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Editor's Letter

Dear Reader,

After many delays and a long hiatus, the seventh edition of *Meditations* has arrived on the (virtual) bookshelves of our beloved audience. The journal has a duty to deliver its contributors' work in an orderly and timely fashion, and in both regards we have failed this year, albeit due to unforeseen circumstances. But, in the spirit of effective altruism, we ought not dwell on the good we could have done before or the good we could do in the future, but rather the good we can do now, and so in that spirit I give you the long overdue publication of three excellent essays in philosophy.

The journal furnishes a cornerstone of the Undergraduate Philosophy Club at UCLA, and it is here where students of philosophy, not just those from the journal's home in Los Angeles but across the globe, are rewarded for their work. This year's journal covers a diverse selection of topics: promise theory, epistemology and political theory. I hope that at least one of these works will peak your interest, and perhaps even inspire you to submit your own work for a future issue. Only time will tell; for now, do enjoy the latest issue of these *Meditations*.

Cheers,
JASON ZHAO
Layout and Design Editor

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Contracts Are Commitments, Commitments Are Promises

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I. Introduction.

Aspects of contract law such as the consideration doctrine or efficient breach^[1] reflect a divergence of contract law from the conventions of promising. Promise theorists, such as Seana Valentine Shiffrin, argue that these instances of divergence need to be reconciled or justified in the face of moral norms of promising that they go against. Other legal scholars, such as Michael Pratt, argue that we need to rethink the common conception of contracts as promises. If contracts can be understood as a kind of commitment distinct from promising, then no justification for divergent doctrines of contract law is needed. This paper will navigate the debate between Shiffrin and Pratt regarding an example Pratt offers that purports to be a contract devoid of promissory moral norms. The debate centers on the descriptive claims of promise theorists, and I will aim to follow that, setting aside prescriptive concerns.

I will begin by explaining Pratt's hypothetical contract which is not a promise, and his reasons why it is implausible that a voluntary legal commitment is also necessarily a moral commitment. I will follow this by examining Shiffrin's two lines of analysis of Pratt's claims. The exchange as we will then have it seems unresolved, although, there is a question that Shiffrin sets aside that I think will help to adjudicate this debate: Are there commitments between people that do not bear

^[1] Consideration doctrine requires that there be some exchange between parties for a contract to be legally enforceable. Efficient breach allows for willful breach of contract in cases where a more profitable option comes along, and requires compensation to the promisee (which is offset by the greater profit from the new opportunity).

the moral obligations of promises? Both Shiffrin and Pratt agree that there is a commitment taking place in the hypothetical contract that is not a promise.^{[2][3]} I will argue that it is not possible to successfully make a commitment to a person without taking on a promissory moral obligation. Making a commitment to a person simultaneously gives that person a moral claim to your conduct meeting that obligation. I will also consider how Pratt's hypothetical resembles other speech acts that rely on constrained definitions of the concept of which they are about. Along the way I consider objections that Pratt and Shiffrin might level against my conception of commitments as promises and offer replies to those objections. Brief concluding remarks will close the paper, though likely not the debate.

II. Pratt's argument for a non-promissory kind of commitment

Pratt wants to engage with promise theorists on their descriptive claims about contracts but not on their prescriptive claims about contract law. Pratt claims the view that contracts are promises is too often reduced to orthodoxy and mere stipulation by legal scholars.^[4] Pratt does not think that contract law deals exclusively with promises, but rather agreements that are sometimes promises.^[5] If there are some contracts that are wholly not promises, then contract law cannot rightly be described as dealing only with promises. This would in turn mean that contract law's purpose would only have a coincidental and not instrumental relationship to enforcing promises.^[6]

In order to defend his claim that some contracts are not promises, Pratt offers the following hypothetical example. Our characters are Eliza the homeowner and Rudy the electrician. Eliza has an electrical problem in her home that a previously contracted electrician failed to locate and repair. To avoid a recurrence of the problem, Eliza asks

[2] This paper will primarily be engaging with three texts: Shiffrin "Are Contracts Promises?" (ACP), Pratt "Contract: Not Promise", and Shiffrin "The Divergence of Contract and Promise" (DCP).

[3] (Pratt 801, Shiffrin ACP 17[2])

[4] Pratt, 801.

[5] Ibid, 802.

[6] Ibid, 816.

Rudy to promise to repair the electrical problem prior to starting the work. Rudy is confident in his work, but reticent to give others moral claims over himself. He offers to fully guarantee his work by contract, but disavows any moral claim or obligation that might otherwise arise with his commitment to do the work. Eliza finds this request unobjectionable, and agrees to enter into contract with Rudy for the electrical work.

This situation, or something very close to it, would more than likely amount to a legal contract. But is it a commitment that successfully departs from anything having to do with a promise? Pratt seems to accept Shiffrin's definition of a promise as a voluntary commitment to a course of conduct "to which certain definite moral norms attach, including a requirement that they be performed."^[7] So, we know at least one of the certain definite moral norms that are part of a promise: a requirement to perform. Pratt defends this narrow conception of promising by contrasting it with the definition offered in the Restatement (Second) of Contracts,^[8] which he seems to think is too broad to capture anything of "substantive morality."^[9] The Restatement definition hinges on one person manifesting an intention to another person such that the other person is justified "in understanding that a commitment has been made."^[10] Pratt thinks that signaling to another person that one is undertaking a commitment does not capture the important aspects of what we typically consider a promise. Getting past semantics, the instrumental quality of a promise is that it gives rise to a moral debt of performance to another person, and the Restatement definition says only that one acted in such a way as to justify the promisee's belief about the commitment.

Maybe it is the case that Rudy has not given a moral claim to Eliza for conduct that is specifically- locating and fixing the electrical problem. Pratt acknowledges that other moral obligations might attach to Rudy's commitment, just not ones specifically characteristic of promises, especially not the moral requirement to perform the repair.

^[7] Ibid, 809, 810. Pratt uses a language of "undertaking" in reference to Rudy's contract, and "course of conduct" in his definition of promise. Pratt's definition does more to emphasize promising as a voluntary speech act.

^[8] The Restatement is an academic document by legal scholars that summarizes contract law and is often referred to by courts, but is itself not a legal document.

^[9] Ibid.

^[10] Restatement (Second) of Contracts § 2 (1981).

What are these non-promissory moral obligations that Rudy may be subject to because of this contract that is not a promise? Pratt suggests that Rudy may be morally obligated to not allow Eliza to form a belief that he will actually complete the repairs, because he has only “undertaken to complete them.”^[11] Wait a second. What is the difference between committing to do something, and undertaking to do something? Pratt says that if Rudy decides not to complete the job, he may be morally obligated to inform Eliza of his decision in a timely manner. Undertaking to complete a job cannot merely be a “I might do this, so these are the terms under which I might do it” kind of contract. Is that even a contract? The moral obligations that Pratt acknowledges could attach to Rudy’s non-promissory contract seem to bear striking resemblance to the kind of paltry moral obligations we might expect to fall under if we tell a friend that we will meet them for dinner if our schedule frees up sufficiently. But this is less a commitment to do something than it is the conditions under which we might commit to do something. Rudy said he would guarantee his work by contract. For now, I am going to set aside my concerns about what moral obligations Pratt says might attach to Rudy’s contracting, because Pratt characterizes these as non-promissory. I want to move forward with the assumption that Rudy is contracting to do the work, and try understand what kind of a commitment this contracting might constitute.

Pratt’s primary claim in support of the hypothetical contract that is not a promise is called the voluntariness thesis. He says that to conceive of Rudy’s contract as a type of promise that adheres certain moral norms but leaves him otherwise free to not perform the work shows an inconsistency with the underlying voluntary conception of promising. The underlying conception of promising is that promissory obligations are a special kind of moral obligation that are voluntarily self-imposed. Pratt wants to argue that morality has nothing to say about undertakings “simpliciter” but only promissory undertakings. This language of “undertakings” obscures the fact that these are not just undertakings to do a thing, they are commitments. I can undertake to walk down the street. If I agree to go for a walk with my friend, I have both undertaken to walk somewhere and committed to my friend that I will walk somewhere with them. There are various dictionary definitions of the word undertaking, but I think it is safe to assume Pratt means

[11] Pratt, 809.

the word in the sense that it means a commitment to another of performance of some task. So how can Rudy both undertake to do the repair work and be free to choose not to do the work? Because, according to Pratt, only moral undertakings actually require one to do what one has committed to doing, and moral undertakings must, by the voluntary nature of promising, be voluntarily accepted by the contractor. On Pratt's view, it must be that mechanisms other than morality obligate a contractor to some set of conduct. As for "moral obligations of the promissory variety" holding a contractor to a course of conduct, that can only happen if the contractor manifests an "intention of creating a moral obligation."^[12] This is Pratt's voluntariness thesis of promises.

The opposite of this he calls the no-disclaimer thesis; a moral obligation of the promissory variety adheres if the contractor does not disavow a moral obligation. Pratt says the no-disclaimer thesis is implausible, because of the very reason the voluntariness thesis is plausible. There has to be an intention to assume a moral obligation, which may or may not be present despite the lack of disclaimer. If no such intention is present and there is no disclaimer, there is no moral obligation. The voluntariness thesis tells us more than enough about cases where a disclaimer such as Rudy's is present; no promissory moral obligation can adhere. In fact, Pratt claims that "the voluntariness thesis must be true because it provides the only plausible account of why Rudy is not morally obligated by his undertaking."^[13] So, Rudy succeeds in making a non-promissory commitment because of the voluntariness thesis of promising, and the voluntariness thesis of promising is true because Rudy succeeds in making a commitment that is not a promise.

III. Shiffrin's response to the counter example.

Shiffrin's conception of promising is similar to Pratt's narrow definition. The two agree, fundamentally, that there is a moral requirement to perform what is promised; though Shiffrin further qualifies her own conception, claiming that, in addition to the moral requirement, promising entails a transfer of power *r* to the promisee that allows them to demand or excuse performance. Shiffrin's concern for the ways contract law diverges from promising is what gave rise to Pratt's

[12] Pratt, 812.

[13] Ibid.

article, and her attitude towards this divergence plays some role in her analysis of Pratt's counter example. The legal consequences for breach of contract are quite different than the moral consequences for breach of promise, particularly in terms of disapprobation; the law effectively offers none whereas disapprobation is the primary consequence morality lays on breach. This might be one consideration in favor of the view that promises and contracts are of a different nature. However, this is only one facet of the comparison between contracts and promises, and there are ways to construe this difference as concerning the difference between law and morality rather than contract and promise. But we are concerned with whether contracts as commitments are of a promissory nature. (This seems to be a natural place to start a new paragraph. Prior to this line, you discuss Shiffrin's conception of promising and the intricacies it points out in the overall debate. Now, you are shifting to her address of the counterexample.) Shiffrin addresses the counter example in two ways. First, she suggests that Rudy might be making a kind of linguistic mistake in that he is not disavowing promissory norms altogether, just stipulating their scope and strength. Second, she considers how the moral content of Rudy's contract might still resemble promissory moral content.

Shiffrin's first line of analysis says that Rudy succeeds in promising to either perform or pay, but that he fails to avoid promising altogether. Eliza asks him to fix the problem. Rudy responds by saying he will undertake the contract to fix the problem, but not promise to fix the problem. We can draw from this that he is making a promissory commitment to a broader set of actions that would satisfy "performance." In this sense, "perform or pay" would be the promised performance. Shiffrin offers some other examples of alternate promises that we could ascribe to Rudy,^[14] aside from a strict promise to do the work. She concludes that there is no way to resolve the linguistic interpretation of the scenario that remains charitable to both Rudy and to Contract Law's

[14] Shiffrin offers an alternative counter example that is similar to Pratt's but involves two friends, one contracting the other to build a bookshelf. From this she suggests that Rudy's promise may be as a promise between strangers instead of a promise between friends, which would carry heavier moral obligation than a promise between strangers. Much of her response revolves around her example of the counter example. I am primarily concerned with some aspects of her second line of analysis regarding what potential for moral wrong remains in Rudy's contract despite the disavowal of promise, and the question she leaves open at the end of her analysis.

definition as dealing with legally enforced promises.

The second line of Shiffrin's analysis looks at where we might correctly say that Rudy behaves immorally, and whether such potential immoral behavior would be the product of breaking a promise or shirking a legal duty. Shiffrin considers what Rudy is committed to doing by contract, such as perform or pay, and asks whether a failure to do either is a moral wrong. She suggests that if Rudy were to refuse to either perform or pay, and rather told Eliza to take him to court if she wants a remedy for his breach of contract, that his action would seem to constitute a moral wrong akin to breaking a minimally moral disjunctive promise.^[15] She suggests that Pratt might argue the moral wrong does not stem from breaking a promise that was not made, but rather from Rudy's attitude towards the law or from the "force of the expectations [Rudy] cultivated in [Eliza] at the time of contracting."^[16] Shiffrin's notion of a promisor cultivating expectations in a promisee is similar to the Restatement's notion of a promisor justifying a promisee's understanding that a commitment has been made. It is unclear why Shiffrin would allow this as a non-promissory explanation of the resulting moral wrong, except that her definition of promise is more narrow than the Restatement's.

Ultimately Shiffrin leaves the hypothetical aside. She thinks it is "strange" and maybe even "oxymoronic" to believe that a contract can be completely untinged by the norms of promising.^[17] Accordingly, Shiffrin shifts gears to look at what is "normatively appropriate or preferable" in answering the question concerning the potentially promissory nature of contracts. In doing so she assumes Pratt's position, that it is possible to have a system of contract that is wholly separate from promising, and sets aside the "valid concern" as to whether there are commitments that successfully disavow promissory moral obligations. I intend to pick up this question My argument expands on both lines of analysis that Shiffrin offers, though I am more concerned with the legal aspects of promising. Importantly, my argument employs a broader conception of promises.

[15] Shiffrin, 14.

[16] Ibid, 15.

[17] Ibid, 9, 15.

IV. Boundaries of conduct and promissory moral failings.

I want to take a step back and look at moral obligations and commitments. We have a moral obligation not to harm other people, and other people have a moral claim to respect for their bodily autonomy. These and other moral obligations exist independent of whether people choose them as obligations for themselves. In the broadest sense, moral obligations say that some behavior is right, and some behavior is wrong, on strictly moral and not legal grounds. Some behavior is both morally and legally determined to be right or wrong, but typically such behavior bears either quality independent of the other. Promissory moral obligations arise from a set of voluntary behaviors, and so Pratt argues that promissory moral obligations are voluntarily assumed. However, I find it more plausible that one voluntarily makes a promise, but promissory moral obligations necessarily follow from the act of promising. What is voluntary is the making of a promise, and the promissory moral obligations are inalienable from making a promise. To bring this out, we need to look at what is involved in making a promise.

It is not my intention to define promises, but simply to consider some aspects of making a promise. I think Shiffrin and Pratt would agree that promises involve commitments and that contracts involve commitments. That commitments involve inalienable promissory moral obligations will be much more challenging to bring everyone into agreement on. That is what I aim to do.

In order for a contract to be legally binding there needs to be an offer, an acceptance, and a consideration.^[18] An offer is a proposal by one party to commit to a course of conduct, and acceptance is the other parties accepting claim to that conduct by the offering party. If a party commits to a course of conduct that includes all possible courses of action, then they have not actually committed to anything. If I ask my friend if they would like to go to dinner and they answer “yes, but I might change my mind at any moment and I won’t be able to

[18] My discussion of contracts and commitments will look as if there is no consideration, because I intend to discuss the positions of contractor and contractee. I think my discussion can account for contracts that have consideration by simply mirroring the dialectic between the two parties.

let you know if I change my mind," then my friend hasn't really made a commitment.. Maybe I can place faith in the belief that their desire to go to dinner with me is strong enough that they will show up, but that does not constitute a commitment on their part. . A commitment, establishes a boundary between two sets of possible behavior or conduct on the part of the committed person. One of these sets of possible conduct will meet the commitment, and the other set of possible conduct will fail to meet the commitment. Sometimes the set of possible conduct that will meet the commitment will be very small. In Shiffrin and Pratt's conceptions of promising, we might say that the set of conduct that meets a promissory commitment is the performance of the "undertaking." If I promise to go to dinner with you, I am committing to a very narrow course of conduct. If I promise my mother that I will care for and look after my siblings for the rest of my life, or even the rest of the weekend, I am committing to broader course of conduct.

So, we have on the table the idea that commitments give rise to possible actions that meet the commitment and possible actions that do not meet the commitment^[19]. Is it possible to go further and say that there is an inalienable moral obligation to behave or conduct oneself within the set of behaviors that meet the commitment? I think that, in any case in which an actual commitment is made, the committed person is morally obligated to fulfill that commitment, barring conditions for excuse and/or remedy of failure. One might reply that commitments can be made and then dropped. Well, barring excusatory reasons, this doesn't seem to be a true commitment. If there are excusatory reasons for dropping the commitment, then the previously committed person's behavior falls into a category of conduct that is penumbral to the conduct that would meet the commitment. It could even be thought of as conduct that would otherwise have met the commitment, if not for the valid excuse. Conditions for excuse from a commitment might be copious or scarce, but gauging the scope of conditions for excuse is going to be highly context sensitive. And sometimes failure to perform will be excused upon some kind of remedy, and sometimes failure to perform will be excused with no remedy for the failure to meet the commitment. Maybe there are some commitments that require perfor-

[19] This argument could be seen as an expansion on Shiffrin's suggestion that one might insist that Rudy "promised *something*" (ACP 13). What I have set out to do is suggest that this something is whatever the content of the commitment is.

mance, some that require performance or excuse, and still others that require performance—or excuse, or remedy. It is not at all my goal to say specifically and definitively what commitments or promises require, just that they do create a set of requirements on the promisor for the commitment to be fulfilled (or excused or remedied).

The question then becomes, who says fulfilling a commitment is right or wrong? This might be the biggest move of my argument. The law can fully usurp the role of morality in setting the boundaries between conduct that does and does not meet the commitment—but as long as a commitment has been made, the person it is made to has a moral claim for performance, excuse, or remedy. There is an inalienable moral obligation attached to any commitment to another person.^[20] There seems to be a notion floating around that promissory moral obligations only arise when morality plays a role in defining what meets a commitment, i.e., very specific performance is demanded, and a moral failing occurs when specific performance is not met. So, Pratt comes to the conclusion that if specific performance is not demanded, then there was no moral obligation attached to his commitment to begin with. This is objectionable. Either Rudy committed to something other than specifically performing the work (which might come as a surprise to Eliza), or he did not actually commit to anything at all. Assuming that Pratt conceived of the counter example as a plausible example of a contract that the law would enforce, then there must be something that Rudy is offering up, some commitment that he is offering.

If we look back at the non-promissory obligations that Pratt says attach to Rudy's commitment, it might look as if Rudy failed to make a commitment, or at most he committed to either doing the work or informing Eliza that he changed his mind (Pratt 809). I suspect that Pratt's response would be that a contractual commitment only gives rise to contractual obligations and not (necessarily) moral obligations.^[21] If this is the case, there must be a set of behaviors that the contract stipulates as meeting the commitment, and a set of behaviors that do not meet the commitment, some of either of which might be filled in by the default rules of contract law. If Rudy totally absconds

^[20] And maybe even to commitments made to one's self, though that is quite beside the point of this paper.

^[21] Pratt, 807.

from any conduct that is stipulated as meeting the commitment, is he really morally unaccountable? This seems very unlikely. Suppose that morality lays no judgement on Rudy's conduct regarding the contractual commitment. Rudy offered to "fully guarantee his work by contract"^[22] in response to Eliza's request that he promise to locate and fix the problem. Suppose Rudy was confident in his electrician skills, and fully intended and believed himself capable of locating and fixing the problem, thus he offered a genuine guarantee of the work through contract. But the contract holds no promissory moral water regarding specific performance. Suppose Rudy gets under the house and it is such an unpleasant experience, he decides to finish the job. Trying to pass off his efforts as meeting the guarantee falls into a different category of moral failing, namely lying or fraud. But if he simply comes out from under the house, and without any form of apology for failing to fulfill the commitment, packs up and leaves, it would seem like Rudy fell short of some kind of demand of morality, not just short of his contractual obligation. If a contractual obligation is an agreement to a set of behaviors that either party can opt out of at any time, then it is not the case just that contracts are not promises, it would also be the case that contracts are not commitments.

There are actions that sometimes look like commitments but are in effect just a suggestion that one has an inclination towards a certain course of action. If I say that I will meet you for dinner if I am not otherwise enticed by Netflix, I have clearly not made a very reliable commitment. Signaling an intention is not the same as making a commitment, even though they sometimes look similar. At most, signaling an intention might be a host of disjunctive commitments,^[23] and the moral failing would occur if a course of action was taken that had no concern for any of the disjunctive commitments (and someone had a reasonable expectation that you would live up to your word of doing

[22] Ibid.

[23] Shiffrin suggests a similar analysis of Pratt's hypothetical contract as "[a contract] with unusual, disjunctive terms" (ACP 14). The set of conduct that would fulfill a contractual commitment might in some cases have disjunctive elements, but there would at least be a set of conduct committed to. In some cases specific performance of a promise is simpling picking out a course from a disjunctive set of conduct. The prescriptive claims of promise theorists should do the job a narrowing the set of conduct. The descriptive claims cannot do enough work to show that any contract should have a non-disjunctive set of conduct by which it is fulfilled.

X, Y, or Z). But the act of signaling intentions likely never amounts to much of a contract, and is probably the weakest kind of promise, if it amounts to either at all.

Pratt might get on board with my connection of contractual commitments to promissory moral obligations if it is clear that contractual commitments are only commitments to the terms of the contract and whatever gap filler default rules apply^[24]. A moral failing occurs on the part of the contractor when they abscond from any conduct the contract or contract law stipulate as meeting the contractual commitment. Maybe it is such that non-contractual promissory commitments place morality in the role of the contract and contract law, and morality places stricter boundaries on the conduct that would meet the commitment or merit excuse. But in either case there is a commitment that stipulates conduct that would meet that commitment, and failure to meet that commitment is a moral wrong, on top of whatever legal or non-legal consequences the failure entails. Producing the conditions that justify another person's belief that a commitment has been made gives rise to the potential for conduct on the behalf of the committed person that is either morally right or wrong. One objection to this conception of the connection between contracts, promises, and commitments is that moral failings only occur when morality plays a role in stipulating the conduct or excuses for the commitment. There is more to explore in this line of objection, but I think that in as much as not meeting a commitment that another person had a justified belief that you would meet is wrong, it is also a failure to meet a moral obligation of the promissory variety.

I suspect that Shiffrin would disagree with my separating the scope of conduct that meets contractual commitments and non-contractual promissory commitments, while still claiming the two bear enough in common to say that contracts are promises. To address this concern, I would like to look for the plausible moral failing in a housing lease contract. Imagine I have a contract to rent a room for a year, and it is stipulated in the contract that if should I move out early, then I am responsible for the remainder of the terms rent. Suppose I move out after 6 months, not due to any problems in the rental. The landlord meets her responsibility to mitigate loss, but there is still 6 months rent that

[24] Default rules of contract law cover aspects and terms of a contract that the contractors do not themselves stipulate, when those aspects or terms need to be stipulated.

I am contractually obligated to pay. If I pay the remaining rent, I have fulfilled the stipulated conduct to meet my commitment. If I skip town and force the landlord to send the bill to collections, I would seem to have failed to meet a moral obligation that arose from my contractual commitment. While it might be kind of a stretch, maybe economic considerations like efficient breach could be thought of as default rules akin to the rental contract that states I must pay for the term of the lease. In this case, efficient breach would be part of the set of conduct that meets the contractual commitment. Ultimately, I am more willing to accept that conduct that meets contractual commitments is a broader set of conduct than Shiffrin believes it should be in some cases. It does not seem plausible that all promises have only have only one item in their set of conduct that would fulfill the promissory commitment. Even so, we could view the set itself as one item, and specific performance as conduct that is contained by and stipulated in that set. I think that there is room to argue that contract law should reign in the conduct it considers as meeting certain contractual commitments, while maintaining my overall architecture that links contracts to commitments to promises.

V. Disingenuous narrowing of definitions.

I would like to subject Pratt's hypothetical, non-promissory contract to one more line of analysis. This is not intended as accusatory or denigrating to Pratt's philosophical reasoning, but it seems like a very salient line of comparison.^[25] There are many examples in society and culture of things that claim to not be something or have some quality, but they are very much that thing or have that quality. I will run through a few examples of these and try to identify what they have in common with Pratt's counter example.

If I were to be auditing a class, but tell others I am not a student, there would be some sense in which this is true and some sense in which this statement that I am not a student is false. Is a student a person who studies certain subjects and seeks to grow in their knowledge of those subjects, or is a student someone who is enrolled in an institution that identifies its enrollees as students? Well, when I go up

^[25] I hope that this very sentence doesn't come off as purporting to not be the very thing that it is.

to the counter at the movie theater and ask for a student discount, the only relevant definition will be the one that hinges on an institution that will issue me an ID that verifies me as a student. In some contexts, the narrower definition of student is important to our society, but that doesn't negate the broader definition of student. In fact, the broad definition of student might not be captured by some instances that are captured by the institutional definition of student. Pratt's definition of promise as "including a requirement that the [committed undertaking] be performed"^[26] might be important to some instances of promise, but it does not necessarily negate all the other instances of commitments that are promises (and sometimes contracts).

Another example comes from my older brother many years ago. He once had a bong that had a sticker on it that said "Not-a-bong". A bong is a water pipe that is typically used to smoke marijuana. 20 years ago, my older brother was in his late teens and marijuana was still quite illegal. Headshops, the shops that sold marijuana paraphernalia, would tend to get upset with customers who walked in off the street and asked to see the bongs they had for sale. Smoke shops and headshops could sell water pipes that were used for smoking tobacco, but it was illegal to sell bongs that were used for smoking marijuana. This is an example of a knowingly disingenuous narrowing of the definition of a thing. It served the headshops purpose to say that this thing is a water pipe but not a bong, when in fact it was very much both. Similarly, to say that contracts are commitments but not promises may serve a purpose helping to deny the need for moral justification of the divergence of contract law from promising, but the making of contractual commitments still seem to serve the same kind of purpose as promises.

Also, we have the "I am not a racist, but..." example. Often what follows the "but" is a stereotype or generalization of an entire race or culture of people. Some people who engage in this trope genuinely believe that racism is only narrowly defined as conscious and intentional hate for an entire race of people. In fact, there are many manifestations of racism, some of which are not conscious at all, and most if not all of which, have to do with stereotyping or generalizing an entire race of people. A strict and narrow definition of racism has hundreds of thousands of people convinced that their racist behavior and comments are

[26] Pratt, 809.

not in fact racist.

If we accept that promises are only those commitments that intend to give a moral obligation to a very specific action, then we are missing the substantive moral content of the vast majority of commitments. Pratt would only agree “under some widely accepted definition of that term”^[27] that Rudy’s contract is a promise. But what is important to Pratt is whether Rudy is committed to doing the repair—this is the specific question of “substantive morality” that Pratt wants to answer about Rudy’s contract as a promise. It is not the case that Rudy’s contract makes him in debt to Eliza, morally or legally, to perform the repairs. Therefore, Rudy’s contract with Eliza does not amount to a promise to perform the repairs. The problem with this has already been illustrated. If the contract is any kind of commitment, then it amounts to a promise to meet that commitment with something from a set of conduct. Promises can often have more than one way of being fulfilled. And a promise that is not to do one thing does not mean that it is not a promise for other things. And whatever the set of behaviors turn out to be that would fulfill Rudy’s contractual commitment to Eliza, the requirement to engage in some or all of those behaviors to fulfill his commitment to Eliza is the inalienable substantive moral content of his contractual commitment. To do otherwise would be a moral failing, barring excusatory reasons for failure to meet the commitment.

VI. Conclusion

Shiffrin claims that there is no clear consensus on what constitutes a promise.^[28] I have tried to avoid saying too much about what a promise is, other than to say that a promise is a commitment that sets out morally right conduct that meets that commitment and morally wrong conduct that fails to meet that commitment. Whatever else a promise is, and however we agree to stipulate what conduct meets what commitments, promises and commitments seem to be intrinsically and instrumentally connected by these qualities. Pratt’s hypothetical contract that appears non-promissory either fails to be a commitment, or is in fact a promise.

[27] Pratt, 809.

[28] Shiffrin, 6.

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Problems with Bayesian Objection

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This paper examines Roger White's Bayesian objection to perceptual Dogmatism and defenses on behalf of Dogmatism. Perceptual Dogmatism is a promising view that directly works against certain external world Skepticism and can be used as a form of modest foundationalism to block the regress argument for justified belief. The view holds that perceptual experience alone can provide immediate justification for a belief without basing epistemically on other justified beliefs. The Bayesian objection to Dogmatism comes from Bayesian epistemology, the field that concerns with the rationality of the credence of, or degrees of confidence in, beliefs. The objection shows that if Bayesian modeling is used for Dogmatism scenario, then the results go against what Dogmatism expects. So, Bayesianism and Dogmatism cannot be jointly consistent. I will present two replies on behalf of dogmatism to the Bayesian objection. Through evaluating these two replies, I come to the conclusion that the problem of Bayesian objection lies in the application of Bayesian model to precisely track the concepts of Dogmatism.

Throughout the paper, I use a scenario where an agent perceives a red ball to illustrate the details of each view. I abbreviate the agent's experience and relevant beliefs as the following:

- Experience E: perception as if there is a red ball
- Belief I: I have a perception as if there is a red ball
- Belief R: there is a red ball
- Belief F: I am deceived to think there is a red ball when there is not
- Belief $\neg F$: I am not deceived to think there is a red ball when there is not

I. Pryor's Dogmatism

I want to first present the precise formulation of perceptual Dogmatism by James Pryor in "The Skeptics and the Dogmatists" (2000). Pryor situates dogmatism as a response to the radical Skepticism that perceptual experiences cannot give any justification for belief about the external world. Pryor formulates the response by rejecting the Skeptic's premises. The premise that will be relevant to the paper is the following: "[SPJ] If you're to have justification for believing P on the basis of certain experiences [...] e , then for every Q which is 'bad' relative to e and P , you have to have antecedent justification for believing Q to be false" (Pryor 531). Q is considered as *bad* relative to e and P if it retains certain special feature of skeptical scenario such that experience e would still be obtained even if Q is true, and that Q is incompatible with P . In the above scenario I set up, F is *bad* relative to E and R , because one can still have perception as if there is a red ball even if he/she is being deceived to perceive so, and F is logically incompatible with R . Furthermore, justification for P_1 is *antecedent* to P_2 if and only if the reasons that justify P_2 are not presupposed as part of the justificatory source for P_1 (525). So SPJ requires that $\neg F^{[1]}$ has to be justified in a way that does not use any justification for R in order for R to be justified.

Dogmatism refutes SPJ by holding that one gains immediate *prima facie* justification for P in virtue of having a perceptual experience as of P . Thus, one does not need antecedent justification for the falsity of skeptical scenarios that Q represents in order to believe the content of perceptual experience P . Note that having experience as of P does not entail that one needs to be aware of it or using it as evidence to arrive to P . P is *immediately* justified for an agent if and only if its justification does not rely on^[2] any evidence or justifications for other propositions (546). The immediacy requirement focuses on the basis of justification and asks whether such justification is dependent on other justifications or is obtained independently. *Prima facie* justification for P is justification whose strength can be weakened in face of additional evidence. The evidence that weakens the strength of justification for P is called

[1] The symbol " \sim " is used as "not". So $\neg F$ means not- F .

[2] Note that the "rely on" and "dependence" (used later) is only about epistemic or justificatory dependence, rather than psychological or physical dependence.

defeating evidence, or defeater. Defeating evidence can be undermining or overriding. Undermining evidence defeats the validity of the original justification, while overriding evidence provides positive account for $\sim P$. For an agent, without having such defeating evidence, *prima facie* justification becomes all things considered justification. All things considered justification is the final justification at a time, taking into considerations of the all relevant evidences the agent have at the time. All things considered justification needs not to rule out the existence of defeaters (that could but not yet acquired) but only need to outweigh the defeating evidence already acquired (545). Finally, the kind of propositions that that can be justified as such is what Pryor calls perceptually basic propositions. Perceptually basic propositions represent the contents of perceptual experience, or the content that are directly delivered by perceptual experiences^[3]. In the particular case set up, if one arrives to R from E , then R is *prima facie* justified. If the agent is not presented with other evidences that would defeat R , then R is an all things considered justified belief. $\neg F$ needs not to be justified antecedently to R and R can be undermined by defeating evidences.

II. White's objection

Before explaining White's Bayesian objection, I want to lay out some basic ideas and principles of Bayesianism that White employs in his argument and will be useful for later discussion in evaluating his objection and others' reply.

The first idea is probability function. For an agent, the probability function P takes in a proposition and outputs a number between 0 and 1 that represents the degrees of confidence that the agent has in the proposition. Such degrees of confidence of a belief is also called the credence of a belief. Note that an agent needs not to believe the proposition A for the agent's degree of confidence for A to be represented by $P(A)$. Credences of a proposition A are given under full belief states and partial belief states. In full belief states, the credence just is $P(A)$. While in partial belief states, the credence of A is given as

[3] As the propositional attitudes are different for perceptions and beliefs, propositional contents are different. Here by representation, I assume that the contents can be isomorphically transformed to each other.

the conditional probability of A on B, defined as

$$P(A|B) = \frac{P(A \cap B)}{P(B)}.$$

Then, I want to introduce the idea of rationality of the credences and a set of principles for rationality. For an agent's credences to be rational, the credences of all propositions the agent believes should be consistent with each other under the probability laws. For proposition A that is not believed by the agent, with the rational constraint on credence, $P(A)$ represents the rational belief attitude towards A given the epistemic state the agent is in, were the agent to take any attitude towards it. The probability laws include:

1. for any proposition A, $0 \leq P(A) \leq 1$ ^[4].
2. if A is a tautology, then $P(A) = 1$.
3. if two propositions (A and B) are disjoint, i.e. they cannot be both true, then $P(A \vee B) = P(A) + P(B)$.
4. The conditional probability of A on B can be derived from the conditional probability of B on A, following Bayes' theorem

$$P(A|B) = \frac{P(B|A)P(A)}{P(B)}.$$

Such rules are usually considered as synchronic constraints on the credences, meaning that constrains to the distribution of credences of propositions at a particular time segment. Aside from synchronic constrain by probability law, conditionalization principle gives the diachronic constrain on credences. In particular, it concerns the rational change in credence for an agent after him/her gaining new evidence. The credence for proposition A before gaining the new evidence is the initial credence, represented as $P_i(A)$; the credence after gaining the new evidence is the final credence, represented as $P_f(A)$. Gaining new evidence is represented as becoming certain of the proposition B that represents the evidence, i.e. $P_f(B) = 1$. Conditionalization principle requires that after gaining evidence, $P_i(A)$ should be updated

^[4] Corollary: all conditional probability is larger or equal to 0 and is smaller or equal to 1.

to $P_f(A)$ which equals to the conditional probability of A on B, i.e. $P_f(A) = P_i(A|B)$.

The last Bayesian idea is confirmation. According to *SEP*, if for an evidence (with proposition B) we have $P_i(A|B) > P_i(A)$, then the evidence confirms A. In other words, if after gaining the evidence and conditionalize on A we get $P_f(A) > P_i(A)$, then the evidence confirms A. Finally, I want to contrast a principle of entailment that does hold true with Confirmation of Entailments which White argues to not hold. According to *SEP*, whenever A entails B, i.e. $A \Rightarrow B$, then B confirms A and also $P(A) \leq P(B)$. On the other hand, Confirmation of Entailments says that "if E confirms H which entails H', then E confirms H'" holds (532). So, if $H \Rightarrow H'$ and E confirms H, White does not think it is always true that E confirms H'.

Now, I present White's objection with the scenario set up earlier. Throughout the objection degrees of justification of a belief loosely corresponds the degree of confidence in the belief. White assumes that getting more justification for a proposition is incompatible with the decrease in credence for the proposition. The first part of White's objection shows that by this assumption, a result Dogmatism would want cannot be derived. White observes since R entails I and F entails I, $P(I|R) = P(I|F) = 1$ ^[5]. So, $P(I|R) > P(I)$ and $P(I|F) > P(I)$. By Bayes theorem, $P(R|I) > P(R)$ as $P(I|R) = \frac{P(I)P(R|I)}{P(R)} > P(I)$, and similarly $P(F|I) > P(F)$. As $P(F) + P(\neg F) = 1$ and $P(F|I) + P(\neg F|I) = 1$, $P(\neg F|I) < P(\neg F)$. So far, the probability relations hold true synchronically and is independent of the experience E. Then, White assumes that experience E gives full justification for I. The partial belief should be conditionalized such that $P_f(R) = P_i(R|I) > P_i(R)$ and $P_f(\neg F) = P_i(\neg F|I) < P_i(\neg F)$. So, proposition I raises the agent's confidence in R while lower the confidence in $\neg F$. Dogmatism would want $\neg F$ to be more justified by experience E. However, by the assumption above, more justification in $\neg F$ cannot be compatible with lowered credence in $\neg F$. The steps in the first part of the argument can be summarized as the following:

1. $P(I|R) = P(I|F) = 1$

^[5] Strictly speaking, the probability cannot be 1, but only approximates closely to 1. As this distinction does not influence the inequality relations, I represent situations like this as equal to 1 for simplicity.

2. $P(I|R) > P(I)$ and $P(I|F) > P(I)$
3. $P(R|I) > P(R)$ and $P(F|I) > P(F)$
4. $P(\neg F|I) < P(\neg F)$
5. $P_f(R) > P_i(R)$ and $P_f(\neg F) < P_i(\neg F)$

By the principle of entailment shown above, since R entails $\neg F$, $P(R|I) < P(\neg F|I)$. White claims that $P(R|I)$ is inversely proportional to $P(I|F)P(F)$. Since $P(I|F) = 1$ by (1), $P(R|I)$ is dependent on $P(F)$ i.e. inversely proportional to $P(F)$. $P(R|I)$ is also dependent on $P(\neg F)$, i.e. proportional to $P(\neg F)$. Formally, $P(R|I) < P(\neg F)$ can be derived from $P(R|I) < P(\neg F|I)$ and (4). So after experience E gives full justification for I , conditionalization gives that $P_f(R) < P_f(\neg F)$. Using (5), we get $P_f(R) < P_i(\neg F)$. Therefore, justification for $\neg F$ is antecedent to justification for R . Adding these steps to the formulas:

1. $P(R|I) < P(\neg F|I)$
2. $P(R|I) < P(\neg F)$
3. $P_f(R) < P_f(\neg F)$
4. $P_f(R) < P_i(\neg F)$

So, the second part of White's objection shows that the credence in R after the experience will be capped by the credence in $\neg F$ before the experience. In other words, in order for R to attain full justification after the experience E , $\neg F$ has to be already in full justification before the experience (534). White argues that if antecedent justification for $\neg F$ is a necessary condition for the justification of R , then the justification for R has to be a mediated rather than immediate as what Dogmatism claims it to be.

III. Miller's response to White

The main argument from Brian Miller is that Bayesianism does not impose requirements on how experience should be incorporated into the formal system of credences in partial beliefs. In other words, Bayesian model does not prescribe how confidence one should be in terms of forming their belief upon certain experience. After presenting Miller's argument, I assess whether it successfully refutes White's objection,

and then I will discuss the plausibility of Miller's account in connecting Bayesianism and Dogmatism.

Miller's argument targets the equation $P_f(\neg F) = P_i(\neg F|I)$, which is needed to move from (4) to (5). Miller argues that $P_f(\neg F) = P_i(\neg F|I)$ can be interpreted either as the Bayesian conditionalization upon having $P(I) = 1$, or the update one should have upon having the experience E . If the statement is interpreted in the first way, then the result only says about the capping effect of $\neg F$ to belief I , rather than a problem for gaining confidence upon the experience E . In other words, the second objection instead is that it is a necessary condition to assign higher confidence to the falsehood of skeptical scenario F for ones later rational confidence in R upon gaining the introspective belief I . This result is not a problem for dogmatism as dogmatism is a theory about beliefs upon experience rather than beliefs upon introspection. If the statement is to be interpreted the second way, then there is an assumption that is made for the argument but is not from Bayesianism. Miller considers revision on the credence function other than conditionalization as "exogenous" revision, as it is a change in credence not by Bayesian principles (Miller 8). Dogmatism has to be incorporated into the model as an exogenous revision. Such exogenous revision is only constrained by logically invalid claim that renders incoherence in credence function. For example, for mutually exclusive propositions such as A and $\neg A$, since they are disjoint, $P(A \vee \neg A) = P(A) + P(\neg A)$. Therefore exogenous update on A and $\neg A$ have to sum up to 1. Since coherence is the only constraint, one needs to argue that the rational confidence change upon experience E should just be represented as exogenous revision that sets $P(I) = 1$ only. Without such argument, the Bayesian argument cannot go through directly.

Miller then shows that there is an alternative exogenous revision that leads to a different result. If one represents Dogmatism in Bayesian model as saying that having an experience E gives exogenous change $P(I) = 1$ as well as $P(R) = 1$, then the second interpretation above fails. If one sets $P_f(R) = 1$ exogenously, then since $P(F|R) = 0$, $P_f(F) = 0$. Then as $P(F) + P(\neg F) = 1$, $P_f(\neg F) = 1$. Therefore, $P_f(\neg F) \neq P_i(\neg F|I) < P_i(\neg F)$. So one cannot move from (4) to (5). If (5) does not hold, then (9) does not hold. Similarly, even given (8), (9) does not follow as its derivation requires $P_f(\neg F) = P_i(\neg F|I) <$

$P_i(\neg F)$ ^[6]. Since Bayesianism cannot rationally require that the agent to set $P_f(I) = 1$ rather than $P_f(R) = 1$, and this alternative leads to the opposite result, the second interpretation fails. As the first interpretation is invalid as a counterargument to Dogmatism, the Bayesian objection fails.

Now, with Miller's objection laid out, I want discuss its success over White's argument. White considered the objection along the line Miller proposed and he thinks that the interpretation in the first way is sufficient to pose problem for dogmatism, as introspective belief I is a natural consequence from having an experience E by people reflecting on their experience. Therefore, White may argue that granted reflection on experience is not necessary in all cases, the objection at least showed that for a majority of cases Dogmatism faces a problem. As for the problem of modeling on introspective belief rather than experience, White suggests that if we have that the rational response upon experience E and the introspective belief I is decrease in confidence in R , then we should rationally decrease the confidence in R when we only have experience E but without the introspective belief I . White's intuition behind this is that introspection is performed by the choice of the agent and it is a rather contingent choice. So, the existence of introspection should not make a difference in the epistemic result. However, I think Miller is right in his analysis. Miller points out that for the first interpretation, the key problem is that it is an attack that is irrelevant with respect to experience. Even though an experience is usually followed by introspection of the experience, White's objection in the first interpretation does not present it as a consequence or even related to experience. As the first interpretation assumes that the update is purely formal by conditionalization, it is difficult for White to apply the conclusion back to Dogmatism as a consequence of the view. As for the intuition for the contingency of introspection, Miller did not address this problem, but I think he may argue that if we still take the first interpretation, then the result created as a result of the contingent choice. If the introspection is contingent, then the formal result of the objection is also contingent as it depends on introspection.

[6] Note that the inequalities that I used can be inequality with equality. But equality does not always holds and here I just showed that the equality doesn't always holds. So using strictly smaller than would not be a problem and it will be consistent with other philosophers' notation in this paper.

Miller does not attempt to bridge Bayesianism with Dogmatism. Miller restricts his objection to a negative account to the Bayesian objection, rather than a positive account for representing Dogmatism in Bayesian model. Miller seems to suggest that since the justification for R according to Dogmatism is a defeasible justification, the credence revision of R cannot be fully modeled by Bayesianism. Miller denies that his objection eliminate the possibility that priori epistemic state poses constrain on the epistemic attitude after the perceptual experience. However, Miller thinks Bayesian model cannot show whether credence in priori defeater F should be changed upon revision in R or the credence of R should be constrained by the priori defeater. In particular, the model does not show whether we should update on R and I, thus limiting F, or update on only I and let F limit R. I think Miller's account is plausible, and I want to argue its plausibility by some insights from Pryor. Firstly, as noted before, there is a difference between *prima facie* justification and all things considered justification. Pryor notes that Dogmatism concerns with *prima facie* justification, while Bayesianism works with all things considered justification (Pryor 16). The problem with setting the credence in R directly to almost 1 upon perceptual experience is that it leaves out the possibility of background beliefs or priori defeaters to undermine or override the *prima facie* justification. When an agent has experience as if R and low credence in F, then increasing the credence on R should be a rational exogenous revision. However, if the agent has the same experience but high credence in F, then exogenous revision only on the introspective belief I is the more rational move. So, acquiring immediate *prima facie* justification for perception should not directly correspond to the probability function going up, or updated in general. Therefore, Miller's account in the gap between Bayesianism and Dogmatism is plausible.

IV. Moretti's response to White

Luca Moretti proposes a similar problem for the Bayesian objection as Miller on White's using the introspective belief I for modeling the objection. Moretti's main argument against the Bayesian objection rests on the idea that introspective belief I overrules the experience E. Moretti argues that the conclusion that White arrives in the objection holds as a later stage result after the *prima facie* justification provided by Dogmatism. I will focus on the latter part and evaluates its plausibility.

Moretti first shows that Bayesian objection cannot directly hit Dog-

matism, just as Miller's first interpretation. In the Bayesian model, White replaces the proposition R with the introspective belief I and also replaces an experience, or an epistemic state, with a belief. So, the model is deficient at the beginning and require justification on how its result models deficiency in Dogmatism precisely.

Moretti then shows that the indirect Bayesian objection fails. Moretti argues against the idea that experience and introspective belief have the same evidential force for justification. If they do not have the same evidential force, then the indirect argument cannot go through. Firstly, Dogmatists would consider the evidential force of experience to be strong while not as so strong for introspective belief. Secondly, since R and I have different logical relation with F , where I is the entailed by F but R is logically incompatible with F , they have different evidential consequences for F . Since F entails I , I confirms F by the principle of entailment laid out in White's section. So learning I should increase the credence in F and thus decrease the credence in $\neg F$. However as R is incompatible with F , experience as if R (experience E) gives prime facie justification for R , which should weaken but not strengthen for F . Rather, it should strengthen justification for $\neg F$ because R entails $\neg F$. This is consistent with White as White grants Justification Closure, which says that "if S is justified in believing P , and can tell that P entails Q , then other things being equal, S is justified in believing Q " (White 528). Therefore, by closure, the justification for $\neg F$ should be more justified as well. By White's own assumption, increase in justification is incompatible with decrease in credence. So, the result considering R is incompatible with the result considering I . So directly, White's objection has no force because of if one replaces introspective belief I with R , the result will be different.

While Moretti agrees with Miller that updating on R will halt the force of White's indirect objection (Miller's second interpretation), he does not think such move is the appropriate move to take. He thinks that if one updates on R , then one has to *believe* R to the highest possible degree^[7]. However, if one believes R to the highest degree, then he/she cannot rationally doubt P . As the justification for R upon the experience E is *prima facie*, such belief in R should be able to be rationally doubted. Moretti thinks that this problem arises because one cannot equivocate *believing* R to the highest degree with *experiencing* as

[7] Moretti permits the highest possible degree to not be 1.

if R.

In the last response to White, Moretti argues that the conclusion of White's indirect objection is consistent with Dogmatism. Moretti thinks that the problem lies in how an agent's justification for a proposition should be determined when both experience and introspective belief I are present. Moretti argues that the strength of justification for proposition R is determined by introspective belief I when introspection is present, and thus the experience E's contribution to the justification of the proposition R becomes irrelevant. In other words, even though E and I have different evidential force, when they are both present, I determines the change in justification for proposition R. So, when introspective belief I is present, the all things considered justification for the proposition is the same as the justification for the proposition based on the introspective belief I. Note that this claim of overruling is different from White's claim that experience with introspection has the same result as experience alone.

Moretti justifies this claim through a thought experiment. I modified the experiment to use the abbreviations I set up before. Consider that there are two white balls and two red balls in a bag. One of the white balls is painted to appear to the agent as a red ball. The rest are left unpainted. The belief F above can be modified as "I am deceived to think there is a red ball when there is a white ball". The belief $\neg F$ can be modified as "I am not deceived to think there is a red ball when there is a white ball". The agent has his/her eyes shut and pull out a ball from the bag. Given that the agent has been told about the balls' colors in the bag and about the painting, the credence for the ball corresponds to the actual probability. $P(R) = \frac{1}{2}$ since there are two red balls out of four. $P(I) = \frac{3}{4}$ since there are three balls that look red out of four. $P(\neg F) = \frac{3}{4}$ since there is only one deception ball, i.e. $P(F) = \frac{1}{4}$. $P(I|R) = \frac{P(I \wedge R)}{P(R)} = \frac{\frac{1}{2}}{\frac{1}{2}} = 1$ ^[8] and similarly we have $P(I|\neg F) = \frac{P(I \wedge \neg F)}{P(\neg F)} = \frac{\frac{1}{2}}{\frac{3}{4}} = \frac{2}{3}$ ^[9]. Therefore, according to Bayes Theorem, $P(R|I) = P(\neg F|I) = \frac{2}{3}$. By conditionalization of I, we get $P_f(R) = P_i(R|I) = \frac{2}{3}$ and $P_f(\neg F) = P_i(\neg F|I) = \frac{2}{3}$. Note

[8] $P(I|R)$ is actually $3/8$ (by $3/4 * 1/2$), but Moretti rounds it up to $1/2$.

[9] $P(I|\neg F)$ is actually $9/16$ (by $3/4 * 3/4$), but Moretti rounds it up to $1/2$.

that $P(\neg F) = \frac{3}{4}$ is larger than $P_f(\neg F)$, so the credence for $\neg F$ should drop. So far, the analysis corresponds with introspective belief without experience. Now, with the agent's eyes open and the agent has the experience E. The agent then gains prima facie justification for fully believing R by Dogmatism account. Since R entails $\neg F$, by Justification Closure, the agent gains prima facie justification for fully believing $\neg F$. Now, after the experience, the agent has introspection about his/her experience and comes to believe I. Since the agent already *knows* the credences on propositions by I, all things considered justifications for R and $\neg F$ lowers to their credence by I alone. Aside from the thought experiment, Moretti justifies the intuition for overdetermination of introspective belief by appealing to daily practice. Since perceptual justifications are often only attributed to individuals unable to reflect on their experience, such justifications are overruled by introspective justifications for individuals who are able to have introspection on their experience (Moretti 21).

Given the overdetermination of introspective belief, Moretti argues that White's argument fails to show that the sole experience as if R (experience E) lowers justification for $\neg F$. After gaining experience, without introspective belief, the agent gains prima facie justification for fully believing R and then by Justification Closure fully believing $\neg F$ at t_1 . After having introspection, the agent comes to have introspective belief I. Then, with overdetermination, the all things considered justification for $\neg F$ agrees with its justification by I at t_2 . $\neg F$'s justification by I at t_2 agrees with the analysis of credence for $\neg F$ by White. The lowering of credence corresponds to the lowering of all things considered justification. So the justification for $\neg F$ at t_2 is lower than justification for $\neg F$ before introspection at t_1 . Therefore, White's objection is not targeted at the prima facie justification that is at the center of Dogmatism, but rather the all things considered justification. Prima facie justification can still strengthen the justification for $\neg F$ before introspection, so the argument fails at showing the inconsistency between Dogmatism and Bayesianism.

I think Moretti's first two arguments work well against White, although the reply to the indirect objection may be subject to criticism on its loose use of conversion between credence and justification, such as White's Confirmation of Entailment. If White is right about Confirmation of Entailment being wrong, then the reply needs more careful formulation using Justification Closure and converts the justification degree to credences. I do not think Moretti's third argument work

as well. I agree with Moretti in distinguishing between the state of justification for sole experience and for experience with introspection. I think this may correspond to the difference in *prima facie* justification and all things considered justification. However, I do not think the state of justification for introspection alone overdetermines the state for experience with introspection. Firstly, the thought experiment Moretti used has a major flaw. Before the agent has the experience of perceiving the ball, the agent has already known the existence of visual illusion in the set up, i.e. having very strong defeating evidence. This is evident in the credence of propositions Moretti gives before the visual experience. Indeed, with the possession of defeating evidence, all things considered justification will be lower than *prima facie* justification. However, this is not in general the case, or rarely the case where the agent possesses strong defeating evidence for the perceptual experience. Secondly, I don't think the overdetermination is intuitively true, because introspective belief is treated as a defeating evidence or overriding evidence that replaces the *prima facie* justification in all cases. I don't think mere introspection would be a defeating evidence in all cases. The ball appearing to me is red does not seem to be an undermining evidence to the claim that there is a red ball in front of me.

V. Conclusion

In this paper, I present formulations of Dogmatism and Bayesian objection to Dogmatism. I analyze two replies to the Bayesian objection in defense of Dogmatism. Both replies are true in pointing out the modeling imperfection of Dogmatism in the Bayesian objection. They both point out that the Bayesian modeling is not directly about experience and respectively targets the exogenous revision to the model and evidential differences that fail to be modeled. The difficulty of the topic lies in the positive account that establishes the connection between Bayesianism and Dogmatism. I supported Miller's claim in the gap between the two accounts and criticized Moretti's argument to combine Dogmatism and Bayesianism into a diachronic model that includes *prima facie* justification and all things considered justification.

Appendix

Here is a "conversion table" that may be helpful in checking between the symbol system used in different papers.

White's formulation

- H1: it appears to me that this is a hand = I
- H2: this is a hand = R
- H3: this is not a fake-hand (I am not a handless brain in a vat) = $\neg F$
- not-H3: this is a fake hand = F

Miller's formulation

- BIV: I am a handless brain in a vat having experiences (as of my hands) = F
- e: I am having an experience as if I have hands = I
- h: I have hands = R

Moretti's formulation

- E: it appears to me that this is a hand = I
- P: this is a hand = R
- SH: this is a fake-hand = F
- R: the wall is red = R
- B: it appears to me that the wall is red = I
- SH*: the wall is white but looks red because it is illuminated by a hidden red light = F

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Why Do We Disagree on Who—and What—is (Un-)American?

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Abstract. What is ‘art’? Which things count as ‘political’? Different parties disagree endlessly on the answers to these questions. W. B. Gallie holds that even though any two of these parties may each be convinced that the other is misusing the term in question, all of the parties’ clashing uses may be correct at once. In this paper, I propose that ‘(un-)Americanism’ is a term of this kind, marking it as what Gallie calls an ‘essentially contested concept.’ To argue this, I first look at contemporary and historical uses of ‘American,’ ‘un-American,’ and related terms. I then turn to Gallie’s standards for determining whether a concept is essentially contested, standards which I slightly modify. This allows me to conclude that ‘(un-)Americanism’ is indeed such a concept, which helps explain why Democrats and Republicans each see themselves as ‘American’ and their counterparts as ‘un-American.’ To explain this disagreement further, I finally turn to Hans Sluga’s analysis of politics as a ‘hyper-complex system.’ Sluga argues that the political system is far too complex for observers, and even the politicians within it, to thoroughly understand it—a great deal of uncertainty will always remain about how and why the system produces the results that it does. I find that this uncertainty also plays a key role in our disagreement over what is and is not ‘American.’^[1]

I. The Backdrop: Competing Notions of ‘Americanism’ in the 21st Century

During the 2008 general election, three Republican politicians made headlines by publicly offering their thoughts on who was ‘pro-America’

[1] Thanks to Hans Sluga for helping me focus the task of this paper and for introducing me to the two key texts it draws on (one of which is his work) in the seminar for which I originally wrote it. Thanks also to the *Meditations* editorial board for providing a great deal of help with revisions.

or a ‘real American’—and, crucially, who was not. On *Hardball*, Representative Michele Bachmann said of then-Senator Obama, “I am very concerned that he may have anti-American views” and implored the media to thoroughly investigate “the views of the people in Congress and find out are they pro-America, or anti-America.”^[2] At a rally, Sarah Palin described small towns as part of “the real America”: the “hardworking, very patriotic [...] pro-America areas of this great nation [...] where we find the kindness and the goodness and the courage of everyday Americans. Those who are running our factories and teaching our kids and growing our food and are fighting our wars for us.”^[3] At another rally, Representative Robin Hayes called Palin “a great American,” declaring by contrast that “liberals hate real Americans that work and accomplish and achieve and believe in God.”^[4]

Eight years later, many prominent Democrats advanced a different view of what was and was not ‘American.’ During the spring primaries, Bernie Sanders described both Sheriff Joe Arpaio’s immigration enforcement tactics and Wisconsin’s voter ID laws as “un-American,” President Obama called Donald Trump and Ted Cruz’s anti-Muslim rhetoric “wrong and un-American,” and talk-show host Jimmy Kimmel asked Trump of his proposed Muslim ban, “Isn’t it un-American and wrong to discriminate against people based on their religion?”^[5] That July, at a Democratic National Convention centered on casting progressive values as the American antidote to un-American Trumpism, Secretary Clinton delivered this rejoinder to Trump: “Americans don’t say, ‘I alone can fix it.’ We say, ‘We’ll fix it together.’”^[6] In her convention speech, Michelle Obama posited diversity and collective striving as the core American values that have always animated the country’s citizens, saying, “I want a president [...] who truly believes in the vision that our Founders put forth [...] that we are all created

[2] The Politico. “Bachmann Calls For ‘Penetrating Expose’ On ‘Anti-Americans’ In Congress.” (CBS News, 17 November 2008.)

[3] Stein, Sam. “Palin Explains What Parts Of Country Not ‘Pro-America.’” (Huffington Post, 17 November 2008.)

[4] Layton, Lindsey. “Palin Apologizes for ‘Real America’ Comments.” (Washington Post, 22 October 2008.)

[5] Wetzler, Libby. “Un-American and Unclear: What Exactly Does it Mean to be Un-American?” (Fordham Political Review, 27 April 2016.)

[6] Zorn, Eric. “Column: No need to distort Trump’s and Clinton’s words. The truth is bad enough.” (Chicago Tribune, 2 August 2016.)

equal, each a beloved part of the great American story. And when crisis hits, we don't turn against each other. No, we listen to each other, we lean on each other."^[7] Her husband's speech also framed these as defining American values threatened by Trump, saying "the fanning of resentment, and blame, and anger, and hate [...] is not the America I know. The America I know is full of courage, and optimism, and ingenuity. The America I know is decent and generous."^[8] "What makes us American, what makes us patriots, is what's in [our hearts]," he added later, crediting the country's integration of diverse cultures and ability to draw entrepreneurs from all over the world to the American heart. "That's why anyone who threatens our values, whether fascists or communists or jihadists or homegrown demagogues, will always fail in the end. That is America." The Republican Party, then, does not have a monopoly on this practice; there are plenty of examples of both parties' members attempting to claim the 'American' high ground for themselves.

II. A Question and a Roadmap for Addressing It

How are we to explain these instances wherein each major political party in the United States brands itself as American and its opposition as un-American?^{[9], [10]} Suppose we model each party's argument

^[7] Washington Post Staff. "Transcript: Read Michelle Obama's full speech from the 2016 DNC." (*Washington Post*, 26 July 2016.)

^[8] ABC News. "FULL TEXT: President Barack Obama's 2016 Democratic National Convention Speech." (28 July 2016.)

^[9] When I refer to the actions or intentions of a political party as a whole in this paper, I do not mean to literally suggest that either party has a definable unity of action or purpose. Rather, I intend to refer to a convenient generalization I am abstracting from some combination of (a) views commonly expressed by party actors and (b) features I take to be salient and relatively consistent across the party's internal operations. (See my discussion of 'hyper-complex systems' in section 5.)

^[10] Of course, political parties and their representatives have incentives to smear each other—often with each side employing the same smears against the other, as constantly seen, for instance, in campaigns where each candidate accuses the other of supporting burdensome tax raises—while propping themselves up, regardless of facts and sound arguments. While this surely plays a role in the explanation, I do not believe it is exhaustive; I think there is some underlying logic to be parsed and that in any case it is worth investigating the reasons that politicians from both parties find their supporters persuadable to opposite conclusions on who or what is truly American. Further, I do not mean this to imply any sort of general equivalence between the two parties—while

as follows (though this particular construction is not essential to my analysis):

- (1) A resident of the United States is a real American (or pro-America) if and only if she subscribes to the set of values *X*, possesses the set of traits *Y*, and performs the set of actions *Z*.
- (2) Members of our party (generally) subscribe to *X*, possess *Y*, and perform *Z*, while members of the other major party (generally) do not. Thus,
- (3) Members of our party are (generally) real Americans (or pro-America), while members of the other party (generally) are not (1, 2).

On this model, does the mutual contradiction of each side's holding the conclusion in (3) true from its perspective owe more to a disagreement on the contents of sets *X*, *Y*, or *Z* in the first premise or a disagreement over which values, traits, and actions characterize the respective parties' members in the second premise?^[11] That is, does the dispute center more on a contested definition of '(un-/pro-/anti-)American' or on the stark differences between how each party characterizes itself and how its opponents characterize it?

To evaluate this question, I will first examine the dispute over the definition of 'American,' beginning in section 3 with a brief history of the 'American versus un-American' dichotomy, followed by a rough formulation of how the major parties use these terms today and an examination in section 4 of whether '(un-)American' qualifies as what Gallie calls an 'essentially contested concept.' Finally, I will move in section 5 from conflict over the definition itself to what its conflicting applications say about the parties' views of themselves and each other and how these clashing views are defined by an inescapable uncertainty from which my analysis is not immune.

I take it to be readily apparent that conservative political figures and commentators are more prone to otherizing and making bad-faith attacks than their liberal counterparts, this disparity is not what I aim to analyze here.

^[11] More specifically, on which of these two issues is the typical level of disagreement greater *between* the two parties than *within* them?

III. A History of Contradicting Uses

My first step in analyzing the contested use of these terms will be to seek some historical context. In the middle of Obama's aforementioned convention speech, he said the notion that "there's a 'real America' out there that must be restored" had "been peddled by politicians for a long time – probably from the start of our Republic."^[12] ^[13] While this statement seems painfully un-self-aware in a speech casting Clinton's vision as one rooted in the true America and its real American values, with Trumpism as the antithesis of that vision, it appears to be historically accurate. According to Beverly Gage, a Yale professor of American political history, charges of un-Americanism have indeed been thrown around for nearly as long as constitutional democracy has existed in the United States.^[14] The term 'un-American' could be found in print as early as 1818, when a book passage employed it to denounce how much was spent on Capitol Building repairs after the War of 1812.^[15] Less than a century later, segments of the American public were already applying the term to a wide range of targets with no clear unifying principle for its use, leading the St. Louis *Post-Dispatch* to lament in 1909 that "Americans are very fond of classing as un-American anything they don't like."^[16] Illustrating this point, the piece complained that not only social alcohol consumption and boycotts, but the opposing practices of prohibition and employers' intimidation of workers, were among a long list of things decried by their respective opponents as 'un-American.'

From there, prominent figures capitalized on the notion of un-Americanism to serve greater political ends. Seeking to quash dissent and whip up patriotic fervor behind the war effort, President Wilson demanded "100 percent Americanism" during World War I, a call which served to demonize both dissenters and German immigrants—

^[12] Ibid.

^[13] If this tactic has always been favored by American politicians as Obama suggests, that would seem to mark it as arguably an 'American' practice. I expand a bit on this notion of 'Americanism' as founded descriptively on historical practices associated with the United States in sections 4 and 5 (particularly in footnotes 38 and 41).

^[14] Gage, Beverly. "How 'Un-American' Became the Political Insult of the Moment." (*The New York*

Times Magazine, 21 March 2017.)

^[15] Wetzler.

^[16] Gage.

helping to justify the former's imprisonment under the Espionage Act^[17] and the latter's mandatory registration, interrogation, and internment^[18] under a pair of 1917 executive orders.^[19] In the 1920s, calls for 'Americanism' bolstered anti-immigration policies and expansion of the Ku Klux Klan.^[20] Yet even as this rhetoric was used to justify both wartime and post-war restrictions on speech and immigration, 'un-American' enjoyed a period of near-antonymous popular use as a derisive label for such restrictions among members of a growing pro-civil liberties opposition before the 1930s saw politicians increasingly monopolize the term toward repressive ends once again. This culminated in the 1938 establishment of the House Committee on Un-American Activities (HUAC) in likely the most famous use of the term to date, as HUAC's focus turned increasingly toward suppressing the American Left under the guise of neutralizing an anti-American communist threat—an effort which the committee joined much of the Senate and executive branch in ramping up during the McCarthy era of the late 1940s and 1950s.^[21] It thus seems no coincidence that 'un-American' appeared at its greatest-ever frequency^[22] in English-language books in 1949.^[23] It is hard to say, though, what portion of its appearances in that year's literature were pro- rather than anti-McCarthyism; by the previous year, the government's controlling grip on the term had loosened again to the point that an FBI memo had mentioned a growing trend of citizens coming to view "the House Committee on Un-American Activities as being un-American, itself."^[24]

It is not new, then, for opposing parties to invoke the 'American'/'un-American' binary to their own contradictory ends. Rather, it is such conflicting usage that seems to define the concept's entire history, with no discernible origin in anything like a concrete, agreed-upon set of criteria designating someone or something as American or un-American. Therefore, I find that we likely lack a stable definition of this concept

[17] Ibid.

[18] Kramer, Arnold. *Undue Process: The Untold Story of America's German Alien Internees*. (Lanham, MD: Rowman & Littlefield, 1997.) 14.

[19] *The New York Times*. "Gregory Defines Alien Regulations." (2 February 1918.)

[20] Gage.

[21] Ibid.

[22] As of mid-2016, at least.

[23] Wetzler.

[24] Gage, quoting directly from the FBI memo.

not only over time, or within our own time, but within every era in which it has been in popular use. There does seem to be a through-line, though, of historical and contemporary users alike invoking the concept as an in-group rallying cry around a selective construal of national identity that serves each user's favored cause. I see this as the most coherent way to unify everything from Wilson's anti-free speech rhetoric to Sanders' pro-voting rights comments under the same umbrella—in each instance, I take the user's aim to be that of rallying followers behind a supposed, desirable, 'American' group and in opposition to a supposed, undesirable, 'un-American' group (and this aim might even commonly extend to stoking in-group fear, and fear of persecution, by implying that everyone who fails to fully support the former group is necessarily in the latter, though this implication is much more easily located in uses such as Wilson's advocacy of "100 percent Americanism" than examples like Sanders' soundbites about "un-American" practices). The 'American' group, it seems, is suggested to properly uphold something between core traditions that have defined American society since the country's founding and the core values to which America has always aspired, or at least to which it *should* aspire;^[25] the 'un-American' group, meanwhile, is painted as opposing these traditions or values. In this way, the rhetorical appeal to Americanism, un-Americanism, or any of the aforementioned related terms seems uniformly to consist in an informal logical fallacy: namely, an *ad hominem*. Specifically, uses of 'un-American' tend to exemplify the more common, narrower meaning of *ad hominem* as a logically irrelevant attack on an opponent's character rather than the opponent's argument itself while uses of both 'un-American' and (the relevant, opposing sense of) 'American' typically fall under the less common, broader-ranging definition of the fallacy as an appeal to an audience's prejudices or emotions rather than reason.

IV. Is '(un-)American' an Essentially Contested Concept?

Let us now shift focus from the commonalities between historical and contemporary usage of this concept to an assessment of whether these

[25] The variants of the suggestion I put forth here move increasingly, in the order I list them, from a mostly descriptive to a largely prescriptive slant, an issue I expand on in footnotes 38 and 41.

usages have marked the concept as ‘essentially contested’ on W. B. Gallie’s model. In a paper titled “Essentially Contested Concepts,” he analyzes the phenomenon wherein different parties’ conflicting, yet simultaneously correct, uses of one and the same concept guarantees interminable conflicts between these parties over its correct usage.^[26] For Gallie, prominent examples of such essentially contested concepts include ‘democracy,’ a ‘work of art,’ or the ‘Christian doctrine’—different individuals, political groups, religious communities, and so forth maintain irreconcilably different ideas of what falls under each of these concepts’ headings (not despite, but rather owing to, each party’s competent usage of these terms, as the “standard general use” of any such concept is composed of the totality of these varied, clashing competent usages).^[27] Hence, whether ballot initiatives—which are arguably the most direct means of founding policy on voters’ will, but provide openings for powerful corporations to manipulate underinformed voters into enacting pro-corporate policies against these voters’ own interests—are more or less democratic than the indirect, ‘representative democracy’ model of the legislative process, or whether either or both count as democratic at all, is the subject of endless dispute between groups maintaining different (but nonetheless proper) definitions of ‘democracy.’ Similarly, whether dime novels, superhero movies, edible arrangements, or internet pornography count as ‘art’ is irreconcilably contested by plenty of opposing parties who possess a high degree of artistic expertise.

Gallie’s search for the root of what makes a concept essentially contested ultimately leads him to develop four central criteria (and three secondary ones) that serve both to illuminate what gives rise to a concept’s essentially contested nature and as a guide to sorting concepts that are essentially contested from ones that are not. Under his first criterion, an essentially contested concept is necessarily ‘appraisive’: for someone or something to be categorizable under such a concept is for them to have achieved something of perceived value.^[28] I do not find this criterion necessary—for instance, I agree with Gallie that

[26] Gallie, W. B. “Essentially Contested Concepts.” (Oxford University Press. *Proceedings of the*

Aristotelian Society, New Series, Vol. 56 (1955 1956), pp. 167-198.)

[27] Gallie, 168-169.

[28] Gallie, 171.

what does or does not fall under the concept of art is essentially contested, but it seems that under all but the strictest interpretations of 'art,' it is not necessarily a valued achievement to create an instance of it. After all, most would agree the world has plenty of both terrible art and terrible artists, but they still count as instances of those respective concepts regardless of whether they have achieved anything of value. Even if this criterion is not necessary, the concept picked out by the term 'American' (and such related terms as 'pro-America' and 'real American') as used in this paper's examples straightforwardly meets it. In each of my examples, contemporary and historical alike, the term is associated with some cluster of values, traits, or actions held as ideal and more specifically implied to demonstrate moral goodness. The people and things classed as 'un-American' (or 'anti-American'), meanwhile, are consistently so categorized in the above examples to posit them as falling outside the 'American' concept's boundaries and thereby failing to achieve those valued American ideals.

Gallie's second criterion requires that the achievement picked out by the first criterion possess an internally complex nature—not one that can be assessed by simple, objective measurements.^[29] In contrast to his first criterion, the requirement of internal complexity does strike me as necessary;^[30] it is hard to fathom how any concept whose members are determined by simple measurements (e.g. Presidents of the United States, winning teams determined by official score, most-viewed television programs) could be ceaselessly disputed by different factions unless no more than one such faction competently uses the term. 'Americanism' also satisfies this criterion in contemporary usage, as everyone invoking the concept appears to use an array of subjective metrics for achieving Americanism, metrics that even individually tend to be complex and difficult to measure. To qualify as a real American in Hayes' eyes, one must work, achieve, and believe in God. Reasonable people would disagree on how to measure each of those things. (Is grinding away as a stand-up comedian sufficiently hard work? What about homemaking? Does one need to work full-time? Are the achievements that count monetary, personal, or only ones which benefit one's

[29] Gallie, 171-172.

[30] That is, I find this, and the subsequent criteria I will admit as necessary, to at least be necessary to the extent one disregards any portions that echo the first criterion's specification that the achievement must be perceived as valuable (per my objection to the first criterion above).

community—and in any case, how do we assess what achievements are sufficiently large and well-earned? Finally, what are the restrictions on belief in God? Does only the Christian God, or perhaps the God worshipped by a specific subset of a specific Protestant denomination, count? Is one disqualified if their faith sometimes wavers, or they only worship because they find Pascal's Wager persuasive?) Palin's criteria for being "pro-America"—or part of "the real America"—include "kindness," "goodness," and "courage," and she offers up "protecting the virtues of freedom" as one way to qualify.^[31] These, too, are all subjective qualities which are difficult to measure. In yet another multifaceted, subjective, and measurement-resistant conception, President and First Lady Obama and Secretary Clinton jointly posit the love of neighbor, embracement of diversity, commitment to equality, rejection of both fear and authoritarianism, and spirit of shared struggle and sacrifice, as well as decency, generosity, and the simultaneous acknowledgement of America's past moral failings and belief in—and striving for—continued progress in overcoming them, as essential features of Americanism.

These examples demonstrate the concept's fulfillment of not just the second but the third criterion, on which any account of what makes the relevant achievement valuable^[32] must reference some varied set of components that mark an individual (or group, object, or event) as achieving it.^[33] On this criterion, it must also be true of any essentially contested concept that when one first attempts to formulate the mixture of components sufficient to satisfy it, many different potential orders of prioritizing these components must appear plausible—i.e., it cannot be clear right from the outset that there is precisely one correct formula for instantiating the concept. This criterion, too, strikes me as plausibly necessary: if there is one immediately obvious formula for someone or something's achieving the status conferred by a concept, it seems that disputes over what attains that status would likely be resolvable by simply following this consensus formula. Take, for instance, a complex board game whose concept of a 'winner' is fixed

[31] Stein.

[32] In keeping with my resistance to the first criterion, I would prefer to weaken "what makes the relevant achievement valuable" to "what makes fulfilling the concept meaningful" (but the former better paraphrases Gallie).

[33] Gallie, 172.

by comparing players' performance on some weighted hierarchy of a variety of achievements that may be attained during play. Even if this case of a valued achievement of an internally complex nature satisfies the first two criteria, the obviousness of which precise system must be employed to weigh the factors that determine the winner means that no two players with (1) a proper concept of 'winning' this game, and (2) matching records of the objective facts as to which players earned which achievements over the course of the game, will disagree on who has won (other than, perhaps, in a temporary dispute which is easily resolved by a joint, objective, step-by-step process of re-checking their execution of the formula). In contrast, there is no singularly clear, correct way of weighting generosity versus work ethic and religious faith, or determining the respective priority granted to commitment to equality versus love of neighbor and clear-eyed striving for the moral betterment of American society. '(Un-)Americanism' therefore meets this criterion as well.

The above comprise three of the four criteria Gallie holds to be the most vital prerequisites to a concept's being essentially contested.^[34] The fourth and final of these is that the character of an essentially contested concept's defining achievement must be liable to change substantially in ways that cannot be chosen or anticipated beforehand. As with the second and third criteria, I find this necessary. If the standards are fixed with certainty indefinitely into the future, it is unclear how they might be irreparably disputed between rational observers and their contemporaries within any given time. If potential changes in the standards dictating when a concept obtains can be prescribed or predicted before they occur, it seems the standards must be so easily observable and stable as to allow their deliberate manipulation or a clear view of their trajectory, in which case it again seems doubtful that they will be complex or unstable enough to generate endless disputes among those with proper understandings of the concept. However, I suspect Gallie would accept a couple of small caveats here. First, what tends to drive the shift over time in which array of competing characterizations of a concept dominates the debate between conflicting groups of its competent users is an accumulation of individual people choosing—*prescriptively*—new preferences that beget shifts in dominant social attitudes as people increasingly adopt them. Second, while

[34] Ibid.

most would-be prognosticators' attempts to predict future social trends are liable to fail,^[35] shrewd analysts do sometimes extrapolate from their knowledge of historical and present trends and circumstances to successfully predict probable social changes.

Allowing these two caveats, 'Americanism' meets this criterion. In a country founded on slavery that once denied the vote to everyone but white, male landowners, the bounds of debate over what is 'American' have shifted enough among competent users that Bernie Sanders now plausibly seems to represent a popular perspective when he calls Republican tactics to suppress the black vote "un-American." Moreover, throughout most of the country's history, dominant conceptions of American identity have seesawed back and forth between (a) America as a nation of immigrants and (b) periodic appeals to American identity as a basis for excluding various groups of foreign origin. We can see the former still on display in section 1's Obama and Kimmel quotes and the latter echoing from the late 1910s and 1920s through Trump administration officials' (transparently racist, and contrary to violent crime statistics) claims that proponents of progressive immigration policies are un-American as their advocacy supports the targeting of their fellow citizens by immigrant violence.^[36] The dominant poles in many such debates over aspects of Americanism have indeed shifted unpredictably through no single person's prescriptive mandate. However, savvy analysts *can* sometimes foresee things like negative economic indicators heralding a rise in xenophobia that colors people's conceptions of American identity in relation to immigration, and each swing in these conceptions has happened because people prescribed them. As described above, Wilson actively sought to manipulate dominant notions of American identity to his advantage. Similarly, to arrive at a time when prominent figures such as Senator Sanders call voter ID laws 'un-American,' civil rights leaders first had to advocate a vision of an America that was obligated to extend key civil rights, including access to the ballot, to people of color. Overall, Gallie's point that an essentially contested concept's twisting path cannot in general be reliably predicted and is not subject to easy, conscious manipulation by an individual user of the concept (or of a word or phrase that references

[35] Owing largely to a set of epistemic limitations which includes some of those listed in section 5.

[36] Gage.

the concept) still stands, but I find his original formulation slightly too strong.

By Gallie's own admission, his remaining criteria are of lesser importance than these four. As I do not see him as offering much in the way of cogent arguments for any of them as necessary conditions, and he does little to clearly apply them to his own examples of essentially contested concepts, I will bypass them here. I have found 'Americanism' to satisfy three necessary criteria (and one superfluous one) for an essentially contested concept, but this may only suffice to indicate an essentially contested nature if the satisfied criteria are also (jointly) sufficient. A concept that meets the second and third criteria must, it seems, be one of three kinds: essentially contested; resolvable by some rigorous, objective (e.g. scientific) assessment; or simply confused.^[37] A concept that meets these two criteria is one defined by a complex array of components, which at first sight seem open to many, potentially equally valid, systems of ranking and evaluation. When we add the fourth criterion (with my caveats), making the concept's content indefinitely subject through changing circumstances to substantial, (mostly) unpredictable changes which are (mostly) unsusceptible to deliberate prescription, I believe we eliminate both objective and hopelessly confused concepts without the need for any further criteria. Trivially, a concept's content cannot be objectively and determinately settled if it is always open to unpredictable and substantial change. Further, if it always admits of such change, it seems it cannot simply be confused, as groups of users are able to agree on meaningful shifts in use in response to shifting circumstances, suggesting the presence of some theoretically definable diverging standards which disputant parties employ competently. Therefore, I take these criteria to be sufficient to a concept's being essentially contested and find that they mark Americanism as such a concept. While the gap between each major political

[37] Here, I ignore elements of epistemological skepticism and underdetermination that most people leave out of the processes of making everyday judgements and ordering the world into conceptual schemes. As such, if a concept with these markers of complexity cannot be explicated by some objective process, a given party either does or does not employ the concept in ways that—while contradicted by opposing parties' uses—have sufficient internal consistency to allow us to say the party's members generally use it competently rather than confusedly. If there are fewer than two opposing parties this can be said of, the concept is simply confused (or is not subject to general disagreement in the first place); otherwise, it seems it is essentially contested.

party's conception of its own members' views and its opponents' conceptions of those views may play a role in their clashing applications of the 'American' and 'un-American' labels, it seems the divergence begins from the essentially contested nature of the concept itself. I will argue in the following section that this does not, however, exhaustively explain the labels' clashing applications.

V. Further Disagreement and Epistemic Uncertainty

We have seen some clear points of divergence in present usage of this concept between the two parties, such as contemporary mainstream conservative thought positing American values as Christian values yet simultaneously subscribing to a binary that opposes 'pro-immigrant' to 'pro-America'—while contemporary mainstream liberal thought opposes both views by locating cultural pluralism at the center of Americanism. Gage largely roots such oppositions in the contrast between contemporary liberals' aspirational use of the concept ("pointing toward an American dream of liberty and equality that has never quite been realized on the ground") and a more functional Trumpian view on which the concept is at its core a tool for evoking national identity in a way that delineates between a favored 'us' and an undesirable 'them.'^[38] Yet there are surely many commonalities as well—both parties' representatives would broadly agree, for instance, that Americanism includes values of hard work, service and sacrifice, freedom, democracy, courage, and entrepreneurship (though they may disagree on how to define some of these values, some of which themselves rise to the level of essentially contested concepts). Yet even where their definitions overlap, they disagree on which party exemplifies them, pointing to a further disagreement about the nature of the parties themselves.

Hayes' statement exemplifies this state of affairs, in which each side disagrees with the other about what its own positions and values are—just as few conservatives would agree with the mainstream

^[38] While I find this account to broadly capture how these groups presently use the concept, there remain clear examples wherein representatives of both sides attempt to root charges of un-Americanism in a *descriptive* account of historical American identity, as seen in both of the Obamas' 2016 convention speeches and the constant evoking, across the political spectrum, of the nation's origins and Founders' values to define what is and is not American.

liberal view that conservatism values the advancement of white, cis-gender men and the wealthy through the suppression of everyone else, it would be hard to find a liberal to agree with Hayes' assessment that liberals oppose hard work, achievement, and faith. This tension highlights the unavoidable presence of uncertainty throughout the political order. Sluga indicates that not only are political structures 'essentially complex systems'—i.e., systems whose vast numbers of constitutive elements stand in widely varying relations to one another, whose relations and the related elements themselves are subject to change (including entry to, and exit from, the system), and whose great complexity makes them unsurveyable—but they are more specifically 'hyper-complex systems.'^[39] A hyper-complex system (HCS) is an essentially complex one made up of human actors whose perspectives on the system containing them, as well as their perspectives on their fellow actors' perspectives, shape how the system operates. To attempt an objective survey of such a system would require not only an already unperformable survey of a vast, complex array of relevant material facts, but also an inexecutable survey of its members' epistemically inaccessible views. HCSs thus introduce a distinctly higher level of unsurveyability—they are "maximally unsurveyable."^{[40], [41]}

From their vantage points within a maximally unsurveyable system, politicians cannot hope to achieve certain knowledge of the vast chain of interconnected operations which animate it or their colleagues' views that help shape these operations. Politicians' views may be made even more inaccessible to one another (and the general public)

^[39] Sluga, Hans. *Politics and the Search for the Common Good*. Cambridge: Cambridge University Press, 2014. 238-239.

^[40] Sluga, 240.

^[41] America is not just a HCS, but is recursively so in the sense that it satisfies a modified version of the above HCS definition wherein the vast array of HCSs contained within America and their perspectives on one another replace human actors and their perspectives on one another, respectively, in the original definition (here, what I mean by "HCSs' perspectives" mirrors what I say about political parties' intentions in footnote 9). As such, America is undoubtedly maximally unsurveyable. Consequently, the more one's concept of Americanism appeals to a descriptive account of historical American identity over a merely prescribed set of values, the more egregious a bad-faith error one makes in boiling a maximally unsurveyable system down to a narrow, unifying character. Within this vast system, virtually anything one might attempt to class as American or un-American has been seemingly both embraced and opposed at different times in different corners of American institutions.

by political incentives to conceal or distort them.^[42] Further, we are often drawn to interpret group actions as embodiments of a collective will with all group members acting from the same motives to aim at the same objectives, obscuring the varied and conflicting motives and objectives of individual actors that more often characterize group actions.^[43] Therefore, even with regard to elements which both parties' conceptions of Americanism have in common, the inaccessibility of political actors' (and their supporters') views leaves each party's supporters in disagreement over which party's members' views tend to better exemplify American values. For instance, a large, complex bill containing some increase in federal spending on welfare programs may be produced by a series of compromises between many legislators—with no one involved aiming to produce, or even able to foresee, exactly what is ultimately written into the bill—then pass with most of its support coming from congressional Democrats. The uncertainties surrounding the process and the individual actors' motives may then leave room for conservative media outlets to attribute its passage to Democrats sharing an un-American hatred of "hardworking, real Americans" and a desire to "make people dependent on the government."^[44]

These epistemic limitations constrain not only the actors and institutions my sources and I analyze here but our ability to build any certain analysis on stable, definite foundations. Our analysis of various actors' views of Americanism is clouded by the uncertainties catalogued above. Moreover, our positions within the cultural system we attempt to analyze both limit the range of concepts from which we may construct any analysis to those concepts made available by the system we wish to analyze and confine this analysis within the invisible boundaries of the system's internal logic.^[45] The latter shaped the context in which we learned how to reason in the first place, so this internal logic is for us epistemically inseparable from what we perceive as natural or objective methods of reasoning. Therefore, while I find that contemporary disagreements over who and what is American or un-American are best explained by a combination of Americanism's

[42] Sluga, 237.

[43] Sluga, 238.

[44] The hyper-complex nature of welfare programs themselves also doubtlessly helps such conservative myths about welfare gain traction.

[45] Sluga, 240-241.

status as an essentially contested concept and the uncertainty clouding disputant parties' assessments of each other's character, the certainty of my conclusion is limited by its roots in an analysis shaped by the very same conditions of uncertainty it attempts to analyze.^[46]

^[46] There is much left to explore that would shed some more light on the question at the heart of this paper. This includes questions concerning the relation between concepts of Americanism and patriotism or nationalism, the relation between the uses described and American citizenship or residence, and how other countries' concepts of national identity align with and diverge from these. The balance of description and prescription in the concept's use could also be explored much more deeply. Finally, the reader may find that I have failed to adequately address my question as originally framed—I do not definitively say which competing characterizations are more central to the dispute, those of the political parties or those of Americanism itself. It seems to me that in resisting opponents' characterizations of them of the sort in section 1, liberals would largely emphasize conservatives' misportrayal of their views and actions while conservatives might lean more heavily on resisting the inclusive, pluralistic conception of 'Americanism' they're accused of failing to meet. However, uncertainties of the sort Sluga highlights prevent me from reaching a full, satisfying answer to this question.

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