Evidence, perceptual justification, and epistemic transparency

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Introduction

What is evidence? According to the capacity view, evidence and allied notions like justification and knowledge are to be understood in terms of the mental capacities employed. The notion of a capacity is understood to be explanatorily basic. It is because a given subject is employing a mental capacity with a certain nature that her mental states have epistemic force. Among capacity views there is a distinction to be drawn between normative capacity views on which mental capacities are understood in normative terms (Sosa, Greco) and capacity views that forego normative terms (Burge (?), Bergmann (?), Schellenberg).

The capacity view can be contrasted with a number of alternative recent epistemological approaches. Dogmatist views treat conscious mental states as explanatory basic and posit a particular rule for justification, namely that if it perceptually seems that p then one has prima facie justification for p (Pollock, Pryor, Huemer, among others). Knowledge-first accounts treat knowledge as explanatory basic and analyze justification in terms of a deficiency of knowledge (McDowell, Williamson, Millar, Nagel, Byrne among others). Reliabilist views treat the reliability of the perceptual or cognitive system as explanatory basic and analyze evidence and justification as a product of this reliable system (Goldman, Lyons among others). By contrast, capacity views treat capacities as explanatory basic and analyze evidence, justification, and knowledge in terms of the capacities employed that yield the relevant mental states. So on the first cluster of views, conscious mental states are explanatory basic, on the second knowledge, on the third reliability, and on the fourth capacities. Of course, these options are neither exclusive nor exhaustive. One might think that more than one of these four concepts are explanatorily basic, or one might think that the explanatory basic concepts in the vicinity are something else entirely.¹

¹ One could make the case that to the extent that on some of the views categorized as a capacity view it is essential that the capacities in play are reliable, those views should better be classified as reliabilist views.
But still these four approaches are the main current options.

When I say that conscious mental states, reliability, knowledge, or capacities are explanatory basic, I do not mean that the relevant views are committed to holding that one cannot give an analysis of these concepts. I mean rather that they are the basic elements in terms of which an epistemological account is developed. Most views appeal to conscious mental states and reliability and many views appeal to some form of mental capacity (for instance Williamson’s notion of method can be understood as a kind of capacity). The key question is what the basic element is in terms of which an epistemological account is developed. On Williamson’s view it is knowledge rather than conscious mental states, reliability, or methods—even if his view appeals to all three concepts along the way.

I have recently developed a particular version of the capacity view, one that is distinctly non-normative. In this paper, I will briefly state the basic commitments of that view and will then discuss its repercussions for the justification of beliefs and the epistemic transparency of mental states. In light of these discussions, I will test its limits against problem cases. [Note to SPAWNers: the section on cases has not made it into this version of the paper.] I will conclude that a capacity view, developed in certain ways, can provide insights into the nature of evidence and justification.

1. The Capacity View

The idea underlying the capacity view is that perceptual states are systematically linked to what they are of in the good case, that is the case of a successful perception, and thereby provide evidence for what they are of in the good case. In slightly more detail: perceptual experience is a matter of employing perceptual capacities by means of which we discriminate and single out particulars in our environment when in the good case. Sensory states can be understood as ensuing from the employment of such capacities. The capacities can in turn be understood through the kind of perceptual relations to particulars in our environment they provide in the good case. Perceptual states can thereby be seen as providing evidence for what they are of in the good case, since they by nature function for this purpose.

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2 Williamson famously holds that knowledge cannot be analyzed. But one can accept the insights of his account of justification as derivative of knowledge while rejecting his view that knowledge cannot be analyzed.

3 See my 2013.
When we hallucinate, we employ these very perceptual capacities—albeit failing in these moments to single out the relevant particulars. Employing perceptual capacities accounts for the intentional directedness to a seeming particular object and so accounts for the fact that when we suffer a hallucination as of an object, it seems to us as if a particular object is present (even though no such object may be present). When we hallucinate we still have evidence since the right perceptual capacities are employed. These capacities, even when employed in the bad case, are still systematically linked to what they are of in the good case.

To illustrate this, compare Percy who perceives a white cup, with Hallie who hallucinates a white cup. We can analyze the perceptual capacities Hallie employs with respect to the conditions for which they function (good cases), despite the fact that Hallie is not currently in such a condition. There is nothing wrong with Hallie’s perceptual system. The problem is that her environment is not playing along. In virtue of the fact that her perceptual capacities are working well with respect to the conditions for which they function, Hallie’s perceptual state has at least some merit, in that it can be understood as an employment of her perceptual capacities. The way in which Hallie is failing is simply that she fails to single out relevant particulars.

So both Percy and Hallie employ perceptual capacities, and both of their perceptual capacities are systematically linked to what they are of in the good case (even though only Percy is in fact in the good case). For this reason both Percy’s and Hallie’s perceptual states have some evidential merit. Of course Hallie is failing to single out relevant particulars. So while both Percy’s and Hallie’s perceptual states have some evidential merit, only Percy is actually singling out relevant particulars.

The distinction between the capacities employed and what, if anything, they single out puts into focus two ways to individuate perceptual states. On one way, the relevant features that characterize the state are the same: the same perceptual capacities are employed. On the other way, the relevant features that characterize the state are different: when we perceive, we successfully single out particulars in our environment; when we hallucinate, we fail to single out any particulars. On the view I am suggesting, these two ways of individuation are unified. What Percy and Hallie have in common is a content type. The
content type is constituted by the perceptual capacities employed. Where they differ is in the token
content. The token singular content of a perception is constituted by successfully employing these
capacities in an environment thereby singling out particulars in the environment. So while the token
singular content covaries with the environment in which the relevant capacities are employed, the content
type is independent of the environment in which they are employed. It is important to note that the
content type is not a general content, but rather a potentially particularized content. So it is neither a
complete proposition nor a gappy token content, but rather a content schema.4

To be sure, I am not arguing that all capacities employed in perception have repercussion for our
sensory states and the epistemic force of experience. The perceptual capacities of concern here are
individuated by the types of particulars they function to single out. For the purposes of this paper, we can
understand types of particulars as natural kinds. So while perceptual capacities are individuated by natural
kinds in the environment, sensory states are individuated by perceptual capacities. In this sense, the
account provided is an externalist account of sensory states. It is modestly externalist insofar as the
perceptual capacities can be employed while failing to single out any particular of the type that they
function to single out.

The distinction between two levels of perceptual content gives rise to two levels of perceptual
evidence: phenomenal evidence and factive evidence. Phenomenal evidence is determined by the content
type that is in turn determined by the perceptual capacities employed. Factive evidence is determined by
the token content that ensues from employing these capacities successfully in a particular environment. In
the good case, perceptual experience provides us with both phenomenal and factive evidence. In the bad
case, perceptual experience provides us only with phenomenal evidence. In the bad case there is no factive
evidence since the capacities were not employed successfully and the ensuing token content is defective.

4 If I have a thought as of a white cup, but there is no white cup present, I fail to refer. In such a case, the content of
my thought is not singular. After all, I failed to refer. But it isn’t a general content either. After all, I purport to refer
to a particular object. So the content has the form of a singular content while failing to be a token singular content.
Here I’m just following standard ways of understanding negative existentials. In short, content can have the form of
a singular content while failing to be a token singular content. This does not imply that the content is general. There
are more options than that, namely being a potentially singular content. As in the case of a failed singular thought, in
the case of hallucination, the content is not simply a general content. On the view I have argued for elsewhere, the
content is structured by two levels: the content type and the token content. More specifically, a potentially
particularized content type and a defective or gappy token content.
By introducing the notion of factive evidence in addition to that of phenomenal evidence, we can explain in virtue of what Percy is in a better evidential position than Hallie. While his evidential position may seem to him to be indistinguishable from that of Hallie’s, Percy has additional factive evidence and thus has evidence that the particular white cup to which he is perceptually related is in face before him. So Percy has evidence that supports a singular thought about her environment.

By introducing the notion of phenomenal evidence in addition to that of factive evidence we can explain in virtue of what it is that Hallie, who suffers a hallucination as of a white cup, is not simply blameworthy for her belief. She has a reason for believing that there is a white cup on her desk. After all, for all she can tell, there is a white cup on her desk. She has phenomenal evidence that supports her belief. The common evidence is determined by the content type, that is a potentially particularized content. The extra evidence that Percy has is a singular content of her environment.

The rational source of both kinds of evidence lies in employing perceptual capacities that we have in virtue of being perceivers. Sensory states provide phenomenal evidence since the perceptual capacities employed in the bad case are systematically linked to their employment in the good case in the sense that the perceptual capacities employed in the bad case are explanatorily and metaphysically parasitic on their employment in the good case. There is an explanatory primacy of the good over the bad case since giving an analysis of the perceptual capacities employed in the bad case requires appealing to their role in the good case. There is a metaphysical primacy of the good over the bad case since one can possess the perceptual capacities employed in the bad case only in virtue of being the kind of being that could successfully employ those capacities in the good case.

Why should we accept these twin primacy claims? The function of perceptual capacities is to differentiate and single out the type of particulars that the capacity is of. It would be unclear what it would mean to possess a perceptual capacity, the very function of which is to single out a type of particular, without being in a position to single out such a particular when perceptually related to one. Say we possess the capacity to discriminate and single out red from other colors. Were we not in a position to use our capacity to single out red in our environment, when perceptually related to an instance of red, we would
not count as possessing the capacity. So I cannot employ a perceptual capacity in hallucination, if I do not possess the relevant perceptual capacity. This is a minimal condition on possessing a perceptual capacity. Now it might be that we are always unlucky and are never in fact perceptually related to red things and so never in a position to single out red things in our environment. But the minimal condition still holds.

The analysis of the epistemic role of phenomenal evidence in virtue of a notion of systematic linkage carries over to an analysis of the epistemic role of factive evidence. After all, in the case of a perception, there is an ideal link between one’s perceptual state and the environment due to one being perceptually related to one’s environment. So on the proposed view, the epistemic power of perceptual experience is explained in terms of metaphysical facts about perceptual experience. Thus, the proposed view grounds the epistemic force of experience in facts about the physical world. Phenomenal evidence and factive evidence are epistemically united in so far as both are provided by mental states that are constituted by employing the same perceptual capacities. In showing that both kinds of evidence have the same rational source in employing perceptual capacities, the suggested view provides a unified account of perceptual evidence.

Factive evidence provides additional evidence that is different from phenomenal evidence. It is evidence of a different kind insofar as the systematic linkage to the environment is stronger than the one governing phenomenal evidence. More specifically, it is evidence of a different kind insofar as it is provided by successfully employing perceptual capacities in a particular environment. So factive evidence provides a rationality boost beyond the rationality boost that one already has from phenomenal evidence. Thus it is explained why the perceiver is in a better evidential position than the hallucinator. Now from the first person perspective one may not be able to tell the difference between a hallucination in which one has only phenomenal evidence, and a perception in which one has both phenomenal and factive evidence. But we need not think that what is accessible from the first person perspective dictates what is rational to heed. A state is rational to heed in virtue of being systematically linked to what it is of in the good case. There is no need to have any access to that state.
While this view of perceptual evidence is externalist it makes room for a phenomenal conception of evidence. So in contrast to externalist views such as Williamson’s, the capacity view shows that we have at least some evidence provided directly through experience in the bad case: we have phenomenal evidence. In contrast to evidential internalist views, the capacity view shows that we have more evidence in the good than the bad case: we have additional factive evidence. So the defended view provides us with something that neither factive evidentialists nor evidential internalists can supply.

2. Evidence and Justification

The capacity view does not dictate a particular view about justification. It is compatible with a range of views about the relationship between the evidence that experience provides and any beliefs formed on the basis of that evidence. Moreover, it is compatible with a range of views about how and why the evidence provided by perceptual experiences supports beliefs. My focus is on what it is about experience that it is the kind of thing that provides us with evidence, not what the relationship is between this evidence and the beliefs formed on the basis of the experience.

While the capacity view is compatible with a range of views about the relationship between the evidence that experience provides and any beliefs formed on the basis of that evidence, it explains in virtue of what one is in a better epistemic position when one perceives than when one hallucinates. When one forms the belief “that apple is red” on the basis of perceiving a red apple, one’s belief is better justified than when one forms the same belief on the basis of hallucinating a red apple. One’s evidence in the good case justifies any supported belief to a higher degree than does one's evidence in the bad case.5

If one cannot tell that there is a difference in evidence, let alone what the difference is, what effect will the difference in evidence have for one’s cognitive life? The difference in evidence will have repercussions for what one is justified in believing. Factive perceptual evidence is evidence of particulars

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5 For the purposes of this paper, I will treat the notion of being in a better epistemic position in terms of being better justified, since this is the most straightforward way to think about quality of epistemic position. But it is also possible to think of quality of epistemic position as an aspect of knowledge distinct from justification. On this way of thinking, one would say that the perceiver and the hallucinator are equally justified, but the perceiver still is in a better epistemic position in virtue of having factive evidence, where this difference in epistemic position makes the difference between knowledge and ignorance.
in a perceiver’s environment and so justifies singular thoughts about her environment. Phenomenal evidence does not. More generally we can say that any perception can give rise to a number of different beliefs, including singular beliefs and general beliefs. The factive evidence provided by my perception will give support to both singular beliefs and general beliefs. The point generalizes beyond experience, if you have propositional justification for the singular belief “that’s a red apple”, you will also have propositional justification for the general belief “there is some red apple”. That follows from deductive closure \((\langle p\&(p\rightarrow q)\rangle\rightarrow Jq)\). Phenomenal evidence by contrast supports only general beliefs. In short, while factive evidence supports singular beliefs as well as general beliefs, phenomenal evidence supports only general beliefs. So while one cannot tell whether one is in the good case or the bad case and so cannot tell whether one has factive evidence in addition to phenomenal evidence, whether one is in the good case or the bad case makes a cognitive difference.

Another way of putting the same point is with regard to the logical role of demonstratives. The content type and a singular token content of any given experience can be articulated in the very same way in natural language. They better be. After all, a perception and a hallucination can be subjectively indistinguishable. Consider again an experience of a white cup. The content type and the singular token content can both be articulated with ‘that cup is white’. However, the demonstrative ‘that’ will play a different logical role in the two cases. In the content type, the demonstrative plays a character-type role, It purports to refer to whatever particular, if any, there might be, without saying which it happens to be on a given occasion. By contrast in the singular content, the demonstrative plays a content-type role. It refers to a single particular singled out on a given occasion—in the case of a perception the very thing to which the perceiver is perceptually related. So unbeknownst to the experiencing subject, the two contents will play different roles in inferences and so have different evidential force.

3. Epistemic Transparency

The capacity view entails that one is not always in a position to know what evidence one has. So the capacity view entails that the following principle is false.
Evidential Transparency: If one has evidence $E$, then one knows that one has $E$.

The evidential transparency principle is a particular version of the more general principle that mental states are epistemically transparent. Following Williamson, we can specify the principle that mental states are epistemically transparent in the following way:

Epistemic Transparency: For every mental state $M$, whenever one is suitably alert and conceptually sophisticated, one is in a position to know whether one is in $M$.6

Evidential Transparency is a particular version of Epistemic Transparency insofar as subject S has evidence E in virtue of being in a certain mental state that provides E. The capacity view entails that Epistemic Transparency is false and so entails that evidence is not epistemically transparent. Now it would put the cart before the horse to reject that mental states are epistemically transparent so as to uphold the capacity view. But as I will show there are independent reasons to reject the principle.

First, let’s get clearer about why the capacity view entails that one is not always in a position to know what evidence one has. If evidence is externally individuated, then while one may have evidence E, one will not always be in a position to know that one has evidence E. Similarly, if one does not have evidence E, it does not follow that one is in a position to know that one does not have evidence E. To show this, we can formulate the following argument:

Argument from subjective indistinguishability of perception and hallucination

1. If mental states were epistemically transparent, it would be epistemically transparent whether we are perceiving or hallucinating.

2. It is not epistemically transparent whether we are perceiving or hallucinating.

3. Mental states are not epistemically transparent.

In support, consider the case in which one is hallucinating that there is a red apple on the table. It seems to one that a particular red apple is on the table. But there is no red apple on the table. So the content of one’s hallucination is false. From one’s perspective, it seems as if a particular red apple is in front of one—

6 See Williamson 2000: 11 for both principles. For a critical discussion of both principles, see Smithies 2012.
one is not in a position to know that one does not in fact have evidence that a particular red apple is present. Even though it seems from one’s first person perspective as if one is in the good case, one may in fact be in the bad case. That is just what it means for a hallucination to be subjectively indistinguishable from a perception. One cannot know in the moment whether one is in the good case or the bad case. But the fact that one cannot know from one’s perspective whether one is in the good case or the bad case is compatible with one’s evidence being distinct in the good and the bad case. Only if we assume that the epistemic transparency is true, do we need to assume that one’s evidence is the same in the good and the bad case. As we should not reject that evidence is transparent simply to uphold the capacity view, we should not reject the capacity view simply to uphold the epistemic transparency principle.

Now one could reject the conclusion of the argument from the subjective indistinguishability of perception and hallucination simply by claiming that perceiving and hallucinating can yield the very same mental state, so that failure to discern perceiving or hallucinating does not tell against transparency. Such a view would hold for instance that the content of subjectively indistinguishable perceptions and hallucinations is the same. So one could reject the conclusion by arguing that perceiving does not yield a factive mental state. But the point here is to show why the capacity view—on which perception yields factive mental states—entails that the epistemic transparency thesis is false.

Why does the capacity view entail that the epistemic transparency thesis is false? When one hallucinates a red apple one has good reason to believe that one has evidence that there is a red apple present—even though one does not in fact have such evidence. After all, one’s experience exhibits phenomenological particularity and one has phenomenal evidence that some apple is present. However, it only seems to one that a particular apple is present. So one does not have factive evidence of the presence of a particular apple, but rather mere phenomenal evidence. But again one does not know that one has only phenomenal evidence. One does not know that one does not have factive evidence. After all, if it were accessible to one whether one has factive evidence or only phenomenal evidence, a perception and a hallucination could never be subjectively indistinguishable.

7 For an independent argument for the thesis that perception yields factive mental states, see my 2010.
An argument analogous to the argument from the subjective indistinguishability of perception and hallucination can be made regarding perceiving qualitatively indistinguishable objects:

**Argument from numerically distinct but qualitatively indistinguishable objects**

4. If mental states were epistemically transparent, it would be epistemically transparent whether we are perceiving object\(_1\) or object\(_2\), where perceiving object\(_1\) or object\(_2\) are qualitatively indistinguishable.

5. It is not epistemically transparent whether we are perceiving object\(_1\) or object\(_2\).

6. Mental states are not epistemically transparent.

Both arguments show that factive mental states are not epistemically transparent. If they were, one would always know whether one is perceiving or hallucinating. Moreover, one would know whether one is perceiving object\(_1\) or object\(_2\), even if object\(_1\) and object\(_2\) are qualitatively indistinguishable and all else is equal. Both are counterintuitive.

So the capacity view entails that one can believe that one knows \(p\) and one can fail to know that one does not know \(p\). In short, the view entails that evidence is not epistemically transparent. To be clear, the view does not presuppose that evidence is never epistemically transparent, but only that it is at least sometimes not epistemically transparent. Now, for the purposes of this paper I am assuming that the evidence one has is a matter of what mental state one is in.\(^8\) The idea that evidence is a matter of what mental state one is in does not imply an internalist view of evidence. After all, mental states can be externally individuated, indeed the capacity view posits that mental states are at least in part externally individuated. If one’s evidence is given by one’s mental state, then the capacity view presupposes that mental states are not necessarily epistemically transparent.

There are independent background reasons for denying that we can always know what mental state we are in. One such argument is the following: perception yields perceptual knowledge. Hence as a result of perception we reach a given mental state, namely that of knowledge. The epistemic transparency principle has it that we know what mental state we are in, if we are suitably alert and conceptually

\(^8\) For an argument for this, see Williamson 2000.
sophisticated. So epistemic transparency would then entail that, so long as we are suitably alert and conceptually sophisticated, in perception we not only attain the mental state of knowledge but also know that we obtain the mental state of knowledge (since our being in the mental state of knowledge is transparent to us). But in perception we do not know that we know, since we might be hallucinating. A hallucination can be subjectively indistinguishable from a perception, so it is not epistemically transparent to us whether we are perceiving or hallucinating. In short, in perception we have mental state $K$, but that we lack knowledge that we have mental state $K$ since we don't know whether we are perceiving or hallucinating. Hence we have a mental state $K$ that is non transparent.

The more general lesson to be learned from this argument is that one is not always in a position to know what one’s epistemic position is. One may know things without knowing that one knows them. But even if one does not know what epistemic position one is in, one may nonetheless exploit that epistemic position. After all, one has evidence $E$ and having that evidence will have repercussions for one’s cognitive state. The evidence will justify beliefs that would not be justified did one not have the evidence.

A second rational in support of the thesis that mental states are not epistemically transparent does not depend the thesis that perception yields factive mental states. Consider the following sorites case. We perceive consecutively three subtly distinct shades of red: red$_{47}$, red$_{48}$, and red$_{49}$. We cannot perceptually tell the difference between red$_{47}$ and red$_{48}$. We cannot perceptually tell the difference between red$_{48}$ and red$_{49}$. Yet we can perceptually tell the difference between red$_{47}$ and red$_{49}$. In order to explain how we can perceptually tell the difference between red$_{47}$ and red$_{49}$, it is natural to posit that there is a difference in our phenomenal evidence between red$_{47}$ and red$_{48}$ (as well as between red$_{46}$ and red$_{49}$) despite the fact that we cannot directly distinguish these shades. An explanation for how we can distinguish between red$_{47}$ and red$_{49}$ draws on the premiss that there is a subjectively indiscernible difference between our phenomenal evidence when we perceive red$_{47}$ and red$_{48}$, and there is a difference between our phenomenal evidence when we perceive red$_{48}$ and red$_{49}$. The case suggests that there are aspects of our phenomenal evidence to which we do not have access and which moreover are not accessible to us. As this case should bring out,
while it is necessary to deny that we have access to all aspects of our perceptual content if we accept that perceptual states are factive, there are reasons to deny this for non-factive mental states. Given that there are reasons to reject the thesis that we have access to all aspects of our perceptual content for non-factive mental states, we need not be troubled that we must reject it, if we accept that experience provides us with factive evidence.

A third rationale in support of rejecting the epistemic transparency principle is that knowledge of one’s mental state relies on introspection and introspection is well-known to be an unreliable guide to one’s mental states. We mistake itches for pains, do not notice other pains, and we mistake sensations of hunger for feelings of anger. Given that we can be prey to such dramatic errors, it would be astonishing if we were good at noticing the finer differences between perceptual states. In short, we can easily be wrong about what mental state we are in.

A fourth rationale in support of rejecting the epistemic transparency builds on the third rational. Being in a position to know that p requires that the case in which one knows that p is not too close to cases in which one still believes p, but p is false. Just how close the case in which p is false can be depends on the limitations of one’s powers of discrimination in that context. The point is not that one can never know what mental state one is in. The point is that one can very easily be wrong about what mental state one is in. One can very easily be mistaken about whether one is seeing that particular cup or merely hallucinating a cup. One can be wrong since one cannot discriminate between the two mental states, despite the fact that the mental states differ. The mental states are too similar for us to discriminate between.

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9 Some internalists have understood the accessibility of evidence as an essential part of the very nature of evidence. Indeed, it has been argued that denying the accessibility of evidence or even our accessing our evidence amounts to changing the subject (Cohen 1984, p. 284). It will lead too far a stray to address this issue here.


12 See Williamson’s margin of error principle.

13 It is worth noting that the margin-for-error principle risks skeptical results, unless it can be defended that hallucination cases are not relevantly close enough to imperil ordinary perceptual knowledge.
If these considerations are right, then we can say that while perceiving a cup gives us evidence of that particular cup, we do not in virtue of this know that we have evidence of this particular cup. In short, we have evidence that it is that cup, but we do not know that we have evidence.