Against Evidential Preemption

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Abstract

Endre Begby [2021a, 2021b] identifies a phenomenon he refers to as evidential preemption whereby a testifier seeks to preemptively undermine future counter-testimony by noting extant disagreements while simultaneously asserting the claim under dispute. Such preemption is typified by claims of the form: "my opponents will tell you that *q*; but I say *p*" (Begby [2021b: 99]). Begby makes a plausible case that this strategy is often employed in ordinary and public discourse. Begby argues further that evidential preemption can often succeed in altering how a subject who has encountered such a preemptive statement ought to treat the future predicted counterevidence when they encounter it. Begby provides both intuitive and Bayesian arguments in favor of this position. I argue that, contra Begby, evidential preemption does not have epistemic force. I then distinguish my arguments from those presented by Kelly [2024] and show how my diagnosis of the failure of evidential preemption can be used to undermine the arguments Begby [2024] makes in response to Kelly's criticisms.

Keywords

epistemology; evidence; evidential preemption; testimony

Endre Begby [2021a, 2021b], identifies the phenomenon of evidential preemption by appeal to paradigm cases. The core phenomenon is best demonstrated by utterances of the following form: "my opponents will tell you that *q*; but I say *p*" (Begby [2021b: 99]). He provides helpful illustrations of this dialectical strategy as it is employed in the wild. Here is one example that Begby takes from pundit Bill O'Reilly in 2015:

> Wages have fallen significantly during President Obama's tenure. He will tell you that's because he inherited a terrible recession but I'll tell you that the wage situation is due to the expansion of high-tech in the marketplace when machines replace people and the high cost of doing business in the U.S.A. [Begby 2021b: 96 (quoting Bill O' Reilly)]

As this case helps to illustrate, the general strategy behind evidential preemption is to acknowledge that one's intended audience might encounter evidence in the future that contradicts what the testifier is asserting, and to preempt this future counterevidence by acknowledging it and thereby undermining it. Begby discusses two ways that this commonly occurs, what he calls preemption by neutralization and preemption by source discrediting (Begby [2021b: 98]). I will focus exclusively on the former here.

Preemption by neutralization can occur when a testifier recognizes that their audience will encounter other testifiers in the future that will present positions and arguments in opposition to those the testifier wishes to promote. Begby points out that in many practical situations this puts the testifier in a bind. They know that their audience will encounter these opposing positions in the future and they will not be on hand to dispute or refute the arguments at that time (Begby [2021b: 99]). In such a situation the testifier can, Begby argues, guard against this future countervailing testimony by acknowledging its existence while at the same time affirming their own position. Begby's proposal is that this strategy gives the impression that the speaker is aware of the arguments and counterevidence that their audience will encounter in the future and has already taken account of them in forming their own position. Thus, the goal is to give their audience the impression that their testimonial evidence should be taken as already accounting for that future evidence.

> Others, who may appear knowledgeable and sincere, may believe differently, but they will be wrong. Evidential preemption, then, highlights one part of the total evidence—*q*—which will likely be made available to me at a later point, evidence which, if it were considered in isolation, would seem to indicate not-*p*. If that evidence were subsequently made available to me without forewarning, I would be rationally required to see it as cancelling out my reasons for believing that *p*. But now that the evidence has been preempted, the subsequent disclosure is neutralized and thereby rendered epistemically moot. I call this preemption by neutralization because it relieves the speaker of the pressure to provide further evidence against *q*, or even to go on record as denying that *q* is the case. The neutralization can be achieved simply by acknowledging that others believe that *q*, at the same time as one asserts that *p*. [Begby 2021b: 101–2]

There is little doubt, I think, that Begby has identified a genuine rhetorical strategy that is often employed in discussions of controversial or contentious matters. Thus, the phenomenon that Begby isolates is of epistemic interest. The question that will be my primary concern here is whether, as Begby contends, evidential preemption makes it *rational* for a subject to disregard future countervailing evidence on the basis of a testifier's preemption. Is it the case that a testifier can so easily skew the future evidential situation of subjects in their audience; that simply noting the existence of disagreement suffices to make it rational for subjects to ignore or downgrade the epistemic import of future counterevidence?

It is worth emphasizing at the outset the nature of Begby's claims. One might suspect, as my discussion proceeds, that Begby does not mean to assert that the preemption itself is epistemically remarkable, but merely to point out how such preemption could work in practice in certain contexts. I do not think, however, that such a reading is consistent with Begby's portrayal of his own position. Begby describes potential preemptors as being faced with a problem: they want their audience to come to believe their testimony, but they also foresee that their audience will encounter "other apparently equally knowledgeable and sincere people who will gladly testify that not-*p* (or testify to some further proposition *q*, which is clearly in conflict with *p*)" (Begby [2021b: 99]). Begby asserts that preemption can succeed in "shaping the hearer's future epistemic situation in a rather dramatic way" (Begby [2021b: 99]). He often writes in terms that very closely approximate language of rational obligations to accept the preemption. For example, Begby asserts that "I cannot generally be epistemically positioned so that I can accept my testifier's assertion that *p* but remain free to decline the accompanying evidential preemption…" (Begby [2021b: 103]). Or consider the following:

> If I were merely offered testimony that *p*, I would be bound to take subsequent testimony that *q* as throwing *p* into doubt. But, if I am offered testimony that *p* plus a warning that others will say *q*, then I can be entitled to believe that *q* is consistent with *p*. (Why else would my apparently rational and well-meaning testifier nonetheless maintain that *p*?) I now have reason to believe that anyone who highlights *q* as a way to cast doubt on *p* is simply wrong or misinformed. [Begby 2021b: 103]

Begby here seems to maintain that not only can preemption undermine future testimony, it is also powerful enough to preemptively downgrade the epistemic *bona fides* of counter-testifiers. Finally, in his discussion of cases like cult membership, early childhood indoctrination, epistemic bubbles, and echo chambers Begby claims that:

> In cases where dominant voices in the epistemic community can efficiently leverage resources such as evidential preemption, there may be nothing wrong, per se, with the intellectual character of the people who end up as believers. [Begby 2021b: 110, fn 32]

Thus, Begby ought not be taken merely as describing a particular sort of psychological tendency or response to preemption while remaining neutral on whether such preemption carries with it legitimate epistemic force. Begby is explicit on this point:

> In this way, evidential preemption can affect not just how people will be *psychologically disposed* to respond to future evidence, but also how it will be *epistemically rational* for them to respond. [Begby 2021b: 98]

Begby gives two closely related arguments for this, perhaps surprising, set of claims. The first argument is stated in intuitive non-technical terms, the second supports the first using a Bayesian framework. Begby's first argument relies on the claim that:

> [I]n standard cases, whatever it is that justifies my epistemic trust in my testifier's assertion that *p* also justifies my epistemic trust in the testifier's assessment of the total evidence that bears on *p*. [Begby 2021b: 102])

The idea here being that if I am rational, suitably conceptually sophisticated, and epistemically aware, then in all cases in which I am rationally positioned to accept a testifier's assertions I am also rationally positioned to accept their ability to correctly assess the total state of their available evidence relevant to those assertions. Begby argues that if I have any reason to doubt the testifier's ability to appreciate their total evidential situation with regards to *p*, I should downgrade my trust in their testimony by an equal amount. Conversely, if I am in a position to accept their testimony as rationally supporting a belief that *p*, I am at least implicitly committed to the claim that they are reliable sources of information regarding the total state of the evidence regarding *p*. This, Begby argues, opens the door to evidential preemption:

> If this is right, then I cannot generally be epistemically positioned so that I can accept my testifier's assertion that *p*, but remain free to decline the accompanying evidential preemption: the same conditions that would justify me in taking the assertion will also, in the absence of countervailing reasons, justify me in accepting the evidential preemption, insofar as it is essentially just presented to me as an articulation of my testifier's assessment

> of one specific part of the total evidence that bears on *p*. [Begby 2021b: 103]

According to Begby, the preemptor can use this situation to their advantage. Since I am rationally committed to their being an astute examiner of the total evidential situation, they can now assert that, though others may present countervailing evidence in the future, this has all been accounted for already: the preemptor represents themselves as considering these arguments and finding them wanting. Insofar as they are regarded as an accurate source of information regarding *p*, they must be taken to be a good source of information regarding the total evidence for *p*. Thus, if I am rational in accepting their testimony, I am also rationally committed to accepting the preemption of future evidence, or so Begby argues.

Begby's second argument is articulated in a Bayesian framework. In these terms, the preemptor can be seen as adjusting their audience's prior probabilities regarding the veracity of future evidence. Begby claims that the Bayesian framework tends to preference evidence that is low probability given our background evidence.

> All else being equal the lower the probability of the evidence (given parameters {p, q...n}) the greater its potential impact on what we should believe (or, to be more precise, the greater its potential impact on our posterior probabilities, i.e. our prior probabilities adjusted in the light of the new evidence). [Begby 2021b: 103–4]

The preemptor can take advantage of this by predicting what the future evidence will be. They inform us that we will encounter future counterevidence and that this evidence will be deceptive. This, according to Begby, shifts the relevant priors that affect how I ought to respond when I encounter said evidence. Given the preempting testimony, it is now highly likely and expected that I will receive this counterevidence. Since this counterevidence is predicted by the preempting testimony, its effect on my rational credence regarding the target proposition is minimized. In effect, it is no longer surprising given the prior testimony, so it should not affect my credences much when I eventually encounter it (Begby [2021b: 104]).

I do not deny that evidential preemption can be an effective rhetorical device. If it were not, one would not expect it to be employed as often as it is. Nor do I deny that sometimes claims of the form Begby labels as examples of 'evidential preemption' can make one rational in disregarding counterevidence. I will discuss one such case below. What I deny is that it is the evidential preemption itself that is doing the epistemic work in the way that Begby seems to think. The cases in which the preemption appears rationally effective will be precisely and only those cases in which one has or acquires prior evidence that the testifier is or is likely to be a better source of information regarding *p* than the sources of the future counterevidence. That is, the force of the attempted preemption is parasitic on the strength of the prior support for the reliability of the testifier and how rational one is in one's evaluation of their epistemic preeminence. In other words, I will argue that evidential preemption *itself* does not substantially change the epistemic situation of the subject to which it is directed.

Let us start by considering a very basic case of testimonial knowledge. To be clear: this case is not meant as a direct counterexample to Begby's claims about evidential preemption. Rather, the case serves merely to introduce an epistemic phenomenon that can arise in cases of testimony that is relevant to our consideration of Begby's claims. Suppose that I have misplaced my phone and ask a passing stranger for the time. This person tells me that it is 2 PM and I thereby come to believe that it is 2 PM. In such a case, it is plausible that I do not need to know very much about this person, their epistemic habits, or their general reliability as a testifier in order to treat their testimony as substantial evidence regarding the time. If my belief requires any prior epistemic commitments on my part to be rational, at most these will be rather basic prior beliefs regarding the lack of reasons for someone to lie about this, the general reliability of testifiers in similar circumstances and so on. On this very minimal basis, I will come to rationally believe that the time is 2 PM and (so long as there is no funny business) know that the time is 2 PM. Suppose, however, that this pedestrian has read her Begby and she (with the best of intentions) wants to make sure that I continue to believe her sincere testimony of the time. To prevent any epistemic straying on my part she preempts any future counterevidence by saying: "Other people may tell you it is 4 PM, but I will tell you it is 2 PM".[1] In such a case what beliefs should I hold

[1] An anonymous reviewer suggests that this (and perhaps other examples from later in the paper) may not be genuine examples of evidential preemption as Begby understands it. The reviewer suggests understanding Begby as asserting that preemption targets evidence that might be marshaled against the speakers' position rather than simply the existence of contrary or contradictory views. The suggestion is that we should understand the "*q*" in Begby's formulation of the preempting claim "others will tell you *q*, but I say *p*" as being restricted to some domain of evidence that might be marshaled against *p*. Unfortunately, it is not clear whether or how Begby might intend to restrict the content of *q* for cases of genuine preemption. It should be noted that at least some examples that Begby himself provides seem to allow the content of the "evidence" being preempted to be either the negation or a direct contrary proposition to the target proposition the preemptor is defending. The O'Reilly case with which I began this paper is one example of this.

about the time?

I submit that under no circumstances should I believe that it is 2 PM solely on the basis of this testimony. In fact, this preempting statement should cause me to significantly epistemically downgrade the testimony I have just received regarding the time. The explanation for this is straightforward: prior to this person beginning to speak I had (we may suppose) whatever background justification or entitlement that would be required to trust what she would tell me about the time. But the manner in which she told me the time has introduced a bit of defeating evidence: *that this person is also telling me that there may be others who may give me a different time if I were to ask them.* In hearing this, I ought to rationally downgrade my confidence in this person's testimony regarding the time. Of course, I need not commit any Bayesian fallacy in so updating my prior expectations because I will *simultaneously* downgrade both my belief in the target proposition (that it is 2 PM) and my belief in the pedestrian's reliability regarding the matter under discussion. Bayesian coherence can, thus, be maintained. This phenomenon seems to be quite general. We are constantly updating our judgments regarding the reliability of other persons as testifiers on the basis of all sorts of contextual information. In at least some cases, the information can be contained in the actual content of the person's assertion. In many cases the mere raising of the existence of dissenting opinions as salient should cause us to rationally withhold assent to the testimony or downgrade our confidence in the reliability of the testifier.

Of course, the sheer oddity of there being disagreement over the time of day may be contributing to our intuitive judgments about the case above. We might immediately be curious as to why or how such disagreement could arise and the mere fact that there could be a disagreement about this trivial fact could introduce a defeater that undermines the testimony. Begby, of course, is not committed to claiming that all utterances of the form 'my opponents will tell you that *q*, but I say *p*' serve as some sort of epistemic trump card that overpowers all other competing evidence. As Begby himself notes, many cases of testimony that might superficially resemble evidential preemption could be taken to involve a kind of deliberate canceling or undermining of a claim's assertoric force (Begby [2021b: 97]). That is, I might utter something of this general form with the explicit goal of weakening my listener's credence in my testimony. In the case as described above I stipulated that the testifier was at least *attempting* to engage in the kind of epistemic preemption that Begby discusses, but it may be that this sort of trivial testimonial case is not one in which this preemption will be effective precisely in virtue of the oddity of disagreement over something so basic as the time. For reasons along these lines, Begby suggests that such cases must be distinguished from successful cases of evidential preemption:

> What such examples would lack, in my view, is some plausible back story about why others would be wrong about such a trivial fact, or why it would be in their interest that I be misinformed about it. By contrast when we deal with ethically or politically charged content, this back story is often not far to seek. Indeed, in our highly polarized and politicized information economy, such antagonistic interactions are legion, and, in many places, are virtually assumed by default. Evidential preemption, I believe, can be expected to work best in contexts where such antagonism is part of our common understanding of what is at stake. [Begby 2021b: 98, fn 6]

Begby, therefore, seems to conclude that evidential preemption is only likely to be "viable" in cases where there is an "antagonistic element" ((Begby [2021b: 98, fn. 6]) that is known or expected to exist regarding the issue under consideration.

However, it appears that in cases where an "antagonistic element" is clearly present, the same basic points made in the case above can be used to explain why evidential preemption does not have the epistemic effects that Begby claims. Suppose that I am considering the U.S. Supreme Court's 2022 decision to overturn Roe vs. Wade. Suppose further, that being deeply uninformed on the subject, I seek the counsel of the first person to walk by me on the street. She tells me the following: "others will tell you that the Supreme Court made the correct decision on this matter due to the fact that Roe v. Wade was originally decided incorrectly, but I will tell you that the Supreme Court was wrong to overturn the prior decision because they should have respected precedent". I have no reason to believe that this passerby has any special expertise regarding the matter under discussion. As such, it seems clear that any preemptive force her assertion might be intended to have should be ineffective. If anything, my prior knowledge that debates over the legality of abortion have an "antagonistic element" should incline me to downgrade my credence regarding the correctness of *any* testimony by a random passerby on the issue. If I ask a second person and come to find out that they do in fact disagree with the first, it would be absurd for me to disregard this new evidence and still more absurd for me to raise my credence in the testimony of the original subject on the grounds that she correctly predicted the disagreement. In failing to adjust my credences as Begby argues I should, do I necessarily commit some Bayesian fallacy? Of course not. So long as I simultaneously (or preemptively) set my evaluation of the reliability of the first interviewee on the relevant subject matter appropriately, I will be able to maintain probabilistic coherence. Given that my prior expectation of either of these passerby's reliability and expertise on this subject will be relatively low, such an assessment is to be expected.[2]

By contrast, suppose I seek out a law professor who specializes in constitutional law and ask them for their opinion on the decision. If they tell me "others will tell you that the Supreme Court made the correct decision on this matter due to the fact that Roe v. Wade was originally decided incorrectly, but I will tell you that the Supreme Court was wrong to overturn the prior decision because they should have respected precedent" things appear relevantly different. Here the preemptive force of their assertion might very well affect my future appreciation of evidence in a substantial way. Because of my background evidence regarding the professor's expertise on this matter, their testimony equips me with the ability to rationally disregard at least many instances of counter-testimony that I may be subjected to. My prior probability that their testimony is likely to be reliable regarding the matter at hand is quite high and will be unlikely to be dislodged by most counter-testimony that I might encounter (*e.g.* from random patrons of my local bar or TV pundits). A limiting case would be when the counter-testimony comes from another equally eminent scholar of constitutional law. Will the evidential preemption of the first scholar rationally allow me to disregard this new evidence? It seems not. The evidence that I have gained by registering the dissenting opinion of another testifier who has equal expertise as the first is the following: amongst those with equal expertise on the question of Roe vs. Wade there is substantial disagreement. Since I, myself, am in no position to say who is right in this case it appears that I will be irrational to disregard one bit of expert testimony on the grounds of the preemptive attempt by the other.

But what if the first professor attempted to preempt her colleague's testimony by specifying that "other constitutional law professors[3] might tell you that the Supreme Court made the correct decision on this matter due to the fact that Roe v. Wade was originally decided incorrectly, but I will tell you that the Supreme Court was wrong to overturn the prior decision because they should have respected precedent"? In this case the preemption appears ineffective. The professor has, by so testifying, introduced evidence that others

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[2] Begby in a response to Kelly's [2024] criticisms allows that in a case such as this evidential preemption is ineffective by acknowledging that there must be a "range of background contextual factors in play" (Begby [2024: 2638]) for evidential preemption to have epistemic significance. I will respond in more detail to Begby's attempted defense below. For now, I will simply note that the present case features in a series of cases designed to show, by a pattern of epistemic judgments, that evidential preemption lacks epistemic significance.

[3] Or, perhaps, references the other scholar by name.

who are equally well-informed about the subject will disagree with her judgment on these matters. Absent any evidence to the contrary, I have no reason to expect that there is a lack of evidential parity between these scholars. Rather, I have every reason to expect that both the preemptor and the other scholars have access to roughly the same evidence and are aware of each other's rough positions, reasons, and evidence.

There is a natural diagnosis of what is going on in the cases of testimony regarding the time, the testimony of the random passerby, and the testimony of the constitutional scholar. In introducing the possibility of dissenting opinions the preemptor in each case is simultaneously presenting evidence that, to varying degrees, undermines their own testimony. My resulting credence in the target proposition on the basis of the preempting testimony ought to reflect this fact. This diagnosis turns out to be consistent with Begby's Bayesian argument in favor of the rationality of evidential preemption. One who rejects the epistemic force of evidential preemption can agree that when I subsequently encounter the predicted testimony (the testimony that is the target of the preemption) this will not *at that later time* significantly alter my credences. This is because I ought to have *already* taken the existence of this opposing testimony into account after updating in response to the preemptor's testimony. But crucially, *contra* Begby, this will be because the initial updating procedure ought to incorporate the evidence that others disagree with the preemptor's stated opinion as undermining the force of their testimony for it. This will, effectively, set the resulting credence in the target proposition at the same diminished level as would have resulted from encountering the counter-testimony naturally, without the preemption.[4]

I take the upshot of the preceding discussion to be the following: the kind of rhetorical strategy that Begby dubs 'evidential preemption' has no significant independent epistemic import. The cases where preemption appears effective are those in which the subject rationally places a high prior credence in the reliability of the testifier relative to other sources of information they may encounter in the future *and* that high prior credence survives the explicit acknowledgment of disagreement and the existence of counterevidence. In this limited range of cases the preempting testimony may indeed work, at least extensionally, in the way that Begby asserts: the relevant counterevidence or contrary position can now be rationally disregarded when it is encountered at a later time. But, the crucial point is that when a subject places such a high epistemic trust in a testifier, then the counter-testimony

[4] Kelly [2024: 2616–7] presents a similar objection. I discuss Kelly's criticisms and Begby's [2024] responses to them below.

will be disregarded *whenever* it enters into their evidence. This could occur when the original testifier preempts the future testimony, but it could also occur if the testifier did not attach any preempting addendum to their claims and the subject were to encounter the counter-testimony naturally at a later time.

Still, one might wonder: if evidential preemption is not rationally efficacious, why is it so frequently employed? If people are susceptible to this sort of preemption, are they necessarily engaged in some kind of probabilistic fallacy whenever they do so? While it is hard to generalize regarding actual subjects, I do think it is plausible that very often when this sort of rhetorical strategy is deployed in the wild, the rational problem does not lie in the preemption itself. This is because, when the preemption is successful, it will often be the case that the most plausible explanation of this is that the subject has set a high probability that the testifier is a good source of information on the subject in question. Take the case of Bill O'Reilly cited above. For O'Reilly's intended audience, his preemption is likely to be quite rhetorically powerful. They will simultaneously have a very high credence in his stated opinion and significantly downgrade the effect of future testimony to the contrary. But this is precisely because they already privilege O'Reilly's assertions as an excellent source of truth. Given his audience's very high prior probability in O'Reilly as a testifier, it is indeed probabilistically coherent for them to preemptively downgrade opposing testimony. However, if a subject places a higher credence in another testifier's testimony, *e.g.* Sean Hannity's, and comes to find out that Hannity in this instance disagrees with O'Reilly, then any attempted preemption on O'Reilly's part will be ineffective. Finding out that Hannity and O'Reilly disagree might be cause for some existential angst, but given the subject's greater trust of Hannity, the mere fact that O'Reilly attempted to preempt those who disagree with him will not give the subject cause to downgrade Hannity's disconfirming testimony.

A second explanation for the rhetorical or psychological force of preemptive utterances could be that in some cases the preemptor is attempting to instill a belief in their audience, via the preemptive utterance, that they are an expert with overriding epistemic authority regarding the subject matter. After all, just as the content of an assertion can cause one to rationally *lower* one's trust in a testifier as a reliable source of information, the content of an assertion or the manner in which it is presented could also function to *raise* the credence one rationally gives to a testifier. One role that preemptive utterances might play for the speaker is to attempt to position themselves as an expert who has considered the relevant evidential landscape on the issue in its entirety.[5] But it also seems clear that *merely* demonstrating awareness that others disagree with one's stated position or may offer counterevidence is not sufficient to demonstrate expertise for a given subject matter.

It seems, then, that any epistemic force of a preemptive utterance depends on how rational one is to antecedently give a favorable evaluation of the reliability of the preemptor. A randomly selected person on the street attempting to preempt testimony on a matter of controversy is likely to be ineffective and allowing the preemption is likely to be irrational. An expert or trusted source's preemption could, by contrast, be far more effective and allowing it to impact one's credences regarding future testimony could, indeed, be perfectly rational. But crucially, whether it is rational for a subject to allow this preemption to affect their evaluation of future evidence will entirely depend on how rational it is for them to give this kind of priority to the testifier. If they have good evidence that the testifier is a better source of information on the subject than they are likely to encounter elsewhere, then it appears rational to allow the preemption, at least to some degree. If, by contrast, they have no such evidence or evidence to the contrary, the subject ought to disregard the testifier's attempted preemption to at least the degree that they disregard their testimony. In either case, the evidential preemption itself has little effect on what it is rational for a subject to believe.

While this paper was in development Kelly's [2024] article containing arguments against the epistemic force of evidential preemption and Begby's [2024] response to these criticisms were both published. While it appears that Kelly and I are in agreement about at least some of the problems with Begby's position, there are a few points that recommend the present discussion over Kelly's. A large portion of Kelly's discussion of evidential preemption focuses on what Kelly refers to as the Commutativity of Evidence Principle which states that:

> To the extent that what it is reasonable for one to believe depends on one's total evidence, historical facts about the order in which that evidence is acquired make no difference to what it is reasonable for one to believe. [Kelly 2024: 2611]

Kelly argues that if this principle is true, the evidential preemption cannot play the epistemic role that Begby claims. Kelly presents a case where two testifiers, Smith and Jones, are both experts in a given domain, are both primed to preempt each other, and the person who

[5] Thanks to an anonymous reviewer for suggesting this possibility and its relevance to the present discussion.

I encounter first is determined by a coin toss. Kelly asserts that if I allow the randomly selected first testifier to preempt the other, my resulting belief is irrational, and that this example provides at least some reason to reject Begby's analysis of evidential preemption (Kelly [2024: 2611]).

While I agree with Kelly's intuition regarding the preceding case and his general skepticism regarding the epistemic force of evidential preemption, I take Kelly's focus on the commutativity of evidence to be dialectically problematic. While the principle does seem defensible, there is reason to expect that Begby would reject it. Indeed, in a footnote contained in his initial arguments in favor of evidential preemption, Begby discusses the principle and emphasizes that many issues surrounding it "have yet to be settled in the literature" (Begby [2021a: fn. 20]). This indicates that he is at least open to denying the principle and/or its straightforward application to the present cases. This is hardly surprising. After all, if one believes that evidential preemption, as Begby asserts, has epistemic force, then one might very well also believe that at least in some cases the order of the presentation of evidence can matter. Kelly's reliance on the commutativity of evidence as a means to undermine Begby's claims about preemption, therefore, could beg the very question at issue. Kelly, to his credit, acknowledges this point, claims that he doesn't believe that "any version of the principle is beyond dispute," and insists that his primary objections do not presuppose it (Kelly [2024: 2613]). However, Kelly's does seem to subsequently and repeatedly claim that, ultimately, the problem with evidential preemption is that it allows contingent facts about which of two testifiers "get there first" (Kelly [2024: 2617]) to matter epistemically in the sorts of cases under discussion (*e.g.* by one expert living closer to the person's house) which he claims is "pretty close to a *reductio* of the relevant epistemological picture, although I appreciate that others might disagree with that assessment" (Kelly [2024: 2615]).

In his reply to Kelly, Begby does indeed express reservations about the commutativity of evidence principle especially as it pertains to cases that involve higher order evidence.

> I have a hunch—though it is hardly more than a hunch—that we shouldn't expect commutativity to hold in cases where a substantial portion of one's evidence is 'higher-order evidence,' i.e. evidence that is in some relevant sense 'about' other evidence or sources of evidence (their significance, reliability, etc.). Obviously evidential preemption involves higher-order evidence in this sense. [Begby 2024: 2637]

While Begby's reticence regarding the commutativity of evidence in this response is fairly noncommittal, it does nonetheless provide some motivation to seek criticisms of evidential preemption that do not rely upon it. Given that the commutativity of evidence principle itself is controversial and that a defender of evidential preemption might well be strongly motivated to deny it based on that commitment, basing one's criticism on worries about the temporal ordering of evidence as Kelly appears to frequently do seems dialectically problematic.

There are other features of Kelly's arguments that allow defenders of evidential preemption further avenues of escape. First, if I encounter the preemption in the way that Kelly describes in the Smith/Jones case discussed above, it is part of my evidence that who I encountered first was decided by random chance. In the case that Kelly presents, if which expert I consult is due to the result of a coin toss or who happens to live nearer to my house and I am *aware* of this contingency, then these facts also enter into my total evidence. Begby could allow that the force of preemption is undermined by such explicit evidence of this sort of luck. Begby need not claim that evidential preemption is so epistemically significant that it can undercut or override *all* contrary evidence. In cases where I choose which expert to consult first based on a coin toss, my awareness of the existence of the other expert and the contingency of the order in which the evidence was presented could allow Begby the resources to claim that this results in the force of any attempted preemption being nullified.[6]

It is also interesting to note that Begby can plausibly accommodate the commutativity of evidence in suitably described cases. Given the implicit temporal implications inherent in the word 'preemption' it can be difficult to recognize this point. However, the phenomena that Begby identifies does not essentially depend on the preemption occurring before the encounter of the putative testimony. While in many actual cases the attempted preemption may come first, it isn't clear that it *has to* in order to have the same (putative) effect. Begby endorses this possibility in his reply to Kelly.

> I certainly don't think it's *merely* the temporal ordering that does the trick. For instance, there's nothing to prevent us from resorting to similar maneuvers even after the relevant evidence has been disclosed. Assume for instance that I tell my original testifier 'but S says

[6] Indeed, Begby does explicitly register his agreement with Kelly's judgment about the coin toss case as Kelly presented it (Begby [2024: 2638]). He grants that there must be a "range of background contextual factors in play" for preemption to be effective (Begby [2024: 2638]) and proceeds to consider variations of Kelly's case to help specify what some of those factors may be. I will return to this issue below.

> that not-*p*!' My testifier can respond, 'Well, he would say that, wouldn't he?!' Or 'what did you expect him to say?', attempting to mimic the effects of evidential preemption in reverse, as it were. This move would work by calling on me to recognize that, based on what I already knew about S (*e.g.* he is a self-declared socialist), I shouldn't be surprised to discover that he would say not-*p*. [Begby 2024: 2637–8]

It must be noted that Begby's example in the above passage has a different epistemic character to the other instances of preemption he discussed in his original presentations of the phenomenon. In particular, Begby's imagined responses rely on the hearer already having some background evidence about the future counter-testifier in a way that at least some of original cases of evidential preemption did not. Kelly, I think, could rightly complain that this new case introduces evidence that would be relevant to one's epistemic judgments; evidence that, if it is indeed already available to the hearer, should have already been taken into account in their evaluation of the testimonial evidence. Once again, Kelly could insist that the preemption itself brings nothing new to the epistemic table.

Despite this specific problem with Begby's rejoinder to Kelly, we can restate Begby's basic point in a way that avoids the introduction of dialectically problematic additional evidence. Suppose I encounter the testifier *after* hearing the opinions of others who disagree. This post-emptor might say "others may have told you *q*, but I say *p*". It seems to me that this is a clear temporal analog to Begby's core cases of evidential preemption, and given the claims he makes in response to Kelly, it appears plausible that he would be inclined to a similar analysis of this sort of case. It would be open to Begby to accept that in a case like this the post-emption also has epistemic force, and thus to remain, at least to this degree, consistent with the commutativity of evidence. Thus, it appears that Kelly's focus on the temporal ordering of the evidence is a red herring.

These flaws aside, it must be noted that Kelly does also identify similar failings in Begby's account as those that I discuss above. He notes that attempted preemption can serve to introduce the defeating evidence that other subjects with equal expertise or reliability in the target domain disagree with the testifier (Kelly [2024: 2616]). Kelly also agrees that in such cases, while Begby is correct that when encountering the predicted counter-testimony what it is rational for me to believe does not change, this is only because I ought to have *already* downgraded the probability of the target proposition when the attempted preemption occurred (Kelly [2024: 2616]). On these points, Kelly and I are in agreement. However, for the reasons stated above, it appears best to disentangle these elements from the temporal factors that Kelly repeatedly emphasizes as my presentation attempts to do.

In his response to Kelly, Begby does attempt a defense of evidential preemption that is relevant to the arguments I have given above. Begby grants that evidential preemption fails in the Smith/Jones case as originally described (*i.e.* the case in which the expert which I consult first is decided by pure chance). Begby further admits that if one were to change the case so that I had evidence that one of the two expert's testimony was superior relative to the other, that preemption would also be epistemically irrelevant (Begby [2024: 2639]). But Begby insists that in a third kind of case evidential preemption *can be* effective:

> But now contrast this with a third type of case: I have a well-established and rational degree of epistemic trust in Smith, but have no knowledge of Jones' epistemic credentials. In this case, when Smith offers the evidential preemption, he is both assuring me that *p*, *and* letting me know that future contrary testimony that I am likely to encounter from Jones is unreliable. If he had *not* issued this warning, then I might have been required at a later point to reduce my credence that *p*, since Jones also seems like a sincere and credible testifier (notwithstanding his disagreement with Smith). I think it is these sorts of cases that best illustrate the power of evidential preemption. [Begby 2024: 2639]

Unfortunately for Begby, the criticisms I mounted above apply to this sort of case as well. As in his prior arguments in favor of evidential preemption, Begby's analysis does not appear to take into account the manner in which one's credences ought to shift *at the time of the attempted preemption*. Suppose that Smith merely asserts *p* with no preemptive addendum. In such a case, my evidence relative to *p* will be exactly as strong as my rational trust in Smith allows. However, when Smith says "*p* but Jones will tell you *q*" then, assuming I take Smith to be trustworthy regarding the contents of Jones' future testimony, I now have an additional bit of relevant evidence: *that Jones will tell me q*. In other words, I have been informed that, in Begby's words, an otherwise seemingly "sincere and credible testifier" (Begby [2024: 2639]) will tell me *q*. This new bit of information must be incorporated into my total evidence *at the time that Smith informs me of it* and its effects on the credence I assign to *p* must be accounted for at that time as well. If Smith is a known expert and I have no evidence regarding the epistemic credentials of Jones, this effect might be relatively small, but it still ought to be factored into my total evidence. Thus, for precisely the same reasons I have presented above, Begby is correct that when I later encounter Jones and he does in fact assert *q* I will *at that time* not be rationally required to reduce my credence in *p*.[7] But this is only because I have, if I am rational, *already* incorporated the existence of Jones' counter-testimony into my total evidence. In other words, an utterance like "*p* but Jones will tell you *q*" does not serve to preempt, neutralize, or undermine the testimonial evidence of others as Begby asserts. Rather, it merely shifts the time at which I incorporate the existence of the contrary testimony into my total evidence.

I expect that Begby will have much to say in response to the arguments I have presented in this article. But I can assure you that any defense he mounts for the rational force of evidential preemption will fail.[8]

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[7] Strictly speaking, this is probably not true. However trustworthy I take Smith to be regarding Jones' future testimony my rational credence regarding the contents of Jones' testimony will almost certainly go up when Jones actually so testifies. Insofar as Jones' testimony bears on my evidence for the target proposition *p*, once the existence of the counter-testimony is made certain by Jones actually so testifying, then this would result in a lowered overall credence for *p*.

[8] Thanks to an anonymous reviewer and an editor at *Disputatio* for helpful comments that significantly improved the paper.