

## Fallibility for Infallibilists

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ABSTRACT. Infallibilism is the view that knowledge requires conclusive grounds. Despite its intuitive appeal, most contemporary epistemology rejects Infallibilism; however, there is a strong minority tradition that embraces it. Showing that Infallibilism is viable requires showing that it is compatible with the undeniable fact that we can go wrong in pursuit of perceptual knowledge. In other words, we need an account of fallibility for Infallibilists. By critically examining John McDowell's recent attempt at such an account, this paper articulates a very important general lesson for Infallibilists. The paper concludes by briefly discussing two ways to do justice to this lesson: first, at the level of experience; and second, at the level of judgment.

*Infallibilism* is the view that knowledge requires conclusive grounds. If Infallibilism is correct, then you cannot know that  $p$  on grounds that merely make it probable that  $p$ —after all, they are compatible with *not-p*! Instead, to know that  $p$  you must have grounds that genuinely *guarantee* that  $p$ , and so, rule out *not-p*.

Infallibilism is closely associated with the “Oxford Realism” of John Cook Wilson and H. A. Prichard; it is later taken up by J. L. Austin, and its main contemporary proponents are John McDowell and Charles Travis.<sup>1</sup> Here is Travis on Cook Wilson:

On Cook Wilson's view, ...knowledge is never merely enough, though less than absolute, certainty. Suppose we think of evidence for  $p$  as something that makes  $p$  likely—perhaps, in the best case, extremely likely—but as something that falls short of proof as strict as in the arithmetical case, something that merely gives  $p$  some probability less than 1. Thus, on his view, having even the very best evidence for  $p$  will not, so far as that goes, count as knowing that  $p$ . (Travis 2005: 289)

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<sup>1</sup> See, e.g., Cook Wilson (1926); Prichard (1950); Austin (1962; 1979a); McDowell (1982; 1995; 2011); and Travis (2005).

The intuitive appeal of this view is very strong, but it remains a minority view—at least among philosophers. The trouble is that it seems to have unacceptable skeptical consequences. So, Jim Pryor writes:

A fallibilist is someone who believes that we can have knowledge on the basis of defeasible justification, justification that does not guarantee that our beliefs are correct. We can at best have defeasible justification for believing what our senses tell us; so anyone who thinks we have perceptual knowledge about our environment has to embrace fallibilism. I assume that most of us are fallibilists. Most of us think we do have some perceptual knowledge. (Pryor 2000: 518)

On the widespread assumption that perception can provide only defeasible grounds for judgment, Infallibilism entails that we lack perceptual knowledge, and this, presumably, is unacceptable. Fallibilism, therefore, is *de rigueur*.<sup>2</sup> It is also, to be sure, an honored piece of our collective empiricist inheritance. Here is Locke:

The notice we have by our senses of the existing of things without us, though it be not altogether so certain as our intuitive knowledge, or the deductions of our reason employed about the clear abstract ideas of our own minds; yet it is an assurance that deserves the name of *knowledge*. (1975: IV 11 iii)

For Locke, empirical matters never admit of the same degree of certainty as the mathematical or the logical, but we may claim perceptual knowledge, anyway. After all: “The certainty of things existing *in rerum natura*, when we have the testimony of our senses for it, is not only as great as our frame can attain to, but as our condition

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<sup>2</sup> Almost all recent epistemology is fallibilist about the grounds of knowledge. This includes traditional foundationalism, coherentism, and reliabilism—whether understood in terms of counterfactuals, truth-tracking, safety, biological functions, or intellectual virtues.

needs” (Locke 1975: IV 11 viii). On this view, we can know, perceptually, because the “testimony of our senses,” though *never* conclusive, is typically *good enough*.<sup>3</sup>

Despite its pedigree, I think it requires a fair bit of philosophical browbeating to find this idea palatable. In my experience, most untutored undergraduates are Infallibilist by default: “For all you know, you might be wrong? Well, then you don’t really *know* at all!”<sup>4</sup> Again, these intuitions are strong. So strong that many students regard the anti-skeptical retreat to Fallibilism as a cheap dodge—as though we could avoid skepticism by changing our definition of knowledge. Compare Hilary Kornblith’s complaint:

Of course knowledge is possible if we weaken the standards for knowledge far enough, in particular if we weaken them until we can show that many of our beliefs then pass the standards. But this seems to be nothing more than an exercise in self-congratulation. Why should we care about knowledge so defined? (Kornblith 1999)

Indeed, many undergraduates would rather bite the skeptical bullet than betray their Infallibilist intuitions. A good many philosophers will dismiss this as a sign of philosophical naïveté. I think this is a mistake. For one thing, the undergrads are in good company: Cook Wilson and Pritchard *both* rejected the possibility of perceptual knowledge rather than entertain Fallibilism.<sup>5</sup> For another thing, insisting on Infallibilism points us toward a third path. Recall Pryor’s anti-Infallibilist argument:

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<sup>3</sup> For criticism of a “looks-talk-based” attempt to make out the view that “perceptions defeasibly justify beliefs,” see Christopher Gauker’s contribution to this volume.

<sup>4</sup> This echoes Austin’s injunction: “You are prohibited from saying ‘I know it is so but I may be wrong’.... If you are aware you may be mistaken, you ought not to say you know...” (Austin 1979a: 98).

<sup>5</sup> For discussion, see Travis (2005: 289-294).

*Given* the defeasibility of perceptual grounds,  
*Then* Infallibilism entails skepticism;  
*But* skepticism is false;  
*So* Infallibilism is false.

And obviously there's another way to swing this modus tollens: we may deny the assumption that perceptual experience can provide only defeasible grounds for judgment.<sup>6</sup> In other words, we may argue:

*Given* Infallibilism,  
*Then* the defeasibility of perceptual grounds entails skepticism;  
*But* skepticism is false;  
*So* perceptual grounds can be indefeasible.

The path to non-skeptical Infallibilism thus involves showing how perception *could* provide indefeasible, conclusive grounds for judgment. This has been a main goal of recent work in the Infallibilist tradition.<sup>7</sup>

However, what makes this task particularly difficult—and Fallibilism particularly tempting—is that the supposed defeasibility of perceptual grounds can seem constitutive of our fallibility in pursuit of perceptual knowledge. On this view, the undeniable possibility of going wrong in pursuit of perceptual knowledge simply consists in the fact that perceptual experience provides no guarantees. A principal task for the Infallibilist is therefore to provide an alternative account of perceptual fallibility, one compatible with the claim that perception can provide genuinely conclusive grounds for judgment. What we need, in other words, is *fallibility for*

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<sup>6</sup> That most philosophers see no need to argue for this traditional empiricist assumption is, I think, no surprise, and it speaks to the degree to which contemporary philosophy has failed to properly take stock of its empiricist inheritance.

<sup>7</sup> See, again, McDowell (1982; 1995; 2011); and Travis (2005).

*Infallibilists*. Articulating a critical lesson that applies to any such account is the main goal of this paper.

I arrive at my view indirectly, finding a foil in the view of perceptual fallibility presented in McDowell's recent essay, *Perception as a Capacity for Knowledge*. The first part of the paper briefly sketches McDowell's view. The second part then turns to a general discussion of capacities and their fallibility, which part three develops into a criticism of McDowell. Part four then draws from this a general lesson for non-skeptical Infallibilism. Finally, part five briefly considers two ways to do justice to this lesson: first, at the level of experience, in a rehabilitated version of McDowell's view; and second, at the level of judgment, in a view that finds contemporary expression in the work of Travis and Alan Millar, as well as in my own.<sup>8</sup>

## **1. McDowell on Perceptual Fallibility**

McDowell presents his conception of perceptual fallibility in the context of defending a form of Sellarsian epistemic internalism against an attack by Tyler Burge (2003: 528-529). According to McDowell, Burge's attack "turns on the assumption that perceptual states, in themselves, can provide only defeasible warrant for beliefs" (McDowell 2011: 34). As McDowell points out, Burge thinks that this "follows from, perhaps even...merely restates, the undeniable fact that any

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<sup>8</sup> Note that I do not in this paper directly address the *nature* of the grounds of perceptual knowledge: are they ordinary objects of awareness (pigs) or facts (*that the pig is snuffling*) or something else entirely? Furthermore, how should we think of those grounds? Are they evidence? Do they count as reasons? For reflection on these sorts of issues, see Heather Logue's and Joseph Cunningham's contributions to this volume.

perceptual capacity is fallible” (McDowell 2011: 34-35; cf. Burge 2003: 535).

McDowell, of course, disagrees, and claims that “this reflects a mistake about the concept of fallibility” (2011: 36). In particular, McDowell thinks that we may adopt a view of perceptual capacities that is very different from Burge’s, and that doing so makes available an account of perceptual fallibility that is compatible with the possibility that “perceptual states...[can] provide conclusive warrant for corresponding beliefs” (McDowell 2011: 34). In other words, according to McDowell, the right view of perceptual capacities can happily marry fallibility to Infallibilism.

Let’s start, then, with Burge’s conception of perceptual capacities. In keeping with the mainstream view, Burge treats a perceptual capacity as a capacity to produce (characteristically perceptual) representations as of local reality that are reliably veridical in normal environments (Burge 2003: 530-544). The production of such a representation is the occurrence of a perceptual episode, and its occurrence is *ceteris paribus* sufficient to generate perceptual warrant—that is, to warrant perceptual belief. However, whether the representation is veridical—and likewise, whether the corresponding belief adds up to knowledge—is a further matter, one external to the operation of the perceptual capacity itself.<sup>9</sup> Strictly speaking, then, perceptual capacities are not capacities for *perceiving that*, since to perceive that *p* entails that *p*; rather, they are capacities for producing warrant-conferring perceptual states that, in any given instance, may or may not be veridical. And only if such a perceptual state is veridical does its production count as an instance of

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<sup>9</sup> This is so even if it is “apriori” that the “fundamental and characteristic function” of a perceptual system “is to perceive, hence to represent veridically” (Burge 2003: 511).

perceiving that.<sup>10</sup> Thus, for Burge, “it is a fundamental feature of perceptual *warrant*...that it allows that an individual can be fooled while retaining warrant” (Burge 2003: 536). This possibility is constitutive of the fallibility of our perceptual capacities and explains how we can go wrong in pursuit of perceptual knowledge.

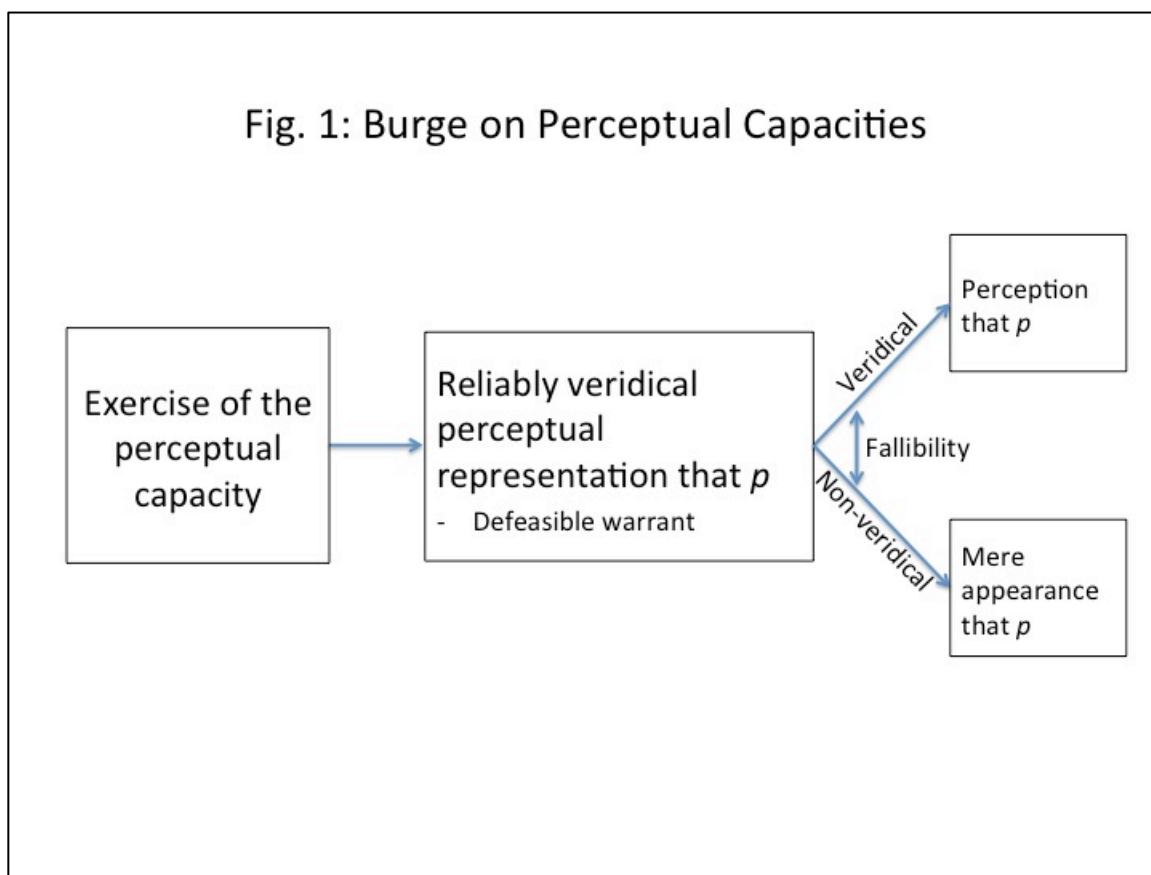
By contrast, McDowell proposes that we treat perception as a full-blown capacity for *perceiving that*. On this view, the successful operation of a perceptual capacity results in cognitively taking in the layout of local reality—viz., perceiving that things are a certain way. Since ‘S perceives that *p*’ entails ‘*p*’, the successful operation of our perceptual capacities yields *conclusive, indefeasible* warrant for judgments about how things are, just as a non-skeptical Infallibilism requires (McDowell 2011: 30-34). But, according to McDowell, these capacities are nevertheless fallible inasmuch as they might fail to operate successfully—that is, they might *misfire*. The result of such a misfire is a failure to *perceive that*—or, what is the same, a mere perceptual seeming, and so, the mere appearance of the conclusive warrant that perception characteristically provides. Critically, according to McDowell, the possibility of such a misfire does nothing to undermine the conclusive warrant provided by cases in which our capacities operate successfully (McDowell 2011: 36-44). This view thus combines the possibility of perceptual

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<sup>10</sup> There are two points worth noting here. First, some philosophers (e.g., Lewis) think cases of so-called “veridical hallucination” show that veridical perceptual representing is insufficient for perceiving. But, according to Burge, such views neglect the role of singular elements in perceptual content (Burge 2003: 522; Burge 2010: 382). On his view, veridical perceptual representing is *ipso facto* perceiving. Second, Burge thinks that perceptual representation is non-propositional and non-conceptual, so he’d balk at my characterizing a case of *perceptual* representational success as an instance of “perceiving that *p*,” where *p* is a proposition (Burge 2003: 525). But we can just as well treat ‘*p*’ as a placeholder for any sort of representational content whatsoever, so there’s no trouble here.

error—the fallibility of our perceptual capacities—with the possibility of conclusive perceptual grounds.

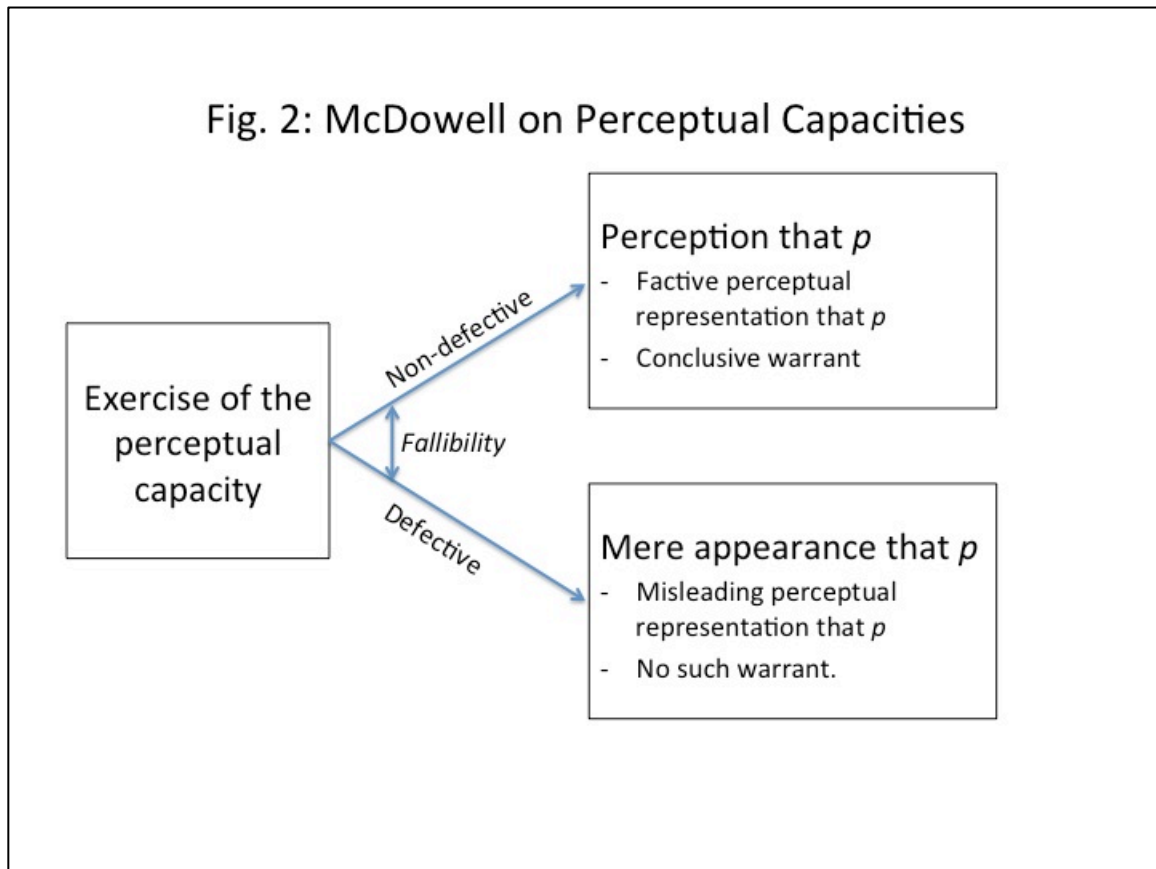
So, Burge and McDowell agree that our fallibility in pursuit of perceptual knowledge is a matter of the fallibility of our perceptual capacities. But, for Burge, the fallibility of those capacities is a matter of the nature of their product, a matter of the nature of perceptual representation itself, which guarantees the essential defeasibility of perceptual warrant (Fig. 1).<sup>11</sup>



<sup>11</sup> For further discussion of fallibility (in the sense of defeasibility of warrant) as something built into the very nature of representation, see Burge (2007: 198-199; 2010: 42-54). Also, Figure 1 simplifies Burge's view by ignoring cases that undermine a creature's capacity to produce reliably veridical perceptual representations of its environment (Burge 2003: 537-540). In such cases, perceptual states may occur, but they do not warrant belief. This is a further source of perceptual fallibility, and consists in the possible failure of the perceptual capacity itself. This is not, however, the main reason we sometimes go wrong in pursuit of perceptual knowledge, according to Burge.



On Burge’s view, full perceptual success—perceiving things as they are—requires the proper operation of a perceptual capacity *and* the representational success of its product. By contrast, for McDowell, full perceptual success consists simply in the proper operation of our perceptual capacities. Thus, to say that our perceptual capacities are fallible can only mean that it is possible to exercise them defectively (Fig. 2).



It is helpful to consider how these views apply to a particular case. Suppose, first, that you know red things when you see them. Further suppose that: (a) before you on a white tablecloth lies a medium-sized uniformly red tomato; and (b) conditions are optimal—viz., unfiltered daylight just right for inspecting colors, no evil deceiver, no mirrors or other trickery, and you’re well-rested, sober, and focused on the task.

Call this *The Scenario*. (For most of us, Scenario-like circumstances are a commonplace.) You are asked the color of the tomato, and it's important that you get it right. So, you take your time. You look closely. Everything is in place for a correct identification. The possibility of a merely verbal slip aside, is there a chance that you will get it wrong?

Arguably, for both Burge and McDowell, the answer is: "Yes." Why? Because our perceptual capacities are fallible. In Burge's case, this means that there can be no *guarantee* that our perceptual capacities will produce a veridical representation, even under optimal conditions.<sup>12</sup> For McDowell, it means that there is always a live possibility that our perceptual capacities will misfire—that we will exercise them defectively—and that we will fail to perceive things as they are.<sup>13</sup> Nevertheless, according to McDowell, this does not prevent it from being the case that, *when things go well*, perception delivers up the world in a way that provides conclusive grounds for belief, just as non-skeptical Infallibilism requires. If McDowell is right, then we have what we want: a non-skeptical, Infallibilist account of how we can go

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<sup>12</sup> Burge is very clear that "being *reliably* veridical in normal conditions... [is] sufficient... [to confer] warrant" (Burge 2003: 532). Thus, since *occasional* failure even under *optimal* conditions needn't undermine *overall* reliability, Burge cannot deny that a capacity that *does* occasionally yield non-veridical perceptual representations in optimal conditions is a perfectly good warrant-generating perceptual capacity whose "fundamental and characteristic function" remains "to perceive, hence to represent veridically" (Burge 2003: 511). Burge seems to admit the possibility of this sort of perceptual failure in a lengthy footnote (Burge 2003: 537-538, note 24).

<sup>13</sup> One might immediately object that McDowell would say that, in *The Scenario*, you cannot go wrong. I agree that, in places, this is what McDowell *seems* to want to say, and in fact *needs* to say, but the question is whether he's *entitled* to say it. I think his current view of perceptual fallibility deprives him of that entitlement. I argue for this in more detail in the next section (see especially the discussion of the "first tempting thought"). For now, however, suffice it to note that, *prima facie*, the idea that perceptual fallibility is a matter of the possibility of defectively exercising (misfiring) a perceptual capacity *strongly suggests* the possibility of going wrong in *The Scenario*. In the next section, I'll show that it more than merely suggests this: it entails it.

wrong in pursuit of perceptual knowledge. Unfortunately, close examination finds trouble. Spelling it out requires further clarity about fallibility as a property of capacities. This is the subject of the next section. The subsequent section gets at the trouble.

## 2. Capacities Perfect and Imperfect

McDowell presents his view of perceptual fallibility as an instance of a more general conception:

Fallibility is a property of *capacities*, or perhaps of cognitive subjects as possessors of capacities. If a capacity is fallible, or if, to speak in that other way, anyone who has it is fallible in respect of it, that means that there can be exercises of the capacity in which its possessor does not do what the capacity is specified as a capacity to do. (2011: 37)

And later:

If we follow the etymology of the word, fallibility is a possibility of being deceived. That is an imperfection in cognitive capacities.... [C]onsider its analogue in application to imperfection in other sorts of capacities. Think of the capacity to sink eight-foot putts. Even the best golfers do not sink all their eight-foot putts.... [This is] a capacity, of course not guaranteed success in every exercise, in whose non-defective exercises a possessor of it actually sinks eight-foot putts. (2011: 39)

This analogy is instructive—let's pursue it.

Jack Nicklaus has the capacity to sink eight-foot putts if anyone does; yet Nicklaus sometimes misses. How can we square these facts? Easy: Nicklaus is great, but he's not perfect. More precisely, Nicklaus's capacity to sink eight-foot putts is not perfect. For McDowell, this means that (probably) some of its exercises will be "defective." Fine—but we have to be careful with the notion of "defect" here.

What exactly is it for an exercise of a capacity to be defective, according to McDowell?

When we acknowledge that a capacity is fallible, we acknowledge that there can be exercises of it that are defective, in that they fail to be cases of what the capacity is specified as a capacity to do. (2011: 38)

Thus, on McDowell's usage, to say that an exercise of a capacity to  $\Phi$  is *defective* is just to say that it does not result in  $\Phi$ -ing. So far, this is quite innocent.<sup>14</sup> But it is also potentially misleading, because an exercise that is defective in McDowell's sense may *also* be exemplary. Thus, suppose Nicklaus is on the green and conditions are perfect for putting: the grass is just right, the wind is down, and he's well-rested, sober, and focused on the task. He carefully assesses the lie, takes aim, and, with consummate form...misses. Afterward, he makes no excuse: "I putted as well as I could. But sometimes you just don't hole it." So, did Nicklaus exercise his capacity to sink eight-footers *defectively*? In McDowell's trivial sense, yes. But in another important sense, no: Nicklaus exercised his capacity beautifully (it was a model of good putting technique); he just missed. What explains this is not some defect in the *exercise* of his capacity, but the imperfection of the capacity itself. More generally, the point is this: if a capacity to  $\Phi$  is *imperfect*, then it is possible for a perfectly good exercise of that capacity *not* to result in  $\Phi$ -ing. After all, the capacity is imperfect, so using it aright brings no guarantees. You can do everything as you should—and still fail. By contrast, a capacity to  $\Phi$  whose exercise infallibly yields  $\Phi$ -ing is a *perfect* capacity, in that any failure to  $\Phi$  must be the result of something extrinsic to the capacity itself.

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<sup>14</sup> But not according to Alan Millar! See the discussion of McDowell in Millar (Forthcoming).

The idea that an otherwise perfectly good exercise of a capacity to putt might fail to yield sunk putts arguably recalls a famous footnote from Austin's "Ifs and Cans":

Consider the case where I miss a very short putt and kick myself because I could have holed it. It is not that I should have holed it if I had tried: I did try, and missed. It is not that I should have holed it if conditions had been different: that might of course be so, but I am talking about conditions as they precisely were, and asserting that I could have holed it. There is the rub. Nor does 'I can hole it this time' mean that I shall hole it this time if I try or if anything else: for I may try and miss, and yet not be convinced that I could not have done it; indeed, further experiments may confirm my belief that I could have done it that time although I did not.

But if I tried my hardest, say, and missed, surely there *must* have been *something* that caused me to fail, that made me unable to succeed? So that I *could not* have holed it. Well, a modern belief in science, in there being such an explanation of everything, may make us assent to this argument. But such a belief is not in line with the traditional beliefs enshrined in the word *can*: according to *them*, a human ability or power or capacity is inherently liable not to produce success, on occasion, and that for no reason (or are bad luck and bad form sometimes reasons?). (Austin 1979b: 218)

Again, take Nicklaus on the green. He tries his very best and misses. What went wrong? As the second paragraph of Austin's note indicates, there are at least two ways in which this question can be heard. First, the physics student: "What went wrong? Why did he miss?" Teacher: "The angle was too severe for the force of the putt." Indeed, with *that* angle on the putter, and *that* much force behind the putt, Nicklaus simply *could not* have holed it. Second, the incredulous Nicklaus fan: "What went wrong? How could he miss?" Sober onlooker: "Well, I thought he'd hole it—his form and focus were beautiful—but even Nicklaus can miss, even under the best conditions. Bad luck, I guess." The difference is that the first explanation implies that Nicklaus "did" something wrong (too sharp, too hard), but the second carries no

such implication: it simply cites (implicitly) the imperfection of the relevant capacity. Part of Austin's point is that, in many cases where exercising a capacity to  $\Phi$  fails to issue in  $\Phi$ -ing, explanations of the latter sort are fully adequate, and that nothing more is needed to understand the relevant failure.<sup>15</sup>

There's also a further point to bring out. Suppose Austin and I are on the green. He asserts that he can sink an eight-foot putt. I claim that he cannot. He tries, misses, and kicks himself. "I could have holed it," he says. "Well, then, prove it," I say. He tries a few more times: all misses. "See?" I say. "Nonsense," he says, and persists. Finally, he sinks a few—and then a few more. Finally, I relent: "Okay, you *can* sink eight-foot putts, after all. You *could* have holed it the first time." Here, "further experiments" prove that Austin could have holed the putt the first time, though he

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<sup>15</sup> However, in an email to me on July 13, 2014, McDowell provided a very helpful and challenging set of comments on this paper in which he suggested that there's something "fishy" about the idea that if a capacity to  $\Phi$  is *imperfect*, then it is possible for a *perfectly good* exercise of that capacity *not* to result in  $\Phi$ -ing—at least where the relevant capacity is "a practical capacity." He writes: "I want to say that if an excellent putter, e.g. Nicklaus, misses a putt, there must have been something off either in his determining of how exactly to strike the ball given the lie or in his striking of the ball, so his exercise wasn't perfect in any recognizable sense." I agree that something must have been off, but I deny that it must be *in the exercise of the capacity*. This point might be clearer in cases where  $\Phi$ -ing is more difficult. Suppose, then, that Nicklaus is practicing a challenging 25-foot putt. He takes careful note of the lie and strikes the ball with full concentration. A beautiful putt that...misses by a tiny margin. All that my account requires is that, in trying again, Nicklaus might reasonably try to hit the ball *just as he did the first time*, knowing that this will maximize his chances of success. Similarly, Madison Bumgarner has the ability to strike out a batter by bouncing a curveball just behind home plate. If he throws a curve that bounces a bit too soon, and so fails to draw a swing, he might make a correction to his form. But he might not. He might just *try again* in exactly the same way—and this time: hit the spot, get the strikeout, and win the game. What distinguishes greats such as Nicklaus and Bumgarner from the competition is mainly that their capacities are *more refined*, which means that exercising them properly yields greater chances—yet no guarantee—of success.

Relatedly, also in his comments, McDowell disputes my reading of the passage from Austin. But of course nothing in my argument really hinges on getting Austin right. Still, I would insist that my reading of the passage is at least *plausible*.

did not. They prove this by demonstrating that he has the capacity to sink eight-foot putts. But how exactly do they prove this? They prove it by showing that Austin can sink eight-foot putts *often enough* (for present purposes).<sup>16</sup> And this points to a very important fact: imperfect capacities are what Alan Millar has called “success-rate” capacities (2009: 230-231). A capacity to  $\Phi$  is a success-rate capacity if it is, strictly speaking, a capacity to  $\Phi$  *often enough*. So, trying to  $\Phi$  and failing once is *ceteris paribus* no evidence that you lack a success-rate capacity to  $\Phi$ , but failing often enough—or failing once, spectacularly, with no apparent chance of success—would be. We think of many of our capacities in this way. No one thinks that the ability to sink eight-foot putts is an ability to do this *every time*.<sup>17</sup> On the contrary, we attribute the ability to sink eight-foot putts to someone who can do it *often enough* for relevant purposes.<sup>18, 19</sup>

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<sup>16</sup> Not to say that this is the only way to prove it. If Austin’s putting form is sufficiently good, an expert—or in some cases even I—might be able to tell from his first (missed) putt that he could have holed it. His capacity to sink such putts might have been evident in his execution, despite the miss.

<sup>17</sup> Note that I use the terms ‘capacity’ and ‘ability’ interchangeably.

<sup>18</sup> And of course relevant purposes vary according to occasion. On the PGA Tour, a pro might be (correctly) described as unable to sink eight-foot putts even though he (still) succeeds more often than an amateur who putts above average and whose friends (correctly) describe him as able to sink eight-foot putts.

<sup>19</sup> It’s worth noting that my conception of a success-rate capacity differs from Millar’s in an important respect. Millar is committed to “the success thesis,” according to which “[p]eople exercise the ability to do something only if they do, or are doing, that thing” (Millar: 2). By itself, the success thesis rules out the possibility of the “defective exercise” of a capacity—and so, that what Nicklaus does in putting and missing might count as an (otherwise impressive if trivially defective) exercise of his capacity to sink eight-foot putts. Moreover, since *success-rate* capacities are capacities to  $\Phi$  only *often enough*, Millar thinks that they can be exhibited (and so, count as exercised) only over a series of trials: “Since achieving an impressive success-rate is what the ability is an ability to do it is quite natural to regard as exercises of the ability only cases of achieving an impressive success-rate over a sequence of trials” (Millar: 12). By contrast, I think that the relevant ability is exercised (and potentially evident) in each and every trial, for it seems to me that Millar’s view has some

The upshot is that there are, generally speaking, two different kinds of capacities: perfect capacities and imperfect, or success-rate, capacities.

A capacity to $\Phi$ is <i>perfect</i> <sup>def</sup> $\equiv$	Exercising it guarantees $\Phi$ -ing, and so, is incompatible with failing to $\Phi$ .
A capacity to $\Phi$ is <i>imperfect</i> <sup>def</sup> $\equiv$	Exercising it guarantees only $\Phi$ -ing often enough, and so, is compatible with failing to $\Phi$ .

Now, on McDowell's view, our perceptual capacities are imperfect, so success-rate capacities to take in the layout of our surroundings, to perceive how things are, to *perceive that*. Exercising them, you, like Nicklaus, sometimes fail. But provided you succeed often enough, you count as a perceiver.<sup>20</sup> And, according to McDowell, the fact that you might fail doesn't prevent it from being the case that, when you succeed, your experience provides conclusive grounds for judgment: for, when you succeed, you perceive *how things are*, which is as conclusive as it gets. Nevertheless, in the next section, I argue that this account cannot be sustained. If you seek a viable non-skeptical Infallibilism, it is a mistake to treat perceptual capacities as imperfect, success-rate capacities. Before getting to this, however, it's worth addressing three tempting thoughts.

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undesirable consequences. First, Millar is committed to denying, implausibly, that Nicklaus's winning putt (a single trial) was *itself* an exercise of his ability to sink eight-foot putts. Second, Millar's view faces the following objection: suppose that a golfer is trained to putt in a very effective and well-tested virtual reality system in which he does no actual putting, but then abandons golf after sinking (with consummate form) his first real putt. Millar is committed to saying that the golfer never once exercised his success-rate capacity to sink putts, which seems wrong.

<sup>20</sup> Well, you count as a perceiver in the sense that interests him. The sense that doesn't interest him is that in which non-rational animals such as cows and infant humans count as perceivers. For discussion, see McDowell (2011: 14-15).



- *The first tempting thought.*

You might think that there is no such thing as a success-rate capacity. In particular, you might think that the notion of imperfection in capacities—the possibility of their defective exercise—is a matter of *susceptibility to bad conditions*, not of success rates.<sup>21</sup> In this case, when Nicklaus misses an apparently flawlessly executed putt, this is because of bad conditions. More generally, on the view under consideration, if S exercises the capacity to  $\Phi$ , then good conditions guarantee that S will  $\Phi$ , while bad conditions guarantee that S will fail. This is just what good and bad conditions *do*. In this case, S defectively exercises her capacity to  $\Phi$ —and so, fails to  $\Phi$ —if and only if she exercises it under bad conditions. By contrast, a perfect capacity would be a capacity immune to circumstance. And now the question is whether this is a plausible account of perfection and imperfection in capacities, for there is reason to think that McDowell actually has something like this in mind. His discussions of “perceptual failure” tend to focus on cases where subjects are led astray by undetectably bad conditions, rather than on cases where our capacities misfire even under optimal conditions. This is a critical issue. I have claimed, above, that McDowell’s account commits him to the possibility of perceptual failure under optimal conditions, and in the next section I’ll argue that this is disastrous for his view. So, the question is whether it is possible to understand the possibility of the “defective exercise” of a capacity as no more than a matter of susceptibility to bad conditions. If so, McDowell can hold that optimal conditions guarantee perceptual

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<sup>21</sup> This objection was pressed on me by Andrea Kern and Sasha Newton.

success, and my criticism has no footing. However, a bit of reflection shows that such an account of imperfection in capacities is unsustainable, for reasons that are quite independent of perception.

Nicklaus again. Suppose that he misses under apparently optimal conditions. On the account under consideration, conditions were actually sub-optimal. After all, he missed! So, they were actually conditions under which Nicklaus *could not* have holed the putt, *despite* having had (at that very moment) the capacity to do so. Thus, when Nicklaus later insists, "I could've holed it," then, contra Austin, he cannot mean that he could have holed it under *those very conditions*; all that he can mean is that conditions could have been different. For instance: the grass could've been a different length or variety; his putt could've been harder or softer; the angle (or weight, or length, or material) of the putter could've been different; etc. Get all *those* conditions right (in any one of many possible ways), and he'd have holed it. But under *those* conditions, I'd have holed it, too, despite being a terrible putter. In other words, it turns out that, on this account, Nicklaus and I have exactly the same putting capacity: we succeed and fail under exactly the same conditions. And it won't do to suggest that, on the contrary, the difference between Nicklaus and me is that he succeeds in a greater variety of conditions. This account requires that good conditions be specified so as to *guarantee* success. But if they are sufficient to guarantee success for Nicklaus, they are sufficient to guarantee success for me, too.<sup>22</sup> In sum, the trouble with this account is that by making conditions alone

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<sup>22</sup> Two points worth noting. First, in some very helpful written comments on this paper, Heather Logue suggests that this argument fails to distinguish conditions external to the agent from internal

sufficient to guarantee success (or failure) when a capacity is exercised, it deprives the capacity of explanatory significance, and so, trivializes the notion of a capacity. Indeed, this account seems to entail not only that *we all* have the capacity to sink putts of indefinite length, but are possessed of every capacity whatsoever. (When I fail in trying to count a trillion primes? That's just because conditions weren't right, not because I lack the relevant capacity.)

The fundamental error in this approach to capacities is a conflation of the two types of explanation I extracted from the passage from Austin above. The approach begins with the perfectly sensible thought that, when Nicklaus misses a putt, something in particular must've gone wrong and prevented him from sinking it. And suppose we are correct in our assessment: the putt was too hard; had it been just a bit softer, he'd have holed it. In one sense, then, had "conditions" been different (the putt softer), he'd have holed it. This is Austin's "scientific" style of explanation. So far, so good. The error arises when we apply this conclusion about "different conditions" to explanation at a level where capacities are relevant—namely, when we conclude that 'he had the capacity to hole it' (or 'he could have holed it') *means that, had conditions been right* (the putt softer), he'd have holed it. And this altogether ruins the notion of a capacity. Of course, what counts as "good

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conditions that constitute the exercise of the capacity. However, the point is that any set of conditions sufficient to *guarantee* that Nicklaus will sink the putt cannot be a set of merely external conditions. A set of conditions that guarantees success in putting will include a host of "internal" conditions possession of which will, under relevant external conditions, suffice for *anyone* to sink the putt. Second, in another very helpful set of comments, Johan Gersel suggests that, in saying, "I could've holed it," Nicklaus might mean something like, "Had I been a bit more vigilant about the lie, I could've holed it." But as Gersel himself notes, no matter how vigilant or careful Nicklaus is, he might yet miss, and intelligibly say (again), "I could've holed it." Such is putting—at least at eight feet.

conditions” for the exercise of a capacity depends on what sorts of circumstances conduce to success, but if those conditions are specified in such a way as to *guarantee* success, then they leave no explanatory room for the capacity itself. Consequently, if there is such a thing as imperfection in capacities that consists in the possibility of the “defective exercise” of the capacity to  $\Phi$ —that is, the possibility of exercising the capacity and yet failing to  $\Phi$ —then this cannot be just a matter of susceptibility to bad conditions. Rather, it must be that, even under optimal conditions, exercising the capacity to  $\Phi$  doesn't guarantee  $\Phi$ -ing. Capacities that are susceptible to defective exercise *must* be success-rate capacities. As we'll see, this has far-reaching implications for Infallibilist epistemology.

- *The second tempting thought.*

You might think that, as finite beings, *all* of our capacities must be imperfect (and so, success-rate) capacities. This sometimes seems to be McDowell's view, at least with respect to cognitive capacities.<sup>23</sup> But there are many counterexamples to this thought. Consider the capacity to add eight to seven, or to spell the word ‘sphinx’. These are, without question, cognitive capacities; but they are not plausibly treated as imperfect, success-rate capacities. When you say that you can add eight to seven, or spell ‘sphinx’, you don't mean that you can do this only *often enough* for present purposes; you mean that, under present conditions, you can do it, *period*: if you exercise your capacity, then, *ceteris paribus*, you succeed. In other words, these

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<sup>23</sup> See, e.g., McDowell (2011: 39-40).

are *perfect* capacities.<sup>24</sup> That said, if conditions change, all bets are off. There are circumstances—say, when you’re very drunk, or asleep, or undergoing torture—when you are unable to do these things, *but not because you will fail if you exercise your (otherwise perfectly good) capacities to do them*; rather, because, under these sorts of conditions, *you cannot exercise those capacities at all*. Take the drunk who gets behind the wheel only to drive off the road: he doesn’t “defectively exercise” a perfectly good capacity to drive safely; instead, whatever he may think, *it’s impossible for him to exercise his capacity to drive safely at all*.<sup>25</sup> And this point holds for all capacities, perfect and imperfect: it is possible to exercise them only in relevant appropriate circumstances.<sup>26</sup>

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<sup>24</sup> For further examples and discussion of such non-success-rate capacities, see Millar, who convincingly argues that “[t]he abilities to read English, to speak French, to ski, to ride a bicycle, to find one’s way from home to the campus, are not success-rate abilities” (2009: 231).

<sup>25</sup> I was initially inclined to describe such cases as involving the temporary *loss* of the relevant capacity. But Alan Millar has convinced me that they are better treated as involving the temporary loss of the ability to exercise the capacity. After all, the drunk still knows how to drive safely, it’s just impossible for him to exercise this capacity *now*. (If he nevertheless succeeds, it will be a matter of luck, not of ability.) More generally, as Millar writes:

With regard to any ability of which we have an understanding we have some grasp of the sorts of factor that could impede its exercise. Among these is *lack of means*. We cannot read an English text unless such a text is available to be read.... Another impeding factor is *lack of fitness* on the part of the agent. We cannot ski for long if drunk. A further impeding factor is *unfavorable environmental circumstances*. We cannot ride a bicycle in the face of a hurricane.... (Millar: 3)

<sup>26</sup> You might worry that the arguments I’ve presented to rebut the first two tempting thoughts are incompatible. In the first case, I argue that we cannot think of the imperfection of a capacity merely as susceptibility to “bad conditions,” and that, conversely, we cannot think of “good conditions” as conditions that guarantee the successful exercise of such a capacity. In the second case, however, I seem to argue that there are capacities whose successful exercise *is* guaranteed by “good conditions.” But we have to be careful here. As before, there are two different notions of “good conditions” at work. In the first case, the problem was that, once the relevant sort of success-guaranteeing “good conditions” are specified, there’s no need for explanatory appeal to the relevant capacity. The

- *The third tempting thought.*

As I have defined it, a perfect capacity to  $\Phi$  is susceptible to bad conditions in the sense that there are conditions in which you are unable to  $\Phi$ , but not because you will fail if you exercise your capacity; rather, because, in those conditions, you cannot exercise your capacity at all. Take, for instance, the capacity to walk.

Arguably, the capacity to walk is a perfect capacity. If you exercise it, you walk. But floating in the deep end of the swimming pool, you cannot walk. On the present account, this is to say that you cannot exercise your capacity to walk when floating in deep water. However, you might resist this conclusion. After all, floating in the pool, you can move your legs roughly as you would to walk. Perhaps you might even *try* to walk. Why not, then, recognize this as a “defective exercise” of your capacity to walk? Compare a case of visual recognition. Arguably, the capacity to tell red when you see it is a perfect capacity. If you exercise it, you thereby tell something as red. But in a room bathed in UV light, you cannot tell red things. On the present account, this is to say that you cannot exercise your capacity to tell red when in a UV-lit room. However, you might resist this conclusion. After all, in the UV-lit room, you can look

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conditions take care of everything. By contrast, in the second case, the point was that there are certain conditions under which it is impossible for us to exercise our capacities, which we can therefore call “bad conditions” (being drunk is a bad condition for driving safely inasmuch as drunk people can’t drive safely), and provided such conditions don’t obtain, conditions are “good.” So the notion of “good conditions” here is specified purely negatively as the absence of the sorts of (bad) conditions that make (the exercise of) our capacities unavailable to us. Consequently, the presence of such “good conditions” does not, by itself, explain successful action. Understanding successful action still requires appeal to the relevant capacities, whether perfect or imperfect. Moreover, in the case of perfect capacities—capacities that, by nature, *cannot be exercised unsuccessfully*—what explains the fact that the relevant action *could not have failed* is not the “good conditions,” but the (perfect) nature of the (perfect) capacity itself.

around you just as you would if you were telling red. Perhaps you might even *try* to tell red things. Why not, then, recognize this as a “defective exercise” of your capacity to tell red things?

If this line were plausible, then it would provide a way to think of capacities as imperfect—in the sense of allowing for defective exercises—yet such as to make it impossible to go wrong in optimal conditions.<sup>27</sup> The trouble is that this line runs together things we do well to keep apart. First, note that, in many cases, exercising a capacity requires *performing a set of procedures*. Walking requires activating a complex motor routine. Telling red requires opening your eyes, attending to relevant visible features of your surroundings, and, on that basis, making a color judgment. Arguably, however, whether a particular performance of the relevant procedures counts as exercising the corresponding capacity is a further question. That it is possible to perform some or all of the procedures involved in exercising the capacity to  $\Phi$  in conditions where it is impossible to  $\Phi$  does not show that it is possible to (defectively) exercise the capacity to  $\Phi$  in such conditions. Moreover, there are clear cases where it is wholly implausible to treat the performance of the relevant procedures as an exercise of the corresponding capacity. Suppose that Sid is underwater in the deep end of the pool when he runs out of air and, instead of surfacing, tries to breathe. In so doing, he triggers the motor routine required for breathing. Thus does Sid drown. If trying to breathe by triggering the relevant motor routine counts as exercising his capacity to breathe, then Sid drowns from exercising his capacity to breathe. This is the wrong thing to say. Sid dies from *trying*

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<sup>27</sup> This worry has been pressed on me by Johan Gersel, especially.

to breathe underwater, not from exercising his capacity to breathe. (If, while underwater, he wants to exercise his capacity to breathe, then he needs to bring appropriate gear.) Trying to  $\Phi$  is not the same as exercising the capacity to  $\Phi$ . For one thing, you can try to  $\Phi$  even if you lack the capacity. And even if you have the capacity to  $\Phi$ , whether an instance of trying to  $\Phi$  will count as an instance of exercising this capacity depends, in part, on the circumstances you're in.

### 3. Missing Austin's Insight

In the course of articulating and defending his view, McDowell presents two cases that he must keep apart. The trouble is in doing so. Here is the first case:

[S]uppose someone who has learned to recognize colors in the usual way is enrolled in a psychological experiment. She is going to be asked to identify the colours of things she is shown in a succession of tests. There will never be any indication, visual or otherwise, that the light is unsuitable for exercising her capacity to recognize colours. But she is told that in [one in a hundred]...tests the light will be unsuitable for colour recognition, though cunningly arranged so as not to seem suspicious in any way; in the other [tests]...the light will be a good light for knowing the colours of things by looking at them. (McDowell 2011: 45-46)

Plausibly, McDowell argues that, even in a case where the subject looks at a green object in good light, she cannot tell its color. This is because, “[f]or all she knows, this case is one of the cases in which the light is undetectably unsuitable for telling the colors of things by looking” (2011: 46). So, despite the good light, the test subject is incapable of *seeing that* the object is green, which, for McDowell, means that “the thing’s greenness is [not] visually present to her” (2011: 46). More generally, we may say that the conditions of the test make it impossible to see how things are



colored, and so, that the possibility of unsuitable lighting makes it impossible for the subject to exercise her capacity to see how things are colored.

Later, McDowell introduces a second case and discusses its relationship to the first:

Now suppose—no doubt fancifully, but it does not matter for the point I want to make—that statisticians quantify the fallibility of capacities to know colours by looking. Suppose they determine that people who are exercising such capacities are wrong about the colours of things in, on average, one case in a hundred. And compare that with...the experimental case in which...the experimenters will arrange for the light to be undetectably unsuitable for the capacity to know colors by looking in, on average, one test in a hundred. A good way to bring out what I am suggesting is to say that this match in numbers is irrelevant. When we imagine that fallibility might be quantified, we leave the sheer fact of fallibility, as before, posing no threat to the following idea: when all goes well in the exercise of a fallible perceptual capacity, its possessor is in a position that conclusively warrants her in believing something. The problem for the experimental subject, even in the version of the case in which the probabilities of being right are the same, is not the sheer fact of fallibility but a determinate possibility that the light is unsuitable for the capacity, a possibility that she cannot rule out, and that she would have to rule out if she was to be warranted in taking her perceptual state to [be] one in which the thing's color is visually present to her. (McDowell 2011: 51-52)

Before considering McDowell's argument, it's worth noting that it is only if our perceptual capacities are imperfect *in the sense of being success-rate capacities* that it makes sense to suppose, even "fancifully," that we might *quantify* their fallibility.<sup>28</sup>

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<sup>28</sup> In his written comments on this paper, Gersel has objected that McDowell's claims here are consistent with the third tempting thought (above): namely, that perceptual capacities are perfect capacities that *can* be defectively exercised (albeit only in bad conditions). If so, McDowell's talk of quantifying fallibility wouldn't commit him to treating perceptual capacities as success-rate capacities. But this line can't be right. To quantify the fallibility of the sort of capacity Gersel has in mind, we need to know how likely unsuccessful exercises of that capacity are. And on the assumption that defective exercises happen only under bad conditions, then what we want to know is: how likely are bad conditions? But while this *is* how McDowell characterizes fallibility in the experimental case,

On the other hand, if they *are* success-rate capacities, then it's not clear why quantifying their fallibility should be all that fanciful. Why wouldn't it be within the reach of empirical psychology? So, despite his commitment to doing so, I think McDowell's sense that there's something unrealistic about this case bespeaks a certain discomfort with treating our perceptual capacities as imperfect, success-rate capacities.<sup>29</sup>

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it is importantly *not* how he characterizes perceptual fallibility in the second, ostensibly analogous case. The fantastic statisticians do not determine how often bad conditions obtain, they "determine that people who are exercising such capacities *are wrong* about the colours of things in, on average, one case in a hundred." Arguably, this is *precisely* to model perceptual capacities as success-rate capacities.

Anyway, this, alongside McDowell's use of the putting analogy, should put to rest any remaining concern that his conception of a capacity's imperfection might, in the end, somehow not be a matter of success-rates. Still, Gersel suggests that McDowell might not have intended the analogy between putting and perceiving to be as strict as my argument treats it. And arguably it's unfair to draw conclusions about what McDowell is committed to saying about perception on the basis of a loose analogy with the capacity to putt. However, *my* points about putting were meant to be entirely general. The question was: "What does it mean for a capacity to be such that 'there can be exercises...in which its possessor does not do what the capacity is specified as a capacity to do'" (McDowell 2011: 37)? My argument was that the only way to make sense of this sort of imperfection in capacities (without trivializing the notion of a capacity) is in terms of success-rates. That said, as Gersel points out, there seems to be an important disanalogy between perceiving and putting that is relevant here. Under optimal putting conditions, Nicklaus might miss and say, "I could've holed it." But it's hard to imagine someone failing to perceive something under optimal conditions and saying afterward, "I could've perceived it." (Bracket cases of change blindness, etc.) I agree that this is a disanalogy. But it actually tells in favor of my argument to come. My point is precisely that *putting and perceiving are not, in the end, analogous*. It is a mistake for McDowell to treat them so, and this is a mistake about the nature of perceptual fallibility. However, this is by no means a mistake that "goes to the heart" of McDowell's view of perception; rather, as I'll show in Section 5, it's easy enough to marry the main features of McDowell's view of perception to the right view of perceptual fallibility.

<sup>29</sup> This discomfort is further reflected in the fact, noted in my earlier discussion of the first "tempting thought," that McDowell's discussions of "perceptual failure" tend to focus on cases where subjects are led astray by undetectably bad conditions, rather than on cases where our capacities misfire even under optimal conditions. This focus on bad conditions suggests that, when McDowell speaks of quantifying the fallibility of our perceptual capacities, he might really have in mind quantifying the frequency of bad conditions for perception. No doubt, that *would* be fanciful. But even if this *is* what he has in mind, the point of the earlier discussion still stands: we cannot intelligibly think of the

Now, McDowell's argument relies on the difference between the "sheer fact of fallibility" and the "determinate possibility" of undetectably bad conditions. This again recalls a passage from Austin, from "Other Minds":

If you are aware that you may be mistaken, you ought not to say you know, just as, if you are aware you may break your word, you have no business to promise. But of course, being aware that you may be mistaken doesn't mean merely being aware that you are a fallible human being: it means that you have some concrete reason to suppose that you may be mistaken in this case. (Austin 1979a: 98)

Austin's insight is that it does not follow from the fact that I am, in general, capable of going wrong ("a fallible human being"), that I might have gone wrong in this particular case (that I "may be mistaken"). This insight is critical to a viable non-skeptical Infallibilism. So, I think McDowell is right to try to take advantage of it. The trouble is that his conception of perceptual fallibility makes it unavailable to him.

Here's how. McDowell and Austin agree: in any given situation, the sheer fact that you are a fallible human being is not enough to undercut a claim to know, infallibly, how things are; instead, what's needed is a "determinate possibility" of error, a "concrete reason to suppose that you may be mistaken." In McDowell's first case, this determinate possibility is supplied by the experimental setup. In the second case, despite the otherwise optimal conditions, it is supplied by the imperfection of our perceptual capacities. Knowing that our perceptual capacities to see how things are colored fail, on average, one in a hundred times, and that this failure is, *ceteris paribus*, undetectable to the perceiver, you have concrete reason to think that you may be mistaken in any case in which your perceptual capacities are

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imperfection of a capacity—the possibility of exercising it defectively—in terms of mere susceptibility to bad conditions. The notion of success-rates is indispensable.

active. In general, then, the fallibility of our perceptual capacities—their imperfect, success-rate nature—supplies a determinate possibility of error that infects each and every instance of perception. To see that this is so, take again the case of sinking eight-foot putts. Suppose that Nicklaus all but perfects his eight-foot putting. Suppose that he misses, on average, only one in a hundred times (under optimal conditions). The question is: If Nicklaus exercises his ability on a particular occasion, do you have concrete reason to think he might fail to sink the putt? You sure do. His putting capacity is imperfect. Similarly, you're in The Scenario: viewing conditions are optimal, before you on a white tablecloth lies a medium-sized uniformly red tomato, and you are asked its color. The possibility of a merely verbal slip aside, is there a chance that you will get it wrong? If we take McDowell's view, there sure is, and you have concrete reason to think so: every so often, even under optimal conditions, your perceptual capacities fail.

However, you might think I have missed McDowell's point. On his view, when everything goes well, the exercise of a perceptual capacity amounts to seeing that things are a certain way in your environment, and doing so in a manner accessible to *self-conscious awareness*. In other words, in a case where everything goes well: (a) perception delivers conclusive grounds for judgment; and (b) the fact that you have such grounds is accessible to you by reflection. McDowell writes:

When an exercise of a rational perceptual capacity puts a subject in a perceptual state that is her seeing something to be so, the perceptual state is her seeing it to be so comes within the scope of her self-consciousness, so the warrant it provides, as the perceptual state it is, is a justification in Burge's sense: warrant that is accessible to the warranted individual, as Burge puts it. (2011: 33; cf. 2008: 387)

So, McDowell will hold that the difference between experimental case and that of fallibility due to the imperfection of our perceptual capacities is that, in the latter case, when everything goes well, the fact that the subject is seeing something to be so is accessible by reflection, whereas, in the experimental case, whether the lighting is good is beyond her ken. However, the point is: the fact that she is seeing something to be so *cannot* be accessible by reflection given that the fallibility of her capacities constitutes a concrete reason for her to think she may be mistaken *in this particular case*.<sup>30</sup> The consequences for McDowell's view are disastrous. Recall that, in the experimental case, the existence of a determinate possibility of undetectably bad conditions makes it impossible for the subject to see how things are colored, which, for McDowell, means that the colors of things are not "visually present to her" at all (2011: 46). Despite McDowell's insistence to the contrary, the same pattern of reasoning applies in the second case: the existence of a determinate possibility of undetectable perceptual failure makes it impossible for the subject to perceive how things are, which, for McDowell, means that the layout of the world is not perceptually present to her at all. In other words, the imperfection of the capacity—the fact that it is a success-rate capacity—makes it impossible for it to be the sort of capacity McDowell wants it to be: namely, a capacity to perceptually take in how things are. McDowell has long argued that we can coherently conceive of perception

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<sup>30</sup> The criticism leveled here parallels that articulated by Crispin Wright (2008: esp. 397-402). The difference is that Wright thinks that non-skeptical Infallibilism is a non-starter, and that the troubles that beset McDowell's view will beset any view that acknowledges the possibility of subjectively indistinguishable—or "ringer"—experiences. Proper discussion of Wright's sophisticated view is beyond the scope of this paper, but suffice it to say that he fails to see the space carved out by Austin's insight.

as a full-blown capacity for cognitively taking in the layout of local reality.<sup>31</sup> In so doing, he has aimed to dislodge the presumption in favor of Fallibilism in contemporary epistemology. However, if I am right, then his treatment of perceptual fallibility undermines this strategy.

Unsurprisingly, perhaps, McDowell has not been swayed by my argument. In a set of written comments on an earlier draft of this paper (from an email dated July 13, 2014), he writes:

That argument turns on the idea that imperfection in cognitive capacities as I conceive it supplies a determinate possibility of error in the sense that figures in Austin's insight. I think that's just wrong about Austin.

Austin's point is that "You may be wrong" cuts no ice unless amplified by citing a determinate way in which you may be being led astray. I don't think your argument registers what "determinate" has to mean in such a formulation.

The required amplification must be able to be associated with a question (which the subject may or may not be in a position to answer, as things are), such that one answer would leave the subject's claim about the environment unthreatened by *that* consideration, and the other would show that she had no business making the claim in those circumstances. A good example is "The light may be bad for telling the colours of things." Note that answering the question "Is the light bad?" wouldn't itself be answering the question whether the knowledge-claim under attack is true: it might be true even if the light is bad, though in that case the subject had no business making the knowledge-claim; and establishing that the light isn't bad wouldn't establish that the thing is the colour she said it is, just that the claim isn't under *that* threat.

And just providing such an amplification, even in a context in which the associated question can't be answered, isn't a win for a skeptical challenge. Austin's point is that one has no obligation to answer such a question, raised in no particular context, in order to defend a knowledge-claim. If one claims to know something's colour and someone says "The light may be bad" it's legitimate to dismiss the challenge by saying "There's no reason to think that may be so"—

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<sup>31</sup> See, especially, McDowell (1982; 1995), both reprinted in McDowell (1998).

when it *is* legitimate, as not in my experiment case, where there *is* reason to think the light may be bad.

Now “The capacity you’re exploiting is, as you know, imperfect” is just an elaborate way of saying “You may be wrong.” It doesn’t make any difference if one says “The capacity you’re exploiting is, as you know, such as to lead you astray in n% of cases.” That’s still just a way of saying “You may be wrong.” It doesn’t provide a question that conforms to the specification above. “Is this case one of the n%?” amounts to no more than “Is the thing (e.g.) red, as you said?”—or rather “Do you have any business claiming that the thing is (e.g.) red?” The possibility that this case is one of the n% isn’t a determinate possibility in the sense that matters for Austin’s point.

But here it seems to me that McDowell wants both to have his cake and to eat it. In giving an account of fallibility for Infallibilists, our aim is to explain how the Infallibilist can acknowledge our fallibility in pursuit of perceptual knowledge. To this end, we want to give an infallibilist account of what it means to say, with respect to perceptual judgment, “You are fallible,” or, “You may be wrong.” Presumably, for McDowell, a certain conception of the imperfection of our perceptual capacities is a main ingredient in such an explanation. But if “‘The capacity you’re exploiting is, as you know, imperfect’ is just an elaborate way of saying ‘You may be wrong,’” then the former lacks the content necessary to explain the latter. On the other hand, that McDowell feels pressure to give more content—and so, explanatory weight—to the idea of a capacity’s imperfection is very strongly suggested by his discussions of putting and of the fanciful quantification of fallibility. In effect, however, what I have argued is that since the only plausible content for the notion of an “imperfect capacity” is that of a *success-rate* capacity, the imperfection of a capacity cannot play the explanatory role the Infallibilist needs it to play. This is because *any* success-rate

capacity brings with it, as part of its nature, a determinate possibility of failure.<sup>32</sup> So, it seems to me that McDowell is caught in a double-bind: *either* the imperfection of a capacity is a very thin notion that explains nothing, *or* it consists in its success-rate nature, and thus, explains how we could go wrong, but in a manner incompatible with Infallibilism. At the same time, however, I think McDowell's comments show the right way forward: what explains the possibility of error in pursuit of perceptual knowledge is that, for instance, "The light may be bad." But recognizing the possibility of bad conditions is not the same as recognizing the imperfection of a capacity.

In fact, as I see it, the root of the trouble is McDowell's claim that fallibility is first and foremost a property of capacities. Recall the passage quoted above:

Fallibility is a property of *capacities*, or perhaps of cognitive subjects as possessors of capacities. If a capacity is fallible, or if, to speak in that other way, anyone who has it is fallible in respect of it, that means that there can be exercises of the capacity in which its possessor does not do what the capacity is specified as a capacity to do. (2011: 37)

On this view, the fact that we are fallible and can go wrong in pursuit of perceptual knowledge—the "sheer fact of fallibility"—consists in the fact that our perceptual capacities have a certain feature: they are fallible. But as soon as we locate the source of error within our perceptual capacities—and so, conceive of them as imperfect capacities with a certain (perhaps only fancifully quantifiable) rate of

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<sup>32</sup> I don't see how it helps here to say, as McDowell does, that "'Is this case one of the n%?' amounts to no more than 'Is the thing (e.g.) red, as you said?'—or rather 'Do you have any business claiming that the thing is (e.g.) red?'" I thought that talk of the "n%" was supposed to explain the possibility of error, but on this translation it does no such thing. It's completely idle. On the other hand, as I discuss below, what *isn't* idle with respect to explaining how someone might go wrong in telling red things, and how they might have "no business claiming that the thing is (e.g.) red," is the possibility of bad conditions.



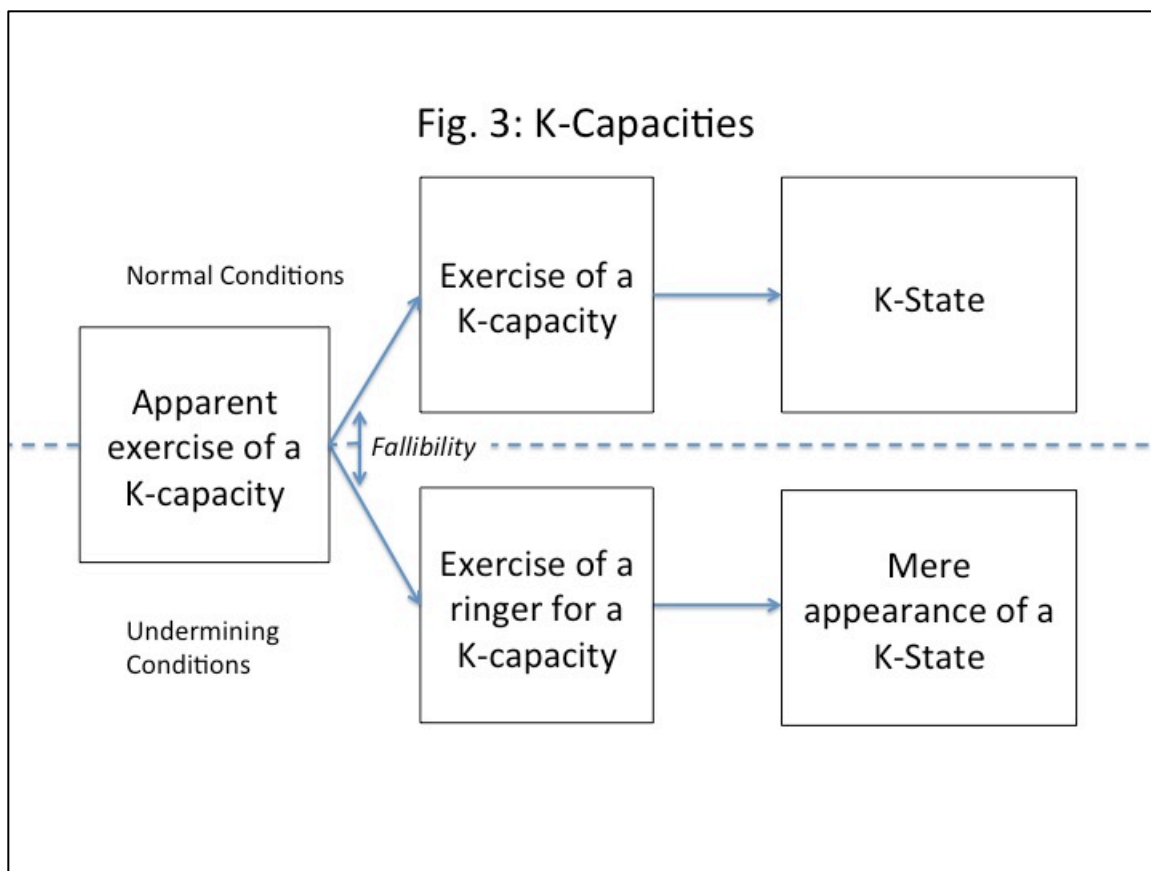
failure—then every instance of perception is infected with a determinate source of possible error: namely, perceptual misfire. As a result, McDowell’s account collapses the distinction on which Austin’s insight depends: between the fact that “you are a fallible human being” and your having “some concrete reason to suppose that you may be mistaken” (Austin 1979a: 98). Taking advantage of Austin’s insight and articulating a viable non-skeptical Infallibilism depends on reinstating this distinction, and the first step is to rid ourselves of the idea that we can account for our fallibility in pursuit of perceptual knowledge by appeal to the possibility of “defectively exercising” our perceptual capacities. I explore this—and the more general lesson it yields for Infallibilism—in the next section. In the subsequent and final section, I briefly consider two different ways to do justice to the lesson, one of which amounts to a rehabilitation of McDowell’s view; the other takes a different path.

#### **4. The Lesson**

Define a K-capacity as a capacity to produce K-states, where K-states are either knowledge-grounding or knowledge-constituting states. The general lesson of the foregoing argument is that a K-capacity must be a perfect capacity, in the sense that exercising it guarantees the production of a K-state. Here, in general terms, is why. The possibility of going wrong in pursuit of knowledge is due to the fact that there are ringers for K-states: non-K-states that we mistake for K-states. If a K-capacity is imperfect, then this means that, under whatever conditions, it can be defectively exercised and produce, not a K-state, but a mere ringer for a K-state. And

now the problem is that, in every circumstance, the imperfection of the K-capacity supplies a determinate possibility of error. But, according to Infallibilism, such a possibility is incompatible with being in a K-state. Thus, by reductio, K-capacities cannot be imperfect: their exercise must be incompatible with the possibility of failure. An immediate consequence is that our fallibility in pursuit of knowledge, in whatever domain, cannot be understood in terms of the imperfection—in the sense of the possibility of defective exercise—of our capacities to produce such knowledge. Fallibility for Infallibilists requires a different tack.

Rejecting the supposed imperfection of K-capacities means denying that ringers for K-states are produced by K-capacities. Instead, we have to understand ringers for K-states as produced by ringers for the relevant K-capacities; call them “pseudo-K-capacities.” Typically, pseudo-K-capacities are exercised when we are unable to exercise corresponding K-capacities due to unfortunate external circumstances. Our fallibility in pursuit of knowledge is then be a fallibility with respect to whether we are currently exercising a K-capacity or a pseudo-K-capacity (Fig. 3).



And now here is the critical point: this fact of fallibility—the possibility of in certain circumstances unwittingly exercising a mere pseudo-K-capacity—does not by itself constitute a determinate possibility of error in circumstances in which I am, in fact, exercising a genuine K-capacity. In other words, the fact that, in other circumstances, I would have been fooled does not constitute “concrete reason” to think that I may currently be fooled. In this way, rejecting the supposed imperfection of K-capacities allows us to reinstate the distinction on which Austin's insight depends.

Let's apply this to The Scenario. Under optimal conditions, a red tomato lies before you. You are asked its color, and it's important that you get it right. So, you take your time. You look closely. Everything is in place for a correct identification. The possibility of a merely verbal slip aside, is there still a chance that you will get it

wrong? Supposing that you have the K-capacity to tell red things when you see them, the answer is: No. But now the epistemologist reminds you that there *can* be circumstances under which you merely think you are exercising this K-capacity; and that under such circumstances you are instead exercising a corresponding pseudo-K-capacity, which produces, not the K-state of recognizing redness, but a ringer state in which you merely seem to recognize redness. The appropriate response to such a reminder is simply: "And so? What's that go to do with me, *now*?" Here is one way to see the force of this reply. Case A: you're about to bet your last \$1000 that Nicklaus will sink the putt when a friend reminds you, "You know, he sometimes misses," and this (rightly) gives you pause. Case B: it's 8 AM and you say, "I can drive to the store for coffee," when a friend reminds you, "You know, sometimes when a person thinks he can drive, he can't, because he thinks he's sober, but he's not," and under most circumstances this should, at best, get a laugh on the way out the door: "And so? What's that got to do with me, *now*?" Austin's insight is that the philosopher's skeptical challenge can—and should—be treated by analogy with Case B, not Case A.

Before moving on to discuss two possible Infallibilist approaches to the view of K-capacities outlined in this section, I also want to say word about disjunctivism. McDowell's original view, as represented in Figure 2, above, is disjunctivist about whether an exercise of a perceptual capacity is defective or non-defective: if it seems to me that I am non-defectively exercising a perceptual capacity, then I am either non-defectively exercising a perceptual capacity (and so, perceiving), or I am defectively exercising a perceptual capacity (and so, enjoying a mere perceptual

appearance). By contrast, the view presented in this section, as represented in Figure 3, is disjunctivist about K-capacities themselves: if it seems to me that I am exercising a K-capacity, then either I am exercising a K-capacity, or I am exercising a corresponding pseudo-K-capacity. This, I have argued, is required to take advantage of Austin's insight, and so, necessary for a plausible Infallibilism.<sup>33, 34</sup>

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<sup>33</sup> In written comments on this paper, Johan Gersel expresses concern that this sort of disjunctivism about K-capacities might be in tension with the internalist requirement that the grounds of knowledge be available for rational scrutiny. On the contrary, I take myself to have argued that capacity disjunctivism is *necessary* to make sense of such availability. It's worth reiterating this: we must *either* treat K-capacities as imperfect, success-rate capacities (and so, adopt disjunctivism about *exercises* of K-capacities, which may be defective) *or* treat K-capacities as perfect, non-success-rate capacities (and so, adopt disjunctivism about K-capacities themselves). If we take the first tack, then, in any given case, it becomes *impossible* to know by reflection that you have non-defectively exercised a K-capacity *precisely because* the (success-rate) fallibility of the capacity constitutes a *concrete reason* to think that it may have misfired *in this particular case*. On the other hand, if we adopt disjunctivism about K-capacities, then, *ceteris paribus*, in any given case, you have reflective access to whether you have exercised a K-capacity. Of course, in a case in which you *do* exercise such a capacity, we can say: "Had conditions been relevantly different, you wouldn't have been able to exercise it, but you might have been fooled into thinking you could"—and now here's the point: *this alone does not give you concrete reason to doubt that, as things were, you actually exercised it*.

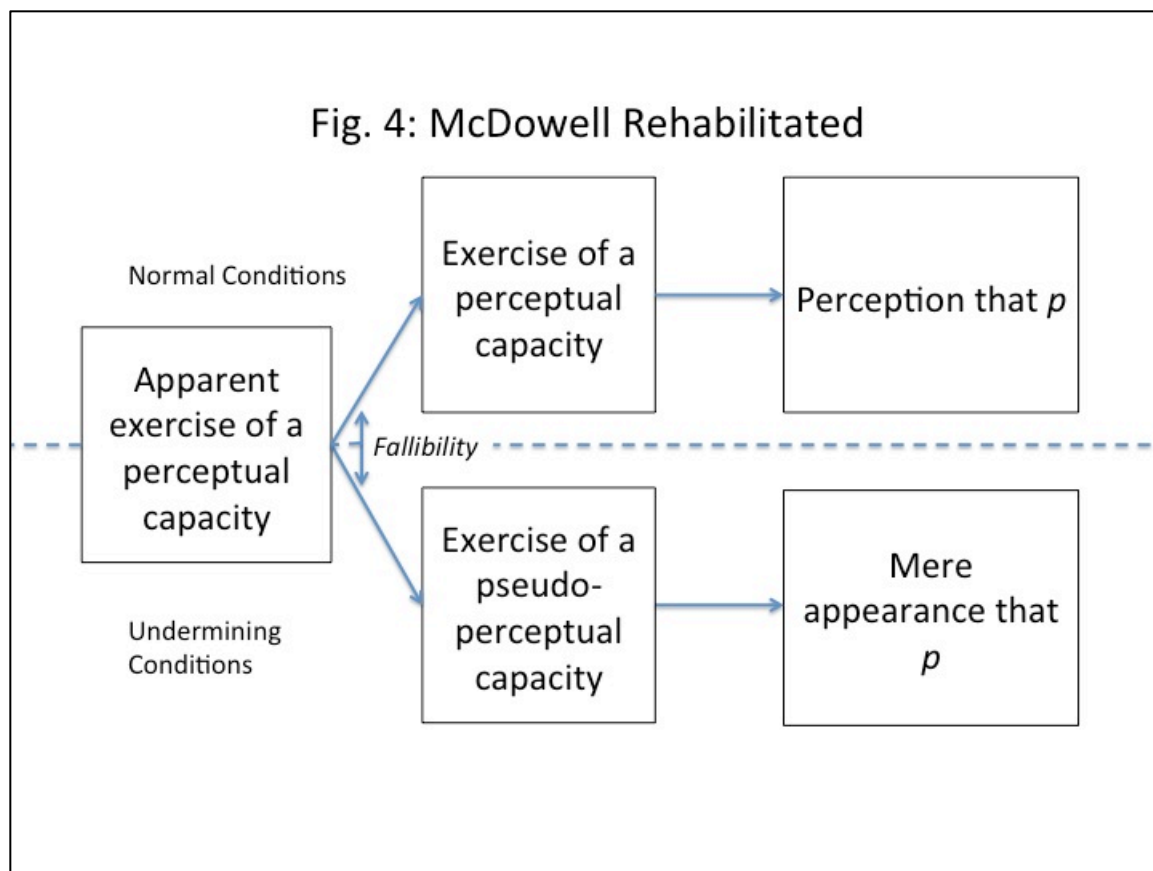
<sup>34</sup> In written comments on this paper, Heather Logue worries that postulating two kinds of capacities (K-capacities and pseudo-K-capacities) where there can seem to be only one might be an objectionably ad hoc attempt to save Infallibilist epistemology. There are two points worth making here. First, the notion of a pseudo-capacity is, I think, perfectly familiar, though perhaps not in name. Suppose that I believe that I will live for 300 years and, with good but deluded intention, "promise" to care for your great-great-great-grandchildren. Do I thereby exercise my capacity to promise? No. Arguably, if I exercise my capacity to promise, *I make myself responsible*; and this is a case where, *whatever* my intentions, I cannot make myself responsible. But if I didn't exercise my capacity to promise, what sort of capacity *did* I exercise? At the very least, we can say this: the capacity I exercised *seemed to me* to be a capacity to promise—i.e., it was a pseudo-capacity-to-promise. Of course, it is an open question in what this capacity consists and how exactly it relates to my actual capacity to promise. Similar questions arise for pseudo-K-capacities, and I will say something about them in the next section. The point here is just that the notion of a pseudo-capacity is perfectly intelligible and even familiar outside of Infallibilist epistemology, and it can be motivated by purely conceptual concerns. Second, the point of this paper is to identify the right way for an Infallibilist to think about fallibility. One way to understand my main claim is that it greatly matters for this purpose *how we type-individuate exercises of capacities*. Whether two performances by a subject

## 5. Two Forms of Infallibilism

There are different ways to think of K-capacities vis-à-vis perceptual knowledge. For instance, a basic McDowellian view locates K-capacities at the level of experience; that is, for McDowell, perceptual capacities are K-capacities. In particular, they are capacities to produce *perceivings that p*, understood as states that ground knowledge by providing conclusive grounds for judgment. Thus, rehabilitating McDowell's view simply means denying that our perceptual capacities can be "defectively exercised" to produce ringers for perceivings that *p*—states in which it merely perceptually appears that *p*. Instead, mere perceptual appearances must be products of pseudo-perceptual capacities. The result is a disjunctivism not simply about perceptual experience, but about perceptual capacities themselves (Fig. 4).

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count as exercises of the same capacity is not an (epistemically) innocent question. If I am correct, then the Infallibilist *must* recognize the distinction between exercises of K-capacities and exercises of pseudo-K-capacities. Perhaps this is in a sense ad hoc, and no doubt it incurs certain explanatory burdens; but supposing those burdens can be satisfactorily met, all of this is surely outweighed by the requirement (as McDowell and I see it) that epistemology be Infallibilist.



On this view, our fallibility in pursuit of perceptual knowledge consists in the fact that we may fail to detect the presence of conditions that incapacitate our perceptual capacities. So far, so good. But the question remains: What exactly would a pseudo-perceptual capacity *be*? The most promising line seems to be that perceivers are possessed of generic capacities to produce perceptual appearances. Under normal circumstances, exercising such a capacity counts as exercising a genuine perceptual capacity; but in undermining conditions, it counts only as exercising a pseudo-perceptual capacity. Note, however, that despite this close relationship, pseudo-perceptual and genuine perceptual capacities remain fundamentally distinct. (Compare: under normal circumstances, the capacity to

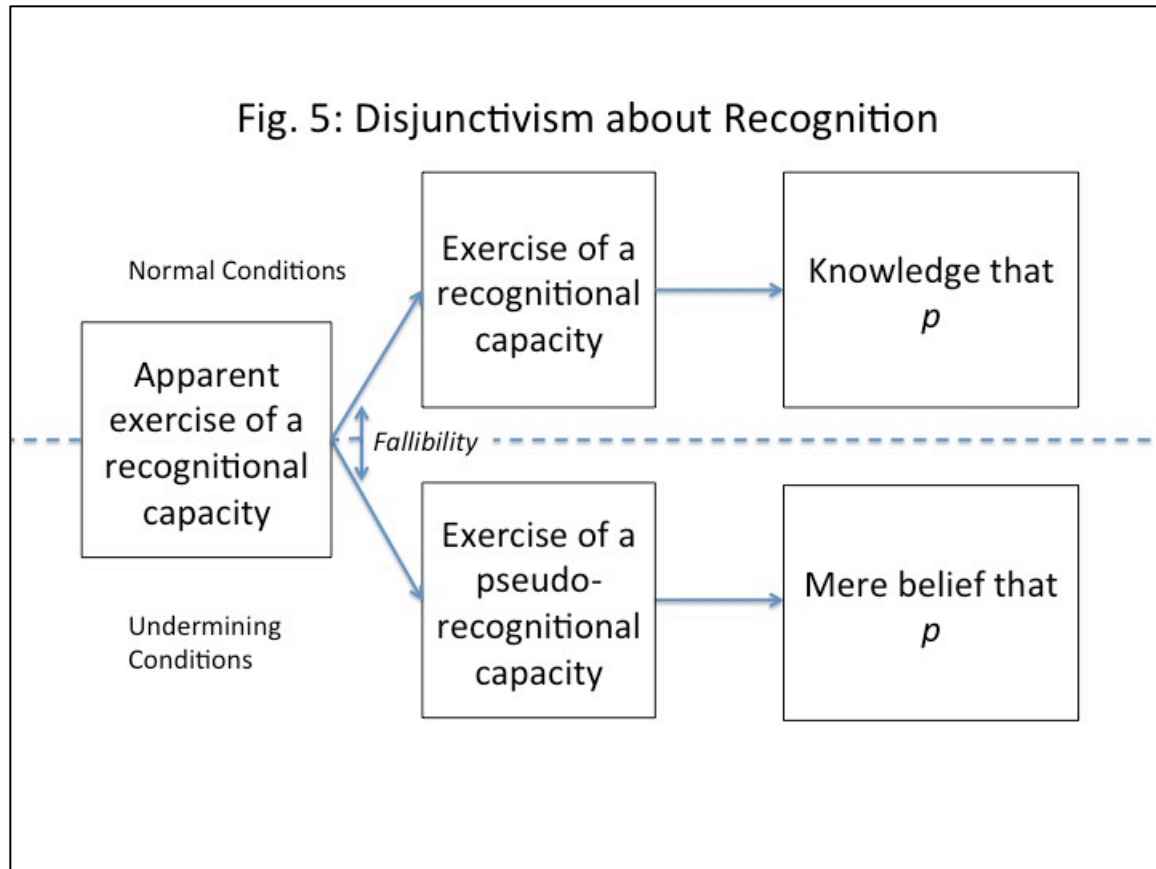
speak the sentence 'I promise' counts as the capacity to promise; however, under no circumstance is the capacity to promise simply the capacity to utter that sentence.)

An alternative form of Infallibilism locates K-capacities at the level of judgment rather than experience. This is the sort of view developed in work by Travis, Millar, and myself.<sup>35</sup> On this view, the K-capacities relevant to perceptual knowledge are perceptual recognitional capacities whose operations *produce* knowledge and *presuppose* the perceptual presence of the object of recognition. (Compare the McDowellian view on which the operation of a K-capacity *constitutes* the perceptual presence of the object and *grounds*, but does not produce, knowledge.) Under the right circumstances, the perceptual presence of an object, event, or property is an opportunity to exercise any number of perceptual recognitional capacities. For instance, The Scenario involves the visual presence of a tomato under optimal conditions for exercising visual recognitional capacities for color, shape, fruit identity, etc. Thus, if you have the visual recognitional capacity to know red things when you see them, then you will *ceteris paribus* come to know that the object before you is red. But, in other circumstances (such as bad lighting), you will not be able to exercise this capacity; and if you are unaware of this, you might still make color judgments—which, however, will not express knowledge. Moreover, those judgments will not issue from a recognitional capacity, but from a pseudo-recognitional capacity (Fig. 5).

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<sup>35</sup> See, e.g., Travis (2005), Millar's contribution to Millar, Pritchard, and Haddock (2010), and Leddington (2009; 2011).





Again, then, the question is: What sort of capacity is a pseudo-recognitional capacity? Again, the most promising line seems to be that perceivers capable of perceptual knowledge have generic capacities for making a variety of judgments based on perceptual appearances. Under normal circumstances, exercising such a capacity counts as exercising a genuine perceptual recognitional capacity; but in undermining conditions, it counts only as exercising a pseudo-recognitional capacity.

There is much more to be said about each of these approaches. I believe that there are reasons to prefer the latter, but I cannot explore them here.<sup>36</sup> The point of

<sup>36</sup> But see Travis (2013a; 2013b) and his contribution to this volume. For McDowell's dissent, see especially (McDowell 2009) and his contribution to this volume. Note that McDowell's post-2009 view involves recognizing two types of perceptually-relevant K-capacities: (1) *perceptual capacities themselves*, as K-capacities for *basic* perceptual knowledge such as knowledge of color and shape; and

this paper is not to advocate a particular form of Infallibilism, but to show the form that any viable Infallibilism must take. The lesson is that we need a very specific type of disjunctivism—namely, disjunctivism about K-capacities, however they are understood.<sup>37</sup>

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(2) *perceptual recognitional capacities*, as K-capacities for more sophisticated forms of perceptual knowledge. Nothing I have said in this paper stands in the way of such a hybrid view. My point is only that McDowell should adopt the view that K-capacities are, in general, perfect.

<sup>37</sup> The core ideas of this paper were first presented in 2011 during a stay in Leipzig, Germany, at the Institut für Philosophie, Universität Leipzig, under the title, "Perceiving and Knowing." Many thanks to the audience—especially Andrea Kern and Sasha Newton—for helpful discussion. Following my talk, Andrea, Sasha, and I formed a reading group on abilities, and my views on this topic were strongly shaped by our stimulating conversations over those several weeks in 2011. I have also benefited from detailed written comments from John McDowell, Alan Millar, Heather Logue, and Johan Gersel. Their suggestions, objections, and worries helped me to improve the paper in many ways. Finally, special thanks to the principal organizers of the *Experiential Reasons* workshop and anthology—Johan Gersel, Rasmus Thybo Jensen, Morten Sørensen Thaning, and Søren Overgaard—for all of their hard work and (not least) four days of great philosophical conversation, excellent food, and impressive Copenhagen micro-brews.

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