

## WHAT IS EVIDENCE OF EVIDENCE EVIDENCE OF?

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**ABSTRACT:** Richard Feldman's well-known principle about disagreement and evidence – usually encapsulated in the slogan, 'evidence of evidence is evidence', (EEE) – invites the question, what should a rational believer do when faced by such evidence, especially when the disagreement is with an epistemic peer? The question has been the subject of much controversy. However, it has been recently suggested both that the principle is subject to counterexamples and that it is trivial. If either is the case, the question of what to do in the face of evidence of evidence becomes less pressing. We contend that even if one or the other of these suggestions is right about (EEE) as a general principle about evidence, they leave it untouched insofar as it plays a role in the debates about the rational way to respond to disagreement and, in particular, to disagreement by an epistemic peer. This is because in such cases the evidence about which one has evidence and which is supposed to provide evidence against one's belief is the mere fact of someone's disagreeing, rather than something that is related to the content of the proposition about which the parties disagree. We go on to argue that, so understood, the principle is false.

**KEYWORDS:** Peer Disagreement, evidence, Feldman

Richard Feldman's<sup>1</sup> well-known principle about evidence – usually encapsulated in the slogan, 'evidence of evidence is evidence', (EEE) – invites the question, what should a rational believer do when faced by such evidence? The question has been the subject of much controversy. However, Branden Fitelson<sup>2</sup> has recently claimed that the principle is subject to counterexamples, and even more recently, Comesaña and Tal<sup>3</sup> have argued that it is trivial. and for that rea-

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<sup>1</sup> Richard Feldman, "Reasonable Religious Disagreements," in *Philosophers Without Gods: Meditations on Atheism and the Secular*, ed. Louise Anthony (Oxford: Oxford University Press, 2007), 194-214, "Evidentialism, Higher-Order Evidence, and Disagreement," *Episteme* 6, 3 (2009): 294-312, "Evidence of Evidence is Evidence," in *The Ethics of Belief*, eds. Jonathan Matheson and Rico Vitz (Oxford: Oxford University Press, 2014), 284-300.

<sup>2</sup> Branden Fitelson, "Evidence of Evidence is not (Necessarily) Evidence," *Analysis* 72, 1 (2012): 85-88.

<sup>3</sup> Juan Comesaña and Eyal Tal, "Evidence of Evidence is Evidence (Trivially)," *Analysis* 75, 4 (2015): 557-559.

son not subject to counterexamples at all. If either party is right, the question of what to do in the face of evidence of evidence becomes less pressing. We contend that the arguments in both Fitelson and Comesaña and Tal, even if they apply to (EEE) generally, leave it untouched insofar as it plays a role, as it often does and was intended by Feldman to do, in the debates about the rational way to respond to disagreement and, in particular, to disagreement by an epistemic peer. This is because the evidence that is supposed to provide evidence against one's belief is the mere fact of someone's disagreeing, rather than something that is related to the content of the proposition about which the parties disagree. Here we aim to do two things. First, to show that (EEE), when properly understood as restricted to cases of disagreement, escapes the recent criticisms of both Fitelson and Comesaña and Tal. Second, to argue that this restricted version of the principle is false when applied to disagreement, both peer or non-peer, for reasons quite different from those suggested by either Fitelson or Comesaña and Tal...

## 1. Fitelson and Comesaña and Tal on (EEE)

Fitelson's rendition of Feldman's principle is as follows:

(EEE3) If  $S_1$  possesses evidence  $(E_1)$  which supports the claim that  $S_2$  possesses evidence  $(E_2)$  which supports  $p$ , then  $S_1$  possesses evidence  $(E_3)$  which supports  $p$ .<sup>4</sup>

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<sup>4</sup> Fitelson earlier rejects two other formulations of the same principle for similar reasons. (EEE3) is the version found in Richard Feldman, "Evidence of Evidence is Evidence," *Keynote Lecture at Feldmania: A Conference in Honor of Richard Feldman*, UT San Antonio, February 19th (2011).

He then asks us to imagine that a card  $c$  is randomly picked from a standard deck and shown to John. Jim knows only the following about  $c$  (apart from knowing that John knows which card  $c$  is, and the logical consequences of that and  $(E_1)$ ):

$(E_1)$   $c$  is a black card.

And let  $(E_2)$  and  $p$  be the following:

$(E_2)$   $c$  is the ace of spades.

$(p)$   $c$  is an ace.

Fitelson argues that while Jim has evidence  $(E_1)$  which supports the claim that John has evidence  $(E_2)$  which supports  $p$ , Jim does not have evidence  $(E_3)$  supporting  $p$ . A plausible principle concerning evidential support says that  $E$  (evidentially) supports  $p$  if and only if  $E$  raises the (epistemic) probability of  $p$ .<sup>5</sup> Since Jim's evidence  $(E_1)$  is (epistemically) probabilistically irrelevant to  $p$ ,  $(EEE3)$  is false. Fitelson then asks what evidence  $(E_3)$  could there be such that (i) Jim has it, and (ii) it supports  $p$  and finds none.

Comesaña and Tal argue that there is a simple way to respond to Fitelson. Suppose that  $(E_3)$  is the following:

$(E_3)$   $c$  is not the Jack of hearts.

Since  $(E_3)$  is entailed by  $(E_1)$ , and Jim knows the logical consequences of both the fact that John knows which card  $c$  is and the fact that  $c$  is a black card, Jim knows  $(E_3)$ . Since  $(E_3)$

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<sup>5</sup> Cf. Fitelson, "Evidence of Evidence is not (Necessarily) Evidence," 86.

raises the (epistemic) probability of  $p$ ,  $(E_3)$  supports  $p$ . Therefore, there is evidence  $(E_3)$  such that

- (i) Jim has it, and (ii) it supports  $p$ .

Moreover, according to Comesaña and Tal, Fitelson's putative counterexample should fail anyway. For if one has evidence that  $q$ , one thereby has evidence of  $q$  or  $p$ , which supports  $p$ . Hence, there cannot be any counterexample to (EEE3), for it is trivial.

Note that neither Fitelson nor Comesaña and Tal are concerned with the role (EEE) may have in responding to disagreement. *Their* disagreement is over whether (EEE) can be used to form and justify a belief about  $p$ . Jim and John are not described as disagreeing. There is, however, a special use of (EEE), as is suggested by Feldman himself, as a principle to be employed in cases of disagreements generally and peer disagreement specifically. While (EEE) has undergone different formulations at Feldman's hands, what these different formulations have in common is that, when applied to cases of peer disagreement, what one of the supposed peers has evidence of is *solely* the fact that the other has evidence. He does not have evidence of *what* evidence the other has. This is a non-trivial restriction, one that puts constraints on the evidential content governed by the principle and thereby on its relation to what the disagreement is about. We will show, first, that so understood, the principle can be shown to be immune to the criticisms both by Fitelson and by Comesaña and Tal. We will then argue that it is false.

In Fitelson's case, Jim has evidence of what evidence John has, that is:

- (F) Jim has evidence  $(E_1)$  ( $c$  is a black card) which supports the claim that John has evidence  $(E_2)$  ( $c$  is the ace of spades) which supports  $p$  ( $c$  is an ace).

(F) says that Jim has evidence that John has evidence ( $E_2$ ), namely, that  $c$  is the ace of spades, which supports  $p$ . This is to say more than just that John has *some* evidence ( $E_2$ ) which supports  $p$ , and certainly more than that the evidence Jim has is only that John has *some* evidence. Yet the latter is all (EEE) is supposed to provide to one confronted by disagreement, especially by disagreement by a peer. (EEE) can be read in two ways, one where the evidence of evidence is of what the latter is, the other where the evidence is merely that there is some evidence. Both Fitelson and Comesaña and Tal read (EEE) in the first way. As we will see, those who appeal to (EEE) in discussions of disagreement, especially peer disagreement, are explicit that it is the second reading that is relevant in that context.

In Fitelson's supposed counterexample, John has evidence that Jim does not have. What that evidence is ( $= c$  is the ace of spades) is crucial to Fitelson's case against (EEE). The response by Comesaña and Tal also turns on what the evidence of which there is evidence is. But, as we have noted, in cases of disagreement, (EEE) is supposed to be relevant regardless of what the evidence of which there is evidence is. This is so in cases of near-peer disagreement, where the parties have, and see themselves as having, similar but not identical evidence and at least roughly equal epistemic abilities.<sup>6</sup> And it is especially important in cases of peer disagreement, where it is assumed that the two subjects have the *same* body of evidence. This is an important part of what makes them peers (the others being having identical cognitive abilities in general and expertise with respect to the subject in dispute in particular).

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<sup>6</sup> If the last condition is not satisfied, there will be no pressure at all on them to take the others' position into account, rather than adopting or dismissing it according to whether they see themselves as epistemic inferiors or epistemic superiors.

A similar argument applies to Comesaña and Tal’s response to Fitelson. Assuming that  $(E_3)$  is “ $c$  is not the Jack of hearts”, which is logically entailed by  $(E_1)$ , and the fact that Jim knows the logical consequences of both the fact that John knows which card  $c$  is and the fact that  $c$  is a black card, we have not only that Jim knows  $(E_3)$  – thereby refuting Fitelson’s counterexample – but also that Jim has evidence John does not have. Again, all this turns on what  $(E_2)$  is, and, again, John and Jim are not peers.<sup>7</sup>

What about the claim that (EEE3) is trivial? We agree that taking the slogan *evidence of evidence is evidence* without qualification does render it trivial, as Comesaña and Tal argue. But, again, the principle as applied to cases of disagreement restricts the evidence one has to the fact that the other has evidence. On such a reading (EEE3) says that if  $S_1$  has evidence  $(E_{1*})$  that his disputer  $S_2$  has evidence  $(E_{2*})$  against  $p$ , then  $S_1$  has evidence  $(E_{3*})$  against  $p$ . It remains to be shown that the principle so understood is trivial.

## 2. The correct reading of (EEE)

Two of Feldman’s formulations of (EEE) are:

- (1) If  $S$  has evidence for the proposition that evidence exists in support of  $p$ , then  $S$  has evidence for  $p$ .<sup>8</sup>

and

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<sup>7</sup> That they are not peers is clear since one party knows which card  $c$  is and the other does not. It should also be noted that my having evidence that you have (what you take to be) evidence *eo ipso* renders us non-peers, strictly speaking: even if you do have the evidence I have evidence you have, *you* do not have the evidence I have that you have it.

<sup>8</sup> Feldman, “Evidentialism, Higher-Order Evidence, and Disagreement,” 308.

(2) If  $S$  has evidence ( $E_1$ ) supporting the proposition that there is someone who has evidence that supports  $p$ , then  $S$  has some evidence ( $E_2$ ) that supports  $p$ .<sup>9</sup>

Although (1) and (2) may appear to be equivalent, their antecedents are different and that of (1) does not entail that of (2). There being evidence does not entail that someone has it. Suppose the butler did it in the billiard room and subsequently tossed the dagger into the lake. Even though there is evidence that the butler is guilty (the murder weapon with his fingerprints all over it), it is possible that no-one will ever find it. There is evidence, moreover, that Feldman thinks that (2) is a better way to capture what he has in mind. In an attempt to explain (1), Feldman says

(2\*) This does not mean that if I learn that you have evidence for  $P$ , I thereby obtain your evidence. If there is experiential evidence, then when you have a headache, you have experiential evidence supporting the proposition that you have a headache. When you tell me that you have a headache, I don't thereby get your headache. But I do then have reason to think that you have a headache. I get evidence, but not your evidence.<sup>10</sup>

The idea is that “when one learns that another person has evidence supporting a proposition, one has evidence supporting that proposition oneself.”<sup>11</sup> It is my having evidence that you have evidence that  $p$  that gives me evidence in favour of  $p$ , not having the evidence you have. The evidence I get is *solely* about your attitude towards  $p$ . This is what lies behind what Feldman calls “the key evidential fact about disagreement”:

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<sup>9</sup> Feldman, “Evidence of Evidence is Evidence,” 292.

<sup>10</sup> Feldman, “Evidentialism, Higher-Order Evidence, and Disagreement,” 309.

<sup>11</sup> Feldman, “Evidentialism, Higher-Order Evidence, and Disagreement,” 308.

(3) If  $S$  believes  $p$ , and  $S$  learns at  $t$  that an epistemic peer with respect to  $p$  who shares  $S$ 's evidence concerning  $p$  disbelieves  $p$ , then  $S$  acquires some evidence against  $p$  (...) *It is simply learning of a peer who disbelieves  $p$  that provides evidence for him against  $p$ .* And the underlying idea here can be put not as a principle about justification at all but instead as a principle about epistemic support ... (our emphasis)<sup>12</sup>

This fact underlies the following principle about evidential support in cases of peer disagreement:

(4) The proposition that  $S$ 's peer - whose evidence concerning  $p$  is the same as  $S$ 's - disbelieves  $p$  is evidence against  $p$ .<sup>13</sup>

Note that while (1) and (2) are not restricted to *peer* disagreement, (3) and (4) are. It is the fact that  $S$ 's *peer* disbelieves  $p$  that occupies the place of 'evidence<sub>2</sub>' in the principle 'evidence<sub>1</sub> of evidence<sub>2</sub> is evidence<sub>3</sub>.' The principle does not say that  $S$  thereby has access to a proposition on which the peer's disbelief is based. In a case of peer disagreement,  $S$  and her peer share one and the same body of evidence,  $E$ . When  $S$  learns that her epistemic peer disagrees with her,  $S$  acquires evidence<sub>1</sub> supporting the claim that her peer disagrees with her. But it cannot be that  $S$  learns that her peer disagrees with her by acquiring new information about her peer's evidence, or by learning that her peer has access to a piece of evidence that  $S$  does not. If that were the case, they would not be peers in the first place. Their evidence would not be the same to start

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<sup>12</sup> Feldman, "Evidentialism, Higher-Order Evidence, and Disagreement," 298.

<sup>13</sup> Feldman, "Evidentialism, Higher-Order Evidence, and Disagreement," 298.

with, thus we would not be facing a problem of peer disagreement. The only new information, or evidence, that  $S$  has is *that her peer disagrees with her*. Evidence<sub>1</sub> is solely about the propositional attitude of  $S$ 's peer towards  $p$ . Feldman's formulations in (3) and (4) clearly say that knowing that one's peer denies  $p$  is sufficient to give one evidence against  $p$ .<sup>14</sup>

Feldman is not alone in endorsing (EEE) for cases of peer disagreement. When stating the main motivations for conciliationism, David Christensen claims that “the peer’s disagreement gives one evidence that one has made a mistake in interpreting the original evidence, and that such evidence should diminish one’s confidence in  $P$ .”<sup>15</sup> Observe that, again, (EEE) is applied to a special case: it is not evidence of *what* evidence your peer has concerning  $p$ , but evidence solely *that* your peer disagrees with you that gives you evidence against  $p$ .<sup>16</sup> Thomas Kelly says that our total evidence in a case of peer disagreement includes “(i) the original, first-order evidence  $E$ , (ii) the fact that you believe that  $p$  on the basis of  $E$ , and (iii) the fact that I believe that not- $p$  on the basis of  $E$ .”<sup>17</sup> In setting up what she takes to be the problem of peer disagreement, Cather-

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<sup>14</sup> Of course, once I come to think, rightly or wrongly, that my supposed peer disagrees with me, I can no longer think her my peer. Thinking that we disagree entails thinking that either we have different evidence or we are evaluating the same evidence differently because of a difference in our epistemic abilities. And not only can I not think that she is my peer – she cannot be, since even if I am mistaken in thinking that she disagrees with me, she does not have the evidence on the basis of which I formed my false belief that she disagrees. For more on these aspects of the matter, see John Biro and Fabio Lampert, “‘Peer Disagreement’ and Evidence of Evidence,” unpublished manuscript.

<sup>15</sup> David Christensen, “Disagreement as Evidence: The Epistemology of Controversy,” *Philosophy Compass* 4, 5 (2009): 757.

<sup>16</sup> The title of Christensen’s – “Disagreement as Evidence” – is revealing.

<sup>17</sup> Thomas Kelly, “The Epistemic Significance of Disagreement,” in *Oxford Studies in Epistemology*, Vol. 1, eds. Tamar S. Gendler and John Hawthorne (Oxford: Oxford University Press, 2005), 190.

ine Elgin claims that “If someone with the same evidence, training, background knowledge and reasoning abilities came to the opposite conclusion from Jack’s, *that* is evidence that Jack’s grounds are inadequate.”<sup>18</sup> (our emphasis) Adam Elga asks, “How much should this news [that your peer disagrees with you] move you in the direction of her view?”<sup>19</sup> Finally, Harvey Siegel claims that at least according to Feldman, Christensen, and Kelly, “the fact that a peer disagrees with one constitutes evidence that is relevant to the rationality of one’s belief.”<sup>20</sup> They all endorse Feldman’s principle as applied to peer disagreement. None of them, however, need to endorse (EEE) in its general form, where the evidence I have evidence of your having is not restricted to the mere fact that you disagree with me.

We have seen that both Fitelson and Comesaña and Tal interpret (EEE) as saying that evidence<sub>1</sub> is about what evidence<sub>2</sub> is and, in particular, about the latter’s relation to *p*. As we have argued, insofar as (EEE) is supposed to be relevant to disagreement, it is not in virtue of these. This is especially clear insofar as it is supposed to be relevant to peer disagreement. If the evidence which I have evidence you have (evidence<sub>2</sub>) is evidence I do not have (as is the case with Fitelson’s Jim), that is enough to render us non-peers, so that in a case of peer disagreement what evidence<sub>1</sub> is evidence of cannot be *that*. It must be admitted that the slogan *evidence of evidence is evidence* may encourage thinking that it is (as may (1) and (2)). It would have been less misleading, if less catchy, to say that evidence of disagreement is evidence, thereby distinguishing it

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<sup>18</sup> Catherine Elgin, “Persistent Disagreement,” in *Disagreement*, eds. Richard Feldman and Ted A. Warfield (Oxford: Oxford University Press, 2010), 54.

<sup>19</sup> Adam Elga, “Reflection and Disagreement,” *Nous* 41, 3 (2007): 484.

<sup>20</sup> Harvey Siegel, “Argumentation and the Epistemology of Disagreement,” *Cogency* 5, 1 (2013): 144-145.

from a principle governing evidence in general.<sup>21</sup> In Feldman's different formulations it is clear that what (EEE) says in cases of peer disagreement is that evidence<sub>1</sub> is evidence *that* one's supposed peer has a propositional attitude, not evidence about what proposition the attitude is an attitude to. That is the only principle relevant to cases of (supposed) *peers* disagreeing. Not only that, (EEE) understood *a la* (3) and (4) is also the only principle that could be plausibly thought of as a guide to epistemic conduct in any case of disagreement in which one does not know why the other disagrees. If one does know that, normal standards of evidence assessment kick in.

### **3. Is evidence of evidence evidence?**

What about (EEE) as a principle applied to disagreement in general? Is my having evidence that you have evidence that *p* evidence for me that *p*? We do not think that so. Suppose that I suspect you of being the embezzler. Seeing you stealthily burn some papers, I have evidence that you have what you think (or, perhaps, want me to think you think) is evidence that you are the embezzler and are trying to get rid of it. This may give me good reason to suspect that you are guilty. But it is not evidence that you are. Only if I saw the papers and saw that they did, indeed, incriminate you, would I have *that*. But then it would not be the evidence I have that you have evidence that is my evidence that you are. It would be the evidence you have. While in seeing you burn the papers I acquire evidence that you think that the papers are incriminating,

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<sup>21</sup> It should be stressed that this would by no means make Feldman's thesis circular. As we have shown above, most writers *do* take peer disagreement as evidence against one's belief. What they worry about is what, given this, one should do when one learns that one's peer disagrees. Here is where the literature branches into conciliationism, equal weight, stick to your guns, and so forth, these being different views on what is the proper epistemic response to what one should do in the presence of disagreement by a (supposed) peer, given one's own evidence for believing what one does.

that is not evidence that they are. Only if I saw you stealthily burn some papers that I had reason to believe actually contained information incriminating you, would I have evidence that you are guilty. Since I do not know what is in the papers, I do not have such evidence.

Evidence is usually taken to be an indicator, mark, or sign, that something is the case.<sup>22</sup> My frowning is a sign of my anger, the doorbell's ringing an indication that someone is at the door, hoof-prints, that the animal went by. We must ask, then, what does my seeing you stealthily burn some papers indicate? Is it a sign of your guilt? A sign that you are the embezzler? Or is it indicating only that *you think* that the papers contain incriminating information? Writers on peer disagreement typically do not say much about what notion of evidence is in play, taking it for granted that learning that one's peer disagrees with one is evidence (in some sense) against one's belief. Perhaps this is because they think that having such evidence comes to nothing more than having a reason not to believe what one does.<sup>23</sup> But why think that someone's believing that *not-p* is a reason (let alone a *good* reason) to believe that *not-p*, unless one thinks that the someone in question is epistemically superior? Even then, having a reason to believe that *p* is not the same thing as having information that indicates that *p*. Take, again, the case where I see you stealthily

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<sup>22</sup> In a fallibilist sense. Otherwise, someone's having evidence that a state of affairs obtains would guarantee its obtaining. It is worth noting that, in a different paper, Tal and Comesaña think of evidence in this way: "We will assume ... that someone has a proposition as evidence only if that proposition is true .... To make that factivity transparent, we will symbolize that subject *S* has evidence *e* with '*T(e) ^ S(e)*.'" (Eyal Tal and Juan Comesaña, "Is Evidence of Evidence Evidence?" *Noûs* 50, 4 (2015): 98) This is why they can say that they "... assume that the proposition that there is evidence for *p* is itself evidence for *p*." (Eyal Tal and Juan Comesaña, "Is Evidence of Evidence Evidence?" 110, footnote 7) (What they mean, presumably, is that if there is evidence in favor of *p* that entails that *p*, to have evidence that there is is to have evidence that *p*.)

<sup>23</sup> See, for instance, Feldman's quote in (2\*).

burn some papers. Does my seeing you burn the papers give me reason to believe you are guilty? Yes, especially if I already suspect you. But it does not indicate that you are. It is no evidence of this.

Insofar as I am not aware of the content of those papers, I cannot say whether they incriminate you. If they do, then you are in fact burning evidence that you are guilty. If they do not, then you are not. There is nothing that tells me which is the case. So, what is my seeing you burn some papers evidence of? Obviously, only that you *take* them to be evidence of your guilt.<sup>24</sup> Here, it is unclear whether Fitelson's notion of evidence as raising epistemic probability would be of any use. Since I do not know what is in the papers, if my seeing you stealthily burn some papers raises the epistemic probability of anything at all, it would be of the fact that you *take* the papers to be incriminating, not of their actually being so.<sup>25</sup> For the latter, I must know what they say. We can agree that evidence is a sign; the question is, of *what* it is a sign?

Nevertheless, it may still be urged that my seeing you stealthily burn some papers *is* evidence, when added to my suspicion of your being the embezzler, that you think they show you to be guilty, which raises the epistemic probability that you *are*. Factoring in my suspicion in this way, will not, however, help the friend of (EEE). What is supposed to raise the epistemic probability that you are guilty is information about you. However, my being suspicious is not information about you, but a fact about me. Suppose that after the evidence is presented to the jury we say "moreover, we have always suspected the defendant." Surely, we do not thereby add to the evidence against him.

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<sup>24</sup> It need not be good evidence, of course. You may be laying a false trail in order to save the real culprit.

<sup>25</sup> And even less of your being guilty: there can be incriminating evidence against someone innocent.

Finally, it remains to be explained what it is for something to be a sign, or evidence, that something is the case. We have argued that seeing you burn the papers is a sign only that you take the papers to be incriminating, not that they are. Is there a way to mark the difference? We believe there is. My having evidence that you think the papers show that you are guilty is my seeing you burn them. That evidence is explained not by your being guilty but your thinking (or pretending to think) that they show you to be guilty. It is *your* evidence that you are guilty (if that is, indeed, what the papers show) that is explained by the fact that you are guilty. What is lacking between the evidence I have that you have evidence that you think shows that you are guilty and your being guilty, if you are, is what we may call a *content-connection*. If  $e$  is evidence that  $p$ , then  $e$  is explained by  $p$ 's being the case. But, as we said above, my having evidence that you have evidence that  $p$  is not explained by  $p$ . It is your evidence (if it is good evidence) that is explained by  $p$ . Hence my evidence that you have evidence that  $p$  is *not* evidence, that  $p$ .

We can illustrate this with an example. Suppose that Jones, a respectable mathematician, tells me that he has finally proven Goldbach's conjecture. In this case I have testimonial evidence<sub>1</sub> that Jones has evidence<sub>2</sub> that  $p$ , where  $p$  is "for any even integer  $n$  greater than 2, and primes  $a$  and  $b$ ,  $a+b=n$ ." Jones' evidence, if good, in effect entails  $p$ , since his evidence is a proof. Thus, according to (EEE), I have *eo ipso* acquired evidence<sub>3</sub> that  $p$ . Now, the first thing to notice is that, if by Jones' testimony I have acquired evidence at all, it is evidence different from Jones' own. For he has a proof that  $p$ , whereas I have only his testimony. As it is, this is not a problem for (EEE), for, as Feldman himself says, by learning that you have evidence that  $p$  I do not thereby "obtain your evidence."<sup>26</sup> The evidence I have does not entail  $p$ , whereas Jones' evi-

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<sup>26</sup> Richard Feldman, "Evidentialism, Higher-Order Evidence, and Disagreement," 309.

dence does. Even if his proof is correct and I believe that it is, Jones' *telling me* that he has a proof of  $p$  (which is my evidence that he has one) does not entail  $p$  – it is the proof that does that. But then Jones' evidence that  $p$  is explained by  $p$ 's being the case, whereas the evidence I have (Jones' testimony) is explained by Jones' *belief* that he has evidence that  $p$ , hence not by something that gives me evidence that  $p$ .<sup>27</sup> He has the proof, I have his testimony.<sup>28</sup> He knows that  $p$ , I know only that he believes that  $p$ .

What about the fact that Jones is an authority on the matter? If I know this, is that not a reason to grant him knowledge? If I know Jones to be an expert (and honest), his testimony is clearly a reason (and a good one) for me to believe that he knows what he claims to know. However, that is not enough to say that he does. His testimony can also be explained by his mistakenly believing that he has a proof. Expertise does not entail infallibility, hence Jones' testimony is not explained by his having, in fact, a proof. Since I have no evidence concerning whether or not he is mistaken, I have no evidence, even indirectly, about whether what he claims to know is true – even if knowing that he is an expert gives me reason to think that it is likely to be. Thus, even though having evidence that  $p$  gives one a reason to believe that  $p$ , the converse does not hold. Not everything that is a reason for believing that something is evidence that that thing is so. One can have reasons to believe (expert testimony, suspicious behaviour) even when the evidence is

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<sup>27</sup> Even if, as Feldman remarks, it gives me reason to believe it. The problem lies precisely in the conflation of having a reason and having evidence.

<sup>28</sup> This does not entail, as someone may think, that testimony is not evidence. We have agreed that I acquired evidence of *something* when Jones told me about his result. The dispute is over what that was.

not, and may never be, available to one.<sup>29</sup> Thus even if my (supposed) peer's dissent gives me a (defeasible) reason to believe that *not-p*, this is not the same thing as having evidence that *not-p*. And if I take his dissent to be based on some evidence he has that I do not have, rather than on his assessing the evidence we both have differently, what (EEE) should be understood as saying is that evidence of evidence is a reason for at least re-visiting the evidence on which my belief is based.<sup>30</sup>

Finally, if we took 'evidence' to be factive, having evidence that there is evidence that *p* (whether someone has it or not) *would be* evidence that *p*. But then it would be useless as a guide to epistemic conduct in the cases – surely, most – in which my evidence that my disputant – peer or not – has evidence that *p* does not tell me that he has evidence that entails that *p*. In fact, typically the evidence one has that the other has evidence that *p* does not even tell one whether the latter is in the least supportive of *p*. (EEE) is, surely, intended by Feldman and other advocates of it to be a fallibilist principle.

Should it be objected that there is no reason not to take (EEE) at face value and the second "E" in it to refer not just to one's disputant's belief that *p* but to the evidence on which that belief is (justifiably or not) based, we answer that that would make no difference. As long as one does not know what that evidence is (and thus, *a fortiori*, does not know whether it entails or

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<sup>29</sup> Compare: Sam, a reliable witness, says she has video footage locating the suspect at the crime scene. Even though I believe Sam is being honest, having thereby a reason to think the suspect guilty, if what Sam says is true, she has evidence incriminating the suspect, whereas I do not.

<sup>30</sup> Perhaps the distinction between direct and indirect evidence some draw is intended to mark the difference we see as one between evidence and reasons. (Harvey Siegel, "Argumentation and the Epistemology of Disagreement," 144-145, footnote 1) But, as we have just argued, something can be a reason without being even indirect evidence.

even supports  $p$ ) one does not have evidence that  $p$  by having evidence<sup>31</sup>. To have evidence that someone takes something to be evidence that  $p$  is not to have evidence that  $p$ .

We suggest that when faced with disagreement by a supposed peer or even near-peer, the rational thing to do is to take that disagreement as a reason for re-assessing the evidence on which one's belief is based and one's reasoning from that evidence.<sup>31</sup> (This is the kernel of truth in conciliationism.) We may dub this principle, namely, 'evidence of disagreement is reason for re-assessment', (EDRR). Admittedly, not as catchy a slogan as (EEE) – but it has the advantage of being true.

### **Acknowledgments**

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<sup>31</sup> We say, "supposed peer," for evidence that someone disagrees with one is, if it is evidence of anything, is evidence that the one disagreeing is not one's peer.