INTRODUCTION

The reader is probably familiar with the problem of pragmatic encroachment.\(^1\) You might think that belief is, and ought only to be, the slave of reason. Reason responds to reasons and theoretical reason ought only be responsive to epistemic reasons. If this is right, we shouldn't have to consider what practical reasons an agent has in order to determine whether that individual has fulfilled her epistemic obligations. Yet, if pragmatic encroachment is possible, it is possible for two subjects with just the same evidence and beliefs to know different things to be the case because one subject, it seems, does not have sufficient evidence for his beliefs. Assuming that you shouldn’t believe \(p\) when you don’t have the kind of evidence adequate for having knowledge that \(p\) is the case, it seems that we can’t say whether you’ve met your epistemic obligations until we know something about your practical predicament. What makes pragmatic encroachment fun is that it seems that if it is possible, it turns out that practical reasons make epistemic differences in ways it might have initially seemed they shouldn’t be able to.

I want to introduce a different problem, the problem of epistemic encroachment.\(^2\) If epistemic encroachment is possible, it seems that epistemic reasons make practical differences where it seems they should not be able to. To solve the problem, you have to show how we can say what we ought to say about epistemic obligation and moral obligation coherently. In §1, I’ll introduce a view about epistemic obligation and justification and an argument for that view that rests on an assumption about epistemic value I think most of us accept. In §2, I shall explain the problem of epistemic encroachment. In §3, I shall offer a solution that none of you will like and explain why I don’t think you can derive any sort of evidentialist view from assumptions about epistemic value. The evidentialists may well be right that there is something epistemically good about belief in accordance with the evidence but wrong to think that this value could play the role they take it to.

EVIDENTIALISM AND EPISTEMIC VALUE

Is it wrong always, everywhere, and for anyone to believe anything upon insufficient evidence? Yes. Let’s take that as given. Is it right always, everywhere, and for anyone to believe something upon sufficient evidence? It is according to the evidentialist. It might seem trivially true that it is always right (i.e., never wrong) to believe something upon sufficient evidence if you take “sufficient evidence” to mean something

\(^1\) See Fantl and McGrath (xxxx). They don’t think of it as a problem.

\(^2\) There is an important difference between pragmatic and epistemic encroachment, and that is the role that the practical and epistemic considerations play in deliberation.
like evidence sufficient to provide a permission for believing some proposition. I don’t think that the claim is trivially true and I don’t think that evidentialists can say that it is trivially true.

According to the evidentialist, justification strongly supervenes on evidence:

\[(\text{EEJ}) \quad \text{If } A \text{ and } B \text{ have just the same evidence, there is adequate justification for } A \text{ to believe } p \text{ iff there is adequate justification for } B \text{ to believe } p.\]

Whatever standard of “adequate evidence” we decide to work with, we can cause trouble for the evidentialist. If we have a standard of adequate evidence that is not absurdly overly demanding (e.g., an infallibilist account), we can cause trouble for the view by challenging the claim that your belief can be justified iff every possible evidential duplicate of yours is permitted to believe what you believe. These problems can be avoided by adopting an overly demanding account of what it takes for evidence to be adequate, but the problem with this sort of view is that it classifies far too many of our justified beliefs as unjustified for want of adequate evidence. I’ll have more to say about this in short order.

Various arguments have been given for the evidentialist view, but here I want to focus on an argument of Richard Feldman’s. In arguing for the view that the facts that determine whether we satisfy our epistemic obligations will not include facts that do not strongly supervene on facts about our evidence, he says that he wants to defend the evidentialist view by showing that, “following one’s evidence is the proper way to achieve something of epistemic value”. He writes:

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3 What is evidence? Evidentialists are sometimes not as forthcoming as we might like. According to Conee and Feldman, if two subjects are in the same non-factive mental states they have the same evidence. That doesn’t really tell us what constitutes the evidence that these subjects have. I think this view is false. It implies that if two subjects are in the same non-factive mental states but one subject knows things that the other does not on the basis of veridical perception either these subjects have the same evidence, evidence need not consist of truths, or there is more to having something included in your evidence than non-inferential knowledge that something is the case. Since evidence does consist of truths, nothing more is required for a proposition’s inclusion in your evidence than knowing it to be true, and we have non-inferential knowledge of the external world, we ought to reject Conee and Feldman’s view. If we work with a more liberal account of the evidence we have (e.g., Williamson’s (2000) account), the problems I’m interested in here won’t go away. For a defense of externalism about evidence, see Littlejohn (2008) and Littlejohn (ms.).

4 One argument for the evidentialist view is that evidentialism is needed to do justice to the deontological character of justification. Steup (xxxx) offers a version of this argument. His argument rests on the mistaken assumption that whenever you fail to satisfy your obligations you are responsible or culpable for this failure. Another argument for evidentialism is that evidentialism is needed to make sense of our epistemic intuitions. In particular, it does a better job than externalist views when it comes to accommodating intuitions about non-culpably held or formed mistaken beliefs. In this paper, I explain why evidentialism actually fails to accommodate some important intuitions and in Littlejohn (forthcoming) I explain how an externalist can accommodate the intuitions mistakenly thought to motivate evidentialist views.

While true beliefs may have considerable instrumental value, a person who irrationally believes a lot of truths is not doing well epistemically. In contrast, a person who forms a lot of rational but false beliefs is doing well epistemically … Consider a person who is contemplating a particular proposition. To carry out the role of being a believer in an epistemically good way, in a way that maximizes epistemic value, the person must adopt a rational attitude towards a proposition … To achieve epistemic value one must, in each case, follow one’s evidence.⁶

Feldman then suggests that S’s belief that \( p \) is justified if the belief that \( p \) is the attitude supported by S’s evidence because if S forms the belief that is supported by the evidence, S will maximize epistemic value on that occasion by forming the belief. Presumably he thinks that the kind of value that attaches to the rationally held belief supported by the evidence is a value that ensures that there is (at least) a permission to believe. This, in turn, suggests that Feldman thinks that this value ‘calls for’ a kind of response that involves, inter alia, forming or maintaining certain beliefs.

Here is the argument for evidentialism:

(E1) Whenever someone forms the belief that is supported by the evidence, the subject adopts an epistemically rational attitude towards a proposition.

(E2) Whenever someone forms such an epistemically rational attitude towards a proposition, that subject maximizes something of epistemic value.

(E3) Whenever someone maximizes this value, it is not wrong for the subject to form the belief that maximizes this value.

(EC) Thus, it is right always, everywhere, and for anyone to believe something upon sufficient evidence and this right doesn’t depend upon facts beyond those that strongly supervene upon a subject’s evidence.

THE PROBLEM OF EPISTEMIC ENCROACHMENT

Let me now introduce the problem of epistemic encroachment. The problem of epistemic encroachment is that of keeping epistemic matters from encroaching into practical territory (e.g., descriptions of our moral obligations) in ways they should not. For example, I think that we ought to reject the following supervenience thesis:

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(EMJ) Necessarily, if S and S' are evidential duplicates from the cradle to the moment at which S and S' Φ, S is permitted to Φ iff S' is permitted to Φ.

I think it’s possible for two subjects to have just the same evidence and act for just the same reasons where only one subject acts permissibly.

My case against (EMJ) begins with an example:

Cook. Peacock just moved into the apartment next to Plum’s. To welcome her to the building, Plum cooked her dinner. She did not realize that the mushrooms she used in making her dinner were poisonous. (So far as this is possible, imagine that she is not culpable or blameworthy for her ignorance. She used a field guide for distinguishing safe from unsafe mushrooms, but it contained a few errors.) Plum has on hand the stuff to give people who eat poisoned mushrooms, but only enough for one person. It just so happens that her other neighbor, Mustard, is suffering from food poisoning because he ate a can of bad peaches. (So far as this is possible, imagine that he is non- culpably ignorant). Plum’s stuff could help Mustard just as well as it could help Peacock. It’s good stuff. Now, Mustard and Peacock are equally sick and Plum can help only one.

It seems intuitively clear that Plum has a more stringent duty to assist Peacock than to assist Mustard. She did poison Peacock, after all. The intuition elicited by this example seems to disconfirm the internalist idea that the conditions or properties that determine whether one has acted permissibly or with justification are limited to those properties that are internal to the subject or the subject’s perspective. In some nearby possible world where Peacock’s mental duplicate gives her neighbor a dish with mushrooms that were not poisonous I think we can easily imagine that the Peacock’s mental duplicate does nothing wrong since Peacock’s duplicate is no more negligent than Peacock is and her dish is far less poisonous than Peacock’s dish was. So, it seems we accommodate folk intuition only if we reject (EMJ).

If Plum’s duty to Peacock was just some prima facie duty of beneficence, it would be difficult to see how the duty to Peacock could be more stringent since Mustard’s needs are just as great as hers. It’s tempting to think that Plum’s duty is no mere duty of beneficence. My hypothesis is this. The reason that the duty to Peacock is more stringent is that Plum is righting some past wrong of hers by assisting Peacock. We cannot make sense of how there could be this wrong on any internalist view for the simple reason that it seems there is no ground for wrongdoing that is constituted by the internal conditions. The reason she
ought to assist Peacock first is that she poisoned Peacock by serving her poisonous mushrooms, and this fact is something that is not accessible to Plum.

In response, someone might just dismiss the claim that Plum has a more stringent duty to assist Peacock. This intuition I’ve reported above is the intuition of a philosopher with an axe to grind. To keep myself (and my opponents) honest, I did a survey of undergraduate students. Approximately 75% of the respondents (101 the 134 students surveyed) said that there was a more stringent duty for Plum to assist Peacock. So, if our concern is with folk concepts, it seems that the folk concept of permissible action is an externalist one that allows for the possibility of faultless or blameless wrongdoing. It allows for the possibility of cases where there are not only reasons against Φ-ing that do not supervene on the subject’s non-factive mental states but reasons that bear on the deontic status of the subject’s Φ-ing even when the subject is non-culpably ignorant in believing that there is no such decisive case against Φ-ing.

Someone might say that while Plum has a more stringent duty to assist Peacock, it doesn’t follow that this is a duty to address some prior wrong she’s committed. That is to say, it is no mere duty of beneficence, but it is not a reparative duty if such duties are understood as responses to past wrongs that the agent has committed. To give this kind of duty a name, we can speak of reparative* duties. It is similar to a reparative duty insofar as they are duties one can be under only if the agent brought about some bad state of affairs, but they are like the duty of beneficence insofar as they can arise without any prior wrongdoing on the agent’s part. Why can’t we say that the difference in stringency is due to the fact that there is a prima facie duty to assist both Peacock and Mustard, but a stronger duty to Peacock because there is the additional reparative* duty that gives her a pro tanto reason to assist Peacock? That way, we can accommodate intuition without giving up internalism about justification.

The problem with this response is with this idea of reparative* duties. If this is merely a reparative* duty, then we would have to say that this is a case in which Plum did not act against any pro tanto reason to refrain from giving Peacock the poisoned dish. (Otherwise, we would have to say that this was a reparative duty.) But, then it seems quite odd to think that Plum could have such a duty because it would have to combine two features. First, it would have to give Plum a reason to act that a similarly situated but causally idle agent would not have. (Otherwise, we would say that the reparative* duty was really a mere duty of beneficence. It would be the very duty that, say, Green would have if he had just the same amount of stuff to give to someone who has been poisoned as Plum has.) Second, it would have to be a reason for Plum to act over and above a reason associated with a mere duty of beneficence to address some bad state of affairs when she could know full well that she never had any reason not to bring that bad state of affairs about in the first place. On this account, there would be a resultant moral difference between Plum and Green’s duties (i.e., both would have reasons of beneficence to assist either subject but Plum would have the additional reason to discharge a reparative* duty) that alters the range of permissible options available to them that
arose in virtue of a causal difference that was not coupled with any normative difference. That sounds quite odd. Better, I think, to say that the reason that this causal difference between Plum and Green makes a normative difference because it was in virtue of a causal relation between Plum and the bad state of affairs that she acted against a pro tanto reason unknowingly and now has the knowledge necessary to see that her actions were wrongful and there is a wrong that needs to be addressed. This is why Peacock has a stronger claim on Plum's assistance than Mustard does. But, this is why there is a reparative duty that Plum ought to discharge, not a reparative* duty.

If we reject (EMJ), we have to say:

(A1) It is possible for two subjects with just the same evidence to \( \Phi \) for just the same reasons where one subject permissibly \( \Phi \)'s and the other \( \Phi \)'s impermissibly.

If we accept (EEJ), we have to say:

(A2) It is impossible for two subjects with just the same evidence to form the same beliefs by reasoning in just the same way where one subject believes permissibly but the other believes impermissibly.

We shouldn't accept both, it seems, because it also seems that:

(A3) If you believe you should \( \Phi \) and it's not the case that you shouldn't believe this, it's not the case that you shouldn't \( \Phi \).

(A1)-(A3) constitute an inconsistent triad. To solve the problem of epistemic encroachment we have to identify which of these three assumptions we ought to reject and show where the arguments offered in support of the discarded assumption go wrong. To see that these assumptions are inconsistent, note that if (A3) and (A2) are true, the reasons in virtue of which a subject oughtn't \( \Phi \) are reasons that, inter alia, constitute a decisive case against the subject's believing that she should \( \Phi \). You cannot justifiably believe you should \( \Phi \) when there is a decisive case against having or forming this belief.

I haven't said anything yet to motivate (A3) and one reaction to this is just to deny that assumption. I don't know if this is Feldman's current view, but this is a view he once held. Concerning the justification of action, Feldman thinks that it is important to distinguish between a 'subjective' kind of justification and an 'objective' kind of justification:

With regard to ethical justification, it is clear that there are cases in which what is moderately subjectively justified differs from what is objectively justified. Such cases occur when a person has reasonable but incorrect beliefs about what action is morally best. One may have reasonable but incorrect beliefs about what the consequences of an
action will be or about the values of correctly identified consequences. In such cases, one may have a good reason to believe that an action is best when it actually is not best. Thus, there can be actions that are subjectively justified, but are not objectively justified.\(^7\)

When it comes to belief, however, he thinks we cannot draw a similar distinction between subjective and objective justification:

\[\text{All subjectively justified beliefs are also objectively justified.}\]

Whenever one is subjectively justified in believing \(p\), then one is objectively justified in believing that one’s reasons for believing \(p\) are good ones. But then the evidence for this [second-order] belief together with the reasons for thinking that those are good reasons constitute an objectively good reason for believing \(p\). Hence, one half of The Equivalency Thesis is true: moderate subjective justification implies objective justification.\(^8\)

I don’t find this view all that attractive. If you deny (A3) for the reasons Feldman gives, you end up saying that there is a striking difference between epistemic and moral reasons. For some reason, what epistemic reasons demand overall depends on what a subject’s perspective is like but what moral reasons demand overall does not depend upon what a subject’s perspective is like. Whereas there can be faultless moral wrongs, there cannot be faultless epistemic wrongs. One reason to prefer keeping (A3) to dispensing with (A3) is that (apparent) similarities between practical and theoretical reasons or epistemic and moral wrongs have explanations that the (alleged) differences don’t. Whether we’re speaking of reasons or wrongs, regardless of whether we’re focused on the practical or theoretical we’re speaking of reasons and wrongs.

I think it’s clear that you could argue for (A3) by means of some sort of argument from analogy, but I’d rather argue for (A3) more directly. It is possible for someone to have \(\Phi\)-d and thereby acted against a genuine normative reason (i.e., a reason that demanded, \textit{inter alia}, that the agent refrain from \(\Phi\)-ing or pursue some alternative that cannot be pursued if the agent had \(\Phi\)-d) without being aware of such a reason or that they have done this. Justifications are distinguished from excuses insofar as a justification for \(\Phi\)-ing depends on there being reasons to have \(\Phi\)-d that at the very least match the reasons that speak against \(\Phi\)-ing. Were there reasons for Plum to give Peacock the dish? Sure. And, they were good reasons. Giving her the dish made her feel welcome. Nevertheless, her actions were excused, not justified. It is good to welcome

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your neighbors, but not so good that they would be better off poisoned and welcomed than neither. Suppose that we do adopt some sort of externalist view concerning justification of action. What does this tell us about belief? It tells us that evidentialism is mistaken about what it takes to justify belief.

I’ll begin by telling a story. Suppose an eccentric billionaire makes you the following offer: if you form the intention tonight at midnight to drink a mild toxin tomorrow at noon, he’ll give you one million dollars for your troubles. You’re told that you don’t need to drink the toxin to collect the money. You just need to intend to drink it. You aren’t allowed to give yourself additional incentives to drink the toxin (e.g., you can’t promise your mother you’ll drink it or hire your cousin to kick you in the shins if you don’t) and you aren’t allowed to deceive yourself about the conditions of the offer. If you’re going to collect, you have to form the intention in full awareness of these facts. It seems that with these stipulations in place, you can’t do it.

Why can’t you form the intention to drink the stuff and collect your prize? Perhaps it’s because you know that the reasons that bear on whether to drink the stuff bear on whether to intend to drink the stuff and are rational at least to the extent that you cannot just like that disregard what you take to be good reasons. If something along these lines is correct, it suggests that when there’s decisive reason not to Φ, there’s decisive reason not to intend to Φ:

(1) You shouldn’t intend to Φ and fail to Φ in accordance with your intention [Detox].

If (1) is true, so is:

(2) If you intend to Φ and it’s not the case that you shouldn’t intend to Φ, then it’s not the case that you shouldn’t Φ.

If you deny (2), you have to allow for the possibility that the reasons’ demands are met only if you somehow manage to intend to Φ and refrain from Φ-ing without revising your intentions. Can this be done? If not, it

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9 Three claims suggest that cases of (non-culpably) mistaken belief ought to be classified as excused rather than justified action. First, that if S oughtn’t Φ, there is an undefeated reason for S not to Φ. For discussion of the relationship between ‘ought’ and reasons, see Raz (1990). Second, there can be undefeated reasons for S not to Φ that bear on the permissibility of S’s Φ-ing even if S is unaware of those reasons. Denying this requires denying either the moral judgment that the folk find intuitive or trying to accommodate that intuition given the resources available to internalism. Internalists about justified action can try to accommodate the intuition by explaining how there can be reparative duties. However, if the motivation for denying this second assumption is to defend the idea that a normative reason can bear on the permissibility of S’s actions only if S knows there is a decisive reason against Φ-ing, motivating assumption is mistaken. Third, that S’s Φ-ing cannot be justified if S oughtn’t to have Φ’d. If you deny this third assumption, you would have to deny that the concept of justified action is a concept that could be understood in deontological terms.

10 First presented in Kavka (1983).

11 See Broome (2001), Enc (2003), Pink (1996), and Shah (2008) for treatments of the toxin puzzle that make use this assumption.
seems you can’t deny (2) without giving up ‘ought’ implies ‘can’. Perhaps it can be done, but it seems that only if you are deeply irrational could you somehow manage to get your actions to come apart from your intentions in such a way as to see to it that you do all that the reasons demand from you. It seems deeply implausible to think that genuine normative reasons demand that you somehow get yourself to manifest the sort of deep irrationality you would need to manifest to conform to the demand that you intend without acting. I somehow doubt that the defense of internalism about epistemic justification will come from those who are eager to defend the view that you’d have to defend for (2) to turn out to be false.

Intentions and actions are practical. So far, nothing has been said about belief. Beliefs and practical judgments seem to stand in the same sorts of relations to intentions that intentions stand to actions. They cause and they cause by rationalizing. While you can Φ without judging that you should Φ or believing that you should Φ, you only do this unwittingly or irrationally by acting against your own judgment. If practical judgments just are beliefs, then you can Φ without judging that you should Φ, but only if you do this unwittingly or irrationally. This suggests that the considerations that support (2) also support:

(3) If you believe you should Φ and it’s not the case that you shouldn’t believe this, then it’s not the case that you shouldn’t intend to Φ in accordance with your judgment.

While (2) is a consequence of a normative requirement linking action and intention, (3) is a consequence of a normative requirement linking intention and belief:

(4) You shouldn’t believe that you should Φ and fail to intend to Φ [Krasia].

While I think that the same considerations that support (2) support (3), let me say a little more about the motivation for (4) because it’s an important step in my argument. According to Davidson, practical judgment and intention are really just the same thing. The reason that when you settle the question as to whether to Φ by forming the practical judgment that you should Φ you form the intention to Φ is that he intention and practical judgment are not distinct existences. So, according to Davidson, it’s a consequence of Leibniz’s Law that the reasons that bear on intention bear on the practical judgment that you should Φ. I don’t think many hold this view of Davidson’s these days. Cases of weakness of will, for example, show that it is possible to believe that you ought to Φ while not intending to Φ in accordance with

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12 Broome calls this normative requirement ‘Krasia’, presumably because the akratic fail to conform to it. Normative requirements are formulated in such a way that the ‘ought’ or ‘should’ takes wide-scope and governs an operator that governs combinations of attitude ascriptions and action descriptions and are intended to capture the requirements of rationality. For discussion, see Broome (1999). It is worth noting that normative requirements do not allow for detachment. From what I can tell, no one in the literature denies that there are wide-scope normative requirements that, say, enjoin us to either adopt the means believed to be necessary for our ends or revise our ends. Rather, the controversy is as to whether there are demands of rationality that cannot be stated in terms of normative requirements. For discussion, see Schroeder (2004).

13 See Davidson (1980).
this judgment. Note that the cases that seem to show that these really are two different states of mind are cases in which a subject exhibits a kind of deep irrationality. If you think that you oughtn’t exhibit this sort of deep irrationality, you can either say:

(4n) If you believe you should Φ, you should intend to Φ.

(4w) You shouldn’t both: believe that you should Φ and fail to intend to Φ.

It’s obvious, I think, that (4n) is false. Suppose you believe you should support institutions that discriminate against homosexuals or you believe you should eat your neighbors. Should you intend to do these things? No, surely not. You can’t detach the normative conclusion that you should intend or act from the purely psychological claim that you believe you should intend or act. Now, suppose you revise (4n) to block detachment by rewriting (4n) as follows:

(4n+) If you believe you should Φ and it’s not the case that you shouldn’t believe this, you should intend to Φ.

That seems like a sensible move. Note, however, that (4n+) is logically stronger than (4w) or (4). All that (4) and (4w) say is that you are permitted to act in accordance with the judgment that you should Φ when it’s not the case that you shouldn’t believe this. That you would be permitted to intend to Φ in these circumstances is entailed by the claim that you should intend to Φ in these circumstances. So, on the plausible assumption that you shouldn’t exhibit the kind of deep irrationality of someone who acts against their own judgment about what to do or doesn’t act on their judgment about what you should do, it seems we get (4) or claims logically stronger than (4). So, we get (4).

If you combine (2) and (3), you get:

(5) If you believe you should Φ and it’s not the case that you shouldn’t believe this, then it’s not the case that you shouldn’t Φ.

An obvious consequence of (5) is that if you shouldn’t Φ, you shouldn’t believe that you should.

We now have everything we need to show that evidentialism must be false given externalism about the justification of action. In the previous section we saw that:

(6) It is possible for circumstances to arise in which there are reasons grounded in external conditions that constitute reasons to refrain from Φ-ing that constitute a decisive case against Φ-ing.

It follows from (6) and (2) that:

(7) It is possible for circumstances to arise in which there are reasons grounded in external conditions that constitute reasons
to refrain from intending to $\Phi$ that constitute a decisive case against intending to $\Phi$.

It follows from (7) and (3) that:

(8) It is possible for circumstances to arise in which there are reasons grounded in external conditions that constitute reasons grounded in external conditions that constitute reasons to refrain from believing that you should $\Phi$ that constitute a decisive case against believing that you should $\Phi$.

If (8) is true, evidentialism is false. There is no notion of "sufficiency" available to the evidentialist on which $S$ is permitted to believe $p$ if she has sufficient evidence but obliged to refrain without sufficient evidence.

It seems that in order to deny this conclusion, you would have to deny at least one of the following:

(PRO) If some reason, $R$, counts in favor of a belief, judgment, intention, or intention, $R$ counts in favor of the beliefs, judgments, intentions, or actions that it rationalizes.

(CON) If some reason, $R$, counts against some action, intention, judgment, or belief, it counts against any intention, judgment, or belief that rationalizes that action, intention, judgment, or belief.

(DEON) If $S$’s $\Phi$-ing is justified, there is no unmatched or undefeated reason not to $\Phi$.

To deny (PRO) or (CON) is to say, in effect, that once deliberation has settled the question whether to believe, judge, or intend, there is a further question to be settled deliberatively as to whether to judge, intend, or act. If that’s how reasoning should operate, reasoning almost never operates in the way it is supposed to. To deny (DEON) is to deny that justification is a deontological notion. I’d rather not deny any of these claims.

Feldman denies (A3) and (5) in the argument above. I’m not sure whether he’d deny (PRO), (CON), or (DEON). Note that in my jargon, his argument that subjective and objective epistemic justification really amount to the same thing is really an argument for a limited formulation of (PRO). He’s argued that reasons to believe that you have reasons to believe $p$ are, inter alia, reasons to believe $p$. That is to say, the things that rationalize believing the second-order evaluative belief that there are reasons to believe the first-order belief that $p$ is the case rationalize the second-order belief and thereby rationalize the first-order belief. Note that I don’t deny that. I simply wish to remind people that while (PRO) is true, so is (CON) and so is (DEON). It is perfectly consistent with Feldman’s point that reasons to believe that there are reasons to believe $p$ just are reasons to believe $p$. He’s said nothing about the reasons to refrain
from believing $p$. As we all know, if the reasons against defeat the reasons in favor, it doesn’t matter that you can stack up reasons that favor believing $p$. There is some justification for believing $p$, but the belief that $p$ is the case cannot be justified. According to Feldman, reasons to refrain from acting can defeat reasons to act even if a subject is non-culpably ignorant of those reasons. Why doesn’t he think that’s true for the epistemic reasons? He doesn’t say.

A SOLUTION

Evidentialism is part of the problem, so denying (A1) is part of the solution. Once you deny (A1) you have solved the problem of epistemic encroachment. Here’s an argument that the right solution consists of denying (A1). We either have to deny (A1), (A2), or (A3). (A3) is supported by intuition, the intuitions of ordinary folk and some prominent epistemologists. (A2) is motivated by theoretical considerations offered in the previous section. Our only option is to deny (A1). To do that, however, we have to show where the argument for (A1) goes wrong.

Remember that our argument for evidentialism went as follows:

(E1) Whenever someone forms the belief that is supported by the evidence, the subject adopts an epistemically rational attitude towards a proposition.

(E2) Whenever someone forms such an epistemically rational attitude towards a proposition, that subject maximizes something of epistemic value.

(E3) Whenever someone maximizes this value, it is not wrong for the subject to form the belief that maximizes this value.

(EC) Thus, it is right always, everywhere, and for anyone to believe something upon sufficient evidence and this right doesn’t depend upon facts beyond those that strongly supervene upon a subject’s evidence.

The first two premises are harmless enough. We should reject (E3). Here’s why. Forget about belief and think about what Feldman would say about the actions that take place in our two versions of Cook. In the first, Plum poisons her neighbor. In the second, she does not. In the second version of the story, we might imagine that Plum takes due care and acts from the moral motive. As a result, her action has a kind of value that attaches to actions that have moral worth. Note that whatever this value calls for, it does not call for promotion. Why not? Because Plum’s actions have this value in both versions of Cook but she acts permissibly and with justification in only one of these. If the value that we’re saying attaches to actions with moral worth called for promotion and thereby justified the action regardless of what further features of the situation might be like, then it would be impossible to say both that a mental duplicate of Plum could engage
in an action that had moral worth and that in the first version of the story Plum oughtn’t give her neighbor the poisoned dish. Since we want to say both things, it seems that the value that attaches to her action calls for something other than promotion. It might call for some other mode of response (e.g., respecting, admiring, honoring, etc…), but you can respond to a value in ways that does not involve promoting the value and without engaging in the action that Plum wrongfully engages in when she poisons her neighbor.\textsuperscript{14}

If this is right, then the value I’m referring to as moral worth strongly supervenes on a subject’s motivational mental states and that value is not the mark of permissibility. So far, Feldman seems to agree with everything I’ve said. I want to say that the value that Feldman thinks justifies belief that accrues to a belief when the believer believes in accordance with the evidence either doesn’t call for promotion or does but doesn’t automatically justify the beliefs that have this value. First, it seems that the marks that merit the response by which we say an action has moral worth are the marks that merit the response by which we say that the epistemic value that Feldman says attaches to rational belief or belief in accordance with the evidence. If these marks aren’t the mark of permissibility in the practical case, I think it’s rather implausible to say without any further argument that this is the mark of permissibility in the epistemic case. Note that there was no further argument that this value confers a justification or creates a strong permission.

Second, it seems that the following argument shows that the value that attaches to rational belief cannot do what it would have to do to be the thing that justifies belief regardless of how things are ‘external’ to the subject’s evidence. Here it is:

(1) Because there is a ‘due care’ requirement on moral worth, an agent’s Φ-ing wouldn’t have moral worth unless the agent who performed the action was rational/reasonable in thinking that she was acting rightly.

(2) An action can have moral worth whether or not the agent who performs the action acted rightly.

(3) Thus, an agent can judge that she ought to Φ and that judgment can be rational or reasonable even if the subject is obligated to refrain from Φ-ing [(1), (2)].

(4) If the value that attaches to rational or reasonable belief justified belief regardless of how things are ‘external’ to the subject’s evidence, it would justify acting in accordance with that belief [(Detox), (Krasia)].

(5) Nothing justifies acting in accordance with that belief in Cook.

\textsuperscript{14} For a discussion of different modes of response to value, see Baron (1997) and Swanton (2003).
(C) The value that attaches to rational or reasonable belief does not justify belief regardless of how things are ‘external’ to the subject’s evidence by calling for promotion.

REFERENCES
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