

Moral Encroachment and #BelieveWomen

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Moral encroachers claim that the moral risks of falsely believing something raise the threshold of epistemic justification, thereby making justification and knowledge harder to come by. I argue that there's a tension between moral encroachment and #BelieveWomen: there are certain paradigm cases involving rape reports about which most proponents of #BelieveWomen would agree that the hearers in these cases are justified in believing the accusation, but moral encroachment suggests they are not. This tension cannot be easily avoided by claiming, as some encroachers do, that the moral risks of *not* believing the accusation *lower* the threshold of epistemic justification: it's unclear that this view succeeds at delivering the result that hearers are epistemically justified in believing the accusation in the relevant paradigm cases, and even if it does, its explanation of why hearers are justified in believing the accusation is demeaning toward victims. The tension also cannot be avoided by interpreting #BelieveWomen in an alternative way, as other encroachers do, that is compatible with claiming that hearers in the relevant cases are not epistemically justified: the salient alternative interpretations of #BelieveWomen are either implausible and unsatisfying to victims or they undermine the main motivations for encroachment. So, encroachers have more work to do to show that this tension can be resolved.

1. The ethics of belief in the #MeToo era

The #MeToo movement has encouraged many survivors of sexual assault (mostly women) to come forward and name their assailants (mostly men). While the most visible and widely discussed examples are women who have publicly called out celebrities, politicians, or industry moguls, the #MeToo movement has also inspired women to come forward in more private, local spheres and name perpetrators within our workplaces, universities, and social communities. Some accusers or those accused are our friends, family members, or colleagues. As a result, many of us have been grappling with the question of how to respond to sexual assault accusations in our own private lives and within the institutions that we take part in.

The issue is not just what actions we should take in response to an accusation of sexual assault (e.g., whether we should report a colleague or discontinue a friendship) but the question of whether we should *believe* a given accusation in the first place, given the available evidence. Because sexual assault is the sort of crime that typically happens behind closed doors, without eyewitnesses, and there are powerful incentives—psychological, social, and professional—for victims to not come forward until long afterwards, survivors are often unable to provide substantial corroborating evidence. And accusations are often met with fervent denials from the accused. In these cases, defenders of the #MeToo movement claim that we should believe accusers with the online battle cry of #BelieveWomen, while the movement's detractors urge that the accused should be “presumed innocent until proven guilty”.

But beyond the hashtags and slogans are controversial questions about the ethics of belief. When we ask what we should believe about a particular accusation, does the answer to this question depend solely on the evidence or are there also moral considerations that are relevant? For example, suppose a student, Jane, tells her professor, Jada, that she was sexually assaulted by Jim, who is one of Jada's colleagues. Whether Jada believes Jane's accusation involves certain moral risks: she might cause Jane further harm if Jane's accusation is true and Jada doesn't believe her, but she might also cause Jim undeserved harm if she believes Jane's accusation and reports him to the university but the accusation turns out to be false. Are these sorts of moral risks relevant to whether Jada should believe the accusation, or is Jada's evidence alone what determines what she should believe?

This is a specific instance of the general question at the heart of the ethics of belief debate: are moral considerations (or practical considerations, more broadly) relevant to what we ought to believe, and if so, how? *Pure evidentialists* claim that what one ought to believe is determined solely by the evidence: practical considerations, including moral ones, are completely irrelevant to what one ought to believe (Kelly 2002, Shah 2006, Thomson 2008, Parfit 2011, and Whiting 2014). *Pragmatists*, however, claim that moral considerations can constitute *practical reasons* for and against belief that determine what one ought to believe in at least a practical sense of 'ought', and perhaps an all-things-considered sense too (Pascal 1670, James 1897, Stroud, 2006, Reisner 2009, Rinard 2015, 2019, and Leary 2017). But some pragmatists—*anti-encroachment pragmatists*—nonetheless insist that these practical reasons don't bear on the epistemic status of one's belief—i.e., whether one is epistemically justified in believing p, epistemically-ought to believe p, or whether one knows that p (Leary, 2021).

According to *moral encroachers*, on the other hand, moral considerations are instead relevant to the epistemic status of one's belief. On the most common model, moral considerations set the threshold for how much evidence one needs to be sufficiently epistemically justified to have knowledge (Owens 2000, Fantl & McGrath 2002: 88, Ganson 2008, Pace 2011, Basu & Schroeder, 2019). For example, encroachers claim that as the moral risks of falsely believing something go up, this raises the threshold for how much evidence one needs to be epistemically justified in believing and know the relevant proposition.¹

¹ There are many other models of encroachment. On Nolfi's (2019) model, the threshold for epistemic justification is fixed, but practical factors can affect the *strength* of the epistemic reason in favor of the relevant belief and whether it meets that threshold, whereas on Schroeder's (2012), practical factors constitute epistemic reasons for *withholding belief*, which thereby affect the overall balance of one's reasons. Gardiner (2021b) models encroachment on the relevant alternatives framework, and Babic and Johnson King (forthcoming) offer a model that incorporates moral uncertainty. I focus on the threshold-shifting model because it's most popular.

My main aim in this paper is to show that there's a tension between moral encroachment and #BelieveWomen. Of course, it's difficult to pin down the meaning of a worldwide socio-political movement—#BelieveWomen presumably means different things to different people—but what I assume here is that there is at least a range of paradigm cases of sexual assault accusations in which a large majority of supporters of the #MeToo movement who use #BelieveWomen would agree that we should believe the accusation. And I argue that moral encroachment, at least in its standard form and given its most common motivations, seems to suggest that one is *not* epistemically justified in believing the accusation in some of those paradigm cases. Some moral encroachers in the literature seem to foresee this tension because they offer refinements of moral encroachment or interpretations of #BelieveWomen that are designed to avoid it. But what exactly the tension between moral encroachment and #BelieveWomen amounts to in the first place has not been explicitly and thoroughly discussed. So, after explaining moral encroachment and its motivations in §2, my primary aim here is to identify what exactly the tension is in §3.

My secondary aim, then, is to argue that the two main ways that moral encroachers have attempted to avoid this tension fail. Some encroachers refine the view by claiming that the moral risks of failing to have a true belief *lower* the threshold of epistemic justification, making it so that hearers are epistemically justified in believing the accusation (Basu, 2019b, Crewe & Ichikawa, 2021). But I argue in §4 that it's unclear whether this refined encroachment view succeeds at delivering this result in the relevant paradigm cases, and even if it does, its explanation for why hearers are epistemically justified in believing the accusation is demeaning towards victims. Other encroachers attempt to avoid the tension by reinterpreting #BelieveWomen as a demand of some kind that is compatible with the claim that one is epistemically unjustified in believing the accusation in the relevant cases (Bolinger, 2021). But I argue in §5 that alternative interpretations of #BelieveWomen are either implausible and unsatisfying to victims or they undermine the main motivations for moral encroachment.

2. Moral encroachment and its motivations

Moral encroachers often appeal to cases to motivate their view. Some appeal to cases like the following:

High Stakes Deposit Hannah promised to make a large donation to a charitable organization, and she knows that she must send the money by tomorrow night to save people's lives. She's driving home on Friday afternoon and intends to deposit a check so that she has

enough money in her account to make the donation, but upon noticing long lines at the bank, she considers driving straight home and returning the next morning. She remembers the bank being open on a Saturday in the past, and although she thinks to herself that it's possible the bank changed its hours, she believes that it will be open tomorrow and drives home. It turns out she's right—the bank is open on Saturday.²

Encroachers claim that, if nothing significant hanged on whether the bank is open tomorrow, Hannah's remembering being at the bank on a Saturday would be sufficient evidence to make her epistemically justified in believing, and know, that it will be open tomorrow. But because there's such a high cost of error in this case—people will die if her belief turns out to be false—this raises the threshold of justification³ so that the very same evidence is not sufficient to make her justified in believing, and know, that the bank will be open.

Other moral encroachers appeal to cases in which someone believes something disparaging about a loved one or someone believes something disparaging about an individual based on statistics having to do with their race or gender. For example, consider the following:

Cheating Testimonial Nisha overhears a trustworthy colleague at a conference say that Marcus, Nisha's best friend, is cheating on his wife with another woman at the conference. The colleague said that she saw Marcus and this other woman drinking and talking at the hotel bar together late last night and then walk into the same room holding hands. So, on this basis, Nisha believes that her friend Marcus is cheating on his wife and confronts him about it—it turns out, she's right.⁴

Racial Profiling Karen, a police officer, knows that 98% of the Black residents of a particular building have a warrant out for their arrest. Because of this, when she encounters John, a Black resident of that building, she believes that John is wanted for arrest and stops him—it turns out, she's right.

² This moral analogue of DeRose (1992: 913) and Stanley's (2005: 3-4) classic pragmatic encroachment case is suggested by Moss (2018: 193). Fritz (2017) offers moral versions of other classic pragmatic encroachment cases too.

³ From here on, I use the term "justification" to refer to epistemic justification.

⁴ This sort of case is initially presented by Stroud (2006) to motivate anti-encroachment pragmatism, but Basu & Schroeder (2019: 182) take similar cases to motivate moral encroachment.

Moral encroachers claim that Nisha and Karen are not justified in their respective beliefs (and fail to know the respective propositions) because there are moral risks of error in both cases that raise the threshold of justification. If Nisha's belief that Marcus is cheating on his wife turned out to be false, Marcus would be right to feel wounded and complain that Nisha should have believed better of him, given their friendship. And if Karen's belief that John is wanted for arrest turned out to be false, John would be right to feel wounded and complain that Karen shouldn't have believed this because of his race. These moral risks are what make Nisha and Karen's beliefs unjustified, even though similar evidence would suffice for justification in other sorts of contexts that don't involve these moral risks. For example, Nisha would be justified in believing that Marcus was cheating on his wife, if Marcus were a stranger; and Karen would be justified in believing that the next canary she sees will be yellow based on the statistical generalization that 98% of the canaries in her country are yellow (Fritz, 2020: 3053).

Moral encroachers disagree about what exactly the moral risks of error are in these cases that give rise to encroachment. Moss (2018: 197-8) and Fritz (2020) claim that encroachment always arises from the risks of relying on the relevant belief in action: in all three of the above cases, if the agent believes the relevant proposition and acts on that basis, but their belief turns out to be false, people will be harmed. Basu (2019b) and Schroeder (2018), though, claim that, unlike in High Stakes Deposit, the moral risk of error in Cheating Testimonial and Racial Profiling are that Nisha and Karen's beliefs themselves will directly wrong Marcus and John, independently of whether they act on those beliefs in some way that causes them harm—a phenomenon they call *doxastic wrongdoing*.

Moral encroachers also rely on different theoretical arguments to back up their intuitions about the above cases. Some motivate the view by relying on the following principle, which is often used to motivate pragmatic encroachment (Fritz, 2020):

KNOWLEDGE/JUSTIFICATION-ACTION LINK: S is epistemically justified in believing (to the extent that S can know) that p in conditions C only if S can rationally act as if p in C.⁵

This principle entails the encroacher's verdict about High Stakes Deposit. According to KNOWLEDGE/JUSTIFICATION-ACTION LINK, Hannah is knowledge-level justified in

⁵ This principle is most akin to the one endorsed by Fantl & McGrath (2002) and Ross & Schroeder (2014). For a critical discussion of all the various principles in this neighborhood that are used to motivate pragmatic encroachment, see Roeber (2018).

believing that the bank will be open tomorrow only if she can rationally act as if the bank will be open tomorrow. But intuitively Hannah cannot rationally act as if the bank will be open tomorrow, given the high moral stakes; she rationally ought to stop at the bank on her way home. So, Hannah isn't justified in believing (and doesn't know) that the bank will be open. The moral encroacher may use this same principle to vindicate their intuitions about Cheating Testimonial and Racial Profiling: Nisha isn't justified in believing (and doesn't know) that Marcus is cheating on his wife and Karen isn't justified in believing (and doesn't know⁶) that John has a warrant out for his arrest because it's not rational for them to *act* as if these things are true, given the high moral risks of error.

Basu & Schroeder (2019), however, offer a different theoretical argument. They claim that an apology would clearly be owed in cases like Cheating Testimonial and Racial Profiling if Nisha and Karen's beliefs were false. But Basu and Schroeder think that it's not much of an apology, for example, for Nisha to say to Marcus, "I'm sorry for believing [that you were cheating], even though my belief was epistemically impeccable, short of being true" (Basu & Schroeder, 2019: 198). The reason for this, they claim, is that saying that your belief is epistemically impeccable amounts to denying that there was any wrongdoing in the first place. So, they endorse the following principle:

NO CONFLICTS: If a doxastic attitude is epistemically impeccable, it must be morally permissible.⁷

The best explanation for NO CONFLICTS, according to Basu and Schroeder, is that there's a connection between epistemic justification and morality: "As the moral considerations against belief increase, so does the evidence that is required in order to epistemically justify that belief" (Basu & Schroeder, 2019: 201).

I won't evaluate these positive arguments because my main aim is simply to show that there's a tension between encroachment⁸ and #BelieveWomen. I mention them here, though, because they're relevant to my discussion of the tension and how encroachers may attempt to resolve it. Before explaining that tension in the next section, though, note that there are so many possible variations of encroachment (with different models of how encroachment works, different accounts of the moral factors that generate encroachment, and different theoretical motivations), that I can't possibly show

⁶ From now on, I just talk in terms of epistemic justification.

⁷ This is Bolinger's (2020: 10) formulation of the principle defended by Schroeder (2018) and Basu & Schroeder (2019).

⁸ From now on, I simply use "encroachment" to refer to moral encroachment.

that every one is incompatible with #BelieveWomen.⁹ So, my aim here is simply to show that there's a tension between #BelieveWomen and encroachment, given its most common form and motivations, and that encroachers haven't yet done enough to show that this tension is resolvable.

3. The tension with #BelieveWomen: paradigm cases

One might think the tension between #BelieveWomen and encroachment is simple. Because sexual assault accusations are accusations that an individual committed a serious crime that warrants social, professional, or legal sanctions, in cases where someone hears such an accusation, there are always high moral risks of error. So, encroachment implies that hearers are not epistemically justified in believing such accusations, which is incompatible with #BelieveWomen. But this is too quick for three reasons.

First, it's controversial whether all cases involving sexual assault accusations involve moral risks of error that generate encroachment. Consider a mere viewer of the Supreme Court Nomination hearings who heard Christine Blasey Ford's testimony that Brett Kavanaugh attempted to rape her at a party when they were in high school. Suppose the viewer has no relationship to Kavanaugh and no power to affect any outcomes for him. If the viewer believes that Kavanaugh tried to rape Ford and relies on this belief in their action, even if it turns out to be false, the viewer won't cause any harm to Kavanaugh.¹⁰ For some encroachers, then, this case involves none of the relevant moral risks of error that generate encroachment. But encroachers who appeal to doxastic wronging may disagree: the moral risk of error in this case may be the fact that the viewer's belief itself would wrong Kavanaugh, if the accusation turns out to be false.

Second, even with respect to those cases where encroachers agree that there are serious moral risks of error, encroachment does not entail that the hearer is unjustified in believing the accusation in all such cases. This is because, while encroachers claim that moral risks of error raise the threshold for justification, this does not imply that justification and knowledge are impossible to come by in high stakes cases. The hearer's evidence may nonetheless be strong enough in some cases that it still surpasses the raised threshold for justification.

Third, proponents of #BelieveWomen presumably don't believe that one is justified in believing sexual assault accusations in *all* cases. Suppose one hears that a woman has accused a man

⁹ See Bolinger (2020) for a comprehensive overview of the varieties of moral encroachment.

¹⁰ Gardiner (2021a) points out that people often overestimate the risks of error when considering rape accusations.

of sexually assaulting her, but the hearer has ample evidence that the woman is not credible: e.g., the hearer knows that the woman has a history of making false sexual assault accusations in the past and that the accused has a trustworthy alibi. Even fervent supporters of the #MeToo movement would presumably admit that in such a case the hearer is not justified in believing the accusation—they would simply emphasize that such cases are extremely rare. There are also presumably some borderline cases in which there's significant disagreement even amongst proponents of #BelieveWomen about whether the hearer should believe the accusation. So, even if moral encroachment suggests that one is unjustified in believing an accusation in some cases, that doesn't necessarily conflict with #BelieveWomen.

Indeed, because #BelieveWomen could mean many different things, it's hard to show that moral encroachment is downright incompatible with it. There are different epistemic claims that supporters might be making: that accusers'¹¹ testimony is *strong evidence*, that it justifies *significantly raising one's credence* in the accusation, or that it justifies *outright believing* the accusation (absent strong evidence to the contrary). Or one might take #BelieveWomen to be a moral claim, rather than an epistemic one: that hearers *morally ought* to believe accusations, or that they ought to *act as if* the accusation is true (regardless of whether they're epistemically justified in believing it). So, even if moral encroachment implies that, in some cases, the hearer is not epistemically justified in believing the accusation, the encroacher may nonetheless make some claim in this neighborhood.

But if there are some paradigm cases involving sexual assault accusations about which a large majority of proponents of #BelieveWomen would agree that the hearer is epistemically justified in believing the accusation, and yet encroachment implies that the hearer is *not*, that would suffice for showing that there's a tension between encroachment and #BelieveWomen. I think there are such paradigm cases.

The cases I have in mind are those in which (i) someone hears that an alleged victim has reported an acquaintance rape to law enforcement, (ii) the hearer lacks substantial case-specific evidence in favor of the accusation¹² but has evidence that rape reports like this are extremely reliable, (iii) the hearer has no substantial evidence that the accuser is not credible, and (iv) the accused is someone with whom the hearer has a very close personal relationship.

¹¹ I assume here that, while #BelieveWomen highlights the fact that victims of sexual assault are usually women, it's really about believing sexual assault *accusers*—who could be men or women—as the similar hashtag #BelieveSurvivors suggests.

¹² This requires that the hearer does not have a personal relationship with accuser.

To clarify, cases where an alleged victim reports an acquaintance rape to law enforcement—it’s a formal *report* to police rather than a private *disclosure* to family or friends, it isn’t made by a third party, and it’s not a report of stranger rape or some other kind of sexual assault—are very rare.¹³ So, the cases I have in mind are not “paradigm cases” in the sense of being common. However, I think they are paradigm cases in the sense relevant here: proponents of #BelieveWomen would largely agree that when someone hears that a victim has reported an acquaintance rape to police, hearers are typically justified in believing the accusation. Supporters of the #MeToo movement often cite the fact that false accusations are rare as a reason to believe accusers. And acquaintance rape reports made by alleged victims are *especially* likely to be true—around 98%.¹⁴ This is not surprising, given the background incentive structures: there are strong disincentives for victims to report actual acquaintance rapes let alone false ones (Gardiner, 2021c), and it makes sense for those who make false reports to recount having been raped by an unknown person to conform to rape stereotypes and avoid suspicion (Lonsway, 2010: 1361). And since acquaintance rape typically happens behind closed doors, without eyewitnesses, and without leaving physical injuries, the fact that an alleged victim reported the assault is usually the best evidence one can get. So, proponents of #BelieveWomen would largely agree that hearers are justified in believing acquaintance rape reports, even if the hearer lacks substantial case-specific evidence in favor of it, so long as they don’t have substantial evidence that the accuser is not credible—i.e., in conditions (i)-(iii).

Moreover, I think proponents of #BelieveWomen would agree that this is true even if the accused is someone with whom the hearer has a close personal relationship—condition (iv). To fix ideas, consider the following:

¹³ According to the U.S. Department of Justice, only 36% of rapes, 34% of attempted rapes, and 26% of other sexual assaults were reported to law enforcement between 1992-2000 (Rennison, 2002). Other research provides even lower estimates of reporting, especially among college women (Fisher et al, 2003). When the offender is someone the victim knows, such as a romantic partner, friend, or acquaintance (which account for 74% of rapes), the victim is less likely to report the assault typically because they believe the incident is a personal matter or they fear reprisal from the offender (Rennison, 2002: 3). Other factors that make victims less likely to report are (i) the victim’s perception that the incident was not serious enough, (ii) victims being younger in age or having higher socio-economic status or education level, and (iii) the victim was intoxicated at the time (Fisher et al., 2003: 11-13).

¹⁴ Seven studies in the United States, Canada, the United Kingdom, and Australia found that the rate of false rape reporting was between 2% and 10% (Lisak et al., 2010). But these studies suggest that false reports of acquaintance rape that are made by the alleged victim are even more rare. Clark and Lewis (1977) found that half of the false reports in their study were made by a third-party such as a relative or romantic partner (Lisak et al., 2010: 1324). And Kelly et al. (2005) found that false rape reports made by alleged victims were more likely to be allegations of being violently forced into sex by an unknown person (“stranger rape”). While this research has methodological challenges (Ferguson and Malouff, 2016), I don’t discuss them here because my argument only requires stipulating that a hearer has evidence that acquaintance rape reports are extremely reliable.

Jessica’s Accusation Justin reads in his university’s newspaper that a student, Jessica, has reported to the police that Bryce, Justin’s friend, raped her at a college party several months ago. Justin doesn’t know Jessica, but he has been best friends with Bryce since childhood. Justin has never witnessed Bryce be sexually aggressive or violent in the past, but they have both participated in typical “locker-room talk” with their football team. Bryce tells Justin that he never did anything with Jessica at the party that night, but Justin knows that he has strong incentives to lie, even if he did. And Justin knows from his gender studies class that acquaintance rape is very common, especially at college parties, and he knows the background incentive structures and statistics about rape reporting that suggest that rape reports like Jessica’s are extremely likely to be true—around 98%. So, Justin believes that Bryce raped Jessica, calls him out on social media, and ends their friendship—in fact, Jessica’s accusation is true.¹⁵

Supporters of the #MeToo movement often emphasize that sexual assault is extremely common—that ordinary people, even people who are loved and admired, commit sexual assault—and that we should believe accusers when the evidence is strong, even if doing so is politically inconvenient, personally uncomfortable, or requires revising our attitudes towards people we respect. So, since Jessica’s reporting the acquaintance rape to police is particularly strong evidence, I think proponents of #BelieveWomen would largely agree that Justin is justified in believing that Bryce raped Jessica.¹⁶

But cases like Jessica’s Accusation also seem to be the sorts of cases where moral encroachment suggests that the hearer is not justified in believing the accusation. First, all encroachers would agree that Jessica’s Accusation, for example, involves serious moral risks of error that raise the threshold for justification. Since Bryce is Justin’s best friend, if Justin believes the accusation and acts as if it’s true, but it turns out to be false, Justin can cause serious unjust harm to Bryce—e.g., by calling Bryce out on social media and ending their friendship. And if doxastic wrongdoing is possible, there’s a risk of Justin’s belief itself wronging Bryce too.

Second, cases like Jessica’s Accusation involve similar enough evidence as cases that motivate moral encroachment that the view seems to suggest that the evidence is not sufficient to surpass the

¹⁵ This case is liberally adapted from the Netflix show *13 Reasons Why*.

¹⁶ It’s hard to provide robust empirical evidence for this (even appealing to op-eds can’t substantiate this generalization), but 86% of my 213 undergraduate students (who are largely supportive of the #MeToo movement) agreed with the statement, “Justin should believe that Bryce raped Jessica,” when presented with this case. Of course, it’s unclear whether my students (or authors of op-eds) are making an epistemic or moral claim. But my argument ultimately doesn’t hang on this: in this section I’m arguing that encroachment is in tension with the epistemic claim, and I argue that encroachment is also incompatible with the moral claim in §5.

raised threshold. Just like in Racial Profiling, Justin's primary evidence in favor of believing the accusation is statistical evidence. Of course, while Karen's statistical evidence is just a frequency fact about a general demographic that John belongs to, Justin's evidence is about the reliability of a particular kind of testimony against Bryce and is thus more like the reliability rate of an individualized test. So, Justin's statistical evidence may be better and stronger than Karen's. But Justin's evidence then seems akin to Nisha's evidence in Cheating Testimonial: even if Nisha has evidence that her colleague very rarely makes up false rumors, the encroacher presumably thinks that Nisha isn't justified in believing that Marcus is cheating. Moreover, consider the evidence that Hannah has in High Stakes Deposit: she remembers being at the bank on a Saturday in the past. Despite this being quite strong evidence that the bank is open tomorrow, the encroacher claims that it isn't enough to surpass the raised threshold for justification. So, since Justin's evidence seems at best comparable to Nisha's and not as strong as Hannah's, it's unclear how the encroacher can consistently claim that Justin's evidence surpasses the raised threshold.

One might think the encroacher can claim that the difference between Jessica's Accusation and the other cases is that Justin is rational in acting as if the relevant proposition is true, which suggests that Justin is justified in his belief (given KNOWLEDGE/JUSTIFICATION-ACTION LINK). But it's unclear what principled reason the encroacher could give for claiming that it's rational for Justin to act as if Bryce raped Jessica, given that they think it's not rational for Nisha to act as if Marcus is cheating on his wife. It seems even more risky for Justin to act as if his belief is true than Nisha, since the potential harms of this action for Bryce and their friendship are even worse and the potential benefits are minimal. After all, given that Justin doesn't know Jessica, his acting as if her accusation is true won't benefit her in any way; and one individual acting as if a particular accusation is true presumably doesn't make much difference to the systemic injustice that victims experience collective harm from many people doubting or disbelieving sexual assault testimony.

But the encroacher might argue that Justin's not believing Jessica's accusation still involves serious moral risks. They might claim that, if Justin does not believe it, and it's true, that would *doxastically wrong* Jessica. Or they might claim that Justin's not believing the accusation, if it's true, would still *participate* in the collective harms done to sexual assault victims, even if it doesn't make a difference to whether those collective harms occur.¹⁷ In contrast, the traditional encroachment cases don't involve any moral risks of not believing the relevant proposition— withholding is morally safe.

¹⁷ One might also claim that not believing the accusation risks participating in collective harms done to women, more generally (Lloyd, 2022: §4).

This affords the encroacher with the first salient strategy for resolving the tension with #BelieveWomen. Some encroachers claim that the moral risks of *not* believing *p*, if *p* is true—i.e., the risks of missing out on the truth—*lower* the threshold of justification, just as the moral risks of believing *p*, if *p* is false—i.e., the risks of error—raise the threshold (Basu, 2019b: 18, Crewe and Ichikawa, 2021: 262-6, and Babic & Johnson King, forthcoming).¹⁸ Encroachers who adopt this refined view may thereby claim that, in cases like Jessica’s Accusation, while the moral risks of error raise the threshold for justification, the moral risks of missing out on the truth lower the threshold back down so that the hearer’s evidence is sufficient for justifiably believing the accusation.

In the following section, I argue that this is not a promising strategy for reconciling encroachment with #BelieveWomen. I start by highlighting the theoretical commitments of this strategy, which bring to light three problems.

4. Against the refined encroachment strategy

Suppose the encroacher says that what lowers the threshold and makes hearers justified in believing the accusation in cases like Jessica’s Accusation is the risk that not believing the accusation will doxastically wrong the accuser. This requires claiming, first, that lacking a true belief about an individual can directly wrong them, independently of its downstream effects via the believer’s actions,¹⁹ and second, that the *direct costs* of not believing *p*, if *p* is true—not just the indirect costs of not believing *p* and relying on that in one’s actions, if *p* is true—lower the threshold of justification.

Now, suppose the encroacher says that what lowers the threshold is the risk that not believing the accusation will participate in the collective harms done to victims. This requires claiming that there’s strong moral reason against an individual not believing a particular true accusation because it’s an instance of a widespread activity that collectively causes harm, even if the individual’s doing so doesn’t make a difference to whether those collective harms occur.²⁰ And since this moral reason against individuals’ not believing an accusation doesn’t have to do with the consequences of how one

¹⁸ Some accept this view of pragmatic encroachment too (Pace, 2011: 257; Schroeder, 2012: 277-8; Weatherson, 2011: 591-2; Worsnip, 2015: 311-2). Worsnip (2021: 15) points out that the Jamesian logic according to which there are two fundamental goals of belief—to believe the truth and avoid error—suggests that it’s natural for the encroacher to think that both kinds of epistemic risk are relevant to encroachment.

¹⁹ This is a broader view of doxastic wronging than its proponents defend (Basu & Schroeder (2019) only argue that beliefs can wrong). One might appeal to Fricker’s (2007) account of testimonial injustice to explain why not believing someone’s testimony, in particular, can wrong.

²⁰ There are plausibly other moral reasons like this: e.g., reasons not to buy products that are produced by manufacturing practices that cause significant harms to animals, workers, or the environment. What’s puzzling is what these reasons amount to and why they are so strong (McPherson, 2021).

acts on that basis, the encroacher is still committed to claiming that the direct costs of not believing p , if p is true, lower the threshold.²¹

This commitment of the refined encroachment strategy of resolving the tension with #BelieveWomen brings to light my first worry: it overgeneralizes. For example, suppose that we add to High Stakes Deposit that an evil neuroscientist who can directly detect Hannah's doxastic attitudes will kill innocent people if Hannah does not believe the truth about whether the bank is open tomorrow (regardless of how she acts). Now there are very high direct costs of Hannah's not believing that the bank is open tomorrow, if it's true, in addition to the risks of error. So, given either of the above stories about cases like Jessica's Accusation, the encroacher must claim that this moral risk lowers the evidential threshold back down, making Hannah justified in believing that the bank will be open. But it's implausible that the neuroscientist's threat makes a difference to whether Hannah is epistemically justified in believing (and knows) that the bank will be open.

One might think this is just a general structural problem with the refined encroachment view that doesn't have anything to do with #BelieveWomen. Since justifiably not believing p doesn't make it rational to act as if *not- p* , and it may still be rational to act as if *probably p* , one might think there are no indirect costs of not believing p that result from acting on that basis. So, one might think the refined encroacher must claim that it's the direct costs of not believing p , if p is true, that lower the evidential threshold, since that's the only risks of not believing p there are (Worsnip (2021: 15, fn. 35). If that's right, the overgeneralization worry is a general worry for the refined encroachment view.

But my point here is that, even if the refined encroacher can resist that argument, which stems from one of the main theoretical motivations for encroachment, their particular story about why hearers in cases like Jessica's Accusation are justified in believing the accusation—given the specific moral considerations available in those cases for the encroacher to appeal to—commits them to claiming that the direct costs of not believing p , if p is true, lower the threshold. So, it's also the refined encroacher's particular way of resolving the tension with #BelieveWomen that generates the overgeneralization worry.

Setting this worry aside, the second problem with this strategy is that it's not clear that the moral risks of not believing the accusation, in cases like Jessica's Accusation, are weighty enough, in comparison to the moral risks of believing it, to lower the threshold enough so that believing the accusation is epistemically justified. First, suppose the moral risk of Justin's not believing the

²¹ This requires rejecting Moss (2018) and Fritz's (2020) view that encroachment always stems from the consequences of relying on our attitudes in action.

accusation is the risk of doxastically wronging Jessica. It's not clear that avoiding a high risk of doxastically wronging Jessica, someone Justin doesn't know and will never interact with, is equally or more important than avoiding the small risk of causing serious harms to his best friend. Consider the issue from the first-person perspective: suppose you must choose between (a) creating a high chance that someone you don't know, and whom you'll never interact with, will believe something that wrongs you (e.g., something racist, sexist, or dismissive of your trauma), or (b) creating a low probability that you will suffer serious social harms like losing your lifelong best friend and being wrongfully publicly shamed. It's not obvious that (a) is equally bad, or worse, than (b). So, even if we accept that not believing an accusation runs a high risk of doxastically wronging the accuser, it's not clear that this is weighty enough to lower the evidential threshold enough to make hearers epistemically justified in believing the accusation in the paradigm cases. And the more we ratchet up the potential harms to the accused in those cases—e.g., suppose the accused will lose educational or professional resources or face legal consequences if the hearer acts as if the accusation is true—it seems more implausible that the risk of doxastically wronging the accuser is weighty enough to deliver that result.

Similarly, suppose the moral risk of not believing the accusation is the risk of participating in collective harms done to victims. It's also unclear that avoiding a high risk of participating in collective harms is equally or more important than avoiding a small risk of causing serious harm to a loved one. Consider an analogy with an action that participates in collective harms but doesn't make a difference to whether those harms occur: buying food from a company that causes serious harm to animals and its workers. Suppose you're buying lunch for your best friend, and you're forced to choose between (a) buying food that is very likely produced by a company that harms animals and workers or (b) buying food that has a small chance of causing serious harm to your friend (e.g., it may contain trace amounts of nuts and your friend has a serious nut allergy). It's not obvious that (a) is equally bad or worse than (b)—in fact, I think that's implausible. So, even if we accept that, in cases like Jessica's Accusation, not believing the accusation runs a high risk of participating in collective harms to victims, it's not clear that this risk is weighty enough to lower the evidential threshold enough so that hearers are epistemically justified in believing it.

So, the second worry is that it's not clear that the refined encroachment view really delivers the result that hearers in the relevant paradigm cases are epistemically justified in believing the accusation. The encroacher owes a more thorough defense of the claim that the risks of missing out on the truth are weighty enough in comparison with the risks of error to show that the refined view really can resolve the tension.

But suppose the encroacher can meet this challenge: they might argue that doxastically wronging the accuser or participating in collective harms (or both together) is worse than we might think, or that the potential harms to the accused are not as serious as we might think. Even if that's true, there's a third problem: this explanation for why hearers are epistemically justified in believing rape accusations like Jessica's seems demeaning toward victims. The problem is most vivid if the encroacher claims that the risks of not believing the accusation lower the evidential threshold below where it would be if there were no moral stakes at all (Basu, 2019a: 18). This amounts to saying to victims, "Your testimony would not ordinarily be enough to warrant my believing you, but because of the risks of wronging you and/or the risks of participating in collective harms, I should lower my standards and take your testimony to be enough." It seems reasonable for survivors to complain that this is a demeaning explanation of why hearers should believe them. They may reasonably complain that they want to be believed because they are credible—their testimony is *very strong evidence*—and not because we should lower our evidential standards when it comes to rape accusations.

But suppose the refined encroacher insists, instead, that the moral risks of not believing the accusation only bring the threshold back down to where it would be if there were no moral stakes (not lower). This avoids implying that we should believe victims' testimony because we should lower our evidential standards. But their overall explanation for why we should believe victims' testimony still amounts to saying to victims, "If it weren't for the risk of wronging you with my beliefs and/or participating in collective harms, your testimony wouldn't be enough to warrant my believing you, given the risk of harming your alleged rapist." And if part of the refined encroacher's story for why the evidential threshold is sufficiently lowered is because the potential harms to the accused are not as serious as one might think, this amounts to saying to victims, "Your testimony is enough to warrant my believing you because the potential harms to your alleged rapist aren't really so bad." It still seems reasonable for survivors to complain that this is a demeaning explanation for why hearers should believe their testimony. Again, survivors may reasonably complain that they want to be believed simply because they are credible—they know what happened to them—since being recognized as a credible source of knowledge, who can give that knowledge to others, reinforces feelings of power and dignity. Survivors may not want to be believed, in part, because hearers fear wronging them: that reinforces feelings of victimhood. And they may not want to be believed, in part, to promote social justice: that expresses concern for things beyond them and outside of their control, and it suggests that, in a more just world where sexual assault testimony was more readily believed, their testimony wouldn't be enough. That, too, undermines feelings of power and dignity. And finally, victims especially don't want

to be believed, in part, because the consequences aren't bad enough for their assailant. There's something especially objectionable about factoring in the potential costs to victims' rapists in the ultimate explanation for why we should believe them. In other words, this explanation for why we should believe survivors' testimony involves a few thoughts too many.

5. Against reinterpreting #BelieveWomen

Another strategy for resolving the tension between encroachment and #BelieveWomen is for encroachers to accept the verdict that, in cases like Jessica's Accusation, hearers are epistemically *un*justified in believing the accusation, but insist that they can nonetheless capture the spirit of #BelieveWomen by endorsing other nearby claims about those cases. After all, the encroacher can accept weaker epistemic claims: that the hearer has very strong evidence for believing the accusation and that they should raise their credence in it. And the encroacher might also claim that the hearer still has certain moral obligations toward the accuser. So, the encroacher might claim that this suffices to capture the spirit of #BelieveWomen. This strategy for resolving the tension is suggested by Bolinger's (2021) interpretation of #BelieveWomen.

In this section, I argue that this strategy isn't promising either. But before considering Bolinger's specific interpretation of #BelieveWomen, I first point out that other potential interpretations are not available to the encroacher.

First, the encroacher cannot capture the spirit of #BelieveWomen by claiming that, in the paradigm cases, the hearer has a moral obligation to believe the accusation, even though they are epistemically unjustified in believing it. This would undermine one of the main motivations for moral encroachment: NO CONFLICTS (if a doxastic attitude is epistemically impeccable, it must be morally permissible). If the encroacher says that Justin is epistemically unjustified in believing that Bryce raped Jessica, but he is morally required to believe it, this implies that withholding belief is what Justin epistemically ought to do, but is morally forbidden, and thus violates NO CONFLICTS. Indeed, claiming that hearers have a moral obligation to believe accusations that doesn't affect whether one is epistemically justified in believing the accusation sounds like an anti-encroachment pragmatist's interpretation of #BelieveWomen, rather than an encroacher's.

Similarly, the encroacher cannot capture the spirit of #BelieveWomen by claiming that, in the paradigm cases, the hearer has a moral obligation to *act as if* the accusation is true, even though they

are epistemically unjustified in believing it.²² This would undermine the other main motivation for encroachment: KNOWLEDGE/JUSTIFICATION-ACTION LINK (S is epistemically justified in believing (to the extent that S can know) that p in conditions C only if S can rationally act as if p in C). As mentioned earlier, if encroachers claim that Hannah, Nisha, and Karen are not epistemically justified in their beliefs (and don't have knowledge) because it's not rational for them to act as if their beliefs are true, they should also claim that Justin is not epistemically justified in believing (and doesn't know) that Bryce raped Jessica because it's not rational for him to act as if Bryce raped Jessica. But if encroacher's claim that Justin has a moral obligation to act as if the accusation is true, this suggests that it is rational for Justin to act as if Bryce raped Jessica. So, capturing the spirit of #BelieveWomen in this way undermines KNOWLEDGE/JUSTIFICATION-ACTION LINK.

Bolinger's (2021) interpretation of #BelieveWomen, however, is compatible with the main motivations for encroachment. Bolinger claims that #BelieveWomen is a moral demand to believe accusers, but that this doesn't require believing the accusation. She distinguishes between believing *testifiers* and believing the *propositional contents* of their testimony and claims that one may do the former without doing the latter. Specifically, Bolinger (2021: 118-9) proposes:

To believe someone who asserts that *p* is to take the fact that they testify that *p* to give you epistemic reason, greater than a magnitude *m*, and proportional to your estimation of their trustworthiness, to increase your confidence in *p*... and to focus your subsequent inquiry on *p* (rather than on the trustworthiness of the testifier).

And Bolinger points out that, even if you take a testifier to be very trustworthy, believing them in this sense may not result in your having a high enough confidence in *p* to count as full belief in *p*, especially if you started out with a low enough initial credence in *p*.

This offers encroachers an interpretation of #BelieveWomen that is compatible with their verdict about cases like Jessica's Accusation and respects NO CONFLICTS. The encroacher may claim that, while Justin is epistemically unjustified in believing that Bryce raped Jessica, Justin is morally required to believe Jessica. But this moral requirement doesn't require Justin to believe *that Bryce raped Jessica*: it only requires that Justin take her testimony to be strong evidence, to raise his credence that

²² Ferzan (2021: 69) floats this interpretation of #BelieveWomen according to which it's not about belief at all, but it's a call to action to treat accusers as credible and act as if their accusations are true to encourage reporting and conviction. Ferzan (2021: 70) ultimately rejects this interpretation because it's unsatisfying to victims: "As we reflect on Ford's situation, she didn't want you to act "as if" you believed her... She wanted you to really and truly believe her."

Bryce raped her, and to focus any further inquiry in a certain way. So, Justin's moral obligations don't conflict with his epistemic ones. Bolinger thus captures the spirit of #BelieveWomen in these cases by appealing to a moral claim that also involves weaker epistemic claims.

But this strategy for resolving the tension between encroachment and #BelieveWomen faces two problems. First, Bolinger's interpretation of #BelieveWomen is not plausibly what proponents of #BelieveWomen have in mind when they think that Justin should believe Jessica's accusation. This is because people don't ordinarily take there to be any difference between believing the accuser and believing the accusation. Suppose Justin does what Bolinger thinks he's required to do—he takes Jessica's reporting Bryce to the police to raise his credence that Bryce raped her and to focus his further inquiry on whether this is true (rather than on whether Jessica is lying)—but he doesn't fully believe the accusation. So, Justin doesn't doubt that Jessica is sincere (she really believes Bryce raped her), but he's still considering the possibility that she's mistaken (e.g., maybe it was someone else or she's misremembering what happened), and he's focusing on finding out more information about what happened that night. Now suppose that one of Jessica's friends encounters Justin and finds out that this is Justin's state of mind. It would be natural for them to say to Justin, "If you really believed her, you would believe *what she said*." This suggests that we ordinarily do take believing someone to require believing the content of their testimony. Of course, Bolinger can define a particular way of responding to someone's testimony that is short of believing its propositional content, stipulate that that's what she means by "believing someone", and then argue that this is all that's morally required of hearers. But my point is that this is not plausibly what ordinary users of #BelieveWomen have in mind when they agree that hearers in cases like Jessica's Accusation should believe the accuser.

The second problem is that Bolinger's interpretation of #BelieveWomen seems unsatisfying to victims. Suppose Jessica somehow finds out that, upon hearing about her police report, Justin has only raised his credence that Bryce raped her and focused his inquiry on whether she's mistaken. It would be reasonable for her to feel wounded by this and complain that he should fully and truly believe what she reported.²³ Survivors presumably want to not just be taken to be sincere, but for people to believe what they say.

Survivors also deserve to be genuinely supported, and this may require that hearers fully believe their accusations. Lloyd (2022: 5) argues that, while our primary moral obligation toward victims of sexual assault is to provide social support, this support not only involves performing certain

²³ I'm not claiming here that Jessica's feeling wounded is evidence of doxastic wronging.

actions but also displaying “empathetic engagement” with victims, which amounts to having certain reactive attitudes like anger and blame. And genuinely having those reactive attitudes, she argues, requires fully believing the accusation rather than suspending judgment or simply having some high credence in it: “in order to be angry because a woman was sexually assaulted, an agent must fully believe that the woman was sexually assaulted”(Lloyd, 2022: 8).

These considerations suggest that if we interpret #BelieveWomen as a moral claim, the most plausible interpretation that is satisfying to victims is that it’s a moral demand that hearers believe the accusation and not just raise their credence in it and focus their inquiry in a certain way. But this reveals a dilemma for the encroacher who wants to interpret #BelieveWomen in a way that’s compatible with the original encroachment verdict in cases like Jessica’s Accusation. The encroacher can’t say that hearers in such cases have a moral obligation to believe the accusation, since this would undermine NO CONFLICTS and the spirit of encroachment. But the encroacher also can’t say that hearers only have an obligation (whether moral or epistemic) to do something short of believing the accusation, since this won’t deliver a plausible interpretation of #BelieveWomen that is satisfying to victims.

6. Upshots and caveats

I’ve argued that there’s a tension between the standard encroachment view and #BelieveWomen: there are certain paradigm cases about which supporters of #BelieveWomen think that hearers are justified in believing the accusation, but the standard encroachment view suggests they are not. While some encroachers attempt to resolve this tension by claiming that the moral risks of not believing the accusation lower the threshold of justification, I’ve argued that this strategy is problematic: it overgeneralizes, it’s unclear whether it implies that hearers are justified in believing the accusation in the relevant cases, and even if it does, its explanation for why seems demeaning towards victims. Moreover, I’ve argued that encroachers also cannot resolve the tension by adopting an alternative interpretation of #BelieveWomen: the potential alternative interpretations are either implausible and unsatisfying to victims or undermine the main motivations for encroachment.

Of course, there are many possible variations of encroachment views, and I haven’t engaged with all of them here. So, my argument doesn’t show that this tension is ultimately irresolvable. But it does show that encroachers haven’t done enough to show that the tension can be resolved, and I suspect some of the problems raised here generalize to other variations of the view.

Even if the tension is ultimately irresolvable, though, this leaves open which view we should reject: moral encroachment or #BelieveWomen? I find it plausible that Justin is epistemically justified in believing Jessica's accusation, so I take the tension to suggest that we should reject encroachment. But others might disagree.

And even if we take the tension to show that we should reject encroachment, this doesn't suggest that we should accept the pure evidentialist view that moral considerations are entirely irrelevant to what one ought to believe. The argument I've offered here is entirely compatible with the anti-encroachment pragmatist view that moral considerations can constitute practical reasons that are irrelevant to epistemic status but bear on whether one ought to believe something in a practical sense. Both the anti-encroachment pragmatist and the pure evidentialist can agree that Justin is epistemically justified in believing the accusation. The difference between them is that the anti-encroachment pragmatist may claim that there are also distinct moral reasons for and against Justin believing the accusation too²⁴, whereas the pure evidentialist denies this. The former view is what I'm inclined to accept. But my argument leaves this choice open too.

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²⁴ On this view, while the moral reasons for or against believing the accusation are distinct in the sense that they don't encroach on epistemic status, their strength may nonetheless depend on one's evidence.

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