THE EPISTEMIC PARITY OF TESTIMONY, MEMORY, AND PERCEPTION

A Dissertation

Submitted to the Graduate School
of the University of Notre Dame
in Partial Fulfillment of the Requirements
for the Degree of

Doctor of Philosophy

by

Christopher Raymond Green, A.B, M.A., J.D.

______________________________
Michael DePaul, Director

______________________________
Alvin Plantinga, Director

Graduate Program in Philosophy
Notre Dame, Indiana
April 2006
Extensive literatures exist on the epistemology of testimony, memory, and perception, but for the most part these literatures do not systematically consider the extent of the analogies between the three epistemic sources. A number of the same problems reappear in all three literatures, however. Dealing simultaneously with all three sources and making a careful accounting of the analogies and disanalogies between them should therefore avoid unnecessary duplication of effort. Other than limits on the scope of which memorially- and testimonially-based beliefs should be included in the Parity Thesis, I argue that most of the disanalogies that different philosophers have proffered between the sources do not mark distinctions among the universes of possible testimonially-, memorially-, and perceptually-based beliefs regarding the explanation of those beliefs’ epistemic status.

I first criticize the suggestion that perception is a generative epistemic source, while testimony and memory are not; I propose and defend counterexamples in which testimony and memory produce new beliefs. Next, I criticize a variety of distinctions that have been drawn between testimony and perception, taken chiefly from the reductionist-antireductionist literature on testimony. I criticize the suggestion that the conceptualization of content and the transparency of experience affect the epistemologies of testimony and perception in different ways. Regarding memory and testimony, I advocate modeling testimony on the legal relationship of a principal and an
agent, arguing that law’s apparatus used to analyze such situations suggests that using others’ epistemic services in testimony will supply the same epistemic benefits and burdens as if we had performed those epistemic tasks personally and then relied only on memory. I apply this analysis to the transmission of defeaters in testimony. I argue that memory does feature the epistemic equivalent of a perceptual image and that both perceptually- and memorially-based beliefs can concern either the past or the present. Finally, I construct a set of six transformations that turn individual possible instances of perceptually-, memorially-, or testimonially-based beliefs into individual possible instances of the other two types of beliefs without changing the structure of those beliefs’ epistemologies.
For Bonnie
## CONTENTS

**FIGURES** ........................................................................................................................................ vi

**ACKNOWLEDGMENTS** .................................................................................................................... vii

**CHAPTER 1: INTRODUCTION: THE PARITY THESIS** .................................................................. 1
  1.1. Introduction ...................................................................................................................... 1
  1.2. What Are Testimonially-, Memorialy-, And Perceptually-Based Beliefs?.................. 2
  1.3. The Parity Thesis And Sub-Theses .............................................................................. 8
  1.4. Limits On The Scope Of The Parity Theses ................................................................. 10
  1.5. The Contingent Role Of Perceptual Experience ......................................................... 11
  1.6. A Toy Epistemology .................................................................................................. 14
  1.7. Conclusion .................................................................................................................... 16

**CHAPTER 2: TESTIMONY AND MEMORY AS GENERATIVE EPISTEMIC SOURCES** .......... 18
  2.1. Introduction .................................................................................................................. 18
  2.2. The Counterexamples ................................................................................................ 25
    2.2.1. Delayed Conceptualization .................................................................................. 25
    2.2.2. Machine Testimony ............................................................................................. 27
    2.2.3. Unconscious Reconceptualization ...................................................................... 29
    2.2.4. The Updating Of Indexicals ............................................................................... 31
  2.3. Are The Counterexamples Cases Of Inferentially-Based Beliefs? ......................... 32
  2.4. Are The Counterexamples A Separate Genus? ......................................................... 35
    2.4.1. Close Fit With Standard Cases Of Testimony And Memory ......................... 35
    2.4.2. Not Multiplying Epistemic Categories Beyond Necessity ................................ 41
    2.4.3. A Fallback Position: Individual Beliefs Not Second-Class ................................ 42
  2.5. Elizabeth Fricker’s Argument For Testimonial Preservationism ................................ 43
  2.6. Cases Where Perception Is Merely Preservative ...................................................... 45
  2.7. The Transfer Of Positional Knowledge And Warrant In Cases Of Perceptually-Based Belief ................................................................................................................. 47
  2.8. Conclusion .................................................................................................................... 53

**CHAPTER 3: THE REDUCTIONISM-ANTIREDUCTIONISM DEBATE OVER TESTIMONY AND THE EPISTEMIC PARITY OF PERCEPTION AND TESTIMONY** ................................................................. 54
  3.1. Introduction .................................................................................................................. 54
  3.2. Elizabeth Fricker ......................................................................................................... 57
    3.2.1. Duties To Monitor And Investigate ................................................................. 57
    3.2.2. Ability Not To Trust ............................................................................................ 59
  2.8. Conclusion .................................................................................................................... 63
<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.2.3.</td>
<td>Availability Of Other Information</td>
<td>65</td>
</tr>
<tr>
<td>3.3.</td>
<td>Jennifer Lackey</td>
<td>66</td>
</tr>
<tr>
<td>3.4.</td>
<td>Jonathan Sutton</td>
<td>74</td>
</tr>
<tr>
<td>3.5.</td>
<td>Paul Faulkner</td>
<td>78</td>
</tr>
<tr>
<td>3.6.</td>
<td>Matt Weiner</td>
<td>87</td>
</tr>
<tr>
<td>3.7.</td>
<td>Sanford Goldberg</td>
<td>90</td>
</tr>
<tr>
<td>3.8.</td>
<td>P.F. Strawson</td>
<td>97</td>
</tr>
<tr>
<td>3.9.</td>
<td>Conclusion</td>
<td>104</td>
</tr>
</tbody>
</table>

CHAPTER 4: THE CONCEPTUALIZATION AND TRANSPARENCY OF PERCEPTUAL EXPERIENCE AND THE EPISTEMIC PARITY OF PERCEPTION AND TESTIMONY

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1.</td>
<td>Introduction</td>
<td>106</td>
</tr>
<tr>
<td>4.2.</td>
<td>The Conceptualization Of Perceptual Experience</td>
<td>108</td>
</tr>
<tr>
<td>4.2.1.</td>
<td>Fineness Of Grain</td>
<td>110</td>
</tr>
<tr>
<td>4.2.2.</td>
<td>Christopher Peacocke On Conceptual Content And Language</td>
<td>112</td>
</tr>
<tr>
<td>4.2.3.</td>
<td>Sean Kelly On Situation Dependence</td>
<td>115</td>
</tr>
<tr>
<td>4.2.4.</td>
<td>John McDowell</td>
<td>118</td>
</tr>
<tr>
<td>4.2.5.</td>
<td>Bill Brewer</td>
<td>120</td>
</tr>
<tr>
<td>4.3.</td>
<td>The Transparency Of Experience</td>
<td>126</td>
</tr>
<tr>
<td>4.4.</td>
<td>Conclusion</td>
<td>136</td>
</tr>
</tbody>
</table>

CHAPTER 5: DEFEATERS AND THE EPISTEMIC PARITY OF TESTIMONY AND MEMORY

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1.</td>
<td>Introduction</td>
<td>137</td>
</tr>
<tr>
<td>5.2.</td>
<td>Doxastic And Normative Defeaters, Constructive Knowledge, And Justifiable Reliance</td>
<td>146</td>
</tr>
<tr>
<td>5.2.1.</td>
<td>Constructive Knowledge</td>
<td>146</td>
</tr>
<tr>
<td>5.2.2.</td>
<td>Justifiable Reliance</td>
<td>148</td>
</tr>
<tr>
<td>5.2.3.</td>
<td>Epistemic Relevance</td>
<td>149</td>
</tr>
<tr>
<td>5.2.4.</td>
<td>Harman’s Newspaper Cases</td>
<td>151</td>
</tr>
<tr>
<td>5.3.</td>
<td>Testimony As Epistemic Agency</td>
<td>154</td>
</tr>
<tr>
<td>5.4.</td>
<td>The Rationales Of The Law Of Principal And Agent, Constructive Knowledge, And Justifiable Reliance</td>
<td>162</td>
</tr>
<tr>
<td>5.4.1.</td>
<td>Justifiable Reliance</td>
<td>163</td>
</tr>
<tr>
<td>5.4.2.</td>
<td>Constructive Knowledge And Duties To Investigate</td>
<td>164</td>
</tr>
<tr>
<td>5.4.3.</td>
<td>Principal And Agent</td>
<td>165</td>
</tr>
<tr>
<td>5.5.</td>
<td>The Transfer Of Defeat In Testimony And The Imputation Of An Agent’s Constructive Knowledge</td>
<td>169</td>
</tr>
<tr>
<td>5.6.</td>
<td>How Lackey Takes Joseph Story’s Mistake One Step Further</td>
<td>173</td>
</tr>
<tr>
<td>5.7.</td>
<td>Scope Of Employment Issues</td>
<td>176</td>
</tr>
<tr>
<td>5.8.</td>
<td>Conclusion</td>
<td>179</td>
</tr>
</tbody>
</table>

CHAPTER 6: THE ROLE OF IMAGES IN MEMORY, PERCEPTUALLY-BASED BELIEFS ABOUT PAST OBJECTS AND EVENTS, AND THE EPISTEMIC PARITY OF MEMORY AND PERCEPTION

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.1.</td>
<td>Introduction</td>
<td>180</td>
</tr>
<tr>
<td>6.2.</td>
<td>The Role Of Imagery In Perception And Memory</td>
<td>182</td>
</tr>
</tbody>
</table>
FIGURES

4.1. The Checkershadow Illusion ................................................................. 129
ACKNOWLEDGMENTS

Thanks to my advisors, Alvin Plantinga and Mike DePaul, who offered early encouragement and a multitude of helpful comments along the way. Thanks as well to Robert Audi, Fritz Warfield, and Marian David, both for their service on my committee and their comments on drafts. Thanks to E.J. Coffman, Jeff Green, Stephen Grimm, Mark Jensen, and Matt Kennedy, all of whom offered helpful comments, discussions, and encouragement.

The thoughts behind Chapter 5 and some of chapter 2 began life as part of the July 2004 “Testimonial Knowledge” thread at the weblog Certain Doubts. Thanks to Jon Kvanvig and others who support Certain Doubts.

Thanks to Jonathan Adler and Peter Graham, who offered comments on a version of chapter 5 at the March 2005 meeting of the APA Pacific Division. Thanks also to everyone who attended that session and offered helpful comments, including Jennifer Lackey, Brian Weatherson, Chase Wrenn, and Sandy Goldberg. Thanks to Matt Davidson, who offered comments on a version of chapter 2 at the March 2006 meeting of the APA Pacific Division, and to everyone who attended and offered helpful comments, again including Sandy Goldberg. Thanks as well to Matthias Steup, who commented on a paper that serves as background to chapter 5 at the December 2004 meeting of the APA Eastern Division. Finally, thanks to Paul Faulkner and the other members of the audience at the Fall 2005 meeting of the Canadian Society for Epistemology for their comments on a version of chapter 3.
CHAPTER 1
INTRODUCTION: THE PARITY THESIS

1.1. Introduction

This dissertation revolves around an exposition and examination, and partial defense, of the epistemic isomorphism, or parity, of testimony, memory and perception—more specifically, the epistemic parity of testimonially-, memorially-, and perceptually-based beliefs. I will call this idea TMP Parity. My idea is that, subject to two caveats that I will explain in section 4 of this chapter, the same structure will characterize the epistemologies of all three sources of belief. The explanations of such beliefs’ epistemic status will be isomorphic.

If TMP Parity is right, then the separate literatures on the epistemologies of testimony, memory, and perception can to a great extent be simplified and unified. However, even those who are quite convinced that there are disanalogies among the epistemologies of these three sources should be concerned with the precise extent of these disanalogies. A detailed review and discussion of the purported disanalogies among these three epistemic sources should therefore prove valuable. Such disanalogies, if they do exist, should be very important for a proper understanding of the epistemic sources.
In this introduction, I will first explain my subject by explaining briefly what I take “testimonia"-based beliefs,” “perceptually-based beliefs,” and “memorially-based beliefs,” to encompass. Next, I will set out the Parity Thesis, regarding the structure of the explanations of the epistemic status of the universes of such beliefs. I will then explain two limits on the Parity Thesis, excluding certain forms of testimonially- and memorialily-based beliefs (roughly, non-occurrent memorialily-based beliefs, and testimonially- and memorialily-based beliefs whose objects are not perceptibles). Next, I will explain my approach to the epistemic role of perceptual experience: the relationship between such experience and the beliefs that it justifies, or helps to be knowledge, is a merely contingent one. Finally, I will set out a toy epistemology that could be applied equally—that is, with the same modifications for all three sources—to provide explanations of the epistemic status of beliefs from each of the three sources, and will explain the contents of later chapters.

1.2. What Are Testimonially-, Memorialily-, And Perceptually-Based Beliefs?

As my description suggests, testimony, memory, and perception are first *doxastic* sources: they are the sources, respectively, of testimonially-based, memorialily-based, or perceptually-based *beliefs*. They are also *epistemic* sources: when those beliefs are justified, the three sources are sources of testimonially-based, memorialily-based, or perceptually-based *justification*, and when those beliefs represent knowledge, the three sources are sources of testimonially-based, memorialily-based, or perceptually-based *knowledge*. 
I will not set out a full account of testimony, memory, or perception. Rather, I will in the course of the dissertation appeal to three sources for conclusions about the scope of “perceptually-based beliefs,” “testimonially-based beliefs,” and “memorially-based beliefs.” First, I will rely on an intuitive understanding of some sample cases of beliefs habitually-formed in response to language, in response to an episode of recollection, or in response to perceptual sensations. Second, I will use the thesis that these three sources are an important part of actual human cognition; views of the theses that would render these three sources too small or unimportant should be resisted. The universes of testimonially-, memorialily-, and perceptually-based beliefs cover significant areas of actual human cognition. Third, I will deploy what I will call the SCAP Basing Thesis: for any two beliefs that (a) have the same epistemic status, (b) have the same content, (c) result from an exercise of the same underlying (end-stage) cognitive ability, and (d) have the same phenomenology, then either both beliefs, or neither, should count as “testimonially-based,” “perceptually-based,” or “memorially-based.”

First consider some sample cases of testimonially-, memorialily-, and perceptually-based beliefs. Here I am: I am sitting in my carrel in the library, attempting

---

1 My construction of the SCAP Basing Thesis aims to set a plausible outer limit on the factors that might influence whether a belief is or isn’t a testimonially-, memorialily-, or perceptually-based one. Readers might well think, consistent with the thesis, that one or more of these four factors is unnecessary. For instance, a reader might argue that the S component is unnecessary, because an assessment of the epistemic status of a belief should not make a difference to whether a belief is an instance of a particular type of doxastic source. However, the SCAP Basing Thesis is entailed by what we might call the CAP Basing Thesis—the thesis that the application of the terms “testimonially-based belief,” “memorialily-based belief,” and “perceptually-based belief” should supervene only on the content of the belief, cognitive ability employed, and attendant phenomenology. (To be clear: I do not endorse the CAP Basing Thesis; I will use only the weaker SCAP Basing Thesis, which is strong enough for my purposes here. I merely point out that the CAP Basing Thesis is not a competitor to the SCAP Basing Thesis, but instead entails it.) The list of elements in the SCAP Basing Thesis is a list of sufficient conditions for two beliefs being either both, or neither, testimonially-, memorialily-, or perceptually-based beliefs.
to get my ethernet card to work. I am on my cell phone, using up valuable day-time minutes, talking with the customer support from 3Com, the manufacturer of the ethernet card which I have installed in my dinosaur Windows 98 Dell computer. The computer guy, Brian, asks me questions about the computer, what I've done to it, which slot the card is in, and so on. He tells me things about what might be the problem, or about what just happened when I performed some operation.

Now, here I have three sources of information, knowledge, and justified belief—more than that, of course, but at least these three sources. Some of my beliefs, justified and amounting to knowledge, I get from perception. I know that my computer's side panel has been removed, because I can see that it has been removed. Some of my beliefs, justified and amounting to knowledge, I get from memory. I know that I do not have unlimited daytime minutes because I recall my cell phone contract. Some of my beliefs, justified and amounting to knowledge, I get from testimony. I know that 3Com does not deal frequently with Windows 98 anymore, because Brian tells me this.

I aim to employ broad, common-sense understandings of “testimony,” “memory,” and “perception” such that these sources of beliefs will explain a lot of actual human cognition. Not just formal testimony, but any sort of beliefs based on linguistic or semiotic tellings—any beliefs based on accepting content expressed in human language or signs—count as testimonially-based belief as I will use the phrase. An epistemology of testimonially-based beliefs will explain how knowledge can be transferred linguistically from one person to another.

Any sort of belief based on information stored by a subject, and which then later re-enters or persists in the subject’s consciousness, commanding the subject’s assent, counts as a memorially-based belief. I do not include only the sort of memory that
psychologists sometimes call “episodic,” or “autobiographical”—that is, memory of particular episodes from a subject’s earlier life. I have episodic memory of walking to my office this morning, but not episodic memory of the result of the presidential election of 1860; I have only “factual” (that is, non-episodic, or non-autobiographical) memory of events before my birth. But I want to include the latter sort of case as one of memorial-based belief. An epistemology of memorial-based beliefs will explain how knowledge can be maintained by a subject from one time to another.

Perceptually-based beliefs include not just simple basic beliefs about colors or shapes, but I include conceptually more advanced cases, like beliefs about computers or trees or our friends’ faces. Any belief about objects in a subject’s surroundings, formed by the subject’s power of vision, hearing, smell, taste, touch, or balance, is a perceptually-based belief. An epistemology of perceptually-based beliefs will explain how we use our senses to obtain knowledge about our environment.

I deploy the SCAP Basing Thesis, set out above, as part of my project to use “testimonial-based belief,” “perceptually-based belief,” and “memorial-based belief” as epistemic tools. Epistemologists in general seek a map of the structure of the explanations for the epistemic status of all human cognition, and the subprojects which aim to explain the epistemology of testimony, memory, and perception are useful chiefly insofar as they help toward a larger map. It would be a mistake if these subprojects were to neglect to give an explanation of the epistemic status of beliefs that are such close

\[2\] As I will explain in chapter 6, I may even exclude some episodic memory from the Parity Thesis, for reasons explained there and in my limit on the Parity Thesis in section 4 of this chapter.

\[3\] I will use the thesis chiefly in chapter 2, section 2.4.1, to defend my contentions that beliefs based on the testimony of unconscious machines should fall under “testimonial-based beliefs,” and that beliefs involving reconceptualized information should fall under “memorial-based beliefs.”
cousins of their target beliefs—if they were to neglect beliefs with the same status, content, relevant cognitive ability, and phenomenal character. Including beliefs which are so similar to beliefs for which we are already aiming to have an account will help our overall account be more economical, doing the full job with a need for fewer categories and distinctions.

Independent of its use in shaping our concepts for efficient use in a larger epistemic project, the SCAP Basing Thesis seems plausible on its face. It seems plausible to me that when we speak of the basis for a belief, we mean something that affects either the status of the belief, or the content of the belief, or the ability we use to form the belief, or the phenomenology that precedes and accompanies the belief. These encompass the immediate psychological basis for the belief, as well as allowing for external elements in content and epistemic status. I mean for the application of words that describe the basis for a belief to supervene, at most, on such immediate psychological factors and on the elements of the belief, like content and epistemic status, that depend on the environment. If the status, content, relevant ability, and phenomenology of two beliefs are the same, so are the beliefs’ basis.

To those who think otherwise, however, I would coin the terms testimony*, perception*, and memory*, testimonially-based*, perceptually-based*, and memorially-based*, which would include all the uncontroversial cases of testimony, perception, and

---

4 I should say that I use “basis” more broadly than some others, who might restrict the “basis” of a belief to other beliefs and therefore say that non-inferential “basic” beliefs are not based on anything. Conscious experiences, for instance, can serve as the basis of beliefs.

5 I should also say here that the content of a belief, if externalists are right, might not always affect the basis of the belief. I will use the SCAP Basing Thesis to exclude elements besides status, content, cognitive ability, and phenomenology from affecting the broad type of basis that a belief has.
memory, and the beliefs based on them, but would also include their equivalents as to epistemic status, content, relevant cognitive ability, and phenomenology. We might call these concepts the “SCAP Extensions” of testimony, memory, and perception. I would then move to consideration, not of TMP Parity, but of T*M*P* Parity. The SCAP Basing Thesis should be true of these new terms, and these new terms should be of important use for epistemologists interested in a full epistemic map of human cognition. Epistemologists of testimony, insofar as they want to contribute to a larger effort mapping all of human cognition without unduly duplicated labor, should be concerned not just with “testimony,” but with testimony and its very close cousins. I am inclined to think that we can use the normal terms to cover concepts for which the SCAP Basing Thesis is true. If not, however, we should use some term to do so, so that we can cover ground efficiently in the larger project of understanding human cognition.

Finally, I should also say that I am concerned not merely with pure cases of testimonially-, perceptually-, or memorially-based beliefs, but also with mixed cases. A subject may have some memorially-based and some testimonially-based justification for believing that $p$, though each of these sources of justification might be insufficient by itself to render the belief justified or knowledge; the epistemologist of memory and testimony should be able to help explain what is happening in this sort of case. I am concerned with the contributions made to a subject’s knowledge or justification by testimony, memory, and perception, even in cases in which a belief and its justification or its status as knowledge, are partly based on another source. One way to put the matter is I am concerned with testimonially-, memorially-, and perceptually-based justification and knowledge, as well as the epistemic status of (fully) testimonially-, memorially-, or perceptually-based beliefs.
1.3. The Parity Thesis and Sub-Theses

I will abbreviate my main thesis regarding the epistemic parity of testimony, memory, and perception TMP Parity. In particular discussions in later chapters, I will consider three weaker claims about the similar epistemic parity of two of these sources: TM Parity, MP Parity, and TP Parity. Any two of these three weaker sub-theses will entail the third and TMP Parity as well.

TMP Parity is the claim that testimony, memory, and perception have epistemologies with the same structure, and which support the same epistemic values. A basic epistemology of a doxastic source will explain why, for any particular belief produced by or based on the source, the belief is or is not justified, or does or does not amount to knowledge. A more advanced epistemology would deal with other epistemic desiderata, or other epistemic values: explain why particular beliefs are or are not rational, are or are not warranted, are or are not supported by evidence, and so on. But I will limit myself in this dissertation to justification and knowledge.

I aim to be neutral here about a great many issues about justification and knowledge: whether knowledge requires justification, for instance, or whether justification requires higher-order beliefs about the quality of a belief’s grounds. It seems plausible to me that the Parity Thesis applies to any of the concepts that have been associated with the term “justification.” I will seriously consider any purported disanalogies between the universes of possible testimonially-, perceptually, and memorially-based beliefs in the explanation of any epistemic value, whether or not that value is what I would call either “justification” or “knowledge.”
If TP Parity is true, for instance, then for any particular testimonially-based belief with a particular content, a particular epistemic status, and a set of factors that explain that epistemic status, there will be a possible perceptually-based belief with the same content, the same epistemic status, and whose epistemic status is determined by a parallel set of factors. The universes of perceptually- and testimonially-based beliefs will feature the same structures for the explanations why those beliefs are or are not justified, and do or do not represent knowledge.

I should stress that the Parity Theses do not deny that there may be important differences among the epistemologies of actual human testimonially-, memorially-, and perceptually-based beliefs. Our particular, actual human design plan, for instance, may have important differences in how it handles testimony and perception. The Parity Thesis only requires that these differences be contingent: that there be a possible design plan in which such differences do not exist, or are reversed. In imagining the universe of possible testimonially-, memorially-, and perceptually-based beliefs, I am considering worlds in which such beliefs are produced by different sorts of design plans than we possess ourselves. (I revisit the contingency in the construction of human epistemic faculties below in section 1.5.)

What do I mean by “the same structure” between explanations of particular beliefs’ epistemic states? If two explanations have the same structure, I mean that all of the same roles are played in one explanation that are played in the other. The explanation of the justification of a particular perceptually-based belief, for instance, will presumably mention the role of the perceptual imagery that precedes the perceptually-based belief. That imagery plays a role in justifying the belief. TP Parity will require that for any particular perceptually-based belief, there is a possible testimonially-based
belief whose explanation features something playing the same role: something making the same contribution to the justification of that testimonially-based belief. Also, these roles will be accomplished just as well for the particular testimonially-based belief as they are for the perceptually-based belief: not only do the explanations have the same structure, but the explanations support the same conclusions about the epistemic status of the two beliefs; the universes of perceptually- and testimonially-based beliefs feature pairs of beliefs that are justified (and represent knowledge) in the same way, and to the same extent, as each other.

As I noted above, TMP Parity would also suggest that the testimonially-, memorialy-, and perceptually-based contributions to beliefs’ justification, or status as knowledge, would have the same explanatory structure. The three sources fulfill the same roles in rendering beliefs with a mixed basis justified, or helping them amount to knowledge.

1.4. Limits on the Scope of the Parity Theses

I do recognize two significant disanalogies among the epistemologies of the universes of memorially-, testimonially-, and perceptually-based beliefs. I will respond to these disanalogies by limiting the scope of the Parity Thesis.

First, the universes of memorially-based and testimonially-based beliefs contain beliefs with contents had by no perceptually-based beliefs. For instance, we do not have perceptually-based beliefs about necessary mathematical propositions, but we can have memorially- or testimonially-based beliefs about them. I can remember, or be told, that the number of prime numbers is infinite, but I cannot perceive it. We can also recall or be told about the results of a priori philosophical intuition, but we cannot have
perceptually-based beliefs about them. Further, we can be told about, or recall, introspected mental states, but it is probably not right to say that we perceive them. As a result, I limit the Parity Thesis, as it pertains to testimonially- and memorially-based beliefs, to those beliefs whose objects are perceptible. The Parity Thesis will concern only beliefs about the sorts of objects that appear in perceptually-based beliefs—roughly, only beliefs about contingent, external material objects.

Second, I only consider *occurrent* memorially-based beliefs, not dispositional or latent memorially-based beliefs. (I likewise only consider *occurrent* testimonially- or perceptually-based beliefs.) I only consider those beliefs that are accompanied by a conscious episode of assent to a proposition, and I will not consider the epistemology of non-occurrent memorially-based beliefs in any detail. Perhaps such an epistemology of non-occurrent memory could be constructed as parasitic on the epistemology of *occurrent* memorially-based beliefs, and perhaps not; I do not commit myself either way.

### 1.5. The Contingent Role of Perceptual Experience

It will become clear from the manner in which I handle several of the objections later in this dissertation that I think that the epistemic role of perceptual experience is a merely contingent relationship between such experiences and resulting beliefs. Perceptual sensations figure prominently in the explanation of the epistemic status of our actual perceptually-based beliefs. But the same sensations—the same phenomenal experiences—will not play the same role in the entire *universe* of perceptually-based beliefs. Roderick Chisholm, however, has claimed that epistemic relationships between evidence bases and resulting beliefs are necessary. He says,
[A] person’s *evidence base* at any time is the conjunction of all the purely psychological properties that that person has at that time. … Epistemic preferability pertains to the fact that every evidence-base and everything capable of being an evidence-base is necessarily such that conjoining it with certain doxastic attitudes is *intrinsically better* than conjoining it with certain other doxastic attitudes. ⁶

If Chisholm were right that the psychological properties related to having particular perceptual sensations were *necessarily* such that they help render particular beliefs justified or help them amount to knowledge, then the epistemology of the universe of possible perceptually-based beliefs would indeed have a different structure from the epistemology of the universe of possible testimonially-based beliefs. Testimonial-based beliefs depend on particular words and expressions experienced by the ultimate subject, but the relationship between those experiences and the epistemic status of resulting beliefs is merely contingent. This is so because meanings—the relationships between words and the things they represent—are merely contingent and conventional, not necessary. If experienced words are to play the same role in the epistemology of testimonially-based beliefs that experienced sensations play in the epistemology of perceptually-based beliefs, then Chisholm must be wrong about the necessity of the connections between evidence and resulting beliefs’ epistemic status. ⁷ I depend on

---


⁷ I am assuming here that the meanings of words confer epistemic status on resulting testimonially-based beliefs simply by *having* the meanings they do, rather than through the existence of a higher-order belief in the subject *about* that meaning. Chisholm might argue that one’s beliefs about the meanings of words are also part of one’s psychological state, and it is only experienced words together with such beliefs about meanings that have necessary connections with the epistemic status of resultant beliefs. However, Chisholm has himself argued that such higher-level beliefs about words are typically absent in the case of beliefs formed on the basis of language. He says, “[O]ne might say, in reporting a conversation, ‘I don’t recall the exact words he used, but I remember his telling me that the climate there is not very pleasant in the winter.’ One recalls, not the details of the language, but rather what it is that was conveyed.” Chisholm, *Perceiving* (1957), at 160. If this is right, then we can form testimonially-based beliefs without forming beliefs about the words that are used or their meanings. The epistemic status of our testimonially-based beliefs depends merely the contingent facts that (a) we sub-consciously
Alvin Plantinga’s criticisms of Chisholm’s views (what Plantinga calls “post-classical Chisholmian” views). Plantinga considers a range of cases of alternative ways we might have been constructed, suggesting that they yield a contingency in the extent of epistemic support that psychological properties give to resulting beliefs. He says,

>[O]f course we, or creatures similar to us, could have been constructed quite differently. … [T]here are other possible circumstances in which I exemplify [a particular pair of a belief and a psychological property] and am such that [the belief] has very little warrant for me—but if so, then, clearly enough, for [that belief] there is no set of evidence-bases such that necessarily, [the belief] has warrant for me if and only if it is accompanied by some member of that set.\[^8\]

While much more could be said on the debate, I will take Plantinga’s anti-Chisholmian position as basis for much of what follows. Because there are perceptually-based beliefs based on phenomenologies very different from our own, the epistemic role of the distinctive phenomenology of perception in our world does not characterize the epistemology of the universe of perceptually-based beliefs.\[^9\] Besides the broad question

form the appropriate beliefs in response to the appropriate words, and (b) in fact those words are associated with objects of the right sort.

\[^8\] Plantinga, *Warrant: The Current Debate* (1993), at 59. Plantinga elsewhere makes a similar argument in assimilating Wittgensteinian views on the problem of other minds to post-classical Chisholmianism. Speaking of using behaviors as evidence of others’ mental states, he says,

It is in fact true of us human beings that beliefs ascribing mental states to others have warrant for us, and don’t have it simply by way of analogical or inductive or abductive evidence; it is in fact true that there are mental-state ascriptions and behavior-cum-circumstance pairs such that the latter constitute evidence, for us, for the former…. But it isn’t a necessary truth that [the behavior] and [the mental state] are correlated…. [Q]uite different sorts of behavior could have been correlated with pain (or with anger or fear). … [S]uppose first that these correlations had in fact been quite different. Now of course properly functioning human beings find themselves inclined, when aware of [the behavior], to make the [mental state] ascription; but suppose further that we had been so constructed that (when functioning properly) we did not find ourselves inclined to make the [mental state] ascription upon being aware of [the behavior]. Then, surely (under those conditions), it would not have been the case that someone who was aware of [the behavior] had evidence for [the mental state]. So it isn’t necessary that anyone who is aware of [the behavior] has evidence for [the mental state].


\[^9\] In aligning myself with Plantinga’s criticism of (post-classical) Chisholm, I am rejecting one form of epistemic internalism, but I do not believe that TMP Parity in general requires externalism to be
related to the role of perceptual experience as such, however, later chapters will discuss in more detail several particular aspects of the phenomenology of perception which might threaten TP Parity or MP Parity.

1.6. A Toy Epistemology

I will in this dissertation examine and defend the claim that the epistemologies of testiominally-, perceptually-, and memorialy-based beliefs have the same structure, but I do not aim to adjudicate exactly what those epistemologies are. I do not claim to settle questions about exactly why, and when, particular testiominally- or perceptually- or memorialy-based beliefs are or are not justified, or do or do not represent knowledge. However, I will here set out a toy epistemology, suitable to all three sources, for purposes of illustration. My main claim is not that the toy epistemology is true, but simply that the same additions or deletions should be made from the account for all three sources.

A case of knowledge from one of the three sources begins with an event or state in which an object instantiates a property, thereby making a proposition true. We have an object—call it the O—that is F. The event or state of the O becoming or staying F—call this event or state E—makes the proposition $p$ (O is F) true. E then produces a reliable, non-deviant chain of environmental events that embody the information, in Shannon and Dretske’s sense of the term, that $p$. These environmental events produce plausible. It only requires that, if we are externalists or internalists about one of the three sources, we should be the same for the other two.

an experiential, phenomenal mode of presentation in our subject S—call this mode of presentation, this conscious episode, the event or state M. M is a mode of presentation of the object O, presenting it as being F. M conveys the information that the O is F: that is, M has the right semantic or semiotic\textsuperscript{11} relationship to the O and to F (and thus to $p$); M must be a reliable sign of the O being F. S exercises a particular cognitive ability—either testimonial, memorial, or perceptual—in extracting the information that $p$ from M, and then forms the belief that $p$. There are no environmental conditions (Ginetian fake barns, or Harmanian false reports) that make S’s belief that $p$ relevantly lucky. S does not have other beliefs that defeat her belief that $p$, or shirked duties to investigate that would have caused her not to believe that $p$.

To summarize, where $p$ is of the form “O is F,” perceptually- or testimonially- or memoriaaly-based knowledge that $p$ requires that:

(a) $p$ is true: The object O is F;

(b) The state or event making $p$ being true (event/state E—that is, O’s being F) causes a non-deviant chain of events/states conveying the information that $p$ (the environmental event/state Env);

(c) Event/state Env causes a conscious episode in S, the mode of presentation M;

(d) M is a reliable sign of O being F (that is, that $p$);

(e) S exercises her relevant cognitive ability (testimonial, perceptual, or memorial) in extracting the information that $p$ from M;

(f) There are no environmental conditions that make S’s belief that $p$ relevantly lucky;

\textsuperscript{11} Because I think that a perceptual sensation stands in a semiotic relationship with the objects that typically produces it, I am thinking of semiotic relationships broadly, besides those that are used conventionally by conscious agents to convey information. I take the kind of reliable connection between M and O and F that would feature in many analyses of knowledge would also suffice to make M a sign.
(g) S has no defeaters for p or for her use of her relevant cognitive ability.

There is a lot of dispute over justification that I will not settle here. A toy externalist account of justification would include (c), (d), (e), (f), and (g) of the toy account of knowledge, and perhaps some portion of the events in (b) as well. A toy internalist account of justification would include (c), (e), and (g), and perhaps also a higher-order requirement that S justifiably believe, or have positional justification for believing, (b), (c), or (d). A similar higher-order requirement might be placed as well on an internalist’s account of testimonially-, memorially-, or perceptually-based knowledge: An internalist may also wish to add the requirement that S know (b), (c), or (d) to her account of perceptually-, testimonially-, or memorially-based knowledge.

Now, this toy account of knowledge and justification will explain the status of any particular belief by supplying conditions which the belief either meets or fails to meet. TMP Parity says that the toy account will be adequate, or inadequate, in the same ways for all three sources. If the toy epistemology is wrong in requiring too much or too little for perceptually-based beliefs, for instance, then it is likewise wrong in requiring too much or too little, in the same way, for testimonially- or memorially-based beliefs. The same additional bells and whistles, or same amputations, should suffice to make the accounts appropriate to all three sources of belief.

1.7. Conclusion

Remaining chapters will take up several proffered challenges to TMP Parity or its sub-theses. These discussions should be of interest independently of one another. Even those who disagree with me about a particular purported disanalogy among the sources should be able to consider my discussion of a different purported disanalogy
without needing the earlier discussion for an essential premise. Chapter 2 argues against the claim that testimony and memory merely transmit or preserve justification and knowledge, while perception generates them. Chapter 3 considers the literature on testimony, particularly disanalogies which have been drawn between testimony and perception. Chapter 4 considers some of the literature on perception, and will argue that a testimonial analogy can clarify disputes in the perception literature related to the felt transparency and the conceptualization of content. Chapter 5 considers claims about the transmission of defeaters in testimonial cases that might distinguish the epistemology of testimony from that of memory. Chapter 6 considers two issues related to perception and memory: whether there is perception of the past, and whether memory is based on a phenomenology in a different manner than is perception. Chapter 7 concludes by setting out a set of premises from which TMP Parity follows, and explaining how to transform particular instances of testimonially-, memorially-, or perceptually-based beliefs into beliefs based on the other sources in a way that may preserve the structure of explanations why the beliefs are justified, or represent knowledge.
CHAPTER 2
TESTIMONY AND MEMORY AS GENERATIVE EPISTEMIC SOURCES

2.1. Introduction

This chapter will consider what is probably the most frequently mentioned distinction between the epistemology of perceptually-based beliefs, on the one hand, and testimonially- or memorially-based beliefs, on the other: the suggestion that perception is a generative source of beliefs, or of justification, or of knowledge, but that testimony and memory are not: memory is merely preservative, and testimony merely transmissive. If this suggestion were true, both TP Parity and MP Parity would be in trouble, because there would be a failure of correspondence between the universe of possible perceptually-based beliefs, on the one hand, and the universes of possible testimonially- and memorially-based beliefs, on the other, regarding when those beliefs are justified or represent knowledge. If a source of belief (JB/K/PJ)\textsuperscript{12} is not generative, then, on pain of a regress, the source will be asymmetrically dependent on an alternative source for that particular belief (JB/K/PJ). If such an asymmetric dependence happens with testimonially- and memorially-based beliefs, but not with perceptually-based beliefs,

\textsuperscript{12} I use “JB” as a shorthand for “justified belief,” “K” for “knowledge,” and “PJ” for “positional justification.”
there will in turn be a difference between the universe of perceptually-based beliefs and
the other universes of testimonially- and memorially-based beliefs regarding how and
when individual beliefs in those universes are justified or represent knowledge.

Robert Audi, Alvin Plantinga, Elizabeth Fricker, Tyler Burge, Michael Dummett,
and others have all made versions of this suggestion that testimony or memory is
different from perception because it is in some way not a generative epistemic source.
In defense of TP Parity and MP Parity, I will criticize these suggestions in this chapter,
presenting counterexamples of memorially- and testimonially-generated new beliefs,
justified and amounting to knowledge, and defending the counterexamples as genuine
cases of memorially- and testimonially-based beliefs.

Audi says regarding memorially-based beliefs,

> Memory is a preservative capacity with respect to both belief and knowledge ... [Y]ou cannot remember something unless you previously knew or at least believed it, for instance perceptually, and your belief of it is suitably preserved. … Memory does not generate belief and knowledge, except in the sense that, by using what you have in memory, you can acquire beliefs and knowledge through inference (or perhaps through other processes that themselves yield belief and knowledge)….

> For all the analogy between memory and perception, then, there are important differences. If both are essential to our justification for believing a huge proportion of what we believe, perception is more fundamental in a way that is crucial to the development of our outlook on the world. It supplies memory with much of its raw material, whereas memory, though it guides us in seeking what to observe and, in that way, often determines what we perceive, does not supply raw materials to perception: it introduces no perceptibles. … Memory, being a capacity for the preservation, and not the creation, of belief and knowledge, is not a basic source of them.\(^\text{13}\)

Audi extends the point to testimony this way:

> Just as we cannot know that \(p\) from memory unless we have \textit{come} to know it in another way, say through perception, we cannot know that \(p\) on

\(^{13}\) Audi, \textit{Epistemology} at 71, 72 (2\textsuperscript{nd} ed. 2003).
the basis of testimony unless the attester...has come to know it (at least in part) in another way.... Memory and testimony...are not generative with respect to knowledge: characteristically, the former is preservative, the latter transmissive.¹⁴

Audi explains his position on testimony by arguing that a person’s statement cannot support another’s testimonially-based knowledge that \( p \) unless that person knows that \( p \) herself:

Testimony-based knowledge is received by transmission and so is dependent on whether the attester knows the truth of the proposition in question—call it \( p \). ... [I]f I do not know that a proposition is true, my attesting to it cannot transmit to you testimony-based knowledge that it is so (I have no knowledge to give here)...¹⁵

Surely if no one knew anything in a non-testimonial mode, no one would know anything on the basis of testimony either. More specifically, testimony-based knowledge seems ultimately to depend on knowledge grounded in one of the other sources we have considered: perception, memory, consciousness, and reason. To enable others to know something by attesting to it, I must know it myself; and my knowledge must depend at least in part on non-testimony-based knowledge...¹⁶

Plantinga argues that the fact that testimony is preservative renders it an epistemic “second-class citizen.”

Testimony or credulity ... is a crucially important part of our noetic arsenal; it is the foundation of culture and civilization. ... [I]t is nonetheless a second-class citizen of the epistemic republic.... [T]estimony is ordinarily parasitic on other sources of belief so far as warrant goes. ... [I]f you tell me what you think is false, then I don’t know it even if you are mistaken and I meet the other conditions for knowledge. More generally, if you tell me something and I believe it on your say-so, I have warrant for it only if you do. To take an example of Steve Wykstra’s: most of us who believe in quantum mechanics do so on


¹⁵ Audi, Epistemology at 138.

¹⁶ Audi, Epistemology at 141.
the say-so of others; most of us have no independent evidence
(independent of testimony) for the results of, say, the double-slit
experiments. I may be entirely justified in believing as I do, on the basis
of testimony, and in some cases (though perhaps not in this case) when I
believe what I read in science textbooks I know what I come thus to
believe. But I wouldn’t have this knowledge if there weren’t others in the
neighborhood (that is, in the cognitive chain) who had nontestimonial
evidence for the fact in question. As Wykstra says, if no one has
nontestimonial evidence for the claim in question, then the whole
epistemic community is in “big doxastic trouble.” (And the kind of
trouble is this: if no one has nontestimonial evidence for the facts in
question, then none of our beliefs on this head has warrant, even though
we are both justified in forming the beliefs and such that our faculties are
functioning properly.)

In the typical case, therefore, if I know something by testimony,
then someone else must have known the proposition in some other way.\(^\text{17}\)

Fricker argues for a connection between her reductionism regarding testimony
and the principle that the testifier must know that \(p\) for the recipient to have
testimonial-based knowledge that \(p\):

Several writers have endorsed the principle that a recipient of testimony
can come to know what is testified to only if the testifier knows whereof
she speaks. In my account this fact is not postulated as an unmotivated
primitive principle, but is derived from a description of the speech act of
telling, and hence of what it is to take such an act at face value, together
with a plausible general view of necessary conditions for knowledge.\(^\text{18}\)

Like Audi, Fricker connects this view of testimony with a similar view of memory:

\(^{17}\) Warrant and Proper Function at 87 (1993). Plantinga immediately qualifies his statement with
a counterexample: “Of course, this condition isn’t always met. Perhaps you and I and many others map
together the coast of Australia: then I know by nontestimonial means that this bit has this shape; you know
similarly that that bit has that shape, and so one for the rest of the members of our crew; we all know what
shape the continent has, even though none of us has nontestimonial evidence of the fact that it has that
shape. The principle has to be stated more carefully to be correct; I leave this as a homework problem.” I
presume that my belief about the \(\text{entire}\) map of Australia is produced by a combination of reasoning and
reliance on the testimony of others. If I have testimonial grounds for all of the map but my little bit, I
actually \(\text{do}\) have non-testimonial grounds for my belief regarding the entire map, because \(\text{that}\) belief is
based on reasoning from my own measurements in addition to the testimony about the rest of the map. It
seems to me that Plantinga’s counterexample only indicates the need for some care about what beliefs
count as fully testimonially-based.

\(^{18}\) Fricker, Knowledge from Trust in Testimony is Second-Hand Knowledge at 13. I will discuss
Fricker’s particular argument that testimony is not a generative source of knowledge below.
A trusting hearer gains knowledge from what she is told only if the teller speaks from his knowledge. This being so, it seems that telling and testimony more broadly, like memory, is not an original source of knowledge but merely a conduit for it. Memory and testimony, it seems, do not on their own generate bits of knowledge, but only (I speak loosely!) transmit them.\(^{19}\)

She endorses a proposition she calls “T”: “If H knows that P through being told that P and trusting the teller, there is or was someone who knows that P in some other way—not in virtue of having been told that P and trusting the teller.”\(^{20}\)

Dummett argues that because it is merely preservative, memory is not even properly called a source of knowledge: “Memory is not a *source*, still less a *ground*, of knowledge: it is the maintenance of knowledge formerly acquired by whatever means.”\(^{21}\) Dummett refers to “the almost exact analogy between memory and testimony,”\(^{22}\) and says likewise concerning testimony: “Testimony should not be regarded as a *source*, and still less as a *ground*, of knowledge: it is the transmission from one individual to another of knowledge acquired by whatever means.”\(^{23}\) Burge says, “If the recipient depends on interlocution for knowledge, the recipient’s knowledge depends on the source’s having knowledge as well. For if the source does not believe the

\(^{19}\) Fricker, *Knowledge from Trust in Testimony is Second-Hand Knowledge* at 13-14.


\(^{22}\) Dummett, *Testimony and Memory*, in The Seas of Language at 422.

\(^{23}\) Dummett, *Testimony and Memory*, in The Seas of Language at 422.
propulsion, or if the proposition is not true, or if the source is not justified, the recipient
cannot know the proposition.”

In making the preservationist suggestion a bit more precise, we find a large
variety of different distinctions that might be drawn between perceptually-based beliefs
on the one hand and testrimonially- and memorial-based beliefs on the other. There is
a four-fold distinction, at least, among different epistemic properties for which
perception might be said to be generative but for which testimony and memory might be
said to be not.

The suggestion regarding memory is that for S to have, at time 2, a memorial-based
belief that \( p \) (or a justified memorial-based belief that \( p \), or a memorial-based
justification for a belief that \( p \), or memorial-based knowledge that \( p \)), S must have
previously have had, at time 1, the belief that \( p \) (or a justified belief that \( p \), or positional
justification\(^{25}\) for a belief that \( p \), or knowledge that \( p \)), but that there is no such
restriction on perceptually-based beliefs (or perceptually-based justified beliefs, or
perceptually-based knowledge, or perceptually-based positional justification). For
testimony, the suggestion is that for the recipient S to have a testimonially-based belief
that \( p \) (or a justified testimonially-based belief that \( p \), or testimonially-based knowledge
that \( p \), or testimonially-based positional justification for a belief that \( p \)), the testifier T
must previously have had the belief that \( p \) (or a justified belief that \( p \), or positional

\(^{24}\) Burge, Content Preservation, Phil. Rev. 102 (1993), 457-88, at 486.

\(^{25}\) I will discuss positional justification in more detail below; to have positional justification is
roughly to be in a state that puts a subject, or potential subject, in a position to be justified with respect to a
belief.
justification for a belief that \( p \), or knowledge that \( p \)), but that, again, there is no such restriction regarding perception.

I will argue that memory and testimony can be generative sources of new beliefs in cases where those new beliefs are justified and represent knowledge. If I am right, then three of the four versions of the anti-generativist theses (regarding belief, justified belief, and knowledge) will not work. Testimony, memory, and perception can all produce new beliefs (and new justified beliefs, and new knowledge) on certain occasions and can sustain or transmit old beliefs on other occasions. I do, however, think that, in a sense to be clarified below, memory and testimony merely preserve or transmit the *positional* justification, and positional knowledge, possessed by the earlier subject or by the testifier. That is, the earlier positional justification and positional knowledge represent an important epistemic desideratum for the ultimate belief—an important part of the explanation why that ultimate belief is justified, or represents knowledge. However, this thesis does not threaten TP Parity or MP Parity, because, in the same sense, perception is *also* merely preservative of positional justification and positional knowledge.

My purported examples of memorially-generated beliefs (i.e., memorially-based beliefs by S that \( p \), where S has not earlier believed that \( p \)) will involve either *delayed conceptualization*—that is, a significant delay between the receiving of sensations and using them to form a concept-laden belief—or *unconscious reconceptualization*—that is, a change in the manner in which a subject thinks about the object of a belief, but which is unconscious at the time of the end-stage belief. My purported examples of new testimonially-generated beliefs (i.e., testimonially-based beliefs by S that \( p \), where no testifier T has earlier believed that \( p \)) will involve either mindless testifiers—that is,
where the language on the basis of which S forms her belief is produced by mindless processes lacking beliefs, such as a zombie or a machine—or, again, unconscious reconceptualization—an unconscious difference between how a testifier and a recipient of testimony think about the object of a belief.

I will attempt to use very simple, very common examples, so that there should be, I hope, little doubt that the beliefs in question are justified and represent knowledge. The much more controversial claim will be that the examples represent genuine testimonially- or memorially-based beliefs, rather than either (a) inferentially-based beliefs, or (b) a new genre of non-inferential beliefs. Regarding the first suggestion, I will claim that we have no better reason to regard these examples as implicitly inferential than we do in the case of common perceptually-based beliefs. Regarding the second suggestion, I will claim that issues of economy and a combination of phenomenal indiscernibility (that is, the fact that my examples will feel to S like normal cases of testimonially-based or memorially-based beliefs) and reasonable indifference in the subject (that is, indifference whether it was a machine or a real person that produced certain language, or indifference whether I have reconceptualized my memory belief since first having a belief on the same topic) should push us to classify the cases as genuine instances of memorially- and testimonially-based beliefs.

2.2. The Counterexamples

2.2.1. Delayed Conceptualization

I will begin with some cases that have been discussed in the literature on perception, but not with any explicit application to whether memory can be a generative
doxastic source. M.G.F. Martin, taking an example from Fred Dretske, considers someone who fails to notice a cuff link in a drawer—that is, he fails to form a perceptually-based belief that the cuff link is in the drawer. But later, thinking back to his search, he recalls how things looked and suddenly realizes that the cuff link is in the drawer. In Martin’s second example, Mary acquires the concept of a twelve-sided die. Mary plays games with both an octahedral and a dodecahedral die, and she can tell the difference between the two, but she does not think of them as 8- and 12-sided, but merely distinguishes them with their colors. Later, she acquires the concept of a dodecahedron, and when she recalls her earlier games involving the dice, she remembers that she used the dodecahedral die at certain points in her game.

Jennifer Lackey has presented a very similar example of delayed conceptualization and used it to argue (successfully, as I see it) that memory can be a generative doxastic source. She imagines Clifford, whose attention is occupied by many different things during his morning commute and who therefore does not form at that time the belief that construction has begun on I-55, though he has the relevant


27 See Dretske, Seeing and Knowing (1969), at 4-77 (Dretske’s chapter on “Non-Epistemic Seeing”). Dretske discusses the cuff link example at 18-19.

28 Martin’s main point is to criticize “conceptualist” accounts of perceptual experience, which I will consider in a later chapter; here I merely want to use his example for my own purpose.

29 Lackey, Memory as a Generative Epistemic Source, forthcoming in Phil. & Phenomenol. Res. Tom Senor criticized Lackey’s first two counterexamples in a paper delivered at the 2005 Pacific Division meeting of the APA, but conceded during the discussion that her third counterexample is compelling, and agreed that it is a case of memorially-based belief. In conceding only this third counterexample, Senor suggested that memory can be a generative source of knowledge and of justified belief (that is, a generative epistemic source) but only in cases where it is a generative source of belief (that is, a generative doxastic source). As I explain below, this is close to my own position.
sensations and takes in the information. Later Clifford forms the proper belief when asked about it, though it hadn’t occurred to him that the fact would be relevant to his later plans.\textsuperscript{30}

It may be unclear to the ultimate believing subject, moreover, whether his case is one of normal memory (i.e., a case in which he earlier believed the same thing) or one of delayed conceptualization. I may not be able to tell, in recalling that a particular game that I played on my sixth birthday involved a dodecahedral die, whether I played the game before or after I knew what a dodecahedron was. Cases of delayed conceptualization and uncontroversial cases of memory may feel exactly the same.

2.2.2. Machine Testimony

In delayed conceptualization cases, S at time 1 fails through inattention to form a belief that $p$, but somehow picks up the information that $p$ for later processing and retrieval during the formation of memorially-based beliefs at time 2. In machine testimony cases, our testifier T fails to form the belief that $p$, because machines lack phenomenology and therefore lack beliefs, but nonetheless the machine uses information that $p$ to produce language on the basis of which S believes that $p$.

With the great growth in our use of computers, an enormous amount of information is expressed in language and thereby forms the basis for beliefs, but the particular bits of information have not been the basis for any other person’s belief with that particular content. For instance, an answering machine can tell me that Mike can’t come to the phone right now, but it may be that no one has had that precise belief (i.e., regarding this particular now) before. An algorithm can process a mass of information

\textsuperscript{30} Lackey, Memory as a Generative Epistemic Source, online version at 14-15.
and express to me in the form of language a new conclusion that no one else has ever believed before. I can receive a phone call from an automated service telling me that there has been unusual activity with my credit card.

Just as delayed conceptualization may be phenomenally indistinguishable from more ordinary sorts of memory, machine testimony may be phenomenally indistinguishable to the recipient from more ordinary sorts of testimony. For instance, I may be unsure whether the outgoing message on a machine is triggered automatically, or by a special “tell them I can’t come to the phone” switch that a person must operate when he hears the phone ring. If it is the former, my belief is based on machine testimony, but if it is the latter, my belief is based on language voluntarily produced by a person—that is, on normal testimony. Similarly, I may be unsure whether the automated message about my credit card was triggered, on the one hand, by an algorithm that looks for people using credit cards in different states over short periods of time, or, on the other hand, by a human being who pushes a “send warning” button. More elaborate examples involving reliably-testifying zombies and the like might be constructed, but I will rest with these sorts of simple actual cases of mechanically-produced language where a person might or might not be involved in causing the machine to send a particular message.

Audi’s criticisms of testimonially-generated knowledge begin by considering a human being who, he says, cannot support knowledge that \( p \) with his testimony unless he knows that \( p \) himself. Recall how he puts the point in terms of his own actions as a testifier: “[I]f I do not know that a proposition is true, my attesting to it cannot transmit to you testimony-based knowledge that it is so. … To enable others to know something
by attesting to it, I must know it myself.”  

I agree that a human testifier must have positional knowledge that \( p \)—that is, a ground sufficient (were the relevant reconceptualization available) for the human testifier to know that \( p \)—in order for the recipient to know that \( p \) from the testifier’s say-so. But Audi is overlooking testimony from machines, or ruling it out, merely in the first-personal way he sets up his example. Testimonial-based belief, based on what I can do as a testifier, may not exhaust the full universe of testimonially-based belief.

The delayed conceptualization counterexample is closely akin to the machine testimony counterexample. Delayed conceptualization involves, in essence, our acting as an automaton when we are first exposed to the object. In a case of delayed conceptualization, we just take in a bunch of information in the form of the functioning of certain experiential processes, but we merely store them for later use without fully processing them or having the conscious experiences characteristic of belief. We pass along the information to a future self who will process it into the form of beliefs. Likewise, in a case of machine testimony, the machine merely takes in a bunch of information in the form of the functioning of certain processes, but it merely passes them along to us without having the conscious experiences characteristic of belief or the apprehension of a candidate for belief.

**2.2.3. Unconscious Reconceptualization**

Reconceptualization is a perhaps more minor departure from standard examples of memory than delayed conceptualization, because it does not require S to avoid a belief at all on a topic at time 1, but merely requires that S’s belief at time 1 (or,

---

\(^{31}\) Audi, *Epistemology* at 138 and 141.
correspondingly, the testifier’s belief) is conceptualized in a way that is different from how S’s belief is conceptualized at time 2. The reconceptualized belief, retrieved out of memory, can be a new one.

Here is an example of unconsciously-reconceptualized memorialily-generated new belief. At time 1, Lois Lane knows that Clark Kent’s favorite ice cream flavor is chocolate, but not that Clark Kent is Superman. At time 2, Lois learns that Superman is Clark Kent. At time 3, not having thought about Clark Kent or Superman in relation to ice cream since time 1, she remembers that Superman’s favorite ice cream is chocolate. But she has never had that particular belief before.

There can be similar testimonially-generated new beliefs. Jimmy Olsen, who does not know that Clark Kent is Superman, tells Lois that Clark Kent’s favorite ice cream is chocolate. Lois, who makes no distinction between Superman and Clark Kent, then forms the belief that Superman’s favorite ice cream (or Superman/Clark’s favorite ice cream) is chocolate. But Jimmy did not believe that.

Reconceptualization can thus happen during the formation of a testimonially- or memorialily-based belief if the ultimate believing subject uses different concepts to refer to the subject matter than did the testifier T or the earlier S. This may happen because, for instance, S has, like Lois, merged two different modes of presentation into one “file” or “dossier” on a subject.32

32 Kent Bach, following John Perry, uses the term “file” to describe the variety of thoughts attached to an object in Thought and Reference (1987) at 29 & n.3. “Dossier” comes from Grice, Vacuous Names, in Davidson & Hintikka, Words and Objections (1969).
2.2.4. The Updating of Indexicals

Another example of reconceptualization in memory is my belief that my car is in the parking lot now—that is, that it is in the parking lot in the middle of this particular day, a little after noon, hours after I parked it. I have not previously entertained or believed the proposition that my car is in the parking lot at this particular time. I earlier believed that my car was in the parking lot “now,” but that was earlier, when “now” referred to this morning. Changes in the reference of indexicals produce new propositions, and therefore allow new memorially-based beliefs. 33

Gilbert Harman offered such an example at the very end of his book Thought:

Most citizens of the United States know who the president is. They know it without having constantly to think to themselves thoughts of the form “So and so is now president,” and a moment later, … “So and so is now president.” People remember who the president is. What they “store in memory” is a tensed statement which is constantly changing its reference to a particular time. 34

Testimony where there is a significant delay before a message is received can partake of the same sort of shift in the time stamp of a proposition. I am expecting you to drop off a book in my department mailbox. You send me an email telling me that you have left the book in my mailbox; I check my email hours later and learn that you have dropped it off—that is, that you have done it before now, the time I check my email. Your belief that the book was deposited at time 1 and my belief that the book was

33 In holding that the belief that my car is now in the parking lot, or that George W. Bush is president, are memorially-based, I differ from Alvin Plantinga, who, following Aristotle, says that memory is always of the past. See Plantinga, Warrant and Proper Function at 57 (quoting Aristotle, De Memoria et Reminiscencia 449a15). If Plantinga were to adhere to this past-only view of memory, he might analyze my belief about the present location of my car as an inferentially-based belief: the combination, perhaps, of beliefs that (a) my car was in the parking lot this morning, and (b) cars tend to stay where they are. 33 I will consider this inferentialist suggestion below.

34 Thought (1971), at 193.
deposited before time 2 have different contents, because they include different times as components. The indexical can be updated during the time it takes for testimony to reach a recipient.

2.3. Are The Counterexamples Cases Of Inferentially-Based Beliefs?

For all of the counterexamples, an objection might be lodged that my cases are not genuinely memorially- or testimonially-based beliefs, but are instead inferential. Consider how this objection could be posed for the different examples.

For the cufflink example, we might be tempted to say that the subject is actually *inferring* that his cufflinks are in the drawer: he reasons, perhaps, as he reflects on his stream of experiences during the search,

(1) I had an experience of such-and-such a type when I was searching for my cufflinks;

(2) An experience of such-and-such a type indicate cufflinks in the drawer, so

(3) My cufflinks are in the drawer.

Similarly, perhaps Clifford could be understood to be reasoning, when asked about I-55,

(1) I had an experience of such-and-such a type during my commute;

(2) An experience of such-and-such a type indicates construction on I-55, so

(3) There is construction on I-55.

The machine testimony cases might be understood as my reasoning

(1) The machine said *p*;

(2) The machine was reliable; so

(3) *p*.
The unconscious-reconceptualization Superman cases might be understood as the end-stage Lois reasoning,

(1) Clark Kent’s favorite ice cream flavor is chocolate;
(2) Clark Kent is Superman; so
(3) Superman’s favorite ice cream flavor is chocolate.

The time-delay case about my car in the parking lot might be understood as my reasoning

(1) My car was in the parking lot this morning;
(2) Cars tend to stay where they are; so
(3) My car is still in the parking lot.

Now, I am doubtful that these reconstructions are terribly plausible. In all five cases, the beliefs at step (2) are not likely to be explicit. I do not, when looking for my cufflinks, think about the connection between my experiences and cufflinks; we do not in response to messages from machines think about the processes happening in that machine; we do not think about the alternative names for someone, but simply use them interchangeably; and we do not think about the stability of material objects. At least, there seem to me to be possible worlds where those beliefs are never formed, and yet the ultimate beliefs are still justified and still represent knowledge. Implicit beliefs, figuring in implicit reasoning, seems the only plausible way to make this objection stick. But if these reconstructions of my cases as inferential are plausible, then it is equally plausible to reconstruct normal cases of perception, memory, and testimony as inferential. My main aim here is not to defend these cases as non-inferential; it is to defend these cases as rebuttals to a principle thought to contradict TP Parity and MP Parity. And so my main response is this: if these counterexamples are cases of inference, then there is
equally good reason to think that any perceptually- or testimonially- or memorially-based belief is inferential.

Consider a case where I am actually looking at my cufflinks in the drawer. I have certain experiences, attend to them, and form the appropriate belief. It is true that the experiences of that sort are properly correlated with cufflinks being in the drawer, but I believe that, and reason on its basis, at most implicitly. In the case of a simple perceptually-formed belief, I simply have the sensations, attend to them in the proper way, and find that I have certain beliefs. Similarly, in the delayed conceptualization case, I simply attend to my sensations, or their residue memory traces, and find that I have certain beliefs.

Or consider the time-lapse parking lot case. Given that perception always takes some time, any perceptually-based belief concerning a persisting object will only amount to knowledge if the object has not changed in the time since the light waves, or whatever other informational medium, left the object. Do I then infer that the object is still the way it looks based on the pattern in the informational medium, plus the premise that objects tend to stay the same? The proposition that objects tend to stay the same seems to be just as important for making beliefs justified, or making beliefs represent knowledge, when those beliefs are part of the universe of perceptually-based beliefs as they are when those beliefs are like my counterexamples. Any belief with a present object, including a perceptually-based one, will require that the object not change during the time that the information made its way through the environment and was processed by the believing subject.

The case for making the machine-testimony case inferential is no different from the parallel case for thinking that normal testimony is similarly inferential, involving an
implicit assessment of the speaker’s reliability. There do not seem to me to be good grounds for thinking that machine testimony is specially inferential.

If, then, my counterexamples are properly taken as genuinely inferentially-based beliefs, there is good ground for thinking that normal perceptually-based beliefs, as well, are inferentially-based. The sorts of implicit beliefs that we need to assume in order to see my counterexamples as inferentially-based beliefs are just as relevant to whether perceptually-based beliefs are justified, or represent knowledge. Even if inference plays some implicit role in the counterexamples, that fact should not prevent them from being cases of testimonially- or memorially-generated new beliefs, because in such a case, a belief could be both perceptually-based and inferentially-based.

2.4. Are The Counterexamples A Separate Genus?

2.4.1. Close Fit With Standard Cases of Testimony and Memory

Jennifer Lackey offers one simple reason why the delayed-conceptualization case should be seen as memory, not some sort of delayed perception: it is produced by the same sort of brain processes, and the exercise of the same cognitive abilities, that produce normal cases of memorially-based beliefs. She says,

[T]he cognitive processing that is operative in Clifford’s system—the storing and retrieving of information—is identical to standard cases of memorial knowledge. Indeed, the only difference between Clifford’s knowledge at [the time that he forms his later belief] and typical cases of memorial knowledge is that the psychological item that is stored in and then retrieved from his cognitive system is merely an informational state rather than a belief. And in the absence of an argument showing why this fact should render the resulting knowledge perceptual, it must either be conceded that Clifford’s knowledge at T2 is indeed memorial or the very
The distinction between perceptual and memorial knowledge is in danger of collapsing.\textsuperscript{35}

I agree with Lackey that it is the sort of cognitive processing involved that should chiefly individuate our epistemic kinds. Recall the SCAP Basing Thesis from the Introduction. Where two beliefs (a) have the same epistemic status with respect to justification and knowledge; (b) have the same contents; (c) are produced by an exercise of the same (end-stage) cognitive ability; and (d) are accompanied by the same phenomenology; then we have compelling grounds to regard them as based in the same way.\textsuperscript{36} If the concepts of “testimoniaUy-based belief” and “memorially-based belief” are to be useful tools for the understanding of the entire universes of justification and knowledge, it seems that the application of these concepts to a particular belief should supervene on the cognitive ability involved, the contents of the belief, the phenomenology involved, and epistemic status of the belief. Without a difference in one of those four factors, there should not be a difference in whether a belief falls under “testimoniaUy-based belief” or “memorially-based belief.”

Delayed conceptualization and unconscious reconceptualization involve the very same (end-stage) cognitive abilities—to wit, the ability to derive content from a memory trace—that drives normal cases of memorialUy-based belief. Machine testimony involves the same (end-stage) ability—to wit, the ability to derive content from language

\textsuperscript{35} Lackey, Memory as a Generative Epistemic Source, online version at 31 n.31.

\textsuperscript{36} Note that we can still be disjunctivists about perception—viewing hallucinations and veridical perceptually-based beliefs as belonging to distinct epistemic kinds—if we are so inclined. Hallucinations fail both (a) and (d) of my test for falling under “perceptually-based belief,” because hallucinations are neither produced by the same cognitive abilities that produce veridical perceptually-based beliefs, and they do not share the same epistemic status with respect to justification and knowledge. However, anti-disjunctivists, who classify hallucination and veridical perceptually-based belief together because they share an identical phenomenology, have additional reason to think that my counterexamples are cases of genuine testimonially- and memorialUy-based belief.
or a symbol—that drives normal cases of testimonially-based belief. Nothing about the cases requires any restriction on the content of the resulting belief. They might be phenomenally indistinguishable from normal cases of memorially- or testimonially-based beliefs. And they are straightforward cases of knowledge and justification, or at least as straightforward as are uncontroversial cases of memorially- and testimonially-based beliefs.

What do testimonially-based beliefs have that beliefs based on the testimony of machines lack? Both involve the existence of a functioning, data-processing device in my environment on which I rely. Both can function well, or poorly, in all the same ways. Testimony merely involves (in standard cases) a functioning data-processing device that is supervised by a conscious mind. It is true that the existence of supervision over a data-processing device may add reliability (or take it away by meddling too much). But there can be supervisory (that is, regulatory) unconscious processes in the case of machine testimony. The mere fact that a process of supervision is conscious does not, by itself, create or impair any epistemic benefit from the point of view of my ultimate belief or candidate belief.

Likewise, delayed conceptualization cases involve the manipulation of information, just as in an uncontroversial case of memory, but that manipulation is subdoxastic and takes place below the level of the subject’s attention. As with machine testimony, the lack of a conscious, attentive superintendent of the incoming information at time 1 should not make an epistemic difference to a belief based on that information at time 2.

Note that perceptually-based beliefs might also involve a supervised environment. For instance, when visiting the eye doctor’s, my environment may be
carefully controlled and supervised by conscious means. If it makes sense—and I think it does—to talk of perceiving someone on live television, those environments are always subject to careful conscious monitoring by producers, cameramen, and the like. The fact that the supervision is conscious is not, by itself, epistemically significant. It could be replaced by equally-reliable unconscious robots without epistemic gain or loss in the ultimate belief.

The literature from the cognitive science of memory is relevant here as well. TP Parity and MP Parity concern the universes of possible testimonially-, memorially-, and perceptually-based beliefs; the parity theses are necessary if true, and so do not depend essentially on the distinctive psychology of human cognitive faculties. However, words like “memory” and “testimony” and “perception” have their content fixed by circumstances in this world; they refer to whatever it is that produces certain sorts of beliefs in actual human beings like us. Information about how memory usually works in actual human beings is therefore relevant to whether or not a given case departs too far for a particular concept to apply to it.

A number of cognitive scientists and psychologists studying memory have concluded that an element of reconstruction during the process of memory retrieval is extremely common, perhaps close to universal, among memorially-based beliefs. If such reconstruction is common, then my cases of unconscious reconceptualization might even lie close to the core of the concept of memorially-based belief used by those in the field.

Susan Engler comments in a recent review,

Twenty years ago, psychologists tended to think of retrieval [in memory] in terms of the way a computer works: you use some sort of search cue (a time, a key word, a title) and find the memory waiting in some corner of the brain, in somewhat the way you might use a word to search for a
document in your computer files. Research has now shown that, instead, retrieval is almost always more a process of reconstruction than one of simple retrieval. One creates a memory at the moment one needs it, rather than merely pulling out an intact item, image, or story. This suggests that each time we say or imagine something from our past we are putting it together from bits and pieces that have, until now, been stored separately. Herein lies the reason why it is the rule rather than the exception for people to change, add, and delete things from a remembered event.\textsuperscript{37}

Gerald Fischbach and Joseph Coyle note,

"Memories are never exact replicas of external reality. Psychophysical studies and electrical recordings from the brain have shown that incoming sensory information is not received passively. Survival depends on rapid transformation and interpretation of sensory stimuli based on expectations about how the world works. We interpret patterns of light that fall on a two-dimensional array of receptors in the retina as three-dimensional, richly textured scenes. In this sense all memories are "created" rather than simply "received." No memory or mental image exactly replicates the constellation of nerve impulses associated with the initial sensation. Past experience, encoded in the strength of synaptic connections throughout the activated neural networks, modifies incoming information.\textsuperscript{38}"

Daniel Schacter's \textit{Searching for Memory} presents an extensive theory of how cues for memory combine with stored fragments (engrams) to produce the phenomenology of memory. His theory suggests that the sort of unconscious reconceptualization that underlies my counterexamples to memory as a purely preservative source of beliefs is quite common in beliefs that we would not hesitate to say are memorially-based. He explains,

\texttt{[F]or the rememberer, the engram (the stored fragments of an episode) and the memory (the subjective experience of recollecting a past event) are not the same thing. The stored fragments contribute to the conscious experience of remembering, but they are only part of it. Another important component is the retrieval cue itself.}}\texttt{…..}\texttt{\textsuperscript{38}}

\textsuperscript{37} \textit{Context Is Everything: The Nature of Memory} at 6 (1999).

If all a retrieval cue did was to activate a dormant memory, some findings I have considered would not make much sense: recalling an event from an “observer” perspective after recalling the same event from a “field” perspective leads people to say that the event seems less emotional than when they first recalled it; the feeling of knowing that an unrecalled bit of information is on the tip of the tongue is often an illusion produced by a familiar retrieval cue; and the experience of “remembering” a past event, as opposed to “just knowing” that it occurred, is lessened when memory is prompted with certain kinds of retrieval cues. Once we acknowledge that a retrieval cue combines with the engram in order to yield a subjective experience that we call a memory, we can begin to make sense of these apparent puzzles. …

The idea that there is a one-to-one correspondence between a bit of information stored away somewhere in our brain and the conscious experience of a memory that results from activating this bit of information is so intuitively compelling that it seems almost nonsensical to question it. Yet scientists who study memory and theorize about it are increasingly skeptical of this idea. 39

In defending his case of delayed conceptualization that I presented earlier, Martin compares it to unconscious reconceptualization: “Now it cannot be denied that one’s later conceptual sophistication often does alter one’s memories. Perhaps one’s memories of early childhood concerning parental rows might become colored by one’s later knowledge of what divorce is.” 40

If these psychologists’ understanding of memory is correct, then, reconstruction and reconceptualization, are not an odd feature of my counterexamples that can be resisted simply by defining memory so that it does not generate new beliefs, or new knowledge. That sort of definition would omit too much of the core cases of human memory to be a useful part of the project of producing a full map of epistemic reality.

39 Schacter, Searching for Memory (1996) at 70, 71.

40 Martin, Perception, Concepts, and Memory at 755.
2.4.2. Not Multiplying Epistemic Categories Beyond Necessity

We have another good reason to view beliefs based on delayed conceptualization or unconscious reconceptualization cases as memorially-based beliefs, and viewing beliefs based on mechanically-produced language as testimonially-based. These beliefs must be *something*, and broad theories of memorially- and testimonially-based beliefs can capture them. I think that our full map of epistemic reality should be simple and should not multiply epistemic categories beyond necessity. If we do not count machine testimony as testimony, we will need a further category that will make our epistemology more complicated, and we have good reason to think that a more complicated epistemology is less likely to be true.

As noted above, the cognitive psychology of memory indicates that reconceptualization is the rule, not the exception, in that field. I can offer no parallel set of findings with respect to the importance of the testimony of machines. But a consideration of the importance of information processing by computers can suggest that it, too, is a very large area that we do not want left off our epistemic map. We already have computers that handle certain sorts of functions regarding customer service telephone lines, and the actual human future is likely to feature ever-greater use of machines to manipulate information and put it into the sort of linguistic form that people can use. Machine-testimomially-based belief seems as important as human-testimonially-based belief, if not in the space of actual human belief, at least in the space of possible beliefs. Allowing machine-testimonially-based belief to count as genuine

testimonially-based belief will allow our full epistemology to be simpler and more economical.

2.4.3. A Fallback Position: Individual Beliefs Not Second-Class

I would not be too disappointed, though, if a reader wants to impose a preservationist limitation on “memorially-based belief” or a transmissionist limit on “testimonially-based belief”; my arguments work in favor of a thesis in the close neighborhood to TP Parity and MP Parity. We can coin terms “testimony*” and “memory*,” which are intended to include my counterexamples, and then compare the universes of testimonially*- and memorially*- based beliefs, on the one hand, to the universe of perceptually-based beliefs, on the other. T*P-Parity and M*P Parity would be safe from attacks on the ground that neither testimony* nor memory* are generative doxastic sources.

More importantly, because individual testimonially-based beliefs are also instances of testimonially*-based beliefs, these individual beliefs would be acquitted of the charge that they are second-class citizens of the epistemic republic, merely because they fall into a class that does not include new beliefs not held by anyone else before.

We should also remember that the universe of perceptually-based beliefs also includes beliefs that the same subject has had before, or that a different cognitive subject has had before. Those cases might be called, at least in some instances, preservative or transmissive cases of perception. When I see the trees out my window, I am merely reinforcing a belief that I have had before. If I look at something after someone tells me to look at it, I am merely obtaining the same belief that my companion had earlier. But we would not call such individual perceptually-based beliefs second-class, merely because they happen to be beliefs that I, or someone else, has had before. These
individual beliefs are not second-class, because they are produced by a cognitive faculty that is capable of generating brand-new beliefs. Likewise, even if we define “testimonaly-based belief” to exclude machine-testimonaly-based beliefs, or define “memoraly-based belief” to exclude cases of delayed conceptualization, and thereby decide not to apply those terms according to the criteria that I advocate above, it remains true that individual memoraly- or testimonaly-based beliefs are produced by a cognitive faculty that is capable of generating brand-new beliefs. Even if they are not uncontroversially “testimony” or “memory,” my counterexamples can rebut undue disparagement of individual beliefs that are uncontroversially characterized as testimonaly- or memoraly-based.

2.5. Elizabeth Fricker’s Argument for Testimonial Preservationism

Elizabeth Fricker makes an argument that testimonaly-based knowledge that requires the testifier to know that . She suggests that others who have endorsed such a principle give it an inadequate defense, but that her account of the reception of testimony can do so.

To trust a particular telling is to trust the teller, regarding that particular utterance. Once a hearer forms belief that on a teller T’s say-so, she is consequently committed to the proposition that T knows that P. But her belief about T which constitutes her trust, antecedent to her utterance, is something like this: T is such that not easily would she assert that P (vouch for the truth of P), unless she knew that P. Fricker then argues that if this premise by the recipient is false, the recipient does not then come to know that P.

42 Fricker, Knowledge From Testimony at 10.
From our description of the speech act of telling—both its production, and its uptake—we may conclude that the primary function in a linguistic community of telling, is to spread knowledge from one individual to another. This is what telling is for, and is what occurs in felicitous tellings. There are two aspects to this spreading of knowledge. First, the hearer comes to know the same proposition that the speaker knows, and expressed. Second, her gaining knowledge, when she does, depends on the speaker's knowing what he asserts.43

Fricker’s account of testimony excludes the sort of machine-testimony counterexample I present, but I think without good grounds. In the case of language produced by a machine, the recipient need not take the language as an expression of knowledge; she may merely take the language as an expression of information that the machine has processed. To put the point another way, the recipient of testimony need only ascribe positional knowledge to the source of the machine: the belief that language is produced by an informational state that, were it held by a conscious person with the relevant concepts, would be knowledge. In light of the possibility of machine testimony, the recipient of testimony that \( p \) need not assume that the language was likely produced by a person who knew that \( p \), but might only make this sort of assumption: “Not lightly would this language be produced, unless it were supported by information that \( p \)” (I set aside concerns that any higher-order belief like this would, as in the case of a standard source for language, at best be implicit.) Such a presumption made by recipients of testimony would only support the weaker thesis that testimonial knowledge depends on positional knowledge—that is, information sufficient to support knowledge, were it extracted by someone capable of belief—in the subject’s environment. But, as I will argue below, perceptually-based beliefs depend on a similar transfer of information

43 Fricker, Knowledge From Testimony at 12-13.
through perceptual media, so this sort of preservationist thesis does not threaten TP Parity.

2.6. Cases Where Perception Is Merely Preservative

Finally, I should deal with a possible way to attack TP Parity or MP Parity even while conceding the force of my counterexamples. The attack would go like this:

True, memory and testimony can be sources of new beliefs. But perception is always a source of new beliefs. There are classes of memorial- and testimonially-based beliefs for which the subject’s earlier justification, or the testifier’s justification, matter for the epistemic status of the subject’s belief. But in cases of perceptually-based beliefs, the epistemic status of one’s beliefs never depends on the epistemic status of someone else’s beliefs. There is therefore still a disanalogy between perception on the one hand and testimony and memory on the other: the former is always a generative epistemic source, while the latter are only sometimes so.

We can construct, however, cases in which perception is not a generative epistemic source, but instead creates beliefs whose epistemic status depends on the epistemic status of others’ beliefs. Suppose that I am a spy who needs to find out whether someone in a crowd is on a particular list of enemies. The CIA outfits me with a very special pair of contact lenses that, through a complicated process involving satellites, radios, and DNA-scanning techniques, makes people on the list appear to be glowing fluorescent green.

That is, I have a prosthetic perceptual faculty of enemy-detection: enemies look to me like they are fluorescent green. Now, we can divide the case into two versions. In Version One, the data analysis is completely mechanized. No people are involved; the satellites and DNA scanners and radios pass information about my enemies to me automatically. But in Version Two, the data is first analyzed back at Langley by agents who make a judgment about whether the person I’m looking at through the special
contact lenses really are on the enemies list. That is, they use the contact lenses as a device for telling me who they think is an enemy.

Now, as a spy in the field, I may be unaware whether the situation is Version One or Version Two. I may have no idea about the extent to which the green-glow production has been mechanized. However, there seems no reason to doubt that the mechanical and human versions of the process can produce green-glow-based beliefs in me with the same range of epistemic status. Indeed, for any possible Version Two green-glow-based belief, we can find a possible Version One green-glow-based belief that (a) has the same epistemic status, (b) has the same content, (c) is produced by the same cognitive ability of mine, and (d) is phenomenally indistinguishable. Again invoking the SCAP Basing Thesis, if it is right to call Version One prosthetically-aided beliefs perceptually-based beliefs, then we should call the corresponding Version Two beliefs also perceptually-based beliefs. But note that Version Two beliefs depend for their epistemic status on the epistemic status of the analysts back at Langley. If they are unjustified in their assessments of whether an enemy is in front of my eyes, that failure will be a problem for the epistemic status of my beliefs as well. Version Two is a case in which perception is not a generative epistemic source.

We need not discuss fancy contact lenses to get the same result. We can imagine possible cases in which part of one of my perceptual faculties is replaced by a system in which the information coming into my sense organ is first relayed to a person and then passed on for additional processing based on that person’s evaluation of the information. That is, imagine a case in which (phenomenally indiscernible to me) the information processing involved in my perceptual faculties is instead performed by a person who then produces qualia in me based on that person’s evaluation of the data and that
person’s beliefs. Just as the epistemic status of the Langley analysts’ beliefs would be relevant to the epistemic status of my green-glow-based beliefs, the epistemic status of my intermediary-processing-based beliefs would depend on the epistemic status of my intermediary’s beliefs.

2.7. The Transfer Of Positional Knowledge And Warrant In Cases Of Perceptually-Based Belief

While memorially- and testimony-based knowledge that \( p \) does not require knowledge that \( p \) in the testifier or the earlier subject, it does, however, I think, require a form of *positional knowledge* in the testifier or in the earlier subject. For the recipient of testimony or remembering subject to receive information sufficient to support knowledge, the testifier or earlier subject must have informational grounds sufficient to support the same knowledge. Peter Graham, for instance, who criticizes the claim that testimony-based knowledge requires that the testifier know that \( p \), does claim that the testifier’s statement must embody *information* that \( p \): “[T]he reason we sometimes learn that P from others is because the reports speakers make carry the information that P, and that information is information that, in the ordinary case, we will pick up and make use of when coming to believe that P.”44 Graham here uses, following Dretske, Shannon’s sense of information: “Information carrying is due to a law-like correlation or counterfactual dependence between a signal—an event, condition, or state of affairs, including such things as utterances and mental states—and another event, condition, or

state of affairs.”\textsuperscript{45} For the recipient to have testimonially-based knowledge that $p$, the act of testimony performed by the testifier—the report—must be the sort of event that is connected in a law-like way with an event making $p$ true. Also, the testimonially-based belief of the recipient must be an event in turn connected in a law-like way with the report that $p$. In sum, successful cases of testimonially-based knowledge feature information transferred from a truthmaker for $p$, through the testifier’s report, to the recipient’s belief.

This point might also be put in terms of positional justification, or justification for believing some proposition. Testimony transmits positional justification, in the sense that the recipient receives, in a felicitous case of testimony, support for the same beliefs that the testifier’s informational state would support. The recipient may also have a different sort of justification—for instance, the recipient of a lie, or the recipient of a statement that a testifier makes without adequate grounds,\textsuperscript{46} may be justified in accepting it, though the testifier lacks any justification for believing it. But part of the poverty of the epistemic state of the recipient of a lie or of an inadequately grounded statement is precisely that the testifier lacked justification for believing it—the testifier’s lack of positional justification is transmitted to the recipient in the sense that it marks an epistemic harm to the recipient. This is so in cases of machine testimony as well—if I rely on a machine that lacks information that $p$, my machine-testimonal-ionally-based belief that $p$ may be justified in a sense, but the machine’s lack of information transmits a harm to the epistemic status of that belief in an equivalent way as with a human testifier.

\textsuperscript{45} Graham, Transferring Knowledge at 132.

\textsuperscript{46} Harry Frankfurt calls such speech made without proper concern for truth bullshit. See On Bullshit, in The Importance of What We Care About (1988), and recently released as a separate book.
Likewise for memory: if at time 1 I believe that \( p \) on inadequate grounds, but at time 2 remember that \( p \), the earlier inadequacy of my grounds is transmitted to my later memorialy-based belief, harming its epistemic status, even if that later belief is, in a different sense, justified or blameless. The processes of memory transfer the epistemic benefit supported by a particular positional justification.

The valuable part of the instinct behind the suggestion that testimonially-based knowledge requires knowledge in the testifier is the fact that testimonially-based knowledge requires *environmental information*. Only if there is information that \( p \) contained in the testifier’s report can the recipient come to know that \( p \) from the report. The testifier’s report must be such that, when its information is taken up in the right conditions, knowledge that \( p \) results. If the testifier actually takes up that report himself, so much the better, but the critical requirement for testimonially-based knowledge is that the testifier’s state, during the act of testimony, be knowledge-supporting in terms of its informational content. If the testifier is to be in a position to let others know that \( p \), he must contain an informational state that would put *the testifier* in a position to know that \( p \), if the conditions met in the recipient were met in the testifier as well.

This environmental condition on testimonially-based knowledge is, however, also an environmental condition on perceptually-based knowledge. In the case of testimonially-based knowledge that \( p \), a law-like correction must exist (a) between the truthmaker for \( p \) and the testifier’s report, and (b) between the testifier’s report and the recipient’s testimonially-based belief that \( p \). In the case of perceptually-based knowledge, a law-like connection must exist (a) between the truthmaker for \( p \) and the various states of the perceptual medium, and (b) between the various states of the perceptual medium and the subject’s perceptually-based belief that \( p \). To take a simple
perceptual example: if I have a perceptually-based belief about an object ten feet away from me, that belief will only amount to knowledge if it is the case that, were there an appropriately-endowed person standing only five feet away from the object, he too would form the same belief. The environmental medium must contain information that would support knowledge were an appropriate cognizer there.

Memorially-based knowledge that \( p \) at time 2 requires, similarly, that the subject at time 1 have information sufficient to support knowledge that \( p \). This information puts Clifford in a position to know, even at time 1, that there is construction on I-55, for instance, and puts the cufflink-seeker in a position to know, even at time 1, that his cufflinks are in the drawer. Once she knows Clark’s favorite ice cream, Lois is in a position to know (i.e., once she gains the relevant conceptual skills by learning that Superman is Clark) that Superman’s favorite ice cream is chocolate.

Jennifer Lackey acknowledges (crediting her anonymous referee) that the Clifford example is a case where memory transfers positional justification, or justification in believing that \( p \), from time 1 to time 2. “[T]his example does not undermine a weaker version of this [preservationist] thesis requiring only that the subject be justified in believing the proposition in question at [time 1].” Lackey relies only on her other examples to undermine that thesis, which I have been defending. Although, then, I rely on Lackey’s third counterexample involving Clifford and I-55, I will say a bit about why I reject her other two defeater-based examples, and think instead that

\[\text{\textsuperscript{47}}\text{ Care must be taken here to avoid confusion about indexically-expressed beliefs. We must cash out the indexicals in a belief like "There is an object ten feet away from me,” treating it as a belief in the form “There is an object at X” in order for someone merely five feet from X to have the “same” belief.}\]

\[\text{\textsuperscript{48}}\text{ Lackey, Memory as a Generative Epistemic Source, online version at 29 n.28.}\]
memorially-based knowledge requires that the subject have a form of positional knowledge (and, assuming that knowledge requires justification, a form of positional justification) at an earlier time. I will discuss her cases on the failure of testimony to transfer defeaters, in defense of my similar position that testimonially-based knowledge requires the testifier to have positional knowledge, in a later chapter.

Lackey’s other counterexamples involve defeaters that a subject has at time 1, but loses by time 2. Lackey’s first case is a Harman-style newspaper case. Arthur learns about the mayor taking bribes, but at time 1 he fortuitously misses all the contrary false reports. At time 2, the truth is discovered and widely reported. This removes, Lackey thinks, Arthur’s defeater for his belief about the mayor, and Arthur’s memorialily-based belief is then justified, and represents knowledge. My reaction is this: I am unsure what to think about newspaper cases, but it is plausible to think that when they defeat knowledge, they do so by rendering a subject irresponsible: those who irresponsibly ignore what the press says are not justified when they believe something different. But if Arthur is irresponsible in ignoring the press at time 1, and this irresponsibility keeps his belief from amounting to knowledge, notwithstanding that he has fortuitously relied on a rare, reliable report, then I find it plausible that Arthur’s belief at time 2, which relies on his earlier belief formed in irresponsible ignorance, is not knowledge either, notwithstanding that the earlier reports that he should have watched have been rescinded. Tom Senor rightly compares this case to someone who fails to pay a sales tax, but then points out that the sales tax was later repealed as applied to later sales. The later repeal

49 I will discuss newspaper cases in a later chapter; I follow, as I do here, the approach presented by Kevin Meeker, Justification and the Social Nature of Knowledge, Phil. & Phenom. Res. 69 (2004), 156-172.
of the tax does not excuse an earlier failure to pay the tax, and the later change in the informational environment of which Arthur may have a duty to be abreast does not excuse earlier failure to pay attention. My intuition is that Arthur’s irresponsible ignorance at time 1 defeats either both of his beliefs or neither of them.

Lackey’s second case involves someone who forgets about a defeater. Cult member Nora believes that all atheists are unreliable, but, “momentarily caught off guard,” believes at time 1 something that Calvin, whom she knows is an atheist, tells her. But at time 2, Nora has left the cult, her belief about atheists has “faded from her memory,” and she remembers the information from Calvin.

As with the newspaper case, I think that the bad origin of the belief mars either the belief at both time 1 and time 2, or neither. I am somewhat inclined to think that there are some beliefs that are so outrageous, and run so contrary to a person’s proper cognitive function, that they do not even represent a defeater for contrary beliefs. For instance, even if I for some crazy reason believe that nothing is red, that fact does not obviously defeat my belief that there is a red mouse pad in front of me. We have a duty to eliminate contradictions, of course, but where one belief \( p \) is so outrageous, we may simply have a duty to eliminate our belief that \( p \), rather than the usual more limited duty not to believe both \( p \) and \( \neg p \). If, then, Nora’s atheists-are-not-reliable belief is of this outrageous sort, it may not even support an epistemic duty not to believe atheists; her information from Calvin amounts to knowledge even at time 1.

If, however, Nora’s belief is a genuine defeater for her belief obtained from Calvin, then it seems that it is still a defeater even after she forgets it. If Nora’s forgetting about her defeater during a momentary lapse of attention is not enough to excuse her belief at time 1, it seems to me that simply forgetting a defeater over a
number of years would not be enough to excuse her belief at time 2. If a belief supports a duty not to believe something else—that is, if we have a duty not to forget that belief during a momentary lapse of attention—then it also supports a duty not to forget that belief in the future. In general, an informational state that does not render S in a position to know that \( p \) at time 1 cannot render S in a position to know that \( p \) at time 2.

**2.8. Conclusion**

Memory and testimony are, like perceptual media, means of the preservation and transmission of *information*, but, also like perceptual media, they can support memorial- or testimonially-based belief that \( p \) even if the testifier, or the earlier subject, lacks either the belief that \( p \) or knowledge that \( p \). Memorial- or testimonially-based beliefs at time 2 can be rooted in sensations that are not conceptualized, or are differently conceptualized, at time 1. Testimonial- or testimonially-based beliefs can be rooted in language produced by a testifier who either lacks beliefs, such as a machine, or who conceptualizes the information differently from the recipient. These delayed-conceptualization, reconceptualization, and machine-testimony counterexamples can involve the same cognitive abilities, the same range of possible belief contents, the same range of phenomenology, and the same epistemic value with respect to knowledge and justification, that is at stake in standard examples of testimonially- or memorial- or testimonially-based beliefs. Accordingly, I conclude that the universe of testimonially-based beliefs includes some beliefs that \( p \), amounting to knowledge, for which no testifier has ever believed that \( p \), and that the universe of memorial- or testimonially-based beliefs includes some beliefs, amounting to knowledge, for which the subject never believed that \( p \) at an earlier time. TP Parity and MP Parity are safe from this attack.
CHAPTER 3
THE REDUCTIONISM-ANTIREDUCTIONISM DEBATE OVER TESTIMONY
AND THE EPISTEMIC PARITY OF PERCEPTION AND TESTIMONY

3.1. Introduction

In this chapter I will consider the contemporary epistemic literature on testimony, particularly the dispute between reductionists and anti-reductionists, and consider the extent to which that debate might be illuminated by a consideration of the parity of testimonially- and perceptually-based beliefs. In particular, I will consider whether the sorts of principles proposed to explain whether and when testimonially-based beliefs constitute knowledge, or are justified, might be applied to beliefs based on perception. I will consider discussions of testimony by Elizabeth Fricker, Jennifer Lackey, Jonathan Sutton, Paul Faulkner, Matthew Weiner, Sanford Goldberg, and Peter Strawson, particularly those places where they explicitly draw distinctions between how testimonially- and perceptually-based beliefs are justified or represent knowledge. I will argue that principles proposed for the explanation of whether testimonially-based beliefs are justified or represent knowledge can, with slight modification, plausibly be applied to perceptually-based beliefs, if they can be plausibly applied to testimony: the principles are equally plausible or implausible when applied to beliefs based on either testimony or perception. Also, I will contend that the explicit arguments against the parity of
testimonials- and perceptually-rooted beliefs fail, at least when applied to the entire universes of such beliefs.

The TP Parity Thesis holds that, if we consider the universe of perceptually-based beliefs and the universe of testimonially-based beliefs, and consider the explanations regarding whether those beliefs are either justified, or constitute knowledge, we will find a simple correspondence between the explanations. (As explained earlier, I will restrict my attention to those testimonially-based beliefs that have the same sorts of truthmakers that perceptually-based ones do: roughly, beliefs about the properties of external material objects.) The explanation of why perceptually-based beliefs are or are not justified, or why they do or do not constitute knowledge, qua beliefs based on perception, is not different from the explanation of why testimonial beliefs are or are not justified, or why they do or do not constitute knowledge, qua beliefs based on an informant’s use of language.

When I speak of beliefs rooted in or based on testimony, I mean to speak more broadly of a certain sort of beliefs rooted in an informant’s use of language—that is, beliefs based on an acceptance of linguistically-expressed purported informational content. I agree with Jennifer Lackey that an emphasis on language, rather than the mental states of a testifier, can make the best sense of the epistemology of deception. A case of deception and a case of sincere transmission of information can be exactly the same regarding the language that is presented to our trusting epistemic subject, and this overlap is a critical site for explaining whether that trusting subject has justification or knowledge. Language is a more proximate cause of my testimonially-based belief than

50 See Lackey, Learning From Words at 2 (“[B]oth causally and epistemically, statements, not beliefs, are the crucial items in a testimonial exchange.”).
the mental state of my informant, and unlike even more proximate causes, such as
certain brain events, language has a salience in my sensory phenomenology that makes it
a plausible basis for my beliefs. This view will fit with my position, defended in an
earlier chapter, that mindless machines can perform the epistemic equivalent of
testimony—that “zombie testimony” is a form of testimony, at least if we take testimony
as an epistemic kind. Note also that I do not mean to include just any beliefs that happen
to involve language in their genesis—for instance, my belief that someone is witty, or
knows English, can be “based” on their use of language, in a sense, but it is not based on
my acceptance of the content of their language in the right way.

When I talk of perceptually-based beliefs, I mean also to speak broadly: whereas
“perception” might seem to be a success term, I want to include any beliefs based on the
sensations characteristic of perception; misperception can be a case of perceptually-
based beliefs. And likewise, when I speak of beliefs rooted in perception, I do not mean
any belief that happens to include perceptual sensations in its genesis—for instance, my
belief that I have not gone color-blind, or have double vision, is not based on the
distinctively perceptual content of my perceptual sensations, as is, for instance, my belief
that there is a table in front of me.

Finally for preliminaries, I mean the TP Parity thesis to cover the contributions
made by testimony and perception to a belief being justified, or constituting knowledge,
even if those beliefs are not fully based on testimony or on perception. TP Parity
requires that there is not only a correspondence between the universes of beliefs fully
based on perception and on testimony in terms of the explanation why those beliefs are
or are not justified, or do or do not constitute knowledge, but also a correspondence
between the universes of beliefs partially based on testimony and the universe of beliefs
partially based on perception in terms of the contributions that those partial sources make to the beliefs being justified, or constituting knowledge. My interlocutors, however, do not generally give extensive consideration to the question of partially-testimonially-based beliefs, or to partially-perceptually based beliefs.

3.2. Elizabeth Fricker

Characterizing Elizabeth Fricker with respect to TP Parity is a little bit complicated. She is famously a local reductionist about testimony, holding that there is an asymmetric dependence of testimony on perception and other sources: “Reductionists about testimony hold that, if testimony is to be vindicated as a source not merely of belief, but of knowledge, our epistemic right to believe what others tell us must be exhibitable as grounded in other epistemic resources and principles—perception, memory, and inference—which are regarded by them as both more fundamental, and less problematic.”51 However, in places she writes in ways that could be taken to mean that perception and testimony are on an epistemic par. She characterizes the non-reductionist’s claim that there is a presumptive right to rely on testimony as “a special normative epistemic principle pertaining to testimony”52 and poses her issue as whether “testimony is a special source, or yields a special kind, of knowledge.”53 Given her


52 Fricker, Against Gullibility, in Knowing From Words 125-61 (Matilal & Chakrabarti, eds. 1994), at 125.

53 Against Gullibility at 126.
arguments that testimony is not “special,” it might seem that she thinks that testimony and perception are on an epistemic par. Sanford Goldberg, for instance, reads her as denying that “Testimonial knowledge is a unique kind of knowledge,” and argues against what he takes to be Fricker’s position by suggesting distinctions between how testimonially- and perceptually-based beliefs are justified.\footnote{Goldberg, Reductionism and the Distinctiveness of Testimonial Knowledge, in Lackey & Sosa, eds., The Epistemology of Testimony (forthcoming).} Other writers, however, have suggested that it is non-reductionists who think that testimony is on a par with memory and perception. Peter Graham, for instance, says, “The central claim the Anti-Reductionist makes is that the epistemologies of perception, memory, and testimony should all look more or less alike.”\footnote{Graham, Metaphysical Libertarianism and the Epistemology of Testimony, draft at 6 n.4.} Jennifer Lackey says, “Non-reductionists maintain that testimony is just as basic a source of knowledge as sense perception, memory, inductive inference, and the like.”\footnote{Lackey, A Minimal Statement of Non-reductionism in the Epistemology of Testimony, Nous 37 (2003), 706-23, draft at 1; see also Lackey, Two to Tango at 1 (“non-reductionists maintain that testimony is just as basic epistemically as these other sources.”).} At first glance, it seems that both the non-reductionists and the reductionists are denying that there is a distinction between testimony and perception that makes testimony special.

However, it is clear elsewhere that Fricker thinks that, while perception and memory are non-inferential and direct, testimony is inferential and indirect. She writes, “It is familiar that it is hopeless to attempt to treat knowledge through either memory or perception as inferential rather than direct (I cannot rehearse the arguments here). But the case of testimony seems very different.”\footnote{Fricker, Telling and Trusting at 400.} Speaking of disanalogies that C.A.J.
Coady finds between the information states produced by perception and testimony, she writes, “In my view, these disanalogies are epistemologically crucial: there are compelling reasons to treat perceptual knowledge as direct, none of which apply to testimony, and good reasons not to treat testimony as direct.”\(^{58}\) Indeed, Fricker gave an invited talk at the 1998 Western Division of the APA titled *Testimony and Perception: Some Contrasts.*\(^{59}\) The conventional wisdom that the non-reductionists are on the side of TP Parity and reductionists against it is thus confirmed by Fricker’s insistence on a distinction between perception and memory, on the one hand, and testimony on the other. Fricker’s arguments that testimony does not partake of a “special” principle certainly cannot mean that she thinks it is on a par with perception.

I will consider three considerations to which Fricker has pointed in criticizing anti-reductionism regarding testimony: the duty to investigate and be on guard for defeaters; the ability to resist testimony; and the availability of alternative information in lieu of the use of an *a priori* right to rely. (Fricker’s comments on a fourth distinction will be considered below in the section on Strawson.)

### 3.2.1. Duties to Monitor and Investigate

In her argument against non-reductionism, Fricker suggests that a no-defeater condition for testimony is not enough; we also need to be *on our guard for* defeaters. Fricker criticizes the idea (which she calls PR, for “presumptive right”) that “[a]n

\(^{58}\) Fricker, *Telling and Trusting* at 400.

arbitrary hearer H has the epistemic right, on any occasion of testimony O, to assume, without investigation or assessment, of the speaker S who on O asserts that P by making an utterance U, unless H is aware of a condition C which defeats this assumption of trustworthiness.”

Fricker insists that “a PR principle worthy of the name must dispense with the requirement to monitor and assess a speaker for trustworthiness.”

“The notion of a PR, we may conclude, seems only to make sense when it is interpreted as giving the hearer the right to believe without engaging in epistemic activity; when there is no requirement to be on the alert for [defeating conditions] of either kind [i.e., defeaters of the particular proposition believed or of the trustworthiness of the speaker].” She sets out what sort of monitoring is required:

In claiming that a hearer is required to assess a speaker for trustworthiness, I do not mean to insist, absurdly, that she is required to conduct an extensive piece of MI5-type “vetting” of any speaker before she may accept anything he says as true .... My insistence is much weaker: that the hearer should be discriminating in her attitude to the speaker, in that she should be continually evaluating him for trustworthiness throughout their exchange, in the light of the evidence, or cues, available to her. This will be partly a matter of her being disposed to deploy the background knowledge which is relevant, partly a matter of her monitoring the speaker for any tell-tale signs revealing likely untrustworthiness. This latter consists in it being true throughout of the hearer that if there were signs of untrustworthiness, she would register them, and respond appropriately.

The need for counterfactual sensitivity to “signs of untrustworthiness” and use of background knowledge are the chief reasons that Fricker rejects a presumptive right

60 Fricker, Against Gullibility at 144.

61 Fricker, Telling and Trusting at 404.

62 Fricker, Against Gullibility at 143.

63 Fricker, Against Gullibility at 150.
pertaining to testimony. “My account [of testimony] requires a hearer always to take a
critical stance to the speaker, to assess her for untrustworthiness: while a true PR thesis
... does not. The nub of this distinction is a clear and sharp difference: on my account,
but not on a PR thesis, the hearer must always be monitoring the speaker critically.”

Sanford Goldberg and David Henderson have persuasively criticized Fricker’s
position that a non-reductionist about testimony must dispense with such a duty to
monitor for defeaters; non-reductionists, they argue, can recognize a duty to monitor as
well. But I will press a slightly different criticism against Fricker, as her emphasis on
a duty to monitor might be pressed into service to distinguish perception from testimony:
that just as we perhaps need to be on guard for defeaters of our testimonially-based
beliefs, by looking for signs of insincerity, thinking about whether our informants really
are in a position to know what they claim, and so on, we also perhaps need to be on our
guard for defeaters in the case of perceptually-based beliefs: indications that we are
hallucinating, or that we are the victim of an illusion, or that we are being taken in by a
fake.

One way to put the point is this: Testimonials-based beliefs can be defeated both
by doxastic defeaters—that is, contradictory beliefs, actually held by the subject—and

64 Fricker, Against Gullibility at 154.

65 Goldberg & Henderson, Monitoring and Anti-Reductionism in the Epistemology of
Testimony, forthcoming in Phil. & Phenomenol. Res.

66 Goldberg and Henderson themselves consider at length a parallel between duties to monitor
regarding testimonially- and recollection-based beliefs, and briefly suggest in a footnote that testimony
and perception have similar parallels. See Monitoring and Anti-Reductionism at 18 n.11 (“the parallel
between testimony- and perception-based beliefs is instructive. One who is perceptually competent on a
given matter has learned much in the course of past training, and this training makes for a kind of
sensitivity to details then encountered.”).
by normative defeaters—that is, by what the subject should believe, based on their duties to investigate and the like. And so can perceptually-based beliefs. We can have in certain circumstances duties to recollect whether we are under the influence of drugs, or whether our visual environment has a non-uniform density that makes straight sticks look bent, or whether anyone has been nearby likely to replace the objects of our perception with a fake. These possibilities for normative defeaters of perceptually-based beliefs are in addition to the possibilities of doxastic defeaters: duties not to trust my perceptually-based beliefs once I believe that I am under the influence of drugs, have an environment in which straight sticks look bent, and may be looking at a fake object. If the existence of any kind of duty to investigate would eviscerate a presumptive right to trust an informant, it should also eviscerate any presumptive right to trust our perceptual faculties.

Or recall Fricker’s description of her requirement for assessment in the case of testimonially-based beliefs. Regarding perceptually-based beliefs, it needs to be the case of a fully proper use of our perceptual faculties that “if there were signs of untrustworthiness, she would register them, and respond appropriately.” Think of the CBS story based on faked memos. Among CBS’s failings was not merely their insensitivity to clues that their testimonial source, Bill Burkett, was untrustworthy, but their insensitivity to clues that their object of perception, the faked memos, was not what it seemed to be. The failure to be responsibly on the alert for fakes in forming our perceptual beliefs impairs those beliefs’ status as justified, or as constituting knowledge, just as the failure to be responsibly on the alert for lies in basing beliefs on testimony.
3.2.2. Ability Not to Trust

Fricker argues, explicitly distinguishing testimony from perception, that perception has a stronger claim to a presumptive right to rely because it is psychologically more forceful than testimony. She says,

Suppose it were shown that it is internal to the nature of the psychological state of understanding an utterance and perceiving it as an assertion that P, that this state tends, albeit defeasibly, to produce belief that P. If so, this fact could be used as the basis of an argument for the PR [presumptive-right] thesis. (“One can’t help tending to just believe what one is told; therefore this is epistemically permissible.”) I think that an argument of this kind can be made to defend the analogous PR thesis for perception. The very nature of a perceptual experience with objective content is such that, in the absence of defeat, it produces belief in what one seems to see. But I think the parallel argument for testimony, from the nature of understanding as a psychological state, fails. This is one point where our preferred account of understanding interlocks crucially with our epistemology of testimony.\(^67\)

Fricker thus suggests that the pressure to believe is less in the case of testimony than in the case of perception. But I have three defenses of TP Parity against this argument.

First, Fricker seems to underestimate the psychological pressure to believe that others’ assertions tend to place on us. If we consider the law of fraud, for instance, which is charged with careful consideration of the rights and duties pertaining to those who have been misled, we find courts expressing great sympathy for those who have received unqualified assertions. Two commentators summarize the common law’s examination of thousands of cases of fraud this way: “When a person makes an unqualified statement, he thereby implies certainty. When he states it with emphasis upon the certainty of his knowledge, that is, when he makes express what otherwise is only implied, the psychological effect is notoriously more profound, and reliance upon

\(^67\) Fricker, Testimony: Knowing Through Being Told at 119.
the fact thus stated, or upon an adequate factual basis for the opinion expressed is more likely to be induced. ... Business is often conducted upon this basis. Business ethics justify the other’s complete reliance upon the accuracy of the information imparted, that is, upon the certain existence of the facts as expressly or impliedly represented. So, too, does the law.”

68 Fricker does not seem to appreciate sufficiently the psychological pressures to believe placed on those dependent on others for information. If someone tells me something and I lack a defeater, it would be an insult not to believe her, and my natural tendency to respect my informants keeps me from doubt when I lack a ground for it.

Second, Fricker overestimates our tendency to believe perception by underestimating our ability to indulge more general skeptical worries. We can reject what our eyes tell us, if we attend sufficiently to the possibilities that we are dreaming, or that we inhabit the sort of world imagined by conspiracy theorists, in which others are generally trying to deceive us, or in which our lives are a massive deception. Richard Foley’s assessment of skeptical scenarios seems right: “Contrary to what is sometimes assumed, it is not unnatural to worry that our most fundamental faculties and methods might not be reliable. Moreover, try as we may to expunge this worry, we cannot altogether do so.”

69 Third, Fricker’s distinction is at best contingent: it does not mark a difference between the production of beliefs by testimony, as such, and by perception, as such.


There are possible worlds in which our relationships with our informants are as close as our relationships with our perceptual faculties are in this world, and in which such relationships demand an implicit trust as great as that involved in our actual relationships to our perceptual faculties. Similarly, there are possible worlds in which we can indulge skeptical worries about perception more readily. Gaining greater abilities of skeptical indulgence would not render our beliefs no longer rooted in perception. The universe of possible beliefs rooted in perception seems to involve just as full a range of abilities to disregard particular proposed beliefs as does the universe of possible beliefs rooted in testimony.

3.2.3. Availability of Other Information

Fricker argues in a recent article that any *a priori* right to rely on testimony is swamped by other sources of warrant for it:

> [O]n almost any actual occasion of testimony, a normally knowledgeable adult will be absolutely awash with relevant circumstantial evidence bearing on the question whether the speaker is to be trusted on her topic. She will have, in the cognitive background in light of which she approaches fresh instances of testimony, a multitude of background beliefs about human and non-human nature which are relevant to whether this fresh instance of testimony, this current invitation to believe on trust in the teller, is indeed to be trusted or not. [T]he role of the supposed *a priori* principle shrinks to insignificance, in explaining how a normally knowledgeable hearer’s beliefs, formed in response to fresh instances of testimony, are entitled.\(^{70}\)

Fricker says that we are usually “absolutely awash” in relevant information that would swamp any *a priori* right to rely on testimony. But just the same can be said for perception: we have lots of available information pertaining to the reliability of our

---

perceptual faculties. Entire disciplines of cognitive psychology study in exhaustive detail relevant information about the reliability of our faculties in different perceptual environments. The relative unimportance of any *a priori* right to rely on our perceptual faculties should follow, if Fricker is right that an *a priori* right to rely on testimony is relatively unimportant.

### 3.3. Jennifer Lackey

Jennifer Lackey’s statement of “minimal anti-reductionism” argues that testimonial beliefs are justified in a way that is significantly different from how perceptual beliefs are justified. She considers the question whether testimony is “just as basic epistemically as those other sources [such as sense perception],” ascribing the position to non-reductionists.\(^1\) She denies this position, largely on the basis of an example she calls ALIEN: She suggests that, while it is not possible to *reduce* the justification of beliefs obtained from language to the justification of beliefs obtained from other sources, still there is an asymmetric relationship between testimony and perception because testimony requires auxiliary beliefs giving us a reason to believe a speaker, which apparently sense perception does not.

Lackey imagines an unusual case of testimony in which, she thinks, the recipient of testimony would need positive reasons for accepting the testimony. She imagines that Sam sees an alien drop a book before disappearing from view. Sam picks the diary up and reads about the happenings on the alien’s home planet. Despite the fact that the

\(^1\) Lackey, *It Takes Two to Tango* at 1.
book seems to be a diary written in English, and in fact is such a reliable report, Lackey
thinks that Sam needs more positive reasons before being justified in believing (his
interpretation of) the first sentence of the book. Lackey thinks that the existence of a
number of unexcluded possibilities renders Sam’s belief irrational:

Despite the fact that the alien’s report is both true and reliable, it seems
plainly irrational epistemically for Sam to form the belief in question on
the basis of the alien’s testimony. For, it may very well be accepted
practice in alien society to be insincere and deceptive when testifying to
others. Or, normal alien psychology may be what we Earthlings would
call psychosis. Or, the language that the aliens use, though superficially
indistinguishable from English, may really be Twenglish, where
Twenglish uses the “negation” sign for affirming a proposition. Or,
“diaries” in the alien society may be what we on Earth regard as science
fiction, and so on. For all Sam knows when he reads the book, each of
these scenarios is just as likely as the possibility that these aliens are
reliable testifiers who speak English.72

In short, Lackey thinks that Sam would be irrational merely to presuppose, without
reasons, that his new, alien-testimony-involving environment passes information reliably
from the facts to his interpretation.

Imagine a similarly unusual case of perception. Aliens abduct me, administer
drugs to make me unconscious, and take me to a faraway planet. When I awake, I see
outside (what seems to be) the window of (what seems to be) my room (what seems to
be) trees that have lost their leaves. I form the belief that there are trees nearby. And
suppose that all of these seemings are veridical: I really am in a room, looking out a
window at trees. But I know virtually nothing about this planet. The trees could be
sculptures—fake trees. They could be aliens. They could be coat racks. They could be
hallucinatory side-effects of the drugs used to render me unconscious. They could be

72 Lackey, It Takes Two to Tango: Beyond Reductionism and Non-Reductionism in the
Epistemology of Testimony, forthcoming in The Epistemology of Testimony, at 12.
(elements of) a dream. They could be holograms. They could be microscopic dust mites, enlarged and shown on a window-like monitor in my room. They could be trees far away, shown on a window-like television in my room. My perceptually-based belief about the alien’s trees seems no more responsible than Sam’s diary-based belief that Lackey describes.

Recall that Sam is led astray even before he trusts the account of the diary. He takes the diary to be a sincere account and to be written in English. It is only because these beliefs are inadequately supported (in Lackey’s view) that his additional beliefs about the contents of the diary are irresponsible. That is, Sam is irresponsible in naively taking an apparent diary to be an actual diary. (Lackey does not say whether this belief of Sam’s is purely perceptually-based, but it seems that it could be.) If sufficiently-unusual circumstances can render such a belief irresponsible, it would seem that they can likewise render irresponsible my taking an apparent tree to be an actual tree. Indeed, if we regard Sam’s belief that the diary is a diary as perceptually-based, then Lackey’s own example seems to feature a parallel counterexample to a default entitlement to trust the deliverances of our perceptual faculties and maintain our perceptually-based beliefs.

Both perception and testimony thus seem to share the same limits of a default entitlement to believe that our present environments are reliable in the way that our past environments have been. Our default presumption of testimonial reliability might be defeated if circumstances are unusual enough, and our default presumption of perceptual reliability might likewise be defeated if circumstances are unusual enough.

Paul Faulkner considers a similar example to Lackey’s alien case, intended to show that Tyler Burge’s acceptance principle for testimony is flawed. He imagines
someone in an unfamiliar circumstance where falsehoods are as likely as reliable informants:

[C]onsider Faith. Blind drunk, Faith arrives at a party where she seems to know no one. She is confronted by a party game. The party-goers, who seem very familiar with one another, type statements to themselves on pieces of paper. The game is to decide whether the statement is Fact or Fantasy. Faith receives a statement from a stranger and is presented with a choice, is the statement Fact or Fantasy? Being credulous by nature Faith accepts what she reads, [and] what she reads is knowledgeable testimony. On Burge’s view Faith thereby acquires knowledge. 73

Whether Faulkner has interpreted Burge correctly, Faulkner may be right that those who employ informants must use a meta-reliable selection criterion, in addition to a reliable informant, in order to be justified and so to have knowledge. But we can construct a similar perceptual case, and such a meta-reliable criterion for detecting fakes would be analogously required for perception. Imagine that Faith finds herself at a different party at Madame Tousseau’s wax museum, or another sort of wax museum with extremely lifelike statues of ordinary people. Some of the participants intersperse themselves among the statues, standing very still, while other participants must decide whether a figure is an actual person or a statue. If Faith uses her normal perceptual abilities to derive a belief that there is a human being from the appearance of a normal human being, she would run afoul of principles equally plausible to the ones Faulkner would use against Faith in the testimonial case.

Lackey does consider her own example in attempting to modify her alien case for perception. She considers an amnesiac who has forgotten everything she knew about vision, but still relies on her still-reliable visual faculties. Regarding her alien example, Lackey asks,

73 Faulkner, Testimonial Knowledge at 134.
But now, one might ask, couldn’t a parallel argument be constructed regarding other, purportedly more basic, epistemic sources, such as sense perception, memory, and inference? For instance, suppose that after her involvement in a car accident, Olivia has complete amnesia with respect to her perceptual faculties, that is, she remembers nothing about either the workings or the deliverances of such faculties. Upon waking up from the car accident and seeing the face of her sister, Olivia forms the corresponding perceptual belief. Intuitively, is such a belief justified? Since this case is similar in all of the relevant respects to [the alien-diary case], shouldn’t we conclude here, as we did there, that it would be irrational for Olivia to hold such a belief in the absence of epistemically relevant positive reasons on behalf of her perceptual faculties? If so, there seems to be a problem of overgeneralization here. For now it looks as though positive reasons are needed to justifiedly hold, not just testimonial beliefs, but any beliefs. And this, in turn, leads us into all of the problems facing traditional internalist theories of epistemic justification, such as infinite regress, circularity, foundations, and so on.

Lackey thinks that her amnesiac, unlike the alien diary-truster, would not be irresponsible. She appeals to distinctions which she thinks show that “although [the alien-diary case] shows that positive reasons are needed for testimony, no similar case can be constructed for other cognitive faculties.” I should note that, before she responds to the counterexample, Lackey takes the argument much further than I would. I am only defending the idea that testimony and perception are on a par, not that testimony and any source would be on a par. And even if perception and testimony both required positive reasons, these might be supplied in the form, say, of innate reliable dispositions to believe that our normal perceptual and testimonial environments are reliable; the innate reliable disposition would not itself need to be backed by a reason, just because testimony and perception are on a par. Because we could not construct an

74 Lackey, Two to Tango at 23-24.

75 Lackey, Two to Tango at 24.
example analogous to the alien-diary example for that faculty, there would not need to be any infinite regress or threat of a general internalist coherentism.

Lackey’s amnesiac example, however, is not parallel to her alien-diary example, because the amnesiac example does not involve an unusual, never-before-encountered environment. The distinctive element of the alien case is that it has an odd object of the belief—the events on a faraway planet—and an odd means of transmitting information—an alien dropping his diary. Lackey’s amnesiac has neither of these features. But my example of an alien abduction features both. And, as noted above, Lackey herself suggests that in the alien-diary case, Sam’s perceptual beliefs, formed according to the rules appropriate to his normal environment, would be irresponsible.

Let me turn to the distinctions Lackey marks between testimonially- and perceptually-based beliefs. Her first distinction, which builds on an argument by Paul Faulkner, is that testimony distinctively involves persons and human agency. I will consider it below, when I discuss Faulkner.

Lackey argues that testimony is different from perception in that it involves more heterogeneity and different sorts of risks. “[S]ense perception, like other non-testimonial sources, is fairly homogenous—there is, for instance, simply not much of a difference epistemically between Olivia seeing groceries at Trader Joe’s and Olivia seeing trees without their leaves. Accordingly, when forming non-testimonial beliefs, subjects do not need to be very discriminating in order to be reliably in touch with the truth.”76 “[T]estimony is quite unlike other sources of belief precisely because it is so wildly heterogeneous epistemically—there is, for instance, all the difference in the world

76 Lackey, Two to Tango at 26.
between reading the National Enquirer and reading the New York Times. Moreover, this heterogeneity requires subjects to be much more discriminating when accepting testimony than when trusting, say, sense perception.”

It is not obvious that Lackey has made a compelling case that our perceptually-based beliefs really are so homogeneous. Seeing that Al Plantinga is nearby is very different from seeing that the milk is almost gone. There is a great variety in the objects of perception and the means which we use to recognize them. Consideration of non-visual sense perception would also help Lackey see more heterogeneity. Seeing that there is a tree in front of me isn’t much like smelling that there is a new loaf of bread in the bread machine. However, I need not rest on the heterogeneity of our actual perception in order to argue that the relative level of homogeneity does not distinguish perceptually-based beliefs, as such, from testimonially-based beliefs, as such. The full universe of possible perceptually-based beliefs involves many situations in which perceptions of different sorts of objects is very different, and the full universe of possible testimonially-based beliefs includes many situations in which the differences between testifiers is only as significant as the difference between the New York Times and the Washington Post. The sort of heterogeneity that Lackey points to seems plainly contingent.

Moreover, Lackey is particularly committed to the view that we can discuss testimony unhindered by worries about the plausibility or implausibility of our examples. The alien diary case employs the traditional assumption of philosophers that an account of a concept should apply to all possible instances of it, not merely to the

---

77 Lackey, Two to Tango at 27-28.
ones that happen frequently in our world. (This is not to say that a concept like justification or knowledge might not, when spelled out, require reference to “nearby possible worlds” or the like; it is only to say that such a formulation should itself apply to all possible worlds. Those in worlds that are near to worlds with envatted brains do need to worry about them.) Given her example, Lackey is particularly ill-positioned to argue that we should not care about unusual instances of testimony or perception, as long as they seem clearly possible.

Likewise, Lackey claims that there is a “difference between testimony and other epistemic sources concern[ing] the varying degrees of likelihood that such sources are unreliable.” She elaborates,

For instance, the possible worlds in which my perceptual beliefs are indistinguishably false—for instance, worlds in which I am unknowingly a brain-in-a-vat or the victim of an evil demon—are quite distant. Indeed, even possible worlds in which many of my perceptual beliefs are indistinguishably false are rather far away—worlds, for instance, where my perceptual faculties frequently malfunction and yet I do not suspect that they do. In contrast, the possible worlds in which most of my testimonial beliefs are indistinguishably false—for instance, worlds in which I was raised by parents who belong to a cult, or worlds in which my government is highly corrupt—are much closer. Indeed, for many people, this is true in the actual world. Given this much greater chance for error in the case of testimony, the rational acceptance of reports of others requires positive reasons in a way that is not paralleled with other cognitive faculties.  

I think that Lackey overestimates the extent of deception afflicting those who have a major source of deception in their lives, like a cult or a corrupt government. Even those raised in a cult will still believe an enormous amount of normal things unrelated to the cult’s beliefs—things like the geography of their town, or the weather reports, or their birthdates—on the basis of reliable informants. Likewise for a corrupt government—it

78 Lackey, Two to Tango at 25-26.
may lie about many things, but most of our testimonially-based beliefs do not come from the government, not by a long shot. Further, there are people with mental illnesses that cause them to have extremely vivid hallucinations for a very long time; think of John Nash from *A Beautiful Mind*. But the prevalence of unreliable perceptual faculties or unreliable informants in the actual world is somewhat beside the point for an examination of the TP Parity Thesis, which concerns the entire universe of possible testimonially- and perceptually-based beliefs. Just as the homogeneity or heterogeneity of perception and testimony in our world is not dispositive to a distinction between the nature of the faculties, as such, no merely contingent difference in reliability can show a difference between perceptually- and testimonially-based beliefs, as such, regarding how we explain whether they are justified or represent knowledge.

3.4. Jonathan Sutton

Similar remarks to those just made against Lackey’s last distinction between testimony and perception apply to Jonathan Sutton’s views on why testimony and perception are disanalogous and produce justification and knowledge according to different principles.

Sutton promotes for testimony what he calls the “KK view”: “[O]ne knows that *p* on the basis of testimony just in case one believes that *p* on the basis of testimony that *p* given by one who knows that *p* provided that one *knows* that the testifier knows that *p*.”\(^79\) Sutton focuses his attention chiefly on those who would weaken such a principle

\(^{79}\) Sutton, *Without Justification*, draft at 100.
to a requirement that the ultimate subject either believe or justifiably believe that the informant know that $p$ (Sutton calls these the BK and JBK views); he does not consider an even weaker position which would not even, say, require that the bearer of testimonially-based knowledge have the concept of knowledge in order to apply it to an informant. Beliefs about whether our informant is in a position to know whether $p$ correspond, I think, to beliefs about whether our perceptual informational channel is a reliable source of beliefs such as $p$.

I will not consider the details of Sutton’s arguments in favor of the KK view. Granted the assumption that we must have a belief about our informant’s knowledge in order to have testimonially-based knowledge, Sutton makes a reasonably strong case that the belief must itself amount to knowledge. I will instead focus on his explicit attention to the analogy between testimonially- and perceptually-based beliefs. Sutton considers an objection to his views based on TP Parity. He writes,

A number of philosophers, inspired by Reid, have considered the reception of testimonial beliefs comparable to the production of perceptual beliefs by the senses—there is something like a ‘faculty’ for receiving testimonial beliefs just as there are faculties for producing perceptual beliefs. Surely we are justified in our perceptual beliefs formed without reflection on the operation of our senses—equally, such beliefs constitute knowledge, regardless of one’s position on the relation between justification and knowledge. The KK view appears to impose much stronger requirements on testimonial knowledge than hold for perceptual knowledge, for which something like the BK view seems to be correct. All it takes to acquire knowledge from the operation of our senses in the right circumstances—the unexceptional circumstances which we occupy the vast majority of the time—is to believe what our senses tell us. Is it legitimate to treat testimonial and perceptual knowledge so differently?

My response is that I do not treat perceptual and testimonial knowledge differently in an unprincipled manner. If one’s vision regularly encouraged one to form false beliefs about what the world outside looks like because of defects internal to one’s faculties, or if the world outside one regularly put obstacles in the path of one’s forming true beliefs—if people regularly placed fake barns and robot animals and trompe l’oeuil paintings wherever one roamed—one would have to know
that one’s senses were reporting accurately in order to acquire perceptual justification from them. Something analogous to the KK view would hold of perceptual knowledge. Thankfully, we are not in such a position with respect to the senses—perceptual knowledge is easy to obtain the vast majority of the time. (So is knowledge that one’s senses are performing normally in a given situation, although I do not want to suggest that such knowledge is required for forming perceptual knowledge in ordinary circumstances. Implicit knowledge that one’s senses are performing normally might, nevertheless, be commonplace or even universal when we acquire perceptual knowledge—it need not require any notable cognitive effort or reflection.)

But we are in such a position with respect to testimony a lot of the time—at least as adults. [Sutton here adds a footnote: “This is an empirical, not a philosophical, claim, and if you do not already know it, I cannot help you come to it in the space of this chapter—not unless the BK view is true of testimony in general, at least.”]  

Sutton thus rests his resistance to an analogy between perception and testimony on the fact that our “position with respect to testimony a lot of the time” is different from our position with respect to perception “the vast majority of the time.” Parenthetically, I should say first that Sutton’s examination of the perception case seems to make light of the higher-order requirement that he imposes in the testimonial case. Sutton suggests that an analogue of the BK view—the view that to know that \( p \) I must only believe that my informant know that \( p \)—applies to perception, but he then suggests an even easier standard: “All it takes to acquire knowledge from our senses in the right circumstances ... is to believe what our senses tell us.” But believing what our senses tell us is simply believing that \( p \), not anything analogous to believing that our informant knows that \( p \).

Sutton argues that environmental differences in the actual reliability of testimony and perception mean that testimonially-based beliefs should be judged by standards like the KK principle, but perceptually-based beliefs should not. Sutton imagines a world where fake objects of perception are frequent, and argues that in that world, perception

---

80 Sutton, Without Justification at 132.
would have its own higher-order requirement. But then Sutton is not really arguing that for perception, as such, our entire collection of explanations why particular perceptually-based beliefs would or wouldn’t be justified or represent knowledge will be different from our corresponding entire collection of explanations why particular testimonially-based beliefs would or wouldn’t be justified or represent knowledge. Indeed, Sutton seems to agree that comparing the entire space of possible cases of testimonially-based belief to the entire space of possible cases of perceptually-based belief will produce a close correspondence.

We can easily imagine worlds where testimonially-based beliefs are as reliable as perception. Indeed, I am not nearly as sure as Sutton that the actual world has as much deception as he says. But the mere possibility of generally-reliable testimony will be enough to make my argument. Imagine that we were so constructed biologically that we could not lie without triggering a red light on our forehead, or that there were some other device to keep us from getting away with lying. Beliefs based on informants in that world would still, surely, be testimonially-based; it is not essential to testimony that it be as unreliable or reliable as it is in this world.

Now, Sutton says that the standards for perceptually-based knowledge would go up in worlds where there are lots of fakes around. But to be consistent, he must also acknowledge that the standards for testimonially-based knowledge would go down in worlds where there is not so much deception. And if that is the case, then Sutton’s view does not pose a problem for TP Parity. Sutton announces his principles as an answer to questions about testimonially-based beliefs posed in an unqualified way: “[U]nder what conditions is a belief derived from the testimony of another justified? ... [U]nder what
conditions does a belief derived from the testimony of another constitute knowledge?”

Sutton does not suggest that his principles would be contingent upon the relative unreliability of testimony in our world. But if he would allow a weaker restriction in a world in which deception is less prevalent, then the KK view in fact holds only contingently. If he would make the move with respect to testimony that he acknowledges he would need to make with regard to perception, then Sutton has not really presented an account of testimonially-based knowledge, as such, at all. He has only given principles appropriate to our corner of testimonially-based beliefs. Such principles do not controvert TP Parity, as I present it.

3.5. Paul Faulkner

Faulkner takes direct aim at TP Parity: “The recognition of our ineradicable dependence on testimony for much of what we take ourselves to know has suggested to many that an epistemological account of testimony should be essentially similar to accounts of perception and memory. This premise I want to dispute.”

“[T]estimony is mediated in the sense that the intentions of another, and the justification possessed by another are relevant to the audience’s acquisition of knowledge. These considerations have no parallel in either perception or memory.”

Like Lackey, Faulkner thinks persons are specially involved in our testimonial environment, but not in our perceptual

81 Sutton, Without Justification at 99.


83 Faulkner, Social Character at 1-2.
environment: “The fact that what is presented-as-true does come from another person is a distinguishing feature of testimony. ... [T]his feature renders testimony epistemologically distinctive.”

Faulkner focuses on two phenomena that pertain to testimonially-based belief, but not to perceptually-based beliefs: the informant’s intentions and the informant’s justification. I will consider the latter phenomenon, the informant’s justification, first. I do not agree that our evaluation of a perceptually-based belief lacks any considerations parallel to the relevance of the justification possessed by another. In the evaluation of testimonially-based belief, we require certain conditions like justification on behalf of the informant because we are concerned with the proper flow of information from the truthmaking object of our ultimate testimonially-based belief to our ultimate subject. We care about the grounds and justification of the informant because we care about the source of his belief, expressed in his testimony. If our informant is, for instance, just making things up, we do not have the requisite flow of information.

Consider a case of machine-aided perception where a machine uses several inputs to determine the temperature of a room. My knowledge of the room temperature, based on such a machine, is dependent on the machine’s use of those inputs to determine the temperature. This is a precise parallel to my concern with the informant’s grounds and justification—that is, the inputs to my informant’s belief. More generally, any successful case of ordinary perception will depend on the existence of a channel of information all the way from the truthmaking object to the believing subject. The environmental conditions on the flow of information in a perceptual case correspond

84 Faulkner, Social Character at 7.
precisely to the requirement that my informant himself have access to the relevant information he passes on—that is, that my informant be justified in his own beliefs, and actually have information to pass on to me. The case of memory, while it is not my main concern in this chapter, is perhaps even clearer: my justification at time 1 is relevant to whether my memorially-based belief at time 2 is justified, or constitutes knowledge, in a way closely analogous to the way that the testifier’s justification is relevant to whether my testimonially-based belief is justified or constitutes knowledge.

Let me turn to Faulkner’s other distinction between perceptually- and testimonially-based beliefs. Faulkner explains at greater length the distinctive relevance he sees for testimonially-based beliefs in the intentions of informants. “[T]here is at least one fundamental dimension along which testimony may be contrasted with perception and memory. Suppose a speaker utters ‘U’ and intelligibly expresses that p. If the speaker thinks that p is true and he is correct, it is the case that p, then let me say that he is dependable. Conversely, if the speaker thinks that p is false, let me say that he is artful. Artfulness clearly entails undependability, but the converse is not the case, a speaker might be quite sincere and yet still express a falsehood. Testimony, then, differs from perception and memory because it is mediated by considerations of artfulness and dependability that have no corollary in either perception or memory. ... It is the relevance of the intentions of others that renders testimony distinct from perception and memory.”

Elsewhere he says much the same thing: “Considerations of artfulness and dependability are relevant to the successful acquisition of knowledge by testimony.

Testimony therefore differs from perception and memory because these considerations have no corollary in either perception or memory.”

I think, however, that the intentions of others can also be relevant to whether perceptually-based beliefs are justified, or amount to knowledge. They therefore do not mark a disanalogy between the universes of testimonially- and perceptually-based beliefs. I will make the argument that the universe of possible perceptually-based beliefs is as afflicted with the problems related to the intentions of others as is the universe of possible testimonially-based beliefs in three steps.

First, libertarian human agency, or human agency where there is a significant chance of deception, is not always at stake in testimony. There are simple cases of testimony, for instance, where there is no time for a testifier to respond deceptively. These are cases in which a human being responds more or less as an automaton. For instance, if I yell someone’s name, he may unthinkingly turn around, thus giving me the information about his identity where there is no significant chance of deception. Other cases where a testifier has a well-established character trait and simply answers questions immediately, without thinking of deception, seem not to involve libertarian agency in any important way. That is, there are certain people whose testimony is reflexive and unthinking, like that of a machine. The presence of the concerns of agency and intentional human conduct do not afflict all linguistically-based beliefs, but only some. There are some cases where persons use language, but they do not do so in any way that is distinctive as persons.

---

86 Faulkner, Social Character at 7.
Second, human agency and the possibility of deception are at stake in many cases of perception. Fake objects and holograms are one simple way. To have perceptual knowledge that there is a cell phone near me, it must not be the case that a freely acting agent has put a fake one there. Our perceptual environment contains many objects, such as a pattern of light rays in the shape of a cell phone, that are normally associated with certain objects, such as cell phones. But it is possible for freely acting human agents to mess up that normal association. To form my perceptually-rooted belief about the cell phone, I must use a mechanism for converting my apprehension of those light rays into the appropriate belief. That sort of mechanism is one that is appropriate for certain environments—e.g., those lacking fake cell phones—and using the mechanism assumes that the appropriate environment exists. But that environment can be marred, both by natural occurrences, like perceptual illusions, and by those involving human agency, like the production of fakes. Perceptually-rooted beliefs are, therefore, subject to the problem of human deception just as testimonially-rooted ones are.

Fake objects and lies are kindred phenomena. Both fakes and lies take advantage of the fact that certain objects and properties—and typically only such objects and properties—are associated with environmental phenomena. Trees, and usually only trees, are associated with certain patterns of light waves and with tree-appearances; tsunamis, and usually only tsunamis, are associated with certain patterns of destruction on beaches and with tsunami-reports. We can go from an apprehension of the phenomena to a belief about the object because it is unlikely for the phenomenon to exist without the object. Now, both a lie and a fake are the artificial production of the environmental phenomena without the object or property itself being there. A lie about a
tsunami is an artificial production of a tsunami report without the tsunami; a fake tree is an artificial production of a tree appearance without the tree. The difference between fakes and lies seems to be only a contingent difference in how easy it is for others to produce them in our world.

Third, the difference in frequency of deception between linguistically- or perceptually-based beliefs, in our human experience, is not a reason to think that the universes of explanations of normative phenomena pertaining to perceptually- and testimonially-rooted beliefs are not in tandem. For this difference in frequency is only a contingent fact that would not plausibly change the nature of either testimonially- or perceptually-rooted beliefs. Imagine a world where people lacked the capacity to lie effectively—for instance, where a light on speakers’ foreheads would go off whenever they tried to lie. And imagine that in that world there were enormously more fake objects in our perceptual environment. Would we be inclined to think that the beliefs in such a world, based on language but not suffering much from the possibility of deception, would for that reason not be testimonially-based? Or would we think that the beliefs about objects in our environment, which did suffer from the possibility of fakes, would for that reason not be perceptually-based? These possibilities seem to me obviously mistaken. Once we recognize that both testimony and perception have some cases where deception is at issue, and some where it is not, we can see that the presence of deception is not a good criterion on which to distinguish the universe of possible testimonially-based beliefs from the universe of possible perceptually-based beliefs.

Jennifer Lackey, in elaborating on Faulkner’s argument, seems to overlook the possibility of fake objects. She writes,

[T]estimonial beliefs are acquired from persons. Persons, unlike other sources of belief, have all sorts of different intentions, desires, goals,
motives, and so on. Some of these desires and goals make it advantageous to lie, to exaggerate, to mislead, and to otherwise deceive.

... 

[It may be argued that other sources of belief can lead us just as far astray epistemically as testimony. For instance, aren’t the paradoxes just as misleading as incompetent testifiers, and aren’t perceptual illusions just as deceptive as compulsive liars? ... But now notice: the paradoxes, perceptual illusions, hallucinations, and so on all parallel the testimonial case of incompetent believing—there simply is no analogue of insincere testifying with non-testimonial sources of belief. [Here Lackey cites Faulkner’s The Social Character of Testimonial Knowledge.] For insincerity involves the intention to deceive or mislead, and intentions of this sort are distinctive of persons. When my rational and perceptual faculties lead me astray epistemically, they do not intend to do so. Because of this, failures in the case of testimony are much more unpredictable than failures in non-testimonial cases.]

There are, however, cases in which perceptual beliefs are marred by an intention to deceive: the case of fake objects. It is quite unpredictable when someone will put a fake object into my perceptual environment, because people are quite unpredictable. It is just as unpredictable as when someone will put a fake report into my testimonial environment. Insofar as perception, like testimony, has persons in its causal ancestry, it can have problems related to those persons’ exercise of free will. Differences in frequency are merely contingent.

Faulkner pushes his argument that intentions make testimony different with considerations of our relative skepticism of perception and testimony. “The recognition of this distinguishing feature of testimony is reflected in our tendency to be sceptical of testimony. Our psychological attitude toward what we seem to perceive or remember is one of acceptance. Our psychological attitude toward what another tells us is to accept what we are told only given the presence of further background belief.... Our psychological disposition is to accept testimony only given suitable background beliefs

----

87 Lackey, Two to Tango at 24-25.
about the testimony’s credibility and truth.” 88 Elsewhere he makes a very similar argument: “[W]e are sceptical of testimony in a way that we are not sceptical of either perception or memory. It can be quite rational to question what another says, whilst it can be quite irrational to question what one sees or remembers.” 89 Of course, I agree that it can be rational, sometimes, to question what an informer tells us, and it can be irrational, sometimes, to question what our perceptual or memorial processes cause us to believe. But it also can be irrational, at other times, to question what an informer tells us, and it can be rational, at other times, to question what our perceptual or memorial processes cause us to believe. A parity seems evident.

It could also be said, however, that our tendency not to be skeptical regarding perception or memory is itself a manifestation of our background beliefs about the reliability of the memorial and perceptual information channels. We implicitly trust that our perceptual environment is suitable, or that our memory is not playing tricks on us, in just the same way that we implicitly trust that our informant is reliable and knows what he is talking about. Perceptually-based beliefs depend on explicit or implicit beliefs about the reliability of the environmental information channels to just the same extent as testimonially-based beliefs depend on explicit or implicit beliefs about the reliability of our informants.

Faulkner says, “It is doxastically irresponsible to accept testimony without some background belief in the testimony’s credibility or truth. In the case of perception and memory rational acceptance only requires the absence of defeating background beliefs.

88 Faulkner, Social Character at 9.

89 Faulkner, Testimonial Knowledge at 4.
In the case of testimony, rational acceptance requires the presence of supporting background beliefs.”90 I do not share this intuition and do not think that most people’s normal practices support it. Background beliefs about how perception (and memory) work are just as useful or important to our justification regarding beliefs based on those processes as they are in the context of beliefs obtained from other people’s language. Faulkner supports his assertion in a footnote: “One may put the background role of these beliefs this way. If an audience were to lack a dispositional belief in either the credibility of a given testimony or the truth of the proposition it asserted, the audience would not accept the testimony.”91 If this is right for beliefs based on testimony, it seems equally true for beliefs based on perception. If a perceiving audience were to lack a dispositional belief in either the reliability of its environmental perceptual channel or the truth of the propositions served up by their perceptual processes, one might think that the perceiving audience would not accept their perceptually-based beliefs. Certainly it makes sense to require in both the case of perceptually- and testimonially-based beliefs, the believer be indisposed to disbelieve in the reliability of one’s informant or perceptual information channel. Adding a requirement of a disposition to believe should, I think, be done in both cases or in neither.

Infants and young children lack the relevant conceptual abilities to formulate explicitly questions about the reliability of informants, or of the reliability of perceptual information channels, but they do have the disposition to trust their caregivers and to form certain beliefs based on perception. In considering the beliefs of young children

90 Faulkner, Social Character at 9.

91 Faulkner, Social Character at 28 n.13.
based on either perception or the words of others, we have the same set of options in the face of demands for background beliefs. We can (a) deny that children’s beliefs either are justified or represent knowledge; (b) deny that they are justified, but allow that they represent knowledge, by severing the traditional requirement that knowledge be justified; (c) ascribe implicit beliefs to children, so that their relevant beliefs both are justified and represent knowledge; or (d) drop the requirement that justification requires any sort of belief, implicit or explicit, in the reliability of the relevant informational channel. I am not committed here to choosing one of the four options. But I see no reason to choose different options for perceptually- and testimonially-based beliefs, and at least one reason—economy—to choose the same option.92

3.6. Matt Weiner

Matt Weiner, while he criticizes reductionists like Fricker, claims that testimony is different from perception because it involves auxiliary beliefs about receiving information from an informant. He writes,

Mature testimonial belief, as discussed above, rests on many beliefs about persons, their minds, and their actions. In this way it is unlike beliefs gained through machines or through perception. When we form beliefs by reading measurements from machines, we may not have any

92 Faulkner at one point mentions the use of machines in forming beliefs, assuming that we take a more doubting attitude toward them: “On one extreme, whilst reliance on others is seen as necessary, this reliance, it is claimed, should be no different in type to our reliance upon instruments. On this view, it is our epistemic duty not to be dependent; knowledge is not to be acquired on trust.” Faulkner, The Epistemic Role of Trust at 1. He then quotes Locke’s skeptical attitude toward testimony. I do not share his assumption about our attitude toward instruments. I do not think that it is my duty to learn the details of how, say, my watch works. I simply assume its proper function absent a defeating reason for doubt, and this seems epistemically perfectly responsible. That is, I agree with his first characterization of the “extreme” view: I think that reliance on another person should be no different from our reliance on instruments, but I deny that such a view means that it is our epistemic duty not to be dependent. We can be dependent on instruments too.
hypotheses about the deep workings of the machine. When we form beliefs through perception, we may do so automatically, without any particular belief about how our perceptual system works. When we form beliefs through testimony, at some level we are aware that we are believing what a person says, and that this person is presenting her testimony as her own belief.  

Weiner puts only a mild restriction on the sort of higher-level belief that we need for a testimonially-based belief: “at some level we are aware that we are believing what a person says.” Only by an appeal to implicit or tacit awareness can Weiner make this claim plausible. We are surely not always explicitly “aware” that we are having a belief in most cases of testimonially-based belief. I ask which way to the train station, and someone tells me; I may have no explicit awareness at all that I am forming a belief in response to testimony. The only sense in which I do seems equally shared by perception. Certainly we are not inclined to deny that we are forming a belief in response to testimony, and that might count as “at some level” being aware that we are doing so. But we are, when forming a perceptually-based belief, likewise not inclined to deny that we are forming beliefs in response to the sensations that our perceptual processes have served up for us.


94 Fred Dretske makes use of a testimonial analogy in making the case for the presence of background knowledge and implicit belief, for perceptually-based knowledge:

I do not wish to suggest that S's background belief is something which S is turning over in his mind, something which he is uttering, sotto voce, as it were, when he sees that b is P. Quite the reverse. This background belief is, in a fairly literal sense, part of the background. Compare, if you will, a situation in which an old card-playing friend tells you that he has just dropped eighty dollars in an all-night poker game. Such a communication may provoke a number of different responses: “Serves you right”, “Who was the big winner?” or “What did your wife have to say about that?” It seems clear that on many occasions such responses are not mediated by any intellectual deliberations concerning the veracity of the speaker. That is to say, we do not indulge in a bit of covert reasoning which begins with the premise (1) he has just said that he lost eighty dollars in a poker game, and moves to the conclusion (3) he has lost eighty dollars in a poker game by virtue of some belief to the effect that (2) he generally tells the truth about such matters. Yet, although nothing of this sort is happening, or need happen on
Weiner says that our lack of “hypotheses about the deep workings of the machine” in machine-based beliefs and of a “belief about how our perceptual system works” shows that mechanically- and perceptually-based beliefs are more “automatic” than testimonially-based beliefs. But the distinction does not consider parallel components of the respective beliefs. I contend that we have in the case of mechanically-based beliefs, as bright or dim an awareness of the fact that we are receiving information from a machine or, in the case of perceptually-based beliefs, of the fact that we are receiving information from our perceptual faculties as we have, in the case of testimonially-based beliefs, of the fact that we are receiving information from an informant. Likewise, our belief about either the inner working of the machine on which we rely, or the functioning of our perceptual system, correspond to, and play a similar role as, our beliefs about the inner workings of our informant. Comparing the lack of an internal-workings belief in the case of mechanically- or perceptually-based beliefs to the presence of a source-of-information belief in the case of testimonially-based beliefs is simply to mark a disanalogy between the epistemic role of beliefs regarding different aspects of the process leading to a belief, not a disanalogy between perception and testimony.

any conscious level, it would be quite proper to say that you responded the way you did because you believed that he was telling the truth. In such cases as this, although we say of someone that he would not have done (or said) X [should be Y] when he heard Y [should be X] unless he believed Z, there is no question of this belief operating as a conscious intermediary between his hearing X and his doing (or saying) Y. Rather his doing Y upon hearing X manifests his belief that Z. Perceptual situations are no different in this respect. Background beliefs are manifested in perceptual achievements of the sort we are concerned with in this chapter; they are not used as premises or principles of inference. Seeing and Knowing (1969), at 118-19 (“Perceptual situations are no different” emphasis added).
3.7. Sanford Goldberg

Sanford Goldberg applies himself directly to a question very like my Parity Thesis in his Reductionism and the Distinctiveness of Testimonial Knowledge. He states his conclusion: “My main contention is that testimonial knowledge is a distinctive kind of knowledge in that this sort of knowledge, but no other, is associated with a characteristic expansion in the sorts of epistemically relevant moves that can be made by the subject in her attempt to identify the direct epistemic support enjoyed by her belief.”

Testimony is special, Goldberg argues, because it allows a certain kind of epistemic move. He contrasts someone who observes a thermometer with someone who relies on an informant. If the thermometer-user is pressed to give a justification of her belief, Goldberg says, “If challenged to defend her belief that it is 44 degrees Fahrenheit, she will cite her reading of the thermometer, together with all of her evidence for thinking that the thermometer was reliable. ... Once she has cited all of this, she has exhausted the responses available to her in the face of a challenge to defend (or to identify the epistemic support enjoyed by) her belief that it is 44 degrees Fahrenheit.” In contrast, Goldberg believes that someone who relies on an informant has a further justificatory move available. Goldberg summarizes the argument:

If challenged to defend her belief that it is 44 degrees Fahrenheit, Smith will cite her observation of Jones’ testimony, together with all of her

---

95 Goldberg, Distinctiveness at 10, emphasis in original.

96 Goldberg, Distinctiveness at 10.
(Smith’s) evidence for thinking that Jones is a reliable interlocutor. ... But – and this is the key – even after Smith cites all of this, there remains a further response available to her in the face of a challenge to defend (or to identify the epistemic support enjoyed by) her belief that it is 44 degrees Fahrenheit. She can simply pass the buck to Jones, as follows:

I’ve told you all the reasons I have for trusting Jones’ testimony; so if what you want is more in the way of a defense of the claim that it is 44 degrees Fahrenheit (as opposed to more in the way of a defense of the claim that Jones’ say-so to that effect was trustworthy), you can simply ask Jones himself. He’ll be able to provide considerations that more directly support the claim that it is 44 degrees Fahrenheit (or else, failing that, will be able to direct you to the person from whom he acquired the belief).

Suggesting that my interlocutor himself talk to my informant, Goldberg says, is an epistemic move unique to testimony. But I can, in the case where I am relying on a machine like a thermometer, similarly suggest that my interlocutor himself inspect the thermometer. There is nothing special about the nature of the testimonial information channel that necessarily makes it easier to inspect than a perceptual information channel. Goldberg imagines that our interlocutor can talk to our testimonial information channel and find out where he got the information. Obviously, if my informant is asleep or dead or has gone home, my interlocutor will not be able to conduct such an investigation, at least not as easily. But information channels can generally be re-inspected by others to some extent.

The right to pass the epistemic buck is not limited to cases of testimony, but seems to apply just as well to cases of machine-aided perception, or simple perception. Suppose my eyes malfunction: I have double vision and come to believe that a copy is smudged, when it is actually just my eyes. If someone upbraids me for this error, I can pass the epistemic buck to my eyes. It’s not my fault that I’m stuck with malfunctioning

97 Goldberg, Distinctiveness at 11.
perceptual equipment (assuming that I haven’t had the chance to correct the problem).

Or suppose my machine malfunctions: my oscilloscope misregisters the voltage that I’m trying to measure. When I make incorrect assessments about the materials I’m experimenting on, I can pass the buck to my oscilloscope for any errors. It’s not my fault that I’m stuck with a malfunctioning oscilloscope (assuming that I haven’t had the chance to correct the problem).

Passing the epistemic buck to machines seems commonplace and justified. Most of us do not know the details about how our computers, or our watches, or our oscilloscopes work, but we rely on them nonetheless. If pressed to give an explanation, we could, in principle, if we had enough time, give an elaborate explanation of why we think the machine is reliable. But most of the time we say, “I’m relying on the machine. If you want to know more about why those sorts of machines are reliable, take a look at it yourself, or read up on that sort of machine.” Similarly, if we knew enough about our informants, and the psychology of being an informant, we could, in principle, explain why we think they are reliable. But most of the time we just say, “I’m relying on my informant. If you want to know more about why she’s reliable, ask her yourself, or read up on the psychological literature.”

Further, passing the epistemic buck to the instruments and processes involved in perception is just as reasonable as passing the buck to machines in other contexts. If asked to justify my perceptual beliefs, I could, in principle, if I had enough time, learn enough about the psychology of vision and perception to explain why the relevant processes are reliable. But most of the time I would say, “I’m just relying on the beliefs served up by my eyes and their associated mental processes. If you want to know more
about why they are reliable, I’d be happy to let you give me a vision exam, or read up on the psychology of vision.”

We rely, in all three cases, on the proper functioning of our informants, our information machines, and on our perceptual information channel. All three are available for inspection by an over-inquisitive questioner. All three can be passed the epistemic buck. Perhaps such buck-passing should be considered as an implicit belief in the reliability thus assumed or taken for granted, and perhaps not. But beliefs based on perception and on language seem on a par.

Goldberg offers an explanation why he thinks machines differ from people in their information-processing abilities: rational beings are the bearers of responsibilities, which machines are not. Perhaps this is why he thinks they can be transferred responsibilities. He writes,

[R]reliance on the deliverances of another rational being has an epistemological significance absent from the case of reliance on mere instruments (e.g. thermometers); and that this difference reflects the different metaphysical status that rational beings have (relative to mere instruments). The difference in metaphysical status is reflected in the fact that rational beings themselves rely on (and shape and express their views in accordance with) evidence of the sort that reliable instruments merely offer. A rational being engages in the project of shaping its beliefs to fit the evidence it has. Because this project is to some degree under the being’s own rational control, this shaping process can be done in better and worse ways (epistemologically speaking), in ways that are epistemically sanctioned, and in ways that are not. Consequently, the notion of epistemic responsibility finds a home here. The result is that, in relying on a rational being’s testimony, one is relying on that being to have lived up her relevant epistemic responsibilities. A merely reliable instrument, by contrast, operates according to the laws of nature. Because there is no ‘rational control’ to speak of, the notion of epistemic responsibility has no home here. In relying on the ‘testimony’ of a merely reliable instrument, one is relying on the laws of nature and the systematic and predictable effects these have in connection with the instrument’s construction (when no noise-introducing factors intervene). It makes no sense to say that one is relying on the instrument to have
lived up to its relevant epistemic responsibilities; the instrument has none.⁹⁸

A sufficiently complicated machine, however, may be involved in weighing different sorts of evidence and can do this in better or worse ways. Think, for instance, of the algorithms involved in search engines like Google. When I type in a series of search terms, these algorithms use the data they have to assess and report which web sites are most frequently associated with those search terms. Great amounts of time and money are spent improving these algorithms so that they process information as accurately as possible, given the data available. In general, information-processing machines are subject to the phenomenon of functioning properly or improperly, just as rational agents are subject to the phenomena of behaving epistemically responsibly or irresponsibly. The notion of function imposes on machines a normative reality that is quite analogous, as I see it, to the epistemic responsibilities of rational agents. Goldberg rightly insists that “the reliance on the authority of another rational being is itself epistemologically significant—something that should be accommodated by any adequate epistemological account of testimony-invoking belief and knowledge,”⁹⁹ but reliance on the proper functioning of information-processing machines is likewise epistemologically significant, something that should be accommodated by any adequate epistemological account of perceptually-based belief and knowledge.

Goldberg considers a challenge that would assert that epistemic buck-passing occurs in non-testimonial cases too, but his response here seems weak. He considers a case where someone is relying on his perception and memory, and when asked to defend

⁹⁸ Goldberg, Distinctiveness at 13.

⁹⁹ Goldberg, Distinctiveness at 13.
this reliance, refers his interlocutor to “the experts working on perception and memory.”

Goldberg replies that this sort of epistemic buck-passing would involve a different sort of epistemic support than in a testimonial case, because it would only be seeking additional indirect support for his belief, rather than supplying additional direct support that is inaccessible to the hearer. The idea is that, in a case of normal perception and memory, I know the ultimate source of my belief—i.e., my perception and memory—and rely on experts regarding the reliability of those sources. But in the case of testimonially-based beliefs, I do not know where my informant got her beliefs that she passed on.

I think consideration of the variety of assumptions that might need to be shorn up, or blanks that might be nice to fill in, in the case of machine-aided perception, or normal perception, will mar Goldberg’s attempt at a distinction in the buck-passing techniques pertinent to testimony and perception. In some cases, I do not know, perhaps, where my machine got its information. Learning more about the machine will tell me more about that source. In that sort of case, Goldberg would seem by his own lights to concede that I would lack direct support regarding the ultimate basis of my belief. If passing the buck to a machine by relying on its proper function is permissible, just as is passing the buck to an informant by relying on her proper discharge of her epistemic responsibilities, then it is also reliance on that source for direct support, not merely indirect, as Goldberg thinks his own case involves.

Even these other cases, however, do not seem to involve any fundamentally different sort of buck-passing than is involved in the testimonial case. Consider a case,

\footnote{Goldberg, Distinctiveness at 17.}
which Goldberg would see as importantly distinct, in which I do not know *how the machine processed* its information. Simple perception, where I rely on my native endowment of perceptual equipment that others know more about, is this sort of case. But we can reconceive ignorance about the details of information processing as ignorance about the source of information. My eyes and other perceptual processes need to convert light waves into sensations and beliefs about objects. In order for this information-processing task to be accomplished successfully, these processes and their underlying material basis need to be constructed so that they serve up to my consciousness the right sorts of beliefs in response to the right light-wave informational input. These correlations are something that our perceptual processes can get wrong, and something they need to get right—our perceptual processes need to embed certain information about those correlations, perhaps obtained from a literal or metaphoric designer, perhaps obtained from somewhere else. Information about *how to process* the inputs into the right outputs can be reconceived as information about *which inputs should go with which outputs*. That is, to process the light-wave information into perceptually-based beliefs, my perceptual processes must have certain cognitive resources, of which I do not know the source. So ignorance about how information is *processed*—as in the perceptual case in which I don’t know everything about how my eyes and other perceptual equipment work—seems to involve ignorance about the initial *source* of information, as in the testimonial case in which I don’t know where my informant got his information.
3.8. P.F. Strawson

In the course of comments that are generally sympathetic to anti-reductionism, Peter Strawson commits himself to the dependence of testimonially-based beliefs on the exercise of perceptually-based beliefs at the time of the testimonially-based belief. He says,

> [E]ven the most committed anti-reductivist must acknowledge that perception is a necessary condition of the acquisition of knowledge from testimony. We cannot acquire beliefs from the written word without looking and seeing; nor from the spoken word without listening and hearing. And a parallel admission is required in the case of memory. For, first, we cannot retain knowledge thus acquired without remembering what we have thus learned; and, second, even the acquisition of such knowledge or beliefs requires that we understand the sentences that we read or hear, and this in its turn invokes a form of memory, viz. our retention of our acquired knowledge of the language to which the sentences belong.\(^{101}\)

Strawson also considers and rejects a parallel claim that perception is itself dependent on testimony. He says,

> “The joint exercise of both memory and perception is not only a necessary condition of the possession of all knowledge or belief derived from testimony; that joint exercise may be a sufficient condition of the possession of some knowledge, the acquisition of which is in no way at all dependent on testimony. ... [H]ere, if I am right, is one respect in which testimony cannot be on a perfectly equal footing with perception and memory as a source of knowledge.”\(^{102}\)

Strawson thus expresses a common intuitive response to the suggestion that testimony and perception are on a par: blind people can’t read, but some of those who can’t read

---


\(^{102}\) *Knowing From Words* at 24.
can still see. Elizabeth Fricker says something quite similar: “[T]estimony always depends on perception, because the receipt of testimony depends on perception of the written or spoken act in which it is made. Neither perception nor memory depend similarly on testimony, or on each other.”

In responding to Strawson’s arguments, let me first make a little clearer what my target is here. I am saying only that the universe of explanations why a perceptually-based belief is or isn’t justified, or knowledge, is not asymmetric with the universe of explanations why a testimonially-based belief is or isn’t justified or knowledge. Testimonial-based beliefs may be always dependent on “perception,” if by that term we mean the sensory precursors to perceptually-based beliefs. But because perceptually-based beliefs are also always dependent on such precursors, the fact does not mark a difference in the respective explanations why perceptually-based beliefs and testimonially-based beliefs are or aren’t justified, or do or don’t represent knowledge. To put the point another way, perceptually-based beliefs do not have a proprietary relationship with pre-doxastic perceptual sensations. Other faculties, like our faculty for forming linguistically-based beliefs, can use these sensations while bypassing doxastic perceptual processes. We can go straight from sensations to testimonially-based beliefs, without forming perceptually-based ones.

Roderick Chisholm relies on our ability to form beliefs based on linguistic content without forming beliefs about the specific words used to argue, based on an analogy between perception and testimony, against the theory that beliefs about appearances are an essential part of perception. He says,

103 Fricker, Testimony: Knowing Through Being Told at 124.
Ordinarily a perceiver may not notice the way in which the object of his perception happens to be appearing. If we ask him to tell us about what it is that he is perceiving, he will not reply by telling us how the things he is perceiving happen to appear to him. And subsequently he will find it easier to remember what it was that he perceived than to remember how it was that the objects of his perception happened to look, or otherwise appear, to him. He may be able to recall that he saw a square garden, for example, without being able to recall whether it looked diamond-shaped or rectangular. It is here, perhaps, that the familiar analogy between perception and language is most instructive. Thus one might say, in reporting a conversation, “I don’t recall the exact words he used, but I remember his telling me that the climate there is not very pleasant in the winter.” One recalls, not the details of the language, but rather what it is that was conveyed. ... To say of a man that he does not notice the way he is appeared to is to say that, although he is appeared to in that way, it is false that he believes—that he accepts the propositions—that he is appeared to in that way.\textsuperscript{104}

If Chisholm is right about this, we do not need to have beliefs about the details of language in order to have beliefs about the content of that language; accordingly, we do not need to have the relevant perceptually-based beliefs in order to have testiominally-based ones.

Jerry Fodor has described psychological data that show our ability to extract the linguistic content from sensations without forming the perceptual beliefs to which those sensations would normally give rise. He describes psychologists who would ask a friend the time, and then ask simple questions about his or her watch face to reveal the friend’s failure to have registered simple perceptually-available facts.\textsuperscript{105} Even if this

\textsuperscript{104} Chisholm, Perceiving (1957), at 160-61.

\textsuperscript{105} See Fodor, Modularity of Mind (1983) at 57:
A well known psychological party trick goes like this:
E: Please look at your watch and tell me the time.
S: (Does so.)
E: Now tell me, without looking again, what is the shape of the numerals on your watch face?
psychological data is wrong, though, it seems clearly conceptually possible to have testimony received without perceptually-based beliefs. It would seem very odd to say that in a world where linguistic content is accessed from sensations directly, the resulting beliefs would not be testimonially-based as beliefs in our world are.

Strawson says that if we cannot see, we cannot receive testimony that appears visually: “We cannot acquire beliefs from the written word without looking and seeing; nor from the spoken word without listening and hearing.” I think that this is true in one sense but false in another. It is true in the sense that we use our eyes and ears to pick up the relevant bits of language, and must have conscious sensations if that language is to have an impact on our consciousness. But the statement is false if it means that we must form perceptually-based beliefs in order to form testimonially-based beliefs. When we are presented visually or aurally with a bit of language, we need to have certain sorts of conscious sensations in order to receive the linguistically-encoded information. But it is not necessary that we form, or even that we have the ability to form, the perceptually-based beliefs that are typically associated with these sensations. Robert Audi’s suggestion that “apart from perceptual justification for believing something to the effect that you attested to \( p \), I cannot acquire justification for believing it on the basis of your

---

The point is that visual information which specifies the shape of the numerals must be registered when one reads one’s watch, but from the point of view of access to later report, that information doesn't take. One recalls, as it were, pure position with no shape in the position occupied. There are analogous anecdotes to the effect that it is often hard to remember whether somebody you have just been talking to has a beard (or a mustache, or wears glasses). Yet visual information that specifies a beard must be recognized and processed whenever you see a bearded face. More anecdote: Almost nobody can tell you how the letters and numbers are grouped on a telephone dial, though you use this information whenever you make a phone call. And Nickerson and Adams [Long-Term Memory for a Common Object, Cognitive Psychology 11 (1979):287-307] have shown that not only are subjects unable to describe a Lincoln penny accurately, they also can't pick out an accurate drawing from ones that get it grossly wrong.
testimony”106 carefully avoids any requirement that the perceptual belief be formed regarding an informant’s attestation that $p$. But if the belief itself is unnecessary, the perceptual justification does not seem necessary either. If we need not have actual perceptually-based beliefs about being informed that $p$, it seems we need not even have the capacity for actual perceptually-based beliefs about being informed that $p$. And without the capacity for actual perceptually-based beliefs about being informed that $p$, we lack any “perceptual justification for believing” that we are informed that $p$. To be sure, such perceptual justification is contingently associated, in human beings, with linguistically-rooted beliefs, but the connection is only contingent, not one that follows from the nature of testimony.

Strawson’s comment that we must have “retention of our acquired knowledge of the language to which the sentences belong” seems to blur the celebrated distinction between knowledge how and knowledge that. We must be competent language users in order to receive testimony—that is, we must know how to derive content from linguistic expressions. But it is not clear that we need to have propositional knowledge that the meanings of certain words are what they are in order to derive that content. In any event, a similar recollection of our abilities is required in the case of perceptually-based beliefs. We must know how to derive such beliefs from our perceptual sensations in order to get the right beliefs; but it is not clear that we need to have propositional knowledge that certain sorts of appearances go with certain sorts of beliefs. Perceptually- and testimonially-based beliefs are on a par.

106 Audi, Sources of Knowledge, in The Oxford Handbook of Epistemology (2002) at 80.
In human beings, visual sensations and visual beliefs usually go together. Someone unable to form beliefs about the objects in his visual environment is quite unlikely to have any visual sensations at all. This accidental fact explains why someone unable to form visual beliefs is also generally unable to apprehend the content of visually-presented language. Human beings are constructed so that anyone who has visual sensations will typically have visually-based beliefs of one sort or another. But imagine a possible person who lacked that capacity: who only had the ability to have sensations, but did not form any beliefs about their immediate environment. Such a person might still have the ability to grasp visually-presented language. She is shown the sentence “The earth is round”; she does not form any beliefs about the letters, or the words, or the paper near her. She just immediately forms a belief that the earth is round. Such a case seems to me a possible case of testimonially-based belief without perceptually-based belief. And without any ability ever to form such perceptual beliefs, such a subject would also lack any positional perceptual justification.

The temptation to think that the testimonially-based belief that \( p \) requires a perceptually-based belief such as “My informant is telling me that \( p \)” is analogous to a temptation to think that a perceptually-based belief that \( q \) requires an introspective belief “I am being appeared to as if \( q \).” (We might also be tempted to require that such an introspective belief be itself backed up with another introspective belief, “It seems as if I am being appeared to as if \( q \).”) Perhaps I am wrong that we can directly believe that \( p \) on the basis of an informant’s language without having the processes necessary to render me positionally justified that I am being informed that \( p \). Perhaps we would say that those who believe that \( p \) on the basis of testimony always have an implicit belief that they are being informed that \( p \). But then, it seems equally compelling to say that those
who believe that $p$ on the basis of perception always have an implicit belief that they are being appeared to as if $p$. If we require implicit beliefs or the precursors to beliefs in order for testimonially-based beliefs to be justified or to be knowledge, then we have strong precedent for requiring implicit beliefs or the precursors to beliefs in order for perceptually-based beliefs to be justified or to be knowledge.

One might argue, though Strawson does not make this argument himself, that perceptually-based beliefs have a different, closer relationship to pre-doxastic sensations than do linguistically-based beliefs. I am not sure what arguments might be offered for such a view. One way to suggest that perceptually-based beliefs are more tightly connected to perceptual sensations than are testimonially-based beliefs would appeal to the innateness of perceptual capacities. Perceptual beliefs, the argument might go, are the product of an innate process, while the ability to form beliefs on the basis of language is acquired. I do not think this is right. My perceptually-based belief that there is a chair in front of me, for instance, depends on the acquired concept of chair. While perception has innate elements, it also has acquired elements. And while our ability to obtain beliefs through language has acquired elements, it also has innate elements. Here is one recent explanation from Pesetsky, Wexler, and Fromkin: “[There is a] division of labor between innate and environmental factors in language acquisition. The existence of specific biological support for language is beyond doubt. Arguments come from the nature of structural properties common to all languages, restrictions on the degree to which languages vary, and linguistic knowledge not attributable to the environment, as well as uniform patterns of normal and abnormal language development—plus the fact
that nonhuman mammals with good statistical learning and computational capacities nevertheless do not develop language.”

3.9. Conclusion

Some themes emerge from my responses to each of these authors. First, appealing to contingent, inessential features of testimony or perception as it tends to exist in our world will not serve to establish a distinction between the full universe of possible perceptually-based beliefs and the full universe of possible testimonially-based beliefs. That is, such appeals will not show a distinction between the derivation of knowledge and justification from testimony, as such, and the derivation of knowledge and justification from perception, as such. Second, with some imagination we can see that features thought to be distinctive about testimony, such as the involvement of persons and agency in our environment, or concern for the status of the flow of information at other points besides our ultimate believer, or the possible existence of implicit or explicit higher-order beliefs about the grounds of our ultimate belief, or a concern for monitoring, or the ability to resist in the believer, are present for perceptually-based beliefs as well. I conclude that Fricker, Lackey, Sutton, Faulkner, Weiner, Goldberg, and Strawson have not successfully drawn an epistemically relevant

distinction between testimonially-based beliefs, as such, and perceptually-based beliefs, as such.
4.1. Introduction

This chapter will consider the TP Parity Thesis in relation to the literature on the extent to which perceptual experience is conceptualized, and on the extent to which it is transparent or diaphanous. To the extent that an assessment of the conceptualization or transparency of perceptual experience is relevant to explaining whether individual perceptually-based beliefs are justified, or represent knowledge, TP Parity will require a similar assessment of the conceptualization and transparency of the linguistic precursors to testimonially-based beliefs. For instance, transparency may suggest that we lack access to certain entities, such as sensations considered non-representationally; such lack of access might affect the epistemic status of the beliefs based on those sensations. The manner in which an experience serves to explain the epistemic status of a resultant belief will be different depending on whether that experience has nonconceptual content. We can, then, either see the literature on nonconceptual content and transparency as a potential source of challenge to TP Parity—if that literature gives us good reasons to
think that perceptual and testimonial justification and knowledge are different in how they relate to conceptualization or the transparency of experience—or as an application of TP Parity—if testimonial or linguistic examples prove helpful in thinking about perception.

In the end, I will conclude that the role of conceptualization in the precursors to linguistically-based beliefs is a helpful guide to the role of conceptualization in the precursors to perceptually-based beliefs. Words are conceptualized in a sense, in that they require concepts in order to be effective means of transmitting information. But they are not conceptualized intrinsically. Patterns of ink on paper, or of pixels on a screen, are not composed of concepts, and they typically initially receive their content from the use of concepts by an author or testifier, not by the recipient of testimony. Indeed, in the case where an informant has left the scene, or has even died, the existence of content in a bit of language does not depend on the present use of concepts by anyone. My grandfather’s diary, stored away under his bed, has content for years before I read it. The existence of linguistically-expressed content does not require the present use of concepts, but the existence of linguistically-transmitted content does; only the recipient of testimony who himself attaches meaning to the relevant bits of language by possessing the relevant concepts can partake of that information.

If we translate this view of testimonially-based beliefs into a view of perceptually-based beliefs, we would think that information can be contained in a perceptual experience without conceptual capacities being exercised by the subject, but only creatures with such concepts will be able to extract that information in forming a perceptually-based belief. Like bits of language embodied in ink or in the vibrations of air, perceptual sensations are what they are whether the subject who encounters them has
the relevant concepts yet, or has yet deployed them. But perceptual sensations cannot be used and deployed, and thus figure in explanations about how a perceptually-based belief is justified or represents knowledge, unless the believing subject has the concepts to interpret them. Uninterpreted words and experiences exist, and are genuine bearers of meaning and information, but that information is only extracted by subjects with the relevant conceptual tools. Concepts are therefore involved in the production of perceptually-based beliefs, and are epistemically relevant, but they are not necessarily involved antecedent to the production of perceptual experience.

I also think that TP Parity is a useful guide to how we should think about the transparency of experience. The manner in which our consciousness of words is transformed and can be submerged when we know a language can be a guide to the manner in which our consciousness of our perceptual sensations is changed when we become mature users of our perceptual faculties. Words exist, and they have their meaning in virtue of their instantiation of certain brute phonetic and auditory properties, but we are typically not conscious of these brute phonetic properties once we know the language. Our interpretation of language distracts us from any ability to attend to the words considered merely as sounds or as noise. Similarly, our familiarity with the informational intermediaries of perception causes us to pass over them and attend immediately to the objects that we see or hear. Our interpretation of these intermediaries distracts us from the ability to attend to them considered merely as bodily sensations.

4.2. The Conceptualization Of Perceptual Experience

Gareth Evans, whose posthumous The Varieties of Reference lies at the head of much recent literature on the conceptualization of experiential content, thought that this
issue would mark an important difference between testimony and perception. He expresses sympathy with the analogy pushed by Reid and with the work by Wittgenstein and by C.A.J. Coady highlighting the importance of testimony, but he adds this note: “I am aware that the parallel between testimony and the senses needs defence; and of course there are important differences, notably in the kind of information concerned (the senses yield non-conceptual information, whereas language embodies conceptual information...).” Unfortunately, Evans then noted that “[t]his is one of the many places in this book where my position depends upon further work,” and was not able to clarify this distinction any further. Still, it seems well worth considering whether the subsequent dispute over the conceptualization of experiential content has borne out Evans’s intuition that the idea marks an important disanalogy between language and perception. I will argue that it does not.

First, I will consider those theorists who, like Evans, argue that perceptual experience has nonconceptual representational content. At least one discusses linguistically-expressed beliefs in a way that suggests disagreement with TP Parity along the lines of Evans’s suggestion. I will argue that the linguistic precursors to testimonially-based beliefs possess analogous sorts of content that can play the same role concerning the epistemic status of testimonially-based beliefs that is played (in the view of such thinkers) by nonconceptual representational content. Neither situation dependence nor fineness of informational grain are unique to perception; the phenomena

108 Evans, The Varieties of Reference (1982), at 123 n.5.

109 Id.
also appear in linguistically-expressed content, and hence as part of the explanation of the status of testimonially-based beliefs.

Second, I will consider the views of John McDowell and Bill Brewer, who argue that perceptual experience is inherently conceptualized. While they do so in part on the basis of a thesis like TP Parity, the attempt makes unwarranted assumptions about the nature of linguistically-expressed content. Since, as I will argue, linguistically-expressed content is as able as perceptual experience to contain information that may not be conceptualized, TP Parity can fit with the views of McDowell’s critics.

4.2.1. Fineness of Grain

Most of the authors who argue that perceptual experience has non-conceptual content point to the fact that it seems to be more fine-grained than our concepts. We can distinguish many more shades of red, for instance, than we have concepts. Richard Heck, for instance, says,

Before me now, for example, are arranged various objects with various shapes and colors, of which, it might seem, I have no concept. My desk exhibits a whole host of shades of brown, for which I have no names. The speakers to the sides of my computer are not quite flat, but have curved faces; I could not begin to describe their shape in anything like adequate terms. The leaves on the tree outside my window are fluttering back and forth, randomly, as it seems to me, as the wind passes over them—Yet my experience of these things represents them far more precisely than that, far more distinctively, it would seem, than any characterization I could hope to formulate, for myself or for others, in terms of the concepts I presently possess. The problem is not lack of time, but lack of descriptive resources, that is, lack of the appropriate concepts.\footnote{Heck, \textit{Nonconceptual Content and the Space of Reasons}, Phil. Rev. 109 (2001), 483-523, 489-90.}
Experience, Heck says, is more fine-grained—more precise and more distinctive—than any redescription using our concepts.

Heck seems to be right that the experiences that lead to perceptually-based beliefs contain much more information than we can capture with our concepts. An epistemology of perception should include an explanation of how this non-conceptual information contributes to the epistemic status of our perceptually-based beliefs. Our experiences of language which lead to testimonially-based beliefs, however, also carry far more information than our concepts could bear. Fine-grained nonconceptual content does not play any role in explaining the epistemic status of perceptually-based beliefs that it does not also play in explaining the epistemic status of testimonially-based beliefs.

Linguistic utterances that can be the basis of testimonially-based beliefs contain an enormous amount of information that is not expressed in our concepts and which is not explicitly represented in our conceptually-laden beliefs. Context plays a role in filling in the content of indexicals like “here” or “nearby,” and in a way that is usually not fully articulated. Likewise, context supplies the salient cat that is the subject of “the cat is on the mat.” The rules of salience are not articulated linguistically, or appreciated by most users of the language, but they are critical to the existence of linguistic content.

Context is important also in being the source of potential information relevant to the identification of the source of testimony or other language. When my friend tells me something on the telephone, I hear the characteristic sound of his voice and trust what he has to say, perhaps without explicitly forming any beliefs like “my friend is speaking to me.” I could not put into words what it is about my friend’s voice that makes me able to recognize it as my friend’s and hence a trustworthy source. There is a wealth of information contained in the sounds of my friend’s voice to which I do not attend when I
use him as an informant. Just as there is a wealth of information contained in my perceptual experiences, but which I do not access by the conscious use of my concepts, there is a wealth of information contained in the context of my testimonially-based beliefs.

Our perceptual experience presents us with much more specific information than we can actually extract in the form of conceptualized beliefs. A very specific shade of blue results in the belief, “Lo, something blue.” Likewise, when we see the word “blue” printed, it appears in the midst of a huge amount of very specific information that is not extracted and put into beliefs: the word is a specific size, in a specific font, printed in a specific shade, on a particular sort of paper. These features of words give us, potentially, a very large amount of information about the source of language. The very particular way that my friend’s voice sounds lets me know, without my putting the information into conceptually-laden beliefs, that the content is trustworthy. I could not describe in language the particular shapes of the letters in the word “blue,” but these shapes are what support the existence of the content that I can extract from it. I do not need to have explicitly articulated the concept behind the letter b in order to apprehend the content of words in which it appears. There is a close parallel between the fineness of grain of the experiences leading to perceptually-based beliefs and experiences leading to testimonially-based beliefs. In neither case must the believing subject possess a concept sufficient to express the information contained in his experience.

**4.2.2. Christopher Peacocke On Conceptual Content And Language**

Christopher Peacocke argues that perception has an important non-conceptual representational content. Peacocke also thinks that these non-conceptual contents, moreover, have an important role in explaining the rationality of perceptually-based
beliefs: “An experience with a certain nonconceptual content can make rational a judgement of a conceptual content suitably related to the nonconceptual content that the experience represents as correct.” If TP Parity were true, this explanatory role would be paralleled by a role for the non-conceptual representational content of language in explaining the rationality of testimonially-based beliefs. However, Peacocke denies that linguistically-expressed beliefs can have non-conceptual content, even if they contain indexicals, and thus takes a position contrary to TP Parity. He says, “It should ... be uncontroversial that any content that can be expressed in language by the use of an indicative sentence, including sentences containing indexicals and demonstratives, will be a conceptual content. That follows in the presence of the less controversial premise that any utterance of an indicative sentence, in a given context, expresses a content that could also be the content of a belief or judgement.”

Peacocke clearly marks a difference between testimonially- and perceptually-based beliefs if he is right that linguistically-expressed content is always conceptual content, while content embodied in perceptual experiences can be non-conceptual.

First, there is an ambiguity, I think, in Peacocke’s phrase “expressed in language.” When I say, “There is a cat nearby,” my words do not themselves express exactly where the cat is: the word “nearby” does not, in virtue of its linguistic characteristics alone, express my surroundings. However, my use of that language—the

111 Peacocke, Does Perception Have a Nonconceptual Content?, J. Phil. 98 (2001), 239-64, online version at 4. See also id. at 17: “[T]he way in which some thing, or property, or relation is given in the nonconceptual content of an experience is something which contributes to what it is like to have that experience. These ways which feature in nonconceptual content are then at the conscious, personal level, and are not merely subpersonal. As features of the subjective experience, their presence can entitle a thinker to make a particular judgement, or to form a particular belief.”

112 Peacocke, Does Perception Have a Nonconceptual Content? at 6-7.
use of “nearby” in a particular context—does express where the cat is, because my use sets the context necessary to an understanding of the indexical. I am not sure whether it would be right to say that the content is expressed “in” the language, however. The context, but not the words themselves, bears the relevant information, so the content is expressed by means of the use of the language. Peacocke seems to equate, however, the content that “can be expressed in language by the use of an indicative sentence” with the content that an “utterance of an indicative sentence, in a given context, expresses.” That is, he assumes that content expressed by uttering a sentence is content that is expressed in language.

Peacocke seems to overlook the possibility that the language might have a content that is susceptible of conceptualization, but which is, as yet, non-conceptual. Peacocke rests his argument on the fact that the content that a bit of language expresses in a context could be the content of a judgment. (I should note here that when Peacocke speaks of judgments, he is referring to completely specified thoughts with determinate truth values. He says, “[C]onceptual content is content of a kind that can be the content of judgement and belief. Concepts are constituents of those intentional contents that can be complete, truth-evaluable, contents of judgement and belief.” “There is a cat nearby” is therefore not a complete judgment as Peacocke uses the term, because it needs a context to specify what “nearby” refers to. Context-unsaturated contents, lacking determinate truth values, are not judgments according to Peacocke.) Peacocke’s assumption that content expressed by language in a context could be the content of a fully-specified judgment does seem right: Our indexical expressions like “here” and “nearby,” could in principle be made explicit. But that does not require that the content that a bit of language in a context already has a conceptual content. The precise content
of an indexical expression may not yet be conceptualized, but may remain encoded in the context.

4.2.3. Sean Kelly on Situation Dependence

Sean Kelly argues that perception has a non-conceptual content because it involves the phenomenon of situation dependence. He points to “the dependence of a perceived object on the perceptual context in which it is perceived” and “the dependence of a perceived property on the object it is perceived to be a property of.”

Kelly relies on the phenomenon of color constancy to argue that perceptual experience has non-conceptual content, because in order to characterize a perceptual experience, we must specify not only the represented property, but also the context of perception. He describes the phenomenon of color constancy as the perception of a single property in a variety of contexts: “I see the color of my entire office wall to be white, and indeed the same shade of white, even when some parts of the wall are better lit than others. At the same time, however, my experience of the poorly lit section is not the same as my experience of the well-lit section: one looks better lit than the other.”

Kelly then draws his conclusion: “[R]ightly considered, the phenomenon of constancy shows why medium-grained demonstrative concepts can’t completely capture the content of perception. …”


114 Kelly, Non-Conceptual Content at 9.

115 Kelly, Non-Conceptual Content at 9.
color is perceived. Without a reference to context we won’t have the resources necessary to explain the change in experience that occurs when the lighting context is varied.”

“[P]erceptual content … [is] situation dependent, and situations aren’t specifiable in conceptual terms.”

I am not sure that Kelly is right in so quickly dismissing McDowell’s approach. McDowell would characterize the content of perceptual experience with demonstratives like “that color,” and Kelly thinks that such demonstratives cannot distinguish the experience of a poorly-lit white wall of a certain shade from the experience of a well-lit white wall of the same shade. But I think that, as long as Kelly concedes that the demonstrative “that color” takes its meaning from the context in which it is uttered, McDowell can claim that the shading is part of such context. In any event, language is just as situation-dependent as perceptual experience. Not just demonstratives, indexicals, and pronouns, but also phrases like “the cat,” derive their content in part from the context in which they are used. If Kelly is right that “situations aren’t specifiable in conceptual terms,” then even linguistically-based beliefs will depend in part on non-conceptual content. TP Parity can therefore survive Kelly’s argument.

Kelly elsewhere comments on McDowell’s use of demonstrative concepts. He insists that their content cannot be characterized descriptively: “[I]nsofar as demonstrative concepts are demonstrative, no descriptive account of their content will characterize them completely.”

“[A] demonstrative concept, insofar as it is

116 Kelly, Non-Conceptual Content at 10.

117 Kelly, Non-Conceptual Content at 12.

demonstrative, has to be ‘context-dependent.’ That is to say, the ability to grasp the concept ‘essentially depends on the subject’s relations with the actual entities which constitute their semantic values.’ 119 If Kelly is right about demonstrative concepts as they relate to perceptually-based beliefs, the same analysis should apply to their role in linguistically- or testimonially-based beliefs. Beliefs based on language that contains indexicals will have an exactly analogous dependence on the environment to fill in the gaps in their content.

Kelly suggests that perceptual experiences are more strongly context-dependent than are demonstrative concepts. If this is right, then there would be a significant disanalogy between perception and testimony. “[P]erceptual experiences are, at least potentially, dependent on their context in a stronger way than demonstrative concepts are. To the extent that demonstrative concepts are the kinds of things capable of characterizing perceptual contents, they must be dependent on their context this stronger way as well. The difference is that in the case of perceptual experiences it’s not clear that having seen a shade, at some time in the past, is sufficient to guarantee that the subject could later, in the absence of the sample, entertain the concept of the experience he originally had.”120 The deeper dependence of experience on immediate context, relative to the dependence of demonstratives, seems to result from the fact that our experience, unlike demonstratives, may be irretrievable from memory. We might, for instance, compare two paint chips and decide that one is better for a room, but then drop


120 Kelly, Demonstrative Concepts and Experience at 417.
the chips and be unable to remember which is which. We can have distinct perceptual experiences but lack the ability to reidentify them.

Kelly argues that the contingency of our powers of reidentification in relation to perceptual experiences, together with a reidentification requirement for concept possession, dooms any attempt to require that perceptual experience be paired with concept possession. Demonstrative concepts expressed in language, however, might be similarly transient and inaccessible. Suppose I see someone commit a crime, and I see his face only briefly, and then dub him “Mack.” Because of my poor memory for the details, I may have no ability to reidentify Mack, but yet still have the concept Mack, and still use the word “Mack” to refer to whoever it was that I saw. To the extent that context supplies missing ingredients both in perceptual and in linguistic contents, and to the extent that I may lose the ability to recapture that context through memory, I may be unable to reproduce on command the content of my earlier beliefs, whether perceptually- or testimonially-based.

4.2.4. John McDowell

John McDowell points to beliefs gained from language and testimony for support for his position regarding perception, suggesting that he adheres to a thesis like TP Parity. McDowell believes that the concepts involved in the use of a language and the receipt of information through language are involved, not merely in the uptake of that information, but in shaping the content of our experiences.

We can shake this impression [that Evans gives a superior account of the role of informational states in animals lacking conceptual capacities] somewhat by considering the third element of the informational system, the testimony system. According to Evans, we have knowledge derived from operations of the testimony system that took place before we were in a position to understand the linguistic performances in question. So the testimony system is, in itself, “more primitive” than understanding. And
that is a partial parallel to the fact that we share perception and memory with mere animals. Now suppose our sharing perception with creatures that lack spontaneity [i.e., mature conceptual capacities] were a good reason for crediting our perceptual experiences with content that is not conceptual, on the ground that if we said that the content of our experience is conceptual, that would put this kind of content out of reach of those other perceivers. In that case, by parity of reasoning, the partially parallel fact about the primitive operations of the testimony system should be a good reason for supposing that non-conceptual content is involved in our mature dealings with the testimony system, when we do understand the linguistic performances we witness. *But understanding a language is surely a matter of conceptual capacities if anything is.* So what is the role of these conceptual capacities in our mature dealings with the testimony system, if the content involved is non-conceptual? A straightforward parallel to Evans’s picture of the role of conceptual capacities in experience would be this: the conceptual capacities exercised in understanding a linguistic performance do not enter into determining the content with which one takes oneself to be presented, but serve only to account for one’s access to that content, which is independently determined by the operations of the informational system. But that is surely an unattractive idea.\(^{121}\)

Note McDowell’s reliance on a thesis close to TP Parity. McDowell assumes that the testimonial and perceptual cases are essentially similar: the role of conceptual capacities in explaining the status of perceptually-based and testimonially-based beliefs should be the same. He then argues that the parallel to Evans’s position would be implausible in the testimonial context, and so Evans’s actual position should be implausible in the perceptual context.

McDowell’s assessment of the testimonial case, though, and so of the perceptual case, does not seem compelling. The conclusion he tars as “surely … unattractive”—that conceptual capacities do not determine the content of a linguistic performance, but only accounts for one’s access to that content—seems rather intuitive. When my informant presents language to me, the content of that language is at that stage

\(^{121}\) McDowell, *Mind and World* (1994), at 63-64.
determined, not by my own conceptual capacities, but by my informant’s own use of that language. Words have content even if the recipient of testimony does not appreciate it. The recipient of linguistically-embedded information must use concepts in order to get the message, but these concepts do not “determine the content” of the message. They only determine the content that I can access.

Note the italicized sentence, in which McDowell makes the key claim about language: “understanding a language is surely a matter of conceptual capacities if anything is.” There is a slipperiness in McDowell’s characterization of the relationship of the understanding of language and conceptual capacities: the former “is a matter of” the latter. It may be true that understanding language involves conceptual capacities, but that those conceptual capacities do not determine the nature and content of the language itself. To understand language we may need concepts, just as to understand perceptual sensations we may need concepts, but the mere existence of language, and the mere existence of perceptual sensations, do not need them. To apprehend the information contained in language or in sensations, we need concepts, but we apply them to pre-existing, unconceptualized entities.

4.2.5. Bill Brewer

Bill Brewer offers a reinterpretation and more precise formulation of McDowell’s argument in his book Perception and Reason. Brewer argues in the two main sections of his book that (a) perceptual experiences supply reasons for empirical beliefs (R), and that (b) reasons require conceptual contents (C). Brewer concludes

---

122 Brewer, Perception and Reason (1999), at xiv. Brewer spends the first half of his book defending (R) and drawing conclusions from it.
that the experiences themselves are conceptualized. “Putting [(C)] together with my earlier thesis (R) … yields the following conclusion. Conscious perceptual experiences have conceptual representational contents which provide a persons’s reasons for his empirical beliefs …” 124 From his positions that experiences supply reasons, and that reasons require conceptual contents, Brewer infers that experiences themselves have conceptual content.

But Brewer seems to overlook the possibility that the conceptual contents might be located elsewhere than in the experiences themselves. Perceptual experiences might supply reasons, and do so in virtue of the subject’s possession of certain concepts, but only because of the manner in which the perceptual experiences are poised in relation to the subject’s use of his concepts.

Indeed, such a picture seems to be the most natural way to understand the presence of concepts in relation to pieces of language tokens. Consider (R*): language tokens supply reasons for testimonially-based empirical beliefs. This seems as true as Brewer’s (R). Testimony seems to supply reasons to the same extent that perceptual experiences do, and it does so by presenting language tokens—bits of ink on paper, or vibrations in the air—to the believing subject. But language tokens are not conceptualized. They do not themselves, as bits of ink or patterns in the air, have any necessary relation to concepts. Still, these physical manifestations of language may provide reasons for subjects in virtue of the subjects’ possession of concepts. Reasons


124 Brewer, *Perception and Reason* at 182. See also Brewer, Do Sense Experiential States Have Conceptual Content?, in Contemporary Debates in Epistemology (Sosa & Steup eds. 2004) (“[S]ense experiential states provide reasons for empirical beliefs only if they have conceptual content.”) (emphasis added).
require concepts—but these concepts need not characterize, intrinsically, the material intermediaries that supply the reasons. Rather, the concepts can be internal features of the subject who stands in the right relationship to the material, reason-supplying intermediaries. Bits of ink can supply reasons in virtue of the believing subject’s conceptual capacities, and because the believing subject is poised to attach the proper beliefs to the bits of ink (equivalently, because the ink is properly poised in relation to the believing subject), not because the ink itself has conceptualized content. In sum, the fan of nonconceptual content can endorse both (R) and (C), and if he adheres to TP Parity he will see an easy way to do it.

Further, several of the most important proponents of nonconceptual perceptual content indeed propose that it is the relationship between such content and the subject’s conceptual realm that plays a role in contributing to the epistemic credentials of the resulting beliefs. Gareth Evans says, “The informational states which a subject acquires through perception are non-conceptual, or non-conceptualized. Judgements based upon such states necessarily involve conceptualization: in moving from a perceptual experience to a judgement about the world (usually expressible in some verbal form), one will be exercising basic conceptual skills.”¹²⁵ Evans could agree both that experiences provide reasons, and that reasons require concepts; but the concepts are involved, not in characterizing the intrinsic character of the experience, but rather in being possessed by the subject who uses the experience.

Michael Tye thinks that intentional content is nonconceptual, but yet poised with respect to the cognitive, conceptually-loaded arena: “The claim that the contents relevant

¹²⁵ Evans, The Varieties of Reference at 227.
to phenomenal character must be poised is to be understood as requiring that these contents attach to the (fundamentally) maplike output representations of the relevant sensory modules and stand ready and in position to make a direct impact on the belief/desire system. To say that the contents stand ready in this way is not to say that they always do have such an impact. The idea is rather that they supply the inputs for certain cognitive processes whose job it is to produce beliefs (or desires) directly from the appropriate nonconceptual representations, if attention is properly focused and the appropriate concepts are possessed.”

Tye is clear that concepts are required in order for our cognitive processes to make use of nonconceptual content. The contribution that nonconceptual content makes to whether perceptually-based beliefs are justified, or constitute knowledge, depends on concepts. To the extent that such contribution is put in terms of reasons, Tye could thus agree with Brewer’s claim that reasons “require” concepts—again, not for the mere intrinsic characterization of the experiences, but for their role in our cognitive life.

Michael Martin argues compellingly that the possible delay in the conceptualization of sensory experience indicates that such experience has nonconceptual content. Considering the way that memory operates will show “that perceptual experiences have a richer phenomenological character than one’s conceptual resources need allow.”

He imagines someone looking for cuff links who looks in a drawer and has the sensations peculiar to seeing the cuff links, but who fails to notice them. Later, however, reflecting on his search, he comes to believe that the cuff links

126 Tye, Ten Problems of Consciousness at 138.

were in the drawer. Martin concludes, “Memory experience can … be a source of evidence about how things were experienced independently of what the subject then believed. … Experience can on occasion be inert with respect to beliefs—one can simply fail to notice how things are experienced.”

“[W]hat the content of the memory experience is can be determined independently of which concepts the subject had at the time of the perceiving. … [T]he memory experience can have a content that exceeds the conceptual resources of the subject at the time of perception.”

Martin supports his contention that experiences later recaptured in memory have particular content by the fact that, in conjunction with the later use of concepts, these experiences provide beliefs. Martin’s examples, therefore, do not show that concepts are not required in order to extract the relevant information out of the experience; they only show that such concepts are not required at the time of the experience. He, too, could affirm with Brewer that the reasons supplied by experiences “require” concepts; reasons do not require concepts to be possessed at the time of the experience, but only at the time of the later belief or judgment. It is still a relationship between the experience and the subject’s conceptual capacities that allows the experience to contribute to the epistemic credentials of the subject’s beliefs.

Finally, Christopher Peacocke stresses as well that nonconceptual content can aid the credentials of empirical beliefs in virtue of the relational properties of experiences. He says, “A thinker can be rational in making a transition from an experience with a


129 Martin, Perception, Concepts, and Memory at 753.

130 Martin, Perception, Concepts, and Memory at 753-54.
certain nonconceptual content to a judgment with a certain conceptual content, in particular in making a transition to judging a content in which an observational concept is predicated of presented objects or events. Such a transition is rational when the thinker is entitled to take her experience at face value, and when the observational concept is individuated in part at least as one which the thinker must be willing to judge when experience has a certain nonconceptual representational content (and is being taken at face value).”  

Peacocke says that experiences render empirical judgments with conceptual contents “rational,” a form of agreement with Brewer’s claim in (R) that experiences supply “reasons.” Moreover, Peacocke agrees that such a rational process does require that observational concepts stand in the right relationship to such experiences; the experiences supply the rationality only in virtue of their relationship to concepts. He too can give his assent to (C), as long as “require” is understood as I suggest.  

Note as well that Peacocke’s description of the right relationship between nonconceptual content and the relevant conceptual judgment seems closely analogous to the requirement, in the context of a belief based on language, that the subject know the relevant language. For me to have rational beliefs based on language, I must form a belief in response to the language and also have a set of dispositions or abilities relating

131 Peacocke, Does Perception Have a Nonconceptual Content? at 17.

132 Peacocke gives his own explanation, which is a bit more complicated, why Brewer moves too quickly to the claim that experience must be conceptualized. “I accept that we can rationally scrutinize any instance of any putative reason-giving relation, including the relation between experience and judgement. … [I]t is a nonsequitur to move from an agreed premise of the required scrutinizability in conceptual thought of the rational relations between experience and judgement to the conclusion that experience itself must have only conceptual content. As long as we can think about the nonconceptual representational content, as we surely can, we can have the required scrutinizability.” Does Perception Have a Nonconceptual Content? at 19.
to such language: when I encounter a certain word that I am taking at face value, I derive
the relevant conceptual content. The reasons supplied by experience, contributing to the
justification of a perceptually-based belief, are precisely analogous to the reasons
supplied by words, contributing to the justification of a testimonially-based belief. For
each, we must have both the correct extraction of information in the particular case and a
general habit or tendency corresponding to an ability to extract information in a range of
cases: know-how regarding the relevant language or perceptual mechanism.

4.3. The Transparency of Experience

Recent literature on perception has considered at length the extent to which
perceptual phenomenal appearances, qualia, or raw feels are important in explaining the
status of perceptually-based beliefs as either justified or knowledge. If TP Parity is
correct, whatever conclusions we reach about the role of perceptual phenomenal
appearances in justifying perceptually-based beliefs, or helping them to be knowledge,
should correspond to conclusions about the role of language in justifying testimonially-
based beliefs, or helping them to be knowledge.

Gilbert Harman’s paper, The Intrinsic Quality of Experience, exploits intuitions
about the diaphanousness, or transparency, of experience to argue that experience lacks
any intrinsic quality. I will argue here that, to the extent that his arguments concern the
nature of perceptually-based beliefs and their justificatory and knowledge-supporting
precursors, these arguments can be translated into arguments about the nature of
testimomially-based beliefs and their justificatory and knowledge-supporting precursors.

Eloise is aware of the tree as a tree that she is now seeing…. [S]he is
aware that her experience has a certain content. On the other hand, I want
to argue that she is not aware of those intrinsic features of her experience
by virtue of which it has that content. Indeed, I believe that she has no
access at all to the intrinsic features of her mental representation that
make it a mental representation of a tree. …

When you see a tree, you do not experience any features as
intrinsic features of your experience. Look at a tree and try to turn your
attention to intrinsic features of your visual experience. I predict you will
find that the only features there to turn your attention to will be features
of the presented tree, including relational features of the tree “from
here.”\textsuperscript{133}

Harman takes our failure to notice anything about the intrinsic qualities of our
experience, independent of their representational content, to be a sufficient rebuttal to
the argument that a functionalist-representationalist theory of consciousness is
incomplete because it fails to account for qualia or raw sensational feels: “[S]ince you
are not aware of the intrinsic character of your experience, the fact that functionalism
abstracts from the intrinsic character of experience does not show that it leaves out
anything that you are aware of.”\textsuperscript{134} Michael Tye puts the point this way: “Visual
experience … is transparent or diaphanous, as is phenomenal consciousness generally.
… I cannot make myself aware of any features of my experience over and above, or
apart from, what I am experiencing.”\textsuperscript{135}

A parallel of experiential transparency is possible in at least some cases of
testimomially-based belief. Suppose I tell you something about the president: say, that
the president likes to ride mountain bikes. I have thereby directed your attention to
particular objects and events: the president and his exercise habits. If you attend very
carefully to what I say about him, you may, because you are thinking about the president

\textsuperscript{133} Harman, \textit{The Intrinsic Quality of Experience}, Phil. Perspectives 4 (1990), 31-52, at 39.

\textsuperscript{134} Harman, \textit{The Intrinsic Quality of Experience} at 41.

and about mountain bikes, miss the fact that I have caused you to attend to him by means of the bit of language, “the president.” You may miss the fact that I have told you this in print, in 12 point letters, in Times font. We do not normally think that paying attention to what someone tells us means paying attention to the linguistic means by which we receive information from our informant. Likewise, paying attention to our perceptual experience of a tree will not necessarily cause us to attend to the sensational means by which we receive information about the tree. Language can have, at least at times, a felt diaphanousness or transparency that is akin to the transparency of perceptual experience. When we are accustomed to using sensations as a guide to our environment, we lose consciousness of their nature, just as we lose consciousness of our language when we use it to think about our subjects. Recall Chisholm’s comment on the parallel between language and perception: “Ordinarily a perceiver may not notice the way in which the object of his perception happens to be appearing. If we ask him to tell us about what it is that he is perceiving, he will not reply by telling us how the things he is perceiving happen to appear to him. … He may be able to recall that he saw a square garden, for example, without being able to recall whether it looked diamond-shaped or rectangular. It is here, perhaps, that the familiar analogy between perception and language is most instructive. Thus one might say, in reporting a conversation, ‘I don't recall the exact words he used, but I remember his telling me that the climate there is not very pleasant in the winter.’ One recalls, not the details of the language, but rather what it is that was conveyed.”¹³⁶ In the mind of a mature user of language, words draw attention not to

¹³⁶ Chisholm, Perceiving (1957), at 160-61.
themselves, but to their objects, just like sensations in the mind of a mature user of his perceptual faculties.

Consider four instances of the loss of consciousness of informational intermediaries. They suggest that our ability to be aware of such intermediaries is contingent, and that we should therefore be wary of assuming that we lack such intermediaries, merely because we have no immediate, easy access to them.

The first example is that involved in perceptual illusions. The Muller-Lyer diagram, for instance, causes our visual system to interpret it as a three-dimensional picture, and we automatically take one line to be farther away than another, and hence longer given that it takes up the same fraction of our visual field as the other line.

Another illusion, which I find particularly powerful, is the checkershadow illusion:

![Checkershadow Illusion](image)

**Figure 4.1.** The Checkershadow Illusion

We cannot help interpreting the figure as a three-dimensional picture of a checkerboard. The squares marked “A” and “B” are actually the same shade in the picture—we can verify this by covering up enough of the diagram so that we do not interpret it as a picture of a checkerboard with a shadow. Moreover, as we cover up the diagram, the
squares do not appear to change shade. We are so familiar with our sensations that we pass over them to the interpretation—that is, the color of the squares. Attending to the squares does not, in the absence of a means for stripping away the interpretive gloss, give us access to our actual sensations.

Harman claims that paintings and pictures are importantly different from perceptual experience because paintings *do* allow the observer to attend to the intrinsic features of the informational medium. “Things are different with paintings. In the case of a painting Eloise can be aware of those features of the painting that are responsible for its being a painting of a unicorn. That is, she can turn her attention to the pattern of the paint on the canvas by virtue of which the painting represents a unicorn. But in the case of her visual experience of a tree, I want to say that she is not aware of, as it were, the mental paint by virtue of which her experience is an experience of seeing tree. She is aware only of the intentional or relational features of her experience, not of its intrinsic nonintentional features.”

Paintings are different, Harman thinks, and presumably he would say the same thing about words. But consider the checkershadow drawing above. The fact that it is a mere *drawing*, rather than an actual visual appearance of an actual checkerboard, does not allow us to be necessarily better able to access the intrinsic qualities of the informational medium. We cannot tell, simply by attending to the squares on the page, that the squares have the same shade of gray. We have, even for a computer-generated drawing, an inability to attend to the informational medium, and so, an apparent transparency to our experience. Felt transparency is therefore no guarantee

137 Harman, *The Intrinsic Quality of Experience* at 39.
that there is not a significant aspect to our experience beyond bare representational content.

As a second example, consider how the experience of language differs between those who know the language and those who do not. It is not possible for us to hear a language that we know without apprehending the content of that language; indeed, it is not possible for us to hear it as noise or as a mere sequence of phonemes. To hear the syllables that make up language, given the cognitive structures that the use of language has developed, is to experience the interpreted content of that language. It is almost impossible for those who know a language to recall what it is like to hear the syllables in the uninterpreted way experienced by those who do not know the language. Jerry Fodor explains,

You can’t help hearing an utterance of a sentence (in a language you know) as an utterance of a sentence, and you can’t help seeing a visual array as consisting of objects distributed in three-dimensional space. … Barring the specialized achievements of painters and phoneticians, one simply cannot see the world under its retinal projection and one has practically no access to the acoustics of utterances in languages that one speaks. (You all know what Swedish and Chinese sound like; what does English sound like?)

Fodor cites data summarized by Marslen-Wilson and Tyler: “[S]peech processing operations are obligatory in character. … If the speech input can be lexically interpreted, then it apparently must be. Apart from one’s own phenomenal experience, the evidence for this comes from several studies that show that, even when subjects are asked to focus their attention on the acoustic-phonetic properties of the input, they do not

seem to be able to avoid identifying the words involved.”\textsuperscript{139} The inability of mature language users to know what their language sounds like to the uninitiated—that is, our inability to have access to the “raw feels” of our language—is obviously not conclusive evidence that these raw feels do not exist. We know that they do, from our experience hearing languages we do not know! Despite the diaphanousness of experience, then, we may still need explanation for the character of the perceptual phenomenal informational intermediaries beyond the mere fact of their representational character.

Christopher Peacocke makes the same point regarding the Cyrillic script: “Once a thinker has acquired a perceptually-individuated concept, his possession of that concept can causally influence what contents his experiences possess. If this were not so, we would be unable to account for differences which manifestly exist. One such difference, for example, is that between the experience of a perceiver completely unfamiliar with the Cyrillic script seeing a sentence in that script, and the experience of one who understands a language written in that script. The two perceivers see the same shapes at the same positions; it may be that the positioned scenario and the protopropositional contents of their respective experiences are identical. The experiences differ in that the second perceiver recognizes the symbols are of particular kinds, and sequences of the symbols as of particular semantic kinds.”\textsuperscript{140}

As a third example, consider the experience of adults who have recently been cured of a defect in their vision. It takes a long time for them to be able to pick up

\begin{itemize}
  \item[Peacocke, \textit{Scenarios, Concepts, and Perception}, in Gunther, \textit{Essays on Nonconceptual Content} at 123.]
\end{itemize}
information from their environments in the way that a mature normal perceiver can.

Their experience is disjointed and uninterpreted. Alva Noe explains:

Merely to have visual impressions, or sensations of the sort that normally accompany seeing, or even to have the sorts of neural activity in the retina and brain characteristic of seeing, is not yet to see.

This point can be illustrated by consideration of the restoration of sight by the surgical removal of cataracts in the congenitally blind. … Surgery does not in fact restore sight. In none of the well-known cases … does surgery result in vision…. [quoting Sacks:] “Virgil told me later that in this first moment he had no idea what he was seeing. There was light, there was movement, there was color, all mixed up, all meaningless, a blur. Then out of the blur came a voice that said, ‘Well?’ Then, and only then, did he finally realize that this chaos of light and shadow was a face—and, indeed, the face of his surgeon.”

These patients have acquired some form of visual sensation, or impressions, to be sure, but they have not yet acquired the ability to see…. These patients have not yet mastered the patterns of sensorimotor contingency governing the occurrence of these sensations. And so the patient is unable to use these impressions to explore the environment in accordance with such patterns of dependency. In the absence of this integration, these visual impressions are like sentences in a foreign language.141

Because we have been interpreting our visual impressions for so long, we forget, or have never known, what it would be like not to do so. This fact can explain why the


To a man newly made to see, the visible appearance of objects would be the same as to us; but he would see nothing at all of their real dimensions, as we do. He could form no conjecture, by means of his sight only, how many inches or feet they were in length, breadth, or thickness. He could perceive little or nothing of their real figure; nor could he discern that this was a cube, that a sphere; that this was a cone, and that a cylinder. His eye could not inform him, that this object was near, and that more remote. The habit of a man or of a woman, which appeared to us of one uniform color, variously folded and shaded, would present to his eye neither fold nor shade, but variety of color. In a word, his eyes, though never so perfect, would at first give him almost no information of things without him. They would indeed present the same appearances to him as they do to us, and speak the same language; but to him it is an unknown language; and therefore he would attend only to the signs, without knowing the signification of them: whereas to us it is a language perfectly familiar, and therefore we take no notice of the signs, but attend only to the thing signified by them.

diaphanousness of experience is only a contingent feature of our perceptual maturity. We can get a better grasp of the existence of the sensational component of our perceptual lives by considering those who have just regained it, but have not regained much more.

As a fourth example, consider the experience of those who have used prosthetic devices that produce bumps on the skin on the patients’ back in response to visual stimuli called TVSS (for “tactile vision substitution systems”). These patients eventually lose consciousness of the fact that their skin is being stimulated, and attend only to the objects about which they receive information. Again, Noe explains the data:

In TVSS, optical images picked up by a camera (worn, say, on the head) are transduced in such a way as to activate an array of stimulators (vibrators or electrodes) in contact with the skin (on, e.g., the abdomen, back or thigh). Optical images in this way produce a localized pattern of tactile sensation. After an initial period of training, congenitally blind subjects cease to experience tactile sensations when they use the TVSS device, and come to report that they experience objects as arrayed before them in visual space, just as captured by the camera.142

The lack of tactile consciousness in TVSS users, after a period of training, is parallel to the lack of consciousness of what it is like to hear uninterpreted syllables, or of the shade of light that our eyes see in an illusory setting, or of the extent of the dependence of our vision on training. Regularly employing a device or technique for obtaining information will cause us to be attentive to the object of our information, rather than our source of it.143

142 Noe, On What We See at 70-71.

143 A device similar to TVSS, called the “vOICe,” is advertised at www.seeingwithsound.com. The device includes a camera in the middle of a pair of sunglasses attached to a pair of headphones. The device converts information from the camera into a stereo “soundscape,” using pitch to represent height and loudness to represent brightness. Users of the vOICe describe very similar phenomena as users of TVSS. One user says, “The sight stimulated [through] the use of the vOICe program becomes a natural way of seeing. The soundscape sounds over time are relegated to the subconscious ‘background’ noise and what is left is a form of true and working black and white vision.” Another user reports that over time, he learned to distinguish normal sounds from the soundscape produced by the device: “[I]s the
The lesson that I draw from these four examples, and the analogy between language and perceptual experience that ties them together, is that we should not be too quick to take the felt transparency of perceptual experience as a conclusive reason to doubt that qualia really exist. Maturity in using sensations and words to form the appropriate beliefs requires that we lose the consciousness of our informational intermediaries, and it may be very difficult to recapture that consciousness. In the case in which our attention is trained on an object by the means of language, we will have the same felt transparency. Thinking linguistically about the president will not cause us to be self-conscious about our use of language, but the linguistic intermediary is obviously an element of our process of thinking about the president, even if we need special devices, like quotation marks, to get a handle on that language. Likewise, thinking visually about our shoes will not cause us to be self-conscious about our use of visual sensational intermediaries, but those intermediaries are just as obviously an element of our process of thinking about our shoes, even if we need to consider special situations, like those who have not yet learned how to integrate their sensations into the proper beliefs, in order to get a handle on those visual sensations.

soundscape being related as sound input or visual input[?]. Since I am now so comfortable with the information provided by the program … the soundscapes are sound but it creates a different sort of input for my mind. The sound of music or a voice is just that—sound. [Y]et the soundscapes generate sight. The sound information seems to enter my ears and is processed between my ear section of my head. The soundscape information is placed forward from my left temple across my eyes to my right temple. They are two distinct separate areas of consciousness. [T]his may seem strange, for sound to generate two different types of input. I can not explain it. I just am aware it is true. See http://www.seeingwithsound.com/users.htm.
4.4. Conclusion

This chapter has considered the literature on perception, while an earlier chapter considered the literature on testimony. While at times each of these literatures considers analogies between testimony and perception, they share similar shortcomings. Those who write about testimony have tended to assume certain views about perception—for instance, the failure of an inferential approach to perceptually-based belief—without giving them simultaneous detailed consideration. Likewise, those who write about perception have tended to make assumptions too quickly about testimony and language—for instance, that it must express information conceptually. If we are more imaginative in our examples, we can see that there are linguistic phenomena corresponding to many of the phenomena that have been taken to make perceptual experience particularly puzzling. Making the connection between perceptual experiences and language will not by itself resolve all questions over the nature perceptual experience, but it can help. Like perceptual experiences, words frequently depend for their content on the non-conceptual context, are presented in an environment with a great deal more information than the subject can apprehend with his concepts, and draw the mature user’s attention away from themselves and toward their objects. They are therefore a useful model for what we should make of these phenomena regarding perceptual experience.
CHAPTER 5
DEFEATERS AND THE EPISTEMIC PARITY OF
TESTIMONY AND MEMORY

5.1. Introduction

This chapter will consider an issue relevant to whether testimony and memory stand on an epistemic par. An earlier chapter dealt with the question whether testimony and memory can be generative sources of knowledge, and argued that they can, if they can be generative sources of belief, which I in turn contend that they can be, as long as beliefs based on the testimony of machines are considered to be part of the universe of possible testimonially-based beliefs, and beliefs based on delayed conceptualization are regarded as part of the universe of possible memorially-based beliefs. This chapter will consider and criticize a different argument for the claim that testimony can be a generative source of knowledge even in cases where it does not function as a generative source of beliefs.

Jennifer Lackey once argued that the manner in which testimony transmits defeaters marks a disanalogy between testimony and memory: “[S]trictly speaking, knowledge is not necessarily transmitted via testimony, but … testimony can itself generate knowledge. … Thus testimony seems to differ from memory in a particularly
salient respect precisely because the former can be generative while the latter is merely preservative.” In arguing for this disanalogy between testimony and memory, Lackey sets out a principle for the transmission of defeaters in testimony which seems to me mistaken and which will be my main target in this chapter.

Lackey has since changed her mind with respect to memory, and argued that memory, too, can be a generative epistemic source. In her new article on memory, she calls her earlier argument regarding testimony a “similar line of argument.” It is not clear, however, that she would now put memory and testimony on an epistemic par. This chapter will go beyond my main concern in this dissertation, which is to consider objections made to the epistemic parity of testimony, memory, and perception. However, my argument against Lackey’s views will depend on an analogy of testimony to the legal relationship between principals and agents. If this analogy is in general apt, then, as I will explain below, there is strong reason to put testimony and memory on a par, independent of Lackey’s particular perhaps-abandoned attack on such parity.

Lackey appeals to the failure of testimony to transmit doxastic and normative defeaters to recipients. A doxastic defeater is a proposition believed by the subject which undermines the epistemic status of another of the subject’s beliefs, while a normative defeater is a proposition that the subject should believe, and which would undermine that status if it were. In Lackey’s cases as she sees them, the testifier does


145 Lackey, Memory as a Generative Epistemic Source, forthcoming in Phil. & Phenomenol. Res.

146 Lackey, Memory as a Generative Epistemic Source, online version at 24 n.7

147 Lackey, Testimonial Knowledge and Transmission at 486.
not know that \( p \), because she has a defeater for the epistemic status of that belief, but the recipient does, because the defeater is not transmitted.\(^{148}\) Lackey considers several examples which she thinks are cases where the testifier fails to know, but the recipient does:

(a) Mrs. Smith, a school teacher who does not believe her lesson on evolution, but reliably passes it on to students,\(^{149}\)

(b) Sally, whose wildly distorted visual perception and pathological lies combine to make her reliable;\(^{150}\)

(c) Jane, who is gripped by skeptical worries, but who passes along normal information reliably;\(^{151}\)

(d) Millicent, who believes that her vision is unreliable, but who passes along visual information reliably;\(^{152}\)

and

(e) Alice, who \textit{should} believe that her vision is unreliable, but who passes along visual information reliably.

Lackey draws this lesson:

What these cases point to is that doxastic defeaters are \textit{not necessarily transmitted via testimony}. For defeaters in this sense are beliefs of the subjects in question which defeat the justification \textit{they} have for holding another belief. In this way, doxastic defeaters do not simply ‘come along for the ride’ when a speaker reports that \( p \); instead, the defeater itself

\(^{148}\) In some of the examples, what the testifier has is not probably strictly called a \textit{defeater}, because the testifier does not believe that \( p \), but the testifier still has what can be called a defeater for the epistemic status of \textit{the belief that} \( p \), i.e., a reason not to believe that \( p \), albeit not one that is a defeater for the epistemic status of \textit{her} belief that \( p \), because she doesn’t actually believe that \( p \).

\(^{149}\) Lackey, \textit{Testimonial Knowledge and Transmission} at 477.

\(^{150}\) Lackey, \textit{Testimonial Knowledge and Transmission} at 480-81.

\(^{151}\) Lackey, \textit{Testimonial Knowledge and Transmission} at 484.

\(^{152}\) Lackey, \textit{Testimonial Knowledge and Transmission} at 485.
must be reported and believed by the hearer in order for it to be acquired via testimony.\textsuperscript{153}

On the strength of the Alice example, Lackey generalizes her position to \textit{normative} defeaters—defeaters based on what a testifier \textit{should} know.

I will criticize Lackey’s treatment of these examples and the lessons she draws.

I do not share her intuitions on these cases: it seems to me that there is good reason to think that all five of these testifiers are misbehaving when they invite their audience to trust them about things that they do not, or should not, believe themselves. If testimony requires assertion, and knowledge is the norm of assertion,\textsuperscript{154} then those who do not know are not proper testifiers. And it seems to me that those who rely on misbehaving testifiers themselves have environments unsuited to their trust, and so environments that do not support knowledge. It seems to me that doxastic and normative defeaters \textit{do} come along for the testimonial ride, and pose equivalent problems for the recipient of testimony that they do for the testifier.

While it may be only of autobiographical interest, when I encountered Lackey’s examples, none of them seemed like clear cases of knowledge in the recipient. I was tempted to say that Jane and Alice’s hearers might know that \( p \), but I was equally tempted to say that Jane and Alice themselves know that \( p \). By my lights, it is quite hard for skeptical worries, or a duty to distrust one’s vision, to be effective, unless a subject is close to being literally insane. But for Mrs. Smith, Sally, and Millicent, I felt no intuitive pull to say that their hearers come to know that \( p \). Sally and Millicent seem close to

\textsuperscript{153} Lackey, \textit{Testimonial Knowledge and Transmission} at 486.

insane, while Mrs. Smith seems insincere and a poor model of how students should approach scientific evidence and relate to the scientific community.

Only Jane, Millicent, and Alice actually have a defeater for the epistemic status of their personal belief that $p$, because only they, and not Mrs. Smith and Sally, actually have a belief that $p$. Mrs. Smith and Sally, however, present very similar issues to the other three. Jane, Millicent, and Alice testify that $p$ despite having doubts about $p$ which they do not indulge (but perhaps should), while Mrs. Smith and Sally testify that $p$ despite having doubts about $p$ which they do indulge. My argument will be most squarely aimed at showing that those who receive information from Jane, Millicent, and Alice have an epistemic stain on the status of their resulting belief that $p$ that is as great as the epistemic stain on the status of Jane, Millicent, and Alice’s corresponding beliefs. But the misbehavior by Jane, Millicent, and Alice in believing that $p$, their contrary information notwithstanding, parallels the misbehavior by Mrs. Smith and Sally in testifying that $p$, their contrary information (to which, indeed, they have succumbed themselves) notwithstanding. Not just doxastic and normative defeaters, but also fully indulged doubts about $p$, come along for the testimonial ride to pose problems for the recipient.

I should add four quick caveats regarding my intuitive disagreement with Lackey.

First, actually, I do not think that testimony requires assertion, because I think that mindless machines like clocks, computer-generated textual reports, voice mail, or zombies could testify (or do the epistemic equivalent). So in the end, I agree with Lackey that testimony (or its epistemic equivalent) does not require knowledge by the testifier. But I do think that testimonial knowledge requires, and transfers, positional
warrant in the testifier: that is, it requires that the testifier be such that it (or he or she) would be warranted if it (or he or she) believed that \( p \). Lackey’s examples are cases of assertions which produce testimonial knowledge without knowledge by the testifier, and I disagree with her intuitions on her cases.

Second, I am not perfectly sure that knowledge is the norm of assertion, because I think that there may be an interest-relativity in the amount of warrant required for knowledge, and this interest-relativity may shift between the testifier and recipient of testimony.\(^{155}\) That is, suppose both a high-stakes and low-stakes person are concerned about whether \( p \) (say, whether the bank will be open tomorrow). If the high-stakes person has warrant that would be sufficient for the low-stakes person to come to know that \( p \), it may be OK for her to tell the low-stakes person that \( p \), even though her warrant would not be sufficient for her own knowledge that \( p \). However, note that warrant is fully transferred in this example. A testifier is required to have enough warrant to allow the recipient to know (assuming the recipient has no other defeaters himself), but the knowledge-level warrant threshold may be lower for the recipient. Lackey’s examples involve warrant-impairing defeaters that are not transferred.

Third, these epistemic problems which I say that testifiers and recipients of testimony alike face may, of course, have a different solution for the recipient of testimony than they would for the testifier. I only claim that testifiers’ defeaters pose an equally serious knowledge-impairing problem for the recipient. For instance, recipients may learn the general outlines of the testifiers’ epistemic predicament, and then “trust”

\(^{155}\) For a defense of interest-relativity, see Hawthorne, Knowledge and Lotteries (2004). Jason Stanley has also defended such views in unpublished lectures at the 2005 Pacific APA and elsewhere.
the testifiers’ outputs on *that* basis.\(^{156}\) To me, it seems best to characterize those cases as involving the full, defeaters-included transfer of positional warrant from testifier to recipient, but as involving a separate basis for *defeating* those defeaters.

Fourth, when I say that testifiers’ defeaters come along for the testimonial ride, I mean that the portion of their epistemic dishonor pertaining to their testimony that \(p\), rather than the actual defeaters—the \(p\)-undermining beliefs themselves—should be attributed to the recipient of testimony.\(^{157}\) Suppose Testifier tells Recipient that \(p\), but Testifier has an uncommunicated belief, \(d\), that would defeat both \(p\) and \(q\). (\(d\) might be \(\sim p \& \sim q\).) Suppose both \(p\) and \(q\) are true. And suppose that Recipient has independent, perfectly sound basis for believing that \(q\). Now, if the defeater \(d\) comes along for the testimonial ride, then it might seem that Recipient can’t know that \(q\). So, suppose Testifier believes, erroneously, that a desk in his office is empty (call this belief \(d\)). And suppose that Recipient believes that there is a pen in the desk (call this belief \(q\)), because he saw it there a few minutes ago. And suppose through some malfunction or breach of epistemic duty, Testifier also believes, without abandoning his belief that \(d\), that there is a *pencil* in the desk (call this belief \(p\)), and tells Recipient that \(p\). Testifier is misbehaving, because he also believes that \(d\), which contradicts \(p\), and on my view Recipient cannot therefore come to know testimonially that \(p\)—that there is a pencil in the desk. However, Recipient is not charged with the full collateral consequences of

---

\(^{156}\) Lackey’s barn case, *Testimonial Knowledge and Transmission* at 487, seems to fall in this category. She imagines a testifier who, because of nearby fake barns, sees Farmer Brown’s barn without knowing that it is real, and a recipient who knows independently that Farmer Brown hates fake barns. The recipient in that case seems to me simply to have a different solution to the epistemic problem posed by the fake barns, not possessed by the testifier; the case is not clearly one in which a warrant-impairing problem afflicts the testifier but not the recipient.

\(^{157}\) This caveat aims to address concerns raised in conversation by Brian Weatherson, Chase Wrenn, and Sanford Goldberg, though I may not be phrasing the objection as they would.
believing \(d\), just because that happened to be the defeater for Testifier’s belief that \(p\). Recipient can still keep his knowledge that \(q\)—that there is a pen in the desk. Rather, Recipient is only charged with the same epistemic debt pertaining to his testimonially-based belief that \(p\) that is owed by Testifier. I will argue below that, on my account, there is good reason to limit the effect of Testifier’s defeater in this way: charging the effects of the defeater \(d\) against Recipient’s belief that \(p\), but not against Recipient’s belief that \(q\).

As I say, I do not share Lackey’s intuitions. But I will not simply pit my own intuitions against Lackey’s. Rather, I will argue that my intuitions are supported by, and can be sharpened by, the intuitions expressed in three areas of the law. In other work, I have explained why I think the law is a source of intuitions useful to epistemologists, particularly those who think that epistemology should be relevant to the ways we lead our cognitive lives.\(^{158}\) In brief, the law is a rich source of careful, reasoned explanation of how we actually do pursue knowledge, socially and individually. The law encourages people in their practices of trust and rewards them by protecting entitlements. It might be wrong, but we would need a strong reason to depart from its accumulated insight. We could reach the same results on purely epistemic grounds, but I find that the law confirms my epistemic instincts, and that the fit with my instincts confirms the value of the legal analogy.

The common law involves thousands of people over hundreds of years thinking carefully, making distinctions that will have large practical importance and which will be

\(^{158}\) Suing One’s Sense Faculties for Fraud: “Justifiable Reliance” in the Law as a Clue to Epistemic Justification, unpublished manuscript; to be delivered at a symposium of the APA Eastern Division in December 2004.
implemented in part by ordinary people on juries. We can expect the distinctions contained in the conceptual output of the common law to be practical, real distinctions. Those responsible for the progress of the law need to understand its rationales in order to extend it to new, hard cases, so we can in general rely on the law to be fairly self-conscious about the status of its rules.

Epistemology is concerned with the distribution, not of valuable resources, but of *epistemic honors*. If I bear an epistemic liability, I need not actually pay anyone, and if I partake of an epistemic honor, I do not actually get money. But there is an important tie to practical reasoning. As I see it, epistemology offers honors like justification, rationality, and knowledge, and threatens dishonors like defeat, as part of a concern to offer actual advice. It shapes behavior at the margins, just as the law does. Epistemology is concerned with incentives, just like the law.

The law of constructive knowledge considers when a person *should* know something that he doesn’t, because, for instance, he shirks a duty to investigate. The law of justifiable reliance considers when a person should know better than to trust a misrepresentation, because, for instance, he has a duty to read the document he is signing. Because these areas of law give careful analyses of when an entitlement is defeated by what would be revealed by an investigation, these areas give good models for doxastic and normative defeaters, or their equivalent epistemic harms. Finally, the law of principal and agent seems a good model for testimony. In testimony, we adopt and ratify the epistemic tasks that someone else has performed on our behalf.

The universal rule in the law is that whenever an *agent’s* entitlements are limited because the agent has breached an epistemic duty, the *principal’s* entitlements are similarly limited. Constructive knowledge in the agent is imputed to the principal; an
agent’s failure to read will defeat justifiable reliance in the principal as well. These rules correspond to a rule that would, in contrast to Lackey, view doxastic and normative defeaters as an equivalent epistemic harm for both testifiers and recipients of testimony.

5.2. Doxastic and Normative Defeaters, Constructive Knowledge, and Justifiable Reliance

Doxastic and normative defeaters operate when a belief is inappropriate, and fails to be knowledge, because of other things a subject believes or should believe. Most epistemologists think we have an epistemic duty to look through our noetic structure for beliefs that contradict or undermine others. If such a search would show us (as it would Millicent) that we have a belief that our vision is unreliable, our entitlement to trust our vision is defeated. Two areas of the law consider duties to investigate that, like the duty to eliminate inconsistencies in our beliefs, can defeat entitlements if neglected.

5.2.1. Constructive Knowledge

The rules concerning constructive knowledge operate when, for instance, a shopkeeper should know about a banana peel on his floor, but doesn’t. Our shopkeeper cannot rest as a defendant in a civil trial on the fact that he didn’t know about a slip-and-fall danger if he should have known about it. If he has a duty to look through his store for banana peels and other dangers, and such an investigation would have showed the danger to him, then his entitlement not to clean his floor is defeated.

New appellate opinions applying the doctrines of constructive knowledge appear with great regularity. In one recent example, the court found a genuine issue of material fact concerning whether Wal-Mart had constructive knowledge of a plastic six-pack ring
on its floor, over which the plaintiff tripped.\textsuperscript{159} The court distinguished one case, which had found no sufficient evidence of constructive knowledge of macaroni salad on the floor, because there was no evidence of how long the salad had been there,\textsuperscript{160} and another which had found no sufficient evidence of constructive knowledge of a “squashed and muddy” grape on the floor, for the same reason.\textsuperscript{161} The court relied on the plaintiff’s evidence that the six-pack ring had been on the floor for at least a minute. The court relied on a third case, which had found sufficient evidence of constructive knowledge of a jalapeno on the floor near a snack bar, because there was testimony no other patrons had been nearby.\textsuperscript{162}

My main contention about constructive knowledge will be just this: doxastic defeaters represent the failure to clean up one’s doxastic house by finding and eliminating contradictions, and that failure should be assessed by the same sorts of rules that apply to the failure to clean up the floor of one’s retail store by finding and eliminating banana peels, macaroni salad, grapes, six-pack rings, and jalapenos. Normative defeaters represent a similar failure to eliminate conflicts between a subject’s actual beliefs and what he \textit{should} believe. I will not attempt to summarize the details of the law of constructive knowledge itself—the actual duties to investigate, for instance, that the law imposes—but aim only to point out a strong structural parallel between the function of this area of the law in modifying legal entitlements and the function of a

\begin{footnotesize}
\begin{enumerate}
\end{enumerate}
\end{footnotesize}
theory of defeaters in modifying epistemic entitlements. I examine and apply particular rules about constructive knowledge in section 5.5 below.

5.2.2. Justifiable Reliance

Fraud plaintiffs must show that they are justified in relying on a misrepresentation. If, for instance, a plaintiff signs a document that would have revealed an oral misrepresentation, then he has a duty to read the document or have it read to him, such that the plaintiff’s reliance on the oral misrepresentation is unjustified. One court recently said, “[A]ll the individuals involved were sophisticated businessmen represented by experienced counsel... [I]t would be unreasonable to rely on an oral guarantee when that guarantee was quite obviously not included in the subsequent written draft of the contract. We thus do not believe that any reasonable jury could find that the plaintiffs’ reliance was justifiable.”163 Another court said this: “[A]ny reliance by the [plaintiffs] on the three alleged oral promises made by [the defendant] was unreasonable as a matter of law because each of the alleged oral promises plainly contradicted the terms of the written contract.”164 Yet another court: “[A] party cannot justifiably rely upon prior oral representations yet sign a contract denying the existence of those representations.”165

Finally on this rule: “[O]ral misrepresentations will not override explicit written representations ... Had the trustees read the annual reports of the real estate limited partnerships—short documents written in clear, everyday English—

163 Yarborough v. DeVilbiss Air Power, 321 F.3d 728, 731 (8th Cir. 2003).

164 Crowell v. Campbell Soup Co., 264 F.3d 756, 762-64 (8th Cir. 2001).

they would have known that the value of their shares was falling, not rising, because the real estate market was in decline.”\textsuperscript{166}

5.2.3. Epistemic Relevance

Now, I will not make the broad claim that the collateral normative consequences of \textit{all} defeaters can be captured by a comparison to constructive knowledge and justifiable reliance. But the consequences of some of them can. And in particular, the collateral consequences of doxastic and normative defeaters can. They represent the failure to conduct a sufficiently thorough investigation of our own structure of beliefs and the failure to fix difficulties in our noetic structure. Also, I am not very concerned with whether the concept of “doxastic defeater” or “normative defeater” applies to all cases of constructive knowledge. We might have a restrictive, internalist conception of doxastic defeat, or a conception of normative defeat that only applies to the ultimate subject’s \textit{own} duties. But the law of constructive knowledge and justifiable reliance, insofar as it stresses the negative normative consequence of the neglect of our epistemic duties, has important \textit{normative} lessons for us as epistemologists. And I am concerned, not just with doxastic and normative defeaters, but with such defeaters \textit{and equivalent normative epistemic concerns}. If a flouting of epistemic duty produces bad results in the law, thereby defeating entitlements in cases where the stakes can be very large, the flouting of a corresponding epistemic duty should produce a similar bad result in epistemology, defeating analogous epistemic entitlements.

\textsuperscript{166} \textit{Wolin v. Smith Barney}, 83 F.3d 847, 854 (7th Cir. 1996).
I have elsewhere considered these rules in detail in criticizing Laurence BonJour’s intuitions about clairvoyance cases, arguing that these rules from the law provide a well-reasoned, broadly-based set of intuitions that (a) would allow a right to rely on a clairvoyant faculty in the defeaterless case (BonJour’s Norman), but (b) could explain the defeat of a right to rely on a clairvoyant faculty in the defeater cases (BonJour’s Samantha, Casper, and Maud, and Agatha in his most recent presentation). If that analysis is a good one, then the rules about when justifiable reliance is defeated should be a good guide to doxastic and normative defeat in epistemology (or at least to its normative equivalents). Externalists, at least, want to a theory of defeaters to help them out with BonJour’s initial cases without imposing a requirement of positive reasons to believe in the reliability of one’s source, and the law of justifiable reliance can do this.

Courts describe the rules on the failure of justifiable reliance with the same term, “defeat.” For instance, one court referred to the rule that “contributory negligence is a bar to recovery because it defeats the justifiable reliance prong of a negligent


\[168\text{ I should add that I am able to apply the law of fraud to clairvoyance cases only by first anthropomorphizing the clairvoyant faculties involved and imagine that their deliverances to the clairvoyant subject amount to the equivalent of a message. One way to put my approach there is that I assume the epistemic parity of (clairvoyant) perception and testimony. Here, however, I will use the law of justifiable reliance to cases of testimonially-based belief; I need no anthropomorphization to do that.}\

150
misrepresentation case.” Another court considered an argument that a disclaimer “defeats any justifiable reliance.”

In short, theories of defeat, constructive knowledge, and the rules of justifiable reliance all aim to make a precise accounting of the collateral normative consequences of failures of epistemic responsibility (or epistemic proper function, or epistemic vice, or the like). They should therefore be mutually informative.

5.2.4. Harman’s Newspaper Cases

Another reason to think that the law of constructive knowledge and justified reliance is a good analysis of defeaters is that such an analysis can shed some light on Harman’s newspaper cases, and help explain why they are so difficult. Newspaper cases involve widespread misinformation that a reader luckily, but perhaps irresponsibly, misses. The differing and perhaps-confused approaches that the law takes to when publicly available information operates to create constructive knowledge, or defeat justifiable reliance, can explain our difficulties regarding those cases.

Robert Shope claims that a good analysis of knowledge should not merely take our personal intuitions about newspaper cases as data, but should also explain why the

---


170 Heffernan v. Board of Trustees, 310 F.3d 522, 527 (7th Cir. 2002).

171 See Harman, Thought 173 (1973). My approach, which would see the dissenting newspapers as a normative defeater, fits with the analysis recently offered by Kevin Meeker. See Justification and the Social Nature of Knowledge, Phil. & Phenom. Res. 69 (2004), 156-172. Meeker argues that the newspaper cases should be seen as failures of justification, and can help push us toward a notion of justification that is simultaneously deontological but externalist, because what would have been revealed had we kept our duties to investigate is not generally accessible to us.
cases are so difficult. The law of constructive knowledge as it applies to publicly-available information provides just such an explanation.

First, many courts have found that public information is sometimes not a defeater, or doesn’t support constructive knowledge: “[T]he contention that publicly available information cannot form the basis for a concealment claim is mistaken. The mere fact that information exists somewhere in the public domain is by no means conclusive. … [A] plaintiff is not barred by constructive notice of a public record which would reveal the true facts.”

Second, however, many courts have found that public information sometimes is a defeater, or supports constructive knowledge: “Jones Day cites several cases in connection with its statement that Vega could have discovered, with reasonable diligence, the ‘toxic’ provisions of the financing. These cases reject fraudulent concealment claims where the information in question was readily accessible, or plaintiff was on inquiry notice of the allegedly concealed information. E.g., Stevenson v. Baum, 65 Cal.App.4th 159 (1998) (affirming summary judgment; plaintiffs could not state cause of action for fraudulent nondisclosure of a pipeline easement as a matter of law, because the purchase contract put plaintiffs on notice that they took title subject to easements of record); Clayton v. Landsing Pacific Fund, Inc., 2002 U.S. Dist. LEXIS 9446 (N.D.Cal. 2002) (no claim for fraudulent concealment of the decline in value of

---

172 See Shope, Conditions and Analyses of Knowing, in Moser, ed., The Oxford Handbook of Epistemology 25-70, 39 (2002) (criticizing Goldman’s approach to defeaters because it “is not able to explain the divided intuitions that have been provoked by the newspaper example); id. at 45 (criticizing Lehrer’s approach because it “does not attempt to explain the conflict of intuitions concerning the newspaper case”).

plaintiff’s investment, where value of shares was publicly available, and in addition letter from defendants actually disclosed the decrease in the value of plaintiff’s investment).”

Third, courts have described the difficulty of the question of constructive knowledge from public information and its sensitivity to particular facts: “[T]he question whether a cause of action for fraudulent misrepresentation exists where the putatively misrepresented information is contained in the public record is one of fact that should not be resolved through a motion to dismiss and the use of a bright-line rule of preclusion. … The question … is whether the recipient of the misinformation is ‘justified in relying upon its truth.’ … [W]here recorded information which is clearly contained in the chain of title of the parcel purchased is asserted as the basis for misrepresentation by the purchaser, a distinct and very different matter than the situation discussed herein exists. Knowledge of clearly revealed information from recorded documents contained in the records constituting a parcel’s chain of title is properly imputed [note: not my use of “imputed”] to a purchasing party, based upon the fact that an examination of these documents prior to a transfer of the real property is entirely expected.”

In short, the law finds it difficult to say exactly when the availability of public information will or will not defeat justifiable reliance or support constructive knowledge, because the law finds it difficult to say exactly when we have a duty to be abreast of


175 M/I Schottenstein Homes, Inc., v. Azam, 813 So. 2d 91, 94-95 (Fla. 2002).
publicly available information. The law of constructive knowledge therefore seems to be a plausible model for the role of public information in the disputed newspaper cases.

5.3. Testimony as Epistemic Agency

In order to understand the epistemology of testimony, I will apply the law of principal and agent: the ubiquitous practice of using one person to perform tasks on another’s behalf. Few things are more common in our (present) social life, or in the law, than such phenomena. Many of us spend many hours a day serving as someone else’s employee or agent, performing tasks that our employer cannot perform personally. On our own, we can’t get everything done unless we employ others. Corporations, for instance, are based on the creation of an entity that only acts through its agents. The legal encyclopedia Corpus Juris Secundum describes the basic conceptual apparatus: “The law of agency is based on the Latin maxim ‘Qui facit per alium, facit per se,’ variously rendered as ‘He who does an act through another is deemed in law to do it himself,” or “One acting by another is acting for himself.’ This maxim is fundamental to agency, and is considered to apply and enunciate the general doctrine on which the law relative to the rights and liabilities of principal and agent depends.”

We can use agents to make contracts. For instance, if my lawyer signs a contract on my behalf, and I then do not abide by the contract, I can be liable for damages. We are also responsible in tort for our agents’ negligence or other misbehavior. For

instance, if my employee negligently fails to clean up a mess in my store and a customer
slips and falls, I can be liable to the customer for his injuries.

The *qui facit* maxim in the law suggests that using others to perform tasks should
not make a difference to our normative assessments. If memory is distinguished from
testimony chiefly by the fact that *others* perform earlier epistemic tasks in the case of my
testimonials-based beliefs, while *I* perform earlier epistemic tasks in the case of my
memorially-based belief, then the *qui facit* view of testimony will make this difference
insignificant. Even if others have performed these actions, if I adopt these earlier actions
as my own, and properly seek credit and epistemic honor from them, then how well
these actions were performed matters to the epistemic status of my resulting beliefs as
much as if I had performed them myself. Whether an earlier version of myself, or
someone else, has performed an action on behalf of my current self does not matter for
the way the law adjusts entitlements, and there is good reason to think that it should not
matter for the way epistemology distributes its honors either.

The law of agency allows me to identify with the actions that others have
performed on my behalf. When I use my memory, I take up an earlier belief, and any
misbehavior that led to my earlier belief is also imputed to the memory belief. In
memory, I *identify* with my earlier self’s actions, even if I do not have full access to
them. Similarly, on my view, when I receive testimony, I *identify* with my testifier’s
actions, even if I do not have full access to them.

When the principles of the law of agency apply to cases of knowledge—that is,
cases in which an agent knows something, and such knowledge is charged to the
principal—the principal has *imputed knowledge*. (Sometimes constructive knowledge is
called a form of imputed knowledge, so that there are two forms of imputed knowledge:
(a) constructive knowledge via the breach of a duty to investigate and (b) knowledge by an agent. Here, though, I will use “imputed knowledge” only to refer to knowledge by an agent.)

Why is agency a good model for testimony?

First, the idea seems to me to have considerable intuitive appeal: when we trust others or accept testimony from them, we are using them as our epistemic employees; we are ratifying their actions on our behalf. When I form a belief on the basis of that evidence, the epistemic honors due to that belief depend not merely on the intrinsic qualities of my evidence, but also on that evidence’s causal ancestry. That is, it matters not merely what my testifier gives me—as in the case of an independent contractor, who is not an agent\(^{177}\)—but also how he formed it. If he misbehaved in obtaining his belief that \(p\)—for instance, by believing it on a whim—then that problem matters for my belief, even though the evidence that he gives me may be intrinsically the same as in a successful case.

There are important loci for the evaluation of the resulting belief besides the proposition itself, which is either true or false. The epistemic honors of my testimonially-based belief depend on my belief’s causal ancestry. In associating myself with the epistemic honors of that belief, I thereby associate myself with the causal ancestry of the belief. I think that is properly described as adopting—identifying with, deriving honor from—the actions that led to my belief.

\(^{177}\) I discuss below in more detail why the relationship between the testifier and the recipient is more like the relationship between an agent and a principal than between an independent contractor and his client.
If we are the agents of those to whom we will give our testimony, then in our actions on which such acts of testimony are based, we are acting not merely for our own sake, but also on behalf of our epistemic posterity. This seems like a very important point which an overly-individualistic epistemology can neglect. William Clifford expressed such a sentiment in *The Ethics of Belief*:

>No one man’s belief is in any case a private matter which concerns himself alone. … Our words, our phrases, our forms and processes and modes of thought, are common property, fashioned and perfected from age to age; an heirloom which every succeeding generation inherits as a precious deposit and a sacred trust to be handled on to the next one, not unchanged but enlarged and purified, with some clear marks of its proper handiwork. Into this, for good or ill, is woven every belief of every man who has speech of his fellows. An awful privilege, and an awful responsibility, that we should help to create the world in which posterity will live.\(^{178}\)

Second, using the law of principal and agent as a model for testimony can help virtue and credit-based theories of knowledge, like that of John Greco, survive the challenge recently posed by Lackey (independent of her work pertaining to the transmission of defeaters).\(^{179}\) Lackey argues that in a normal case of testimonially-based belief, the recipient of testimony does not get credit for his true belief; instead the testifier does.\(^{180}\) But on a principal-and-agent model for testimony, the recipient should

---


\(^{179}\) See Lackey, *Why We Don’t Deserve Credit for Everything We Know*, unpublished manuscript. Lackey is chiefly criticizing the views of John Greco in *Knowledge as Credit for True Belief*, in DePaul and Zagzebski, eds., *Intellectual Virtue: Perspectives from Ethics and Epistemology* (2003), 111-134.

\(^{180}\) See Lackey, *Why We Don’t Deserve Credit for Everything We Know* at 12-13 (“[B]ecause of testimonial knowledge’s unique dependency on the cognitive resources of someone other than the subject in question, what often does shoulder this explanatory burden are the faculties of someone other than the knower herself. This results … in the speaker in a testimonial exchange deserving credit for the knowledge that the hearer acquires on the basis of her testimony.”).
be charged with credit for his agent’s epistemic tasks on his behalf. The recipient knows, not because his own cognitive character and actions are such praise-worthy, salient contributors to his true belief, but because of the role in his belief’s ancestry of the character and actions of his epistemic employee, the testifier, which are credited to the recipient’s account. The transfer (or multiplication) of responsibility and credit in the case of principals and agents is exactly what Greco needs in order to defend against Lackey’s counterexample.

Other normative notions besides Greco’s favorite, credit, might also benefit from the expansion of responsibility offered by the law of principal and agent. For instance, those who think that epistemic-duty-fulfillment is a big part of the normative concern of epistemology can expand that notion into social epistemology if they consider, not merely personally-fulfilled epistemic duties, but those duties handled by an epistemic agent. The law of agency can thus make more room for a partly-externalist deontologism.¹⁸¹

Third, philosophers’ recent attention to testimony makes frequent reference to the fact of the ubiquity of testimony in our epistemic lives. Ernest Sosa notes, “[W]e rely on testimony for our grasp of history, geography, science and more.”¹⁸² Matt Weiner adds, “If we were not generally justified in accepting the word of others, we would know very little.”¹⁸³ Kusch and Lipton explain, “One obvious question about testimony concerns its

¹⁸¹ For one attempt to promote externalist epistemic deontologism, see Meeker, Justification and the Social Nature of Knowledge, cited above.


¹⁸³ Accepting Testimony, 53 Phil. Q. 256-64, 256 (2003).
relative importance in our cognitive economy. How much of what we know depends on the word of others? This is an issue that arises in one form or another in much of the literature on testimony, and usually the answer that emerges is that our dependence is very great. ... Very little indeed of what you know you worked out entirely on your own."\textsuperscript{184}

We can’t learn what we do without others’ help; we must employ others’ epistemic services. If testimony is a ubiquitous epistemic phenomenon, which shows up whenever people organize themselves socially, it would make sense if it matched with our similarly ubiquitous legal practices of principals using agents, which also shows up whenever people organize themselves socially. That is, I take it that the epistemic project of analyzing what testimony does and does not require is part of a larger project: assessing the conceptual relations among all of the different sorts of human knowledge. This fact can militate, for instance, against a conception of testimony that makes it too small. If our definition of testimony is too small, then we will need to come up with other concepts to fill in a full conceptual map of human knowledge. But if we can characterize social aspects of epistemology with the concepts of principal and agent, then the main job of an epistemology of testimony is complete.

Even if the law of agency is not a good model for “testimony” (whatever that might be), it does seem to be a good model for something else: call it \textit{epistemic agency}. Forgetting for the moment how extensive \textit{testimony} is, or what it requires, it seems that in our day to day lives we employ others to perform our epistemic tasks for us all the time. There plainly seems to be an epistemic division of labor at work in our epistemic

lives. Many philosophers use the phrase “epistemic division of labor” or its cognates to describe testimony.\textsuperscript{185} It therefore seems eminently sensible to think that the conceptual apparatus that the law uses to understand normal employment relations would also be helpful for us to use in understanding epistemic employment relations.

Peter Graham has argued in conversation that the law of independent contractors is a better model for testimony than is the law of principal and agent. He suggests that testimony is a purely bilateral relationship between the testifier and recipient, and that the law of principals and agents, which concerns when a principal should be liable to a third party for what his agent has done, is therefore inapt.

It is true that the law of principal and agent is concerned with the rights of third parties, and the responsibilities of the principals toward them. As I will explain shortly in a discussion of what legal observers have said about of the basic explanation and rationale of the law of principal and agent, the law wants those who are wrongly harmed by an activity to be compensated by those who derive systematic benefit from the profits of that activity. In the case of an employee misbehaving toward third persons while acting in the scope of his employment, the principal who sought to profit from his employee’s actions is just such a person.

However, it seems plain to me that the epistemology of testimony is concerned with a trilateral relationship, just like the law of principal and agent, and not merely with

\textsuperscript{185} See, e.g., Fricker, Knowledge from Trust in Testimony is Second-Hand Knowledge, forthcoming in Phil. & Phenomenol. Res., at 1 (ours is “a world where division of epistemic labour rules”); Talisse, Social Epistemic Liberalism: Comprehensive Not Political, http://people.vanderbilt.edu/~robert.talisse/Buchanan_web.pdf (referring to “the division of epistemic labor that epistemic dependence necessitates”); Webb, Why I Know About As Much As You: A Reply to Hardwig, J. Phil. 90 (1993), 260-70, at 260-61 (“It is not only the progress of science that depends on this kind of interdependence, this division of labor. It is only because we divide up the epistemic work in this way that we can come to know anything from maps, clocks, thermometers, newspapers, telephone directories, and so on.”).
a bilateral situation like a contract. Agency law is concerned with principals, agents, and those who may be harmed by the agents’ misbehavior. The epistemology of testimony is concerned with the testifier, the recipient, and the set of epistemic honors and dishonors that the recipient gets. Epistemologists of testimony are not exclusively concerned with whether the testifier has misbehaved toward the recipient, or vice-versa, but with what honors the recipient’s testimonially-based belief should have. This requires a more elaborate analysis than that offered by contract law, which aims at settling bilateral disputes.

Another reason why testimony does not merely involve an analog of an independent contractor relationship, like my relationship with my roofer, is that the honors due to a testimonially-based belief do not supervene on the evidence that mediates the relationship. When my roofer builds me a roof and I pay him for it, everything that accrues to my benefit is tangibly transferred to me. My roof is just as good, whether or not the roofer misbehaved when he built it. But the benefit that I get from a testimonially-based belief isn’t like that. The epistemic honors that my testimonially-based beliefs deserve will generally depend on things I do not have access to: things that aren’t my fault. Because the law of agency deals with honors that don’t depend on personal fault, it should be deeply appealing to those who think that epistemic honors do not always depend on things to which we have access.

To put my point another way, the cases at issue here involve testifiers who have, by either testifying or believing in the face of a contrary defeater, incurred an epistemic debt. The issue is whether the recipient of testimony should receive the epistemic benefit of the testimony free of that debt, or whether the debt goes along with the benefit, so that the recipient is jointly liable for it. This question simply cannot be
answered merely by finding out if the recipient has breached a contract toward the testifier, or vice versa.

It may be, of course, that there are important bilateral aspects to the relationship of trust, and the law of contracts might be useful in analyzing that bilateral relationship. The use of language to transfer information may involve something like a “testimonial contract.” I do not need to deny that. I only need the claim that the relationship is not merely bilateral; we need some sort of model, like principal and agent, that can account for the circumstances in which one person’s misdeeds toward a third party are, or are not, charged to another. The law of contracts, which only deals with whether one person has misbehaved toward a second person, cannot deal with this aspect of testimony.

5.4. The Rationales Of The Law Of Principal And Agent, Constructive Knowledge, And Justifiable Reliance

The common law represents the intuitions of thousands of people trying to explain themselves clearly, subject to correction and disagreement by commentators and other courts. To the extent that the legal distinctions elucidated with such care over such a long time are close to the distinctions with which philosophers work, and to the extent that philosophy proceeds by a very similar process of evolution, only with fewer people, fewer structural ties to normal usage like those contained in the use of legal terminology in jury instructions, and a shorter time horizon, philosophy would do well to pay attention to the law. But the law is sometimes not merely the elucidation of commonsense notions. Sometimes pragmatic considerations, or the need for a simply-administrable line, overwhelm the motivation to make only those distinctions that really
are relevant and which would really be likely to offer guidance to another field like epistemology.

It is true that sometimes tort law imposes liability, not where ordinary notions of justice would require compensation, but simply for the ease of administrability. Sometimes the law opts for a “prophylactic” rule that will be easy to administer, knowing that it will be either over-inclusive or under-inclusive. To see if that is so, I think we should look at how legal analysts describe their fields. Do they say that the rules are merely prophylactic, or do they think that the rules represent genuine assessments of proper responsibility? In the areas that I am concerned with here, there is good reason to think that the law is indeed elucidating normal notions of responsibility.

5.4.1. Justifiable Reliance

Those who have thought most carefully about the subject think that the law of justifiable reliance in the law of fraud is tied to the ordinary standards employed in daily life. Harper and McNeely, analyzing the law of justifiable reliance in fraud, say this: “The propriety of the plaintiff’s expectation [in fraud cases] involves the business ethics and mores and those general canons of fairness and decency which affect that standard of judgment which, for want of a better name, we call common sense. The interests of a person are protected only when his conduct so conforms to accepted social standards of propriety and common sense that he is regarded as entitled to legal protection.” 186 The law asks this question, according to Harper and McNeely: “What does common sense, in view of the accepted business and social mores of the community, entitle one person to

expect from another who purports to furnish information or make statements for his
guidance in a business transaction?” 187 Regarding the rules on defeater-defeaters, they
say, “Business would be greatly hampered, and human nature ignored were the law not
to lend its sanction to enforce the prevailing assumptions of accuracy thus made.” 188

5.4.2. Constructive Knowledge and Duties to Investigate

The law of constructive knowledge is likewise tethered to common sense. If my
entitlements are limited by what I know, then they should also be limited by what I
should know, because we cannot allow my entitlements to expand simply by my failure
to investigate as I should. William Scott explained in 1883, “The ground upon which a
party is held to notice of facts which he might have ascertained upon investigation, and
of which he was put on inquiry, by reason of his actual knowledge of certain other facts,
is really that of moral obligation or duty; and of the consequent fraud upon the rights of
others which might be involved in its non-performance. He ought to have inquired, and,
under the American view of the subject, pursued the inquiry with reasonable diligence;
and under the English view, has been grossly negligent in the ascertainment of the facts
which were open to him, and which had been suggested to him by the actual knowledge
of which he was in possession.” 189 “[T]he law will not suffer [someone] to deny
knowledge of the facts which he ought to have known.” 190 “The requirement that a

187 A Synthesis at 942-43.

188 A Synthesis at 945.


190 Id. at 862.
plaintiff use due diligence in discovering the relevant circumstance or event ... does not reward denial or self-induced ignorance.”\footnote{Sulca v. Allstate, 77 P.3d 897, __ (2003).} In the context of the duties to invitees, which is the context for slip and fall cases, Prosser and Keeton say that the rules on constructive knowledge flow from the ordinary rules of reasonable conduct. “The owner must not only use care not to injure the visitor by negligent activities, and warn him of hidden dangers known to the occupier, but he must also act reasonably to inspect the premises to discover possible dangerous conditions of which he does not know...”\footnote{Prosser et al., Prosser and Keeton on Torts, § 61, at 425-26 (5th ed. 1984).} Steven Winegar says, “[C]ourts have interpreted the general standard of care to mean that shopkeepers must act reasonably not only to avoid creating any hazards, but also to inspect and clean the premises in order to eliminate hazards created by patrons.”\footnote{Winegar, Reapportioning the Burden of Uncertainty: Storekeeper Liability in the Self-Service Slip-and-Fall Case, 41 UCLA L. Rev. 861, 865 (1993-1994).} From the duty to remedy dangerous conditions, it is only a small, common-sense step to a duty to discover dangerous conditions.

**5.4.3. Principal and Agent**

The rationale for the law of agency is that those who receive the benefits of another’s activity should also bear its costs. When a principal has a relationship giving him control over an agent’s choices, and the principal thereby systematically receives the benefit of those choices, it only makes sense that the principal should bear the cost of those choices too.
Now, tort law in general considers people whose choices sometimes harm other people. If someone has a choice that might harm someone else, but might also be beneficial, we want the person who is getting the benefit of the choice to pay the cost. Agency law is a simple extension of this idea. An agent is someone whose work is managed by a principal, such that his actions are made largely for the principal’s benefit. Walmart’s agents, to the extent that they are agents, make decisions that systematically benefit Walmart. When those decisions also cause harm to others, it makes perfect sense that Walmart—the one for whose sake the action was performed and whom the action aimed to profit—should be the one who compensates others. The one who gets systematic benefit from an activity should also bear the costs.

The principal’s deep pockets play a role, of course. But they play a role that fits with common-sense notions of responsibility. Microsoft does not pay for every injury that happens in America, or even every injury that happens in the Seattle area. It only pays for the injuries caused by activity that systematically generates profit for Microsoft. It is not the depth of Microsoft pocket, so much as the fact that injury is caused by activity that systematically fills Microsoft’s pocket, that matters.

Here is how one analysis goes by Seymour Thomson in 1880:

It is a general rule of law that a principal or master is civilly responsible for wrongs committed by his agent or servant while acting about his business…. One of the most familiar and extensive maxims of the law exacts of every person so to use his property as not to injure his neighbor. The rule under consideration may be referred to a corresponding obligation imposed by the law upon every member of society, so to conduct his business as not to injure others. With this obligation upon him, the law wisely and justly charges him with the same responsibility for acts done by the hand of another as for acts done by his own hand; and this rule of law takes form in the maxim, qui facit per alium, facit per se. [He who acts through another, acts himself.] 194

194 Respondeat Superior, 5 S. L. Rev. n.s. 238, 238-39 (1880).
A modern economic analysis by Alan Sykes in 1988 makes the same point in describing the inefficiency of a world without the rule:

[B]ecause the employer’s business does not bear the full cost of the compensable wrongs attendant upon its operation … its profitability is inflated relative to what it would be if the employee could pay judgments in full. In a competitive market, the employer is then likely to expand production beyond the socially optimal level because his private marginal costs of production are lower than the social marginal costs of production.¹⁹⁵

That is, agency law aims to internalize the costs of a business enterprise, just as tort law in general internalizes the costs of activity performed personally.

Prosser and Keeton tell the same story in 1984:

“What has emerged as the modern justification for vicarious liability is a rule of policy, a deliberate allocation of risk. The losses caused by the torts of employees, which as a practical matter are sure to occur in the conduct of the employer’s enterprise, are placed upon that enterprise itself, as a required cost of doing business. They are placed upon the employer because, having engaged in an enterprise, which will on the basis of all past experience involve harm to others through the torts of employees, and sought to profit by it, it is just that he ... should bear them....”¹⁹⁶

I think this rationale translates well to the epistemic realm. Those who receive testimony get an epistemic benefit from others’ work. If the recipients had done the work themselves, they would have had to worry about certain epistemic costs and problems—duties to investigate and the like. Now, a legal principal, in exchange for receiving the material benefit of his agents’ work without having to worry about the details, must bear the material costs if something goes wrong. Likewise, in exchange for getting this


¹⁹⁶ Prosser and Keeton on Torts § 69, at 500 (5th ed. 1984).
epistemic benefit without having to worry about the details of those problems in his belief’s ancestry, the recipient of testimony should bear the epistemic cost if something goes wrong, just like Walmart.

The law of principal and agent sometimes relies on arguments about the practical effect of a rule that would allow a principal to avoid an agent’s misdeeds. Were the rules otherwise, courts sometimes say, there would be an incentive for principals to use agents in order to shield themselves from liability. This sort of argument might seem out of place in epistemology. But I think the same argument does apply to epistemology. If we could avoid defeaters just by using an intermediary who did not pass the defeater on to us, we would have an unnatural preference for testimony over more direct sources like perception. Of course, no one actually listens to epistemologists, so we do not have to worry about actual consequences, but if the upshot of our principles is that defeaters can be avoided just by using a middle-man, we should rethink our principles. When judges consider that a proposed rule would create an incentive to use agents to avoid responsibility, they are really expressing the intuition that two cases are alike in terms of the principal’s responsibility: case 1 where the principal acts on his own, and case 2 where the principal does the same thing by employing an agent. My analysis of Lackey’s cases is based on the same intuition: we shouldn’t allow testimony to accomplish “knowledge laundering.”

Rules that allow systematic avoidance of responsibility are not likely to be the right rules, either in law or in epistemology.

---

197 John MacFarlane uses this expression in Knowledge Laundering: Testimony and Sensitive Invariantism, Analysis 65 (2005), 132-38. He credits David Sosa with the term. Id. at 134 n.4. He is concerned with a slightly different problem: not the use of testimony to launder away a defeater, but the use of testimony to lower epistemic standards by circulating a belief through a low-stakes recipient who then passes it back.
In sum, I think these three areas of common law—constructive knowledge, justifiable reliance, and agency—do correspond to genuine ordinary intuitions about the justice of compensation, and are not just setting clear prophylactic rules for the sake of the incentives. These areas of law represent convictions that, under ordinary, commonsense notions of justice, certain persons should bear certain costs because they are worthy of a particular sort of dishonor. To the extent that epistemology aims to elucidate a similarly-structured sort of dishonor, the law should be informative.

5.5. The Transfer Of Defeat In Testimony And The Imputation Of An Agent’s Constructive Knowledge

So then, I think that in a case of testimony, in which the recipient trusts the testifier saying that $p$, the recipient becomes a principal with the testifier as his agent. The recipient of testimony, to the extent he relies on the testifier, stands in the testifier’s shoes, and makes the agent’s epistemic actions his own, just as a principal stands in the agent’s shoes and is charged with the agent’s actions.

If I am right that agency is the right lens through which to see testimony, then we can see reason for doubt regarding Lackey’s cases. For if in trusting someone, we are taking his prior actions for our own, then his misbehavior becomes our misbehavior. The law makes very clear that such imputation of misbehavior from agent to principal takes place even if the principal does not misbehave in the very act of picking the agent: “Basic agency doctrines are not fault-based; the legal consequences of an agent’s actions are attributable to a principal even when the principal was without fault in selecting or
monitoring the agent.” That there is nothing personally blameworthy in our recipients of testimony does not mean that they do not lack a defeater (or partake of an equivalent epistemic harm).

Recall that Lackey thinks that the recipient only suffers the knowledge-undermining collateral consequence of a testifier’s epistemic defeater if the defeater itself is communicated to the recipient. But constructive knowledge, based on the agent’s duties to investigate, is imputed to the principal, whether or not the agent communicates the facts triggering the duty to the principal. It is what the agent knows or should know that is imputed to the principal: that is, the agent’s shirking of his epistemic duties, as well as the positive tasks she performs, are attributed to the principal: “The rule charging the principal with an agent’s knowledge is not necessarily restricted to matters of which the agent has actual knowledge, and . . . the principal is charged with the knowledge of that which the agent, by ordinary care, could have known, especially where the agent has received sufficient information to awaken inquiry.”

Similarly, the rules on justifiable reliance and its defeat by a disclaimer also operate when it is an agent who has been shown the disclaimer. The fact that, in negotiating a contract, I am represented by an attorney, or that I am a corporation, does not allow me to avoid the consequences of my agent’s duty to read. For instance, one of the cases cited above found that the fact that “the individuals involved were


sophisticated businessmen represented by experienced counsel” contributed to the unreasonableness of reliance. 200

If these rules are right, then we have reason to think that the failures of Lackey’s testifiers to take account of their defeaters for themselves are attributable to the recipients of their testimony. The defeaters (or at least, an equivalent epistemic normative harm) do automatically come along with the testimony, for the same reason that we cannot allow principals to escape their agents’ neglect of epistemic duties.

A recent California case, quoting rules set out in 1948, explained that communication to the principal is clearly not required in order for the agent’s constructive knowledge to be imputed to the principal: “The fact that the knowledge acquired by the agent was not actually communicated to the principal … does not prevent operation of the rule. The knowledge is, in law, imputed to the principal. The agent may have been guilty of a breach of duty to his principal, yet the knowledge has the same effect as to third persons as though his duty had been faithfully performed. The agent acting within the scope of his authority is, as to the matters existing therein during the course of the agency, the principal himself.” 201

200 Yarbrough, 321 F.3d at 731. See also, e.g., National Premium Budget Plan Corp. v. National Fire Ins. Co., 234 A.2d 683, 717-18 (N.J. Super. 1967) (reliance is not justifiable when the falsity of the representation is obvious, as it was to the plaintiff’s experienced agent); 37 C.J.S. Fraud § 38, at 222 (“If an agent entering into a transaction on behalf of his principal knows or has reason to know of the falsity of the representations made to him by the other party, the agent’s knowledge is imputed to the principal so as to preclude the latter from securing redress for fraud.”).

201 McIntosh v. Mills, 17 Cal. Rptr. 3d 66, 2004 Cal. App. LEXIS 1268, *34 (Cal. App. 2004) (quoting Columbia Pictures Corp. v. DeToth, 197 P.2d 580, 586 (Cal. App. 1948)). Columbia Pictures continues: “An agency’s knowledge of the content of a contract is imputed to the principal. This rule of law is not a rebuttable presumption. It is not a presumption at all. It is a rule which charges the principal with the knowledge possessed by his agent.” Id. at 586.
If the rule were otherwise with regard to an agent’s constructive knowledge, imagine what would happen in a slip and fall case against a corporation like Wal-Mart. It is true, Wal-Mart could say, that our store manager should have known about the banana peel. And it is true that the store manager performed his managerial tasks on our behalf and in our stead, and for our profit. But because the manager did not pass along the information upon which his duty to find out about the banana peel was based, we can’t be charged with that neglect. It wasn’t our fault, but only our manager’s. The law says to such a defense: no, if you are conducting your business through an agent, then you stand in his epistemic shoes. If because of his duty to investigate, he should know about a banana peel, then you suffer the same consequence that he does. If he is outside his epistemic bounds when acting on your behalf, then so are you.

Or consider a corporation, entering into a business deal through an agent. Normal human beings cannot justifiably rely on an oral misrepresentation contradicted in writing, but a corporation could try to evade that rule. It could say: It is true that our negotiator had a duty to read the writing which would have corrected the misrepresentation. Our negotiator had a defeater. But he did not tell us about the defeater. He only told us about the oral misrepresentation. The law says to such an argument: no, if you are conducting your business through an agent, then you stand in his epistemic shoes. If because of his epistemic duties, he should know about the written correction, then your entitlements are limited in the same way.

Lackey’s cases feature misbehaving testifiers just like those described by the court: they fail to pass along critical, relevant information to the recipients of their testimony. But this additional misbehavior, as the law recognizes, does not cure for the recipients the testifiers’ personal misbehavior regarding the defeaters themselves.
Rather, if we are so unlucky as to trust, and take as our epistemic agent, someone who has misperformed his epistemic duties regarding the information he gives to us, then our belief has a problem in the same way our epistemic agent’s belief did.

5.6. How Lackey Takes Joseph Story’s Mistake One Step Further

The law itself embodies a very instructive confusion about the nature and ground of imputed knowledge. Why should we treat the principal as though he knows things that only the agent really knows? Deborah Demott, the reporter for the Restatement (Third) of Agency, a project of the American Law Institute, describes the debate over the rationale for imputed knowledge this way. One theory, which she traces to Oliver Wendell Holmes, is based chiefly on the *qui facit* notion of identification: according to this theory, an agent’s knowledge relevant to his agency is deemed to be the principal’s knowledge because, in general, *all* of the agent’s acts pertaining to his employment are, by the *qui facit* maxim, acts of the principal’s. A second theory, which she traces to

202 I should perhaps reiterate here that when the law does when it treats the principal as if he knows what the agent knows, it does so *only in order to adjust the principal’s rights and responsibilities*. If a testifier is the recipient’s agent, then, one might ask, why is the testimony needed at all? For according to the imputed-knowledge story, the principal already “knows” what the agent knows; no actual communication is required. Reminding ourselves of the limited purpose of imputation in the law will clarify this confusion: no communication is required in order for the principal’s rights and responsibilities to be affected, but there will of course be lots of other reasons for such communication—all the reasons why the principal, as a person, would want to know things. My suggestion in that *when* communication happens in the formation of testimonially-based beliefs, then the recipient’s epistemic rights and responsibilities are adjusted in a way that is just like the way that a principal’s legal rights and responsibilities are adjusted in a case of imputed knowledge. The fact that communication need not take place in the broader legal setting does not on its own affect the usefulness of my model, unless there are independent reasons to think that the communication in the formation of a testimonially-based belief does not establish a relationship of epistemic agency.

203 Demott, *When Is a Principal Charged With an Agent’s Knowledge?*, at 320-21.

204 Demott, *When Is a Principal Charged With an Agent’s Knowledge?*, at 320 & n.56.

173
Joseph Story, and which is more commonly recited by courts, is based on the agent’s duty to pass along information to the principal. The principal is deemed to have his agent’s knowledge relevant to his agency because the agent is presumed to have fulfilled his duty.205 Put another way, under Story’s view, imputed knowledge is really a species of constructive knowledge: what we are deemed to know via our agents is part of what we should know.

There are at least two compelling reasons in my mind to prefer Holmes’s formulation to Story’s. First is the case of corporations, who only act through agents. For a corporation, it may be the duty for one low-level agent to inform a higher-level agent of what he has found, but it is never the duty of those agents to inform the corporation itself, independent of the action of any of its agents. It is impossible to inform the corporation itself of some fact, independent of informing its agent, because corporations never come to know things except through their agents coming to know things. Unless there are actual epistemic agents—agents whose knowledge just is, or is deemed to be, the knowledge of the corporation, without any requirement of further communication—corporations will never know anything. And that couldn’t be right; if it were, corporations could never commit crimes or fraud.

Second, the case of expert agents, who can understand things that the principal cannot, suggests that a duty or presumption of full communication is not sensible and will distort our understanding of why people use agents in the first place. Consider lawyers, who are employed and used as agents because they can understand and know

205 Demott, When Is a Principal Charged With an Agent’s Knowledge?, at 321 & n.57. See, e.g., Triple A Management Company v. Frisone, 81 Cal. Rptr. 2d 669, 678-79 (Cal. App. 1999): “The basis for imputing knowledge to the principal is that the agent has a legal duty to disclose information obtained in the course of the agency and material to the subject matter of the agency, and the agent will be presumed to have fulfilled this duty.”
things that principals cannot. The Restatement (Third) of the Law Governing Lawyers says this: “A lawyer is an agent, to whom clients entrust matters, property, and information, which may be of great importance and sensitivity, and whose work is usually not subject to detailed client supervision because of its complexity.” 206 It is not realistic to think that agents ought to inform principals of everything they know, because many agents are employed precisely because principals do not, or cannot, take the time and energy necessary to comprehend everything relevant to their agents’ jobs. 207

Why, though, is this dispute illuminating? Lackey thinks that an epistemic agent’s neglect of her epistemic duties not to believe when she has a defeater only matters when she tells her principal about that defeater. Similarly, many have been tempted by the thought that an agent’s knowledge and constructive knowledge only matter because of the agent’s duty to tell her principal about that knowledge. Note, however, that Lackey goes one step further than Story did. Story merely relied on the presumption of agent-to-principal communication as a rationale for imputed knowledge, not as a limit on it.


207 Demott explains well why Story’s view is inadequate: “[J]ustifying imputation on the basis of an agent’s duty to a principal does not match well with significant aspects of well-settled doctrine. It is not a defense to a principal that an agent breached the agent’s duty to transmit relevant information, even when the principal can establish that the agent withheld the relevant information. Moreover, the U.S. cases charge a principal with an agent’s material information whether or not the agent owed the principal a duty when the agent acquired the information. Most tellingly, a principal is charged with an agent’s knowledge of material facts even when the agent’s failure to transmit the facts to the principal is consistent with instructions that the principal has given the agent. That is, if a fact is material to a principal’s legal relations with a third party, the principal cannot defeat imputation on the basis that the agent complied with the principal’s instructions in withholding the fact from the principal. Thus, an agent’s duty to a principal does not fully explain why the agent’s knowledge is imputed to the principal.”
5.7. Scope of Employment Issues

As I noted in my pen and pencil caveat near the beginning of this chapter, there are important limits on my position regarding the transmission of defeaters. Defeaters are not literally transmitted in cases of testimony: the testifier’s failure to do her epistemic duty regarding the defeater \( d \) does not mean that the recipient literally knows that \( d \). Rather, I claim that the epistemic stain or dishonor which the defeater \( d \) puts on the testifier’s belief that \( p \) (or the testifier’s testimony that \( p \))—the normative epistemic equivalent of the defeater \( d \), as it pertains to the belief that \( p \)—is transferred to the recipient.

In conversation, several people (I recall Brian Weatherson, Chase Wrenn, and Sanford Goldberg, but there may be others) have suggested that this is not a plausible position: if \( d \) is a defeater, not just for \( p \), but for a different belief \( q \) of the recipient, it is not plausible to think that the full stain of \( d \), the full normative equivalent of the defeater, is charged to the recipient; if it were, it would also defeat the recipient’s belief that \( q \). In the example discussed earlier, it is not plausible to think that my belief that there is a pen in a desk is defeated, simply because you tell me that there is a pencil, and your belief is defeated by your erroneous contradictory belief that there is nothing in the desk. A potent skeptical defeater might do as well: if \( d \) is Testifier’s belief that all humans may well be just brains in vats, the mere fact that I receive testimony from Testifier does not charge \( me \) with that defeater and so destroy all of my knowledge.

These intuitions are surely right. The law, however, has a simple, compelling reply: only those actions that my agent takes within the scope of his employment are charged to my account. If Testifier has a super-powerful skeptical defeater \( d \), it puts an
epistemic stain on all of Testifier’s other beliefs. When Testifier simultaneously
believes that \( p \), he is misbehaving, and if I accept that \( p \) on Testifier’s say-so, there is a
similar stain on my belief that \( p \). But I have not employed Testifier regarding other
beliefs like \( q \). Testifier’s misbehavior in believing \( p \) was, given the testimony,
performed on my behalf and for my benefit, but his misbehavior in believing the super-
defeater \( d \) was not.

Think of an analogous situation with an employee. I hire my employee to clean
up the floors of my store. This morning, he uses drugs, which causes him both (a) to do
a very poor job of cleaning up the floors of my store, and (b) to damage his neighbor’s
landscaping by driving his car into it. Now, I am responsible for the results of my
employee’s drug use, insofar as they cause him to do a very poor job of cleaning up my
store. But I am not responsible for the other results of that drug use. I am only
responsible for the results within the scope of his employment.

The fact that, on reflection, we want to limit the transmission of defeaters to
recipients of testimony in this way fits quite well with the fact that the law limits the
transmission of liability to principals to actions performed in the course and scope of
employment. It may be very difficult to determine exactly how much of a testifier’s
misbehavior should be charged to the recipient of testimony, and this, too, fits with the
law of principal and agent, which features many hard cases distinguishing “frolics”
(which are outside the course and scope of employment) from “detours” (which are
within it).

Jonathan Adler has suggested in conversation a different problem for my view,
but with a very similar solution. He suggests that if a testifier becomes the recipient’s
agent when I receive his testimony, then the recipient will be charged with subsequently
obtained defeaters. He imagines that Testifier knows, through ordinary means, that Linda is in France, and tells Recipient so. But the next day, Testifier is falsely, but reasonably, persuaded that Linda is at home, not in France. Does Recipient know that Linda is in France? As with the earlier example, we need to attend to the extent of an employment relationship. Only those actions in the agent’s scope of employment are attributed to the principal.

Suppose I tell someone that \( p \), and then I later learn something that makes me doubt that \( p \). Do I have a duty to correct what I now take to be my mistake? It depends, I think, on whether I have a continuing relationship of trust. Suppose I tell my class of undergraduates that an argument is valid. Later in the week, while the class is working on an assignment related to that argument, picking whether to deny a premise or affirm the conclusion, I see a problem with the argument’s validity. It seems that my students are still in a relationship of trust regarding my teaching on that argument, and so my failure to point out the problem that I now see with the validity of the argument will be a problem for my students’ epistemic state too. But if, on the other hand, I see a problem with the argument several years later, the problem will be my own, because my students are no longer in a relationship of trust. My former students aren’t relying on me to send out emails giving my latest understanding of the arguments we discussed in class. The law of agency would say the same thing. What an employee does after his employment is terminated is not attributed to the employer. In supplying a suitably nuanced answer to the question when a testifier’s subsequently-obtained defeater is charged to a recipient of testimony, the law of principal and agent seems to hold up as a model for the epistemic evaluation of testimonially-based beliefs.
5.8. Conclusion

Memorially-based beliefs profit epistemically from one’s own earlier cognitive actions, while testimonially-based beliefs profit epistemically from someone else’s. The law has dealt extensively with the problems created when one person’s pocket is systematically filled by another’s action, and who should pay for resulting mishap. The law imposes joint liability both on the one who performed the action and on the one who would systematically profit from the action. Similarly, I think epistemology should assess epistemic costs and dishonors like defeat jointly both on the one whose personal cognitive actions run afoul of epistemic duty, and on the recipients of testimony who would systematically profit from those actions. The transmission of defeat is not an area where the distinction between persons, as such, matters to epistemology. Defeaters do not represent a distinction between the worlds of possible testimonially- or memorialily-based beliefs regarding how we explain those beliefs’ epistemic status.
CHAPTER 6

THE ROLE OF IMAGES IN MEMORY, PERCEPTUALLY-BASED BELIEFS ABOUT PAST OBJECTS AND EVENTS, AND THE EPISTEMIC PARITY OF MEMORY AND PERCEPTION

6.1. Introduction

This chapter will consider two sorts of objection to MP Parity: two purported disanalogies between the universe of possible perceptually-based beliefs and the universe of possible memorially-based beliefs regarding how and why those beliefs are or are not justified, or do or do not represent knowledge. The first objection to MP Parity concerns the role of imagery in memory and perception. Alvin Plantinga, Robert Audi, and A.J. Ayer have all suggested that memorially-based beliefs are not always based on their accompanying imagery, but that perceptually-based beliefs are. If this were true, there would be an obvious difference in the role such imagery might play in rendering perceptually- or memorially-base beliefs justified, or making them represent knowledge. The second objection to MP Parity, based on observations by Aristotle, Thomas Reid, Antony Flew, and Edmund Husserl, among others, is that perceptually-based beliefs only concern the present, while memorially-based beliefs only concern the past. This difference would make a difference in the possible relationships between a
belief and its object, and therefore likely mark a difference in how such beliefs could be justified or made to represent knowledge.

It will be important to keep in mind two limits on the parity theses as I set them out in chapter 1.

First, I will only consider *occurrent* memorially-based beliefs, which might more precisely be called recollection-based beliefs. Only those memorially-based beliefs that are accompanied by a conscious phenomenology of attending to a proposition and accepting it will be included; as I indicated in chapter 1, there are significant disanalogies between the epistemologies of occurrent and non-occurrent memorially-based beliefs, and also significant disanalogies between non-occurrent memorially-based beliefs and perceptually- or testimonially-based beliefs. The parity theses involving memory (MP Parity, TM Parity, and TMP Parity) only concern occurrent memorially-based beliefs.

Second, I am not limiting myself to what psychologists call “episodic memory”—memory of a personally-perceived event or object. My memorially-based beliefs about the events of the Peloponnesian War, for instance, are included in the universe of memorially-based beliefs of which MP Parity is concerned. In general, I will consider the possible beliefs about perceptible objects and events produced by our actual faculty of recollection or that faculty as it might exist in other possible worlds. Because my beliefs about the long-past events of the Peloponnesian War are beliefs about perceptible events, and are produced by the familiar process of recalling information, they are memorially-based beliefs to which I intend MP Parity to apply.208

208 Indeed, I stated in chapter 1 that I will limit the parity theses to beliefs with propositional content appropriate to perceptually-based beliefs—it is only beliefs about perceptible objects and events that I include within the parity theses, therefore possibly excluding beliefs about mathematics. If, then, my
6.2. The Role Of Imagery In Perception And Memory

Alvin Plantinga explains in his discussion of memory in *Warrant and Proper Function* why he thinks perceptually-based beliefs are based on imagery and experience in a way that memorially-based beliefs are not:

[T]here is a crucially important difference between memory and perception here; for perceptual beliefs are typically formed on the basis of the phenomenal imagery, the appearances. There will typically be a detailed mapping from the way in which one is appeared to, to the perceptual beliefs one forms. When I look at my backyard, I am appeared to in a highly detailed and modulated way; and the detail and modulation is reflected in the perceptual beliefs I form. Appeared to in one way, I form the belief that plant’s leaves are about six inches long; appeared to in another way I form the belief the lilacs are now long past their prime; and so on. My beliefs are also responsive to changes in the imagery in a variety of complicated and subtle ways. I look in a certain direction, am appeared to in a certain highly detailed and articulated fashion, and form certain perceptual beliefs; I look in another direction, am appeared to in a different highly detailed and articulated fashion, and form other perceptual beliefs. We can go further: there is a similar mapping from the way one is appeared to, to the beliefs one would form in the perceptual situation in question, were they occasioned in one way or another. I am appeared to in a rich and variegated way; I may not be paying much attention and may not form much by way of explicit beliefs about what looks like what, which flowers are which colors, and so on; nevertheless there is a detailed mapping from the way in which I am now appeared to, to the beliefs I would form if for some reason I were to pay more attention. (Perhaps we could say that these beliefs or some of them are virtual.) But the same, obviously enough, is not true for memory. Many of us, apparently, don’t display much phenomenal imagery in connection with memory at all; and in hardly anyone’s case is there that detailed mapping from sensuous imagery to belief that goes with perception.

---

In his discussion of perception, Plantinga elaborates his view:

My perceptual beliefs are not ordinarily formed on the basis of propositions about my experience; nonetheless they are formed on the basis of my experience. You look out of the window; you are appeared to in a certain characteristic way; you find yourself with the belief that what you see is an expanse of green grass. You have evidence for this belief: the evidence of your senses. Your evidence is just this way of being appeared to; and you form the belief in question on the basis of this phenomenal imagery, this way of being appeared to. Here perception differs from memory. Phenomenal imagery accompanies memory as it does perception, but … it would be wrong to say that memory beliefs are formed on the basis of such imagery. The imagery is more like an irrelevant accompaniment; the same imagery may go with a wide variety of different memory beliefs, and in some cases of memory, phenomenal imagery is absent. Not so, however, for perceptual beliefs. There is that detailed and highly articulate mapping from the character of perceptual experience to the highly relevant perceptual beliefs mentioned previously; and perceptual belief is minutely responsive to change in perceptual experience. I am appeared to in a certain way and form the belief that it is Paul I see before me; appeared to in a slightly different way (a way so slightly different that I can’t describe the difference in qualitative terms) I form the belief that it isn’t Paul but Peter who is there. You recognize your son’s voice on the phone and can easily distinguish it from that of his friends; on the basis of being appeared to in that way you form the belief that your son is speaking to you. Again, appeared to in a slightly different way (a way such that you can’t describe in qualitative terms what the difference is) you form instead the belief that it is your department chairman who is speaking to you.210

Plantinga returns to this theme a third time in his discussion of evidence:

Consider the phenomenology of memory. You ask me whether I have ever visited the Great Barrier Reef: I reply that I have, and tell you about the giant clams (about the size of a large overstuffed chair) I saw while snorkeling there—the kind that used to show up in grade B movies and clap shut on the ankle of an unwary pearl diver. I clearly remember visiting the reef; but what is my evidence? What plays the role of propositional or testimonial evidence (or being appropriately appeared to)? Of course there are scraps of imagery that float by in my mind—a partial, indistinct, intermittent, fitful image of a boat, or bright blue sky and blue water, perhaps a fragmentary image of an enormous clam being palpitated and slowly closing (anyone so inattentive to get his foot caught

in one of these clams would have to be very unwary indeed). Or is there really an image here, a blue and bright phenomenal image, as opposed to the memory that it was indeed bright and blue? In any event, even if there is imagery (and apparently people differ widely here), it is far too fragmentary and indistinct, far too partial, far too fitful, to be anything like that on the basis of which I form the belief. It is more like a sort of decoration, an evidentially irrelevant accompaniment of some kind; it isn’t at all like propositional or perceptual evidence.

I remember having seen a friend a year ago in California; I can’t now really think what he looks like, and I certainly don’t remember that it was he I saw on the basis of anything like noting that the phenomenal imagery involved looks a lot like an image of Paul. I certainly don’t note the phenomenal imagery, and then see the resemblance to Paul, thus forming the belief that it is Paul I saw there in California. There is a phenomenal imagery involved; but my memory belief isn’t formed on the basis of that imagery. The relation between that imagery and the belief is wholly different from that between perceptual imagery and perceptual belief. There is nothing like that sort of highly articulated, detailed mapping from sensuous imagery to perceptual belief. Here there is nothing we can sensibly think of as evidence on the basis of which the memory belief is formed.

Robert Audi makes a similar point in his treatment of memory in Epistemology:

A further difficulty for the representative theory [of memory] arises when we consider a disanalogy between remembering and perceiving. I can remember our meeting and describe it to someone from memory even if I

---

[184]

211 Plantinga, Warrant and Proper Function (1993) at 188. Plantinga likewise says in Warranted Christian Belief (2000), at 105-06:

[S]everal important sorts of belief—\textit{a priori} and memory belief in particular—do not seem to \textit{have} a ground in Alston’s sense at all, but are nonetheless perfectly in order from an epistemic point of view. Consider memory. You remember what you had for lunch: lentil soup and a doughnut. This belief ... isn’t based on an experience. At any rate, it is clear that memory beliefs are not based on anything like \textit{sensuous} experience or phenomenal imagery. There \textit{may be} a bit of sensuous imagery present (a fragmentary and partial image of a doughnut or a bowl, perhaps), but you certainly don’t form the belief \textit{on the basis of} that image. It is clear that you could remember without having that imagery—or, indeed, any other imagery; some people report that they have no phenomenal imagery associated with memory at all. So the imagery isn’t necessary. ...[E]ven if you do have fairly explicit phenomenal imagery in connection with this memory, you surely don’t know that it was \textit{lentil} soup on the basis of that imagery; the image isn’t nearly clear, detailed, and explicit enough to enable you to distinguish it from, for example, imagery of pea soup, or bean soup, or many other kinds of soup.

Accordingly, it isn’t that you know it was lentil soup \textit{on the basis of} this experience; you don’t form the belief that it was lentil soup with that experience as ground. (The image seems to be more like a disposable decoration.) Instead, you simply remember, simply form that belief. Or, perhaps more accurately, that belief is formed in you: you don’t, yourself, so to speak, take much of a hand in forming it.
have no images or image-like experiences at all, whereas I apparently cannot see a tree if I have no visual sensations, such as the impressions of foliage that make up an image of a tree. Remembering, even of events that one has perceived, is neither a sensory event nor necessarily an imaginational one (even if it often is, especially in some people, such as those who are highly “visual”). So there need not be, in every case of remembering, even the makings of a representative theory to which images are crucial.  

A.J. Ayer argued similarly in his 1956 The Problem of Knowledge:  

Suppose that I am set to answer a literary questionnaire, and that I have to rely upon my memory. I shall, perhaps, succeed in remembering that such and such a poem continues in such and such a way, that So-and-so was the author of such and such a book, that a given incident appears in this novel rather than in that. But none of this need involve my having any recollection of a past event. I may recall some of the occasions on which I read, or was told about, the books in question, but equally I may not. Here again, the more readily my memory functions, the less likely it is that I shall engage in any reflections of this sort. Neither is it necessary that I should entertain any images. Some people may, indeed, assist their memories by visualizing the printed page; others, perhaps, by recalling the sound of a recitation; but these are personal peculiarities. Others, again, just write the answers down. The image, if it occurs, is simply an aide-memoire; it does not go to constitute the memory. The proof that it is dispensable in these cases is that many people habitually dispense with it.  

In the same way, a historian who remembers, for example, what the state of parties was throughout the reign of Queen Victoria, a biologist who remembers Lamarck’s version of the theory of evolution, a mathematician who remembers Pythagoras’s proof of the existence of irrational numbers, a jurist who remembers a point of corporation law, need none of them be recollecting any past event; nor need they be having any images. Their remembering just consists in their getting the answer right. Whether they are helped to do so by conjuring up images, or consciously delving into their past experience, is irrelevant. Once more, the more easily they remember, the less likely it is that they will need any assistance of this sort. And here the point is not that the word “remember” is used dispositionally, so that one can properly be said to remember things that one is not actually thinking of. It is that when such dispositions are actualized, their actualization consists in nothing more than giving a successful performance. In this sense, to remember a fact is simply to be able to state it. The power is displayed in its exercise; and

---

212 Audi, Epistemology (2nd ed. 2003) at 64.
such exercises need not be accompanied by anything that one would be even tempted to call a memory-experience.²¹³

Against Plantinga, Audi, and Ayers’s views, I will make four points.

First, there is an important difference between beliefs based on vision—the example of perceptually-based belief on which Plantinga and Audi focus—and beliefs based on other sensory faculties, such as touch and smell. This difference suggests that the “richness,” “detail,” “variegation,” and “articulation” characteristic of visually-based beliefs are merely contingent features, features which do not characterize the entire universe of possible perceptually-based beliefs. If we consider other senses besides vision, or perceptually-based beliefs produced by partially damaged sense organs, not even all actual perceptually-based beliefs are based on experiences with these characteristics. Further, considering examples in which these characteristics are diminished should make it even clearer that not all possible perceptually-based beliefs are so based. The universe of perceptually-based beliefs includes beliefs based on a very thin, dull, undetailed initial phenomenal vehicle.

Second, if we consider the phenomenal seemings attaching to any sort of belief—that is, the importance of predecessor experiential states that incline us to form our beliefs—we have good reason to think that memorial-based beliefs are also based on an experience which plays the functional role that images do in perceptually-based (or at least visually-based) beliefs. Plantinga, for instance, has argued that all beliefs are accompanied by an experience that inclines the subject toward the belief; he once called such experiences “impulsional evidence” and now calls them “doxastic evidence.” (I sometimes use the phrase “doxastic inclinations,” since they are inclinations to believe.)

The initial part of such experiences—the initial phenomenal vehicle of our inclination to form the memorially-based beliefs that we do—play the same role for memorially-based beliefs that perceptual images do in the case of perceptually-based beliefs. The role of perceptual images is to guide our perceptually-based beliefs: that is, to give rise to the right sorts of doxastic inclinations. Recall what Plantinga says about the different perceptual images associated with hearing two different people’s voices. The role as an epistemic basis is shown in the responsiveness of perceptually-based beliefs to differences in perceptual experience and the fact that “perceptual belief is minutely responsive to change in perceptual experience”—which is to say, the fact that certain perceptual experiences are associated with different doxastic inclinations.

Third, the phenomena related to the felt transparency of experience, earlier canvassed in chapter 4, suggest that beliefs can be based on an experience even though the believing subject has no higher-level awareness of the nature of those experiences. The distinction between the initial image and the subsequent conscious experience pursuant to the production of a belief is not always apparent to the subject in the case of perceptually-based beliefs. The fact, then, that we typically have a very poor grasp of the initial phenomenal vehicles of our inclinations to form our memorially-based beliefs is not a conclusive reason to think that such vehicles do not exist.

Fourth, a consideration of an analogy with the role of experience and imagery in testimonially-based beliefs will suggest that while the imagery accompanying beliefs in usual cases may be dispensible, the existence of an experiential causal basis for a belief may not be. We have a great deal of conscious experience accompanying the formation of beliefs, and it is not always clear which of it is the causal basis for our beliefs. Certain parts of the conscious experience accompanying the memorially-based
inclination to recall that $p$ may match certain parts of the conscious experience accompanying the memorially-based inclination to recall that $q$, and these matching conscious experiences may attract a sufficiently large share of our attention that we cannot say much about the ways in which the experiences accompanying the two inclinations differ, besides the fact that one experience leads us to recall that $p$ and the other leads us to recall that $q$.

### 6.2.1. The Contingency Of The Richness Of Perceptual Images

Plantinga uses several terms to describe the images on which perceptually-based beliefs are based. He says that the imagery on which visually-based beliefs are based is “highly detailed and modulated,”214 “highly detailed and articulated,”215 “rich and variegated,”216 and that there is a “detailed mapping”217 from those images to the resultant beliefs. This is true, perhaps, of vision in the actual world. I am doubtful, however, regarding other actual senses. Moreover, concerning the universe of possible perceptually-based beliefs, there is much less ground for thinking that a general detailed-image-basing requirement holds.

It is not clear that non-visual perceptually-based beliefs are based on an “image” of the sort that Plantinga describes. Consider beliefs based on the sense of touch. I feel a pinprick in my right index finger and form the belief that I have been pricked in my

---

214 WPF at 63.

215 WPF at 63.

216 WPF at 63.

217 WPF at 63. See also WPF at 98 (“detailed and highly articulate mapping”); WPF at 188 (“highly articulated, detailed mapping”).
right index finger. It does not seem right to call the sensation an “image” of the pinprick. Consider the corresponding feelings if any of the other nine fingers were stuck with the pin: we are hard pressed to describe the difference in the experience. Yet, it is a difference in the experience that indicates to us which of the fingers was pricked. Our tactually-based beliefs are based on the differences in the experiences, but we lack any ability to describe differences in the experiences themselves other than saying that they are caused by pinpricks on different fingers. The different sensations are not particularly rich, or detailed, or modulated, or variegated. Somehow, these sensations are distinguished in a way letting us know which finger has been stuck, but I cannot tell what the difference is.

Or consider my sense of balance. There is a certain sort of feeling that makes us know which way is up, but it does not seem to be an image of our orientation. I simply find myself believing that I am upside down, or lying down. There is not much felt richness or modulation or detail in the way I am appeared to for this sensory modality.

Or consider my sense of temperature. I form beliefs about whether it is cold, warm, or somewhere in between, but I can’t, as far as temperature is concerned, pick up much detail at all from these sensations. They are not very rich or detailed or modulated, insofar as I form perceptually-based beliefs about the ambient temperature based upon them.

Cases in which a faculty of sense perception has been damaged, yet still produces some perceptually-based beliefs, also may not produce a phenomenology that seems rich or variegated. Those who have lost almost all of their hearing, or almost all of their taste, or almost all of their sight, may have a very limited phenomenology related to that sense.
Moving from actual senses besides vision to possible modifications of perceptual abilities points as well to the contingency of the richness of perceptual images. Imagine someone who has a visual capacity much weaker than our own; we can construct a series of cases of people with fewer and fewer light-sensitive cells in their eyes. Their visual images get less and less detailed, less and less articulated, less and less rich, and less and less variegated. At the end of the series of cases, suppose that the visual capacity is strong enough to distinguish day from night, but little else. Our subject at the end of the series is almost totally blind. His daytime phenomenal experience is different from his night-time phenomenal experience, and his beliefs about whether it is day are based on this difference in phenomenology. It is clear that this case is a case of perceptually-based belief, and that there is an experiential basis for the belief, but it is not clear that his daytime experience is an image of the daytime, or that his night-time experience is an image of the night-time. At any rate, if these sorts of relatively undetailed conscious states count as images, an image need not be very rich or modulated.

It is true that vision takes in a lot more information at a time than do other senses. The phenomenal experience accompanying and supporting visually-based beliefs is therefore richer than the experience accompanying and supporting, say, beliefs based on my sense of smell. If I am looking at a red object of some size at some particular time, my visual experience will support a large number of distinct beliefs of the form there is something red in that direction, for a very large number of different instances of “that direction,” individuated by attention to different bits of my visual field. But this richness and information-density characteristic of the phenomenal experience that accompanies visually-based beliefs is (a) not characteristic of all sensory modalities, such as smell and
touch; and (b) contingent, and so not necessarily characteristic of the *universe* of possible perceptually-based beliefs, and accompanying phenomenal basis.

The reflections in this subsection are intended to suggest that, insofar as we think that *all* possible perceptually-based beliefs are based upon some sort of “image,” we must set the bar very low regarding what can count as an “image.” I will next argue that memorialy-based beliefs have a phenomenal basis that can meet such a lowered standard, even if it cannot meet the standards for the sorts of images that pertain to everyday, typical vision.

6.2.2. Impulsional/Doxastic Evidence

I will begin my identification of the phenomenal basis for memorialy-based beliefs by considering some claims about the phenomenal basis of all beliefs. I will then suggest why I think that in the case of memorialy-based beliefs, part of that phenomenal basis can play the same role that images do in the case of perceptually-based belief.

It seems plausible to me to think that all (occurrent) beliefs of any sort are accompanied by a phenomenal seeming state. Thermometers do not have beliefs, because they do not have the conscious phenomenology characteristic of occurrent beliefs. Moreover, to support a belief, this phenomenology must be relatively stable and rooted. Beliefs are always supported by conscious inclinations to persist in the belief, and always preceded, if ever so briefly, by inclination to form that belief. If I believe that *p* in an occurrent way, in which I attend to *p* and accept it, there must be a felt rightness about *p* to me. When I consider not-*p*, I must feel some sort of impropriety and awkwardness. I must have a felt, sensible aversion to not-*p* if I really have a belief that *p*. Belief that *p* is, I think, always accompanied by a conscious episode of attraction to the proposition that *p*. Of course, the proposition may itself be an unhappy one that a
subject wishes were not true; still, there is in any case of belief some sort of preference for believing that proposition rather than not. Beliefs always have a degree of psychological stability to them, experiences that keep them in place.

However, the seeming that \( p \) which always accompanies the belief that \( p \) is not simply identical to the belief that \( p \), because I can experience the seeming that \( p \) without believing that \( p \). Illusions are a prime case: the checkerboard squares seem to be different shades, but once I understand the illusion, I do not believe that they are, and I believe that they are the same shade. I therefore can and do experience contrary seemings, and experiences that push me in both of two directions toward a proposition. Another example is the felt rightness of basic propositions of set theory like Frege’s Axiom V. The axiom can seem right, even after I understand Russell’s Paradox and believe that either it or one of the other axioms must be false. Moreover, it seems plausible to think that for any case of testimonially-, memorially-, or perceptually-based belief, the relevant seemings or inclinations to believe could be overcome by stronger contrary seemings or inclinations to believe. Such beliefs are inherently defeasible: their accompanying inclinations to believe can be overridden or overwhelmed.

In memory, then, when I pull answers to simple questions out of my memory, I feel an experiential pull toward the answers I give. My belief that \( p \) is accompanied by an inclination to believe, and to continue to believe, that \( p \). When I entertain a question for which I must rely on my memory, my answer is based on the conscious, phenomenal attraction that a particular answer has for me. The job of memory is to produce phenomenal, experiential states that draw my attraction to the appropriate propositions. It is this conscious state that is the initial basis of a memorially-based belief, and which plays the role that a perceptual image does in the case of perceptually-based belief.
Plantinga himself, my main interlocutor here on the issue of whether memorially-based beliefs are rooted in images, has endorsed the contention that all beliefs are accompanied and based on an inclination to believe. Plantinga has called such inclinations “impulsional evidence” and “doxastic evidence.” Because the latter term might suggest a believed proposition, rather than an inclination to believe, I will use the term “doxastic inclination.” Plantinga suggests, and I agree, that beliefs are always accompanied by doxastic inclinations.

The functioning of the psychological processes of attention requires that the formation of a full belief takes a certain length of time. Because doxastic inclinations accompany beliefs, the phenomenal aspect of a full doxastic inclination—a mature inclination to form a belief and persist in it that accompanies belief—will take at least as long. Consider, then, an initial phenomenal vehicle of a doxastic inclination, but a temporal slice that is too short to be considered a doxastic inclination on its own. I propose that such an initial phenomenal vehicle is the epistemic equivalent of the

218 See Warrant and Proper Function at 190-91 (“[T]he memory proposition has a certain felt attractiveness to it. … That proposition has about it a sense of rightness, or fittingness, or appropriateness …. Perhaps the thing to say is that there is a sort of felt push or impulse or inclination to accept the one proposition, as opposed to the other. So here there are really two quite different sorts of experience: the fleeting, indistinct, unstable, sometimes random sensuous imagery, on the one hand, and, on the other, the felt inclination to believe that proposition, as opposed to others that might be suggested or suggest themselves.”); Respondeo, in Kvanvig, ed., Warrant in Contemporary Epistemology: Essays in Honor of Plantinga’s Theory of Knowledge (1996), at 360 (“[A]s far as I can see, all beliefs involve impulsoional evidence”); Plantinga, Why We Need Proper Function, Nous 27 (1993), 66-82, at 69 (“Consider memory again: in addition to the sensuous imagery there is also something like a certain felt attractiveness of the memory belief; it feels right, somehow, and other beliefs you might consider in its place feel wrong….That [believed] proposition has about it a sense of rightness, or fittingness, or appropriateness…. [C]all this sort of evidence ‘impulsional evidence.’ Perhaps impulsonal evidence is no more than the phenomenal reflection of the fact that you do indeed believe the proposition in question; in any event, there is this kind of phenomenology involved in memory belief.”); Plantinga, Warranted Christian Belief (2000) at 111 (“[In memorially-based belief] there is another kind of experience present: the belief … seems right, acceptable, natural; it forces itself upon you; it somehow feels inevitable (the right words are hard to find)… [C]all this second kind of phenomenal experience doxastic experience because it always goes with the formation of belief…”[footnote:] In [Warrant and Proper Function] I called this kind of experience “impulsional evidence.”).
perceptual image. The initial phenomenal vehicle for the impulse to believe that \( p \) plays the role in memorially-based belief that the image does in a perceptually-based belief.

Plantinga allows perceptually-based beliefs are based both on a perceptual image and on the impulsional/doxastic inclination pushing the subject toward a particular perceptually-based belief. But to avoid systematic overdetermination or the existence of two, simultaneous bases for a belief, we should say that the perceptual image serves as the basis for a particular perceptually-based belief by giving rise to the doxastic inclination. A single image-to-inclination-to-belief causal basing chain is at work in perceptually-based beliefs. However, if such a reconciliation of the dual bases for perceptually-based beliefs is correct, then in the case of memorially-based belief, the initial temporal conscious slice of the memorially-based inclination to believe that \( p \) plays the same causal role that the perceptual image does in the case of a perceptually-based inclination to believe. That is, the critical role of a perceptual image in serving as the basis for a perceptually-based belief is simply to give rise to the relevant inclination to believe. But that role is filled by a conscious experience in the case of memorially-based belief as well: we can designate some portion of the conscious episode at the initial head of a memorially-based inclination to believe. Just as a perceptually-based belief is based both on the relevant image as well as on the doxastic inclination for which the image serves as an initial conscious vehicle, the ultimate memorially-based belief will be based on this initial phenomenal vehicle, as well as on the full doxastic inclination to which it gives rise.

For instance, take Plantinga’s perceptual example of recognizing two different voices. First, there is a difference in how the two voices sound; we cannot articulate this difference but are consciously aware of it. And secondly, there is a difference in the
doxastic inclinations to which those two different sensations give rise: one sensation
leads to a belief that one person is speaking to me, and the other sensation leads to the
belief that the other person is. We can’t say much about the initial perceptual sensations
except to characterize them with respect to the doxastic inclinations to which they give
rise: we describe one sensation as “what it’s like for A to speak to me,” and the other as
“what it’s like for B to speak to me.” The epistemic role of the perceptual sensation
consists in the reliable mapping that it allows between the actual fact regarding which
person is speaking and the appropriate perceptually-based belief. Similarly, the
distinction between remembering that I had chicken noodle soup for lunch yesterday and
remembering that I had broccoli cheese soup for lunch yesterday consists in two
differences: the two different doxastic inclinations, and the two different initial
phenomenal vehicles giving rise to them. As in the perceptual case, we can’t say much
about these initial phenomenal vehicles, except to describe one vehicle as “what it’s like
to remember that I had chicken noodle” and the other as “what it’s like to remember that
I had broccoli cheese.”

Perceptual sensations and the initial phenomenal vehicle of our memorialily-
based doxastic inclinations play they same role in rendering our beliefs reliable (when
those beliefs are reliable). The reliability of perceptually-based belief requires (a) the
right connection between the facts of the matter and our initial perceptual sensations, and
(b) the right connection between those perceptual sensations and our perceptual doxastic
inclinations, and thus our perceptually-based beliefs. Likewise, the reliability of
memorialily-based beliefs requires (a) the right connection between the facts of the
matter and the initial phenomenal vehicle of our memorial doxastic inclinations, and (b)
the right connection between that initial phenomenal vehicle and the later stages of our memorial doxastic inclinations.

There is a difference in the degree of richness and detail of the initial phenomenal vehicle for a memorial doxastic inclination, compared to the richness and detail of the initial phenomenal vehicle of a visual doxastic inclination, but this difference seems to me at most a contingent one, and also something that varies between vision and other perceptually-based beliefs. I see no reason to doubt that the initial conscious vehicle of a memorial doxastic inclination can play the same role in explaining how memorialy-based beliefs are justified, or represent knowledge, that is played by images in the case of perceptually-based beliefs.

Earl Conee and Richard Feldman, in responding to Plantinga’s use of doxastic inclinations to attack evidentialism, have denied the thesis that beliefs are always based on doxastic inclinations. They say,

\[\text{[E]ven if [Plantinga] were right in claiming that the evidence for beliefs like } 2+1=3 \text{ is impulsional, he would be mistaken in thinking that all beliefs have any similar sort of evidential support. There are several internal states to distinguish here. Perhaps we feel attracted to the proposition that } 2+1=3 \text{ and we feel impelled to believe it. Not everything we believe feels attractive in this way or any other. For instance, some known propositions are believed reluctantly, on the basis of reasons, in spite of their seeming distinctly unattractive and implausible. Some beliefs result from fears. They need not seem in any way attractive. Correspondingly, the denials of things we believe do not always feel “weird” or “absurd,” even if we think that they are false. There may be a “sense of obviousness” that accompanies belief in some propositions. This sense may contribute to their evidential support. But quite plainly not all believed propositions share that feature, or anything that resembles it. So it is not true that there is “impulsional evidence” for every believed proposition.}^\text{219}\\]

---

Conee and Feldman suggest that not all beliefs are accompanied by an attraction; they may be believed reluctantly, or in spite of their implausibility. However, I find that when I believe something reluctantly, I do so because an alternative force *overcomes* my reluctance. We say that a rejected premise initially *seems* plausible, not that it retains its all-things-considered plausibility after we have decided that it is the premise to reject. Just as a desire not to perform an action must be overcome by a stronger desire or impulse to perform it, if it is in fact freely performed, the inclination not to believe that p must be overcome by a stronger counter-inclination if we do, in fact, end up believing that p.

6.2.3. Felt Transparency Vs. Lack Of Phenomenal Basis

If we recall some of the literature from chapter 4 on felt transparency in *perceptual* cases, my contention that memorially-based beliefs are based on some sort of initial conscious vehicle for a memorially-based doxastic inclination may be made a bit more palatable. Our failure to *notice* or *attend to* conscious perceptual intermediaries is not a conclusive argument against the existence of such intermediaries, because our familiarity with them will tend to cause us to attend only to the external object that they signify and concerning which they give us information. The vehicle of a memorially-based doxastic inclination is like the shading in a checkershadow illusion, which enters our consciousness, but to which we may be unable to attend without special skills or tools or opportunities.

Several of Ayer’s comments on the role of experience in memorially-based belief suggest a parallel with the instances of the loss of consciousness of informational intermediaries considered earlier in chapter 4. Recall Ayer’s comments: “[T]he more readily my memory functions, the less likely I shall engage in any reflections of this
sort,” he says, referring to the “recollection of a [personally experienced] past event.” “[T]he more easily they remember, the less likely it is that they will need any assistance of this sort,” he says, referring to “conjuring up images, or consciously delving into their past experience.” Those who are the best users of their memory will experience the least distinctive phenomenology accompanying their memorially-based beliefs. But this is entirely consistent with the examples of felt transparency in perception. The more accustomed we are to using certain phenomenal vehicles, the less likely we are to attend to their relevant differences.

Recall the experiences of the four examples of felt transparency that I discussed in chapter 4: (a) those whose tendency to interpret the images of illusions as three-dimensional pictures obscures their ability to assess the experiences on which those interpretations are based, (b) language users who lose a sense of what their language sounds like to a foreigner, (c) new users of vision, cured of blindness, who struggle to integrate information; and (d) those who use prosthetic devices to substitute tactile or auditory images for visual sensations, and who when attaining a mature competence lose the consciousness of the tactile or auditory sensations. These examples teach us the tendency of maturity and familiarity with the use of sensations and phenomenal experiences to breed a lack of attention to, or higher-order consciousness regarding, those experiences. Because we are often rightly far more concerned with the substance of our beliefs than the particular manner in which they are brought to, and maintained in,

---

220 The Problem of Knowledge at 152.

221 The Problem of Knowledge at 153.
our consciousness, we should not be surprised that our cognitive faculties do not always favor the ability to self-consciously reflect on the phenomenal sources of our beliefs.

Put another way, in these cases, images serve as the initial phenomenal vehicle for a perceptual doxastic inclination without making their presence independently felt. The shadings of the image of the checkershadow illusion are immediately interpreted; the causal pathway by which that image causes the relevant doxastic inclination regarding a three-dimensional scene is smooth and does not attract undue attention to itself. Still, that initial phenomenal vehicle exists and is part of the basis for the resulting perceptually-based belief. The layer of theory-dependent interpretation which our visual system immediately applies to the raw sensation, and which we may be unable to remove, prevents us from cleanly and neatly dividing the doxastic inclination between the initial phenomenal vehicle and its later components. But we can be confident that this initial vehicle exists: how else could the doxastic inclination be formed? The conscious episode must have a beginning, even if that conscious episode is like an initially-very-quiet sound that creeps unnoticed into our consciousness by getting gradually louder, and so we cannot discern the episode’s exact beginning. Similarly, we can be sure that something lies at the causal head of our memorial doxastic inclinations, and something has to be the initial conscious phenomenal state in that causal chain. Noticed or not, that initial state plays the role of the perceptual image.

6.2.4. Accompaniments Of Belief Versus Bases For Belief

It is true that when I remember that p, I may have a lot of other conscious episodes related to that belief besides those upon which the belief is based—that is, outside the causal flow of the relevant doxastic inclination. When I remember that George W. Bush is president, I have a faint image of his face, or a caricature from the
newspaper. When I remember visiting a professor in an office, I have a faint image of the view from a particular chair, and remembering different episodes may have the same accompanying imagery of this sort. These accompanying images are not the phenomenal bases for my memorially-based beliefs, however; they are merely the accompaniments of them. These accompanying conscious episodes lie outside the causal chains of conscious episodes that culminate in my various memorially-based beliefs.

However, the same set of images can accompany my belief upon being told that George W. Bush is president. When I am told about a particular meeting with a professor in his office, I may experience the same variety of imagery that I do when I remember on my own. The initial verbal vehicle of my testiominally-based doxastic inclination, and in turn of my testimonially-based belief, also gives rise to these images, just as the initial phenomenal vehicle of my memorially-based doxastic inclination gives rise to the images of the president or views from the chair of a professor’s office. In saying that the testimonially- or other verbally-based belief is based on an image, I would mean the sensations that accompany the reception of the testimony and which lead to the belief, not the other accompanying conscious experience to which those initial sensations give rise (in addition to the doxastic inclination). Indeed, I may attend only to these accompanying images, and not attend at all to my experience of the words, on which my testimonially-based belief is actually based. But the existence of a lot of non-critical, distracting conscious phenomenology does not mean that my belief is not based on an experience that is caused by the relevant words.

Plantinga is right that the most salient imagery or phenomenology accompanying memorially-based beliefs can vary greatly, and this imagery can be the same for
different memorially-based beliefs. But in claiming that memorially-based beliefs are based on a conscious phenomenal episode that plays the same role that images do in perceptually-based belief, I am not claiming that memorially-based beliefs are based on the most salient conscious episode at the time of the belief, or on the episode most similar to a perceptual image. These most-salient or most-like-perception conscious episodes, I agree, are frequently not the bases for memorially-based beliefs, but only an accompaniment of them, or a decoration. I am only claiming, rather, that there is some conscious episode, which the subject may feel to be transparent and to which the subject may not attend (or perhaps even be able to attend), which is the causal-epistemic basis for the ultimate memorially-based belief, and which therefore plays the role that images do in perceptually-based belief. The existence of such a conscious episode follows from plausible theses about the phenomenally-borne doxastic inclinations that accompany memorially-based (and other) beliefs. But it need not follow that we can do a good job, or much job at all, of identifying or describing or attending to these initial conscious episodes that lead to our memorially-based beliefs.

6.3. Are Perceptually-Based Beliefs Always Only About The Present?

Several philosophers have sought to distinguish memorially- from perceptually-based beliefs on the ground that memorially-based beliefs concern the objects and events of the past, while perceptually-based beliefs concern the objects events of the present. Thomas Reid, for instance, says, “The object of memory, or thing remembered, must be something that is past; as the object of perception and of consciousness must be something which is present. What now is, cannot be an object of memory; neither can
that which is past and gone be an object of perception or of consciousness.”

Aristotle likewise says, “[T]o remember the future is not possible … nor is there memory of the present, but only sense-perception. For by the latter we know not the future, nor the past, but the present only. But memory relates to the past.”

Antony Flew puts the point: “It is necessarily true that if anything is to be seen or otherwise perceived—and not just ‘seen’ or ‘perceived’ (in discrediting quotation marks)—that thing must be presently available.”

A handwritten note of Edmund Husserl notes the problem (though, as I will explain shortly, his and others’ work on the “specious present” suggests one simple way out): “But ‘perceived past’—doesn’t that sound like a ‘wooden iron’?”

I will criticize both halves of this MP Parity-threatening suggestion. It seems to me that we have both memorially-based beliefs about present objects and events, and perceptually-based beliefs about past objects and events. In chapter 2, in resisting preservationism about memorially-based knowledge, I argued that we have many memorially-based beliefs about present: my beliefs that George W. Bush is president, that Michigan is north of Indiana, or that my television set is in the corner of my living room are all based on my recollections of those facts.


223 Aristotle, On Memory and Reminiscence 449a15.

224 Flew, Precognition, in Encyclopedia of Philosophy 6 (Edwards ed. 1967), at 347. He adds, however: “We ignore for present purposes the peripheral problems posed by very distant stars.”

Here, I will argue that we can have perceptually-based beliefs about past objects and events. I will suggest two main reasons why we should think so.  

First, the fact that perceptual environments always require a finite amount of time between the relevant truthmaking event and the formation of the perceptually-based belief requires that objects of perception always lie at least partially in the past, and such objects of perception as distant stars lie entirely in the past. Second, the experimental and everyday phenomena that have motivated psychologists of perception toward an experiential “specious present” show that the sensations at the root of perceptually-based beliefs contain information about more than a mere instant of time. Events that seem in our experience to be happening “now” are actually spread out in time, and so the perceptually-based beliefs rooted in those experiences are likewise spread out in time. Particularly when we consider the contingency of the specious present, it should be clear that the full universe of possible perceptually-based beliefs, compared with the full

---

226 Fred Dretske offers some arguments from common usage on the possibility of the perception of the past (and the future):

Some people seem to be unaware of the ease with which we “see into the future” and “see into the past,” and I do not mean to suggest by these phrases our ability to predict what will happen or retro-dict what has happened. Doesn’t the clever spy leave a hair attached to his door so that can, later, see whether anyone entered his room? Can we see, by looking at the postmark of a letter, where it came from? Can one tell, by looking at two coins, which was minted earlier? Does anyone ever see that a man is old, or does he never mean by “old,” in this connection, “born a comparatively long time ago”? Can one see that the key will not fit even before one tries it? Or is this impossible no matter how large the key and how small the lock. Is there always something that interferes with our seeing what will happen. Do we predict or infer that the key will not fit? I suppose one could say this, but I am sure that if one does say it it will not be as a psychological description of everyone’s rational deliberations when they are in such situations. Some uniformities are so pervasive in our environment that we always infer in accordance with them is like insisting that we always infer that the chair will support us before we sit down.

universe of possible memorially-based beliefs, does not feature a temporal distinction in the objects of beliefs.227

6.3.1. Environmental Time Delay

The simplest way to see the relevance of the finite environmental delay to the thesis that perceptually-based beliefs only concern the present is to consider the use of that thesis by Bertrand Russell and some others. Russell urged that the existence of a finite environmental time lag in perception meant that we never perceive external physical objects at all: “[T]hough you see the sun now, the physical object to be inferred from your seeing existed eight minutes ago; if in the intervening minutes, the sun had gone out, you would still be seeing exactly what you are seeing. We cannot therefore identify the physical sun with what we see…”228

One way to reconstruct Russell’s argument is this way:

(1) Because of the finite environmental time lag in the formation of perceptually-based beliefs, an external physical object of perceptually-based belief cannot exist entirely at the time of the perceptually-based belief. But

(2) Perceptually-based beliefs necessarily exist at the same time as their objects. So

(3) The objects of perceptually-based beliefs are not external physical objects.

227 We might also have memorially-based beliefs about the future—for instance, I can remember that your plane will arrive tomorrow, or remember that the trash will be picked up on Friday morning. Likewise, we can have, as I understand it, perceptually-based beliefs about the future—seeing that a tree will crush the mailbox when it hits the ground, for instance. Because I have found no one to suggest an important disanalogy between perceptually- and memorially-based beliefs on this score, I will not consider the issue in detail, and I will here be concerned to defend against Reid and Aristotle the possibilities of memorially-based beliefs about the present and perceptually-based beliefs about the past.

228 Russell, Human Knowledge: Its Scope and Limits (1948), at 204.
I agree with Russell about the plausibility of (1), but find the denial of (2) much more plausible than (3). Russell himself did not find (3) uncongenial; he held his theory that sense-data are the objects of perception on other grounds. But given a commitment that perceptually-based beliefs concern external objects, the argument is a compelling reason to reject the MP Parity-threatening (2). George Pitcher explained this response to Russell’s argument clearly:

[A direct realist] can simply insist that the finite speed of light does not entail that we do not directly see things and states of affairs in the “external world,” but only that we must see them as they were some time ago. We see real physical things, properties, and events, all right, but we see them late, that is all. According to a direct realist, it is a mere prejudice of common sense—and one on which the time-lag argument trades—that the events, and states of objects, that we see are simultaneous with our (act of) seeing them.229

I conclude with Pitcher that, if we are to take the finite environmental time lag seriously but retain the view that we form perceptually-based beliefs about external objects, and not just about internal, presently-existing sense-data, we must allow perceptually-based beliefs about the past.230

W. A. Suchting offers a diagnosis of the time-lag argument similar to Pitcher’s. Suchting sets out a more elaborate version of the argument depending on a proposition (6): “If at t, P sees a state of O, then what P sees (at t) is a state of O at t.”231 Suchting


230 Note that, for the sake of this defense of MP Parity, I do not need to deny that we ever form perceptually-based beliefs about presently-existing, internal sense-data—though I doubt this—but need only deny that all of our perceptually-based beliefs are about such sense-data. Russell’s argument aimed for this much more ambitious prize, and denying it is all I need in order to have a good argument against the MP Parity-threatening (2).

then comments, after considering a number of arguments for (6), “[T]he situation with respect to the time-gap argument … seems to be this. The conclusion of the argument need not be accepted, because (6) need not be accepted…”

There are good reasons, then, to think that the objects of perceptually-based beliefs and those beliefs themselves are not always (fully) simultaneous.

6.3.2. The Specious Present

In addition to the environmental time lags that allow perceptually-based beliefs concerning past objects and events, experiential time lags allow them as well. Given the contingency of these psychological facts, there seems no distinction between what sorts of events and objects can be the object of perceptually-based beliefs, on the one hand, or memorialily-based beliefs, on the other.

In general, if it is ever possible either to perceive (and form perceptually-based beliefs about) a change or a lack of change, the objects and events involved in those beliefs will be temporally extended, and thus not entirely contained in the literally-instantaneous present. Seeing that a leaf is falling requires perception of a temporally-extended event and temporally-extended states of an enduring object. Or consider auditory perception of words: it takes time to hear that someone is saying a particular word to us.

A long tradition in phenomenology and the psychology of perception discusses the “specious present” in which perceptually-experienced events seem to take place,"

232 Id. at 56.

233 I attempt to explain below, in response to an argument by Sean Kelly, why a persisting object or event might yet be partly simultaneous with a perceptually-based belief concerning it, even consistently with the finite speed of the transfer of information, if it persists long enough.
using this concept to explain how we can perceive change. William James, taking the term from psychologist E.R. Clay, explained the idea in his 1890 Principles of Psychology:

Let anyone try, I will not say to arrest, but to notice or attend to, the present moment of time. One of the most baffling experiences occurs. Where is it, this present? It has melted in our grasp, fled ere we could touch it, gone in the instant of becoming. … [The present] is, in fact, an altogether ideal abstraction, not only never realized in sense, but probably never even conceived of by those unaccustomed to philosophic meditation. Reflection leads us to the conclusion that it must exist, but that it does exist can never be a fact of our immediate experience. The only fact of our immediate experience is what Mr. E. R. Clay has well called ‘the specious present.’ … [T]he practically cognized present is no knife-edge, but a saddle-back, with a certain breadth of its own on which we sit perched, and from which we look in two directions into time. The unit of composition of our perception of time is a duration …

Edmund Husserl examined the phenomenology related to time-consciousness at great length. He held that the “now” of which we are conscious reaches across a finite horizon into the past, because our impressions take time to die down out of our consciousness:

In the case of the perception of a temporal object … the perception terminates at any moment in a now-apprehension, in a perception in the sense of a positing-as-now. During the time that a motion is being perceived, a grasping-as-now takes place moment by moment; and in this grasping, the actually present phase of the motion itself becomes constituted. But this now-apprehension is, as it were, the head attached to the comet’s tail of retentions relating to the earlier now-points of the motion. …

[I]t surely does belong to the essence of the intuition of time that in each point of its duration (which we can make into an object reflectively) it is consciousness of what has just been and not merely consciousness of the now-point of the object that appears as enduring.

\[\text{234 James, The Principles of Psychology, v. 1 (1981), at 573, 574 (orig. 1890).}\]

\[\text{235 Husserl, On the Phenomenology of the Consciousness of Internal Time (1893-1917) (Brough, trans., 1991), at 32, 33-34. These statements were in lectures from 1905.}\]
C.D. Broad promoted the specious present in his 1923 *Scientific Thought* and other works, such as his 1938 *Examination of McTaggart’s Philosophy*. He appeals to the perception of change:

On the assumption that sensible fields are literally momentary, it follows that sensa are also literally momentary. But this assumption must now be dropped, and we must come closer to the actual facts of sensible experience. A sensible event has a finite duration, which may roughly be defined as the time during which it is sensed, as distinct from being remembered. … [I]t is certain that what can be sensed at any moment stretches a little way back behind that moment. This is the phenomenon to which we have already referred as the Specious Present.236

To see a second-hand *moving* is quite a different thing from ‘seeing’ that an hour-hand had *moved*. … Now we have just seen that, in the total event which is sensed by a process that lasts for less time than the duration of the Specious Present, there is a finite part which is sensibly present throughout the whole process of sensing.237

[A]ny real sensible field has a certain duration … It is thus … temporally “extended.”238

A belief about motion is partly a belief about the past, and Broad observes that we can have a direct consciousness of an object’s motion, unassisted by independently recalled information about where the object was earlier, as in the “‘seeing’ that an hour-hand has moved” case. The perceptually-based beliefs formed on the basis of these conscious states will partly concern the past.

Bertrand Russell advocated the notion of the specious present on several occasions. In *The Analysis of Mind* in 1921, he explains the theory by the notion of the

236 Broad, *Scientific Thought* (1923) at 348.

237 *Scientific Thought* at 351-52.

238 *Scientific Thought* at 354.
gradual decay of sensations, or “akoluthic” sensations (named for the attendants who followed soldiers going to battle). Russell explained,

A sensation fades gradually, passing by continuous gradations to the status of an image. This retention of the immediate past in a condition intermediate between sensation and image may be called “immediate memory.” Everything belonging to it is included with sensation in what is called the “specious present.” The specious present includes elements at all stages on the journey from sensation to image. It is this fact that enables us to apprehend such things as movements, or the order of the words in a spoken sentence. Succession can occur within the specious present, of which we can distinguish some parts as earlier and others as later. It is to be supposed that the earliest parts are those that have faded most from their original force, while the latest parts are those that retain their full sensational character. At the beginning of a stimulus we have a sensation; then a gradual transition; and at the end an image. Sensations while they are fading are called “akoluthic” sensations.239

Russell explains the notion his 1948 Human Knowledge:

No sensation, not even that caused by a flash of lightning, is strictly instantaneous. Psychological disturbances die down gradually, and the length of time during which we see a flash of lightning is much greater than the length of time occupied by the physical phenomenon. … When I see a rapid movement, such as that of a falling star, or of cloud shadows in a landscape, I am aware that one part of the movement is earlier than another, in spite of the whole being comprised within one specious present; if I were not aware of this, I should not know whether the movement has been from A to B or from B to A, or even that change had occurred. When a movement is sufficiently rapid we do not perceive change: if you spin a penny very efficiently, it takes on the appearance of a diaphanous sphere. If a motion is to be perceived, it must be neither too fast nor too slow.240

C.W.K. Mundle appeals to blurring phenomena to support the existence of the specious present:

Hold a small piece of white paper at arm’s length against a dark background, and move it across (or down) through a distance of about a foot. The speed of movement need not be faster than would prevent one

239 Russell, The Analysis of Mind (1921) at 143-44.

from “following” the paper by eye-movements. But instead of doing this, gaze at a point in the middle of the paper’s path (call it “place 1”). When I do this, I see, for a brief but appreciable period, a white streak, and this streak does not disappear until after the paper is seen, out of the corner of my eye, to have halted (at what I shall call “place 2”). This indicates that, as we may express it provisionally, visual sensations linger and fade for an appreciable period. (I estimate this period as being of the order of 0.1 to 0.2 second.) This fact is not readily noticed because one follows a moving object in which one is interested by head- and eye-movements, and does not attend to the consequent blurring of the background. This feature of our visual experience provides one way in which we can cash the specious present doctrine.

Contemporary psychologists and phenomenologists have continued to defend and apply the notion of the specious present. In a recent exposition of the phenomenology and cognitive psychology related to the specious present, Francisco Varela says,

[A]ny mental act is characterized by the concurrent participation of several functionally distinct and topographically distributed regions of the brain and their sensorimotor embodiment. From the point of view of the neuroscientist, it is the complex task of relating and integrating these different components that it at the root of temporality. … [T]hese various components require a frame or window of simultaneity that corresponds to the duration of the lived present. In this view, the constant stream of sensory activation and motor consequence is incorporated within the framework of an endogenous dynamics (not an informational-computational one), which gives it its depth and incompressibility. This idea is not merely a theoretical abstraction: it is essential for the understanding of a vast array of evidence and experimental predictions.

Susan Pockett considers a variety of psychological data pertaining to the contingency of the specious present. She notes a number of phenomena that suggest that “[T]ime seems to go slowly when one is actively engaged in the external world and fast


when one is not…. Perception of the passage of time is tied to the number of samples taken.”

She notes,

[ H ] ow does the sampling idea fit with the notion of the specious present? It fits quite simply, but the point has fairly important implications. The main point is the slower the sampling or updating of consciousness, the longer the specious present lasts. This implies that not only must the specious present be different in different gross states of the organism (awake or asleep, attending or not attending to the external world), it must also be different for different sensory systems. At least the minimum duration of “now” must be much shorter for hearing than it is for vision, for example.

William Lane Craig, who argues that the experience of presentness gives important support to the A-theory of time, nonetheless concedes that the specious present represents a genuine temporal thickness to that experience. He says, “Of course, as a result of physics and neurology, we now realize that nothing we sense is instantaneously simultaneous with our experience of it as present. But in most cases, the things and events we observe are contained within a brief temporal interval which is present, for example, the so-called ‘specious present’…”

In sum, a long tradition of psychologists and philosophers of psychology and phenomenology have found the specious present critical to understanding our experiences. The psychological data that motivate the specious present tell us that our present conscious sensory states retain information about objects and events from the past, even if only from the very recent past. Our faculties produce beliefs based on

---


244 How Long is “Now”? at 66.

these sensations and we form beliefs that are partly about these past objects and events. We have no sensations on the basis of which we form only beliefs that are about objects and events exactly simultaneous with our beliefs; all sensations on the basis of which we form our perceptually-based beliefs contain information partly about the past. If perception is the spontaneous production of beliefs upon receiving certain sorts of sensations from our sense-organs, then contrary to the objection to MP Parity suggested by Aristotle, Reid, Flew, and Husserl, we should allow perceptually-based beliefs about past objects and events.

6.3.3. Thomas Reid’s Terminological Response

Thomas Reid, holding doggedly to his thesis that perception only concerns the present, admits that he must on this basis deny that we can perceive change, or anything else temporally extended; beliefs whose objects are partially or wholly in the past require memory. He anticipates a theory very like the specious present—“the small portion of time that we call the present”—and admits that we ordinarily say that perception gives us beliefs about objects and events within this temporally-extended span, which technically includes the past. However, Reid suggests that we should depart from common usage in order to uphold his doctrine that only memorially-based beliefs, and not perceptually-based beliefs, concern the past. He therefore says that the “perception” of change is in fact based partly on memory:

There is no necessity in common life of dividing accurately the provinces of sense and of memory; and therefore we assign to sense, not an indivisible point of time, but that small portion of time which we call the present, which has a beginning, a middle, and an end. Hence it is easy to see, that though in common language we speak with perfect propriety and truth, when we say, that we see a body move, and that motion is an object of sense, yet when as philosophers we distinguish accurately the province of sense from that of memory, we can no more see what is past, though but a moment ago, than we can remember what is present: so that
speaking philosophically, it is only by the aid of memory that we discern motion, or any succession whatsoever.  

However, it is particularly unclear why in this case we should depart from ordinary usage when we “speak philosophically.” The ordinary way of speaking can fit better with what we have learned about the pervasive environmental and psychological requirements of a finite duration for the production of beliefs. Allowing a temporal thickness to “now,” and hence, a temporal thickness to the range of objects and events that can feature in perceptually-based beliefs, can allow us to characterize the psychological and other scientific data more economically than we could were we to doggedly insist that any beliefs that concern objects or events besides those wholly in the present are partly memorially-based. If we form beliefs based on how an object in our environment is currently now, it seems most sensible to call this belief a perceptually-based belief, not a partly-memorially-partly-perceptually-based belief simply because the behavior in question extends temporally into the past. We would be hard pressed to find an interesting behavior or state that is literally instantaneous—even simple states like “being red,” for instance, are temporally extended. The basic premise that perceptually-based beliefs occupy an important share of the actual human beliefs for which we seek an appropriately economical epistemic map should thus push us to allow beliefs at least partly about the past to fall under “perceptually-based belief.” I conclude that we can properly say, whether we are speaking philosophically or informally, that we

246 Reid, Essays on the Intellectual Powers of Man 3.5, Works vol. 2 (1822 ed.) at 143. James was influenced by Reid’s discussion of the temporal thickness of the experienced present; in his exposition of the specious present, James cites Reid’s criticisms of Locke on the origin of our conception of duration just a few paragraphs after Reid’s terminological distinction. See James, Principles of Psychology vol 1. at 574 & n.4.
perceive change or lack of change. When we see falling rain, or a pen remaining on the table, our beliefs are perceptually-based.

6.3.4. Sean Kelly’s Objection

Sean Kelly has proposed objections to the specious present as a theory of temporal experience. Several of these objections consider merely whether the specious present provides a good explanation of the particular phenomenological puzzle that he poses; I will not concern myself with these objections here. But his first objection is that the specious present is confused, and if successful it would be telling against my argument for the perception of past objects and events. Kelly writes,

The Specious Present Theory proposes that I am in direct perceptual contact with events that occurred in the recent past. This is at best an odd suggestion. After all, the events in the recent past are no longer occurring, and one might naturally wonder how I can be directly aware of something that is no longer taking place….

In considering how to make sense of a past object of perception, Kelly considers cases involving environmental time lag as one way to make sense of the awareness of past objects and events:

[T]he experience always occurs at least some time after the event, since it always takes time for the waves carrying information about the event to reach the sensory organs, and some further time for the brain to process this information in such a way that it gives rise to an experience. The result, therefore, is that I am always aware of events that are no longer taking place, since experience lags behind the event experienced. Perhaps, then, this time lag between an event and the experience of it is a way of making sense of the claim that I can experience what is past. … [However,] this suggestion implies, against the Specious Present Theory itself, that I am never aware of the present, never mind aware of the future. The Specious Present Theory proposes, you will recall, that I am aware of a temporal window of events that reaches into the past but includes at least the present and possibly also the future. But the time lag

---

247 Kelly, The Puzzle of Temporal Experience, online version at 10.
argument emphasizes that the events I am aware of are always events that occurred in the past.

Kelly’s objection would be a difficulty for the suggestion that perception is *always* and *only* of past objects and events. But such a suggestion about perception of the past is stronger than the one I endorse. The existence of environmental and experiential time lags requires that the objects and events involved in perceptually-based beliefs be at least *partly* in the past. But they can also be partly present. For instance, if I form a perceptually-based belief that my mouse pad is red, this belief is made true by a temporally-extended object and temporally-extended event: the enduring mouse pad, and the enduring state of it being red. Now, my particular sensations are caused by a portion of that event that is in the recent past, relative to my experience and my belief. But I also form the belief that the mouse pad is red *now*. For events and objects that do not change character in a short amount of time, it is perfectly appropriate to form a belief about the present, not merely the recent past. The mouse pad endures from the initial time that the relevant light waves bounced off of it to the time of my experience; the event or state of the mouse pad being red endures during the same time period. Just as I can perceive an entire chair by interacting causally with light reflected off only the parts of its surfaces that are facing me, I can perceive an entire, temporally-extended state of the mouse pad by interacting causally with the temporally earliest reflections of light off the mouse pad. We have the ability to form beliefs about an entire object or event, based on sensations that are caused by only a part of that object or event. The object as it existed at the earlier time is like the parts of the chair that face me; the state of the object at the present time is like the parts of the chair that do not. In short, that we can perceive a temporally-extended event or object that is partly located or occurring in the past does
not require that we do not also perceive events or objects partly located or occurring in
the present.

Objects and events that endure from the time a causal chain is started to the time
of the formation of a perceptually-based belief can also endure into the future. Past
events and objects can begin a causal chain legitimately leading to perceptually-based
beliefs about present events and objects, based on these events and objects’ status as
successors of the past events and objects. In just the same way, future events and objects
can be successors of the same past events and objects. I can see that the mouse pad is
red now based on a causal chain starting from the mouse pad a bit of time ago, because
the right connection exists between the events and states making it true that the mouse
pad was red a bit of time ago and the events and states making it true that the mouse pad
is red now. Likewise, I can see that a plate will hit the ground in a second or so, based
on a causal chain starting from the plate falling now, because the right connection exists
between the event of the plate falling now and the event of the plate hitting the ground in
a second or so.

In short, Kelly considers only the strong claim that perceptually-based belief is
only of past events and objects, but I need in order to defend MP Parity only the weaker
claim that perceptually-based belief is sometimes partly of past events and objects.

6.4. Conclusion

I have sought in this chapter to rebut suggested disanalogies between the content
of memorially- and perceptually-based beliefs, and the manner in which these beliefs can
be justified or represent knowledge. According to the picture that I have sketched out
here, a successful case of the formation of either a perceptually- or memorially-based
belief in a subject begins with a past event or object that renders a particular proposition
p true. This past event or object may or may not be connected with a later event or
object that endures until the time of the ultimate belief, and which makes either p, or an
indexically-related p*, true. The past events and objects initiate a causal process that
leads to a phenomenal experience in the believing subject. That phenomenal experience
is the basis for the subject’s attraction to a particular belief about either the past event or
object or its present, as exploited by a more or less mature, and more or less self-
conscious, ability in the subject to extract information from those phenomenal
experiences. In our actual world, to be sure, memorially- and perceptually-based beliefs
differ from each other in many respects, just as the different forms of perceptually-based
beliefs differ among themselves: in the nature of what the phenomenal experiences feel
like; in the informational density of the phenomenal experiences; in the degree of
maturity and self-consciousness that is involved in the extraction of information from the
phenomenal experiences; in the variety of additional phenomenal experience that
accompanies the experiences from which information is extracted, without itself being
the basis for the subject’s beliefs; in the typical temporal distance from the past event or
object to the belief; and in the proportion of beliefs that concern present versus past
events or objects. But because these differences are merely contingent, the thesis that
the universes of perceptually- and memorially-based beliefs stand on an epistemic par
can withstand criticism based on these features. We have no strong reason to doubt that
perceptually-based beliefs, as such, are justified or represent knowledge in a different
manner, or due to different phenomena, than do memorially-based beliefs.
CHAPTER 7

CONCLUSION: A BRIEF ARGUMENT FOR THE PARITY THESIS

7.1. Introduction

This chapter will revisit in a brief but systematic way some of the ground canvassed in earlier chapters. I will set out a collection of techniques for transforming individual perceptually-, testimonyally-, or memorially-based beliefs into beliefs based on the other two sources. Viewed from one perspective, this chapter will set out an argument for TMP Parity, based on the premises that these transformational techniques do not change the structure of why the individual beliefs have the epistemic statuses that they do. Viewed from a more critical perspective, these transformations set out a menu of ways to disagree with TMP Parity: a menu of different ways in which disanalogies might be drawn among the explanations of the epistemic statuses of the universes of testimonyally-, perceptually-, or memorially-based beliefs. The different purported disanalogies that I have canvassed in earlier chapters between the epistemologies of testimonyally-, perceptually-, and memorially-based beliefs can be sorted according to which of my premises they draw into question. By systematizing the ways in which disanalogies might be drawn among my three sources, I hope that this chapter will set the stage for future work attending to the plausibility of the claims which can undergird TMP Parity.
7.2. Six Transformations: Epistemically Innocent?

My strategy for arguing directly for TMP Parity and its sub-theses, or equivalently for mapping out ways to disagree with them, is this. For any individual possible testimonially-, memorialy-, or perceptually-based belief, I aim to construct a belief of the other two kinds whose epistemology has the same structure. If these transformations are epistemically innocent—if they produce beliefs whose epistemic status is explained in the same way—then the three relevant universes of beliefs should be in the sort of correspondence required by TMP Parity. My explanation of each of the six Transformational Theses will provide a systematic way to canvass the purported disanalogies considered in earlier chapters. While I think that the Transformational Theses are independently plausible, they offer a simple way to organize opposition to the Parity Theses (as well as a simple way to summarize my arguments in this dissertation).

7.2.1. Transforming Perceptually-Based Beliefs Into Testimionally-Based Beliefs: The Anthropomorphization Thesis

Our senses and perceptual faculties give us information that is processed unconsciously and mechanically. But all of these tasks could be done by persons. In a world in which our sensations were produced by little people who pass along information in the form of a sensory code, all of these formerly perceptually-based beliefs would be testimonially-based beliefs. Anthropomorphizing our sense faculties is a way, as I see it, to construct possible testimonially-based beliefs, the structure of whose epistemology will match the structure of the epistemology of any possible perceptually-based beliefs.

The Anthropomorphization Thesis (which I will abbreviate as “Anthropomorphization,” and likewise for all six claims in this chapter) is the claim that
the explanation of the epistemic status of the beliefs of our anthropomorphizing subject should have the same structure as the explanation of the epistemic status of our original subject’s perceptually-based beliefs. The claim seems plausible to me. I do not see why anthropomorphizing our environment and perceptual faculties should make a difference in the structure of our explanation of the epistemic status of the resulting belief. If, however, TP Parity fails because there are perceptually-based beliefs, the explanation of whose epistemic status does not match that of any testimonially-based belief, then anthropomorphizing our environment and perceptual faculties should make an epistemic difference, at least for those perceptually-based beliefs.

Chapter 3 can be seen as a defense of Anthropomorphization against a series of attacks. For instance, if testimony always introduces issues related to human agency and the possible existence of libertarian freedom, then treating the environment or perceptual faculty like a person would require a more complicated explanation for its stability or reliability. However, as I argued in chapter 3, a perceptual environment can be affected by human agency as well. We must consider the possibility of a deceptively manipulated environment in some perceptual cases already; on the other hand, a testifier with a stable character, or a conscious robot, need not pose particularly pressing issues of reliability merely because the testifier is a person.

If, as some suggest, testimonially-based beliefs require stricter monitoring than do perceptually-based beliefs, or involve a more limited default entitlement to trust, 

---

248 See sections 3.3 and 3.5 (Lackey and Faulkner).

249 See section 3.2.1 (Fricker).

250 See section 3.3 (Lackey).
or are less reliable,\textsuperscript{251} or require higher-order beliefs,\textsuperscript{252} then our anthropomorphizing subject will be subject to the higher restraints appropriate to testimony, and so the transformation has not conserved the epistemic structure of the perceptually-based belief. But as I explain in chapter 3, these claims do not seem plausible: for the range of possible cases, perceptual environments sometimes require just as much monitoring, or involve as limited a right to trust, or prove to be as unreliable, and offer the opportunity for as many higher-order beliefs, as do testimonial environments. If I am right about that, then the anthropomorphizing subject has all the same duties to monitor, rights to trust, and so on as does the pre-transformation subject.

If, likewise, perceptually-based beliefs are psychologically more powerful than are testimonially-based beliefs, such that the believing subject has less freedom with respect to them,\textsuperscript{253} then a subject who treated the environment and his perceptual faculties as persons, and his resulting beliefs as testimonial, might experience greater control over his beliefs. This claim does not seem likely to me. And again, as I set out in chapter 3, I think that we have as much ability to entertain skeptical worries about perceptual environments and our perceptual equipment as we do about testifiers.

If testimonially-based beliefs offer a different variety of investigative options,\textsuperscript{254} then our anthropomorphizing subject has gained these options. But as I explain, I think that the subject with a perceptually-based belief has, over the range of possible cases, the

\textsuperscript{251} See sections 3.3 and 3.4 (Sutton, Lackey).

\textsuperscript{252} See section 3.6 (Weiner).

\textsuperscript{253} See section 3.2.2 (Fricker).

\textsuperscript{254} See section 3.7 (Goldberg).
same investigative options as does the subject with a testiomially-based belief. The anthropomorphizing subject can conduct no more, and no fewer, investigations of his environment and perceptual powers just because he regards them to be people, rather than a mere information-transmitting medium or an information-processing device.

If testiomially-based beliefs asymmetrically require another source of beliefs in order to be justified,\textsuperscript{255} then our anthropomorphizing subject would also require another source for his belief to be justified. According to this purported disanalogy, the anthropomorphizing subject, who thinks of his perceptual faculties as people, would need a belief (or justification for believing) to the effect “I am being told that p by my senses.” However, the example seems to highlight my argument in chapter 3 that, if the anthropomorphizing subject would need such a supporting belief, so would the original subject with the perceptually-based belief. But if a subject can form a justified perceptually-based belief that p without the ability or inclination to believe that he is being appeared to as if p, then there is good reason to think that subject can form a justified testiomially-based belief that p without the ability or inclination to believe that he is being told that p.

If either the suggested disanalogies in chapter 4 were cogent, then Anthropomorphization would be in trouble. If the experience supporting testiomially-based beliefs is inherently conceptualized, while the experience supporting perceptually-based beliefs is not,\textsuperscript{256} then the experience of our anthropomorphizing subject would be inherently conceptualized, whereas the experience of the subject with the perceptually-

\textsuperscript{255} See section 3.8 (Strawson, Audi).

\textsuperscript{256} See section 4.2.
based belief was not. However, as I argued in chapter 4, the fact that we think of sensations as linguistic or semiotic does not require any difference in how the subject’s experience is conceptualized. There must be a nonconceptual informational substrate in either case (whether or not this is part of “experience”), but in order to produce beliefs this substrate must have the proper relationship to the subject’s conceptual apparatus. This is true for either testimonially- or perceptually-based beliefs.

Likewise, if the formation of perceptually-based beliefs partook of the phenomenon of transparency, but the formation of testimonially-based beliefs did not,

then our anthropomorphizing subject would lose something important to the explanation of the epistemic status of the original belief. However, I argued in chapter 4 that our experience of language can be just as transparent as our perceptual sensations; if this is right, then the formation of our anthropomorphizing subject’s belief will be accompanied by the same felt transparency as is the formation of our original perceptually-based belief.

If, finally, the introduction of persons as intermediaries rendered the resulting beliefs second-class citizens, because the epistemic source would depend on the use of another,

then anthropomorphizing would lower our perceptually-based belief to a lesser epistemic caste. But that does not seem plausible to me; as I explain in chapter 2, the existence of a knowing intermediary does not render individual beliefs second-class, so long as the same epistemic powers that produce the beliefs could also produce beliefs without such intermediaries.

\[257\] See section 4.3.

\[258\] See chapter 2.
7.2.2. Transforming a TestimoniaIlly-Based Beliefs Into Perceptually-Based Beliefs: The Testimonial Instrumentalization Thesis

If instead we begin with an individual case of testimoniaIlly-based belief, we can turn it into a case of perceptually-based belief if we instrumentalize the testifier: if we consider the testifier, not as a person, but merely as a perceptual instrument, like a pair of glasses, telescope, or microscope. These instruments take environmental information and transform or process it so that we can interpret it more easily; the instrumentalizing subject treats testifiers as if they, too, merely alter our perceptual environment so that we can more easily interpret the information passing through it. Just as anthropomorphizing treats our cognitive equipment as if it were a person, testimonial instrumentalizing treats testifying people as if they were mere cognitive equipment.

Our instrumentalizing subject treats the linguistic output of the testifier as merely what the object of belief looks like, or sounds like, when placed in an environment containing the appropriate instrument. Light behaves in certain ways when it passes through a prism; sounds behave in certain ways when they pass through a hallway; paramecia look a certain way through a microscope; the information in an electronic signal behaves a certain way when it passes through an amplifier. And the information in a testimonial informant’s stimuli behaves in a certain way when our informant receives the information, processes it, and passes it on to us. Instrumentalizing a testifier means constructing a possible world in which the recipient treats the testifier’s cognitive processing is merely a part of the recipient’s environment that is on a par with prisms, hallways, or amplifiers. The resulting bits of language are treated simply as an environmental phenomena, which correlate with the objects of belief because of the way the environment behaves, rather than because a larger system of linguistic conventions. That is, our instrumentalizing subject treats the linguistic conventions that characterize
testifiers as on a par with the physical characteristics that cause prisms, hallways, microscopes, and amplifiers to behave as they do.

Paramecia produce paramecia-appearances when in the appropriate surroundings; tsunamis likewise produce tsunami-reports when in the appropriate environment. If our subject treats testifiers’ reports as merely the environmental outcome of the object of his belief, and habitually associates certain sorts of sensations with certain sorts of objects on the basis of such standing assumptions, then the resulting belief will be perceptually-based. Paramecia look a certain paramecium-ish way when their environmental medium is right (i.e., transparent and containing a microscope); the instrumentalizing subject would say that tsunamis sound a certain way (i.e., like “Hey, there’s a tsunami”) when their environmental medium is right (i.e, consisting of honest and competent observers). In treating testifiers like eyeglasses, the instrumentalizing subject would treat them as important means for allowing objects to produce the right kind of interpretable phenomenology, but not important beyond this role.

Testimonial Instrumentalization is the claim that applying the process of testimonial instrumentalization to any possible testimonially-based belief yields a belief with the same epistemic status, and the same structure of explanation for that status. Testimonial Instrumentalization seems plausible to me. I do not see why instrumentalizing our testifier should make a difference in the structure of our explanation of the epistemic status of the resulting belief. If, however, TP Parity fails because there are testimonially-based beliefs, the explanation of whose epistemic status

\[\text{259 Of course, normal human subjects don't think of testimony in this way; the claim of Testimonial Instrumentalization is that in the possible worlds in which they did, the structure of the epistemology of the belief in that world would be the same as the structure of the epistemology of the original testimonially-based belief.}\]
does not match that of any perceptually-based belief, then instrumentalizing the testifier

*should* make an epistemic difference, at least for those testimonially-based beliefs.

Many of the same claims considered in chapters 2 and 3 that would impair
Anthropomorphization, and discussed immediately above, would also impair
Testimonial Instrumentalization. If perceptually-based beliefs are, as such, subject to
lower standards than are testimonially-based beliefs, as such, then our instrumentalizing
subject would lower his standards by treating testifiers as instruments. For the same
reasons, however, I think that chapter 3 offers an adequate defense of Testimonial
Instrumentalization against such attacks. Instrumentalizing subjects should have all the
same higher-order requirements, duties to monitor, and so on as our original subject with
the testimonially-based belief.

If testimonially-based beliefs are inherently more heterogeneous than
perceptually-based beliefs,\(^{260}\) then our instrumentalizing subject should lose the ability
to make as many distinctions in the sources of his beliefs. But I think that the
instrumentalization example instead shows how a subject might think about his
sensations in ways that make perceptually-based beliefs just as heterogeneous as
testimonialsingly-based ones. Different instruments, different senses, and different
recognitional capacities allow us to form perceptually-based beliefs that depend on a
wide variety of environmental conditions, that have a wide variety of contents, and that
are accompanied by a wide variety of phenomenology. Considering the heterogeneity of
perceptual instruments confirms my views on this issue set out in chapter 3.

\(^{260}\) See section 3.3 (Lackey).
7.2.3. Transforming Memorially-Based Beliefs Into Testimonally-Based Beliefs: The Time-Slicing Thesis

Memory is the receipt of information, embedded in the processes of memory and accessed through recollection, that my former self has stored. But if “my former self” is really another person entirely, then memory will be a case of testimony: the receipt of information sent by someone else. The time-slicing subject is alienated from his earlier cognitive acts, and treats them as if someone else performed them. His beliefs are not based memorially, but instead testimonially.

Time-Slicing is the claim that applying the process of time-slicing to any possible memorially-based belief yields a belief with the same epistemic status, and the same structure of explanation for that status. Time-Slicing seems plausible to me. I do not see why considering the earlier version of our subject to be a different person should make a difference in the structure of our explanation of the epistemic status of the resulting belief. If, however, TM Parity fails because there are memorially-based beliefs, the explanation of whose epistemic status does not match that of any testimonially-based belief, then treating the earlier version of the subject as a different person should make an epistemic difference.

If memorially-based beliefs are not based on something like a perceptual image, or like the words of language, then time-slicing will not turn memorially-based beliefs into testimonially-based ones. In such a case, there would be no analogue of language or signs to operate as the testimonial vehicle. But, as I argued in chapter 6, I think that the initial phenomenal vehicle of memorial doxastic impulses can serve in the same role as a word. The language of these initial memorial phenomenal vehicles is a language that is

---

261 See section 6.2.
quickly interpreted, and to which we may lack reflective access much of the time, but I think we have good reason to think that it exists.

If there were an important difference in the ways in which testimony and memory transmit defeaters, then time-slicing would open up new epistemic doors, because the failure of my earlier time-slice to pass on a defeater to me in the present would matter in a different way than would my own failure to store a defeater. But such a distinction seems implausible, lending support to my position in chapter 5.

The literature on personal identity, of course, features a long-running dispute between advocates of “perdurance,” who think that a temporally-extended person is composed of time slices, and advocates of “persistence,” who think that a person is wholly present at every moment of his existence. One way of understanding perdurance is that it is the view that our earlier self is not really the same person as our present self; our earlier self is merely a different slice of an extended whole, which is not wholly present at every moment. It would be surprising, I take it, if this dispute were to have epistemic ramifications—or, equivalently, if epistemology were to have an important impact on how the perdurance/persistence debate should be resolved. My intuition that we should be able to do our epistemology equally well given either a metaphysics of persistence or a metaphysics of perdurance suggests that transforming a memorially-based belief into a testimonially-based belief by using the time-slicing metaphysics of perdurance should not change the structure of that belief’s epistemology.

It is true that both perdurance and persistence are metaphysical claims that are necessary if true. However, using time-slicing to transform memorially-based beliefs

262 See chapter 5.
into testimonially-based beliefs does not require that we imagine a possible world in which perdurantism is true. If perdurantism is false, it is necessarily false, and there will be no such world. But even those who believe in persistence can agree that, if there were certain differences in the underlying causal structure of people or other objects, those objects would become different objects as time passes. For instance, suppose that a friendly demon destroys my sunglasses and replaces them, very quickly, with a qualitatively identical pair. If that were the case, then my new sunglasses would presumably be distinct from the earlier sunglasses, whether persistence or perdurance is the right account of the identity of persons and objects over time. Perdurance would require that time-slicing always occurs—it would require that, speaking strictly, one time slice is never identical to another; two time slices can at best compose a four-dimensional worm. But in order to change memorially-based beliefs into possible testimonially-based ones, I only need to imagine a possible world in which an underlying causal process severs my identity with my past self. Even the persistence theorist can allow that this is possible; his key claim against the perdurantist is merely that it does not always happen.

7.2.4. Transforming Testimonial-Based Beliefs Into Memorial-Based Beliefs: The Testimonial Ratification Thesis

Chapter 5 considered the application to testimony of the qui facit per alium, facit per se legal fiction—“he who acts through another, acts himself.” I argued there that the fact that this fiction has proven quite useful for assessing actual legal rights and responsibilities suggests that it would be useful for assessing epistemic rights and responsibilities, on the assumption that the relationship between a recipient and a

263 See section 5.3.
testifier is relevantly analogous to the relationship between employer and employee. Testimonial Ratification takes this idea further, and considers possible worlds in which this legal fiction actually takes place: worlds in which others’ actions, performed on an epistemic subject’s behalf, really are the subject’s own. If my agent’s actions are really and truly my actions, and if testimony establishes an epistemic agency relationship, then testimony will be the receipt of information based on my own earlier cognitive tasks. That is, in the possible world in which the qui facit fiction is a reality, testimonially-based beliefs will be turned into memorially-based beliefs. Just as time-slicing involves the alienation of my own earlier actions, treating them as others’ actions, thereby changing memory into testimony, testimonial ratification does the reverse, and treats others’ actions as my own, thereby changing testimony into memory.

Testimonial Ratification is the claim that literally applying the qui facit doctrine to any possible testimonially-based belief yields a belief with the same epistemic status, and the same structure of explanation for that status. Testimonial Ratification seems plausible to me. I do not see why considering others’ cognitive tasks performed on our behalf as literally our own should make a difference in the structure of our explanation of the epistemic status of the resulting belief. If, however, TM Parity fails because there are testimonially-based beliefs, the explanation of whose epistemic status does not match that of any memorially-based belief, then treating a testifier’s actions as the subject’s own should make an epistemic difference.

Just as with Time-Slicing, the suggestion considered in chapter 6 that memorially-based beliefs are not based on a phenomenology like the one operative in perceptually-based beliefs would hinder Testimonial Ratification, because testimonially-based beliefs, like perceptually-based beliefs, do have a relatively clear phenomenal
In transforming testimonially-based beliefs into memorially-based beliefs by seeing the testifier’s actions as the actions of the ultimate believing subject, we would be leaving out the distinctive role of the phenomenology at work in testimonially-based beliefs. However, again recalling my defense in chapter 6 of a parallel role for memorial phenomenology, we should note that the testimonial linguistic intermediary can still play such a role even if it is felt to be transparent, and we merely attend to the object of the belief, rather than to the intermediary. That is, there are cases of testimonially-based belief in which we are as unconscious of that intermediary as we are in a typical case of memorially-based belief. Likewise, cases in which we are conscious of the testimonial intermediary merely translate into memorial cases in which the subject is unusually aware of the initial phenomenal vehicle of his doxastic impulse.

If it matters epistemically to a subject’s belief whether or not an earlier cognitive task was done by the subject or by someone else, then Testimonial Ratification will not be true; taking ownership of someone else’s cognitive activity will change the structure of the epistemology of the resulting belief. The arguments considered in chapter 5, which suggest that perhaps defeaters are transferred under different circumstances for memorially- and for testimonially-based beliefs, would suggest such a conclusion. But it seems to me that, prima facie, we should doubt that personal involvement is so critical. It is generally the case in the law that anything I am competent to do, I can delegate to you to do on my behalf. The same principle seems true for the universe of possible testimonially- or memorially-based beliefs. It matters how reliably or unreliably a task was done; it may matter the extent to which I can interrogate a cognitive source. But

\(^{264}\) See section 6.2.
whether or not a cognitive source is or is not identical to the ultimate believing subject, considered simply as such, does not seem like the sort of factor that should affect the structure of our epistemic explanations.

7.2.5. Transforming Memorialy-Based Beliefs Into Perceptually-Based Beliefs: The Memorial Instrumentalization Thesis

In a world in which time is like space, our beliefs about the past will be turned into beliefs about other places. If we then also consider our past memorial processes as perceptual instruments for looking into the past, or for looking into the objects of our earlier beliefs and earlier-processed information, then memorialy-based beliefs will turn into perceptually-based beliefs, just as in the testimonial case. The memorialy-instrumentalizing subject treats his earlier information processing merely as the sort of information processing done by a microscope. The testimonially-instrumentalizing subject treats other minds as mere environmental information processing devices, and the memorialy-instrumentalizing subject does the same for her own mind.

Memorial Instrumentalization is the claim that, for any possible memorialy-based belief, treating a subject’s memorial equipment as perceptual instruments yields a belief with the same epistemic status, and the same structure of explanation for that status. Memorial Instrumentalization seems plausible to me. I do not see why considering my memorial processes as the activity of perceptual instruments should make a difference in the structure of our explanation of the epistemic status of the resulting belief. If, however, MP Parity fails because there are memorialy-based beliefs, the explanation of whose epistemic status does not match that of any perceptually-based belief, then treating memory hardware as perceptual instruments should make an epistemic difference.
The suggestion that perceptually-based beliefs are always about the present would deny Memorial Instrumentalization. For instance, if memory were considered as a “past-o-scope,” those who say that perceptually-based beliefs are always beliefs about the present would say that it could not be a perceptual instrument. However, as I argued in response to that suggestion in chapter 6, thinking carefully about the role of the perceptual environment should make us realize that perceptual beliefs can also be about the past. Our memory, conceived as a perceptual environment, looks back into the past, but if we consider the finite time that information passes an actual perceptual environment, we can see that perceptual environments do the same thing. Perceptual and memorial environments play the same role in explaining the epistemic status of perceptually- and memorially-based beliefs.

Likewise, the suggestion that memorially-based beliefs are not based on a phenomenology in the same way that as perceptually-based beliefs would also implicitly deny Memorial Instrumentalization. If memorially-based beliefs were not based on a phenomenal equivalent of an image, then the output of our memory processes could not usefully be compared to the output of a microscope’s processes. Forming a memorially-based belief would not be like looking into a perceptual instrument, because there is no image, as in the perceptual case. But recall my response in chapter 6, which argued that our lack of awareness of memorial analogues to the images at the root of perceptually-based beliefs is merely due to our immediate interpretation of these initial phenomenal vehicles, and corresponds to the sense of felt transparency in certain

\[265\] See section 6.3.

\[266\] See section 6.2.
perceptual cases. This response can be seen as a defense of Memorial Instrumentalization: it suggests that in looking into our memorial environment, we pass over the initial phenomenal vehicles of our beliefs much as we pass over, at times, immediately-interpreted perceptual vehicles. Attending to our beliefs in such cases, we only attend to the object, ignoring the environment and the phenomenal character of the mode of presentation of the object.

Finally, the suggestion that memorialily-based beliefs are second-class because they depend on the epistemic status of earlier beliefs would impair Memorial Instrumentalization, because that process would upgrade the citizenship of our memorialily-based belief. However, as discussed in chapter 2, memorialily-based beliefs are produced by a cognitive power that also produces beliefs without such intermediaries, and so Memorial Instrumentalization seems safe.

7.2.6. Transforming Perceptually-Based Beliefs Into Memorialily-Based Beliefs: The Perceptual Ratification Thesis

Perceptual Ratification is the combination of Anthropomorphization and Testimonial Ratification. If we anthropomorphize our sense organs and perceptual environment (thereby changing perceptually-based beliefs into testimonially-based beliefs), and then utilize the *qui facit* legal fiction to ratify and take ownership of these epistemic actions performed on our behalf, then we can turn perceptually-based beliefs into memorialily-based beliefs. The environmental information transmission that takes place in producing perceptually-based beliefs is transformed into the earlier personal information-processing characteristic of memorialily-based beliefs.

---

267 See chapter 2.
Perceptual Ratification is the claim that, for any possible perceptually-based belief, treating environmental events as the behavior of the subject’s own information-processing yields a belief with the same epistemic status, and the same structure of explanation for that status. Perceptual Ratification seems plausible to me. I do not see why treating our perceptual environment as if it were a big prosthetic information-processing device should make a difference in the structure of our explanation of the epistemic status of the resulting belief. If, however, MP Parity fails because there are perceptually-based beliefs, the explanation of whose epistemic status does not match that of any memorialy-based belief, then treating memory hardware as perceptual instruments should make an epistemic difference.

Again, the purported disanalogies discussed in chapter 2 and 6 would impair Perceptual Ratification, just as they would impair Memorial Instrumentalization. According to these suggestions, turning perceptually-based beliefs into memorialy-based beliefs would either omit crucial phenomenological basing, or allow perceptually-based beliefs to become beliefs about the past, or would downgrade their epistemic citizenship. Again, I take these earlier chapters to defend Perceptual Ratification against these attacks.

Perceptual Ratification has affinities with the Extended Mind Hypothesis, which holds that our minds extend into our environment.268 Our environment performs the functions of a memory on such an account.269 As with Time-Slicing and perdurantism, I


need a weaker claim than the Extended Mind Hypothesis itself in order to support
Perceptual Ratification: I only need the claim that the dispute over the Extended Mind
Hypothesis is independent of epistemic concerns. Whether or not the Extended Mind
Hypothesis is true should not depend on the structure of the explanation of the epistemic
status of memorially- or perceptually-based beliefs. If this is correct, then Perceptual
Ratification should be very plausible.

7.3. The Parity Theses and the Transformation Theses

We can easily see that Memorial Instrumentalization and Perceptual Ratification
together imply MP Parity. Memorial Instrumentalization requires that there is nothing
special about what explains the epistemic status of memorially-based beliefs that is not
also a feature of the explanations of the epistemic status of perceptually-based beliefs.
Perceptual Ratification requires the converse: that there is nothing special about what
explains the epistemic status of perceptually-based beliefs that is not also a feature of the
explanations of the epistemic status of memorially-based beliefs. Likewise, Testimonial
Instrumentalization and Anthropomorphization together imply TP Parity, and Time-
Slicing and Testimonial Ratification together imply TM Parity. And the right three
transformation theses (either Time-Slicing, Testimonial Instrumentalization and
Perceptual Ratification, or else Testimonial Ratification, Anthropomorphization, and
Memorial Instrumentalization) will together imply TMP Parity. Consideration of the six
Transformational Theses may provide a simple way to organize future discussion of the
disanalogies, if any, among the epistemologies of the universes of testiominally-,
memorially-, and perceptually-based beliefs.
7.4. Conclusion

I have suggested that individual cases of testimonially-, perceptually-, or memorially-based beliefs can be changed into individual cases of the other two sources of belief, but without changing the structure of the beliefs’ epistemologies. I construct six sorts of possible subjects who anthropomorphize their perceptual environment and perceptual faculties; who treat testifiers as mere instrumental information-processors; who treat their earlier selves as different people; who treat testifiers’ actions on their behalf as their own; who treat their earlier memorial processes as mere parts of their perceptual environments; and who both anthropomorphize their perceptual environments and perceptual faculties and treat the resulting actions as their own. TMP Parity follows from the claim that the post-transformation subjects’ beliefs are all justified, or not, and represent knowledge, or don’t, for a set of reasons with the same structure as the set of reasons that explain whether the pre-transformation beliefs are justified, or represent knowledge. The six theses regarding the epistemic innocence of these transformations—Anthropomorphization, Testimonial Instrumentalization, Time-Slicing, Memorial Ratification, Memorial Instrumentalization, and Perceptual Ratification—seem plausible to me. While earlier chapters have addressed some reasons some might doubt them, I invite future assessment.
REFERENCES

Aristotle, De Memoria et Reminiscentia (On Memory and Reminiscence).

Audi, Epistemology (2nd ed. 2003).

Audi, Sources of Knowledge, in The Oxford Handbook of Epistemology (2002).

Audi, The Place of Testimony in the Fabric of Knowledge and Justification, American Philosophical Quarterly 34 (1997), 405-22.


Brewer, Do Sense Experiential States Have Conceptual Content?, in Contemporary Debates in Epistemology (Sosa & Steup eds. 2004).


Broad, Scientific Thought (1923).


Chisholm, Perceiving (1957).


Clifford, The Ethics of Belief (1877).


Faulkner, *The Epistemic Role of Trust* at 1.


Goldberg, Reductionism and the Distinctiveness of Testimonial Knowledge, in Lackey & Sosa, eds., The Epistemology of Testimony (forthcoming).

Graham, Metaphysical Libertarianism and the Epistemology of Testimony, forthcoming in Am. Phil. Q.


Greco, Knowledge as Credit for True Belief, in DePaul and Zagzebski, eds., Intellectual Virtue: Perspectives from Ethics and Epistemology (2003), 111-134.

Green, Suing One’s Sense Faculties for Fraud: “Justifiable Reliance” in the Law as a Clue to Epistemic Justification, unpublished manuscript; delivered at a symposium of the APA Eastern Division in December 2004.


Harman, Thought (1971).


Hawthorne, Knowledge and Lotteries (2004).


Lackey, Memory as a Generative Epistemic Source, forthcoming in Phil. & Phenomenol. Res.


Lackey, Why We Don’t Deserve Credit for Everything We Know, unpublished manuscript.


McDowell, Mind and World (1994).


Noe, On What We See, Pac. Phil. Q. 83 (2002), 57-80.

O’Regan, Solving the “Real” Mystery of Visual Consciousness: The World as Outside Memory, Can. J. Psych. 46 (1992), 461-88

Peacocke, Does Perception Have a Nonconceptual Content?, J. Phil. 98 (2001), 239-64.

Peacocke, Scenarios, Concepts, and Perception, in Gunther, Essays on Nonconceptual Content.

Pitcher, Perceiving (1971).


Plantinga, Why We Need Proper Function, Nous 27 (1993), 66-82.


Prosser and Keeton on Torts § 69, at 500 (5th ed. 1984).


Respondeat Superior, 5 S. L. Rev. n.s. 238 (1880).


Reynolds, Testimony, Knowledge, and Epistemic Goals, 110 Phil. Stud. 139-161 (2002).

Russell, Human Knowledge: Its Scope and Limits (1948), at 204.


Schacter, Searching for Memory (1996).


Senor, Lackey on Memory as a Generative Epistemic Source, paper delivered at the 2005 Pacific Division meeting of the APA


37 C.J.S. Fraud § 38.

Columbia Pictures Corp. v. DeToth, 197 P.2d 580 (Cal. App. 1948)

Crowell v. Campbell Soup Co., 264 F.3d 756 (8th Cir. 2001).


Heffernan v. Board of Trustees, 310 F.3d 522, 527 (7th Cir. 2002).

M/I Schottenstein Homes, Inc., v. Azam, 813 So. 2d 91 (Fla. 2002).

McIntosh v. Mills, 17 Cal. Rptr. 3d 66 (Cal. App. 2004)


Wal-Mart v. Gonzalez, 968 S.W.2d 934 (Tex. 1998).


Wolin v. Smith Barney, 83 F.3d 847 (7th Cir. 1996).


Yarborough v. DeVilbiss Air Power, 321 F.3d 728 (8th Cir. 2003).