms of a no-defeat clause, as in

B-CON₁ (Bp & no defeater) → J(Bp),

then we must interpret the no-defeat clause as requiring the absence of a rebutting defeater:

B-CON₂ (Bp & no rebutting defeater) → J(Bp),

Interpreting the no-defeater clause as requiring the absence of both a rebutting and an undermining defeater, as in

B-CON₃ (Bp & no rebutting defeater & no undermining defeater) → J(Bp),

is inconsistent with the conservative core principle that J(Bp) does not require Ep.

Review

We have considered four views that answer the question: When are beliefs justified? Since B-DOG and B-SKE are implausible outliers, B-CON and B-CRE are the two main contenders. B-CON is challenged by serious counterexamples. These counterexamples show that $\sim E \sim p$ isn't enough to secure what is essential to epistemic justification: the probability of truth. Therefore, B-CRE is more plausible than B-CON. We also considered of modified version of B-CON that is not vulnerable to these counterexamples. However, it turns out that this modified theory isn't B-CON but instead a version of B-CRE. Hence, when we consider not defendants but beliefs, the presumption of guilt is more plausible than the presumption of innocence. When it comes jurisprudence, considerations of fairness decisively favor the presumption of innocence over the presumption of guilt. In epistemology, considerations of fairness are irrelevant. There is nothing unfair about judging B_p unjustified unless B_p is accompanied by E_p .

Perceptual Experiences and the Presumption of Innocence

Thus far, my focus has been on the kind of conservatism that results from taking beliefs to be innocent unless proven guilty. Another kind of conservatism comes into view when we apply the presumption of innocence not to beliefs but instead to belief sources such as perception, memory, introspection, and a priori intuition. Here I will focus exclusively on perception. What does it mean to apply the presumption of innocence to perception? That is, what does it mean to say that perceptual experiences are innocent unless proven guilty?

I'm going to stipulate the following answers. For a belief to be innocent is for it to be justified. For a perceptual experience to be innocent is for it to be a source of justification, that is, to give you a reason for believing its content. What proves a belief guilty, rendering it unjustified, is evidence of falsehood. What proves a perceptual experience guilty, blocking it from giving you a reason for believing its content, is evidence of unreliability. So, according to the kind of conservatism that views perceptual experiences as innocent until proven guilty, perceptual experiences are sources of justification unless they are accompanied by evidence of unreliability. But this is just one of the following four possible views.

Dogmatism	Perceptual experiences are always a source of justification.
Conservatism	They are a source of justification unless proven guilty: defeated by evidence of unreliability.
Credentialism	They are not a source of justification unless proven innocent: supported by evidence of reliability.
Skepticism	They are never a source of justification. ²³

²³ An analogous dialectic can be found in the epistemology of testimony. Reductionism is credentialism about testimonial justification, whereas anti-reductionism is to be identified with

Let us refer to perceptual experiences as *appearances*. 'Ap' will stand for 'it perceptually appears as though p'. Here are some examples: the table before you looks red, the coffee in your cup tastes sweet, and it sounds like there are people taking in the hallway. Our question is: When have perceptual experiences like that justificational force? When do they give you a reason to believe their content? Formally put, the options are as follows. Since they are all about perceptual experiences, I'll attach an 'E' to their names to distinguish them from the corresponding views about the justification of beliefs.

- E-DOG Ap → you have J for Bp.
- E-CON (Ap & no evidence that Ap is unreliable) → you have J for Bp.
- E-CRE (Ap & no evidence that Ap is reliable) → ~(you have J for Bp)
- E-SKE Ap → ~(you have J for Bp).

Like B-CON, E-CON can be opposed from two different sides. Dogmatists oppose B-CON, so to speak, from the left, rejecting it as too demanding. Credentialists, on the other hand, oppose B-CON from the right, rejecting it as too permissive. B-DOG—the view that beliefs are always justified—is without merit and thus has not received any support in the literature. However, E-DOG has fared better. It has been defended by distinguished epistemologists and is in fact a popular view.

Dogmatism about Perceptual Experiences

Dogmatism has been defended by James Pryor in "The Skeptic and the Dogmatist," and by Michael Huemer in *Skepticism and the Veil of Perception*.²⁴ Pryor articulates his view as follows:

My view is that whenever you have an experience as of p, you thereby have immediate *prima facie* justification for believing p.²⁵

Replacing 'prima facie' with 'defeasible', Pryor's view says:²⁶

Ap → having immediate defeasible justification for Bp.

The kind of justification for which Ap is sufficient, is, according to Pryor, immediate. This point merits special attention, and I will return to it later. What I wish to emphasize now is

either dogmatism or conservatism. For a defense of reductionism, see Fricker 1994 and 1995. For a reductionism-friendly hybrid view, see Lackey 2006 and 2008. For a defense of the anti-reductionist view, see Sanford and Henderson 2006.

²⁴ Pryor 2000 and Huemer 2001.

²⁵ Pryor 2000, p. 536.

²⁶ I prefer to use the term 'defeasible' instead of 'prima facie'. Prima facie is sometimes contrasted with ultima facie justification. Used that way, to have prima facie justification for Bp is to have some-things-considered justification for Bp, and to have ultima facie justification for Bp is to have all-things-considered justification. But that contrast is not the same as the contrast between defeasible and indefeasible justification. In some cases, defeasible justification for Bp is some-things-considered justification; in other cases, it is all-things-considered justification. So, if 'prima facie' is used to refer to the opposite of ultima facie justification, it does not mean the same as 'defeasible'. Huemer is explicit about his use of the term 'prima facie justification'. He doesn't not mean 'some-things-considered justification' but rather 'defeasible justification'. See his 2001, p 100.

that E-DOG, as stated above and as construed by Pryor, is a principle about propositional justification. Ap is not claimed to be sufficient for justified belief. It is merely claimed to be sufficient for having justification for believing p. That Ap is not sufficient for justified belief is obvious. There are cases such that we have both Ap and Bp but Ap is defeated by additional evidence. In such cases, we do not have J(Bp).

Huemer refers to the view that Ap is sufficient for having J for Bp as 'phenomenal conservatism'. Here is his well-known Principle of Phenomenal Conservatism:

PC If it seems to S as if p, then S thereby has at least prima facie justification for believing that p.

Since PC is about not specifically perceptual seemings but rather seemings in general, PC is broader than E-DOG as defined above. And there is another difference: the qualifier 'at least'. Huemer's reason for the qualification is that he wishes to include in the principle's scope seemings that are indefeasible.²⁷ Since we are concerned with perceptual justification, which is always defeasible, we may ignore this point. Replacing once again 'prima facie' with 'defeasible', we can put Huemer's principle thus:

PC* If it perceptual seems to S as if p, then S thereby has defeasible justification for believing that p.

Although Huemer labels his view phenomenal *conservatism*, PC* is E-DOG, not E-CON. For a principle about perceptual justification to qualify as conservative, it must impose a qualifying condition. It must say that a perceptual experience is a justification source provided it is not in some way proven guilty—revealed as untrustworthy. PC* doesn't do that. It is a dogmatic principle, not a conservative one.

Conservatism about Perceptual Experience

In his 2007 paper "Compassionate Phenomenal Conservatism," Huemer offers a version of PC that differs from the one he defended in *Skepticism and the Veil of Perception*. Here is the modified principle:

PC₂₀₀₇ If it seems to S as if p, then, in the absence of defeaters, S thereby has at least some degree of justification for believing that p.²⁸

The position of the no-defeat clause is crucial. The principle does *not* say:

PC₁ If it seems to S as if p, then S thereby has at least some degree of defeasible justification for believing that p.

Rather, it says this:

PC₂ If it seems to S as if p, then (if *there are no defeaters*, then S thereby has at least some degree of justification for believing that p).

²⁷ In his 2001 on p. 101, Huemer says: ""That is, I want to allow that there may be (as I think there are) cases in which S has justification for believing *P* not dependent on other beliefs, and in which this justification cannot be defeated by further evidence. An example would be my present belief that for every number *x*, (*x*+1) is greater than *x*."

²⁸ Huemer 2007, p. 30.

And PC₂ is logically equivalent to:

PC₃ If it seems to S as if p and there are no defeaters, then S thereby has at least some degree of justification for believing that p.

Unlike his 2001-PC, Huemer's 2007-PC puts a qualifying condition on seemings. They are a source of defeasible justification only in the absence of defeat. Restricting the principle to perceptual seemings, we get:

PC₄ If it perceptually seems to S as if p and there are no defeaters, then S thereby has defeasible justification for believing that p.

PC₄ differs crucially from:

PC* If it perceptual seems to S as if p, then S thereby has defeasible justification for believing that p.

According to Huemer's 2000 PC*, perceptual seemings are a source of justification no matter what. No qualifying condition is imposed. According to Huemer's 2007 PC₄, perceptual seemings are a source of justification only if they are undefeated. That's no longer E-DOG but instead E-CON.

What is the motivation for saying that only undefeated perceptual experiences are a justification source? Consider a speaker who asserts p. On the basis of independent information, you know the speaker is lying. It is plausible to judge that, in a situation like that, the speaker's assertion does not give you a reason for believing p. An assertion known to be a lie is not a justification source. Arguably, the same applies to perceptual experience. When you know that Ap is misleading because you independently know that p is false, Ap does not give you justification for Bp. That's the motivation for preferring E-CON to B-CON. I will return to this point shortly.²⁹

²⁹ Given the way Huemer's 2007 version of his PC is worded, it states the view I have labeled 'E-CON'. But the following footnote is puzzling because it does not address the E-DOG/E-CON difference: "I have modified the principle from its original version: I have inserted "at least some degree of," to make clear that one need not have full justification for belief merely by having, for example, a weak or wavering appearance, and I now treat Phenomenal Conservatism as governing justification in general, rather than only non-inferential justification." This passage is puzzling for several reasons. First, it does not address what is in fact the main difference between the two versions, namely making *in the absence of defeaters* an antecedent condition of *having at least defeasible justification for believing that P*. This condition is present in the 2007 version but absent in the 2001 version. And it is precisely this condition that makes the 2001 version an expression of dogmatism and the 2007 version an expression of conservatism. Compared with this difference, the further difference, namely the inclusion of "at least some degree of," is tangential. It would be rather uncharitable, and indeed off the mark, to interpret the 2001 principle as asserting that, if it seems to you that p, then you have *full* justification for believing that p. If 'full justification' means 'knowledge-grade justification', such an interpretation would render the 2001 version false for obvious reasons because, as Huemer points out, seemings come in various degrees of strength. Interpreted thus, the principle would then imply that weak and feeble seemings generate justification strong enough for knowledge. A correct reading of the 2001 principle should be based on what goes without saying: justification always comes in degrees. (See, for example, Alston 1989, p. 84.) Then we get: If it seems to you that p, then you have some degree (ranging from low to high,

Arguments for Dogmatism about Perceptual Experiences

According to E-DOG, perceptual experiences are always a source of justification. They are a source of justification no matter what. Scenarios in which Ap fails to be a reason for Bp do not exist. What might be said in defense of this rather astonishing view? I will discuss three arguments.

1. According to Pryor, Ap provides *immediate* justification for Bp. Here is how he defines the notion:

When your justification to believe P comes in part from your having justification to believe other, supporting propositions, I will say that those latter propositions *mediate* your justification to believe P . . . When your justification to believe P does not come from your justification to believe other propositions, I will call it *immediate*.

It might be argued that E-DOG is needed to secure the outcome that perceptual justification can be immediate. Now, it is certainly correct that E-DOG ensures the immediacy of perceptual justification. E-DOG says that having a perceptual experience, Ap, is sufficient for having justification for Bp. Having justification for other, supporting propositions, is not necessary. For example, it is not necessary to have justification for believing that Ap is reliable under the present circumstances. So, according to E-DOG, the justification coming from Ap is immediate.

However, the same can be said of E-CON. The qualifying condition E-CON imposes is not that you must have justification for believing that Ap is undefeated. E-CON merely imposes an absence-of-defeat condition. So, B-CON allows for immediate perceptual justification no less than B-DOG does. Therefore, viewing the possibility of immediate perceptual justification as a theoretical desideratum provides no reason to prefer E-DOG to E-CON.

2. Pryor defends E-DOG by saying the following:

For a large class of propositions, like the proposition that there are hands, it's intuitively very natural to think that having an experience as of that proposition justifies one in believing that proposition to be true. What's more, one's justification here doesn't seem to depend on any complicated justifying argument. An experience as of there being hands seems to justify one in believing there are hands in a perfectly straightforward and immediate way. When asked, "What justifies you in believing there are hands?" one is likely to respond, "I can simply see that there are hands." One might be wrong: one might not really be seeing a hand. But it seems like the mere fact that one has a visual

depending on the quality of the seeming) of justification for believing p. It seems rather obvious to me that that's the way to understand the 2001 principle. But then the difference Huemer highlights in the footnote doesn't mark a genuine difference between the principles at all. Rather, the real difference arises, as mentioned, from making *in the absence of defeaters* an antecedent condition of the seeming-based justification one has for believing that p.

experience of that phenomenological sort is enough to make it reasonable for one to believe that there are hands."³⁰

In this passage, Pryor offers a defense of E-DOG by pointing out that, when Bp is based on a visual experience Ap and one is asked to justify Bp, it is entirely satisfactory by saying "I can see that p," that is, by citing Ap alone, without appealing to any additional justifying premises. Recall William in Harman's example. If asked why he believes the girl his daughter is playing with is Connie, he might just "I can see it's Connie," and—this is Pryor's point—that would be a perfectly satisfactory way of answering the question.

I agree with Pryor's point when we are talking about our epistemic practice in ordinary life. If William were to offer a B-CON-type defense, he'd say: "I can see it's Connie and I'm not aware of any further considerations why I shouldn't trust my visual experience." If he were to offer a B-CRE-type defense, he'd say: "I can see it's Connie and I have good reasons to consider my visual experience trustworthy." In ordinary situations, unless there is a special need to offer such additional justifications, it would be tedious and redundant to do so. Gricean rules of conversational felicity forbid such tediousness. Put differently, in an ordinary situation, it's conversationally inappropriate to dwell on background conditions when their satisfaction is obvious. But conversational felicity is irrelevant to the epistemological question of whether such background condition—the absence of defeaters or the presence of reliability evidence—play a justificational role. The argument under consideration, therefore, fails to favor E-DOG over E-CON or E-CRE.

3. Pryor's primary argument in support of E-DOG goes as follows. According to him, there is a certain skeptical argument that constitutes a more serious challenge than skeptical arguments based on deception scenarios. E-DOG is necessary, Pryor argues, for avoiding the skeptical conclusion of this more serious argument. In condensed form, the argument Pryor has in mind is the following:

The More Serious Skeptical Argument

JR Perceptual justification requires prior justification for believing in perceptual reliability.

RJ Justification for believing in perceptual reliability requires prior justification for perceptual beliefs.

NP If both JR and RJ are true, neither perceptual justification nor justified belief in perceptual reliability are possible.

Therefore:

BN Neither perceptual justification nor justified belief in perceptual reliability are possible.³¹

³⁰ Pryor 2000, p. 536

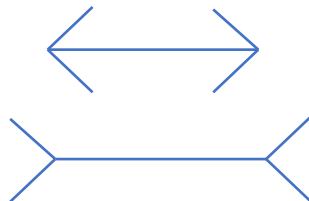
³¹ JR is analogous to Cohen's KR principle (see Cohen 2002, p. 309, except that JR is a principle about perceptual justification whereas KR is a principle about perceptual knowledge. 'NP' stands for 'not possible', and 'BN' for 'bad news'.

The conjunction of JR and RJ creates a catch 22 situation: it two things—in this case perceptual justification and justification for believing in perceptual reliability—are such that one cannot be had without having the other one first, then neither one can be had. That’s the point of NP: if JR and RJ are both true, then neither perceptual justification nor justification for perceptual reliability are possible. Skepticism about both appears to be the inevitable outcome.

Pryor thinks the best way to block this argument is to deny the first premise. And that’s what dogmatism does. The limitation of this defense of E-DOG is obvious: it defends E-DOG against E-CRE but not against E-CON. Like E-DOG, E-CON denies that, for perceptual experiences to be a source of justification, the subject must have justification for taking them to be reliable. E-CON merely imposes an absence-of-defeat condition. Pryor’s primary argument, therefore, amounts to an objection to E-CRE. It fails to give us a reason to favor E-DOG over E-CON. I’ll return to the question of how best to respond to the skeptical argument when I discuss the arguments in support of E-CON. Next, I will consider a couple of arguments against B-DOG.

Objections to Dogmatism about Perceptual Experiences

According to E-DOG, there are no possible situations in which Ap fails to be a reason for Bp. But what if you know that Ap is misleading? Why think Ap gives you a reason for Bp if you already know that p is false? Let us consider two such cases. The first one features the well-known Müller-Lyer illusion. It visually appears to you that the line at the bottom is longer than the line at the top.



Now suppose you measure both lines and thus come to know that they are of equal length. So you know that the appearance is misleading. According to E-DOG, your visual experience nevertheless continues to give you justification for believing that the bottom line is longer than the top line. Ap, although discredited as unreliable, is still a reason for Bp. That seems highly problematic.

Next, consider Harman’s Twin Case. Initially, William believes the girl his daughter is playing with is Connie. Then he finds out that Connie has a look-alike identical twin. Uncontroversially, his belief is no longer justified. But what about the visual experience on which his belief was based: the girl’s looking like Connie. E-DOG says it gives William still justification for believing the girl is Connie. Arguably, this is quite implausible. Clearly, by itself, the experience does not allow William to discriminate between Connie and her twin

sister. It fails to raise the probability of the girl's being Connie above .5. Why, then, think that William's visual experience is a reason for him to believe his daughter's playmate is Connie? E-DOG looks even more problematic when we consider a variation of the Connie case in which William finds out that that Connie is one of three look-alike sisters. Given his visual experience, the belief that his daughter's playmate is Connie is now more likely false than true. All the more reason to conclude that, after William acquires the defeater, Ap fails to be a reason for Bp. And we are free to make things even worse for E-DOG. Suppose William finds out that Connie is one of a dozen look-alike clones. It now seems extremely odd to keep insisting that the girl's looking like Connie gives William a reason to believe she is Connie.

Cases in which perceptual experiences are discredited as unreliable put considerable pressure on E-DOG. The Problem of Easy Knowledge adds to the pressure. In his 2002 paper "Basic Knowledge and the Problem of Easy Knowledge," Stewart Cohen argues that views like E-DOG make it too easy to acquire knowledge of the falsehood of skeptical alternatives.³² Cohen focuses on the question of how, seeing a red-looking table, you can come to know that it isn't a white table with red lights shining at it. Here, let us consider the question: When observing his daughter in the backyard playing with a girl that looks like Connie, how can William come to know the girl isn't Connie's look-alike twin sister Laura? Harman suggests a natural way in which William can acquire such knowledge. Suppose, when William met Connie for the first time the day before, she told him: "My twin sister Laura looks just like me, but she parts her hair on the right. Mine is parted in the middle. That's how you can tell us apart." This would enable William to reason thus: "The girl my daughter is playing with looks like Connie. Her hair is parted in the middle, so she is not her twin sister Laura." That would be a good way for William to know he isn't confusing Connie with Laura. Nothing E-DOG is committed to bars William from reasoning this way. The problem for E-DOG is that it licenses an alternative way of reasoning that seems clearly illegitimate. Consider the following deduction:

- (1) The girl is Connie. (2) If the girl is Connie, then she isn't her look-alike twin-sister Laura. Therefore: (3) The girl isn't her look-alike twin-sister Laura.

Logically, there isn't anything wrong with this deduction. It is both valid and sound (assuming the girl William's daughter is playing with is in fact Connie.) The problem is that, if E-DOG is true, then using this deduction is a legitimate way for William to answer the question: How do I know the girl my daughter is playing with is Connie? According to E-DOG, the girl's looking like Connie is *by itself* sufficient for coming to know that the girl is Connie. William need not have justification in advance for any beliefs about how to discriminate between Connie and her sister. Consequently, coming to (1) on the basis of the girl's looking like Connie and having a priori knowledge of (2), William comes to know what validly follows from (1) and (2), namely (3). In short, William can reason he knows

³² See Cohen 2002. The problem is originally due to Fumerton 1995, p. 176 and Vogel 2000.

the girl his daughter is playing with isn't Connie's look-alike twin because the girl playing with his daughter looks like Connie. That is the kind of reasoning E-DOG licenses. But reasoning like that is a paradigmatic example of begging the question. Let us see why.

What is required for William's visual experience—the girl's looking like Connie—to justify him in believing that the girl *is* Connie? As I urged before, his experience must raise the probability of the girl's being Connie above 0.5. By itself, Williams' visual experience fails to do that. For it to raise the needed probability above .5, the experience must dovetail with additional justification—with, for example, justification for believing that the girl his daughter is playing with has her hair parted on the side, whereas Connie's twin parts it in the middle. By itself, William's visual experience is indifferent relative to the two alternatives: the girl's being Connie and the girl's being Laura. That's why, if William argues "I know the girl is Connie and not Connie's twin Laura," he begs the question.

As before, we can sharpen the case. Suppose Connie is one of three look-alike triplets. Or suppose she is one of two dozen look-alike clones. In the context of these sharpened case, we can feel the illegitimacy of the offensive line of reasoning even more keenly. It clearly seems entirely inadequate for William to argue "I know the girl my daughter is playing with is not one of 11 look-alike clones (Laura, Elvira, Olivia, etc.) because she looks like Connie." Yet E-Dog licenses such reasoning as justification-conferring.³³

Confronted with the counterexamples described above and the Problem of Easy Knowledge, things don't look good for E-DOG. And when we now factor in that the considerations meant to support E-DOG fail to favor it over E-CON, there seems very little reason left to resist the conclusion that E-CON is more plausible than E-DOG.³⁴

Support for Conservatism about Perceptual Experiences

To defend E-CON, its advocates must show that the view is superior to E-DOG and to E-CRE. E-CON advocates could argue that:

- (i) E-CON is not vulnerable to the counterexamples that put pressure on E-DOG.
- (ii) Unlike E-DOG, E-CON can handle the Problem of Easy Knowledge.

³³ In response to the argument that E-DOG succumbs to the problem of easy knowledge, Pryor 2004 and Markie 2005 have argued that the reasoning in question succeeds in conferring justification on belief in its conclusion but fails when offered as a defense of the conclusion against a skeptical challenge. In such a dialectical context, the reasoning is question-begging. But that admission, their defense goes, does not conflict with the claim that easy knowledge-type reasoning can generate justification. I'm afraid I don't buy that argument. The very reason why the reasoning is question-begging is that it fails to generate any justification. For an effective response to Markie, see Cohen 2005.

³⁴ For additional criticism of E-DOG, see the essays by Audi 2013, Brogaard 2013, Markie 2013, and Steup 2018.

- (iii) Given (i) and (ii), Pryor's main defense of E-DOG actually supports E-CON: Since E-CRE cannot escape the conclusion of The More Serious Skeptical Argument, E-CON emerges as the most plausible of the three options.

I will discuss arguments (i) and (iii) in this section, and (ii) in the next.

The first argument succeeds when we consider cases in which a perceptual experience, A_p , is discredited as unreliable. According to E-CON, A_p is a source of justification for B_p only in the absence of defeat. In the example featuring the Müller-Lyer illusion, you have a defeater: you know that the two lines are of equal length. This discredits the visual experience of the bottom line looking longer than the top line. Therefore, E-CON is not burdened with the implausible consequence that, when knowingly experiencing a Müller-Lyer illusion, your visual experience gives you a reason for believing that one line is longer than the other one.

What about Harman's Twin Case? In the case involving the Müller-Lyer illusion, you have a rebutting defeater. In the Twin Case, William does not have a rebutting but rather an undermining defeater. Assume his situation is like this: the girl his daughter is playing with looks like Connie, William just found out that Connie has a look-alike twin sister, and William is not aware of any way to discriminate between the twins. William, then, has does not have evidence in support of the conclusion that his daughter's playmate is *not* Connie. But, relative to William's visual experience, the probability that the girl his daughter is playing with is Connie has dropped to .5 but not below .5 Given William's total evidence, the girl's being Connie and the girl's being Laura are equally likely. It seems fair to say that, given these assumptions, A_p is not a reliable indicator of p . E-CON, it would appear, can easily handle Harman's Twin Case. But, if that is how E-CON handles a situation in which, given A_p , there is a .5 probability that p is true, we may wonder whether B-CON doesn't collapse into B-CRE. I'll return to this question in the next section.

Next, I turn to the third argument. Pryor motivates E-DOG on the ground that it supplies us with a good response to the More Serious Skeptical Argument. The response is that, if E-DOG is true, the argument's first premise is false. I have argued that this defense of E-DOG fails to favor E-DOG over E-CON. Given that there are independent considerations speaking against E-DOG, Pryor's argument turns into an argument for E-CON and against E-CRE. The point is that, whereas E-CON rejects the first premise of the More Serious Skeptical Argument, E-CRE endorses this premise. Therefore, E-CRE succumbs to skepticism, whereas E-CON can avoid this consequence. How plausible is this line of reasoning?

I believe that the More Serious Skeptical Argument is less serious than it initially seems. Consider again the argument's premises.

- JR Perceptual justification requires prior justification for believing in perceptual reliability.
- RJ Justification for believing in perceptual reliability requires prior justification for perceptual beliefs.

NP If both JR and RJ are true, neither perceptual justification nor justified belief in perceptual reliability are possible.

For NP to be plausible, the priority relation JR and RJ assert must be interpreted as *temporal-successive*. Before one can have perceptual justification, one must already have justification for believing that perception is reliable. And before one can acquire justification for believing in perceptual reliability, one must already have justification for perceptual beliefs. Alternatively, the priority relation can be construed as requiring that one thing cannot be had without having the other thing *at the same time*. On this approach, it must be possible for perceptual justification and justification for taking perception to be reliable to emerge simultaneously. They mutually depend on each other, but it's not the case that one must have one before one can have the other one.

The possibility of such simultaneous emergence can be supported with examples from biology. If we consider, for example, the mutual dependence of the clownfish and the sea anemone, an argument analogous the More Serious Skeptical Argument tells us that neither one can exist. But, their mutual dependence notwithstanding, they do exist because, in the course of a long evolutionary process, they somehow emerged together. Similarly, when an infant starts using her perceptual faculties, perceptual justification and justified trust in perceptual reliability emerge in tandem. Obviously, what I'm presenting here is a mere gloss of a lengthy argument the details of which require extensive elaboration.³⁵ But for present purposes, the rough outline I have presented suffices to support the following point: it is by no means clear that the alleged vulnerability to the More Serious Argument amounts to a compelling objection to E-CRE.

Next, I will consider an additional argument in support of E-CON. According to Huemer, denying the view he advocates, phenomenal conservatism, would be self-defeating.³⁶ Before evaluating this argument, let's consider a clear case of self-defeat. Suppose I were to deny the proposition that I have beliefs. The denial of that proposition would be the expression of a belief. So, denying that I have beliefs defeats itself: it amounts in effect to an admission that I have at least one belief. Likewise, Huemer's claim is that it's impossible to deny PC without in effect admitting its truth. Is this claim plausible? Let's consider again the two principles Huemer advocates:

PC₂₀₀₁ If it seems to S as if p, then S thereby has at least prima facie justification for believing that p.

PC₂₀₀₇ If it seems to S as if p, then, in the absence of defeaters, S thereby has at least some degree of justification for believing that p.³⁷

Above, I have argued that PC₂₀₀₁ amounts to E-DOG and PC₂₀₀₇ to E-CON. Since Huemer himself rejects the 2001 version on behalf of the 2007 version, it would appear he does

³⁵ For a more developed version of my response to The More Serious Skeptical Argument, see Steup forthcoming.

³⁶ 2001, p. 105

³⁷ Huemer 2007, p. 30.

not think that denying PC_{2001} is self-refuting. And it would not appear that the difference between PC_{2001} and PC_{2007} is such that, whereas denying the 2001 version is not self-refuting, denying the 2007 version is. It seems, then, that if denying the 2001 version isn't self-refuting, denying the 2007 version isn't self-refuting either. But now we may wonder why we should think that rejecting E-CON (i.e. PC_{2007}) on behalf of E-CRE is self-refuting? We are dealing here with a variety of options. Exactly what is sufficient for having justification for Bp: (i) Ap, (ii) Ap & the absence of defeat, or (iii) Ap & evidence that Ap is reliable? If rejecting (i) on behalf of (ii) is not self-refuting, it's not easy to see why rejecting (ii) on behalf of (iii) should be. I do not think, therefore, that Huemer's self-defeat argument provides us with a reason to prefer E-CON to E-CRE.³⁸

Test Cases for Conservatism and Credentialism about Perceptual Experience

In this penultimate section, I will assess the plausibility of E-CRE vis-à-vis E-CON. My assessment is based on the path-to-truth conception of epistemic justification. In *Skepticism and the Veil of Perception*, Huemer articulates this conception thus: "Epistemic justification is the kind of justification that is assessed from the standpoint of the pursuit of truth and the aversion to error. The relation between justification and truth is like the relation between expected utility and utility; that is, the acceptance of (only) justified propositions is what constitutes the rational pursuit of truth."³⁹ This path-to-truth understanding of justification provides the guidance needed when answering these two questions:

Q1 When am I justified in believing p?

Q2 When is a perceptual experience, Ap, a reason for me to believe P?

According to B-CON, the answer to Q1 is: whenever $E\sim p$ is not the case. Suppose you reject B-CON and think B-CRE gives the right answer to Q1: only if E_p is the case. Now, as an advocate of B-CRE, how should you answer Q2? Should you endorse:

E-CON (Ap & no evidence that Ap is unreliable) \rightarrow you have J for Bp,
or instead the more demanding credentialist view:

E-CRE (Ap & no evidence that Ap is reliable) \rightarrow \sim (you have J for Bp)?

If the motivation of B-CRE arises from the path-to-truth conception of justification, then, it seems, Q2 should be answered in the same spirit as Q1. Bp is justified only if you have evidence for p that raises to probability of p above .5. Likewise, a perceptual appearance, Ap, is a source of justification or a reason for believing p only if it raises the probability of p above .5. Epistemologists who reject B-CON but endorse E-CON advocate instead a hybrid approach: although no belief is justified unless there is E_p raising its probability

³⁸ Huemer's argument could be viewed as engaging with a different target: the denial of the claim that all justification comes from seemings. The point would be that this denial is self-defeating. That would be more plausible than the claim favoring E-CRE over E-CON is self-refuting.

³⁹ Huemer 2001, p. 104. Though not uncontroversial, this understanding of epistemic justification is the dominant one. For example, see Alston 1989, p. 83 and BonJour 1985, p. 8.

above .5, for a perceptual experience A_p to be a reason for accepting p , it need not raise p 's probability above .5. What's required is merely that you don't have evidence that A_p is unreliable. This is the view I'm examining here: the kind of E-CON that comes with an endorsement of B-CRE.

To adjudicate E-CON and E-CRE, what kind of case must we consider? What kind of case is such that, according to E-CON, A_p gives you a reason to believe p , whereas according to E-CRE, A_p does not give you a reason to believe p ? Harman's Twin Case does not seem to be what we are looking for. When William finds out that Connie has an identical twin, his situation is the following: he no longer has evidence that his perceptual experience—the girl's looking like Connie—is reliable, and *thereby has evidence that his perceptual experience is unreliable*. The belief that his daughter's playmate is Connie has no longer a probability above .5. So, E-CON and E-CRE agree on how to judge the case: William is not justified in believing that the girl is Connie, and the girl's looking like Connie does not give him any justification for believing she is Connie.

To elicit conflict between E-CON and E-CRED, we need to look for a different kind of case: one in which, although you don't have evidence that A_p is reliable, arguably you neither have evidence that A_p is unreliable. Here is such a case. Suppose that, having gone deaf due to a viral infection, you received a brain-chip that restores hearing. Prior to the procedure, the neurosurgeon who implanted the chip in your brain informed you that the chip was randomly chosen from a set of 1000 chips that vary in reliability from very low to very high. You have no information whatever about the frequency of reliable chips in the set from which your chip was chosen. The chips with low reliability frequently produce hallucinatory auditory experiences, whereas the reliable chips rarely do. Now assume that, immediately after the procedure, your very first experience is that of experiencing the sound of a chirping of a songbird, seemingly coming through an open window. In this case, you have no evidence (yet) to evaluate the reliability of your experience.⁴⁰ Given the information you received, the chip might or might not be reliable. Let ' p ' be the proposition that there is a chirping songbird nearby. The question is: Is your auditory experience, A_p , a reason for B_p ?⁴¹

⁴⁰ I have inserted 'yet' because, obviously, you will acquire soon enough evidence to assess the chip's reliability.

⁴¹ In Steup 2004, I reject, on the basis of several counterexamples, E-DOG and E-CON as too liberal. In his 2013, Lycan has defended E-CON against this type of example on the ground that each of my objections "ignores the merely prima facie nature of the justification (or in Huemer's [2007] terms, the absence of defeaters." Here, Lycan completely misses the point of the proposed counterexamples to both E-DOG and E-CON. He thinks what they are supposed to show is that, according to the views under consideration, the subjects in these cases have justified beliefs. Since they obviously do not, these views are mistaken. But that's a misreading of what the counterexamples are supposed to show. The objection to E-DOG and E-CON is *not* that, in the cases in question, the subjects have justified beliefs. Rather, it is that, according to E-DOG and E-CON, the subject's perceptual experiences are a source of defeasible justification when in fact they are not. Therefore, E-DOG and E-CON must be rejected. Nothing in this objection is in conflict with

The following seems uncontroversial: neither E_p nor $E_{\sim p}$ is the case. Relative to your total evidence, the probability of p is .5. Therefore, we have:

FAIL A_p fails to raise the probability of p above .5.

Advocates of E-CON have now two options. The first is to say that, given FAIL, your total evidence indicts A_p as unreliable:

UR Fail \rightarrow given your total evidence, A_p is an unreliable indicator of p .

Once again, E-CON and E-CRE agree on how to answer the question: your chip-induced auditory experience is not a reason for you to believe that there is a chirping songbird nearby.

We are now looking at a significant outcome: if advocates of E-CON accept UR, E-CON collapses into E-CRE. Why? Consider what, given UR, a case must be like for E-CON to yield the judgment that A_p is a reason for p : it must be a case for which FAIL is false: A_p must raise the probability of p above .5. If FAIL is false, given the subject's total evidence, we have instead:

RAISE A_p raises the probability of p above .5.

And if we combine RAISE with

R RAISE \rightarrow given your total evidence, A_p is a reliable indicator of p ,

then we get the following outcome. If E-CON's no-evidence-of-unreliability condition is conjoined on UR, there is then only one way for that condition to be satisfied: you have evidence that A_p is reliable. So, given UR, E-CON morphs into E-CRE.

The second option is to deny UR: although the chirping-bird-sound case is an instance of FAIL, your total evidence does not indict A_p as unreliable. Your total evidence supports neither the judgment that A_p is reliable nor the judgment that A_p is unreliable. Now E-CON and E-CRE disagree on what to say about the case. According to E-CON, A_p is a reason for B_p because you don't have evidence that A_p is unreliable. According to E-CRE, A_p is not a reason for B_p because you don't have evidence that A_p is reliable. There are two problems with the second option. First, we might view the denial of UR as implausible. That is, we might think a reliability assessment does not allow for a middle ground. If your total evidence fails to indicate that A_p is reliable because A_p fails to raise the probability of p above .5, then your total evidence indicates that A_p is unreliable. Second, we might have a strong intuition that, even if your total evidence does not indict A_p as unreliable, A_p nevertheless fails to be a reason for p in cases in which A_p fails to raise the probability of p above .5. But intuitions may vary on this point.

Let's review. To adjudicate between E-CON and E-CRE, we need to consider cases in which your total evidence, although it fails to recommend A_p as reliable, arguably doesn't indict A_p as unreliable either. For the assessment of such cases, there are two options.

the point that perceptual justification is defeasible. Therefore, Lycan's defense fails. It seems he failed to notice that the proposed counterexamples are about propositional, not doxastic justification. Moreover, since Lycan takes Huemer's 2001 PC to be version of conservatism, it seems he failed to properly distinguish between E-DOG and E-CON.

According to the first, the assessment of reliability does not allow for a middle ground. If there is no evidence that Ap is reliable, then your total evidence does in fact indict Ap as unreliable. If advocates of E-CON exercise this option, E-CON morphs into E-CRE. For if this option is chosen, then satisfaction of E-CON's no-evidence-of-unreliability condition requires evidence of perceptual reliability. According to the second option, the assessment of reliability does allow for a middle ground. In the test case we have considered, your total evidence doesn't tell you that the chirping-bird sound is unreliable. That opens the door to the conservative claim that, although you don't have evidence that your auditory experience is reliable, it nevertheless gives you a reason to believe a chirping songbird is nearby. Credentialists reject this claim. They will reply that, since Ap fails to raise p's probability above .5, Ap fails to give you a reason for p. But, as mentioned above, intuitions may vary on this point. I therefore move on to a final objection to conservatism about perceptual experience.

Conservatism about Perceptual Experience and the Problem of Easy Knowledge

Above, I agreed with Cohen that E-DOG is implausible because it is afflicted with the problem of Easy Knowledge. If E-DOG is true, then it is legitimate for William to use the following deduction to rule out that the girl he is seeing is Connie's identical twin Laura:

- (1) The girl is Connie. (2) If the girl is Connie, then she isn't her look-alike twin-sister Laura. Therefore: (3) The girl isn't her look-alike twin-sister Laura.

But this kind of reasoning is an unacceptable instance of begging the question. It seems obvious that employing this deduction is not a way of coming to know that the girl who appears to be Connie isn't Laura.

Let's briefly review why E-DOG licenses the bad reasoning displayed above. E-DOG allows for immediate justification for accepting the first premise. For William to become justified in believing (1) and thus for him to acquire knowledge of (1), he need not already have justification for ruling out any incompatible alternative such as:

- (i) his daughter's playmate is wearing a clever face-mask to make her look like Connie;
- (ii) he is suffering from a hallucinatory brain malfunction that make his daughter's playmate look like Connie; or
- (iii) his daughter's playmate is a look-alike twin of Connie's.

Before acquiring knowledge of (1), William need not already have justification for rejecting (i)–(iii). Consequently, solely because his daughter's playmate *looks* like Connie, with no additional evidence of any kind, William can come to know that his daughter's playmate *is* Connie. And then he can use deductions like the one above to conclude that (i)–(iii) are not the case.

What blocks this outcome? What blocks it is being more demanding about justification than E-DOG is. E-CRE is indeed much more demanding. According to E-CRE, the Connie-look gives William justification for believing his daughter's playmate is Connie

only if he has justification against (i)-(iii).⁴² Only then does William possess justification for believing the deductions first premise. On such a demanding account, the deduction is rendered pointless. It fails to generate justification. It merely articulates an entailment relation between propositions that William is justified in believing at the outset. That is, on E-CRE, cannot use the deduction as a way of expanding his knowledge, of acquiring new justification for believing something he wasn't justified in believing to begin with.

Does E-CON, situated between E-DOG and E-CRE, block the outcome of legitimizing the problematic reasoning? It would appear it does not. E-CON is more demanding than E-DOG. According to E-DOG, Ap is a source of justification for Bp with no conditions imposed at all. E-CON imposes a negative condition: there must not be any evidence of unreliability. So, according to E-CON, if William finds out that Connie has a look-alike twin, then the Connie-look no longer gives him a reason to believe his daughter's playmate in the backyard is Connie. However, that's not enough to block the consequence of easy knowledge. For E-CON does not require evidence of reliability. Like E-DOG, E-CON view allows for *immediate* perceptual justification and therefore implies that, prior to acquiring the identical twin defeater, it is indeed the Connie-look *by itself* that justifies William in believing the girl is Connie. Consequently, E-CON is inflicted with the problem of easy knowledge no less than E-DOG is. The only way to avoid the problem is to impose the condition that, for Ap to be justification for Bp, Ap must be properly credentialed by evidence of reliability. E-CON imposes no such requirement. It therefore isn't demanding enough to stay clear of the problem of easy knowledge.

Conclusion

I started out comparing the presumption of innocence with the presumption of guilt. Considerations of fairness demand that, in jurisprudence, we consider defendants innocent unless proven guilty. No such considerations favor the presumption of innocence in epistemology. Rather, in epistemology, the presumption of guilt is more plausible than the presumption of innocence. Beliefs are unjustified, and in this sense guilty, unless they are supported by evidence of their truth. And perceptual experiences fail to be a source of justification, and in this sense are guilty, unless they are backed up by evidence of their reliability.⁴³

⁴² According to E-CRE, for William's perceptual experience to be a reason for believing his daughter's playmate is Connie, he must have evidence for *any* incompatible alternative.

⁴³ Acknowledgements.

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