

**Deceiving Appearances: Problems for the 'Evidential Insensitivity'
Approach to Phenomenal Dogmatism**

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Academic Abstract

Foundationalism about justification has historically enjoyed widespread acceptance among philosophers despite equally widespread disagreement about how foundational justification is possible. It is widely agreed that all knowledge must be justified by a foundation that does not stand in need of justification, but philosophers disagree on what could provide that foundation. Internalists, who look for justification in factors internal to rational agents, tend to agree that foundational justification is provided by seemings, or the way things seem to one to be. This view has most commonly gone by the name ‘Phenomenal Dogmatism’ although variations of it have been defended. Phenomenal dogmatism has been criticized for being too permissive with regard to the states it counts as able to confer foundational justification. In this paper I will consider one attempt, offered by Berit Brogaard, to revise phenomenal dogmatism in response to these criticisms. I will argue that Brogaard’s revised view has significant problems of its own. Specifically, it does not account for problems arising from the possibility of cognitively penetrated perceptions.

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General Audience Abstract

Many people take the way things seem (a ‘seeming’) to be good evidence for belief unless there is a good reason to think otherwise. This view is called ‘phenomenal dogmatism.’ In this paper, I consider a modified phenomenal dogmatist view proposed by Berit Brogaard. Brogaard claims that what she calls ‘evidential insensitivity’ is the mark of seemings that count as good evidence. I argue that her view both treats seemings as good evidence in cases where when it shouldn’t and also treats seemings as bad evidence in cases where it should treat them as good. One problem for Brogaard’s view comes from the possibility of cognitive penetration, which are cases where someone’s current beliefs influence the way things seem to them. Many philosophers have debated whether cognitive penetration can occur. Brogaard argues that many studies purporting to show that cognitive penetration can occur are methodologically flawed or have been misinterpreted. However, I cite studies that Brogaard has not considered and that are relevant to her proposal in particular.

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§1 Introduction

Foundationalism about justification has historically enjoyed widespread acceptance among philosophers despite equally widespread disagreement about how foundational justification is possible. It is widely agreed that all knowledge must be justified by a foundation that does not stand in need of justification, but philosophers disagree on what could provide that foundation. Internalists, who look for justification in factors internal to rational agents, tend to agree that foundational justification is provided by seemings, or the way things seem to one to be. This view has most commonly gone by the name ‘Phenomenal Dogmatism’ although variations of it have been defended.¹ Phenomenal dogmatism has been criticized for being too permissive with regard to the states it counts as able to confer foundational justification. In this paper I will consider one attempt, offered by Berit Brogaard, to revise phenomenal dogmatism in response to these criticisms. I will argue that Brogaard’s revised view has significant problems of its own. Specifically, it does not account for problems arising from the possibility of cognitively penetrated perceptions.

§2 Phenomenal Dogmatism and its Critics

For the purposes of this paper, let phenomenal dogmatism be the view that:

If it seems to *A* that *P*, then in the absence of defeaters to *P*, *A* is fully justified in believing that *P*

So for example, if you seem to see a red tomato and you have no reason to think otherwise, you would be justified in believing that the tomato is red. However, if someone told you that the tomato only looks red because a red light is shining on it and flipped a switch that made the tomato look totally white, then, according to phenomenal dogmatism, you are no longer justified in believing that the tomato is red even if they turned the light back on and the tomato looked just as it did

¹ Variations of this view have been defended by Michael Huemer (2007), Chris Tucker (2010), and others

before. Your awareness of a reason to think that your seeming is not veridical defeats any justificatory power it might have had.

The notion of a seeming is crucial for phenomenal dogmatism. Seemings are generally taken to be mental states with propositional content expressing the way things appear.² One way of thinking about seemings is that they are the mental state that gets reported when by saying “It seems that...” or by similar locutions like “That looks like ...” or “... appears to be ...”. This description covers various kinds of seemings. For example, there are intuitive or intellectual seemings such as the one reported by “This argument seems valid”, introspective seemings like “My field of vision appears more clear at the center than at the periphery”, memory seemings like “Seems like we’ve been here before” and perceptual seemings such as “The letters in this logo seem like they are about to fall over”. In this paper, I will be concerned primarily with perceptual seemings. Some versions of phenomenal dogmatism restrict themselves to perceptual seemings, but Brogaard’s view is not restricted in this way.

Phenomenologically speaking, seemings have some psychological force in that they ‘recommend’ (Tucker 2013, 6) a belief or ‘assert’ (Huemer 2013, 329) that something is the case. In most cases, having a seeming that P is just to have a belief that P. But seemings are not identical to beliefs or even inclinations to believe since we might not take up the recommendation. For example, in the Müller-Lyer illusion, the lines appear to have different lengths even if we are not inclined to believe so. Seemings might be seen as a mediating mental state between an experience and a belief. Brogaard’s view is that seemings are interpretations of experiences (2013, 8).

Phenomenal dogmatism is a fallibilist view. A seeming is a fallible guide to the way the world is. If you only quickly glance at the mat, a ball of yarn might seem like a cat. According to phenomenal dogmatism, you would still be justified in falsely believing that the cat is on the mat, provided that you are not aware of a reason to think otherwise. This also makes phenomenal dogmatism a

² This characterization of seemings remains agnostic about whether ‘seemings’ picks out a distinct kind of mental states. It might be that all seemings can be explained in terms of existing mental state categories

foundationalist view since perceivers do not need a reason to think that a seeming reflects how the world is. Seemings do not rely on any other mental states in order to have justifying power according to phenomenal dogmatism.

The notion of a defeater is also very important part of the phenomenal dogmatist view. Roughly, a defeater is a reason to think that a seeming is inaccurate. Phenomenal dogmatism requires that a perceiver be aware of a reason in order for that reason to defeat their seeming, and it does not require that perceivers make any effort in obtaining defeaters. Even if anything more than a quick glance would make a ball of yarn not seem like a cat, one would still be justified in believing that they saw a cat after a quick glance according to phenomenal dogmatism. A more thorough exposition of phenomenal dogmatism would include a discussion of how strong a defeater would need to be in order to defeat the justificatory power of seemings and whether seemings can ever regain justificatory power after a defeater has been encountered, but my comments do not hinge on these issues so I will set them aside for now.

Phenomenal dogmatism expresses an internalist standard for justification, which treats justification as a matter of epistemic responsibility. Perception is commonly believed to be a matter of passively receiving sensations. The contents of experience are believed to be out of our control. If so, we would make no epistemic mistake to believe things are the way they are presented to us as being. Further, phenomenal dogmatism is a strong access internalist view in that seemings are mental states held and accessible by rational agents on the basis of which they may form beliefs. Seemings are accessible to rational agents such that when they form beliefs based on them, they can tell whether their beliefs are justified. This is so for phenomenal dogmatism because all seemings confer foundational justification so long as a defeater doesn't accompany them. Later in this paper I will discuss a weak access internalist view in which agents can access and form beliefs on the basis of their mental states, but cannot always tell when those resulting beliefs are justified.

Phenomenal dogmatism has been criticized for allowing seeming to confer justification to beliefs that intuitively are unjustified. One such criticism is given by the following case, which I will call Prospectors:

Prospectors: Gus and Virgil are prospecting for gold. Gus can identify a gold nugget by sight, but Virgil has no such expertise. Virgil's desire to find gold makes many things that are not gold nuggets appear to him to be gold nuggets while Gus is much more reliable. While prospecting, both Gus and Virgil seem to see a gold nugget in their pan. (Markie, 356-357)

Prospectors is a problem for phenomenal dogmatism because it predicts that Gus and Virgil are equally justified whereas Virgil is intuitively much less justified or perhaps not justified at all.

§3 Proposed Revisions

In response to the criticisms leveled at phenomenal dogmatism, Berit Brogaard has argued for a restricted version of phenomenal dogmatism (2013, 2017). Brogaard agrees that Prospectors and other cases are a problem for an unrestricted version of phenomenal dogmatism. In addition, Brogaard wants to exclude what she calls 'epistemic seemings', wherein it seems that P only because one already believes that P. Brogaard's restricted phenomenal dogmatism purports to give a principled reason why these problematic seemings do not confer foundational justification while maintaining the strengths of phenomenal dogmatism. I won't comment on whether Brogaard's restricted view avoids problems such as that posed by Prospectors, instead I will argue that it faces its own problems.

Brogaard describes epistemic seemings as seemings that are about "aspects of things or events that we are not directly aware of in experience" (In Press, 16). In contrast, phenomenal seemings are about what we are directly aware of in experience. The epistemic/phenomenal distinction is intended to be exclusive and exhaustive. For example, if Bill seems sad to me because I saw him crying, my seeming would be phenomenal. But if Bill seems sad to me because a mutual friend told me that his dog died, then my seeming would be epistemic. In the epistemic case, my friend's testimony is what justifies me in believing that Bill is sad and my seeming that Bill is sad is a symptom of my already holding that

belief. Epistemic seemings, on this view, are beliefs that are the product of inferences, perhaps unconscious, from phenomenal seemings or from other beliefs and thus justify mediately rather than foundationally.

Brogaard argues that only phenomenal seemings confer foundational justification because the content of phenomenal seemings includes only that which we are directly aware of in experience. Recall the original motivation for phenomenal dogmatism: it is no rational mistake to believe that things are the way your perceptual system presents them to you so long as you don't have reason to think otherwise. If we passively receive the results of our highly evolved perceptual system, then that content is out of our control and likely to be veridical unless we know better.

Brogaard claims that a constant feature of epistemic seemings is that they go away in the presence of a defeater so long as the agent is rational (2013, 274). Consider the following example: suppose Joe hears on the radio that a flashflood is headed for the town he is in. Joe infers that he should evacuate from the new belief that a flashflood will hit his town soon (and some other beliefs). Consequently, it seems to Joe that he should evacuate. Suppose the same radio host later announces that the previous flashflood warning was only a hoax. Now Joe no longer has reason to infer that he should evacuate and, if he is rational, it won't seem that he should evacuate. The seeming that he should evacuate should (in a rational sense) go away once Joe no longer believes that a flashflood is coming.³ Brogaard calls this feature 'evidence sensitivity'. They are sensitive to counter-evidence, i.e. defeaters. Evidence sensitivity is the mark of a seeming that justifies mediately while seemings that are evidence *insensitive* can confer foundational justification.

Evidentially insensitive seemings are those that are stable in the presence of counter-evidence (2017, 7). An example of a seeming that displays evidential insensitivity can be seen in the Müller-Lyer illusion.

³ Even after hearing that the warning was a hoax, Joe might no longer believe that a flashflood is coming but still remain in an anxious state and still feel the need to get out. If so, Joe is strictly speaking irrational with respect to that seeming and his seeming does not confer foundational justification.

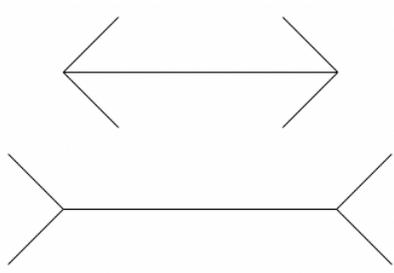


Figure 1 The Müller-Lyer Illusion

The horizontal lines in figure 1 seem to have different lengths. This seeming is strong enough to make it natural to believe that they have different lengths. Interestingly, the seeming persists even when we come to believe (by measuring for example) that the lines in fact have the same length. The seeming that the lines are of different length resists counter-evidence and so is said to be evidentially insensitive.

Evidential insensitivity is a modal property. A seeming has evidential insensitivity when a counterfactual about how that seeming will behave in the presence of counter-evidence is true. This makes it so that a seeming can confer foundational justification even if no counter-evidence is actually present.

This view, which I will call Modal Evidential Insensitivity (MEI) can be stated formally as follows:

MEI: An agent A 's seeming S can confer foundational justification to A 's belief that P iff S is evidentially insensitive with respect to P and A is not aware of any reason to believe not P

In previous work (2013) Brogaard endorsed MEI. However, Brogaard has more recently (2017, In Press) further refined her view on account of a thought experiment modeled after the New Evil Demon problem against reliabilism. (Imagine that a person with exact duplicates of all your internal states inhabits a world in which an evil demon ensures that all belief-forming processes are unreliable. Having all the same experiences, you and your duplicate should be equally justified.) Brogaard calls her thought experiment 'The New New Evil

Demon problem'. Imagine a world in which an evil demon makes all seemings evidence sensitive once a belief is formed on their basis. Next suppose there is an agent in such a world that is as internally similar to you as possible. It seems to you and your duplicate that P and you both believe that P on the basis of your seeming. Your seeming is evidentially insensitive, while your duplicate's seeming is not. Intuitively though, your twin should be just as justified as you are, so evidential insensitivity itself cannot be the mark of foundationally justifying seemings.

The new new evil demon problem has prompted Brogaard to propose "*felt* evidential insensitivity" (In Press, 22) as the mark of foundationally justifying seemings. On this interpretation, it is not evidence insensitivity itself that is the mark of justifying seemings, rather it is a feeling or phenomenological property of the experience of having an evidentially insensitive seeming. She describes felt evidential insensitivity as "the feeling that the experience is so solid that it would not disappear even if we were to discover that it is non-veridical" (In Press, 22). Similar to the new evil demon problem, Brogaard thinks that the new new evil demon problem gives us reason to think that foundational justification is something we have strong access to (2017, 8).

I'm not completely certain whether feelings can have propositional content, but Brogaard seems to be saying that foundationally justifying seemings will cause their perceivers to believe or expect that their seeming will be evidentially insensitive. I'll call this view Believed Evidential Insensitivity (BEI). BEI can be expressed formally as follows:

BEI: An agent A 's seeming S can confer foundational justification to A 's belief that P iff A believes that S is evidentially insensitive with respect to P and A is not aware of any reason to believe not P

BEI may not be what Brogaard has in mind. Perhaps the feeling Brogaard is interested in would be better characterized as a seeming. As noted above, in most or perhaps almost all cases, to have a seeming that P just is to have a belief that P . Clearly Brogaard thinks that some mental state about the seeming to be

justified is required, but I don't know if anything rides on whether that mental state is a seeming or a belief. Or perhaps the feeling Brogaard is interested in accompanies the experience of *attending* to certain seemings. Such a view would take the mark of foundationally justifying seemings to be a dispositional property, namely having a disposition to produce felt evidential insensitivity when they are attended to. This would allow agents to be foundationally justified even if they never attend to their experiences. However, I don't think this is what Brogaard means since it isn't supported by the new new evil demon problem. Instead of altering agents' seemings upon forming beliefs, the demon could alter agents' seemings upon their attending to them. If we take the new new evil demon argument seriously, foundational justification can't be a property that we usually have no access to. If Brogaard has some other interpretation of felt evidence insensitivity in mind, I invite her to clarify it.

In the remainder of this paper I will argue that both MEI and BEI are false. In section 4 I will propose a counter-example to the necessity claim of both MEI and BEI. Evidential insensitivity is not necessary for foundational justification. In section 5, I will argue that cognitive penetration poses a counter-example for MEI and BEI's sufficiency claim. Evidential insensitivity is not sufficient for foundational justification either.

§4 Stranger on the Train: A challenge to necessity

Consider the following scenario, which I'll refer to as Stranger.

Stranger: Suppose Boris is sitting on a train and sees a person on the other side of the car that appears to be a friend of his, Joanna. Boris gets up to say hello but at a closer distance the person no longer looks like Joanna. Upon returning to his seat, the passenger continues to not appear to be Joanna to Boris.

Stranger, if plausible, immediately poses a counter-example to MEI because Boris's seeming is not evidentially insensitive and there is nothing intuitively wrong with saying that Boris was foundationally justified in believing

that the other passenger was Joanna before he went to say hello. To be sure, Boris's initial seeming was inaccurate, but as a descendent of phenomenal dogmatism, MEI allows for false justified beliefs.

Stranger also poses a counter-example to BEI since according to BEI we should expect Boris to be surprised that his seeming did not persist, but it is quite natural to imagine that Boris should not be surprised at all. According to BEI, Boris's initial seeming should have been accompanied by a belief about how it would behave namely that it would not disappear. If Boris held such a belief, then we would expect him to be surprised upon returning to his seat that his seeming did not behave as expected. Perhaps someone in Boris's situation would be surprised, but to suppose that everyone in such a situation must necessarily be surprised seems unwarranted. Even if one is not convinced about my assessment of Stranger, it shows that Brogaard has not provided sufficient reason to think that we must experience evidential insensitivity in order to be foundationally justified in believing some proposition.

Those who think that the contents of perception are only low-level properties may not be convinced that Stranger poses a counter-example to either MEI or BEI. If we are only directly aware of low-level properties in experience and only the seemings that we are directly aware of can provide justification, then Stranger does not pose a counter example to the claim that evidential insensitivity is a necessary condition for foundational justification. (Note that Brogaard does not have this view since she agrees that the content of phenomenal seemings can be higher level properties such as 'being worn out' (In Press, 16) or 'being untrustworthy' (2016, 84)). Such a view would regard Boris's seeming as inferentially justified by lower-level features that the stranger had or seemed to have. On such a view, very few seemings would be able to confer foundational justification. I don't think such a view is correct. I think we can be directly aware of higher-level properties in experience, but I do not have the space to argue for that claim here. However, those who think we are only directly aware of low-level properties in experience will readily agree with me that evidential insensitivity is not a sufficient condition for a seemings ability to confer foundational

justification since many seemings about high-level properties display evidential insensitivity.

§5 Cognitive Penetration: A challenge to sufficiency

Susanna Siegel has argued that the possibility of cognitive penetration poses a counter example to phenomenal dogmatism. Cognitive penetration of perception occurs when a perceiver's cognitive states directly influence their perceptual states. Dustin Stokes and Vincent Bergeron offer the following definition:

A perceptual experience *E* is cognitively penetrated if and only if (1) *E* is causally dependent upon some cognitive state *C* and (2) the causal link between *E* and *C* is internal and mental. (10)

Consider the following scenario, which I have taken from Seigel 2011 and which I will call Anger:

Anger: Jill believes, without justification, that Jack is angry at her. The epistemically appropriate attitude for Jill to take toward the proposition that Jack is angry at her is suspension of belief. But her attitude is epistemically inappropriate. When she sees Jack, her belief makes him look angry to her. If she didn't believe this, her experience wouldn't represent him as angry. (209)

Anger poses a problem for phenomenal dogmatism because Jill's initial belief that Jack is angry at her is not justified, but, according to phenomenal dogmatism, upon seeing Jack her belief suddenly becomes justified. If beliefs can cause things to seem a certain way, and those seemings can confer justification on the very beliefs that caused them, then beliefs can justify themselves. Furthermore, the intuitive thrust of regarding seemings as sufficient to provide justification to beliefs comes from the assumption that perception is influenced only by its (albeit fallible) contact with the world and not by the perceiver.

Cognitive penetration, if possible, is a case where the contents of experience are unwittingly muddled by a contribution from the perceiver, which puts significant pressure on this assumption.

Brogaard has argued that cognitive penetration does not threaten her view because only epistemic seemings are cognitively penetrable (In Press), which by definition do not display evidential insensitivity. So Brogaard's view does not predict that Jill's belief will gain justification from her cognitively penetrated seeming.

The claim that only epistemic seemings are cognitively penetrable is problematic for two reasons. First, to say that epistemic seemings are cognitively penetrable is trivial and uncontroversial. Recall that epistemic seemings are belief states and that cognitive penetration is the influence of cognitive states on a particular state. That cognitive states can influence beliefs is widely and uncontroversially accepted. The debate about cognitive penetration is about whether cognitive states can influence *perception*, not other cognitive states.

The second reason that the claim that only epistemic seemings are cognitively penetrable is problematic is that it implies that no phenomenal seeming is cognitively penetrable, which is simply a denial that cognitive penetration of perception in any interesting sense is possible. Brogaard casts doubt on empirical results suggesting that color experience is cognitively penetrable (In Press). However, Brogaard ignores empirical results suggesting that other kinds of phenomenal seemings are cognitively penetrable. For example, Balcetis and Dunning 2006 and Proffitt 2006 suggest that depth appearance is cognitively penetrable. Van Ulzen et al. 2008 and Vishton et al. 2007 suggest cognitive penetrability of perception of relative size.

The experiments in van Ulzen et al. are particularly relevant to the current discussion as they measured the effect of subjects' beliefs on the apparent size difference of circles in the Ebbinghaus illusion (Figure 2), which, much like the Müller-Lyer illusion, displays a clear case of evidence insensitivity. Specifically, versions of the Ebbinghaus illusion whose circles were filled with affectively loaded pictures were estimated to be different sizes than control versions that had no pictures at all. "Circles with a picture were estimated to be smaller than

circles without a picture, and circles with a negative picture were estimated to be larger than circles with a positive or a neutral picture” (304). The results of the van Ulzen et al. experiments show at once an example of cognitively penetrated phenomenal seemings and of cognitively penetrated evidentially insensitive seemings. Brogaard’s view predicts that both are impossible.

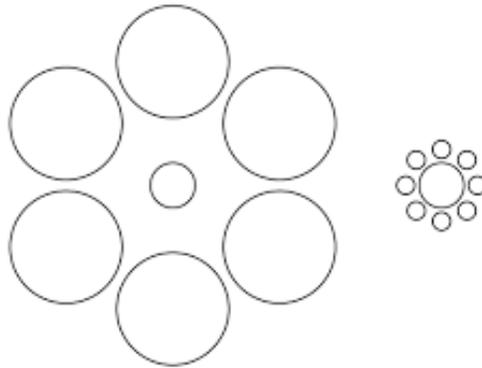


Figure 2. The Ebbinghaus Illusion. The central circle on the right appears larger than the central circle on the left despite their identical size

Now we can return to the significance of Anger for MEI and BEI. I think we can agree that when we say ‘Jack seems angry to Jill’, we could be talking about an epistemic seeming or we could be talking about a phenomenal seeming. If Jill read a nasty note signed by Jack, her seeming would be epistemic. If Jack seems angry based on his facial expressions, Jill’s seeming would be phenomenal. In Siegel’s thought experiment, Jack seems angry to Jill for no particular reason. I will grant that it would be best to categorize her seeming before she sees Jack as an epistemic seeming. However, once Jill sees Jack, if he still seems angry to her, her seeming will be a phenomenal seeming. As noted above, seemings about facial features are phenomenal. To argue that Jill could see Jack and he seems to Jill to be angry epistemically is to not take the thought experiment or cognitive penetration seriously, but as I have argued, Brogaard has not given us reason to not take this scenario seriously.

Further, Siegel’s thought experiment makes for an appropriate example because the van Ulzen study mentioned above makes it plausible. Van Ulzen reports that the relative size difference of central circles of the Ebbinghaus illusion

is sensitive to affective valences added to the central and flanking circles. One way to spell out Siegel's thought experiment in a little more detail is that Jack seems angry to Jill, which causes her to be afraid. Then, Jill's affective state causes modulation to the shapes of Jack's facial features making him seem angry. One might argue that this way of spelling out Siegel's thought experiment no longer displays a case of cognitive penetration because the relation between Jill's original seeming and her experience of Jack as angry are not semantically coherent. There are reasons to not require cases of cognitive penetration to display semantic coherence, but even if we do, Siegel's case still poses an unsavory epistemological result. Jill's belief still problematically gains justification from an experience that is causally dependent on that very belief.

§6 Conclusion

I have argued that two versions of Brogaard's revised phenomenal dogmatism make claims about the necessary and sufficient conditions for the seemings that can confer foundational justification, but that these claims are problematic. The problematic notion in each case is evidential insensitivity. Regarding evidential insensitivity as the mark of foundationally justifying seemings results in a theory that is both too wide (allowing cognitively penetrated seemings to justify) and too narrow (disallowing evidentially sensitive phenomenal seemings from justifying). The possibility of cognitive penetration of perception likely poses a significant threat to any strong access version phenomenal dogmatism since empirical results suggesting its possibility seem to indicate that perceivers are unaware of any penetration of their experience. Perhaps cognitive penetration can be shown to be impossible, otherwise phenomenal dogmatists are perhaps most likely to find success with a weak access version.

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