

AGAINST THE PHENOMENAL VIEW OF EVIDENCE:  
DISAGREEMENT AND SHARED EVIDENCE

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ABSTRACT: On the phenomenal view of evidence, seemings are evidence. More precisely, if it seems to S that p, S has evidence for p. Here, I raise a worry for this view of evidence; namely, that it has the counterintuitive consequence that two people who disagree would rarely, if ever, share evidence. This is because almost all differences in beliefs would involve differences in seemings. However, many literatures in epistemology, including the disagreement literature and the permissivism literature, presuppose that people who disagree often do share evidence. I conclude that this is a reason to question the phenomenal view of evidence.

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

## 1. INTRODUCTION

Several philosophers defend the view that seemings have a central epistemological role to play. Michael Huemer, and other phenomenal conservatives, argue that seemings confer epistemic justification: “If it seems to S that p, then, in the absence of defeaters, S thereby has at least some degree of justification for believing that p” (Huemer 2007: 30).<sup>1</sup>

Here, I’m concerned with a variation of this view: the view that seemings are *evidence*. Most authors who connect seemings with epistemic justification affirm this, as they maintain that seemings confer justification because of their evidential role. And many phenomenal conservatives argue directly that seemings are evidence. For example, Chris Tucker (2011: 52) argues that “if it seems to a subject that P, then the subject thereby possesses evidence which supports P.” McCain and Moretti (2021) also defend the view that seemings are evidence; on their view, different types of seemings provide more or stronger evidence than others (depending on, among other things, explanatory fit). Others who argue that seemings are evidence include Pust (2000), Yandall (1993), and McAlister (2016, 2021).

These authors don’t endorse this phenomenal view of evidence for no reason. As Kelly (2008) points out, the phenomenal view straightforwardly explains our access to evidence and provides a response to skepticism. On the other hand, it also makes evidence easy to come by—perhaps too easy, if every seeming has evidential weight.<sup>2</sup> The worry I raise in this paper is related to this concern, but focuses on disagreement. More precisely, I’ll argue that the phenomenal view of evidence makes it extremely difficult, if not impossible, for people who disagree to share evidence.

Consider three possible connections between seemings and evidence:

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

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<sup>1</sup> See Audi (1993), Chisholm (1989), Swinburne (2001), Pollock & Cruz (1999), Pryor (2000, 2004), and Huemer (2007, 2013, 2014) for defenses of the claim that seemings justify; see Hawthorne & Lasonen-Aarnio (2021) and Kelly (2008) for critical discussion.

<sup>2</sup> See Markie (2005), Littlejohn (2011), and Tooley (2013).

The problem I raise in this paper will be a problem for those who endorse (a) or (c)—I’m challenging the idea that seemings are sufficient for having evidence, but not the idea that they are necessary. Phenomenal conservatives largely accept (a) and (c); Tucker, for example, explicitly endorses (a), along with a number of those cited above. Insofar as (a) and (c) are widely endorsed by phenomenal conservatives, this may be a problem for the view more generally. However, I’ll target proponents of (a) and (c) specifically here; this may not be a problem for those who endorse (b) only, or perhaps those who connect seemings and justification without appealing to evidence.

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

## 2. THE KEY CLAIM: DISAGREEING PEOPLE CAN SHARE EVIDENCE

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

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

A few clarifications about this claim. First, by “disagree” I simply mean that S1 believes p and S2 disbelieves p (or believes not-p). While there may be other ways of disagreeing (involving withholding belief or credence), this paper focuses on this basic, uncontroversial way of disagreeing.

“Share evidence” is a little harder to define, as it hinges on controversial issues, some of which are at stake in this paper (e.g. What is evidence? What does it mean for evidence to *bear on* a proposition? What does it mean to *have* evidence?). I don’t want to be overly committal, and I do want to invoke a pre-theoretic notion of evidence. That said, note two things the second conjunct of the key claim does *not* mean. First, S1 and S2 need not share *all* of their evidence full-stop; they simply need to share the evidence that bears on some proposition. Second, S1 and S2 do not need to be epistemic peers in the sense often invoked in the disagreement literature. For arguments that epistemic peers are rare, see King (2012) and Matheson (2014).

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

The second consideration in favor of the key claim comes from the permissivism literature. The permissivism literature asks whether a body of evidence can rationally permit more than one attitude toward a proposition. Notice that this question holds the evidence fixed, and asks if different responses to that evidence could be rational. This presupposes that disagreeing people—who take different attitudes—can share evidence. Furthermore, most of this literature has focused on arguments for and against *interpersonal* permissivism: the view that two agents with the same evidence could both be rational, even if taking different attitudes. While there’s been a more recent interest in *intrapersonal* permissivism (concerning a single agent and her evidence), the majority of the literature on interpersonal permissivism would concern an impossible case if the key claim were false. Why care if two disagreeing persons with the same evidence can both be rational, if disagreeing persons can’t share evidence in the first place? Considering possible disagreement is not helpful here either, because if the key claim is false, in a possible world where S1 shares S2’s evidence, S1 would agree with S2.<sup>3</sup> Kopec and Titelbaum put the point this way: in a discussion about why the conception of evidence is central to the permissivism debate, “...if we were to use a very mentalistic notion of evidence that includes every thought crossing through an agent’s head, we get a thesis that seems trivially true. As soon as one agent judges that P while the other judges that not P, the two agents would have different ‘evidence’” (Kopec and Titelbaum 2016: 191).

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

### 3. A PROBLEM FOR THE PHENOMENAL VIEW OF EVIDENCE

We can now see the problem with the phenomenal view of evidence when considering the case of our disagreeing persons, S1 and S2. We can combine their situation with the phenomenal view of evidence, as follows:

- (1) S1 believes p.
- (2) If S1 believes p, it seems to S1 that A.
- (3) If it seems to S1 that A, then S1 has evidence that A.
- (1\*) S2 believes not-p.
- (2\*) If S2 believes not-p, it seems to S2 that B.
- (3\*) If it seems to S2 that B, then S2 has evidence that B (where B≠A).

Given this set up, I’ll argue that defenders of the phenomenal view of evidence are committed to:

- (4) S1 does not have S2’s evidence that B, and S2 does not have S1’s evidence that A.

And (4) conflicts with the key claim. Let’s discuss each of these in turn. (1) and (1\*) are true by stipulation. (2) and (2\*) are perhaps the most controversial, but there’s good reason to think they are true: (2) and (2\*) essentially state that people who disagree have different seemings. This does *not* mean that seemings are beliefs, or that if it seems to S that p, then S believes p. Things can seem true to us but we don’t believe them (e.g. because we have a defeater); it also could be appropriate to have contradictory seemings, but it’s never okay to have contradictory beliefs.

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<sup>3</sup> Thanks to Kevin McCain.

To see why defenders of the phenomenal view of evidence are committed to (2) and (2\*), we'll consider two different views of the relationship between beliefs and seemings. The first view is defended by Michael Huemer (2007: 40), who argues that (almost all) differences in beliefs are directly due to differences in seemings:

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

This means that, in the large majority of cases, if you believe *p*, it seems to you that *p*. The “exceptions” that Huemer mentions are “self-deception and leaps of faith” and “[perhaps] severe disorders” (2007: n14). So on Huemer's view, in almost all cases, if *S* believes that *p*, it seems to *S* that *p*. In this case, *S*<sub>1</sub> and *S*<sub>2</sub> would have different seemings: it would seem to *S*<sub>1</sub> that *p*, and it would seem to *S*<sub>2</sub> that not-*p*.

One might wonder how Huemer's view fits with inferential beliefs. Consider Scott, who believes that *Caesar either had epilepsy or suffered from mini-strokes* (call this proposition *C*) because of what's he's read. Scott genuinely believes *C*, but it doesn't seem to Scott that *C*. Scott's belief is based on other beliefs, and not based directly on a seeming that *C*.<sup>4</sup>

Huemer would reply that while Scott may not have the *unconditional* seeming that *C*, *C* seems true to Scott, given *E* (Scott's evidence, i.e. what Scott read). So Scott still has a seeming that *C*, conditional on *E* (see Huemer 2013: 338). Presumably, those who disagree with Scott would either not have the conditional seeming, or they would not have *E*, Scott's evidence. Either way, it follows that those who disagree with Scott would not share Scott's evidence.

But not all defenders of the phenomenal view of evidence share Huemer's view; some would argue that Scott doesn't even have the *conditional* seeming that *C*. What's the alternative? On another view, Scott's belief that *C* isn't based on a seeming that *C*, but is based on beliefs about what he's read. Defenders of this second view don't maintain this chain of beliefs goes on forever, though: at some point, things bottom out in a seeming. As McAlister (2021: 4) says, “...all of our justified moral beliefs (and any other belief, for that matter) will ultimately be based on seemings.” So, while Scott's belief that *C* may not be based directly on a seeming that *C*, it is based on other belief(s), which are ultimately based on seemings.<sup>5</sup>

According to this view, *S*<sub>1</sub>'s belief that *p* may not be based solely on a seeming that *p*. Instead, it could be based on a belief (or chain of beliefs). However, this chain would ultimately bottom out in a seeming. The same for *S*<sub>2</sub>: *S*<sub>2</sub>'s belief that not-*p* may also be based on belief(s) that bottom out in a seeming. But given that *S*<sub>1</sub> and *S*<sub>2</sub> disagree about *p*, these bottom-level seemings would almost certainly be different. This is a common occurrence in philosophical disagreements that

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<sup>4</sup> Thanks to Scott Stapleford for this case.

<sup>5</sup> Thanks to Kevin McCain and Scott Stapleford for helpful discussion.

come down to a “clash of intuitions.” If their seemings were the same, it’s not clear that S1 and S2 would disagree.

Therefore, regardless of the specific view taken, S1 and S2 have different seemings. Either Huemer is right and S1 and S2’s disagreement is directly based on seemings. Or, alternatively, if S1 and S2’s beliefs are based on other beliefs, they would still have different seemings (although these seemings would have different content than the clashing beliefs).

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

(4) S1 does not have S2’s evidence that B, and S2 does not have S1’s evidence that A.

But (4) conflicts with the key claim. I suggest that (3) and (3\*), and thus (a) and (c), are the claims to reject.

The defender of the phenomenal view might object to the inference to (4), by appealing to the (plausible) principle that evidence of evidence of evidence. Given this principle, assuming S1 and S2 are aware of the disagreement, S1 may have evidence that B and S2 may have evidence that A (because they have evidence of evidence). So S1 and S2 might be able to share evidence in any case.<sup>6</sup> In response, I maintain that this isn’t sufficient for S2 to share S1’s *special* evidence for A (and vice versa). My being aware that you disagree with me—even knowing you are smart and educated—isn’t the same as my sharing your seeming. And simply because we both have a piece of evidence for a proposition’s truth doesn’t mean we share evidence. Consider an analogy: a distant testimony that p is different than a firsthand experience that p, even though both are evidence for p. We wouldn’t say that someone with only the distant testimony shares evidence with someone with the firsthand experience (for one thing, different credences—and perhaps even different beliefs—would be justified for them). So mere awareness of a disagreement (even with a *peer*) isn’t enough to secure shared evidence. Furthermore, two disagreeing people could share evidence *without being aware of the disagreement*. I don’t have to know that you disagree with me in order to share your evidence; it would be odd if shared evidence hinged on our awareness of disagreement.

Note one final point. Suppose at least one of the parties in the disagreement is irrational, perhaps due to a flawed inference from seemings to beliefs or from beliefs to other beliefs. In this case, the phenomenal view of evidence might allow for disagreement and shared evidence. Specifically,

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<sup>6</sup> Thanks to Kevin McCain for raising this objection.

S1 and S2 might both have the same evidence (say, a seeming that B), but S1 irrationally believes p, even though the seeming that B supports believing not-p. Then, S1 and S2 disagree, but share evidence. Note, however, that it would be surprising if the only cases where disagreeing parties could share evidence would be when one party makes a faulty inference. This seems to fly in the face of the permissivism and disagreement literatures, that assume we can hold the evidence fixed and ask questions about whether *reasonable* disagreement can occur. These exceptional cases also do not align with the cases of ideal disagreement, in which the possibility of shared evidence is widely recognized. So even if it's not *impossible* to share evidence in the face of disagreement on the phenomenal view, if it can only occur via irrationality, the problem for the phenomenal view of evidence remains.

#### 4. CONCLUSION

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

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#### REFERENCES

- Audi, R. (1993). *The Structure of Justification*. Cambridge: CUP.
- Chisholm, R. (1989). *Theory of Knowledge*. Englewood Cliffs, NJ: Prentice-Hall.
- Hawthorne, John & Maria Lasonen-Aarnio. "Not So Phenomenal!" (2021). *Philosophical Review* 130(1): 1–43.
- Huemer, Michael. (2007). "Compassionate Phenomenal Conservatism." *Philosophy and Phenomenological Research* 74(1): 30–55.
- Huemer, Michael. (2013). "Phenomenal Conservatism Über Alles." In *Seemings and Justification: New Essays on Dogmatism and Phenomenal Conservatism* (C. Tucker, ed.), pp. 328–50. Oxford: OUP.
- Huemer, Michael. (2014). "Phenomenal Conservatism." *Internet Encyclopedia of Philosophy*. <http://www.iep.utm.edu/>.
- Kelly, Thomas. (2008). "Evidence: Fundamental Concepts and the Phenomenal Conception." *Philosophy Compass* 3(5): 933–955.
- King, Nathan. (2012). "Disagreement: What's the Problem? Or A Good Peer is Hard to Find." *Philosophy and Phenomenological Research* 85(2): 249–272.

- Kopec, M. & M. Titelbaum. (2016). "The Uniqueness Thesis." *Philosophy Compass* 11(4): 189–200.
- Littlejohn, Clayton. (2011). "Defeating Phenomenal Conservatism." *Analytic Philosophy* 52: 35–48.
- Markie, Peter. (2005). "The Mystery of Direct Perceptual Justification." *Philosophical Studies* 126: 347–373.
- Matheson, Jonathan. (2014). "Disagreement: Idealized and Everyday." In *The Ethics of Belief: Individual and Social* (J. Matheson and R. Vitz, eds.), pp. 315–330. Oxford: OUP.
- McAlister, Blake. (2016). *Common Sense Epistemology: A Defense of Seemings as Evidence*. Baylor University. Waco, TX: ProQuest.
- McAlister, Blake. (2021). "Understanding Moral Disagreement: A Christian Perspectivist Approach." *Religions* 318: 1–14.
- McCain, Kevin, and Luca Moretti. (2021). *Appearance and Explanation: Phenomenal Explanationism in Epistemology*. Oxford: OUP.
- Pollock, J. L. & J. Cruz. (1999). *Contemporary Theories of Knowledge*, 2nd ed. Lanham, MD: Rowman & Littlefield.
- Pryor, J. (2000). "The Skeptic and the Dogmatist." *Noûs* 34: 517–49.
- Pryor, J. (2004). "What's Wrong with Moore's Argument?" *Philosophical Issues* 14: 349–78.
- Pust, Joel. (2000). *Intuitions as Evidence*. New York: Routledge.
- Swinburne, R. (2001). *Epistemic Justification*. Oxford: Oxford University Press.
- Tooley, Michael. (2013). "Michael Huemer and the Principle of Phenomenal Conservatism." In *Seemings and Justification: New Essays on Dogmatism and Phenomenal Conservatism* (C. Tucker, ed.), pp. 306–27. Oxford: OUP.
- Tucker, Chris. (2011). "Phenomenal Conservatism and Evidentialism in Religious Epistemology." In Kelly James Clark & Raymond J. VanArragon (eds.), *Evidence and Religious Belief*, pp. 52–73. Oxford: Oxford University Press.
- Yandell, Keith. (1993). *The Epistemology of Religious Experience*. Cambridge: CUP.