

# Hegel's Critique of Cognitive Judgment

## *From Naïve Realism to Understanding*

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### §42 THE PARADOX OF FALLIBILISM?

Keith Lehrer and Kihyeon Kim (1990) contend that fallibilist accounts of knowledge face a crucial paradox. One virtue of their essay is that they try to specify 'fallibilism' as a definite thesis, rather than a mere slogan. They conclude with these salutary reflections:

The [fallibility] paradox illustrates the fact that we are fallible in our attempts to combine external and internal factors to obtain undefeated justification and knowledge. Thus, the paradox has the virtue of reminding us of the skeptical paradoxes that made us fallibilists originally. Those paradoxes resulted from skepticism about whether the satisfaction of the internal conditions, the evidence conditions, guaranteed the satisfaction of the external condition, the truth connection. We become fallibilists if not skeptics because there is no such guarantee. Fortunately, there remains the possibility that both conditions might be satisfied, nonetheless. In that case, we shall have knowledge even though satisfaction of the evidence condition does not guarantee this. (107)

They argue, however, that two basic premises regarding criteria of justification, together with a plausible formulation of the fallibility condition, are inconsistent, and that several possible responses to this inconsistency are untenable. I believe their critique of fallibilism is itself fallible. In brief, their counterargument is valid, but only on an interpretation of the first premise that no fallibilist need or should accept. Consequently, their alleged paradox instead begs the question against fallibilism.

They formulate the premises of their *reductio* in terms of some arbitrary person or subject (S), some proposition (p) that S may believe, and some time (t) at which S may have justification for believing that p. Their premises are these:

1. Necessarily, for any S, p, and t, if S is justified in accepting that p at t, then p satisfies the justification criterion of S at t.
2. Necessarily, for any S, p, and t, if S is justified in accepting that p satisfies the justification criterion of S at t, then S is justified in accepting that p at t.
3. It is possible for any S, p, and t, that S is justified in accepting that p at t and that p is false.

Premise (3) is their initial formulation of the fallibility condition, where p ranges over contingent truths,

the kind relevant to empirical knowledge. Lehrer and Kim argue that (1)–(3) are inconsistent, and that (3) is untenable. I shall argue instead that their objection to (3) is seriously flawed.

They argue against (3) by noting that any relevant proposition *p* may not satisfy *S*'s justification criterion, and by substituting 'p satisfies the justification criterion of *S* at *t*' for 'p' in (3). This substitution results in:

5. It is possible for any *S*, *p* and *t*, that *S* is justified in accepting that *p* satisfies the justification criterion of *S* at *t* and it is false that *p* satisfies the justification criterion of *S* at *t*.

(5) is thus supposed to follow from (3), and (5) is inconsistent with the alleged implication of (1) and (2), namely:

4. Necessarily, for any *S*, *p* and *t*, if *S* is justified in accepting that *p* satisfies the justification criterion of *S* at *t*, then *p* satisfies the justification criterion of *S* at *t*.

Hence, they conclude, (1)–(3) form an inconsistent triad (99–100).

I contend, on the contrary, that (4) is ambiguous and does not follow from (1) and (2) on any interpretation that need or ought to be accepted by fallibilists. To appreciate the ambiguity in (4) it is important first to appreciate the rigors involved in (1). If (1) is a necessary truth, it is very restricted in scope and only concerns a fairly sophisticated kind of reflection by *S* on the justificatory status or merits of his or her beliefs. Consider a contrasting case. On a moderate externalist view, or on some mixed internalist/externalist views, *S* may have faulty justification criteria, although *p* may in fact meet some proper justification criterion. For example, *S* may be a strong foundationalist who insists on indubitability and incorribility and so officially denies that commonsense perceptual beliefs about objects in his or her environs are genuine knowledge, even in the case of *p*, which happens to be a belief produced by *S*'s properly functioning sensory and doxastic capacities, such that *S*'s belief that *p* is quite reliably produced and so *is* justified (in accord with, for the sake of discussion, a proper reliabilist criterion; say Dretske's [1981] information-theoretic account), and *S is* justified in accepting *p*, even though *S* refuses to accept it (due to *S*'s avowed strong foundationalist criteria of justification). To put the point positively, (1) presumes that *S*'s *being* justified in accepting *p* requires that *p* satisfies whatever criterion of justification *S* happens officially to espouse. Thus (1) harbors significant internalist tendencies. This is already indicated by the phrase '*S* is justified in *accepting* that *p*'. To formulate (1) in terms of *accepting* rather than merely *believing* that *p* strongly suggests that *S* must engage in some kind of reflection on his or her belief that *p* in order to endorse or 'accept' it *because* it meets his or her criterion of justification. If (1) states a necessary truth, it does so only by interpreting 'accepting' in this strong, reflective internalist sense.

This leads to my first result. If fallibilism is adopted in order to avoid outright skepticism about empirical knowledge, as Lehrer and Kim suggest (107), then fallibilism can and perhaps ought to be formulated in terms of *S* justifiedly believing that *p*, *not* in terms of *S* 'accepting' that *p*. Recall Alston's (1989, 71; *cf.* 35–6) observation that '[a]n examination of the epistemic status of one's beliefs is a highly sophisticated exercise that presupposes a massive foundation of less rarefied cognitive achievements'. For commonsense perceptual beliefs, *S* and his or her belief that *p* may satisfy appropriate conditions of justification in terms of alertness, attention to the object or event in question, proper neuropsychological (perceptual) functioning, and generally adequate environmental conditions, such that *p* is justified for *S* at *t*, even though (due to some unrecognized circumstantial quirk) *p* is, in this instance, false.

If Lehrer and Kim have identified a paradox for fallibilism, it is for a restricted range of cases in which *accepting* a belief is required for having a *justified* belief. This is a strong condition, though it is defensible for cases in which we can speak of overtly using criteria of justification, and in which using such criteria is part of overtly *basing* one's express belief on what one takes to be adequate evidence and satisfaction of one's relevant criteria of justification. This is a sophisticated set of cases, though they are not just a philosopher's invention. This kind of relatively sophisticated reflection on the justificatory status of one's beliefs, even perceptual beliefs, is commonplace in science and in legal contexts, say of witnesses in courts of law. Such cases can also be found in more ordinary affairs when trying to corroborate perceptual memories or to locate an address in an unfamiliar neighborhood, when one may work with or against one's travelling companions. I shall contend, however, that Lehrer and Kim's paradox does not arise even for these restricted, reflective cases in which it is appropriate to talk of 'accepting' a belief in view of its satisfying one's criteria of justification.

(1) states an implication of a certain condition, the condition that 'S *is justified* in accepting that p at t'. *Prima facie*, this factive phrase is a strong designation of success, denoting that S *is in fact* justified in accepting that p at t—regardless of whether S in fact 'accepts' p. Taken in this sense, (1) states a necessary truth *only* under the condition that S has an adequate criterion of justification. The history of epistemology should suffice to warrant caution in the ascription of adequate criteria of justification to many people, or at least to those who engage in explicit philosophical reflection on the justificatory status of their beliefs. In this sense, (1) states a necessary truth at best for two classes of people, the epistemically gifted who have the good fortune to have discovered the correct criteria of justification and who accept their beliefs only on that basis, or the cognitively naive who don't engage in such epistemic reflection on criteria of justification, but only, say, accept their perceptual beliefs when they are reasonably confident to have formed them in at least moderately good perceptual conditions (assuming, for the sake of discussion, that such confidence serves as an adequate and relevant commonsense criterion of justification). Or rather, (1) states a necessary truth only if p's satisfying S's justification criterion is a necessary condition for S *being* justified in accepting that p. This is a strong internalist requirement. The first fallibilist response to Lehrer and Kim's paradox is to reject this internalism.

The condition stated in (1), 'S is justified in accepting that p at t', concerns what S does or may *accept* to believe, presumably or at least potentially in contrast to what S simply finds him- or herself pre-reflectively believing. In this sense, 'accepting' a belief is a more or less overt, self-conscious act of affirming the belief in question. Insofar as such an act is *justified* ('S is justified *in accepting* that p'), it is justified in part because

- (i) S takes the belief in question to fulfill his or her criterion of justification.

That is a necessary, though not a sufficient, condition of rationally justifying such a self-conscious act of doxastic affirmation (of p). Sufficient conditions of such justification also include that

- (ii) p *does* meet S's criterion of justification

*and* that

- (iii) S's criterion of justification is adequate.

All this follows from the strong success condition specified by the factive clause 'S *is* justified in

accepting that p'. (1) states a necessary truth only because its factive formulation requires that p fulfills an adequate criterion of justification, and that S holds that criterion, and that S brings it to bear properly on his or her accepting p. The necessity of (1) results from its severely restricted scope and its implicit requirement of, not (quite) infallibility, but (at *least*) correct criteria of justification *and* their correct use. The rigors of (1) begin to suggest where mere mortal fallibilists can find their room to manoeuvre. Fallibilists can accept (1), but point out that it is too restrictive to formulate the range of cases pertinent to fallibilist accounts of knowledge.

(4) appears to follow from (1) and (2) due to an equivocation in Lehrer and Kim's use of the phrase 'S is justified in accepting' some proposition p. As just indicated, in one sense this phrase is a strong, factive designation of success, denoting that S *is in fact* justified in accepting that p at t (regardless of whether S in fact accepts p). However, because the phrase 'S is justified in accepting' concerns what S does or may *accept*, this phrase has a second, weaker, presumptive sense that concerns what S believes s/he is justified in accepting at t. In this second sense, (1) is not a necessary truth because S may be justified in accepting that p at t in the sense that S sincerely and reasonably believes that p meets his or her (plausible) justification criterion at t, although S may have erred about whether p in fact meets that criterion at that time. Lehrer and Kim recognize this prospect later (101), but do not see that this requires carefully clarifying and qualifying their Premise (1). Fallibilism begins by recognizing that the three necessary, jointly sufficient conditions identified above for 'S is justified in accepting that p' (conditions [i]—[iii]) are at best contingently related. Fallibilism begins by recognizing that our presumptive belief that a certain belief (p) fulfills our criterion of justification may strongly indicate but does not guarantee the truth of (p), *and* by recognizing that such presumptive beliefs (about the satisfaction in particular cases of our criteria of justification) are themselves fallible. The second fallibilist response to Kim and Lehrer's counter-argument is that their premise (1) is ambiguous. Their paradox follows only on an *infallibilist* interpretation of (1). No fallibilist accepts or needs to accept this interpretation of (1).

Once we recognize that conditions (i)—(iii) may not be jointly satisfied, then we recognize that the following circumstance is possible:

6. It is possible, for any S, p, and t, that S is (presumptively) justified in accepting that p at t, and p does not satisfy the justification criterion of S at t.

(6) represents the possibility of error in using one's criteria of justification.

The possibility formulated in (6) shows that fallibilists need to distinguish factive and presumptive versions of (4). If (4) is interpreted factively, then indeed it does follow from the condition, 'S *is* justified in accepting that p satisfies the justification criterion of S at t', that 'p satisfies the justification criterion of S at t'. However, interpreted factively, (4) requires that S have an adequate justification criterion, that S use it properly in determining whether to accept p at t, and that S determine that p does in fact fulfill that justification criterion. Interpreted factively, (4) represents the case of cognitive and epistemic success, but according to fallibilists, this is only a sub-class of the cases relevant to analysing human empirical knowledge. Moreover, once explicated, the necessity involved in the factive sense of (4) is tautologous.

Interpreted presumptively, (4) may not state a necessary truth. Interpreted presumptively, (4) is either necessary, ambiguous, misleading or false. This depends on whether the phrase 'p satisfies the justification criterion of S at t' is itself interpreted factively or presumptively. If this phrase is interpreted presumptively in both the antecedent and the consequent, then (4) is necessarily true in its presumptive sense, but not very exciting because S could reasonably take p to satisfy his or her justification criterion

at *t*, although (*per* [6]), *S* is fallible in this regard, too, and so may err and *p* may not in fact satisfy *S*'s justification criterion at *t*. Interpreted presumptively, (4) is not inconsistent with (5), and the alleged paradox dissolves. Interpreting the antecedent of (4) presumptively, as any clear-headed fallibilist should, allows for precisely the prospect formulated in (5). ([4] can also be interpreted factively, of course. Doing so, however, restricts its scope to cases of cognitive and reflective success, and those cases are only a subset of the relevant cases, if fallibilism is correct.) In sum, (1) and (2) do not entail (4), certainly not on any interpretation of (1) that any fallibilist accepts. Indeed, (4) harbors the same ambiguity as (1), and once disambiguated, it is not inconsistent with (5). The alleged paradox vanishes. (I leave for the reader the remaining permutations in which the antecedent and consequent in [4] are given different, presumptive or factive, interpretations. One is false, the other is true, though neither supports Lehrer and Kim's paradox.)

In sum, my second response to Lehrer and Kim's paradox is to admit that (1)–(3) form an inconsistent triad, but to reject (1) and (2) because they are formulated by disregarding the key principle of fallibilism, that a belief's being justified is a presumptive (though strong) indicator of its truth, and that accepting a belief because it fulfills one's criteria of justification is a presumptive (though strong) indicator that it is justified by those criteria. Put otherwise, it is not at all paradoxical that a fallibilist principle such as (3) is inconsistent with non-fallibilist principles such as (1) and (2).

It is, however, worth pointing out three further, related flaws in their objection. Their objection is based on substituting 'p satisfies the justification criterion of *S* at *t*' for 'p' in (3). Certainly the phrase they substitute concerns contingent propositions. However, their substitution involves a level confusion. Insofar as (3) is formulated as a fallibilist alternative to skepticism, the relevant range of 'p' in (3) is not contingent propositions in general, but contingent empirical propositions about the world. As Lehrer and Kim note (107), fallibilism is generally regarded as a doctrine about empirical knowledge (Meyers 1988, chapter 3), though it may also pertain to knowledge of one's own psychological states, of linguistic meaning (*cf.* Burge 1979), of mathematical or logical truths (Meyers 1988, chapter 2) or of epistemic principles (including, *e.g.*, criteria of justification; above, chapter Three). The substituted phrase, 'p satisfies the justification criterion of *S* at *t*', is expressly a meta-level proposition regarding the justificatory status of *p*. If empirical propositions about the world are the contents of first-order beliefs, then meta-level propositions about the justificatory status of those beliefs are the contents of second-order 'epistemic' beliefs. Once this point is appreciated, it becomes clear that these two kinds of beliefs are not to be interchanged in the way that Lehrer and Kim suppose (*cf.* Alston 1989, chapter 6).

When these levels are distinguished, it is easy to give a consistent interpretation of their second, allegedly paradoxical proposition (I). This proposition is obtained by substituting 'S is justified in accepting something at *t*' for 'p' in (3) to obtain:

- I. It is possible for any *S*, and *t*, that *S* is justified in accepting at *t* that *S* is justified in accepting something at *t* and that it is false that *S* is justified in accepting something at *t*. (100)

Lehrer and Kim contend that this statement is false because it is impossible; if *S* is justified in accepting something—anything—at *t*, then the first clause is satisfied and the final clause is false. And so it seems when no distinction is made between the factive and presumptive senses of 'S is justified in accepting p' or between meta-level beliefs about the justificatory status of some first-order belief (that *p*) and first-order beliefs (or propositions) about the world. When properly disambiguated, however, (I) is replaced by (I')

- I'. It is possible for any *S*, and *t*, that [a] *S* is justified [presumptively] in accepting at *t* [third order]

that S is justified [presumptively] in accepting something at t [second order] and [b] that it is false that S is justified [factively] in accepting something at t [second order].

As Lehrer and Kim point out just after their objection to (3), we might err in our use of our criteria of justification, and so we may regard ourselves as justified in accepting a proposition when in fact we are not (101). Taking into account the conditions required for such kinds of error resolves the apparent paradox involved in (I).

The fourth problem with their objection is that their substitutions assimilate the epistemic issue of the justificatory status of some belief (in some proposition p) to something strictly internal to S's doxastic perspective (S's *beliefs* about the world, together with S's beliefs about those empirical beliefs), whereas fallibilism is based on the recognition that our doxastic perspective does not exhaust our cognitive situation. Fallibilism—certainly any robust and tenable realist fallibilism<sup>1</sup>—is based on recognizing that both externalist factors (*e.g.*, concerning the neuro-physiological reliability of our perceptual organs in various environmental conditions) and internalist factors (*e.g.*, our discernment in identifying potentially unfavorable perceptual conditions, our attention to and accuracy in identifying the characteristics of observed objects or events) are crucial to human empirical knowledge. The propositions 'p' that may be false even if we are justified in accepting them are, in the first instance, propositions about objects or events in the world. The propositions Lehrer and Kim substitute into (3) are not of this kind. Their substitutions assimilate the case of the contingent (but, we hope, strong) relation between the evidence we're aware of plus (first-order, empirical) beliefs we think are true (given that evidence) plus the empirical facts of the matter that determine the truth of those belief, to entirely intra-doxastic issues of what we may be justified in accepting. It is not possible to formulate a proper realist fallibilism on the basis of this kind of internalism. Hence it is no surprise that Lehrer and Kim do not find a coherent view once they make their substitutions.

Finally, the most important problem with their objection concerns the nature of criteria, in this case, criteria for the justificatory status of empirical beliefs. Criteria certainly involve indicators, something of which we can be aware in order to determine whether something in question (here, empirical beliefs) fulfill certain conditions or meet certain standards (here, of justification). Criteria of justification are intended to indicate (at least presumptively) whether or to what factive extent a belief in some empirical proposition is in fact justified. However, while criteria involve indicators in this way, no criterion of justification is itself a criterion for its own proper satisfaction or use. Lehrer and Kim's substitutions require that S's justificatory criterion is or at least can be used as a criterion for its own satisfaction or use. This is the most serious level-confusion harbored by their substitutions. And this is the most basic reason to reject their substitutions, and with that, to reject their alleged paradox for empirical (realist) fallibilism. (5) is *not, pace* Lehrer and Kim (100), a consequence of (3). Their paradox

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<sup>1</sup>'Realist fallibilism' verges on pleonasm. The very point of fallibilism is justification does not entail truth. The possibility of error this involves requires that there be features of the objects of our beliefs or claims about which we can be mistaken. This requires that there is more to those features than simply their ascription to objects in or by even our most well-founded beliefs or conceptions about them. This is tantamount to realism about those objects and their features. Once we grant realism about features about which we might err, there is little or no reason to deny realism about other features of those objects. I confess great perplexity about how anti-realists or internal realists could account plausibly for our frequent discovery of empirical error, which typically involves, certainly it appears to involve, new insight and information, not simply changing our minds (see Westphal 2003b).

is generated by formulating the issues of fallibilism too abstractly. When those issues are spelled out more carefully, the paradox evaporates.

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