This is the accepted version of a chapter published in *Higher-Order Evidence and Moral Epistemology*.

Citation for the original published chapter:

Risberg, O., Tersman, F. (2020)  
Disagreement, Indirect Defeat, and Higher-Order Evidence  
Routledge Studies in Epistemology

N.B. When citing this work, cite the original published chapter.

Permanent link to this version:  
http://urn.kb.se/resolve?urn=urn:nbn:se:uu:diva-395244
Disagreement, Indirect Defeat, and Higher-Order Evidence

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1. Introduction

A belief can be challenged in both direct and indirect ways. While a direct challenge gives evidence that the belief is false, an indirect challenge targets the justification of the belief rather than its truth. For example, the evidence invoked by an indirect challenge may indicate that none of the considerations the subject took to support the belief actually does so, as the best explanation of those considerations is neutral to the truth of the belief. Alternatively, it may suggest that the belief was formed under the influence of factors (such as sleep deprivation or a mind-distorting drug) which undermine the subject’s ability to make reliable assessments in the relevant area. Such challenges do not show the target beliefs to be false, of course. After all, the fact that we have come to believe that Ljubljana is the capital of Slovenia under the influence of LSD is hardly a strong indication that Ljubljana is not the capital of Slovenia. The idea is that they may nevertheless command abandoning the target beliefs, by undermining their justification.

Evidence of the first kind (evidence that pertains directly to the truth of the target beliefs) is usually called “first-order evidence” while evidence of the latter kind is sometimes labelled “higher-order evidence”. Common examples of challenges which involve higher-order
evidence are, as illustrated above, those that point to factors suggesting that the subject’s cognitive abilities are somehow impaired or that the conditions for their proper functioning are not satisfied, such as bad lighting and the like.\(^1\) Other examples include so-called “debunking arguments”, although such arguments usually target whole sets of beliefs (such as all our moral beliefs) rather than particular ones, by relying on more general theories about their causal background (such as theories about their evolutionary history). Yet further examples of indirect challenges which invoke higher-order evidence are those that appeal to the fact that one’s beliefs are disputed by others who, by all appearances, are equally competent and well-informed as oneself. If one’s views are rejected by people who are in this sense one’s “peers”--the argument goes--then this is a reason to abandon the beliefs even granted that it is not a reason to conclude that they are false.

While appeals to higher-order evidence occur frequently in argumentative contexts, the status of such appeals is contested. Some question the undermining force of higher-order evidence on the ground that it can be misleading. Higher-order evidence is supposed to challenge the justification of a belief, for example by generating reasons to doubt that it obtains support from the available first-order evidence. What those who question the skeptical significance of higher-order evidence stress is that, although some fact may provide such a reason, and thus constitute compelling evidence to the effect that the target belief is not supported by the available first-order evidence, the belief might nevertheless be supported by that evidence. What they furthermore claim is that if the higher-order evidence is misleading in this way then it does not undermine the justification of the belief. While it perhaps gives us a reason to think that the belief is not warranted by the evidence and that it therefore is unjustified,

\(^1\) In the literature the term ‘higher-order evidence’ is used in two different ways. Some use it only to denote evidence pertaining to what one’s evidence supports. Others use it to denote information about one’s being drugged, sleep deprived, or the like; for example, Lasonen-Arnio describes higher-order evidence as “evidence that [one is] subject to a cognitive malfunction of some sort and hence, that [one’s] doxastic state is the output of a flawed cognitive process”. (2014: 315-16; cf. also Christensen 2010: 186). Since it is the epistemic implications of such information that we are mainly interested in we use the term in the latter way.
whether the belief is unjustified depends on whether it in fact is warranted by the evidence (which might be the case, they assume, even if there is evidence to the contrary),

That a piece of higher-order evidence pertaining to a certain belief may fail to make a belief unjustified even granted that it provides a reason to think that the belief is unjustified is the upshot of so-called “level-splitting” views. What do such views imply about cases where the higher-order evidence is not misleading (because what it indicates—i.e., that the target belief is not warranted by the relevant evidence—is in fact the case)? The answer seems to be that the higher-order evidence still fails to make the belief unjustified, since it was never justified in the first place. Higher-order evidence is supposed to command dropping a belief by defeating the justification we have for it, or by severing the evidential link between our first-order evidence and the belief. However, if the belief never in fact obtained any support from the subject’s first-order evidence then there was no evidential link to sever in the first place and so nothing to defeat. Hence, either way, although higher-order evidence may command revisions among a person’s views about whether her (first-order) beliefs are justified, it does not command any revisions among the (first-order) beliefs themselves.²

This account of the level-splitters’ worries about the undermining force of higher-order evidence raises questions, but our main aim in this paper is not to evaluate those worries but to discuss their implications. We shall primarily focus on their implications for the prospects of the success of skeptical arguments from disagreement. As we noted, disagreement belongs to the set of phenomena that are often classified as being higher-order evidence, and the worries about the undermining force of higher-order evidence can therefore be seen to cast doubts on such arguments. After all, what those arguments are aimed to show is precisely that the disagreement that occurs in an area does generate a reason to drop the contested beliefs (and

not merely a reason to think that they are unjustified). So if it turns out that higher-order evidence lacks the capacity to yield such implications it may seem that skeptical arguments from disagreement are bound to fail.\(^3\) The purpose of this paper is to examine that idea.

2. Thesis and plan

What we shall do, more specifically, is to challenge the line of reasoning just indicated, and to argue that the worries about the undermining force of higher-order evidence leave the prospects of skeptical arguments from disagreement untouched. Part of our strategy will be to illustrate that facts about disagreement can defeat by playing other dialectical roles than that which is associated with higher-order evidence. For example, a straightforward way to argue that we should reduce our confidence in a belief which is opposed by someone else is to claim that her dissent counts as first-order evidence against the belief. If the opponent is sufficiently clever and reliable, then her dissent is a negative bit of evidence that directly indicates that the belief is false, regardless of whether it can also serve as higher-order evidence.

However, although the suggestion that dissent can defeat by being first-order evidence illustrates that the status of higher-order evidence does not settle the question of the undermining force of disagreement, we shall not rely on it in what follows. The reason is that it is not enough to secure the quite general and grave skeptical conclusions that those arguments are commonly taken to establish. What we have in mind are arguments to the effect that the disagreement that occurs in areas such as morality or religion is so deep and widespread that it undermines the justification of all our substantive beliefs in that area, and that it furthermore does so in a way which cannot be compensated merely by gathering more first-order evidence for those beliefs.\(^4\) The problem with the suggestion that a peer’s dissent may count as first-order evidence

\(^3\) An argument along these lines is presented in Tiozzo (2019: ch. 3).

\(^4\) We say ‘substantive’ since exceptions may be made for, e.g., the belief that freedom either is or is not intrinsically valuable.
evidence is that the negative bit of first-order evidence which the dissent amounts to must be weighed against the positive bits that may also be available, including both non-psychological pieces of first-order evidence and the fact that there are other peers who may agree with us. Since those pieces may outweigh the evidence provided by the dissenting verdict, the suggestion that dissent can undermine in virtue of being first-order evidence arguably cannot account for the wide-ranging and profound significance ascribed to disagreement by the arguments that we focus on.\(^5\) We shall therefore not pursue that suggestion but rather focus on a different idea.

Our point of departure is the distinction which David Christensen (2010), Maria Lasonen-Aarnio (2014) and others have made between higher-order evidence and what is sometimes called “undercutting defeaters” or “ordinary undercutters”.\(^6\) While both higher-order evidence and undercutters are taken to generate challenges that are indirect, the challenges are nevertheless commonly held to be different, in that the undermining force of undercutters is thought to work differently from that of higher-order evidence. What we shall argue is that, unlike the idea that disagreement defeats by being first-order evidence, the suggestion that it provides undercutting defeat is capable of accounting for the significance that skeptics have attributed to, for example, moral and religious disagreement.

The plan is as follows: In the next section (section 3) we elaborate how the distinction between higher-order evidence and undercutters is commonly understood and explain in more detail how undercutters can defeat. We then go on (in section 4) to illustrate how disagreement can serve as an undercutter along the lines indicated in section 3. In section 5 we address an

\(^5\) Thomas Kelly reaches a similar conclusion about the significance of disagreement when viewed as first-order evidence in 2010 (see, esp. pp. 197f).

\(^6\) Christensen (2010). The phrase “undercutting defeaters” is due to John Pollock, who suggests that what is characteristic about undercutting defeaters is that they attack “the connection between the evidence and the conclusion [which constitutes the content of the target belief] rather than…the conclusion itself” (1986, 39).
objection according to which the worries about the undermining force of higher-order evidence apply just as well to undercutters. We respond to this objection by illustrating how the worries about higher-order evidence presuppose certain quite radical externalist or objectivist views about the relation between evidence and justification which, when applied to ordinary undercutters, yield highly implausible consequences. The upshot is that if one insists on a strong parity between higher-order evidence and ordinary undercutters then the proper conclusion is not that the worries about the undermining force of higher-order evidence extend also to undercutters, but rather that they apply neither to higher-order evidence nor to undercutters. This conclusion further supports our thesis that worries about higher-order evidence fail to undermine the skeptical arguments from disagreement. We end by making some concluding remarks (section 6).

3. Higher-order evidence vs. ordinary undercutters

One of the philosophers who distinguish between defeat provided by higher-order evidence and undercutting defeat is David Christensen. It is his account of the distinction that provides the basis for our subsequent discussion.

Christensen’s explanation of undercutting defeat is based on the view that our justification for a belief sometimes proceeds via a background belief that links our evidence for the belief to its truth. Roughly, the idea is that while undercutters defeat by disconfirming such linking claims, higher-order evidence does not. The point about linking claims is illustrated thus:

I may find out that a yellow Hummer was seen driving down a murder-victim’s street shortly after the murder. This may give me evidence that Jocko committed the murder—but only because of my background belief that Jocko drives a yellow Hummer. This
background belief is needed to make the connection between the Hummer-sighting and the murderer’s identity. (2010: 188)

What does Christensen mean in saying that the background belief is “needed”? A hint is given by the fact that he stresses that “information about what Jocko drives is essential to the bearing of the Hummer-sighting on the question of who committed the murder” (2010: 188). The idea seems to be that the truth of the claim that Jocko drives a Hummer is required for the Hummer-sighting to stand in a relation of evidential support to the conclusion that Jocko committed the murder. That is strictly speaking not quite right, of course, as there are many other claims whose truth would also connect the evidence to the conclusion, such as (for example) that Jocko is constantly followed by someone else who drives a yellow Hummer. But we may perhaps assume that some such claim must be true for the Hummer-sighting to evidentially support the pertinent conclusion.

Importantly, however, the mere truth of such a claim does not in turn suffice, on Christensen’s account, for the Hummer-sighting to justify (or “give” him evidence for) his belief about Jocko. What has to be the case is rather that he reasonably accepts such a linking claim, at least implicitly. In other words, he must have a reasonable “background belief” whose content is the linking claim. And the point is that if the linking claim he thus accepts is that Jocko drives a Hummer, then we can sap his justification for the belief by giving evidence that refutes that claim. For, if the linking claim is thus refuted (and is not replaced by some other plausible linking belief) then his evidence fails to justify his belief. That is how an “ordinary undercutter” is supposed to defeat.

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7 Provided, of course, that he has no other, independent evidence for believing in Jocko’s guilt.
8 Note that as we have reconstrued Christensen’s account, it does not imply that in cases like the Jocko one, the subject’s linking belief must be true in order for her evidence to justify her belief. This leaves room for the possibility that one can undercut the belief also by presenting compelling though misleading evidence to the effect that the linking claim accepted is false.
Why take Christensen’s position to imply that the truth of a linking claim which connects the Hummer-sighting to Jocko’s guilt is insufficient for the sighting to justify his belief, but instead that he must (at least implicitly) accept some such claim? The answer is that without that supposition, it is hard to make sense of the following element of the account:

Consider a case where justification proceeds via an empirically supported background belief, as in the case where the sighting of a yellow Hummer on the murder-victim’s street supports the hypothesis that Jocko is the murderer. My justification can be undercut by my finding out that Jocko’s Hummer was repossessed a month before the crime, and he’s now driving a used beige Hyundai. (2010: 194)

What this passage suggests is that the finding that Jocko drives a Hyundai is enough to undercut his justification for the belief that Jocko did it even if it fails to rule out all claims which potentially connect the evidence to the belief, including (again) the claim that Jocko is followed by another person in a Hummer. Thus, if learning that Jocko does not drive a Hummer is enough to defeat Christensen’s belief in Jocko’s guilt, as he claims that it is, then it follows that the mere truth of a claim which links the Hummer-sighting to the truth of the belief is not enough for the evidence to justify it.

In cases that potentially involve undercutting defeat, then, one has to accept a linking claim which connects one’s evidence to one’s belief in order for the evidence to justify the belief. While that view is a crucial component of Christensen’s account, the account does not entail that one must consciously have used that background belief when forming the belief. This is clear from his treatment of another typical example of undercutting defeat, in which “the justification for [someone’s] belief that an object is red, on the basis of its looking red, is undercut by the information that it’s illuminated by red lights” (2010: 194). The linking claim
which is defeated by the information that the object is illuminated by red lights is, presumably, some assumption of the following type: in this situation, things have the color that they appear to have. However, although the subject may in some sense be relying on that claim, it is far-fetched to think that she has formed her belief via consciously consulting it. (In this regard the case differs from the Jocko case, since it is more plausible to think that the belief that Jocko owns a Hummer actually figured in the agent’s reasoning.) We shall therefore take Christensen’s account to allow that a consideration can provide undercutting defeat even if the targeted linking claim was not consciously employed by the subject in some piece of reasoning that led to the belief.

As for higher-order defeat, Christensen uses other illustrations. One is a case of a physician who reaches a conclusion about how best to treat a patient on the basis of the patient’s symptoms but reduces his confidence in it upon learning that he has not slept in 36 hours. The idea is that if the latter information (which counts as higher-order evidence) defeats the belief, then it does not do so by disconfirming any linking claim. For,

[w]hile the information about what Jocko drives is essential to the bearing of the Hummer-sighting on the question of who committed the murder, no fact about my being well-rested seems to be needed in order for the basic symptoms my patient exhibits to bear on the question of what the best treatment is for her. (2010: 188)

Thus, in the Jocko case, Christensen assumes that whether the Hummer-sighting supports the conclusion that Jocko did it depends on whether Jocko drives a Hummer. Whether the patient’s symptoms support the physician’s verdict about how to treat her, by contrast, seems not to depend in any way on whether the physician is well rested. After all, no assumption about whether he is rested—and indeed no assumption about him at all—is required to derive the
verdict about the patient’s treatment from facts about their symptoms. In this sense the fact that
the physician has not slept for many hours appears to leave the connection between his evidence
and the belief intact. The higher-order evidence thus cannot be seen to disconfirm any linking
claim which the physician needs to accept in order for his evidence to support his belief. Hence,
the idea is that if the higher-order evidence nevertheless defeats the belief, it must do so in some
other way.

The supposed fact that the higher-order evidence in this case leaves the relation between
the evidence and the challenged belief intact makes Christensen puzzled about its defeating
force (cf. Christensen 2010: 195). This puzzlement is congenial with the attitude that motivates
level-splitting views. For if higher-order evidence works along the just indicated lines, then
there is room for the possibility that while the higher-order evidence motivates doubts about
whether our first-order evidence supports our belief, the first-order evidence does in fact
provide such support. And if it does provide such support, why think that the higher-order
evidence nevertheless provides a reason to drop the belief? Why, in other words, should we
abandon a belief that is supported by our evidence?

As announced earlier, we shall ignore these worries about the defeating force of higher-
order evidence, although we shall return to the general question about the relation between
higher-order evidence and undercutters in section 5. What we want to stress at this juncture is
just that, on this picture, whether a given bit of information serves as an undercutting defeater
is highly context-dependent. For example, one commonly cited example of higher-order
evidence is information that one has been fed a mind-distorting drug that randomly makes
things seem to one to be in a certain way. However, there may also be contexts where the same
information instead serves as an undercutter. To see this, suppose that our evidence for
believing that a childhood friend has climbed Mount Everest is that we seem to remember
seeing this on the news. Whether this evidence supports our belief plausibly depends on whether
our memory faculty works properly. And this in turn means that when we learn about the mind-distorting drug, that information severs the link between our evidence and the belief in the way that, on Christensen’s account, is characteristic of undercutters. Hence, depending on the context, one and the same consideration can serve either as an undercutter or as higher-order evidence.

4. Disagreement and undercutting

The next step in our argumentation is to show that, given the account of undercutting defeat indicated above, the fact that one’s views are opposed by one’s peers can sometimes serve as an undercutter. This is not difficult, since all that is needed is a situation in which the disagreement indicates just what the information about the red lamp and the influence of the drug indicates in the cases described above: that relying on how things seem to be is not (in the relevant context) a reliable way to figure out what actually is the case.

For example, consider a peer disagreement that is due to differences in what the parties, X and Y, take themselves to remember. Suppose that X and Y know from reliable psychological tests that their memory faculties in general function equally well. Suppose also that X and Y have both been present at a yearly parade for many years but have different views about what happened at the parade in 1975. X believes that it occurred on a sunny day and was well attended, with the first band playing a Stevie Wonder song. Y thinks that it took place on a rainy day, was poorly attended, with the first band playing an Aretha Franklin song. They also lack access to other resources (such as newspaper reports and the like) that could help them settle the dispute. Their apparent memories are all they have in the form of evidence that may justify their beliefs.

Now, if we suppose that both X and Y should respond to the finding that they disagree by reducing their confidence in their conflicting beliefs, then this can straightforwardly be
explained on the assumption that their disagreement works as an undercutter. Each person can be seen to rely on a linking claim which connects the evidence (the apparent memories) to the truth of the beliefs, whether or not they have consciously invoked it in any piece of reasoning, namely the claim that his or her memory faculties work reliably. Since that claim is challenged by the fact that the opponent, whose memory faculties are equally good, has reached very different beliefs, the connection between their evidence and their beliefs is undermined, and so the justification they have for their respective beliefs is undercut.

The point can be further reinforced by considering peer disagreements that involve more than two people. Suppose that X and Y have three friends—A, B, and C—who were also present at the 1975 parade. While it is known that A, B and C have memory faculties that are not inferior to those of X and Y, each of the five friends have (on the basis of what they seem to remember) reached different views about what the weather was like that day, what music was played, and so on. When the case is expanded in this way, it becomes increasingly plausible that the connection between what the persons seem to remember and the truth of their beliefs about 1975 is too fragile to entitle them to hold their beliefs on the basis of their apparent memories. And what does the undercutting is precisely the fact that people who are no less competent than they are have reached different views about the disputed matters.

The points just made illustrate how disagreement can impact the justification of the contested beliefs in virtue of being undercutting. However, our aim in this section is more ambitious. What we want to show is not just that disagreement could provide undercutting defeat, but also that this view helps motivate the idea that disagreement can generate the grave and wide-reaching conclusions that skeptical arguments from disagreement are intended to establish, for example in the moral domain. We noted above that although disagreement can challenge a belief in virtue of being first-order evidence, this idea fails to support conclusions
of the kind that skeptics have sought. Why think that the idea that information about disagreement can be undercutting fares any better in this regard?

What we mean by saying that a skeptical conclusion is “grave” is that it not only shows that the target beliefs are unjustified, but that they are unjustified for reasons that also exclude that their justification can be restored by some easy fix, such as gathering more first-order evidence or eliminating inconsistencies among them. As we noted in section 2, it is doubtful that the fact that dissent can serve as first-order evidence is enough to secure a conclusion of that kind, as the (negative) bit of first-order evidence that consists in a peer’s dissent may well be outweighed by other (positive) bits. By contrast, a successful undercutter cannot be outweighed by new first-order evidence in the same way. Rather, if the undercutter refutes the linking claim on which the justificatory force of the subject’s first-order evidence depends, then it “silences” the evidence and undermines the justification for her belief in a way which cannot be undone by simply gathering more evidence of the same type. For example, if we believe that Jocko is guilty on the sole ground that one reliable witness reports that a Hummer was seen at the crime site and later find that there is no connection between Jocko and the car, then we should drop our belief in his guilt. Once the linking claim is refuted, learning that there are in fact several reliable witnesses who independently testified that they saw a Hummer (and not just one) provides no additional, or indeed any, support for thinking that Jocko did it.

The fact that undercutters can thus silence some evidence is one reason for thinking that facts about disagreement, when viewed as undercutting, can generate a form of skepticism about the target beliefs that is grave in the sense described above. It is not a decisive reason, however, as there are ways in which the significance of an undercutter can be limited in spite of its silencing capacity. For example, the subject might have evidence for the target belief which is not dependent on the linking claim that the undercutter threatens. If our evidence for believing that Jocko did it not only includes the Hummer-sighting but also the fact that his
fingerprints were found at the crime site, for instance, then the finding that he does not drive a Hummer of course does not make the belief unjustified by itself. In addition, the significance of an undercutter could be limited by the fact that the target linking claim could be replaced by a plausible alternative linking claim which restores the connection between the evidence and the belief. The assumption that Jocko is followed by someone in a Hummer is a case in point, as it vindicates the connection between the evidence (the Hummer-sightings) and the belief even given that Jocko himself does not drive a Hummer.

However, neither of these possible grounds for doubting an undercutter’s impact applies in crucial cases of moral disagreement, which are in this regard more similar to the memory case than the Jocko case. In the parade case, for example, the linking claim which the undercutter threatens is plausibly something like: what X seems to remember about 1975 is what actually happened in 1975 (and mutatis mutandis for the others). We further assumed that the disagreeing agents have no other resources besides their apparent memories to try to figure out what actually happened. Hence, if the threatened linking claim is abandoned, it is much harder to see how the connection between their beliefs and their apparent memories could be reestablished by an alternative linking claim. In other words, if one’s memory is known to be bad, it is extremely difficult (if not impossible) to justify some alternative linking claim that evidentially connects one’s seeming to remember that P to one’s belief in P in the relevant way. The targeted linking claim is in this sense less replaceable than in the Jocko case.

Similarly, many moral disagreements are also at least partially due to the fact that the different participants rely on their “seemings” (or “intuitions”) in the formation of their moral views and that their seemings differ, in that certain moral claims that seem true to one person do not seem true to others. This can be so both in the case of more general claims (e.g., that

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9 Perhaps one way to restore the link is by learning from God that what we seem to remember impacts what the past is like through some process of backwards causality. More realistic scenarios are difficult to imagine, however.
freedom is intrinsically good) and more specific ones (e.g., that some particular action in a certain situation is right). The linking claim that is pertinent in this case is therefore analogous to that relevant in the memory case: roughly, that the things that seem to us to be good and right (and so on) really are good and right.\(^{10}\) And, just like in the memory case, it is hard to see how this claim could be replaced by a back-up linking claim that reconnects our moral “seemings” to our moral beliefs.

This allows one to see how the suggestion that disagreement can serve as an undercutter also accommodates the generality of the conclusions that arguments from disagreement are taken to establish. Recall that the idea is that the argument are aimed to undermine not only some limited subset of our substantive moral beliefs, but all of them. One worry in this context is that although many substantive moral beliefs are contested, there are also those that are universally, or almost universally, shared. For example, most of us agree that it is typically morally right to look after one’s family and friends, and it can seem mysterious why facts about disagreement should have the potential to undermine those shared beliefs in addition to the controversial ones.\(^{11}\) However, our suggestion provides an answer to that question as well. The reason is that the linking claim that is targeted—that the moral facts are how they seem to us to be—is one that we rely upon just as heavily in the uncontroversial cases as in the controversial ones. Hence, if peer disagreement gives us reason to abandon that claim, it undercuts both our controversial moral views and our uncontroversial ones to the same extent.\(^ {12}\)

\(^{10}\) See Michael Huemer’s contribution to this volume for a discussion about relevant questions here.

\(^{11}\) Thus, some writers have invoked the overlap in our moral views to try to question the soundness of arguments from moral disagreement (Smith 1994). Others reconstruct the challenge so that it only targets controversial moral beliefs (McGrath 2008).

\(^{12}\) If we were to give up all our moral beliefs, could we still regard each other as peers about moral questions? One might think that seeing somebody as our peer requires that we agree with them about some of the questions in the relevant domain, such as morality. In our view, however, the most plausible version of this idea is one on which two people can count as agreeing morally even if they do not have any positive moral beliefs at all, for example because they both suspend judgment about those issues instead.
There is of course more to say here. For example, whether facts about disagreement undermine uncontested beliefs plausibly depends on why those beliefs are uncontested. A non-skeptic might argue that the best explanation of this fact is that they are supported by evidence that is independent of any linking claim that the disagreement threatens. A skeptic may respond, however, by offering alternative explanations. For example, she could present an empirical ‘debunking’ account of our moral beliefs which attributes them, at least in part, to the forces of natural selection and which does not suggest that uncontested moral beliefs are justified in a way that differs from the contested ones. Since the impact of Darwinian processes leads us to expect at least some overlap in our moral outlooks, such an account can help explain why some moral beliefs are uncontested without vindicating the non-skeptic’s response to our argument.

While a full discussion of these interesting topics is beyond the scope of this paper, we think that they illustrate how the debunking strategy and arguments from disagreement can interact so as to strengthen the skeptic’s case (see Tersman 2006 and Tersman 2017 for further discussion).

5. Higher-order evidence vs. undercutters revisited

The discussion in section 4 is meant to illustrate that skeptics can avoid the problems that level-splitters associate with higher-order defeat by pursuing the idea that disagreement (for example about morality) may instead serve as an undercutter. We also suggested that this idea enables the skeptic to account for both the gravity and the generality of the conclusions that she seeks. But what if the puzzles about higher-order evidence apply equally well to undercutters? Then nothing seems to be gained by pointing out that disagreement can play an undercutting role.

The purpose of this section is to address this objection.

As we explained in the introduction, the puzzles about higher-order evidence have to do with the fact that it can be misleading, in the sense that it may suggest that the subject’s first-
order evidence does not support her beliefs even though it actually does so. Level-splitters take this to suggest that even if higher-order evidence may justify the subject in thinking that the target belief is unjustified, it does not (thereby) ensure that it is unjustified. The objection we shall address rests on the observation that something similar can be said about undercutters. Consider again the Jocko case and suppose that, although we have gathered strong evidence against our background (linking) belief that Jocko drives a Hummer, that belief is nevertheless true. What this may be taken to mean is that, although we have evidence indicating that our verdict about Jocko’s guilt is not supported by our first-order evidence (the Hummer sightings), that verdict nevertheless is supported by the evidence, in virtue of the truth of our background belief. If so, why think that the evidence we have against the background belief establishes that our belief in Jocko’s guilt is unjustified and not just that we should believe that it is unjustified?

It is notable, however, that if the argument for the indicated parity between higher-order evidence and undercutters is sound then it not only motivates the relatively modest form of level-splitting about undercutters just sketched, according to which what matters is whether the linking claim that we accept is true. It also motivates the more radical view that in order for our belief in Jocko’s guilt to be justified by the Hummer-sightings it is enough that some such linking claim is true, regardless of whether it is one we have pondered or have any reason whatsoever to accept. And this implication of the level-splitting approach has highly counterintuitive consequences. For example, it entails that we could be justified in thinking that Jocko is guilty on the basis of the Hummer-sightings, not only if we know for certain that Jocko does not drive a Hummer, but also if we have ruled out all other ways that we can imagine in which the Hummer-sightings may have anything at all to do with Jocko’s guilt. All it takes is that, unbeknownst to us, there is some true story “out there” that connects the Hummer-sightings to his guilt in the relevant way. It would suffice, for example, if undetectable aliens for their sheer enjoyment like to trick people with yellow Hummers into driving by whenever
someone with Jocko’s shoe size commits a crime. Even granted the truth of that story, it is close to absurd, we submit, to hold that it makes us justified in believing in Jocko’s guilt on the basis of the Hummer-sightings.

What this suggests, we think, is that the objectivist or externalist view on justification which fuels the level-splitting position about higher-order evidence does not give a satisfactory account of undercutting defeat. Undercutting is better explained by a non-objectivist or internalist view which takes the justification provided by a subject’s evidence to depend at least partially on personal features of the subject, such as which linking claims she in fact accepts and her grounds for doing so. What it also suggests is that if one wants a unified account of the defeat provided by higher-order evidence and that which is provided by undercutters (i.e., one which explains how they defeat with reference to the same general views about justification) then it is the non-objectivist approach associated with undercutting that should be extended to cover both types, rather than the objectivist approach that level-splitters invoke in the case of higher-order evidence.

As for the latter suggestion, there is of course room to question whether we should seek such a unified account in the first place. For example, as we have seen, the picture offered by Christensen is a disunified one on which higher-order evidence and undercutting work differently. Undercutters are taken to defeat by attacking a linking claim while higher-order evidence defeats without attacking such a claim, which is also what underlies Christensen’s puzzlement about higher-order evidence. However, we think that the distinction between cases where linking claims are involved and cases where they are not will ultimately be difficult to maintain. Suppose for example that we believe that somebody is in the park on the basis of videos from a surveillance camera. The claim that the camera is functioning properly appears to be a linking claim in the relevant sense, since our belief would plausibly be undercut if that claim were refuted. Compare this with a case where our belief that somebody is in the park is
instead formed as a result of direct perception. The disunified view here requires that the claim that our eyes are functioning properly is not a linking claim in the relevant sense, since certain forms of higher-order evidence (i.e., evidence that we see poorly) could defeat the justification of our belief without attacking any such claim. But it is awkward to suppose that these cases should be treated differently. After all, the only difference is that the relevant equipment is in one case outside of our heads and in the other case on the inside. It is hard to see how this mere difference in location could ground a principled epistemological difference.\(^{13}\)

The upshot of the view which we find most promising, then, is that the distinction between higher-order evidence and undercutting defeaters should be abandoned. On the view in question, the familiar examples of defeat provided by higher-order evidence simply are cases of undercutting defeat. Hence, this view avoids both the counterintuitive consequences of level-splitting approaches and the alleged puzzles about how higher-order evidence can defeat. In other words, information commonly viewed as higher-order evidence defeats, if at all, in the same way that undercutters do, namely by attacking a linking claim between the agent’s belief and her grounds for the belief.\(^{14}\) Consider for example the doctor who learns that she is sleep deprived (cf. section 3). Which linking claim could that information plausibly be seen to attack? One good candidate, we submit, is simply the claim she is currently capable of figuring out what the best treatment is on the basis of her observations of the patient’s symptoms.

This view of course blatantly contradicts Christensen’s intuition that higher-order evidence defeats without attacking a linking claim. But we think that intuitions to that effect can be

\(^{13}\) A discussion about similar cases is provided by White (2010: 598–9). However, while White’s view of them is different from ours, his arguments to that effect seem at crucial points to rely on the kind of externalist view about indirect defeat that we have questioned.

\(^{14}\) This accords with Feldman’s suggestion that “whether it [higher-order evidence] is a different sort of undercutting defeater or a new kind of defeater is a terminological issue not worth worrying about” (2005: 113). However, we disagree with Feldman’s claim that higher-order evidence defeats “not by claiming that a commonly present connection fails to hold in a particular case, but rather by denying that there is an evidential connection at all” (2005: 113). In the typical cases discussed as higher-order evidence, for example ones that involve sleep deprivation, the point might be exactly that one’s faculties are generally reliable when one has slept well but not reliable in the particular case when one has not slept well.
explained away. Consider the case of causation. Even if an event is brought about by several quite different factors, we may still be disposed to think and speak of one of them as “the” cause of the event. What explains such dispositions is often just that the other conditions can usually be taken for granted in situations of the relevant type, or that they are less easy to manipulate, or that they are irrelevant to the moral questions we might have about the situation. For example, although the presence of oxygen is obviously needed for a forest fire to start, we may be more inclined to highlight a recklessly managed camp fire when offering a causal explanation of it. The role played by the oxygen is, in a sense, hidden or less visible to us through our background knowledge and our practical and moral concerns. The point is that if such mechanisms underlie our disposition to single out some factors in our explanations while ignoring others then the disposition appears entirely consistent with thinking that there is no deep metaphysical difference between them.

Something similar can be said, we think, about the tendency to reconstruct some but not other indirect challenges to our beliefs as being cases of undercutting defeat. Undercutting defeat is typically illustrated with cases where the significance of the undercutter is at best highly limited, in that it may succeed in undermining the justification of the specific belief addressed but leaves the subject’s other beliefs unscathed. In the Jocko case, for example, this is so because the relevant linking claim (that Jocko drives a yellow Hummer) has such a peripheral role in the agent’s web of belief and is not a claim that she normally relies upon in her reasoning. There are also cases, however, in which the relevant linking claims are more firmly entrenched in our system, such as the claim that we can trust our senses, or other fundamental belief-forming methods, in certain circumstances. In those cases, we are more committed to the claims in question, because the justification of large portions of our beliefs
depends on them in such a way that dropping those claims this would potentially command substantial revisions. Now, what we want to suggest is that their entrenchment may make those linking claims less salient to us, just as the causal contribution of a condition (like the presence of oxygen) may be less salient to us because we normally take for granted that it obtains. And since the linking claims that are relevant in the context of higher-order evidence are precisely of that kind, this explains why people are less prone to understand such examples as being cases of undercutting defeat. Just like in the causal case, this explanation of our dispositions is entirely consistent with thinking that the cases in question nevertheless are cases of undercutting defeat.15

6. Concluding remarks

The controversies about higher-order evidence and the difficulty of upholding the distinction between higher-order defeat and undercutting defeat point, we think, to a broader problem. The broader problem concerns how to find the right mix between subjectivist and objectivist elements in our theory of epistemic justification. The account of undercutting defeat that we have employed relies on a view according to which the justification of a subject’s beliefs crucially depends on her background beliefs.16 Those who are puzzled about how higher-order

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15 A full defense of the suggestion that higher-order evidence defeats (if at all) by serving as undercutters would obviously require addressing a range of further objections. One might argue, for example, that it cannot accommodate cases where higher-order evidence (allegedly) defeats even though the subject's evidence appears to consist of facts that jointly logically imply the target belief, in which case no linking claim seems to be involved (see, e.g., Christensen 2010, 187-8). Alternatively, one might object that this view cannot account for the "retrospective aspect" that some think is characteristic of higher-order defeat, which is supposed to entail that unlike undercutters higher-order evidence shows not only that the target belief is unjustified but that it was never justified to begin with (Lasonen-Aarnio 2014, 317). However, although we think those objections can be met, we shall ignore them in the present context as they have no bearing on the paper's main conclusion, which is that the worries about higher-order evidence do not sap the undermining force of skeptical arguments from disagreement.

16 This formulation of the view is obviously consistent with a number of different ideas about how the features of the subject’s situation affect what she is justified in believing, including which of her background beliefs that are relevant to defeat. However, the question of how to best spell out the view is beyond the scope of this paper. For further discussion of these issues see Klenk (2019).
evidence can defeat, by contrast, are inclined to think that the objective fact that a subject’s first-order evidence evidentially supports a certain claim, perhaps (but not necessarily) by logically implying it, may give her reason to accept the claim even if her background beliefs suggest that the claim does not obtain such support. By proposing that the view on justification which is associated with undercutting defeat applies also in cases of higher-order defeat we side, in a way, with a non-objectivist approach. Even so, we think that the prospects of a purely subjectivist account of justification are bleak. A theory according to which the logical relations that in fact hold between the contents of a subject’s beliefs are completely irrelevant to what she is justified in believing, for example, is likely to get into serious problems very fast. Any plausible theory will therefore have to involve both subjectivist and objectivist components.

This much is at least implicitly acknowledged by most commentators in the debate about higher-order evidence. Consider for instance Thomas Kelly’s so-called “total evidence view”, on which what a person is justified in believing depends partly on what conclusions her first-order evidence actually supports (independently of her own assessment of what it supports) and partly on the evidence she may have about what it supports, for example in the form of peer disagreement (Kelly 2010). As Kelly puts it, although one’s first-order evidence “typically counts for something”, it does not “count for everything” (2010: 141). The total evidence view can therefore seem like a pleasantly reasonable compromise between the two extremes. A problem with the view, however, is that it is extremely difficult to come up with a principled theory about how the different kinds of considerations should be weighed against each other. Requiring such a theory is asking a lot, of course. But we nevertheless want to register our suspicion that, in the absence of such a theory, the total evidence view is a way of simply sweeping the fundamental question of how to combine subjective and objective elements in a
general theory of justification under the rug. What we would like to suggest is that to get a
better understanding of higher-order evidence and its interaction with other forms of evidence,
that question needs to be addressed in a more direct way, for example by articulating more
clearly the background constraints that we want a theory of epistemic justification to satisfy.\textsuperscript{17}

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\textsuperscript{17} Many thanks to Joshua DiPaolo and Michael Klenk for very helpful comments.


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