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EPISTEMIC JUSTIFICATION, RIGHTS, AND PERMISSIBILITY

Anthony BOOTH, Rik PEELS¹

ABSTRACT: Can we understand epistemic justification in terms of epistemic rights? In this paper, we consider two arguments for the claim that we cannot and in doing so, we provide two arguments for the claim that we can. First, if, as many think, William James is right that the epistemic aim is to believe all true propositions and not to believe any false propositions, then there are likely to be situations in which believing (or disbelieving) a proposition serves one of these goals, whereas suspending judgement serves the other, equally important goal. Second, it is in principle always possible to have different epistemic standards for evaluating the evidence for the proposition in question, so that one can have a right to believe (or disbelieve) that proposition and a right to suspend judgement on it. Whereas the first consideration counts in favour of the idea that believing justifiedly is at least *sometimes* a matter of having an epistemic right, the latter consideration favours the view that believing justifiedly is *always* a matter of having an epistemic right.

KEYWORDS: epistemic justification, epistemic rights, permissibility, Jeffrey Glick

Consider the idea that being epistemically justified in believing that p should be understood in terms of whether or not one has a *right* to believe that p . Let us call this thesis the *Right Thesis* (RT):

RT: S justifiedly believes that p iff (i) S believes that p , and (ii) S has an epistemic right to believe that p .

As Hector Castañenda notices, RT is a view that has been advocated by several epistemologists:

Most epistemologists, concerned with [a] person's actual beliefs, tend to understand the schematic sentence " S is justified in believing that p " as ... S believes that p and S has a right to believe that p (or, S believes that p and it is permissible for S to do so.)²

¹ This paper is a collaborative effort to which each of us has contributed equally.

² Hector N. Castañenda, "Knowledge and Epistemic Obligation," in *Philosophical Perspectives* 2, ed. James Tomberlin (Atascadero: Ridgeview, 1988), 213. Castañenda's point seems convincing; see, for instance, Fred Dretske, "Entitlement: Epistemic Rights without Epistemic Duties?" *Philosophy and Phenomenological Research* 60, 3 (2000): 592-8, Charlotte Katzoff,

So the question of whether RT is true is independently interesting and important. But we think it is important also because of its relation to the following thesis which we call the *Permissibility Thesis* (PT):

PT: For any person S , evidence base E , and proposition p , there are at least two doxastic attitudes that, given E , S is epistemically permitted to have towards p .³

As with RT, whether or not PT is true is independently important. But it is also important because of its bearing on the issue of peer-disagreement, viz. the question of whether the fact that an epistemic peer disagrees with S about p is evidence that bears on whether p is true and can make a difference as to whether or not S is epistemically justified in believing that p . We point this out, because there is an important relationship between PT and RT: it seems that PT entails something like RT. If two doxastic attitudes towards the same proposition p are equally permissible for some person S , then it seems correct to say that S has an epistemic *right* to adopt either of these attitudes. But if PT entails RT, then if there are convincing arguments against RT, PT is equally in trouble. This provides a second reason to consider whether there are convincing arguments against RT.

While there are several well-known argument's against PT, there are not many arguments explicitly directed against RT. One such argument,⁴ however, goes as follows: one's having a right to φ is most plausibly understood as one's having either a *claim right* or a *privilege right* to φ . But we have neither a privilege right nor a claim right to believe certain propositions given our evidence. We, therefore, have good reason to think that RT is false. We have a claim right to φ iff all others are *prima facie* obliged not to try to stop us from φ -ing. Thus, we have a claim right to believe that p iff others are obliged not to try to stop us from believing that p . We will not discuss this conception of doxastic rights, since we are only concerned with what it is for an *individual* to be epistemically justified in

"Counter-evidence and the Duty to Critically Reflect," *Analysis* 60, 1 (2000): 94, and Nikolaj Nottelman, *Blameworthy Belief: A Study in Epistemic Deontology* (Dordrecht: Springer, 2007), xii.

³ A weaker version of PT would have it that only sometimes is it the case that there are at least two doxastic attitudes S could permissibly have taken toward p given E . In what follows, we focus on the stronger version of PT. We argue that there is no reason to think RT is false. This means that these arguments against RT provide no reason to think that the stronger version of PT is false. But if there is no reason to think that the stronger version of PT is false, then there is no reason to think that the weaker version of PT is false.

⁴ Jeffrey Glick, "Justification and the Right to Believe," *The Philosophical Quarterly* 60, 240 (2010): 532-544.

believing a proposition, and focus on doxastic rights (rights to believe) as privilege rights.

S has a privilege right to believe that *p* iff (i) *S* is a candidate for having certain epistemic duties, and (ii) *S* has no epistemic duty or obligation not to believe that *p*. The first clause is meant to exclude those individuals, such as young children and mentally incompetent people, who seem to have neither epistemic rights nor epistemic duties. We will assume this point is correct. Next, the conception of doxastic rights as privilege rights still leaves the adherent of RT with two different options for interpreting the relevant doxastic rights. These options lead to the following definitions of RT:

- RT₁: *S* justifiably believes that *p* iff (i) *S* is a candidate for having certain epistemic duties, (ii) *S* is permitted to either believe that *p* or to withhold judgement on *p*, and (iii) *S* has an epistemic obligation not to disbelieve that *p*.
- RT₂: *S* justifiably believes that *p* iff (i) *S* is a candidate for having certain epistemic duties, (ii) *S* is permitted to believe that *p*, and (iii) *S* has an obligation not to withhold judgement on *p* and not to disbelieve that *p*.⁵

RT₂ is clearly problematic, for on this conception of doxastic rights one has a right to believe that *p* just in case one has an epistemic obligation to believe that *p*. But if one has an epistemic obligation to believe that *p*, then suspending belief on *p* and disbelieving that *p* are impermissible, so that it seems incorrect to talk about an epistemic right in such a case.

As to RT₁, Glick claims that there is a certain class of propositions such that if one's evidence justifies one in believing them, one has an epistemic obligation to believe them. RT₁ says that if one is epistemically justified in believing that *p*, then it is permissible for one to suspend judgement on *p*. But then, it seems to follow that RT₁ is false, for if one has an obligation to believe that *p*, it cannot be the case that one can permissibly suspend belief on *p*. Glick's crucial claim is, therefore, that we are sometimes obliged to believe some proposition. He provides two considerations in favour of this view.

First, it follows from the *Jamesian goals*. According to William James, the twin goals of cognition are to believe *all* true propositions and to believe *only* true propositions. These two goals should be in balance, for if they are not, we will either acquire large amounts of false beliefs or very few true beliefs. This means

⁵ The formulations of RT₁ and RT₂ are our own. We think they are simpler, equivalent to, but easier to work with than Glick's JustRight_{EPR I} and JustRight_{EPR II} (see Glick, "Justification and the Right to Believe," 536-7).

that in certain circumstances one should *not* believe a particular proposition, for one would thereby run too much risk of forming a false belief. And it also means – and this is the crucial point – that in other circumstances one *should* believe (or has an epistemic obligation to believe) a particular proposition, for if one were not to believe the proposition in such circumstances one would thereby run too much risk of not forming a true belief. It follows from the twofold Jamesian goals, then, that we sometimes have an epistemic obligation to believe a proposition.

Second, it follows from cases of *overwhelming evidence*. Glick asks us to imagine that a mock jury member is presented with overwhelming evidence in favour of the guilt of the defendant. If RT_1 were true, she could conclude from the fact that she has overwhelming evidence in favour of p , that she is epistemically justified in believing that p . But then she could conclude from RT_1 that she also has an epistemic right to suspend belief on p . If, consequently, she withholds belief on p , it seems that the other mock jurors have a legitimate complaint against her: her suspension of belief seems, intuitively, epistemically blameworthy and, hence, unjustified.

However, we think that there are two ways out for the advocate of RT. First, she might point out that one could combine RT_1 and RT_2 . The resulting understanding of epistemic justification is cashed out in terms of a disjunction of obligations and privilege rights and it meets the objection:

RT_3 : S justifiably believes that p iff (i) S is a candidate for having certain epistemic duties, (ii) it is not epistemically permissible for S to disbelieve that p , and (iii) S has or does not have an obligation not to suspend judgement on p .⁶

We should note that there are two different ways of interpreting RT_3 . On the one hand, one could think that the fact that sometimes two doxastic attitudes are equally permissible and sometimes a particular doxastic attitude is obliged means that we at least *sometimes* have an epistemic right, namely just in case two doxastic attitudes are equally permissible. On the other hand, one might think that one has an epistemic right just in case sometimes two doxastic attitudes are permissible and sometimes a particular doxastic attitude is obliged. This might seem to be an unusual definition of rights. But at least under this definition, unlike the definition alluded to in RT_2 , having a right to believe that p does not *entail* having an obligation to believe that p . Nevertheless, let us work with the first interpretation for the rest of this paper.

⁶ The third clause of RT_3 is, of course, logically redundant. We have put it in, however, to make the disjunct that plays such a crucial role manifest for the purposes of our discussion.

If the class of propositions on which S is neither obliged to believe nor obliged to suspend judgement is not empty, then epistemically justified belief is at least *in some cases* a matter of one's having a right to believe that p . Considering the Jamesian goals in fact provides us with good reason to think that there are such cases. This is because it seems plausible that there are cases in which one's evidence is neither clearly balanced (equally in favour of p as in favour of $\neg p$) nor clearly in favour of p . In such evidential circumstances believing rather than suspending belief will favour the goal of believing all truths, whereas suspending belief rather than believing will favour the goal of not believing any falsehoods. But both goals bear equal value and one has to believe or not believe – the latter option is simply a negation of the former. This means that believing and suspending belief will be equally permissible in such scenarios. But then one has a right to believe or suspend judgement in evidential circumstances like these.

Note that RT₃ meets the objection to RT₂, for it is *not* the case that under RT₃ one is justified in believing that p just in case one is obliged to believe that p . This is because the first disjunct of RT₃'s condition (iii) creates sufficient room for scenarios in which two different doxastic attitudes are equally permissible.

The second way also saves a stronger version of RT, on which to believe justifiedly *is* to have an epistemic right. It does so by claiming that what determines whether or not one's doxastic attitude is epistemically justified is not solely a matter of one's evidence bearing on p . It seems to us that different but equally justified epistemic standards may result in different doxastic attitudes on the basis of the same evidence base bearing on p , because one's evidence base for those epistemic standards may vary or one may suffer from bad luck. After all, the fact that one's epistemic standards are reliable does not imply that they are infallible. On encountering a disagreeing epistemic peer one might conclude that though her epistemic standards are reliable, she has suffered from bad luck in this case in forming a false belief (so I can consider her belief justified and yet not believe that I should alter mine). If that is true, then there will always be in principle two different doxastic attitudes that one could take that could be equally justified in the face of the same evidence base bearing on p , since someone else might have an equally justified set of epistemic standards, different from mine, which she uses to evaluate the evidence we both have.

One might think that for certain obviously true propositions for which we all have ample evidence, there are not and could not be any epistemic standards that would justify disbelief or withholding judgement. For instance, for the proposition p that there are other people we all have conclusive evidence. One might think that there could not be any epistemic standards that could justify

disbelieving or withholding judgement on p . But this is false. One may have good reasons to think that one frequently suffers from perceptual hallucinations, one of which is that there are other people. If so, one might have the epistemic standard that if some proposition entails that other people exist, it should not be believed. Obviously, such cases will be exceptional, but there is nothing incoherent about them. And that is all that the adherent of RT needs.

What notion of evidence should we be working with here, however? Merely one's evidence bearing on p ? Or should we take 'evidence' to mean *all* one's evidence, one's *total* evidence, where that evidence includes both the evidence that bears on p and the evidence that bears on one's epistemic standards? Is it not true that *that* evidence base renders one particular doxastic attitude towards p uniquely justified? In other words, could not the opponent of RT just insist that when two persons S and S^* bring to bear different standards on their evidence in relation to p , then S and S^* do *not* share the same *total* evidence with respect to p , after all?

The problem we have with this move is that in making it, RT's opponent would owe us an account of what it is for one's evidence to be *total*. This turns out to be more difficult than one might initially think. First of all, as a preliminary, let us note that we are interested in what one's total evidence is with respect to the question of which evidence is relevant to whether or not one is epistemically justified in believing a proposition. Perhaps S 's total evidence could just be all the evidence there is, but unless S is some kind of deity, we do not need to bring to bear all the evidence there is in order to determine whether or not S is epistemically justified in believing that p .

The trouble is, do we allow evidence about our epistemic standards, which might include beliefs or standards about how to weigh our epistemic standards, to figure in our determination of what S 's total evidence is? If we do allow it, then we need to confront something like the old problem of the criterion: it seems arbitrary to stop with standards and evidence with respect to one's standards. We should include in what we consider to be our total evidence our standards and evidence employed to determine what our standards are that we employ to evaluate the evidence for one's standards, and so on, *ad infinitum*.

So how might one block the regress? It seems to us that the available strategies turn out to be incompatible with the move under consideration against RT. What all the varieties of foundationalism and coherentism do in response to the regress problem, in effect, is give up on the idea that one's epistemic standards are justified by evidence – they are 'justified' by something else. Infitism makes a similar concession, though its proponents allow for a kind of justification –

‘propositional’ justification – upon which infinite evidence has a bearing. But only evidence upon which *S* has based her belief that *p* is relevant to what Infinitists call ‘doxastic’ justification and can thus be part of *S*’s total evidence, and only doxastic justification is, by all accounts, epistemic justification (when we are looking for what it is that justifies *S* in believing that *p*). And here is how this reflects back on PT and RT: since evidence that bears on one’s standards is not evidence that is relevant to answering the question of whether *S* is justified in believing that *p*, it cannot be part of *S*’s total evidence for *p* (in relation to whether *S* is justified in believing that *p*). So it is always possible for *S* to be justified in believing that *p* and *S** to be justified in having another doxastic attitude toward *p* even where *S* and *S** share the same evidence, since *S*’s standards for evaluating the evidence might differ from those of *S**. And one cannot claim that when their standards differ, *S* and *S**’s evidence differs, without engendering an infinite regress. Or, if the opponent of RT were to make this claim, she would owe us a new solution to the problem of the criterion that did not rely on denying that epistemic standards must be justified by evidence. That is an extremely tall order, it seems to us.

We conclude that we have good reason to believe that epistemic justification should be understood in terms of epistemic rights. First, if, as William James claimed, the twofold aim of cognition is to believe all truths and not to believe any falsehoods, then there are bound to be situations in which believing (or disbelieving) and suspending belief are equally permissible, so that one has a right to believe or suspend belief in such cases. And, second, the fact that people can in principle always justifiably hold different epistemic standards for evaluating their evidence base guarantees that there are always two epistemically permissible doxastic attitudes in any evidential circumstances, so that one has a right to believe or suspend belief.⁷

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