Wittgenstein held that a certain type of non-inductive evidence, which he sometimes labeled “criteria”, serves as evidence for the applicability of certain concepts or the truth statements containing those concepts, while at the same time being partially or wholly constitutive of the meaning of those concepts for which it is evidence. Articulating a defensible notion of criterial evidence for third-person attributions of psychological concepts that meets these conditions has proven to be difficult. The central difficulty concerns how to give an account of the defeasible nature of such evidence while simultaneously preserving the idea that the evidence plays a role in meaning-constitution. A promising candidate, that of “necessarily” or “grammatically” good evidence that is nonetheless defeasible, has been intermittently defended over several decades.1 I will argue, however, that the notion of grammatically good evidence is beset with serious problems, and that attempts to render it coherent have failed. If I am correct, then the challenge of providing an account of non-inductive evidence that preserves its role in meaning-constitution remains an open one. Yet providing such an account is important to our appraisal of Wittgenstein’s work in the philosophy of psychology. For if the notion of non-inductive evidence as he used it is indefensible, then many of his remarks on the philosophy of mind and language are undercut, since they require acknowledging a distinction between inductive correlations and meaning-constituting, non-inductive evidence (cf. PI 353; PG 219f; BB 24-5; LW II, 87).

I will argue that we ought to understand the relation between non-inductive evidence and those propositions for which it serves as evidence in terms of truth conditions, and specifically in terms of a logical entailment. I will maintain that the holding of non-inductive evidence forms a necessary part of a logically sufficient condition for the truth of certain empirical statements.2 When conjoined with a fallibilist
theory of knowledge, this account will be shown to accommodate the problematic epistemological feature of non-inductive evidence, namely its defeasibility. In defending this position, I will argue that we have good reason to endorse a real distinction between the meaning conditions for a statement, and the conditions required for being justified in believing it.

Non-inductive Evidence and Defining Criteria

Many of Wittgenstein’s comments on the philosophy of mind and language require that in some cases there be a relation between the meaning of a concept, \( \phi \), and the criterial evidence justifying the assertion that an individual \( A \) is \( \phi \). For example, part of what it means to assert that someone is in the state of having an opinion is, Wittgenstein tells us, determined by the criteria for his having reached an opinion or altered that opinion (\( PI \ 573 \)). Similarly for someone’s having mastered an arithmetical technique (\( PI \ 692 \)). This has the consequence that the relation between a criterion and the concept for which it is a criterion is a “grammatical” one in Wittgenstein’s sense of the term:

It is part of the grammar of the word “chair” that \( this \) is what we call “to sit on a chair”, and it is part of the grammar of the word “meaning” that \( this \) is what we call “explanation of meaning”; in the same way to explain my criterion for another person’s having a toothache is to give a grammatical explanation about the word “toothache” and, in this sense, an explanation concerning the meaning of the word “toothache”. [\( BB \ 24, cf. ibid \ 57; PI \ 322, 371 \].

As I will understand it, calling the explanation “grammatical” here means that \( c \)’s being evidence for \( \phi \) is, or is akin to, a definitional truth or a rule of language. To borrow another term of Wittgenstein’s, the relation is “internal”: \( \phi \) would not be the concept that it is if \( c \) were not evidence for the truth of some statements involving it, such “\( A \) is \( \phi \)” (\( cf. PG \ 152, PI \ p. 212 \)). Here \( c \) functions as evidence in virtue of giving grounds by which one recognizes something, like a state (\( RPP \ II, 44 \)). I’ll call evidence that exhibits a grammatical or internal relation to the truth of certain statements “non-inductive
evidence”. What have commonly been called “criteria” by Wittgenstein and others are a species of non-inductive evidence. I prefer here to speak of “non-inductive evidence” instead of “criteria”, both because it is arguable that there are other forms of evidence that are non-inductive and yet not commonly recognized as criterial, and because I wish to bypass the complicated issue of whether we should have a “theory of criteria”. Whether or not there should be a theory of criteria, I think we can investigate the relation between non-inductive evidence and that for which it serves.

The central difficulty which the notion of non-inductive evidence faces is the defeasibility of such evidence, particularly in cases involving third-person attributions of mental or psychological predicates like “pain” or “opinion”. In many contexts, there seems to be the open possibility of further evidence appearing which would defeat the attribution of an empirical predicate governed by non-inductive evidence. It was this feature which led Malcom, among others, to acknowledge that the propositions that describe the criterion of someone’s being in pain typically do not logically imply that he is in pain, since someone’s pain-behavior could, e.g., be faked. (Malcom 1963, 113). This result led many to reject the idea that criteria could be invoked against skepticism, as Malcom had tried to do.

Despite this difficulty, the notion of non-inductive evidence has been regarded as relatively unproblematic in cases where we have a simple, and usually single, “defining criterion” for something, such as Wittgenstein’s angina example (BB 25), or the example of being a chess grandmaster. Having a score of at least 2500 according to the Fédération Internationale des Échecs defines, in part, the meaning of “chess grandmaster”. Here the meaning-constitutive role of non-inductive evidence is transparent: it is simply a part of what it means to be a chess grandmaster that one have a score of at least 2500, and evidence that someone has this score is evidence that they are a chess grandmaster. I wish first to consider such relatively uncontroversial defining criterion cases of non-inductive evidence. In an important respect, defining criterion cases have a greater kinship with the more problematic cases of non-inductive evidence, such as third-person pain ascriptions, than is usually recognized.

Suppose that we have evidence that a person, B, has an FIDE score of 2501. Does this evidence entail that they are a grandmaster? It does not, for it is possible that the
evidence is defective in some way, for instance, because B’s score came about through deception, or a miscalculation. Indeed, with a bit of imagination it seems that any given bit of evidence that B has a score over 2499 can, in principle, be defeated. Yet the defeasibility of our evidence that B is a grandmaster does not undercut the claim that having an FIDE score of at least 2500 entails that one is a grandmaster. To the extent that one is willing to grant that there are defining criteria at all, the proper response to the defeasibility of our evidence in these cases is that the defining criterion functions in effect as a conditional: necessarily, if the evidence that B has a score of at least 2500 is not defective, then B is a grandmaster. The point can be put as follows: the grammar of “chess grandmaster” is fixed, in this case by the FIDE. It specifies an entailment from the obtaining of a condition to someone’s being a grandmaster. It is a further, epistemic question whether we know, or are justified in believing, that the condition holds in a given case. It would be a mistake to suppose that the possibility that any given evidence that someone is a grandmaster is defective shows that the evidence isn’t logically decisive when it isn’t defective. In some sense, yet to be explored, it seems correct to say that the undefeated evidence that B has a score over 2499 entails that B is a grandmaster.

The grandmaster example reveals that the possibility of doubting that a given bit of evidence obtains is perfectly compatible with the existence of an entailment from that evidence to the truth of some statement. A common response to these sorts of defining criterion examples has been to grant that, while non-inductive evidence can be an entailment in some simple cases like “grandmaster”, it cannot be one in more complex cases, such as evidence for the ascription of third-person psychological states like pains, opinions, and toothaches. For instance, Philip Bennett has claimed that “Some concepts are governed by defining criteria. Many more are not”, and cites the grandmaster case as an example of the former, and the toothache case as an example of the latter (1978, 381). Peter Hacker has likewise insisted that “it is not possible to give a uniform account of [Wittgenstein’s] notion of a criterion. In some contexts a criterion amounts to a sufficient condition, whereas in others it constitutes grammatically determined presumptive grounds” (1993, 251). I am not here going to try to answer the question of whether Wittgenstein meant to include something like “grammatically determined presumptive grounds” within his notion of a criterion, other than to note that it his hardly obvious that
he did. I will, however, investigate the reasons that Bennett, Hacker, and others have offered for seeing a difference in the grammar of defining criterion cases of non-inductive evidence compared with other, more difficult cases, such as third-person ascriptions of opinions, pains, toothaches, and other psychological states.

The Entailment View

As noted, the undefeated evidence that B has an FIDE score over 2499 entails that B is a grandmaster. Contra Hacker, it is certainly possible to generalize this example to give a uniform account of non-inductive evidence. Consider the following generalization. Let S be some contingent statement asserting that a concept φ is true of some individual A, where φ is governed by non-inductive evidence, i.e., there is a grammatical or internal relation between the evidence and φ. Let c be that non-inductive evidence for S, and let C be a report which states that c holds. There may be several bits of non-inductive evidence for S, and in such cases we can begin by supposing that C is a conjunction of all such Cs.

So in the context of Wittgenstein’s Blue Book example, φ might be the concept of a having a toothache, c₁ might be evidence that an individual, A, is holding his jaw and c₂ might be evidence that A is moaning, S might be the statement that A has a toothache, and C might be the conjunction: A is holding his jaw and moaning. Finally, suppose that d is some further bit of evidence that would defeat c as evidence for S in some way. So d could be evidence that A is faking jaw-pain, and D a statement reporting this evidence. Since there might be many such bits of defeating evidence, let D be the disjunction of all such statements of evidence that would defeat c’s being evidence for S (for every c). Then the entailment view claims that (¬D & C) entails S, for any S governed by non-inductive evidence, that is, for any S for which there is evidence that stands in an internal relation to S itself. I have already said that, if there are cases of defining criteria at all, then (¬D & C) entails S in those cases (for suitable values of “D,” “C,” and “S”). I’m going to argue that this same general schema offers us our best hope of making sense of the notion of non-inductive evidence in general.

What is gained by trying to understand such cases in terms of an entailment? The answer is that it gives a clear account of how non-inductive evidence can be partially
constitutive of the meaning of certain concepts in the way that Wittgenstein claimed (cf. *BB* 24, 57; *RFM* 319; *PI* 353, 572). If one understands how a defining criterion partially constitutes the meaning of a statement by entailing it in the absence of a defeater, as in grandmaster case, then since the generalization to all cases of non-inductive evidence shares the same general structure, one ought to grant that one also understands how non-inductive evidence can partially constitute the meaning of an expression or statement in all cases which exhibit this structure. That is, regarding the relation between non-inductive evidence and that for which it serves as an entailment in the absence of a defeater makes clear how such evidence can stand in a “grammatical” or “internal” relation to a concept.

*The Grammatically Good Evidence View*

An alternative view has been proposed for explicating third-person psychological ascriptions in terms of non-inductive evidence while withholding the attribution of an entailment from the undefeated evidence to the truth of a statement. This view rests on the idea that non-inductive evidence is conceptually or grammatically tied to that for which it serves in virtue of being “necessarily good” and thereby partially meaning-constituting. Nonetheless, such evidence is held to always be defeasible in principle, since it’s only good or presumptive evidence, not evidence that would entail the truth of a contingent statement under any circumstances. I’ll call this view the “Grammatically Good Evidence” (GGE) view.

The GGE view has several variants. The first and original variant proposes that c’s being non-inductive evidence for S means only that it is a necessary truth that c is evidence for S (Shoemaker 1963, 3-4; cf. also Kenny 1967; Lycan 1971; Hacker 1993). This variant simply proposes a new category of evidence, without attempting to explicate it by rejecting traditional semantic assumptions, or rejecting a standard monotonic logic for empirical concepts. A second variant of the GGE view combines the postulation of GGE with the replacement of a “truth-conditional” theory of meaning with a “constructivist” (Baker, 1974) or “assertion-condition” (Wright, 1982) theory.⁸ A third, more recent variant proposes treating the logic governing non-inductive evidence as non-
monotonic (and thereby defeasible) while nonetheless attempting to distinguish that evidence in terms of its having a distinctive role in warranting assertions and in burden-of-proof shifting in dialogue (Tomassi, 2001). All of these alternative proposals to the entailment view share, however, a desire to ensure that non-inductive evidence can be both partially meaning-constituting and an evidential basis for knowledge (cf. Baker 1974, 156; Hacker 1993, 259; Tomassi 2001, 46).

I will argue that all three variants of the GGE view have problems accounting for meaning constitution and knowledge in contexts involving concepts governed by non-inductive evidence. I will label the objections to the GGE view the “semantic objection” and the “epistemic objection”.

The Semantic Objection

Advocates of the GGE view claim that non-inductive evidence can be at least partially constitutive of meaning in virtue of its being “necessarily good” evidence or “grammatically determined presumptive grounds”. Yet on the view, GGE is nonetheless always in-principle defeasible; it’s only prima facie or presumptive evidence, not evidence that would entail the truth of a contingent statement under any circumstances. This latter qualifier is important, for advocates of the GGE view insist that the defeasibility of non-inductive evidence is a conceptual or grammatical matter, so that it is part of the grammar of the relevant concepts that the evidence for them is always defeasible. This commitment is expressed by the claim, made by advocates of the GGE view, that there simply are no entailment conditions in such cases.9

GGE is thus supposed to be less than logically decisive in any circumstances, but nonetheless partially constitutive of meaning in virtue of being grammatically good. On pain of losing the alleged distinctiveness of GGE, the defender of such evidence must thus oppose the entailment view and affirm that the negation of every defeater for non-inductive evidence c, conjoined with the presence of that evidence, is always compatible with the falsity of any statement for which c serves as evidence, that is, that “(~D & C) & ~S” is always possibly true, for any D, C, and contingent S governed by the non-
inductive, grammatically good evidence $C$. To deny this possibility is to abandon the GGE view for the entailment view.

I think to the contrary that it is not possible to coherently assert the conjunction of $(\sim D \& C) \& \sim S$. For the statement that $\sim S$ has as a precondition of its truth that $S$ be meaningful. However, the joint assertion of $(\sim D \& C) \& \sim S$ insures that $S$ is not meaningful. This is because the joint assertion of $(\sim D \& C) \& \sim S$ undercuts the relevant evidentiary connection that $S$ is supposed to have to $C$, in virtue of which $S$ is, in part, meaningful.\(^{10}\) This claim is closely akin to an argument that has been advanced by John Canfield. Canfield has also argued that the non-inductive evidence view is incoherent.\(^{11}\) His argument seems to me to be sound, and my claim that $\sim D \& C$ are incompatible with $\sim S$ reaches a similar conclusion. Philosophers who deny this refuse to grant that where non-inductive evidence $C$ is partially constitutive of the meaning of $S$, $\sim D \& C$ are logically sufficient for $S$.\(^{12}\) The problem in doing so is that any case in which $\sim D \& C$ is true is a case in which $\sim S$ is devoid of meaning, and such meaning is a necessary condition of its being intelligibly false. Since, furthermore, the conditions for $S$’s having meaning include that condition that the evidence for $S$’s truth obtain, and that evidence $does$ obtain (since it’s present and undefeated), $S$ must be true.

This is, in a nutshell, the conceptual difficulty involved in rendering coherent the notion that all relevant non-inductive evidence for $S$ can be present and undefeated and yet $S$ false. Seeing how this difficulty undercuts the GGE view’s ability to make sense of example cases of non-inductive evidence requires a clearer specification of what kinds of things count as defeaters for evidence. I will here give such a specification of evidence and defeaters, and then use it to provide a strong intuitive argument against the GGE view’s ability to coherently assert the conjunction of $(\sim D \& C) \& \sim S$ in an example case, despite the view’s being committed to the coherence of this conjunction.

\textit{Evidence and Defeaters}

Assume that $e$ is some evidence, of any type, for some statement $S$, and let $E$ be a statement which reports that $e$ obtains. Then $d$ is a\textit{defeater of e for S} iff $e$ fails to be evidence for $S$ in the presence of $d$.\(^{13}\) Thus, where $D$ is the statement reporting that a
defeater $d$ obtains, $D \& E$ fails to be reason for holding that $S$, although $E$ was such a reason by itself. This characterization of defeaters makes determining what counts as a defeater a function of $e$’s being evidence for $S$.\textsuperscript{14}

What then is evidence? As I will use the notion, saying that $e$ is evidence for $S$ is to be understood as saying that, according to the rules of evidentiary support or confirmation, were $e$ available to some person $B$, and were $B$ both aware of that evidence and reasoning in accord with the rules of evidentiary support or confirmation, then $B$ would have some degree of warrant for holding that $S$. In this subjunctive characterization of evidence, it is not required that $e$ actually be available to some $B$ in order for it to be evidence for $S$. Nor is it required that $B$ actually notices $e$. It is enough that were $B$ to notice $e$, then $B$ would, if she is reasoning in accord with the rules of evidentiary support, have some degree of warrant for holding that $S$. I think that this characterization of “evidence” is consonant with our ordinary use of the word, for we are generally willing to grant that there can be evidence for something that is nonetheless not currently available to anyone. Note that a defeater $d$ of evidence $e$ for $S$ is itself evidence, and might be of any kind. Before proceeding, it is necessary to note several features of this characterization of defeaters.

First, we should not regard the contradictory of $S$ as itself a defeater for $e$ (where $e$ is evidence for $S$). The reason is that it is generally not the case that a statement, such as $\sim S$, is evidence for its own truth or falsity.\textsuperscript{15} In general, if something is a defeater of evidence for $S$, then it is a reason relevant to our holding to the truth or falsity of $S$ in virtue of being a part of a chain, with at least one member, of evidence for $S$. If we included $\sim S$ among the defeaters for the truth of $S$, we would be including $\sim S$ in the evidentiary chain relevant to belief in the truth or falsity of $S$. Of course it is true that, if someone is justified in believing that $\sim S$, then they are justified in believing that $\sim S$, but it does not follow that $\sim S$ itself justifies one in believing that $\sim S$. To suppose otherwise would be to allow a species of question-begging argument as a justification for belief, and question-begging arguments, while valid, are not cogent precisely because justification does not transmit from premises to conclusion. Thus the contradictory of $S$ should not be included as a defeater for the evidence for $S$. 
The contradictory of \(E\), however, is a defeater for the evidence \(e\). This might not at first be obvious, for, since \((E \& \sim E)\) entails \(S\), it might appear as if \(\sim E\) does not defeat evidence for \(S\) but in fact insures that \(S\). However, as we have just observed above, the evidentiary relation is not the relation of logical implication. If Mr. \(X\) tells me that \(E\), but Ms. \(Y\) tells me that \(\sim E\), I do not thereby have justification for \(S\). If I believe myself to be in possession of \(e\), then evidence that \(\sim E\) defeats \(e\) as evidence for \(S\).

The contraries of \(E\) and \(S\) are also defeaters for \(e\). That an evil deceiver is causing me to falsely believe that \(A\) has a toothache is a contrary of the claim that \(A\) has a toothache, and it is thus a possible defeater of \(A\)’s moaning and holding his jaw as evidence that \(A\) has a toothache.\(^\text{16}\) This contrary of \(E\) is also a possible defeater for \(S\) itself, the claim that \(A\) has a toothache. This may seem to be at odds with my assertion above that the contradictory of \(S\) is not a defeater for \(e\). That an evil deceiver is causing me to falsely believe that \(A\) has a toothache implies that \(A\) does not have one, i.e., that \(\sim S\). So why should this contrary be a defeater for \(e\), when the contradictory of \(S\) is not? The answer is that the evil deceiver causes me to believe that \(S\) by means of defective evidence. I think that \(A\)’s moaning and jaw-holding is evidence that \(A\) is in pain, but it is not because the evidence is defective; I am the victim of an Evil Deceiver.\(^\text{17}\) In this respect, that there is an Evil Deceiver causing me falsely to believe that \(S\), which is a contrary of \(S\), is a possible defeater for \(e\) in the same way that the non-contrary thesis that there is an Evil Deceiver is a possible defeater for \(e\). Both work by undercutting one’s grounds for holding that \(e\) is evidence for \(S\), since if one has some justification for supposing that either of these defeaters obtain, then even if one sees \(A\) holding his jaw and moaning, one has no good reason for thinking that he has a toothache.

With this account of evidence and defeaters, we can return to the semantic objection to the GGE view, and explore its plausibility with an example. Suppose that we observe that \(A\) is moaning and holding his jaw, say, and in this simplified example we consider this type of behavior to be non-inductive evidence (\(C\)) for \(A\)’s having a toothache. That \(A\) is faking toothache behavior is a defeater for \(C\), and so it is in \(\sim D\) and is false. This is because \(A\)’s faking toothache behavior is not a contradictory of \(A\)’s having a toothache; one can have a pain or a toothache and yet still fake pain or toothache behavior, as children frequently demonstrate when a minor injury results in a dramatic
display of pain in front of sympathetic viewers. Likewise, that *there is an Evil Genius causing observers to falsely believe that A is holding his jaw and moaning* is a contrary of *C*, and so like all of *C*’s contraries is in *D* and is false; so too for any other possible deceptive mechanism. That *A disavows having a toothache* is also an obvious defeater for *C*, and so is false (I consider such cases further below). Similarly, every other bit of defeating evidence for *C* does not obtain -- this is the content of saying that *D* is true.

In such circumstances it is evident that no content has been given to the claim that *S* is possibly true. For example, the question “Why could *S* be false?” has no answer. The GGE view itself requires that *S* have a semantic connection to *C*, so it is not enough to say in this case that we are not warranted in asserting that *S*, for this observation, while true, fails to provide content to *S* itself. Likewise, to ask us to “imagine a possible world” in which (*D* & *C*) and *S* are all true is to assume that *S* is meaningful independently of *S*’s internal relation to *C*. In other words, it is to implicitly deny an internal relation between them. Absent an appeal to intrinsically private evidence (imagining to oneself that “*A* doesn’t have this” when mentally focusing on one’s own toothache), there is nothing for us to conceive or imagine here; the non-inductive evidence is present, and there is *ex hypothesi* nothing that would defeat it. It is unlikely that defenders of GGE wish to rest their view upon the possibility of private evidence, but without it there is no reason to block the conclusion that conjunction of *D* with *C* makes *S* empty of semantic content by denying it a grammatical connection with *C*.

*Seeking a Law in the Way a Word is Used*

I have noted that seeing a kinship between “defining criteria” and other cases involving non-inductive evidence, like third-person ascriptions of psychological predicates, makes perspicuous how such evidence can be meaning constituting. This fact forms the basis for my reply to an anticipated objection to my characterization of such evidence using the notion of entailment. The objection holds that seeing an entailment in all cases of non-inductive evidence is a “conceptual prejudice”. Thus, citing Wittgenstein’s remark that “in general we don’t use language according to strict rules”, Bennett has claimed that we look at language as if it were a calculus if we seek “defining
criteria of a precise and logically compelling sort”, while failing to heed Wittgenstein’s injunction (at \textit{BB} 27) not to always seek a “law in the way a word is used” (Bennett 1978 58-9). Baker (1974, 165-6), and Hacker (1993, 259) have raised similar objections. Although I am not giving a theory of criteria per se, my view that undefeated non-inductive evidence ought to be understood as a logically sufficient condition for the truth of some contingent statements presumably falls within the intended scope of this objection.

The objection rests, however, on a misconception of the nature of Wittgenstein’s observation that there is not always a law in the way a word is used. Consider two different positions, \textit{P} and \textit{Q}, on the nature of the evidence for word \textit{w} in cases where it seems like some evidence \textit{e} may be non-inductive:

\textit{P}: There is no law in the way a word is used because it has simply not been settled how a given bit of evidence \textit{e} is actually being used (i.e., whether \textit{e} is being used as non-inductive evidence for the application of \textit{w} or as inductive evidence).

\textit{Q}: There is no law in the way a word is used because there simply is no difference, actually or in principle, between using a given bit of evidence \textit{e} as non-inductive evidence for \textit{w} and using it as inductive evidence for \textit{w}.

\textit{P} is consistent with the claim that non-inductive evidence really is a distinctive form of evidence in any case in which it is present, while \textit{Q} is not. The entailment view is compatible with \textit{P}, but not with \textit{Q}. It is compatible with \textit{P} because it does not require that there always be a definitive answer to the question of whether, in a given case, \textit{e} is functioning as non-inductive evidence. In this respect, the entailment view can allow that our use of words might be indefinite, while nonetheless holding to the conditional claim that, if a given bit of evidence is non-inductive, then it involves an entailment to the truth of a statement in the absence of a defeater. Indefinite cases involve an oscillation between various possible ways of treating certain evidence; a feature that Wittgenstein himself identified:

Nothing is commoner than for the meaning of an expression to oscillate, for a phenomenon to be regarded as sometimes a symptom, sometimes a criterion, or a
state of affairs. And mostly in such a case the shift of meaning is not noted. (Z, 438; cf. PI, 354; RPP I, 649)

Indeed, the very Blue Book passage that Bennett cites suggests a similar point:

It appears we don’t know what [‘knowledge’] means, and that therefore, perhaps, we have no right to use it. We should reply: “There is no one exact usage of the word ‘knowledge’; but we can make up several such usages, which will more or less agree with the ways the word is actually used. (BB, 27)

To see Wittgenstein’s remarks about there being no law in the use of a word as constituting an objection to the claim that non-inductive evidence is defining or decisive, Bennett and others need to see it as making a claim stronger than P. They need Q, or something close to it. But Q is little more than an outright denial that there is anything distinctive about non-inductive evidence at all, it least in those cases where it isn’t a species of defining criteria. Q is the kind of claim that we expect to find in philosophers such as Quine and his defenders: it amounts to simply refusing to grant anything distinctive about non-inductive evidence when it isn’t obviously defining. Yet Wittgenstein clearly did not intend his comments to advance the Quinean claim that evidence for empirical statements can exhibit no differences in kind – to the contrary, Wittgenstein saw a difference where Quine saw none.

Nonetheless, Wittgenstein’s observations that ordinary language isn’t strictly-rule bound may still appear to clash with the claim that we ought to characterize non-inductive evidence in terms of an entailment relation. For if the actual use of a word fails to require distinguishing between a bit of associated evidence being inductive, versus its being non-inductive, then users of that word are not committed to the existence of an entailment, but only to an ambiguity. Does not the assertion that non-inductive evidence forms a necessary part of a sufficient condition therefore constitute a simplification of the actual use of language in such cases?

It does. But the reasons for making this simplification reflect Wittgenstein’s philosophical method, for they stem not from an attempt to get “behind” the use of language to reveal the operation of a hidden calculus, but from an attempt to render perspicuous how grammatical relations function in the context of many empirical statements. Wittgenstein’s observation of the oscillation apparent in the use of words did
not lead him to refuse attempting to render certain uses of language more perspicuous in terms of comparisons to simpler, more easily-understood examples. Quite to the contrary, he emphasized the importance of inventing new cases in order to command a clear view of the use of our words (PI, 122). This is evident from the simplified, constructed examples of the opening passages of the *Investigations*, as well as in Wittgenstein’s frequent insistence that the philosophical task of clarification is distinct from the empirical study of language (PI, 109), or the exact cataloguing of grammar (Z, 464). As he put it apropos of psychological concepts:

> And here what is in question is not symptoms but logical criteria. That these are not always sharply differentiated does not prevent them from being differentiated.

> Our investigation does not try to *find* the real, exact meaning of words; though we do often *give* words exact meanings in the course of our investigation. (Z, 466-7)

Seeing a commonality between relatively simple cases of non-inductive evidence, such as the chess grandmaster case, and less simple ones, such as ascriptions of pain or toothache, by seeing in both the presence of an entailment in the absence of a defeater, helps to render perspicuous how it is that non-inductive evidence can play a distinctive role. It does so, as I noted, by making clear the meaning-constituting role of that evidence.

*Entailment Conditions*

The entailment view has been criticized for assuming that there exists a definitely circumscribable list of conditions for the entailment. Hacker, for instance, writes that it: presupposes that there is a definitely circumscribable list of conditions (both positive and negative) which is such that if it is satisfied, then it *must* be the case that the person is, say, in pain, sad, thinking, or whatever. But the range of defeating conditions is arguably indefinite, and the defeating conditions themselves are defeasible. (1993, 258; cf. also Baker 1974, 161).

Malcom has advanced a similar objection:
It is quite impossible to list six or nine such circumstances and then to say ‘that is all of them; no other circumstances can be imagined that would count against his being in pain.’ The list of circumstances has no ‘all’ in that sense; the list is, not infinite, but indefinite. Therefore, entailment-conditions cannot be formulated; there are none (1963, 114).

These criticisms rest on several misconceptions.

First, recognizing an entailment from the undefeated non-inductive evidence for $S$ to $S$ itself is compatible with the possibility that non-inductive evidence may take a wide variety of forms, such as its being part of a “cluster concept”, its appearing only in virtue of a family resemblance to other things, or its appearing as evidence only to members of a community that share possession of a certain technique, “know-how”, or an ability to recognize important similarities or regularities (cf. *PI*, 325). These latter conditions may not be expressible in a demonstrative-free language, and in such cases, we should recognize that the reports of evidence are meaningful only to those who share mastery of the relevant techniques or abilities. Much of what we count as evidence, including much of our non-inductive evidence for pain and toothache ascriptions, exhibits such features. For instance, toothache ascriptions likely presuppose an ability to recognize a family resemblance between a certain ostended example behavior (“That person has a toothache”, said perhaps to a child), and other cases. Here the success of the explanation presupposes a considerable “background” of appropriate circumstances and suitably prepared learners (cf. *PG*, 88, *BB* 12). Moreover, we may not be in a position to enumerate what we count as non-inductive evidence in many such cases. For instance, it is unlikely that we can state what evidence is necessary for an ascription of pain, and we don’t expect competent language-users to be able to do so. Indeed, we may not use any statements of conditions in teaching, explaining, or justifying pain-ascriptions. We seem simply to learn that certain behavior is distinctively pain behavior, and expect competent language-users to be able to identify characteristic pain behaviors.

These considerations may appear to render untenable the claim that there is an entailment between undefeated reports of non-inductive evidence and the truth of certain statements. For it may be thought that if we cannot enumerate the conditions required for the entailment, then there cannot be an entailment at all. But this does not follow. The
fact that we cannot state necessary and sufficient conditions on something’s being $\phi$ does not mean that there are no conditions on being $\phi$. It may mean rather that what conditions there are can only be given in other ways, as with Wittgenstein’s observation that what one knows of the concept “game” could be “completely expressed” only by “describing examples of various kinds of game; shewing how all sorts of other games can be constructed on the analogy of these; saying that I should scarcely include this or this among games; and so on.” (PI, 75). That we may only be able to express conditions for being a game in these ways doesn’t mean that there are no conditions. Indeed, Wittgenstein’s observation is perfectly consistent with the possibility that there is an entailment from something’s being such-and-such, or its relevantly resembling such-and-so, to its being a game. It is an illusion to suppose that there can be an entailment only if we can state the conditions required for it. What is required is that we be able to recognize what counts as a condition, even if the recognition cannot be replaced with a list, or expressed in a demonstrative-free language. Nor should the fact that we may not be able to give a demonstrative-free expression of the evidence required to say that someone is in pain, say, be confused with the claim that it is not possible to report evidence when we do recognize it. The fact that we may be unable to articulate how $X$ resembles $Y$ does not mean that we cannot report that $X$ resembles $Y$. Hence, although examples such as Wittgenstein’s toothache example may be simplified, they aren’t simplistic in a way that blocks relevant generalizations to more complex cases, and the entailment view can allow for considerable latitude in what counts as evidence in particular cases.\textsuperscript{20}

A second and related misunderstanding involves the assumption, evident in Malcom’s above-quoted remark, that the entailment view requires that we be able to list or formulate the defeating conditions. The assumption is again mistaken. Entailment conditions require only an ability to recognize and adjudicate among relevant defeaters, not an actual enumeration of them. For instance, it’s not a condition on the intelligibility of calling a statement true that we be able to enumerate every defeater for that statement. Consider that for a given statement $S$, the truth of any contrary of $S$ would be a defeater for $S$. In most cases, we cannot enumerate even every contrary of $S$. But we nonetheless acknowledge that the truth of $S$ has as a necessary condition the falsity of every contrary.
For example, if $S$ is the statement “$L$ is in Mobile, Alabama at time $t$”, then the truth of $S$ entails the falsity of every contrary of the form: “$L$ is in Blois, France at $t$”, “$L$ is in the lunar crater Petzval at $t$”, and so on for every possible location. We cannot enumerate every such location. But that does not block us from recognizing an entailment from the truth of $S$ to the falsity of every contrary of $S$. If true, $S$ entails the falsity of every contrary, and if any contrary is true, that defeats our judgment that $S$ is true, regardless of whether or not we can enumerate the contraries.

A related complexity introduced by third-person ascriptions concerns the “overlap” of the grounds for such ascriptions with first-person avowals in some cases. Thus both $A$’s holding his jaw and moaning, and his avowing that he has a toothache, may be grounds for saying that he has one. My position is compatible with this possibility, for it requires only that $\neg D \& C$ be jointly sufficient for the truth of $S$. It does not require that $C$ be necessary for $S$. $A$’s avowing that he has a toothache is grounds for saying he has one, even if jaw-holding and moaning are not present. $C$’s meaning-constitutive role with respect to $S$ is preserved as long as a competent speaker must recognize $C$ as evidence for $S$; she need not recognize only $C$ as evidence.

These remarks might in turn seem to raise the possibility of a conflict between third- and first-person pain-ascriptions, but, barring an implicit appeal to intrinsically private “evidence”, they do not. If $A$ is holding his jaw and moaning, then in the above simplified example, he has a toothache in the absence of any defeater. If $A$ were to confess to someone that he does not have a toothache, then that is evidence which, were it available, would defeat the claim that he does -- this would be a situation in which $\neg D$ would be false. My characterization of evidence does not require the actual availability of such evidence, nor should it; here again a comparison with the grandmaster case is helpful. The undefeated evidence that someone has an FIDE score over 2499 entails that the person is a grandmaster, whether or not we know that there is no defeater, or even in the complete absence of the relevant evidence. If all chess records were destroyed, there wouldn’t cease to be an entailment, although we would be prevented from justifiably asserting that anyone is a grandmaster.

However, my general characterization leaves open the possibility that the claim that there is an entailment in all cases involving non-inductive evidence might collapse
into a trivial truth in some cases. This is because \( \neg D \& C \) might entail \( S \) in a “narrow” logical sense if \( S \) is logically derivable from \( \neg D \& C \) by the consequence relation of a standard system of logic.\(^{21}\) I see no way to prove that this could never happen. If it did, then in such cases my claim that there is an entailment from \( \neg D \& C \) to \( S \) would appear trivial, since \( S \)’s truth would just be a narrow logical consequence of making what turned out to be an unexpectedly strong assumption. In the face of such possible cases, the entailment view can avoid triviality by being made stronger. It can assert that, besides the narrow logical entailment to \( S \), there is a “broader” entailment such that there is some collection of statements of evidence \( E_1, E_2, \ldots E_n \), which jointly do not entail \( S \) in the narrow logical sense, but which \textit{do} entail \( S \) when conjoined with \( \neg D \). Thus, in claiming that there is an entailment from \( \neg D \& C \) to \( S \), for contingent statements \( D, C, \) and \( S \), I am stating, in part, that there is a “definitional” or “tautological” statement of the form “If \( \neg D \& (E_1 \text{ and } E_2 \text{ and } \ldots E_n) \), then \( S \)”\(^{22}\)

\textit{The Epistemic Objection}

As I indicated above, there is another serious problem with the GGE view, one suggested by McDowell (1982). The GGE view, which McDowell labels the “’criteria’” view, requires that non-inductive evidence always be defeasible in such a way that under no circumstances can it constitute an entailment relation. But an epistemic problem arises here, since the GGE view’s assumption that a given criterially-governed judgment is always defeasible has the consequence that it is always logically possible for that statement to be false, even in cases that are completely indistinguishable from those in which it is true (457). As McDowell puts it:

Consider a pair of cases, in both of which someone competent in the use of some claim experiences the satisfaction of (undefeated) ‘criteria’ for it, but in only one of which the claim is true. According to the suggestion we are considering, the subject would in the latter case know that things are as the claim would represent them as being; the subject in the former case does not. …. However, the story is that the scope of experience is the same in each case: the fact itself is outside the reach of experience. (459)
McDowell is imagining epistemically identical situations, situations in which all possible evidence is the same. The GGE view must countenance as coherent the possibility that in one of those situations a claim is true, and in the other it is false.

If this is possible, then when is a competent language-user ever justified in saying that they know that $S$? McDowell’s thought experiment reveals that, on the GGE view, a situation in which $S$ is true can be epistemically identical in every way with one in which $S$ is false. Such a result invites an extreme form of skepticism. If nothing available as possible evidence marks a difference between cases in which $S$ is true and those in which it is false, then a claim that $S$ is true is never fully justified and is in fact always open to doubt – and this as a matter of grammar. Importantly, this defect is not shared by the entailment view, by which the obtaining of the undefeated non-inductive evidence for $S$ logically entails that $S$ is true.

*Knowing that $S$*

Nonetheless, the entailment view might itself appear to be vulnerable to the charge that it sets the bar too high to allow us to have knowledge of the truth of statements governed by non-inductive evidence. For in characterizing non-inductive evidence as a necessary part of a sufficient condition, I have appealed to a totality of defeating $D$ for the non-inductive evidence for some statement $S$. Yet in actual cases we are in no position to know that these defeating do not obtain. And if we cannot know that there is no defeating for the evidence for $S$, then it may seem that we cannot know that $S$ is true on the basis of the non-inductive evidence for it.

In fact, the entailment view is compatible with fallibilist accounts of knowledge, for fallibilism does not require that, in order to justifiably claim to know that $S$ (or be justified in believing it) one must have evidence which entails $S$. Rather, fallibilists allow that one can justifiably claim to know that $S$ on the basis of evidence $e$ even though there are alternatives to $S$ that are also compatible with $e$. As a result, fallibilist accounts of knowledge and justification tend to recognize, I think correctly, a distinction between the conditions required for $S$ to be true and the conditions required for someone’s belief that $S$ to be justified. Fallibilism thus allows us to preserve the intuition that there are
important differences between the meaning conditions for \( S \) and the conditions for the justified belief that \( S \). Where \( S \) is governed by non-inductive evidence, the meaning conditions for \( S \) include, but aren’t necessarily limited to, the entailment from \((\neg D \& C)\) to \( S \). On the other hand, the conditions for a person \( B \)'s justified belief that \( S \) are importantly different. They allow that, where \( S \) is contingent, \( B \) can be justified in believing that \( S \) without having evidence which entails \( S \).

This latter is an eminently reasonable qualification. For requiring that \( B \) be justified in believing that \( S \) only if \( B \) has evidence that logically entails \( S \) would have the consequence that we are justified in believing very few things indeed.\(^{24} \) Insofar as we cannot in practice exclude every possible defeater, we would never or almost never have knowledge in ordinary contexts. Indeed, we would almost never have knowledge even in extraordinary contexts where we were being epistemically very cautious. For consider again the kinds of things that can count as defeaters for our evidence \( e \) for a given empirical statement \( S \). They include at least every contrary of \( S \). Suppose for instance that I claim to know that \( \text{today is New Year's Day} \) on the basis of various forms of evidence that I have accumulated, such as checking calendars, public broadcasts of the date, asking other people, and so forth. A contrary of the statement that today is New Year’s Day is the statement that \( \text{I have been the victim of a successful and massive deception aimed at getting me to falsely believe that today is New Year's Day} \). If I have not secured that this contrary (and every other possible defeater) is false, then I don’t have evidence that entails that today is New Year’s Day. And if knowledge of a contingent statement \( S \) requires evidence that entails \( S \), then I don’t know that today is New Year’s Day. Yet this is highly implausible. For while it is always possible for a skeptic to hold our knowledge claims to an incredibly high standard like the possession of logically entailing evidence, doing so has little to do with our ordinary standards of knowledge ascriptions in normal contexts.

Thus, the entailment view can appeal to fallibilism to avoid skeptical consequences. Nonetheless, it may be thought that on the entailment view, even if \( B \)'s being justified in believing that \( S \) does not require that \( B \) have evidence which entails \( S \), \( B \) cannot \textit{know} that \( S \) if \( B \) isn’t antecedently justified in believing that there is no defeater for the evidence for \( S \), i.e., in believing that \( \sim D \). For if \( B \) knows that \( S \), then \( S \) is true. \( S \)'s
truth is governed by non-inductive evidence $C$, since this entails $S$ if $\neg D$. So at a minimum, if $S$ is true then so is $C$, and hence $\neg D$ must be true. But this then seems to make $B$’s having evidence for $\neg D$ a precondition of $B$’s knowing that $S$ after all.

It does not do so, however, for just as it is implausible to require that $B$ have evidence that entails $S$ in order for $B$ to be justified in believing that $S$, it is implausible to require as a precondition of $B$’s claiming to know that $S$ that $B$ know that $\neg D$. Indeed, if the entailment view is correct, then requiring that $B$ knows that $S$ only if $B$ knows that $\neg D$ has as a consequence precisely the unacceptable requirement that $B$ have evidence that entails $S$ in order to be justified in claiming to know it. For on the entailment view, if $\neg D$ is true, then $C$ is true, for every $C$ in $\neg D$. The reason for this is that, as I noted above, the contradictory of evidence $E$ for $S$ is a defeater, and $C$ is evidence for $S$. Hence its contradictory, $\neg C$, is in $D$, and so $C$ is in the conjunction $\neg D$, which trivially entails $C$. Since $(\neg D \land C)$ entails $S$, requiring as a precondition of knowing that $S$ that one knows that $\neg D$ reduces again to the implausible requirement that the justification required to know that $S$ is that one have evidence that entails $S$.25 26

Conclusion

A fallibilist conception of knowledge attributions allows us to see how they are compatible with the existence of an entailment between the undefeated obtaining of the non-inductive evidence for $S$ and $S$’s truth. And analyzing non-inductive evidence in terms of an entailment offers us our only clear model of how such evidence can have a distinctive role in meaning-constitution. Resistance to the entailment view has been found to stem from misunderstandings of the conditions required for an entailment, or from a distorted conception of how philosophical clarification is achieved.
Endnotes

1 Variants of this position can be found in Shoemaker (1963), Kenny (1967), Lycan (1971), Baker (1974), Wright (1982), Hacker (1993), and Tomassi (2001), among others.

2 My own position is close to that advocated by Canfield in his (1981). Canfield is hesitant to speak of what he calls the “criterial relation” as an entailment, although he concedes that on his view, “the relationship is close enough to an entailment that we might as well call it that” (87). Understanding non-inductive evidence on the model of an entailment was also defended by Malcom (1963) and Albritton (1959), although Albritton (1966) later abandoned the entailment view. McDowell has also suggested something close to an entailment view, arguing that epistemological considerations imply “an indefeasible connection between the actual, as opposed to apparent, satisfaction of a criterion and the associated knowledge” (1982, 470).

3 As Wittgenstein noted (cf. LW I, 964, LW II, 79 and passim), there do seem to be some contexts in which the possibility of the subsequent defeat of a pain-attribution, e.g., cannot be conceived of without undermining the coherence of the concept pain. I’m indebted to Daniele Moyal-Sharrock for emphasizing this point to me.

4 Cf. Kenny (1967); Cavell (1979); McDowell (1982), McGinn (1998). I agree with these commentators that the notion of non-inductive evidence ought not to be regarded as a guarantee of certain (infallible) knowledge, although I argue below that it allows the justified attribution of knowledge in many ordinary contexts.

5 Pollock and Cruz deny this, claiming that “The only kinds of reasons that can be derived from entailment relations are reasons that are themselves entailments -- conclusive reasons” (1999, 145). This is clearly incorrect. A concept like “grandmaster” can derive its content from entailment relations even though our reasons for the belief that someone is a grandmaster are defeasible and so not “conclusive”.

6 For a defense of the claim that Wittgenstein regarded all criteria as akin to defining criteria, see Canfield 1981, 35-51. For a criticism of the attempt to read the notion of defeasible evidence into Wittgenstein, see McDowell 1982, 462-6.

7 This is a simplification for, as I note below, the non-inductive evidence C need not always form a conjunction in order to be a necessary part of a sufficient condition.
8 Wright’s (1982) develops such a possibility without endorsing it. Baker later moved away from his more “constructivist” inclinations, but continued to endorse a version of the GGE view; cf. Baker and Hacker 1985, 678.

9 Cf. Lycan 1971, 110; Baker 1974, 161; Hacker 1993; 258. Tomassi (2001, 47) expresses a similar idea by claiming that the logic of criterial concepts is non-monotonic, thereby ensuring that any inference made on the basis of non-inductive evidence remains open to defeat.

10 In saying this, I am here committing myself to a further assumption, namely, that in order for a contingent proposition S to be meaningful, there must be some relevant grounds for its assertion or denial. This commitment is made by defenders of GGE as well; see for instance Hacker 1993, 258.

11 Canfield 1981, 79-91. Note that Canfield uses the term “non-inductive evidence” to refer to what I call the “GGE view”.

12 As I observe in my remarks on evidence below, there are additional conditions on something’s counting as evidence, such as community standards for warrant. I’m assuming in this discussion that such conditions are met; i.e., that we are in the presence of a community of language users with some standards for counting things as evidence.

13 My account here derives from Klein (1981). I’m also indebted to Kevin Meeker for numerous helpful suggestions.

14 I am bypassing here the problem of “defective defeaters”, or evidence that appears to defeat some other evidence, but does not do so. For discussions, see Klein (1981); Pollock and Cruz (1999).

15 Some foundationalists think that some statements can justify themselves as well as other statements, hence my qualifier “generally”. Even if there are self-justifying statements however, statements governed by non-inductive evidence are not among them.

16 This is only to say that were evidence that there is an evil deceiver available to some person B, then B would have reasons that defeat A’s having a toothache. It is not to say that the mere possibility of there being an evil deceiver is defeating evidence.

17 A prima facie counterexample case might be one in which the Evil Deceiver just “puts the thought in my mind” that A has a toothache, despite A’s not having one. In this case,
however, A’s not having a toothache is not a defeater for my evidence that he has one, for
in this case I don’t believe that A has one on the basis of evidence.
18 Lest an “assertion condition” semanticist be tempted to object that our not being
warranted does provide content to ~S, on the grounds that they recognize no difference
between warranted assertability conditions and semantic content, I note the following.
First, the identification of semantic content with assertion conditions by itself does not
establish that “~S” has content in cases such as the above, in which none of the
conditions for the warranted assertion of “~S” obtain, while those for “S” do. To block an
entailment from (~D & C) to S, one must demonstrate that ~S can have content despite
the truth of (~D & C). If anything, tying semantic content to assertion conditions would
seem to further erode any hope of such a demonstration. Second, it’s mistaken to argue,
as Baker has in defense of his broadly assertion-condition account of criteria, that any
appearance of incoherence in the GGE account of non-inductive evidence stems solely
from a further commitment to a network of “classical” semantic and epistemological
theses that his theory can reject (1974, 164-5, 176-7). The arguments advanced by both
Canfield and myself against GGE require no such “classical” commitments. Rather, they
rely only on premises that Baker explicitly accepts himself, namely, that criteria partially
determine the meaning of concepts and that all criterial support for S is defeasible while
not-S is true (cf. 1974, 161-2).
19 Here my position differs from that of Tomassi (2001, 47), who holds instead that ~S is
conceivable in the undefeated presence of C, and only its assertion is unwarranted.
20 Saying that ~D & C entail S is also consistent with the existence of empirical
statements for which there is no non-inductive evidence, such as judgments of sameness
(cf. RFM VII. 40; PI 377), some first-person judgments (PI 377), and avowals (PI 253, p.
189).
21 I’m indebted to Cory Juhl for emphasizing to me the importance of this point.
22 Recall Wittgenstein’s remark that “‘A man has angina if this bacillus is found in him’
is a tautology” (BB, 25).
23 My account is also compatible with thinking that some apparently empirical
statements that are not governed by criteria might be known, and known with certainty. I
have in mind cases such as those that Wittgenstein considers, such as the belief that I am in my room, where the possibility of being mistaken seems logically excluded (cf. OC 194-5, 67-74, and passim).

24 I’m supposing, roughly, that B has evidence e if B either: (1) actually subscribes to or accepts that E, at least in the sense of being disposed to assert that E in appropriate circumstances, or (2) has E available because E is a part of some chain of propositions that have their origin in some proposition that B actually subscribes to. This chain is one in which each proposition justifies the following one, and B is able to recognize this.

25 This has the result that the bare absence of any defeater of the criteria for S entails that S is true. This may appear to make the non-inductive evidence irrelevant, but it does not, for we get this entailment from ~D to C only because we have used C to determine the content of D, as when we allowed that since “~C” is a contradictory of C, it is in D.

26 There is a further issue here concerns whether the set of propositions known by B be is closed under entailment, such that it be true that if B knows that S, and B knows that S entails R, then B knows that R. This closure principle is weaker than the requirement that B knows that S only if B has evidence that logically entails S, since the set of statements entailed by S is a subset of the set of statements that entail S. Yet if the closure principle is true, then it seems that in order to know that S, one must know the falsity of every contrary of S, since these are all entailed by S. The closure principle is arguably false. Even if it is true, however, there are a variety of ways of maintaining a fallibilist account of knowledge in the face of it – see for instance Klein (1981), and Cohen (2000).