Disagreeing with Confidence

*Abstract:* Does having an initially high level of justified confidence in a belief vindicate remaining steadfast in the face of disagreement? According to one prominent view in the literature, namely Jennifer Lackey’s justificationist position, the answer is yes so long as one also has personal information that provides a symmetry-breaker. In this paper, I raise a problem for the justificationist view. On the most straightforward reading of the justificationist position, personal information *always* provides a symmetry-breaker in a peer dispute over a belief in which one has high justified confidence. However, this position is implausibly strong because it renders epistemically permissible a dogmatic attitude in a relevant set of peer disagreements. Alternatively, weaker readings of the view fail to provide a perspicuous account of when high justified confidence matters in a disagreement.

Does having an initially high level of justified confidence in a belief vindicate remaining steadfast in the face of disagreement? According to one prominent view in the literature, namely Jennifer Lackey’s justificationist position (2010b, 2010a), the answer is yes so long as one also has personal information that provides a symmetry-breaker. In this paper, I raise a problem for the justificationist view. On the most straightforward reading of the justificationist position, personal information *always* provides a symmetry-breaker in a peer dispute over a belief in which one has high justified confidence. However, this position is implausibly strong because it renders epistemically permissible a dogmatic attitude in a relevant set of peer disagreements. Alternatively, weaker readings of the view fail to provide a perspicuous account of when high justified confidence matters in a disagreement.

 The paper will proceed as follows. First, I will analyze and motivate Lackey’s justificationist view and the commitments that it implies, contrasting it with a weaker view defended by Bergmann (2009, 2015). Next, I will raise a variation on the well-known Tom Grabit case of Lehrer and Paxson, arguing that the justificationist view gives us the wrong result in this and similar cases, and that the moves the justificationist might make in defense are unsuccessful. Finally, I will consider the resources of a weaker view defended by Bergmann, arguing that it lacks clear principles for analyzing peer disagreements.

**1 Strong Justificationism**

 According to Lackey, “peer disagreement’s epistemic power, or lack thereof, depends on the degree of justified confidence with which the belief in question is held combined with the presence or absence of relevant personal information” (2010a, pp. 319–320). For this reason, no doxastic revision is required in cases of ordinary disagreement when a disputant’s belief enjoys a very high degree of justified confidence and the disputant possesses personal information about himself that he lacks with respect to his interlocutor (2010a, pp. 319–320). What sort of personal information? Lackey explains, “I may, for instance, know about myself that I am not currently suffering from depression, or not experiencing side effects from prescribed medication, or not exhausted, whereas I may not know that all of this is true of you” (2010a, p. 310).

For convenience, let us call a belief for which one has a very high level of justified confidence prior to disagreement a ‘conviction’ and restrict talk of disagreements to those between apparent peers. Disparity in personal information provides a symmetry breaker because, when one encounters a dispute over a conviction, it is ostensibly more rational to believe that the interlocutor’s conflicting belief is the result of something being the matter with him, cognitively or evidentially (2012, p. 103). Asymmetries in personal information thus function indirectly as defeater-defeaters, for Lackey, as they combine with justified confidence in one’s belief to justify rational demotion of one’s interlocutor. And the recognized absence of peerhood between oneself and one’s interlocutor defeats—partially or fully—defeaters that would otherwise arise from disagreement (2010a, p. 319). Unless evidence emerges to the contrary (proportionate to one’s degree of justified confidence and self-knowledge, say), one can cease to think that the interlocutor is a peer, thereby avoiding the need to revise one’s beliefs in light of the disagreement.

Lackey indicates that the relevant sense of peerhood she’s interested in is that which occurs in ordinary disagreements. Two agents disagree in the ordinary way, according to Lackey, when they are aware they hold differing doxastic attitudes and, prior to recognizing that this is so, they would have regarded each other as roughly epistemic peers with respect to the issue in question (2010a, p. 304). It is not necessary that they are aware of all the same evidence or arguments, have cognitive equality, or have even shared all their reasons for disagreeing. Put differently, it is sufficient for peerhood that two people mutually regard each other as about equally likely to be right on issues relevant to settling the particular dispute prior to its arising (cf. 2010a, pp. 313–314). Yet as the preceding analysis implies, recognition of peerhood is not fixed even if peerhood can be established at time, prior to disagreement. One must keep up appearances, after all. Hence, the facts that emerge during a dispute—even if dependent upon claims at issue in the disagreement—can justify rational demotion (or promotion) of one’s interlocutor and thereby affect the epistemic consequences of the disagreement (2012, p. 103).

Nor is it necessary for peerhood that there be evidential equality between peers—that is, interlocutors need not take into account all the same evidence—as long as there is a rough symmetry (2010a, pp. 315–316). Thus, regarding evidential parity, Lackey writes “if everything *even remotely relevant* to the topic at hand must be equal, then epistemic peers begin to sound very much like epistemic *clones*’ (2010a, p. 311). In other words, peers need not be privy to all the same background knowledge, nor have graduated from the same university, nor have the same professional accomplishments, and so on. Otherwise, peerhood becomes too idealized for epistemic analysis to have real application.[[1]](#footnote-1)

Exactly how much justified confidence is required to render a belief a conviction? It’s hard to say, presumably because confidence is hard to quantify. Convictions needn’t be supported by justified certitude. Rather, perfectly ordinary beliefs for which one has strong pre-disagreement justification and subjective assurance will suffice, such as the location of a favorite restaurant one has been eating at for 15 years (2010a, pp. 308–309) or the belief that something just flew by the window (2010b, p. 287).[[2]](#footnote-2) These are the sorts of beliefs regarding which one would naturally resist revision, prior to encountering a relevant disagreement.[[3]](#footnote-3)

The most natural reading of the justificationist position involves commitment to the following claim:

*Immunity*: One’s conviction that p is immune from disagreement-based propositional defeat when one has more knowledge about one’s own positive cognitive wellbeing than the cognitive wellbeing of one’s interlocutor.[[4]](#footnote-4)

On this reading, disparity of access to personal information *always* provides a symmetry-breaker in a dispute over a conviction, though the presence of a symmetry-breaker should not be taken to imply a subjective immunity from disagreement-based defeat. That is, *Immunity* is also consistent with an agent in fact losing confidence in a conviction in the face of disagreement (despite having personal information), and thereby acquiring some sort of mental state defeater that has the power to partially or total defeat the justification of the conviction.[[5]](#footnote-5) Though subjectively possible, *Immunity* suggests such a loss of confidence is never objectively rationally required. We can call the position committed to *Immunity* ‘strong justificationism.’ As a disparity in access to personal information is nearly always present in disagreements, strong justificationism takes convictions to be nearly always immune from disagreement-based defeat.[[6]](#footnote-6)

Strong justificationism has several things going for it. First, it is a simple and clear account of when disagreement leads to defeat: one need merely leverage one’s justified confidence against one’s knowledge of the relative cognitive goings on of the disputants. Second, it is an intuitively plausible account. Lackey (2010a, 2010b) takes great care to show that strong justificationism makes sense of the natural responses to a range of cases of ostensible peer disagreement, more so than rivals. And one of the factors making strong justificationism more plausible than some alternatives is its ability to offer a nuanced approach to disagreement, since it varies the epistemic consequences of disagreement based (indirectly) upon the content of the disagreement—only a select stock of beliefs will likely be supported by strong justified confidence, and cases that intuitively support steadfast views of disagreement commonly draw from this pool. Other accounts generally treat the epistemic effects of disagreement as uniform regardless of the subject matter, but content intuitively matters.

Before exploring the problems with strong justificationism, it will be useful to contrast strong justificationism with a weaker variation similar to Lackey’s position, one defended by Michael Bergmann (2009, 2015), which also takes justified confidence to play an important role in disagreement. Such a contrast highlights the strength of Lackey’s commitments on disagreement and the role confidence plays in disagreement.

*Potential Immunity*: One’s conviction that p is immune from disagreement-based propositional defeat when (i) one has more knowledge about one’s own cognitive wellbeing than the cognitive wellbeing of one’s interlocutor, and (ii) in the circumstances, the most rational response is for one to believe one’s interlocutor to be mistaken.

Commitment to *Potential Immunity* involves thinking that disparity of personal information can sometimes provide a symmetry-breaker. Combined with a denial of *Immunity*, *Potential Immunity* would entail that circumstances involving disagreement over a conviction (combined with personal information) do not always imply that the most rational response is thinking one’s interlocutor mistaken, unlike strong justificationism. Instead, personal information and a conviction only sometimes make this the most rational response, when some further unspecified condition(s) has been met. Satisfying condition (i) in *Potential Immunity* thus contributes to a defeater-defeater or deflector, as personal information and the yet unspecified further condition(s) provide jointly sufficient conditions for the satisfaction of condition (ii).[[7]](#footnote-7) That is, when one has personal information and some further condition has been met, then the best explanation of the disagreement over a conviction is that one’s interlocutor is mistaken (and thus one has a defeater-defeater or deflector against the defeat that might otherwise arise from the disagreement). We can call a commitment to *Potential Immunity* combined with a denial of *Immunity* ‘moderate justificationism.’

 In contrast to Bergmann, Lackey appears to be committed to strong justificationism. For she writes “personal information, when it combines with the already high degree of justification possessed by a confident belief … is *sufficient* for breaking the prior epistemic symmetry” (2010a, p. 318).[[8]](#footnote-8) Yet, as indicated above, and as I will now argue, strong justificationism is too strong. Although it provides a simple and intuitively plausible analysis of some disagreements, its focus on whether a belief is accompanied by strong, moderate, or weak justified confidence leads to counterintuitive results for other disagreements—particularly by obscuring the epistemic role that disclosed evidence can play in a disagreement, regardless of one’s pre-disagreement justified confidence level. For given strong justificationism, the evidence disclosed by a disputant appears to only have room to play an indirect role in the epistemic consequences of disagreement, rationally promoting a disputant when their evidence is better than the interlocutor’s, and demoting a disputant when it is worse. But there are cases of peer disagreement where the evidence is neither clearly better nor worse between the parties, and is yet intuitively capable of giving rise to an undefeated defeater of a conviction. To avoid this problem—capturing the more primary role that evidence intuitively plays in disagreement—*Immunity* must go and strong justificationism with it. Moderate justificationism appears to be the more plausible contender, in contrast. But, as I will go on to argue, until moderate justificationists specify what further condition must be met in order for convictions to be not just potentially but actually immune from disagreement-based defeat, the latter lacks sufficient detail to be a perspicuous account of the role confidence plays in disagreement.

**1.1 A Problem with Strong Justificationism**

 In order to illustrate the problem with strong justificationism sketched above, consider a variation on a well-known case originally raised by Lehrer and Paxson:

Tom Grabit: Keith sees a man walk into the library and remove a book by concealing it beneath his coat. Keith is sure the man is Tom Grabit, whom he has often seen before when attending his classes. Consequently, Keith calls out Tom’s name, which causes the thief to immediately run away. Being told of the incident, Keith’s colleague Terence, who has seen Tom often in his own classes, disagrees that it was Tom. Terence avers to Keith that on the day in question Tom was not in the library. Indeed, Tom had told Terence that he’d be thousands of miles away at a conference, but Terence has also been told that Tom has an identical twin brother, John Grabit, and for all Terence knows, John may well have been in the library on the day in question. Prior to the disagreement, Keith and Terence would have considered each other as approximately on par with respect to the accuracy of their memories, their respective capacities to recognize Tom, and their knowledge of Tom’s whereabouts. However, Keith remains just as confident that Tom Grabit removed the book despite Terence’s testimony.[[9]](#footnote-9)

The natural response to Tom Grabit is to think that Keith is acting irrationally in remaining steadfast in the face of Terence’s countervailing testimony. How can Keith be so sure it wasn’t John that he saw? Intuitively, it seems that his disagreement with Terence, particularly the testimony Terence gives in support of his rival belief, defeats (partially or fully) the justification Keith had for believing that Tom took the book. Keith should at least reduce his confidence that Tom stole the book, given the possibility Terence brought up in the disagreement.

Unfortunately, the natural response is not available to the strong justificationist. For it is also intuitively clear that one can be justifiably very highly confident in a belief about the identity of a person one easily recognizes, has often seen, and who responds to his name being called out. More concretely, Keith knows (i) that the thief looked identical to his student Tom, and (ii) calling out Tom’s name caused the thief to immediately flee. Ordinarily, (i) and (ii) would count as strong evidence for Keith’s belief that the thief was Tom; thus, they provide to his belief a high level of pre-disagreement justified confidence, rendering his belief a conviction. Additionally, it seems highly plausible to think that Keith knows more about his own cognitive wellbeing than the cognitive wellbeing of Terence, even if he would have previously regarded Terence as an epistemic peer on matters like these. Consequently, if *Immunity* is right, then the natural response to Tom Grabitis wrong; instead, Keith’s steadfastness in the face of Terence’s testimony is rational, given Keith’s highly justified initial confidence that Tom took the book and the disparity of personal information. But that’s implausibly dogmatic.

**1.2 Possible Solutions and Further Problems**

There are a few moves the strong justificationist might look to make here. One might contend that Keith and Terence should not be regarded as epistemic peers. However, paralleling Keith, Terence knows (i) that Tom has testified that he will be at a conference thousands of miles away during the week in question, and (ii) Tom has testified that he has an identical brother, John (of whose whereabouts Terence is ignorant). Again, (i) and (ii) are ordinarily strong defeating evidence for the belief that Tom was in the library at the time Keith suggested; hence, Terence appears to be highly justified that Tom was not in the library. It is hard to tell if one or the other’s evidence is stronger in this case, as intuitions vary regarding the relative value of testimony and perception. It’s true that Terence knew something relevant to Tom’s whereabouts that Keith didn’t, but the same could also be said about Keith, whose evidence may give Terence justified reason to doubt the information he received from Tom.[[10]](#footnote-10) And part of strong justificationism’s appeal is its ability to offer simple diagnoses of non-idealized cases of disagreement, wherein there is an approximate evidential symmetry. It is reasonable to think that Keith and Terence’s evidence are roughly on par, making them evidential peers and precluding any rational intra-disagreement demotion. Moreover, as the case makes clear, Terence and Keith would have regarded each other as about equally likely to be right on matters like these.[[11]](#footnote-11) So, despite the fact that disclosure of Terence’s evidence appears to defeat Keith’s belief, it is not plausible to ground that defeat in claims about an absence of peerhood.

Perhaps Lackey has in mind only those cases of defeat that arise from discovery of the peer disagreement itself, not cases where intra-disagreement disclosures do the defeating work. The defeater defeaters and deflectors that arise for strong justificationism then only pertain to the higher-order evidence that is the disagreement itself. If so, then her account is intended to apply centrally to those cases of disagreement where agents do not have first-order evidence the revelation of which would defeat the other’s belief. To apply to these cases centrally, *Immunity* must be qualified so as to screen off the relevant evidential disparities—a conviction and personal information only (or paradigmatically) combine to defeat disagreement-based defeaters when peer disputants are privy to all the same relevant background information. If so, first-order evidential surprises cannot be steadfastly resisted in a dispute by an agent resting on her laureled confidence—for there will be no such evidential surprises to be had.

Yet this focus on idealized cases is precisely what Lackey explicitly rejects (2010a, pp. 310–311) and for an important reason. Her account requires disparity of personal information to play a role in generating a defeater-defeater, at least some of the time. If strong justificationism applies paradigmatically to cases wherein first-order evidence has been (or could be) shared without defeat, it appears ad hoc to allow knowledge of general cognitive wellbeing to remain asymmetrical, retaining some epistemic potency in the disagreement. Put differently, if strong justificationism’s analysis requires possible variations in general cognitive wellbeing to be an epistemic wildcard (potentially defeating defeaters, or defeater-defeaters, that arise in disagreement), it seems arbitrary to rule out the sort of variations in evidence that might have parallel epistemic effects as being irrelevant to the analysis. And Lackey is clear: her account is intended not to apply narrowly to idealized cases where only the disagreement itself has an epistemic effect. Instead, hers is an account of ordinary disagreements, wherein there can be “all sorts of asymmetries at work” including differences in background evidence (2010a, p. 311). Hence, hers is an account intended to make sense of even these more complex disagreements, wherein full disclosure can sometimes reveal important—indeed, ostensibly defeating—first-order evidence.

Moreover, the consequences of an evidential disclosure are at least partially determined by the epistemic standing of the agent who brings the relevant evidence forward. The evidence disclosed by an agent who ranks below the status of an epistemic peer with another will intuitively have less defeating power than similar evidence produced by a peer, for instance. So, if the principles of intra-disagreement demotion are determined by facts independent of the content of the interlocutor’s evidence, as *Immunity* would suggest, then it will be relatively easy to deflect or defeat the defeating power of the evidence in an excessively dogmatic way. This may be usefully illustrated using one of Lackey’s own cases (2010b, p. 287).

Bird: While reading in the library with my friend Eva, I glance out the window, catch a glimpse of a bird flying by, and on this basis hastily form the belief that a magpie just flew by. After saying to Eva, who was looking out the window at the same time, that I enjoyed seeing the magpie that just flew by, she responded, “Nothing flew by the window.” Prior to this disagreement, neither Eva nor I had any reason to think that the other is evidentially or cognitively deficient in any way, and we both sincerely avowed our respective conflicting beliefs.

According to Lackey, although I cannot be justifiably highly confident that a magpie or even a bird flew by, I can be justifiably highly confident that something flew by (whether a bird or something else, such as a bat or very large insect). And given the disparity of personal information, I can rationally demote Eva in this disagreement, for something is ostensibly the matter with her if she disagrees that something flew by. Hence, no rational revision is required in one’s disputed belief. As described by *Immunity*, it is rational to conclude that something must be up with Eva. Despite being initially plausible, this analysis precludes subsequent evidential disclosures from having their appropriate evidential impact, as a continuation of Bird illustrates.

Bird II: When I disclose my disagreement with Eva, and explain that I plainly saw something fly by (whether bird or bat or insect, I don’t know), Eva isn’t surprised and remains steadfast. She explains that lately there have been several groups of engineering students working on hologram projects. Just last week, Eva explains, she thought she saw a dog roaming around the book cases—a friend didn’t see the dog, and then explained about the holograms. The hologram projects include a dog, a raccoon, a bird, and a bear, among others, and given the proximity to the due date, experiments have been increasing in frequency all around campus. Given the cost limitations of their project, Eva has been told that the holograms are only visible from certain angles, so she thinks that in the circumstances I should withhold judgment about what I thought I saw. Maybe something flew by, or maybe it was a hologram. Despite Eva’s disagreement, I remain steadfast that something—be it magpie or another type of bird or something else—genuinely flew by the window.

The natural response to Bird II is to think that my steadfast reaction is irrationally dogmatic. Nevertheless, given her analysis of Bird, Lackey takes the belief that something flew by to be a conviction and the case to involve disparity of personal information and ordinary peer disagreement. Simply because Eva knows something I don’t is hardly enough to promote her to the status of an expert, otherwise personal information might have similar promoting effects. Moreover, Eva’s knowledge of a relevant potential defeater does not bear decisively against what one saw; the engineering experiments in the vicinity may be entirely coincidental to a veridical experience of something flying by. It’s true that the evidence adduced on both sides is not perfectly symmetrical, but it is approximately equal and as pointed out above, part of the evidence’s epistemic weight depends upon how one views Eva’s status qua epistemic agent. If Lackey is right that Eva can be demoted in Bird, then Eva’s subsequent disclosure in Bird II will be evacuated of its intuitive defeating power (as *Immunity* would suggest). After all, if I am rational in thinking that something may very well be up with Eva, then I am correspondingly rational in suspending judgment about the veracity of her testimony about hologram experiments. And if that’s rational, then it is correspondingly rational to remain steadfast, unaffected by her evidential disclosure, despite intuitions to the contrary. Since it does not seem intuitively rational to remain steadfast in Bird II, there is a problem with *Immunity*. Now one may conclude that steadfastness is irrational here because the best explanation of the disagreement is not that something is the matter with Eva, conviction and personal information notwithstanding. But this is just to give up on *Immunity* in favor of *Potential Immunity*.

Perhaps there is a way to amend *Immunity* to avoid problems like these without abandoning the spirit of strong justification or idealizing away from ordinary disagreement. Here’s a straightforward attempt.

*Immunity\**: One’s conviction that p is immune from disagreement-based propositional defeat as long as (i) one has more knowledge about one’s own positive cognitive wellbeing than the cognitive wellbeing of one’s interlocutor, and (ii) if true, the first-order evidential beliefs raised by one’s interlocutor in the course of disagreement would not give rise to a propositional defeater of one’s conviction.[[12]](#footnote-12)

*Immunity\** solves the problem introduced by cases like Tom Grabitand Bird II, since both involve an interlocutor raising evidence that, if true, would propositionally defeat the subject’s disputed belief. If what the interlocutors say in defense of their disputed beliefs is true in these cases, then the disputant’s beliefs are propositionally defeated. The revised principle works by screening out as irrelevant to a strong justificationist’s account those cases where defeat intuitively occurs ‘in the course of disagreement,’ as it were—through disclosed first-order evidence—rather than through the mere recognition that one disagrees with a peer. The problem is that *Immunity\** also leads to a very different appraisal of the epistemic effects of disagreement across the board. To see how, consider the following case:

Careful Checking:You go to lunch with Joe often and always split the check and give a 20% tip. You nearly always arrive at the same calculation (and regard each other as peers partially on this basis) but on the rare occasions that you don’t, you are able to figure out the right answer with a calculator. This time when you both see the check, you do the calculation in your head and determine you both owe $12 dollars. Joe gets a result of $15. You do the math on a calculator and again get a result of $12 dollars. At the same time, Joe does the math on his calculator and again gets $15 dollars. You and Joe remain steadfast in your conflicting beliefs about how much is owed.

The standard response to this case—one shared by Lackey (2010a, p. 317)—is that the steadfast attitude in Careful Checking is rational (cf. Christensen, 2009, pp. 2–3). This response is borne out by *Immunity*, since one presumably has a conviction about the amount owed and one knows more about one’s own positive mental wellbeing at the time than one knows about Joe’s. Yet, *Immunity\** gives us a very different response. For plausibly, Joe’s evidence is captured by his memorial belief that he correctly performed the calculation on a calculator. If that belief were true, then one’s own belief is of course propositionally defeated. Hence, on *Immunity\** the steadfast attitude maintained in Careful Checking is excessively dogmatic. You and Joe should instead withhold judgment, against the standard intuitive response to the case.

The main problem with *Immunity\** is that we normally don’t think our disputed beliefs are defeated if our interlocutor’s evidence is in fact all true. For as mentioned above, we naturally factor the evidence raised against our beliefs about the interlocutor qua epistemic agent, especially when the interlocutor’s adduced evidence flies in the face of what we take ourselves to be justifiably highly confident in believing. So the simple way of screening off defeat arising in the course of disagreement rather than from the higher-order evidence of the disagreement itself won’t work, since it fails to link the evidence’s epistemic effects to the agent who provided it. In the case of Careful Checking, for instance, the standard reaction involves weighing one’s own evidence against Joe’s purported evidence—not as if it is all true, contrary to *Immunity\**—but rather as *Joe’s belief* (or testimony) that it is true. Similarly, an established expert who cites evidence we would previously have found a little dubious raises the credibility of that evidence (even if only slightly), and one who is generally unreliable in an area but who presents what sounds like very decisive evidence must be taken with some grain of epistemic salt, among other examples.Many accounts of disagreement idealize away from the need to analyze the effects of evidential disclosures, so factoring evidence in a disagreement has not been previously subject to much attention in the literature. But as Lackey’s account requires asymmetries to remain in disagreement, she also needs some principled way to explain how to weigh evidence revealed in full disclosure against one’s pre-disagreement justified confidence and personal information.

Consistent with the natural disposition to factor evidence is the strategy of calling one’s beliefs about an interlocutor’s character as an epistemic agent into question when one has a conviction and a disparity of personal information, and demoting his standing as an epistemic agent on the strength of one’s own ostensibly strong epistemic position. That is, *Immunity* as it originally stood does give us a strategy for factoring disclosed evidence. It just provides the wrong principle for factoring, given cases like Tom Grabit and Bird II. And the rationality of demoting an interlocutor’s standing as an epistemic agent, and correspondingly demoting the strength of their evidence (as coming from a less trustworthy source), generalizes given *Immunity*. One can always factor the evidence down as arising from a less dependable source when it negates a conviction. Consequently, convictions become more resistant to revision than they rationally should be, if strong justificationism were true.

Whatever the right epistemic account of disagreement ends up being, it should ideally explain how to weigh the evidence provided by a disputant in a disagreement properly, factoring the evidential value of their epistemic agency in the relevant circumstances against one’s own epistemic agency with the evidence one has in one’s favor.[[13]](#footnote-13) Both *Immunity* and *Immunity\** provide overly simplistic factoring principles, the former allowing too easy demotion of one’s interlocutor and his evidence, and the latter barring any demotion (or promotion) of evidence on the basis of an interlocutor’s epistemic standing, instead treating all the evidence presented as established fact. However, as the discussion of moderate justificationism below will illustrate, there are a variety of significantly different ways that this factoring can be done. Hence, no easy revision to *Immunity* is in the offing. If Lackey intends her account to only handle defeaters that arise from the recognition of a peer disagreement itself, then she should revise her view to focus on evidentially idealized disagreements. Else, she must amend the view with a factoring principle, so as to make clear how evidence might give rise to undefeated defeaters when raised in the course of relevant disagreements.

Strong justificationism appears to run into problems because a belief’s immunity to disagreement-based defeaters is determined independently of the evidential details revealed in full disclosure. If justified confidence is to have some role in disagreement, that role must be appropriately sensitive to more than merely whether or not one should regard a disputant as a peer (based on personal information or otherwise). Hence, some further condition must be added to *Immunity*, in keeping with the thesis of *Potential Immunity*. After all,even convictions must remain sensitive to the evidence, regardless of the context in which it is adduced. Now because peer disagreements often involve an approximate evidential parity, the evidence revealed in a disagreement (against a conviction) will not ordinarily be significantly superior to the evidence in favor of the conviction. So strong justificationism provides a plausible analysis of disagreement’s epistemic effects in a wide range of cases. Yet, as cases like Tom Grabit and Bird IIshow, evidential parity in a disagreement between peers is compatible with the intuitive defeat of a conviction. For reasons like these, strong justificationism is just too strong.[[14]](#footnote-14) I will now turn to consider a more moderate version of the view sketched by Michael Bergmann.

**2 Moderate Justificationism**

 The moderate justificationist can agree with the preceding diagnosis of strong justificationism, insisting that strong justificationism goes awry because disagreements over convictions—even when there is a disparity of access to personal information—are not always best explained by something being cognitively the matter with an interlocutor. And, corresponding to *Potential Immunity*,only when cognitive malfunction or evidential failure is in fact the best available explanation can one rationally demote a disputant, on this latter view. Both a high level of justified confidence in a belief and a disparity of personal information are central conditions for determining when this is the best explanation, for the moderate justificationist—but they are not jointly sufficient, against the thesis of *Immunity*. The satisfaction of some further condition (or conditions) is necessary in order for a conviction to be immune from defeat.

What other condition(s) must be satisfied for a disagreement to be best explained in this way? To this central question, moderate justificationists have remained silent. For Bergmann (2009, p. 343), the principle governing the epistemic consequences of disagreement is:

If in response to recognizing that S disagrees with you about p (which you believe), you either do or epistemically should disbelieve or seriously question or doubt the claim that you are, on this occasion, more trustworthy than S with respect to p, then your belief that p is defeated by this recognition; otherwise, not.

According to this condition, the salient epistemic effects of disagreement depend upon whatever further conditions that govern when one should disbelieve, seriously question, or doubt that one is, on this occasion, more trustworthy than S with respect to p. What are those conditions? Bergmann does not say, explaining that ‘I don’t think there are many uncontroversial answers available’ on this issue (2009, p. 343). He instead prefers to adjudicate particular cases that involve convictions combined with personal information actually deflecting defeat (2009, pp. 345–350, 2015).[[15]](#footnote-15)

Now some principle(s) is presumably governing the case-by-case application, one whose lack of satisfaction might allow moderate justificationism to explain the natural response to cases like those detailed above, and which would thus entail a norm for factoring evidence disclosed in disagreements. Of course, as Bergmann concedes, the details of this principle will be controversial, but so are views in the epistemology of disagreement more broadly. Importantly for moderate justificationism, until such a principle is put forward, moderate justificationism cannot be evaluated as a perspicuous analysis of confidence’s role in disagreement—considered generally and in any particular case. Put differently, moderate justificationism does not suffer from being an account that only applies to a narrow range of cases. Instead, lacking clear principles for how justified confidence and personal information combine in any particular case to give rise to a defeater-deflector or defeater-defeater, moderate justificationism lacks sufficient detail to provide an illuminating analysis of any particular disagreement’s epistemic consequences. This is not to say that moderate justification is worth rejecting—on the contrary, suitably filled out, moderate justificationism promises to capture all that makes strong justificationism plausible, while avoiding the latter’s problematic consequences, as detailed above.

**2.1 Moderate Justificationism and Perspicuity**

Moderate justificationism appears promising because justified confidence looks like it matters in disagreement. But moderate justificationism does not give sufficiently deep insight into how or why it matters in the intuitive cases so that the intuitions can be justified and the account usefully reapplied to cases where we have no intuitions (or have conflicting intuitions). That is, to move beyond the simple fact that justified confidence appears to matter in disagreement to a useful and satisfying account of disagreement’s epistemic consequences—including an explanation of why, how, and when confidence matters—we need principles that moderate justificationism just doesn’t provide.

 To illustrate this, consider a case originally raised by Lackey (2010a, p. 308) for which there is an intuitively natural response available.

Directions: I have lived in Chicago for the past fifteen years and during this time I have become quite familiar with the downtown area. Of the many restaurants that I enjoy frequently dining at, My Thai on Michigan Avenue is among my favorites. Jack, my neighbor, moved into the same apartment building the very weekend that I did fifteen years ago and he, too, has become quite competent in his acquaintance with the city. Indeed, it is not uncommon for us to bump into each other at various places, My Thai being one of them. Today, when I saw Jack coming out of his apartment, I told him that I was on my way to My Thai on Michigan Avenue, after which he responded, “My Thai is not on Michigan Avenue—it is on State Street.” Prior to this disagreement, neither Jack nor I had any reason to suspect that the other’s memory is deficient in any way, and we both rightly regarded one another as peers as far as knowledge of Chicago is concerned.

The natural response to this case is to remain steadfast, a response that strong justificationism has the resources to explain (Lackey, 2010a). According to moderate justificationism, the high justified confidence I have that My Thai is on Michigan, combined with my asymmetrical access to personal information (condition (i) of *Potential Immunity*), can potentially provide me a defeater-deflector against the defeater that would otherwise arise in this case, when in these circumstances the most rational response is for me to believe Jack is mistaken (condition (ii)). So far, so good.

However, in order to determine if these are circumstances in which the most rational response is for me to think Jack is mistaken, satisfying *Potential Immunity*, and thus to know how a moderate justificationist should analyze this case—agreeing with the natural response or not—one must know approximately how much weight to assign my own strong memorial seemings (and my personal information) relative to how much weight I should assign Jack’s apparently sincere testimony in the conditions specified by Directions.

Paralleling views in the epistemology of disagreement more generally, moderate justificationism is consistent with both steadfast and conciliatory approaches. A steadfast response will involve conditions that ordinarily assign more epistemic weight to one’s own memorial seemings (and disparity of personal information) than it assigns to Jack’s sincere testimony. Alternatively, a conciliatory response will involve conditions that ordinarily assign something like equal weight to one’s own evidence and Jack’s testimony. If the moderate justificationist wants to endorse the natural response to this case, then a steadfast approach will be necessary. But if moderate justificationism also wants to avoid problems analyzing cases like Tom Grabit and Bird II, then the principle(s) for this steadfast approach must be sufficiently nuanced that ordinarily giving one’s own epistemic position greater weight than an interlocutor’s does not allow downgrading intuitively-defeating evidence raised in peer disagreements.

**2.1 Filling out Moderate Justificationism: Possibilities and Problems**

 The options available to the moderate justificationist here are myriad and not easily read off intuitive cases. Let us call the further condition(s) of interest to the moderate justificationist in filling out his position (i.e. that condition(s) which, when satisfied would make high justified confidence and personal information sufficient for deflection of disagreement-based defeat) the ‘completion condition(s).’ Filling out the moderate justificationist’s completion condition is no fool’s errand, for as explained above, without it the moderate justificationist cannot fully explain why convictions are immune from defeat even in intuitively plausible cases like Directions. Now it seems as though we can divide concrete proposals for completion condition(s) into two general categories: those in which it is sufficient for deflection of defeat that one’s *subjective* point of view indicates that the right response to disagreement is that one’s interlocutor is mistaken in the disagreement, and those in which the *objectively* right rational response to the disagreement is a belief that one’s interlocutor is mistaken (Lackey, 2010a, pp. 323–324).

One proposal for a completion condition falling into the first category can be taken from the position of Phenomenal Conservatism, such that after the disagreement, one has an ultima facie seeming that one’s interlocutor is mistaken (Huemer, 2001, p. 99, 2011, pp. 26–29). This would involve at least some potential sensitivity to the details given during full disclosure, evidential and otherwise. But as Lackey (2010a, p. 323) points out, the problem with all subjective conditions like these is that they open the door to purportedly rational steadfast attitudes toward disagreement arising from rampant, unreflective bias or dogmatism. A moderate justificationist endorsing this completion condition will have similar problems explaining the right reaction to Tom Grabit or Bird II, for in this case it is plausible to think the irrational agent is remaining steadfast precisely because—given previously high justified confidence and personal information—it still seems to him that he is right and his interlocutor mistaken. Though it may have appeared to Keith (from his own subjective point of view) in the Tom Grabit case that he was acting rationally, this appearance was non-veridical, for instance. Nor is it uncommon to find those with convictions remaining steadfast in their views, even when that reaction seems irrational to others. Genuine rationality often requires critically examining how things appear from one’s own point of view, and second-guessing that point of view when appropriate—even when the perspective otherwise seems to one to be rational. For reasons such as these, I take concrete proposals for completion condition(s) that depend upon subjectively rational responses to be non-starters.[[16]](#footnote-16)

 The other option for moderate justificationism is that a conviction goes from being potentially immune to actually immune to defeat when the *objectively* right rational response is to believe one’s interlocutor mistaken. This alternative is better poised to avoid dogmatism, but as argued above, the determination of when a disputant objectively should think her interlocutor is mistaken will depend at least partially upon how much weight one ought to put upon one’s conviction relative to the weight one rationally ought to give to evidence adduced by an interlocutor during full disclosure.[[17]](#footnote-17) A factoring principle for evaluating such evidence is necessary, and both conciliatory and steadfast weightings of that principle remain open possibilities.

One way of filling out the details in keeping with the objectively rational approach is to adopt a formal model, along Bayesian (or Jeffrey conditionalization) lines. Yet, even here the moderate justificationist has work to do, for without additional details regarding how likely a belief is, given that it is supported by a conviction, and relative to the likelihood of the interlocutor’s conflicting belief, we are just as much in the dark regarding any particular disagreement’s consequences as before. Settling these probabilities will involve concrete judgments roughly equivalent to those already demanded of the moderate justificationist.

A simple strategy here is worth mentioning. The equal weight view has attracted a fair degree of support in the literature, and some variant of the view could be deployed, either to fill out the details of this completion condition(s) directly or to settle prior or conditionalized probabilities. For instance, after the disagreement, one might think that a disputant objectively ought rationally to think that the interlocutor is mistaken if and only if one’s interlocutor is *not actually as highly confident* as oneself in her disputed belief. The problem with that proposal is that many disputes involve at least one side being irrationally highly confident, so a condition like this will lead too easily to counterintuitive results. Of course, it is not plausible to look for a symmetry breaker in one or the other disputant’s level of *justified* confidence after a disagreement, since how justified we are after full disclosure of a disagreement is the very issue at stake.

Another proposal in keeping with the equal weight view is that a disputant rationally ought to think that his interlocutor is mistaken, given satisfaction of the prior conditions required for *Potential Immunity*, if and only if one of the following conditions is also satisfied after full disclosure: (iii) the interlocutor is not highly confident in his disputed belief, or (iv) the disputant is justified in believing that the interlocutor is not justified in being as highly confident in his disputed belief as the disputant is in his. A focus on a disputant’s justified beliefs about the other’s post-disagreement justified confidence might avoid the circularity of appealing to post-disagreement justified confidence levels tout court, since there are perhaps other bases for these justified beliefs than a deep understanding of the correct principles in the epistemology of disagreement. Moreover, by adding a proviso weighting each disputant’s justified confidence as being equally important, this proposal has the double advantage of linking defeat to the attribute originally central to the justificationist position, namely justified confidence, as well as providing otherwise absent concrete details for the moderate justificationist position consonant with other well-defended views on disagreement.

Though potentially promising a completion condition, the advocate of this variation must still take a stand on whether (or when) a person can use the reasoning that originally supported her conviction as part of the reason to believe condition (iii) or (iv) is satisfied—that his interlocutor is not highly confident or not justified in being as highly confident in her disputed belief as the disputant is in his (Christensen, 2009, pp. 3–6). For if one can always use one’s original reasoning supporting one’s conviction to also support the belief that one’s interlocutor is not as highly justified in her confidence as oneself, then it’s hard to see how this purportedly modest recasting of the justificationist position differs extensionally from the strong justificationist position previously argued against—one can always demote a disputant’s confidence level (and thus status as a peer) when disagreeing over a conviction, thereby lowering the epistemic weight one should give to his evidence, and thereby deflect or defeat defeat.

Conversely, if the moderate justificationist subscribes to a type of independence condition that would require new reasoning to satisfy clauses (iii) or (iv), then this version of the position may lack the non-conciliationist consequences regarding disagreement that originally appeared to motivate the justificationist view (Bergmann, 2009, pp. 338–342; Lackey, 2010a, pp. 305–314), among other issues. Now it may be possible to come up with a qualified independence clause that allows one’s original reasoning supporting a conviction a role in the satisfaction of (iii) or (iv) in some but not all cases, but once again, the moderate justificationist must supply the details in order to have an illuminating account of when confidence plays an important role in the epistemic effects of disagreement (or perhaps argue why such conditions are not necessary, initial appearances notwithstanding). The burden of proof, as it were, lies with the advocate of moderate justificationism—and as the preceding analysis shows, the burden does not appear to be easily discharged. As it stands, moderate justificationism remains silent on some of the most central questions in the epistemology of disagreement. Thus, although it is intuitively plausible to think that justified confidence plays some role in the epistemology of disagreement, what role it should play remains far from clear.

**3 Conclusion**

In this paper, I have sought to examine problems for a prominent cluster of views in the literature on disagreement, namely justificationism. Whereas strong justificationism provides a clear and prima facie plausible account of many peer disagreements, I argue that it fails to make sense of the defeat that can arise from a peer’s revelation of first-order evidence during full disclosure. A better picture of justified confidence and personal information’s role in disagreement is captured by the moderate justificationist, who says that these can—but do not always—combine to deflect or defeat defeaters. But although justified confidence and personal information intuitively have some role in disagreement, moderate justificationism leaves absent central details that allow for insight into how these function in the intuitive cases, thus providing no principled way to explain how high justified confidence and personal information function in cases where intuition offers no clear guidance. Moreover, there are no immediately obvious and plausible ways to fill in the missing details. Hence, as an account of how justified confidence and personal information function in disagreements, moderate justificationism remains importantly incomplete and the role confidence ought to play in disagreement, unclear.

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1. Kelly (2005, p. 175) for instance requires that peers are equals with respect to their familiarity with the evidence and relevant arguments which bear on the question, and equals with respect to general epistemic virtues. [↑](#footnote-ref-1)
2. Although Lackey sometimes illustrates cases where no doxastic revision is required by cases that involve ‘optimal epistemic conditions’ (2010a, p. 317) or involve ‘extreme’ confidence (2010a, p. 321), given the ordinary illustrations that she uses where no doxastic revision is required, it is not plausible to think Lackey intends her account to be restricted to cases where one has the *highest* degree of justified confidence. Elsewhere she suggests that as one’s justified confidence goes down from very high to moderately high, some non-substantial doxastic revision may be required by disagreement, see (2010a, p. 319). Unfortunately, she gives no suggestions as to how one may distinguish between beliefs for which one has very high and moderately high justified confidence, nor examples of the latter. [↑](#footnote-ref-2)
3. Lackey does not provide an explanation for the epistemic role confidence plays in disagreement, but it is plausible to read the status of some individual’s belief as a conviction to be driven by the agent S’s doxastic justification for belief b rather than S’s subjective confidence-level in b. For in a rational agent, degrees of confidence in a belief ordinarily follow from and are proportionate to a belief’s justification. If S’s degree of confidence exceeds S’s justification for b, that plausibly provides no grounds for remaining rationally steadfast in a disagreement over b. Yet confidence need not be epiphenomenal. For if S’s justification exceeds S’s confidence for b, then S’s relative subjective uncertainty about b might be plausibly thought to give rise to a partial mental state defeater toward b, so that S’s doxastic justification for b is proportionate to S’s actual state of confidence in b at that time (even if b is propositionally justified to a greater degree for S at that time, so that if only S were to have been less hesitant about b, S’s doxastic justification for b would have been stronger). Thus, for example, if I am propositionally justified in being supremely confident that I have hands, my doxastic justification for that belief may be less than my propositional justification after contemplating (and feeling shaken by) various skeptical scenarios. [↑](#footnote-ref-3)
4. One needn’t have beliefs that are (*de dicto*) about one’s cognitive wellbeing; one needs merely to have beliefs relevant to one’s cognitive wellbeing (e.g. that one is not on any potentially mind-altering medications, one has not been drinking lately, etc.). [↑](#footnote-ref-4)
5. Thus Lackey writes ‘An instance of peer disagreement regarding the question whether *p* *may be interpreted* as providing me with a defeater for my belief that *p*’ (emphasis added, (2010a, p. 320). [↑](#footnote-ref-5)
6. Cf. (2010b, p. 277). Elsewhere Lackey explains that ‘in nearly all cases of ordinary disagreement, there is some sort of asymmetry of personal information. How often, for instance, do I know to the same extent as I do in my own case that my opponent is not distracted, sleep deprived, melancholy, and so on? Not very often (if ever),’ see (2010a, p. 314). [↑](#footnote-ref-6)
7. Without details regarding the further condition that must be met for a disputed conviction to move from being potentially immune to actually immune from disagreement-based defeat, precisely how often personal information is relevant to disagreement for the moderate justificationist is hard to determine. But given that personal information contributes to jointly sufficient conditions for a defeater-defeater or deflector, moderate justificationists see an important link between the satisfaction of conditions (i) and (ii) in *Potential Immunity*. [↑](#footnote-ref-7)
8. It could be Lackey is a moderate justificationist. In her discussion of an objective reading of Christensen’s views, Lackey claims the view that ‘no doxastic revision is needed so long as the best explanation *from an epistemic point of view* of the disagreement in question lies with an error made by my interlocutor’ may merely bottom out in the justificationist position (2010b, pp. 286–287). Although her clearest expressions indicate a commitment to strong justificationism, one may think this description signals that Lackey has in mind a moderate justificationism after all—according to which personal information only provides a symmetry breaker when it forms part of the best explanation of the disagreement being the interlocutor’s error. If so, then her moderate justificationism suffers from the problems affecting other moderate justificationist views expressed later in the paper. [↑](#footnote-ref-8)
9. Cf. (1969, p. 228) One might glean a similar example from tweaking Sorensen’s car case, wherein one dogmatically infers that countervailing evidence is misleading because one knows where one’s car is parked. See (1988, pp. 433–436) I thank Lee Elkin for this suggestion. One could of course come up with cases where Terence’s evidence is substantially better than Keith’s (e.g. Terence shows Keith online photographs of Tom at the distant conference, uploaded that afternoon). But such cases are more easily handled by strong justificationism, as awareness of such evidence could serve to promote Terence and demote Keith, so that they are no longer peers. [↑](#footnote-ref-9)
10. It is prima facie plausible to think that directly perceiving one who seems to be an easily-recognized acquaintance is at least just as good evidence of that acquaintance’s whereabouts than memory of testimony that the person intends to be in a particular place at a particular time. After all, if a colleague tells me that he’s leaving town Friday morning, and I see him in the office that Friday afternoon, it would seem rational for me to become highly confident that he, say, missed his flight or changed his plans. Yet cases of mistaken identity are fairly ubiquitous, and we ordinarily settle whether apparent identity is real or mistaken by relying on testimony (e.g. asking if this is the person it seems to be). Hence, Terence and Keith’s evidence appears to be about equally good. [↑](#footnote-ref-10)
11. One might seek to deny peerhood by claiming that Terence’s evidence is indeed better than Keith’s, since Terence’s evidence helps to explain why Keith had misleading perceptual evidence that Tom was the thief. Yet in order to make this line of defense plausible, the position that evidence is *ceteris paribus* better when it has the potential to explain away countervailing evidence needs defense. After all, conspiracy theories often include this explanatory potential to a very high degree, and yet we intuitively think of such theories and the evidence they invoke as providing only a low level of justification (if any). More to the point, however, it is plausible to think that Keith’s evidence has an equal explanatory potential toward Terence’s evidence as Terence’s evidence has toward Keith’s. For given what Keith knows, Tom may have wanted to cover his tracks in advance of stealing a book in broad daylight by making up and telling Terence a story that he would be away that particular week and that he has an identical twin, John. Terence and Keith’s evidence are thus on par in this respect, consistent with their peerhood. I thank a referee for offering this potential line of defense for strong justificationism. [↑](#footnote-ref-11)
12. This way of expressing condition (ii) is intended to be neutral with respect to ongoing debates about what evidence consists in, such as experiences, beliefs about experiences, facts. If one wishes to understand evidence in a factive way, following Williamson, then one can recast *Immunity\** in terms of supporting mental states (phenomenologically indistinguishable from genuine evidence). [↑](#footnote-ref-12)
13. Accounts of disagreement commonly idealize in a way that avoids spelling these norms out, since they treat peers as being aware of all the same evidence—seemingly assuming that this awareness goes through an independent, trustworthy route. Without endorsing a formal model of epistemology, one might think of ‘factoring evidence’ in a disagreement as something similar to conditionalizing evidence along the lines spelled out by Richard Jeffrey (1983) according to the value an interlocutor has as an epistemic agent in the disagreement. Such factoring is particularly important in the context of a disagreement since an ostensible peer might exaggerate her evidence in order to keep up appearances, among other problems. [↑](#footnote-ref-13)
14. Historically, the problem of adjudicating disagreements over apparent convictions—known then as a problem regarding “enthusiasm”—was a prominent philosophical concern, cf. e.g. (Locke, 1975, bk. IV, XVII-XIX) and (Knox, 1950). [↑](#footnote-ref-14)
15. Though this is consistent with a commitment to *Immunity*, Bergmann’s avoidance of positing clear principles regarding when disagreement leads to defeat more plausibly suggests a denial of *Immunity* and commitment to *Potential Immunity*. [↑](#footnote-ref-15)
16. This is not to say that subjective responses to disagreement have no epistemic effects, for it is plausible to think that if one subjectively believes that the right response to disagreement is that one’s interlocutor is correct in the disagreement, that belief will give rise to a mental state defeater. Bergmann’s (2009, pp. 337–342) distinguishes between internal and external rationality, adding that he understands justification to be equivalent to internal rationality applied to beliefs, and defeaters to be the sorts of things that make internally rational beliefs cease to be internally rational (2009, p. 351). Consequently, Bergmann’s view seems to be that a subjectively right rational response is a response to one’s mental states that seems to one to be rational, whereas an objectively right rational response is the response one should have to one’s mental states in order to conform to the norms of rationality. [↑](#footnote-ref-16)
17. One alternative way of moderating strong justificationism along these lines is to restrict the applicability of *Immunity* to beliefs in which one has justified certitude. However, this significantly reduces the relevance of justificationism to ordinary disagreements, and the latter seem to be the sorts of disagreements in which most are interested. [↑](#footnote-ref-17)