

# Evidentialism and Moral Encroachment

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**Abstract.** Moral encroachment holds that the epistemic justification of a belief can be affected by moral factors. If the belief might wrong a person or group more evidence is required to justify the belief. Moral encroachment thereby opposes evidentialism, and kindred views, which holds that epistemic justification is determined solely by factors pertaining to evidence and truth. In this essay I explain how beliefs such as ‘that woman is probably an administrative assistant’—based on the evidence that most women employees at the firm are administrative assistants—motivate moral encroachment. I then describe weaknesses of moral encroachment. Finally I explain how we can countenance the moral properties of such beliefs without endorsing moral encroachment, and I argue that the moral status of such beliefs cannot be evaluated independently from the understanding in which they are embedded.

## 1. Friendship and Evidence

In her essay ‘Epistemic Partiality in Friendship’ Sarah Stroud argues that sometimes friendship requires that our beliefs not fit the evidence. Being a good friend, Stroud argues, can require epistemic partiality.<sup>1</sup> On hearing a disturbing anecdote about our friend, Stroud suggests, friendship demands we sometimes resist believing what the available evidence indicates. Instead we should disbelieve the story or re-interpret it to reflect less poorly on our friend. We should think well of friends and give them the benefit of the doubt. This duty to our friends does not extend to non-friends. In short, Stroud argues, we ought to be epistemically biased towards our friends. Stroud writes,<sup>2</sup>

Friendship positively demands epistemic bias, understood as an epistemically unjustified departure from epistemic objectivity. Doxastic dispositions which violate the standards promulgated by mainstream epistemological theories are a constitutive feature of friendship. Or, to put the point as succinctly—and brutally—as possible, friendship requires epistemic irrationality.

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<sup>1</sup> See also Keller (2004), Hazlett (2013; 2016), and Piller (2016). For discussion see Ryan (2015), Kawall (2013), and Crawford (forthcoming). I do not think Stroud (2006) establishes that the norms of friendship conflict with orthodox epistemic norms, but I do not evaluate this claim in this paper.

<sup>2</sup> Stroud (2006: 518).

If epistemic norms of impartiality—norms demanding that doxastic attitudes reflect available evidence—genuinely conflict with the demands of friendship, what ought we do? Stroud articulates three broad options:<sup>3</sup> Perhaps, given the indispensability of friendship for a good life, when epistemic norms conflict with the requirements of friendship, ‘so much the worse for epistemic rationality’.<sup>4</sup> According to this first option, we have most reason to be epistemically irrational; demands of friendship override the demands of epistemic rationality. The second option maintains that when the norms conflict there is no overriding ought—there is nothing that all-things-considered you should do. There are simply two conflicting norms: what you should do as a friend and what you epistemically should do.

The third option Stroud considers holds that the tension between epistemic demands of friendship and the orthodox view of epistemic normativity indicates the received understanding of epistemic norms is inadequate. We epistemically should be partial to our friends; we are not committing an epistemic error when we believe against the evidence in favour of friends. According to the third option, epistemic norms ought to reflect the distinctive, partial epistemic demands of friendship. Stroud writes,

If standard epistemological theories condemn as irrational something which is indispensable for a good life—so that we have compelling reason *not* to comply with the demands of those theories—then perhaps we should question whether those theories offer an adequate account of epistemic rationality after all. Why accept a conception of epistemic rationality on which it is something which we have very strong reasons to avoid. It might be better to rethink the assumption that epistemic rationality requires the kind of epistemic objectivity or impartiality from which friendship seems necessarily to depart [...] [R]ather than concluding that friendship is epistemically irrational, we could instead conclude that our previous ideas of epistemic rationality were too narrow.<sup>5</sup>

The third option holds that if something is indispensable to the good life, epistemic norms must answer to the epistemic demands of that domain. In some cases it is *epistemically* permissible or required to not proportion belief to the evidence, and instead believe in a way that promotes flourishing, friendship, or some other ideal.

Stroud doubts the third option is viable, and dubs it ‘unattractive’ and ‘dubiously available’.<sup>6</sup> Epistemic norms, Stroud holds, seem to answer to attaining the truth and avoiding falsehood, reflecting evidential considerations, and aiming at knowledge and understanding. The epistemic domain is independent from other pursuits, such as friendship or happiness.<sup>7</sup>

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<sup>3</sup> See also Hazlett (2013), Heil (1983), Aikin (2006), Preston-Roedder (2013), and Enoch (2016) for discussion of how to understand conflict between epistemic norms and the requirements of friendship or morality.

<sup>4</sup> Stroud (2006: 519).

<sup>5</sup> Stroud (2006: 522, emphasis in original).

<sup>6</sup> Stroud (2006: 519–22).

<sup>7</sup> See Adler (2002), Shah (2006), Kelly (2002), and Chignell (2010). This view is widely regarded as orthodoxy, although see Grimm (2011).

Although Stroud doubts the viability of the third option—that epistemic norms answer to the demands of domains such as friendship—she notes a virtue of the option. If epistemic norms genuinely conflict with the demands of friendship, then—given the indispensability of friendship—epistemic norms relinquish their claim to overriding authority about what we ought to do and believe. Sometimes we ought not be epistemically rational. Forgoing the priority of epistemic norms represents a substantial cost, Stroud notes, since epistemic norms are usually taken to be authoritative. The third option preserves the overridingness of epistemic norms.

Committed evidentialists might at this juncture emphasise the availability of a fourth option, mirroring the first: if there is a genuine conflict between the norms of epistemic rationality and the epistemic demands of friendship, well, so much the worse for friendship. Perhaps friendship, like frenemies and nemeses, are things that we overall ought not cultivate. This fourth option, whilst unappealing, retains the overridingness of epistemic norms.

## 2. Recent Challenges to Evidentialism

Although Stroud was skeptical about its prospects, recently several theorists have endorsed the third option. These theorists re-interpret epistemic norms to reflect perceived normative demands from other domains. If friendship, morality, or agency require particular doxastic attitudes, these attitudes are epistemically permitted or required. There is nothing *epistemically* improper about other considerations influencing belief. This flood of views opposes evidentialism, which holds that epistemic justification depends solely on the available evidence, and kindred ‘intellectualist’ positions that maintain epistemic justification depends solely on truth-related factors.<sup>8</sup>

Berislav Marušić (2015), for example, advocates the following principle,

If we should sincerely promise or resolve to  $\phi$ , it is rational to believe that (we will  $\phi$  if we sincerely promise or resolve to  $\phi$ ).

Marušić claims a person should believe she will successfully fulfil her promises and resolutions despite evidence indicating she will fail. A person should believe she will stop smoking, for example, even if the available evidence predicts relapse. On Marušić’s view such beliefs are not beholden to evidential considerations; evidential considerations are the wrong standards for evaluating beliefs about one’s own promises or resolutions.<sup>9</sup>

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<sup>8</sup> I am not committed to evidentialism; in this paper I defend evidentialism against arguments pressed by advocates of moral encroachment. Moral encroachment denies the strong evidentialist claim that the justificatory status of a belief depends only on evidential factors. Some versions of moral encroachment—such as that advanced by Schroeder (forthcoming)—are consistent with the weaker evidentialist claim that only evidence can contribute to the justification of a belief; Schroeder holds that moral factors can influence the threshold of evidential support required for a belief to qualify as justified.

<sup>9</sup> See James (1956/1897) and Aikin (2008) for discussion of a related Jamesian idea: that antecedent beliefs concerning a prospective friendship might be necessary conditions for the success of the friendship, before the evidence supports those beliefs. The (evidentially unsupported) beliefs are thus necessary for their own (future) truth.

Clayton Littlejohn (2012) argues a special class of normative beliefs cannot be both justified and false. This means some beliefs—such as beliefs about what one morally ought do—cannot be epistemically justified if they are morally mistaken. Since a non-moral belief that was evidentially supported to the same degree would be epistemically justified, Littlejohn’s view opposes the evidentialist principle that whether a belief is epistemically justified depends solely on whether the belief fits the evidence. Moral considerations bleed into epistemic normativity.<sup>10</sup>

Rima Basu (ms b) argues there is a moral error with treating people as subjects to be studied and predicted. Basu invokes Sherlock Holmes as exemplifying this error. Holmes makes observations, inferences, and predictions about others with a scientific or disinterested perspective. Basu argues this is a moral mistake, even when the resulting belief is neutral or positive, such as inferring what the person ate for breakfast based on arcane clues or predicting an interlocutor has likely read *The New Jim Crow* because she is an African American scholar. Basu holds this moral mistake bears on the *epistemic* rationality of such beliefs.<sup>11</sup>

Mark Alfano (2013: chapter four) suggests attributing virtues to others in the absence of evidence can be epistemically permissible because such attributions can be self-fulfilling. The attribution causes the person to conduct themselves in ways consonant with the virtue possession, and so contributes to its own truth. Crucially for Alfano’s opposition to evidentialism, attributions of vice do not share this permissibility: if the epistemic permissibility stems wholly from evidence concerning self-fulfilling prophecies, and vice attributions were also self-fulfilling, attributions of vice would also be epistemically permitted. Alfano’s view opposes evidentialism because he claims moral facts influence what one epistemically ought believe. In Alfano’s words, one ought ‘to speak and to think what ought to be’.<sup>12</sup>

Mark Schroeder (forthcoming) agrees with Stroud that how we should evaluate evidence concerning loved ones depends on whether the evidence reflects well or poorly on them, and argues we should interpret their behaviour partially. But unlike Stroud, Schroeder argues this is required by *epistemic* normativity. Given the high stakes of such beliefs, Schroeder argues, it is an epistemic error to form beliefs about loved ones impartially. The importance of our loved ones in our lives provides epistemic reason to withhold belief and interpret evidence in a partial manner.<sup>13</sup>

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<sup>10</sup> Thanks to Clayton Littlejohn for helpful discussions on this topic.

<sup>11</sup> Thanks to Rima Basu for helpful discussion of these issues. Armour (1994: 795) suggests ‘race-based predictions of an individual’s behaviour insufficiently recognize individual autonomy by reducing people to predictable objects rather than treating them as autonomous entities’ but, unlike Basu, Armour does not claim this is a distinctively epistemic error.

<sup>12</sup> Alfano (2013: 108).

<sup>13</sup> For further examples of recent theorists arguing that factors deemed non-epistemic by orthodox epistemology bear on the epistemic status of a belief, see Rinard (2015; 2017), McCormick (2015), Pace (2011), Dotson (2008; 2014), Ross and Schroeder (2014), Stanley (2005; 2015, especially chapter six), Fantl and McGrath (2002), Guerrero (2007), and Buchak (2014). These theorists either argue that epistemic norms answer to norms in other domains, or deny there are distinctively epistemic norms. For further

### 3. The Challenge from Moral Encroachment

For the remainder of this essay I focus on one family of recent opposition to evidentialism, namely the challenge from moral encroachment. In sections three and four I articulate the putative conflicting demands that motivate moral encroachment. I then, in section five, survey some problems with moral encroachment, which provide motivation to deny the view. In sections six and seven I explore how evidentialism, and kindred views, can explain the apparently conflicting normative demands without eschewing evidentialist commitments.

Several theorists have recently argued that in some cases if a claim concerns a morally significant subject matter we epistemically ought to be more inclined to suspend judgement. If a belief might wrong a person or group, the threshold for justified belief is higher than for a belief that is morally neutral. More evidence is required to justify the belief. These theorists advocate *moral encroachment*: moral features of a belief can affect whether the belief is epistemically justified.<sup>14</sup>

**Moral encroachment.** What it is epistemically rational for a person to believe can, in at least some cases, be affected by moral factors.

Advocates of moral encroachment deny that epistemic reasons for or against belief are exhausted by considerations pertaining to evidence and truth.<sup>15</sup> Moral considerations can bear on epistemic justification.

To illuminate the position, consider the following three examples:

**The Cosmos Club.** Historian John Hope Franklin hosts a party at his Washington D.C. social club, The Cosmos Club. As Franklin reports, ‘It was during our stroll through the club that a white woman called me out, presented me with her coat check, and ordered me to bring her coat. I patiently told her that if she would present her coat to a uniformed attendant, “and all of the club attendants were in uniform,” perhaps she could get her coat’. Almost every attendant at the Cosmos Club is black and few members of the club are black. This demographic distribution almost certainly led to the woman’s false belief that Franklin is an attendant.<sup>16</sup>

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discussion, see also Hazlett (2016), Fritz (2017), Natalie Ashton (2015), Ashton and McKenna (forthcoming), and Arpaly (2003: chapter 3).

<sup>14</sup> Advocates of moral encroachment include Basu (ms a, ms b, ms c, ms d), Schroeder (forthcoming), Basu and Schroeder (forthcoming), Moss (forthcoming), Bolinger (ms), and Pace (2011). See also Munton (ms), Fritz (2017), and Enoch (2016) for discussion. See also Arpaly (2003: chapter 3) for related discussion. Note that Arpaly’s discussion concerns the normativity of *false* morally relevant beliefs; in Arpaly’s view morally wrong beliefs also exhibit an epistemic error.

<sup>15</sup> Schroeder (forthcoming) specifies that on his view there are only non-evidential epistemic reasons *against* belief; there are no non-evidential epistemic reasons *for* belief.

<sup>16</sup> See Franklin (2005: 4; 340) and Gendler (2011). Gendler invokes this example to illustrate a putative tension between the demands of morality and the demands of epistemic normativity. Basu (ms a), Schroeder (forthcoming), Basu and Schroeder (forthcoming), and Bolinger (ms) have since invoked Franklin’s experience to motivate moral encroachment. See also the similar ‘Mexican restaurant’ case in Basu (ms b: 5). This kind of error is ubiquitous. As Obama observes in Westfall (2014), ‘there’s no black

**Administrative Assistant.** A consultant visits an office. He knows that few people visit the office who are not employees of the firm and that almost every woman employee is an administrative assistant. The consultant sees a woman walking down the corridor and forms the belief ‘she is an administrative assistant’.<sup>17</sup>

**Tipping Prediction.** Spencer works as wait staff at a restaurant. He sensed that white diners tipped more than black diners. He researched the trend online, and read about a well-documented social trend that black diners tip on average substantially lower than white diners. Spencer weighs the evidence before reaching his belief about the social trends. A black diner, Jamal, enters Spencer’s restaurant and dines in a booth outside of Spencer’s area. Spencer predicts Jamal will tip lower than average for the restaurant, and later discovers his prediction was correct.<sup>18</sup>

Advocates of moral encroachment argue these beliefs are morally wrong despite being based on evidence that renders the claim likely true and, in the third vignette, being true. But, they argue, this does not exemplify a tension between moral requirements and epistemic permissibility. Since the relevant belief or evidence is a kind that can morally wrong, it is either the wrong kind of evidence to support belief or the evidence fails to justify the belief because of the high stakes. The belief based on merely demographic, statistical, or weak evidence is epistemically faulty, and this is because of the moral significance of the belief.

Just as there are several variants of pragmatic encroachment, there are also several varieties of moral encroachment. Some theorists maintain the belief is epistemically wrong because it fails to eliminate a salient relevant alternative, such as the woman’s not being an administrative assistant or that Jamal will leave a large tip. The relevant alternative is rendered salient, on this view, by its moral import. Since the person fails to eliminate relevant alternatives the belief is not epistemically justified.<sup>19</sup> Some theorists maintain the belief has high stakes. The costs of being wrong—or the accumulated costs of error when many people commit the same error—contribute to systemic marginalisation. Given the high stakes, more evidence is required.<sup>20</sup>

Basu (ms b) maintains one should refrain from believing based on facts that are due to racism, and these cases exemplify this error. Basu writes,

[The woman in the Cosmos Club vignette] ignores a relevant moral feature of her environment: the fact that she relies on—the South’s racism—makes her ignorant to the

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male [his] age, who’s a professional, who hasn’t come out of a restaurant and is waiting for their car and somebody didn’t hand them their car keys.’

<sup>17</sup> Adapted from Moss (forthcoming).

<sup>18</sup> Adapted from Basu (ms a: 3).

<sup>19</sup> See for example, Moss (forthcoming) and Bolinger (ms). For the role of relevant alternatives in epistemology, see Lewis (1996) and Dretske (1970).

<sup>20</sup> Basu (ms a, ms c), Schroeder (forthcoming), Basu and Schroeder (forthcoming), and Fritz (2017). Bolinger (ms) also emphasises the epistemic significance of the harms of error, including the aggregate harms of many people committing the same errors based on demographic evidence. For more on the role of stakes in pragmatic encroachment, see Fantl and McGrath (2002) and Stanley (2005).

way in which she wrongs by forming beliefs about individuals on the basis of facts that are due to racism. Whereas facts may not themselves be racist, they can be the result of racism and racist institutions and policies, thus when forming beliefs on the basis of them it seems appropriate to ask for more moral care. (p. 12)

and,

It is *the history of racism at the Cosmos Club* that makes relying on race, despite it being the best indicator and the strongest evidence that someone is a staff member (in the context of the Cosmos Club), problematic. That is the moral stake in question that an epistemically responsible agent must be sensitive to. If the best evidence that someone is a staff member is a consequence of an unjust and racist policy, then you still need to look for more evidence. (p. 14, emphasis in original)

Renee Bolinger and Sarah Moss focus on the epistemic wrong of forming beliefs about people based on purely statistical evidence, and argue that moral factors render such beliefs epistemically flawed.

Details aside, the key to the criticism of evidentialism and kindred views is that evidence that would normally suffice for belief is rendered epistemically insufficient by moral features. These claims are in tension with evidentialist claims that what one epistemically ought believe is solely a function of evidential considerations, and that epistemic justification supervenes on strength of available evidence. The claims oppose any ‘intellectualist’ position that holds epistemic justification depends solely on truth-relevant factors. In what follows I focus mainly on the moral encroachment view advocated by Basu and Schroeder, but draw on ideas advanced by Bolinger and Moss.

This recent tide of anti-evidentialist thought takes as its starting point the indisputable fact that society is structured by racist institutions. Given this, advocates of moral encroachment argue, some of our evidence will be racist or will support racist conclusions. If we believe according to this evidence, as evidentialism and other orthodox epistemological views require, our beliefs will thereby be racially biased. The same applies *mutatis mutandis* for sexist, homophobic, transphobic, and other such prejudiced beliefs.<sup>21</sup> Schroeder articulates a challenge: He writes,

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<sup>21</sup> See especially Basu (ms a; ms b; ms c), Schroeder and Basu (forthcoming), Bolinger (ms), and Gendler (2011) for statements of this view. The racist structure of society also plausibly affects the epistemic rationality of non-racist beliefs based on race. Charles Mills (2003: 43) writes,

Especially in a time period [...] of blatant racial domination [...] whites were socialized to be racist, looked down on people of color, and treated them accordingly. So in their relations to their nonwhite fellow-humans, most whites were indeed “bad”—and a generalization [...] to this effect would be perfectly reasonable on Bayesian grounds. Indeed, we would be justified in questioning the rationality of a black person who, in the depths, say, of turn-of-the-20<sup>th</sup> century Mississippi, expected fair treatment from whites!

Gendler argues that in cases like [the Cosmos Club] there is a conflict between epistemic rationality and avoiding implicit bias—given underlying statistical regularities in the world, many of which are directly or indirectly caused by past injustice, perfect respect for the evidence will require sometimes forming beliefs like the woman in the club. But the belief that the woman forms is racist. I hold out hope that epistemic rationality does not require racism. If it does not, then the costs of [the woman’s] belief must play a role in explaining why the evidential standards are higher, for believing that a black man at a club in Washington, D.C. is staff. And I believe that they are—a false belief that a black man is staff not only diminishes him, but diminishes him in a way that aggravates an accumulated store of past injustice. (Schroeder forthcoming, p. 15)

The challenge Schroeder articulates is to explain how—despite widespread inequality and oppression in society—epistemic practices can rationally respond to evidence and yet not thereby be morally amiss. If epistemic normativity is not affected by moral considerations, how can one countenance the normativity of the above vignettes? Schroeder (forthcoming) and Basu and Schroeder (forthcoming) argue that endorsing moral encroachment on belief satisfies this challenge, and in the above quote Schroeder avers that evidentialism cannot satisfy the challenge.<sup>22</sup>

#### 4. The Inadequacy of Merely Statistical Evidence

The vignettes in section three describe outright beliefs about a person based on statistical demographic evidence. Spencer outright believes ‘Jamal will tip less than average’, rather than the qualified belief ‘Jamal will *probably* tip less than average’. One response to Schroeder’s challenge holds these vignettes thereby exhibit an epistemic error. By concluding a fact from evidence that merely probabilifies the fact, the person has gone beyond the evidence. Evidentialism decrees we should apportion belief to the available evidence; the beliefs violate the decree. If there is an orthodox epistemic fault the accompanying moral fault does not impugn evidentialism: moral error and misfit with evidence align. This defence of evidentialism against the moral encroachment challenge accords with orthodox views of racism, sexism, and similar prejudices, which hold that orthodox epistemic error is central to the nature of the fault.<sup>23</sup>

Two considerations support this response. Firstly, we can compare the vignette’s beliefs with morally neutral beliefs. Plausibly in morally neutral cases similar kinds of evidence do not support outright belief; the evidence only supports credences or beliefs about what is likely. Suppose, for example, you know 95% of the birds in the aviary are yellow, and one bird has just died. This evidence typically licenses the qualified belief that ‘*probably* a yellow bird died’.

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<sup>22</sup> Strictly speaking Schroeder suggests that evidentialism should embrace moral encroachment by allowing that, even though only evidence can justify a belief, what qualifies as a sufficient evidence for justification can vary depending on the moral stakes. I will not evaluate whether the resulting view can qualify as a species of evidentialism, but it certainly differs from how evidentialists have hitherto understood the view.

<sup>23</sup> See, for example, Appiah (1990, 1995), Begby (2013), Mills (1997, 2003, 2007), Ikuenobe (2011), Clough and Loges (2008), Gordon (1995, 2000), Shelby (2002, 2016), Memmi (2014), Lengbeyer (2004) Arpaly and Schroeder (2014), Arpaly (2003), Fricker (2007) and the discussion of ‘restricted accounts’ in Basu (ms a). See also Munton (ms), who describes an underappreciated epistemic error commonly infecting racist beliefs about statistics.



But it does not license the outright belief that ‘a yellow bird died’.<sup>24</sup> (Or perhaps the evidence licenses a weak and easily unseated species of outright belief. I return to this point in section six.)

Secondly, comparison with other kinds of evidence arguably also indicates the epistemic (and accompanying moral) fault is basing an outright belief on merely statistical evidence. In the original vignettes the beliefs are based on highly-probabilifying statistical evidence. The beliefs are not based on non-statistical individualised evidence. Consider a revised vignette, in which the statistical evidence is considerably weaker and not playing a significant epistemic role. The beliefs are instead based on non-statistical individualised evidence. The individualised evidence is less probabilifying, so that in the revised vignette the overall evidence is more likely to lead to a false belief.

Suppose, for instance, that the racial demographics at the Cosmos Club are more equitable, and the woman instead bases her belief on weak testimony. Someone told her Franklin was staff, but the woman later realises the testifier seemed ignorant about the club in general or did not check carefully who he was pointing towards. The visiting consultant—who in this revised case has no particular sense of the demographic distribution within the office—was expecting an administrative assistant to approach around that time, as arranged, and assumed the person approaching was the appointed person. Spencer’s belief that Jamal will tip less than average is based wholly on snippets of misheard and misinterpreted conversation. Jamal was charismatically explaining that his teacher used to rail against high tipping rates and ‘tip inflation’, and Spencer thought Jamal was voicing his own views.

Each of these three revised cases is under-described. There are many additional epistemically significant, evidentially-relevant factors, such as the office layout and how frequently people walk the office corridors. We can fill in the details so the revised vignettes exhibiting non-statistical, individualised evidence are more likely to lead to false beliefs than the original vignettes, in which the beliefs are supported by highly-probabilifying statistical evidence. The reasoning in the revised vignettes, although slightly hasty, is not particularly irresponsible or unusual. I contend that in these revised cases the moral error seems less significant, even though the chances of the beliefs being false are higher than when they were based on highly-probabilifying merely statistical evidence.

This suggests an error exhibited by the original vignettes is that outright beliefs were based on *statistical* evidence. The beliefs supported by ‘less probabilifying’, individualised evidence (that is, evidence that is less likely to lead to accurate beliefs and that supports lower credences) are not as improper as the beliefs supported by highly probabilifying statistical evidence (that is, evidence that supports higher credences). If correct this suggests the original examples, rather than supporting moral encroachment, instead exemplify the proof paradox.<sup>25</sup> The cases do not illustrate that the higher stakes mean a higher degree of

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<sup>24</sup> This example is inspired by Moss (forthcoming).

<sup>25</sup> For background on the proof paradox and the inadequacy of merely statistical evidence, see Thomson (1996), Gardiner (forthcoming), Bolinger (ms), Buchak (2014), and Smith (2010). See also the related lottery paradox (Kyburg (1961), Nelkin (2000), and Hawthorne (2004)). If belief aims at knowledge and beliefs based on merely statistical evidence fail to be knowledge, this might explain the fault of outright

evidential support is required for justified belief. Instead the cases indicate that merely statistical evidence does not typically support an outright, unqualified belief.<sup>26</sup>

Basu's argument that moral requirements affect the demands of epistemic rationality—that is, her case against evidentialism—requires a 'rational racist'. A rational racist is someone whose beliefs align with the evidence, yet whose corresponding belief is racist.<sup>27</sup> Basu holds that Spencer qualifies. I have argued that Spencer's belief is epistemically flawed in virtue of going beyond the available evidence.

Thus we can reconsider the original three vignettes, but replace the unqualified belief with a corresponding belief about what is likely: Spencer believes that Jamal will *likely* tip lower than average. The consultant believes the woman is *probably* an administrative assistant. The woman at the Cosmos Club believes Franklin is *probably* staff. Perhaps in these cases the person simply believes according to the evidence. (In section six I cast doubt on the claim that the beliefs about what is probable are supported by the available evidence.)

Some theorists maintain that even beliefs about what is likely, if based on merely statistical evidence, can be morally wrong. Correspondingly, they hold, such beliefs are thereby epistemically impermissible.<sup>28</sup> Beliefs about likelihoods can judge an individual on demographic data, and pigeonhole people, even if also allowing that the person might diverge from the relevant statistical regularities. Moss (forthcoming) suggests such beliefs violate a moral demand that we bear in mind that a person might differ from arbitrary members of their relevant reference classes.

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belief based on merely statistical evidence: even if correct the belief cannot (in principle) be knowledge on that kind of evidential basis. Beliefs with faults such as poor testimony, misidentifying an anticipated greeter, or misinterpreting anecdotes do not share this flaw. See also Moss (forthcoming: 166). Note the beliefs might well be flawed in more than one way. A belief might be faulty because based on statistical evidence and also faulty because the evidence is insufficient given the high stakes. Thanks to Sarah Moss for emphasising this point.

<sup>26</sup> Perhaps extremely-probabilifying statistical evidence can support outright belief. Perhaps, for instance, believing your ticket did not win the national lottery is epistemically justified. But purely statistical demographic evidence on this order does not typically arise. Cases about gender, race, sexuality, and so on with this kind of extreme statistical evidence are rare, and I am not sure we have good intuitions about these cases. Normal cases have much weaker and more complicated demographic evidence. I return to this in section six.

<sup>27</sup> See also Schroeder and Basu (forthcoming).

<sup>28</sup> See Moss (forthcoming, especially section 10.4), Armour (1994), and Basu (ms d). Note Moss discusses the normativity of belief in a probabilistic content (that is, a set of probability spaces), rather than beliefs concerning likelihoods given certain contextually determined information. Some of Schroeder and Basu's motivations for moral encroachment extend to moral encroachment about beliefs representing what is likely. Basu argues, for example, that believing someone shoplifted based on statistical evidence is wrong because it hurts (Basu, ms a: 11). But similarly believing someone probably shoplifted on this evidence also hurts. Basu and Schroeder (forthcoming) argue that you should not believe on weak evidence that your spouse has fallen off the wagon, given the high stakes, even if the same evidence would license belief about a stranger's drinking. But presumably similar considerations apply to the belief that your spouse *probably* fell off the wagon. Bolinger (ms) and Schroeder (forthcoming) discuss, but do not endorse, moral encroachment on credences.

In section five I articulate some reasons to resist the conclusion that moral considerations affect epistemic justification in such cases. In sections six and seven I articulate some strategies evidentialists can employ to meet Schroeder's challenge and so explain how believing in accordance with the evidence can be morally appropriate despite widespread inequality and oppression. Some of my comments apply to both qualified beliefs about what is likely and outright beliefs, others apply only to the former.

## 5. Objections to Moral Encroachment

Moral encroachment suffers from many of the same weaknesses that afflict other versions of pragmatic encroachment, namely the counterintuitive consequences of holding that considerations that do not bear on the truth a belief can affect its epistemic justification.<sup>29</sup> Below I articulate some worries that apply to moral encroachment.

One reason to resist moral encroachment is the risk of tensions amongst the epistemic statuses of related beliefs. Advocates of moral encroachment typically hold it is morally and epistemically permissible to believe something about a person based on statistical evidence if the moral stakes are low. Moss (forthcoming: 233) suggests that believing that 'someone probably has brown eyes, on the grounds that most people have brown eyes' is typically morally neutral and so is epistemically justified. On this view we can believe of a person selected randomly from the world population that they probably have brown eyes. But now consider the world's incarcerated population. Given systemic racism, brown-eyed people are overrepresented in prison populations. If believing of a randomly selected person that they probably have brown eyes is licensed by the evidence, surely believing of a randomly selected inmate that they probably have brown eyes is also licensed, since it is better supported by the same kind of evidence. But being incarcerated is a morally significant property. The moral stakes are raised. Moral encroachment suggests we should not believe of a randomly selected prison inmate that they probably have brown eyes, since this belief has high moral stakes. This example illustrates two problems for moral encroachment. Firstly, moral encroachment renders unjustified the better-supported belief, whilst endorsing the less supported belief. Secondly, there seems to be a tension amongst believing that an arbitrarily selected person probably has brown eyes, that brown-eyed people are overrepresented in prisons, and not believing that an arbitrarily selected prisoner probably has brown eyes.

Most advocates of moral encroachment hold that more evidence is required if the belief contributes to, or accords with, the disadvantage of socially disadvantaged groups. The stakes are lower if the target belief asperses historically advantaged groups or commends members of disadvantaged groups.<sup>30</sup> But this asymmetry might also vindicate tensions amongst beliefs. To illustrate, suppose the evidence Spencer marshals justifies race-based

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<sup>29</sup> See for example Eaton and Pickavance (2015), Ichikawa, Jarvis, and Rubin (2012), Worsnip (2015), and Muntun (ms: 28–9). Schroeder (forthcoming) emphasises that his version of moral encroachment posits beliefs that are stable over time, and holds that he thereby avoids many objections that encroachment views typically confront.

<sup>30</sup> Basu (ms a; ms c), Schroeder (forthcoming), and Basu and Schroeder (forthcoming). Bolinger (ms) also emphasises that moral considerations arise particularly when beliefs contribute to overall patterns of oppression. Idiosyncratic beliefs about an individual based on statistical evidence, such as the belief that a black person likely cannot draw well based on their race, are less harmful than stereotypical beliefs, such as that black people consume more narcotics.

beliefs about how specific customers will likely tip. (I articulate doubts about this in section six.) And suppose in accordance with moral encroachment, Spencer believes on this evidence that non-black diners will tip higher than average, yet believes of no diners that they will tip lower than average. (He believes his evidence indicates the patrons will tip less well than average, but he refrains from this belief.<sup>31</sup>) In this case Spencer's beliefs seem epistemically amiss: A teacher who believes of half his class that they will perform better than average while withholding belief about the other half might be 'kind' or 'sweet', but they are not exhibiting epistemic rationality. Perhaps Spencer and the teacher are being laudable in some way, but they are not conforming to an epistemic ideal. This objection highlights that moral encroachment endorses such doxastic attitudes as an *epistemic* ideal.

If moral encroachment were true, one might gain evidence for a claim, but thereby learn the claim has morally high stakes, and so be less justified in believing the claim. Gaining the new evidence undermines one's epistemic justification for the claim.<sup>32</sup> Illustrations of this idea are a little difficult to articulate, since whether the illustration succeeds depends on details of the particular version of moral encroachment. But nonetheless an example might help convey the structure of the worry.

Bolinger holds that beliefs about individuals based on statistical inference are permitted if there is a 'permissible signal' underwriting the relevant reference class. Permissible signals include features such as attendant's uniforms, but do not include features such as race. Permissible signals, on Bolinger's view, affect the epistemic justification of a belief without being truth-relevant; believing on non-permissible signals, such as race, raises the stakes. The epistemic significance of permissible signals is thus a non-evidentialist feature of Bolinger's view.

Suppose you learn a gang distributes drugs in a particular area. You see someone who looks like he might be a gang member selling drugs, and base your belief that he is a gang member on 'permissible signals' such as clothing and behaviour. You do not have negative attitudes towards drug selling or gang membership, and your belief seems fairly well supported by evidence. Suppose you learn the gang is Asian, and all gang members are Asian. The person you see is Asian. Assuming that the base rate of Asian people in the area is not very high, the person's race is plausibly further evidence for your belief.<sup>33</sup> Yet this evidence might—depending on particular details of the moral encroachment view—render the belief morally high stakes, since it is now a belief partially based on race. Thus gaining further supporting evidence for the belief can alter its status from epistemically justified to unjustified.

In many cases it is not straightforward whether a belief has moral valence, or whether the valence is positive or negative. Consider claims such as gay men are more likely to be

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<sup>31</sup> Reflecting on this case also raises the concern that the edicts of moral encroachment are not psychologically possible, since it is not possible to suspend judgement despite compelling evidence. I will not evaluate the psychological availability of suspending belief despite evidence in this essay, in part because I think the evidence in these cases is weaker than usually appreciated.

<sup>32</sup> See also Eaton and Pickavance (2015).

<sup>33</sup> Thanks to Renee Bolinger for pointing out that the base rate of Asian people in the area bears on the evidential significance of race in this example.

promiscuous than gay women. Most white people with dreadlocks have attended a drum circle. Lesbian women are often less ‘ladylike’ than straight women. Most women are paid less than most men. The moral significance of these kinds of claims is controversial. If whether a belief is justified depends on the moral properties of the belief, this uncertainty and complexity bleeds into whether the belief is epistemically justified. It can underwrite contextualism about epistemic justification: perhaps homophobic people require more evidence before endorsing statistical inferences about sexual orientation and behaviour, for example, whereas non-homophobic people require less evidence.

The moral significance of a belief can also depend on who the belief is about. And so according to moral encroachment if a community is marginalised one might require more evidence to justify beliefs about their behaviours than for non-marginalised groups, even with the same behaviours and same evidence. But this seems implausible. It seems counterintuitive that the belief that ‘unemployed people smoke more cannabis on average than employed people’ requires less evidence than, for example, the belief that ‘wealthy youths smoke more cannabis on average than less wealthy youths’. Plausibly, given their similarity, these beliefs require the same amount of evidence to justify. Moral encroachment risks making epistemic justification contingent on myriad complex social factors that are intuitively irrelevant to epistemic justification.

Further reasons to resist moral encroachment stem from considerations of social justice. Black people are overrepresented in the US prison population, and acknowledging this fact matters for social justice. An important feature of this claim about demographic distribution is how it affects particular individuals. A person’s skin colour makes it more likely they—the individual—will be incarcerated. If we ought to acknowledge that a person is disproportionately likely to be imprisoned if they are black, we also ought to acknowledge that a randomly selected black person is more likely to be incarcerated than a randomly selected white person. The injustice is not simply systemic injustices concerning overrepresentation; central to the injustice is the effect on individuals’ life chances. Particular *individuals* are more likely to be imprisoned.

When a particular person is incarcerated, underemployed, participating in crime, and so on, one potential source of injustice is that their race, gender, or other social category means the outcome was more likely.<sup>34</sup> And these are social facts we ought to acknowledge.

In some cases acknowledging base rate facts about someone can help frame their accomplishments. It is relatively rare, for instance, for a first-generation college student to become a professor in America. If Ali is a first-generation college student who became a professor then plausibly she merits particular praise, since there is a higher chance she overcame distinctive obstacles. If so, the reason is not simply that first-generation students are underrepresented amongst the professoriate. This does not explain the particular accomplishment of Ali as an individual. The relevant fact is that Ali was less likely to become a professor (relative to her colleagues), given she was a first-generation college student.

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<sup>34</sup> The effect of social group on likelihoods can be indirect. A person’s race might affect their likely economic circumstances, for example, which can affect the probability they are incarcerated.

Recognising how base rates bear on individuals can help interpret behaviour. Suppose, for example, that on average black people tip less than white people.<sup>35</sup> Basu (ms a) holds that believing of an individual that they will (or probably will) tip less based on demographic evidence morally wrongs the individual. But we might instead bear in mind that salaries and wealth in black populations are considerably lower than in white populations, which can create a financial barrier to the practice of casual over-tipping.

Tipping rates are conventional, moreover, and are not highly probative of moral character. If people in your community tip at around 10%, for instance, it does not reflect poorly on your character if you tip 10%; if people tend to tip at 20% in your community it does not indicate lack of generosity if you tip 20%. One follows conventions, which might vary across time and culture. When Americans dine in Europe many European wait staff predict they will receive a higher than normal tip. But the staff do not thereby deem American diners morally praiseworthy. The Americans are simply conforming to their own conventions. Diners at Florida yacht clubs leave higher tips than average owing to wealth and convention. Similarly if members of a culture tip less well on average, it is remiss to think poorly of individuals when they conform to the convention.

These background facts about economic inequality and the conventional status of tipping rates can illuminate race-based differences. Suppose we see a black person tipping less than average. Drawing on accurate beliefs about statistical likelihoods allows us to interpret the individual's decisions in light of social base rates. We can understand individual behaviours better when we can accurately socially situate those behaviours. I return to the importance of embedding beliefs in a broader, anti-racist understanding in section seven.

If tipping rates are lower in African American communities, as Basu suggests, this pattern affects the income of black wait staff. Wait staff in predominantly black areas might be epistemically justified in believing that many of their customers tip below the national average. The truth of this belief is yet one more reason to move towards wage-based, rather than tip-dependant, remuneration for service industry employment.

Perhaps the central reason to resist moral encroachment is that epistemic normativity answers solely to considerations pertaining to evidence, truth, reliability, comprehension, and so on. This reason is perhaps both the most and least compelling reason. It is the most compelling reason since the idea that epistemic justification depends solely on how a person responds to evidential and other truth-relevant considerations is a central motivation for people who deny encroachment. It is the least compelling since this is precisely what advocates of encroachment deny. Plausibly, though, there is a strong default in favour of the view that epistemic justification depends on considerations pertaining to evidence, truth, and so on. The burden of proof falls squarely on those who argue that the moral stakes influence epistemic justification.<sup>36</sup>

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<sup>35</sup> Basu (ms a).

<sup>36</sup> Kim (2017: 7) and Piller (2016). As Ichikawa, Jarvis, and Rubin (2012) comment, 'The most widely discussed argument to date against pragmatic encroachment is that it is counterintuitive.' Although see

I do not deny that common epistemic practices are morally faulty, and that widespread epistemic practices contribute to systemic inequality, disadvantage, and oppression. What I hope to resist is that ideal epistemic practices should be influenced by moral or political considerations.<sup>37</sup> Instead my hope is that impartial epistemic practices, including impartial evaluation of the available evidence, are morally permissible. There is no tension between epistemic and moral norms because tracking the truth accurately cannot be morally wrong.

## 6. Resisting Moral Encroachment

In this section I articulate some strategies for defending evidentialism and kindred views against moral encroachment.

Many real life beliefs are morally problematic. Sexism, racism, and other prejudice are widespread. But these real life beliefs also exhibit myriad epistemic errors.<sup>38</sup> People are poor at statistical reasoning. They overestimate patterns, extrapolate too readily from limited and biased sources of information, and engage in motivated reasoning. Confirmation and availability biases contribute to the epistemic faults of such beliefs. If the morally wrong belief is also epistemically unjustified according to orthodox epistemology, the moral wrong does not impugn evidentialism. Arguments for moral encroachment need to abstract away from the myriad, ubiquitous flaws of real life beliefs and insist that a belief with no epistemic flaw of this kind is also immoral; my contention is that advocates of moral encroachment have failed to do this.

It would be impossible to articulate here all the ways that such beliefs commonly err epistemically. Below I sketch some ways most relevant to the examples used to motivate moral encroachment.

Crime data provide common examples of the putative tension between epistemic and moral demands.<sup>39</sup> But the differences in base rates among social groups for the relevant kinds of social facts are typically low, and the overall percentage of people who actively commit crime is very small. People overestimate these differences and overestimate overall rates. Very few people commit robbery, for example. So even if commission of robbery is higher amongst black men than white men, this says almost nothing about the chances concerning any particular black man. Given the tiny proportion of people who commit robbery, and the small differences in rates amongst races, any association between a person and robbery based on base rates is a flagrant epistemic error. Even *if* an arbitrary black person is more likely than an arbitrary white person to commit robbery, they are still extremely unlikely, and

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Grimm (2011) and Marušić (2015) for nuanced discussions of the burden of proof concerning pragmatic encroachment.

<sup>37</sup> Racists, sexists, and so on would delight in the idea that their opponents resisted impartial evaluation of the evidence when adjudicating facts about individuals based on race and other social categories, and that they did not aim to maximise true belief concerning crime, education level and so on.

<sup>38</sup> Kahneman (2011), Kunda (1990), Arpaly (2003, especially chapter three), Munton (ms), and Gendler (2011).

<sup>39</sup> See, for example, Munton (ms), Basu (ms d), Gendler (2011), and Armour (1994).

the difference is minute. Any association forged between a particular person and crime risk is based on racial prejudice and irrational fear.<sup>40</sup>

Secondly, we overestimate the epistemic significance of race, gender, and similar social categories when we estimate likelihoods. The inappropriate salience of race as a reference class is exhibited in the Cosmos Club case, where the customer should have instead relied on the more probative reference class of whether Franklin was wearing a uniform or dinner attire. In the administrative assistant vignette the consultant knows that most women in the office are administrative assistants. But this belief does not license the judgement that a particular woman is likely an administrative assistant. This belief is legitimate only if her being a woman is the canonical reference class from which to extrapolate.<sup>41</sup> The consultant might instead judge the likelihood of her being an administrator based on other reference classes she belongs to: the fact she is an older woman, an older person, a person in a business suit, a woman exiting a private office, or a person walking down the hallway talking into a mobile phone. These different reference classes alter the probability that the person is an administrative assistant. But people tend to focus on gender and race as salient reference classes, even if they are less probative than alternative reference classes. Perhaps, in other words, the consultant's all too human focus on gender led him to neglect the fact that the woman was wearing a power suit, hiring someone via mobile phone, and asking her assistant to bring coffee. Or perhaps the consultant neglected his belief that the administrators are almost all young, and this person is older, or she exits a door labelled 'laboratory' and is wearing a lab jacket.

Advocates of moral encroachment compare morally significant beliefs like 'the woman is likely an administrative assistant' with morally neutral beliefs like 'a yellow bird has likely died'. They argue that, given their similarities, any epistemic difference between the beliefs must arise from moral differences. But the reference class problem indicates an important difference between these cases. When we learn that most birds in the aviary are yellow and one has died, it is very likely that we draw on all available evidence when we conclude that likely a yellow bird died. (Some ornithologists might have relevant beliefs about avian life expectancy to draw on.) But in the consultant's case it is extremely unusual that the information described in the original vignette exhausts the consultant's information. He would have substantial supplementary evidence about mannerism, bearing, clothing, actions, and so on. And he would likely, given widespread cognitive biases, overestimate the epistemic significance of gender.

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<sup>40</sup> To further illustrate the trouble with everyday statistical reasoning concerning crime: infamously when some white people see a black person nearby they worry about crime. (Consider, for instance, the phenomenon of women pulling their purses closer.) But most crime is committed by people of the victim's race. This statistic indicates white people should be more suspect of other white people. But, then, this statistic is largely underwritten by the pattern that people commit crime near where they live, and American housing is not very integrated, so one 'should' correct for that... The 'reasoning' could continue. My point is not to estimate which demographics one should associate with crime risk. My point is instead that almost every association between an individual and behaviour such as crime based on a social category such as race commits basic epistemic mistakes. See also Armour (1994: 792–3).

<sup>41</sup> See Bolinger (ms, especially the appendix), Leslie (forthcoming), Moss (forthcoming), Hájek (2007), Venn (1866), Reichenbach (1949), and Munton (ms). See also Armour (1994: 791; 809–14).



In real life cases our evidence is shifting, complex, nuanced, and varied. And new evidence is in many cases readily available if we inquire. These details cast doubt on whether the person draws on all available evidence in forming their belief. The Cosmos Case, often used as a central motivating case for moral encroachment, exemplifies this: the woman ignored the counterevidence of clothing, and any ‘mannerism’ evidence that would have likely been available given Franklin’s evening plans. Since he was hosting friends at his club, he would likely have been acting differently from staff. And Franklin was *eighty* years old at the time, so he would have appeared extremely old for a club attendant.<sup>42</sup> Thus it is unlikely that the total available evidence supported the woman’s belief. If the belief exhibits epistemic errors according to orthodox epistemology—such as failing to respond to the available evidence—the cases do not impugn evidentialism. The evidentialist can explain the moral error without revising epistemic normativity. The kind of epistemic error committed—narrowly focusing on features such as race and gender and failing to countenance other individuating features of the person—plausibly underwrite the kind of moral error the person commits.<sup>43</sup>

Jessie Munton (ms) addresses the sense of moral unease we can feel when considering social statistics such as ‘Black Americans commit disproportionately more violent crime than white Americans’. These beliefs can be true and well supported by evidence, yet generate moral discomfort. Munton does not endorse moral encroachment, and so does not hold that moral considerations provide an epistemic reason to withhold belief in these cases. (Munton (ms) also does not examine applying general social statistics to individuals.)

Instead Munton highlights an underappreciated epistemic error that often accompanies beliefs about true social statistics. People can believe the statistic but fail to accurately understand the appropriate reference class. They will thus misinterpret the counterfactual properties of the statistic and misapply the statistic to novel cases. People might falsely believe that the statistic indicates that black people are more criminally inclined by nature, for example, rather than appreciating that the statistic indicates that social marginalisation and oppression leads to increased crime rates. Munton notes that although the epistemic error might be more typical and troubling concerning social statistics, the error can also arise concerning morally neutral beliefs, such as statistical claims concerning tree heights. This error, Munton argues, might underwrite the sense of moral unease the social statistics generate.

Munton emphasises that an effective way to correctly identify the relevant reference class is to *understand* what *explains* the statistic. Munton writes,

One way of ensuring that the domain of the statistical belief is appropriately circumscribed is to hold a set of associated beliefs that offer an explanation of the

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<sup>42</sup> Franklin (1995: 4). Of course similar errors happened when Franklin was younger. But my point is to illustrate that there is usually counterevidence in these real life case that are not represented in artificial, oversimplifying vignettes. This counterevidence contributes to the affront. If the person were not prejudicially associating ‘Black’ with ‘staff’ she would likely heed the counterevidence.

<sup>43</sup> There may also be a moral and an epistemic flaw in persistent attention to particular facts. This flaw might also be exhibited in the vignettes marshalled by advocates of moral encroachment. I owe this suggestion to Jessie Munton and Dan Greco.

regularity in question [...] I am arguing that even a simple statistical belief may draw on a rich web of further belief and behavior. [...] But an important upshot of this account is that the most naturally reported description of [the avowed statistical belief] is really the tip of an iceberg, in the sense that it is a small part of a network of beliefs which provide additional implicit, sometimes explanatory, content. The epistemic good-standing of a belief depends on what is going on ‘under the water’, that is, on the broader belief structure. (p. 14)

In section seven I return to the importance of the understanding in which the beliefs are embedded for illuminating the normativity of the vignettes that advocates of moral encroachment use to motivate their view.

Many of these examples exhibit, or readily bring to mind, other wrongs in addition to epistemic errors. The woman at the Cosmos Club behaves rudely. Spencer seems to disapprove of or resent poor tippers.<sup>44</sup> Describing the consultant’s belief about administrative assistants and gender, without any context for why he focuses on this, suggests he might disdain administrators. Or perhaps we simply project perceived *normal* opinions onto Spencer and the consultant.<sup>45</sup> Relevant real life cases will typically include similar moral flaws. The anti-evidentialist strategy pursued by Basu (ms a, c) and Basu and Schroeder (forthcoming) relies on a person whose beliefs and epistemic character impeccably follow the evidence, and whose moral behaviour is faultless, and yet who morally wrongs another in virtue of his beliefs. But if the examples exhibit—or conjure images of—other wrongs this complicates the anti-evidentialist strategy. Perhaps the sense of wrong can be (partially) explained by these adjacent wrongs.

The ubiquity of (flawed) beliefs about people based on weak or merely demographic evidence might generate the sense that respecting the evidence is morally problematic. And so it might generate a sense that we ought to revise epistemic normativity in light of this ubiquitous wrong. But if these ubiquitous beliefs also always include epistemic errors—errors countenanced by orthodox epistemology—this undermines the threat to orthodox epistemology.

Another evidentialist strategy for responding to Schroeder’s challenge emphasises that the beliefs licensed by demographic evidence are easily unseated. The person should readily revise the belief in light of new evidence. Suppose the consultant’s total evidence supports the belief that the woman is, or probably is, an administrative assistant. Perhaps the consultant sees a woman’s name on an employee roster, for example, and so possesses no additional individualising evidence. Evidentialism and kindred views should emphasise that the belief licensed by the evidence is a working hypothesis, or tentative belief, one that could be easily dislodged. Advocates of moral encroachment, by contrast, tend to emphasise the ‘settled’ nature of belief. Schroeder (forthcoming) writes,

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<sup>44</sup> Spencer’s noticing the trend, his keenness to find evidence, and his applying the generalised belief to Jamal might be evidence of prejudice. See Arpaly (2003) for related discussion.

<sup>45</sup> See Gardiner (2015) for more about how we interpret vignettes by applying our understanding of how they would normally be fleshed out. See also Ichikawa and Jarvis (2009).

[S]ince forming a belief is taking on an ongoing commitment into the future, it will be rational to form the belief that  $p$  up front only if the strategy of counting on  $p$  in reasoning is one that is expected to bear good fruits *over time*. In the simplest case, in deciding whether to believe that  $p$ , you are deciding whether to *always* be disposed to count on  $p$  in reasoning. (p. 11, emphasis in original)

Schroeder thus emphasises a conception of belief as stable and not easily unseated. Similarly Basu talks of ‘settling on a belief’ (ms a; ms c). Bolinger (ms) writes,

[T]o accept that  $p$  is to add  $p$  to the stock of propositions that you are ready to act on without further consideration. When an agent accepts  $p$ , she dismisses the possibility that  $p$  is false from consideration, and takes  $p$  as a premise in her practical reasoning [...]. Accepting that  $p$  involves deciding to move from an epistemic partition including at least some  $\sim p$  spaces with  $> 0$  probability to one without. Deciding to accept  $p$  is deciding to give  $\sim p$  no cognitive space in future deliberation. (p. 2, 9)

Plausibly there is something morally wrong with firmly settling on a judgement about a person on weak or merely statistical evidence. But this is consistent with the moral permissibility of forming a readily-revised belief about a person based on this evidence.<sup>46</sup> Evidentialists can emphasise the role of this kind of belief in responding to weak or statistical evidence in general.

Another potential response emphasises that belief is often inappropriate when more evidence is readily available. Plausibly one should not form a belief on weak or merely statistical evidence when stronger or individualised evidence is easily obtainable, and this feature of epistemic normativity underwrites the epistemic error in many cases. I am sympathetic to this idea. It is not, however, compatible with some stricter forms of evidentialism. It is plausibly compatible with the evidentialist idea that whether a doxastic attitude is epistemically justified depends solely on evidential considerations. But it is incompatible with stricter evidentialist claims such as whether a doxastic attitude is epistemically justified depends solely on the strength of one’s currently available evidence.<sup>47</sup>

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<sup>46</sup> I was writing this book chapter in a coffee shop when two young men approached and asked how my homework was coming along. I explained that I was writing a book chapter, so it wasn’t homework exactly, but that I was enjoying thinking about the topic. I do not think they wronged me by assuming I was doing homework. Perhaps most people in a cafe who look relatively young, wear informal attire, and make notes in books and papers are doing homework; not many are writing book chapters. The base rates favour their initial belief. Plausibly their belief simply accorded with the evidence. But my interlocutors couldn’t shake their initial belief. They assumed they misheard me (‘You are writing *about* a book chapter, you say?’) They acted extremely surprised that I was writing a book chapter, and it took a number of rounds of questioning before they revised their belief, such as skeptically asking for the book title. Plausibly being committed to their initial belief, and reluctant to revise this belief in light of new evidence, was morally poor treatment. But evidentialism can countenance this thought. One of the young men, who was about to enrol at a local community college, offered me some writing advice: ‘Use examples’ he suggested, ‘to explain your points’. I hope, dear reader, you appreciate the example.

<sup>47</sup> For discussion of the epistemic significance of readily available evidence, and how this relates to evidentialism, see McCain (2004), Conee and Feldman (2011; 2004), and DeRose (2011).

## 7. Understanding

Consider the following example,<sup>48</sup>

Joan notices four young men together in an alley in Baltimore. It appears they are using their bodies to shield their activity from people in the street. It looks like they are exchanging money and packages.

This evidence is inconclusive, but it suggests the people are engaged in the sale of controlled substances or contraband. Suppose Joan forms the belief that ‘those people are selling illegal drugs’ or ‘those people are probably selling illegal drugs’. (In my view in almost every such case only the latter belief is epistemically warranted, but perhaps I am unusually diffident.) What can we say about Joan’s belief, morally?

My contention is that we cannot yet tell; we lack sufficient information. It depends on what else Joan believes and how she integrates her judgement with existing beliefs.

Joan’s observation might remind her of her background beliefs that drug traffickers on the street are selfish, ruin communities, are violent, carry guns, and endanger law abiding citizens. Or she might start reflecting on her beliefs about the economic inequality that leads people to sell drugs, the social pressures to participate in the activity, and the way that young people in poorer areas have more financial responsibilities than wealthier peers. She might consider these social pressures whilst bearing in mind the individual choices and agency involved. She might integrate her observational belief with her recollection of a newspaper article articulating how members of upper socioeconomic groups exchange drugs in privately owned, secluded places whereas members of lower socioeconomic groups tend to do so in exposed public places. Seeing the group might make her worry about how the activity will affect future social prospects of the participants, and she might connect this to her beliefs about racism in the criminal justice system. She might be angry and unsympathetic, since she views drug dealers as preying on poor marginalised individuals. Or she might be relieved, since she intends to buy drugs. In short, the moral character of Joan’s belief depends on the broader understanding in which it is embedded. This understanding comprises Joan’s beliefs and the connections between them.<sup>49</sup>

Similar approaches apply to other beliefs discussed. Consider the consultant’s belief that the woman is probably an administrator, which is based on demographic base rates. His belief might be embedded in an understanding according to which it is appropriate that women occupy lower status jobs, since they ought to be servile and pursue less ambitious careers. Or it might be embedded in ideas about women’s oppression and the systemic challenges that women face in the workplace. Or he might view the underrepresentation of women in management as a lamentable business inefficiency; a waste of potent human resources. Or the consultant might view administrators as the true experts in how to improve a company since they have the clearest perspective on the weaknesses and strengths of the organisation. Plausibly it is the understanding the belief is embedded in—or that we take the belief to be

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<sup>48</sup> For versions of moral encroachment focusing on the distinctive wrong of forming a belief about a person based on statistical evidence, instead consider a relevant ‘base rate’ example.

<sup>49</sup> Joan’s understanding might also include (connections to) her relevant emotional reactions.

embedded in—that explains much of the perceived wrong in the beliefs described in the vignettes. (As noted in section six, many of these beliefs plausibly exemplify other wrongs, such as not responding properly to evidence.)

In Franklin’s anecdote about the Cosmos Club the woman behaves poorly. This rude behaviour complicates the probative value of the vignette as a motivation for moral encroachment, since the poor behaviour (and poor response to evidence, given Franklin’s clothing and advanced age) might explain the moral error. The poor behaviour also indicates her understanding was unenlightened. She seems to lack an anti-racist understanding. This understanding taints the moral value of her belief that Franklin is an attendant.

If the understanding the beliefs are embedded in explains the moral fault, one can explain the wrongness of such beliefs without appeal to moral encroachment.

Perhaps some beliefs are evaluable as morally wrong regardless of the understanding they are embedded in. These beliefs might include ‘women should be subjugated by men’, ‘black people are all bad at their jobs’, and so on. But these beliefs are manifestly not supported by evidence, and so they do not threaten evidentialism and kindred views. Part of the moral wrong, moreover, includes the deplorable understanding these beliefs are embedded in.

Holding that the moral valence of the belief depends on the person’s broader understanding is compatible with also holding that moral encroachment explains an additional moral and epistemic error. The explanations are compatible, and advocates of moral encroachment might well endorse my emphasis on understanding. My argument is that if focusing on understanding can illuminate moral faults of evidentially-supported beliefs, this undercuts the motivation to endorse moral encroachment. Moral encroachment is not needed.<sup>50</sup>

Note too this explanation can illuminate the potential moral wrongs of beliefs that are exceedingly well supported by evidence. If the error of Spencer’s belief is he lacks sufficient evidence given the high moral stakes, as Basu holds, then the error should disappear if Spencer possesses sufficient evidence. But if the moral evaluation of Spencer’s belief depends on whether his overall understanding disdains black people for tipping less on average, the wrong will remain regardless of how well supported the belief is. If a person’s overall understanding is racist, a problem remains despite the evidence they collect in support of individual beliefs.

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<sup>50</sup> Thinking about understanding can play a further role in accounting for the epistemic normativity of these kinds of beliefs. When we form beliefs there is a chance to gain true belief, which is valuable, and a risk of false belief, which is disvaluable. One question moral encroachment seeks to answer is how to weigh these competing considerations. Moral encroachment replies that the relative weight depends on the moral stakes. If the moral stakes are high, we should be risk averse in belief, and so seek more evidence. (Although see Worsnip (2015) for an objection to encroachment as a response to weighing the relative risks of error.) Wayne Riggs (2003) instead proposes that the relative values of attaining truth and avoiding error can be weighed by how beliefs contribute to, or impede, understanding. If Riggs’s proposal is fruitful it provides a second way that theorising about understanding undermines a motivation for moral encroachment.

This difference is important since some of the putatively problematic beliefs advocates of moral encroachment discuss are true beliefs. If the belief is true, then typically the belief will be well-supported by further evidence. If someone is racist or sexist, but they collect further evidence for their true beliefs, this does not abate the moral error. The way to abate the moral error is to alter one's understanding—towards a more accurate understanding—so that it is no longer sexist, racist, or otherwise morally wrong.

To illustrate consider the following fictional circumstance. Suppose that girls' scores on standardised maths tests are on average lower than boys' scores.<sup>51</sup> We could learn this fact and embed it in a non-sexist understanding: the difference in test scores indicates girls receive inferior educational opportunities, or girls' mathematical acumen is not well-measured by current testing methods. We might connect the result to our understanding of the pressures of gendered cultural expectations. We embed the fact in a framework of beliefs and attitudes that does not denigrate girls, even if they perform less well on average on maths tests. Suppose we later learn that girls are simply less good on average than boys at maths. (Remember this example is fictional, and is provided to illustrate that *if* such beliefs were true, then believing them would not be sexist *if* they were embedded in the right understanding.) We should then embed this new information in a non-sexist understanding: since women have equal moral status to men, this result means mathematical acumen is irrelevant to moral status. We might think about strategies to help support girls in maths education and we might recalibrate how we credit people for individual accomplishments in maths. That girls are less good than boys at maths on average would be as morally irrelevant as that women are on average shorter or that men are on average more susceptible to disease and early death.

Moral encroachers and I share the view that if there is a moral mistake then there is also an epistemic mistake. According to moral encroachment the moral error grounds the epistemic error. On my view—which I think accords with the orthodox view of both epistemic normativity and the nature of racist belief—it is the epistemic error that gives rise to the moral error.<sup>52</sup>

To forestall a potential confusion: One can appropriately believe something about a person that reflects a moral problem with that person. I do not doubt this. In some cases it is true that the person has a significant flaw. One might believe truly of Fred that he is a domestic abuser, and this belief might be morally and evidentially appropriate. My view holds that there cannot be a justified belief about someone that reflects a moral problem with that person, *where that belief is based on demographic information*. Any such belief is either making an epistemic error, such as those discussed in sections six and seven, or the property of the person that is taken to be bad is not in fact bad. The latter is explored above, in the maths scores example. The latter error is commonly exemplified when, for instance, sexist people take the fact that women are physically weaker on average to show that women are inferior

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<sup>51</sup> Note that the relationship between group averages and individual scores is often misunderstood and misinterpreted.

<sup>52</sup> We agree that moral faults, such as sexism, can cause orthodox epistemic errors such as miscalculating available evidence. But I hold that if a belief is morally amiss it must also exhibit an orthodox epistemic error, such as reflecting evidence poorly or being embedded within a faulty understanding of the world.

to men, or when racist people take the double negation of Black American English to show there is something wrong with the dialect. They misunderstand the normative significance of the property.

Advocates of moral encroachment aim to describe a person whose beliefs are epistemically impeccable—well supported by the evidence and conscientiously considered—yet morally wrong because racist. My contention is that no such belief can exist. If a belief is morally wrong then there is some corresponding prior epistemic error. The belief is not well supported by the evidence and/or it is not interpreted through a morally appropriate understanding, and that understanding is not epistemically well supported. If a belief is epistemically well supported it cannot be racist since no true fact is genuinely racist. With the right background understanding we see that since everyone is equal, any differences based on gender, race, and so on are morally insignificant.

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