

An epistemological problem: the permissibility of belief in cases of sexual assault



University of
St Andrews



Sarah Routley, School of Philosophical, Anthropological and Film Studies, University of St Andrews
Supervised by Dr Jade Fletcher

Introduction: what is the problem?

There is contentious public debate surrounding accusations of sexual assault. We face questions such as whether we are permitted to believe that someone was sexually assaulted, based on their accusation. This contemporary social issue has significant epistemic dimensions (it focuses on knowledge and belief), and can be considered from an epistemological perspective (through the study of belief, justification and knowledge).

This epistemological problem is a specific version of broader philosophical problems of scepticism. Sceptics pose doubtful situations which cannot be eliminated by the available evidence, and argue that belief is not permissible as a result.

My research focuses on two questions when considering whether sceptical attitudes towards accusations of sexual assault are justified:

1. Is an accuser's testimony a permissible foundation for belief, given what is at stake in cases of sexual assault?
2. When is it reasonable to doubt an accusation?



The actor case:

Jennifer and Edward read a news report that Ms Stephens, a young actor, has gone to the media, accusing Mr Woods, her older male co-star, of rape. Mr Woods has released a public statement denying this.

The following discussion between Jennifer and Edward highlights the competing epistemic and moral demands over what they are permitted to believe?

JENNIFER: No, I don't believe that Mr Woods assaulted her. He is an attractive man but she is clearly lying because she regrets her sexual interaction with him. Her accusation seems unlikely.

EDWARD: Wait! Your sceptical assessment of her testimony is unjust and you employ several rape myths¹ in your reasoning. Your prejudiced disbelief treats Ms Stephens as untrustworthy and her claim as implausible.² In reality, there is a very high probability that her accusation is true - less than 7% of criminal rape allegations are false.³

JENNIFER: I accept that some of my scepticism is unreasonable. However, you do not know that this case is not a rare false accusation. Wrongly believing that Mr Woods committed rape would have a devastating impact on his career.

Such consequences are not warranted by statistics alone. Instead, they require individualised evidence, such as witnesses or DNA evidence, that is sensitive to whether Mr Woods did rape her.⁴

We lack such evidence in this case so we are not permitted to believe Ms Stephens.

EDWARD: Your assessment of what is at stake is also prejudiced. In focusing in what is at stake for Mr Woods, you exclude the harms that Ms Stephens would face if she is not believed, if she is told that she is a liar or does not receive the necessary support. Suspension of judgement is not a morally neutral position and our obligations to victims of sexual assault permit us to believe them.⁵

As well as suggesting how rape culture can influence assessments of stakes, credibility and plausibility, this discussion highlights two pairs of principles that are in tension:

1. Moral obligations to support victims of sexual assault vs. moral obligations to avoid wrongfully harming someone falsely accused
2. The epistemic obligation to only form beliefs on sufficient evidence vs. the epistemic weight of the accuser's testimony and the likelihood it is truthful

Acknowledgements: I would like to thank Lord Laidlaw and the Laidlaw Foundation for the funding that I received to conduct this research. I am very grateful to my supervisor, Dr Jade Fletcher, for her continuous support and advice, as well as to Professor Sandford Goldberg for helping me to develop my argument.

Having identified the parallel between traditional sceptical philosophical problems and scepticism in cases of sexual assault, my proposal is inspired by philosophical responses to scepticism.

My proposal:

Accordingly, I have developed a 'relevant alternatives framework', influenced by Georgi Gardiner's⁶, to answer the question of when doubt is reasonable in these cases. This framework allows me to permit belief in cases where all forms of doubt are unreasonable, thus providing a robust philosophical defence of believing accusations of sexual assault, whilst also acknowledging the concerns of people like Jennifer.

Of particular note are three rules from the fuller analysis I have developed:

1. Any doubt that depends on rape myths is unreasonable unless there is evidence that the myth holds true in the case in question.
2. Any doubt that relies on assumptions we would normally reject as outlandish is unreasonable without evidence that it holds true in the case.
3. Any doubt that relies on the evidence being misleading (like memory failure) is unreasonable without evidence that it holds true in the case.⁷

A student, Gemma, reports to her university's Student

The ex-boyfriend case:

Conduct Officer (SCO) that she was raped by her now ex-boyfriend, Fred. He claims that the incident was consensual. Gemma pursues a university misconduct case against Fred.

Following my proposal, I argue that doubting Gemma's testimony on the basis that she could be trying to get malicious revenge on her ex-boyfriend is unreasonable, because it employs a rape myth that women lie about rape to get revenge. I argue that permissibility of belief varies depending on the stakes so more doubtful scenarios must be addressed before the SCO would be permitted to believe that Fred raped her than for a friend to believe Gemma.

My research concerns the permissibility of belief in cases of sexual assault across different contexts. I present a diagnosis of why this presents such a challenging societal

Summary:

and epistemic problem: it involves a complex interaction between epistemic and moral commitments which pull us between believing an accuser's testimony and reserving judgement on the grounds of insufficient evidence. My proposal in response to this explores how an accuser's testimony can be sufficient evidence to permit belief, as well as offering a philosophical criticism of certain kinds of undue doubt towards an accusation.

Citations:

- ¹ Emily Tilton, 'Rape Myths, Catastrophe, and Credibility', *Episteme*, First View (2022), 1-17, <<https://dx.doi.org/10.1017/epi.2022.5>>, p.3
- ² Emily Tilton, 'Epistemic Injustice in Sexual Assault Trials' (unpublished master's thesis, Georgia State University, 2019), <<https://doi.org/10.57709/14443226>>, p.8
- ³ Deborah Tuerkheimer, 'Incredible Women: Sexual Violence and the Credibility Discount', *University of Pennsylvania Law Review*, 166:1 (2017), 1-58 <<https://www.jstor.org/stable/45154929>>, p.20
- ⁴ Georgi Gardiner, 'The 'She Said, He Said' Paradox and the Proof Paradox', in *The Social Epistemology of Legal Trials*, ed. by Zachary Hoskins and Jon Robson (New York: Routledge, 2021), 124-143. Taylor & Francis ebook, pp.127-128
- ⁵ Bianca Crewe and Jonathan Jenkins Ichikawa, 'Rape Culture and Epistemology', in *Applied Epistemology*, ed. by Jennifer Lackey (Oxford: Oxford University Press, 2021). Oxford Scholarship Online, pp.264-5
- ⁶ Georgi Gardiner, 'The Reasonable and the Relevant: Legal Standards of Proof', *Philosophy & Public Affairs*, 47:3 (2019), 288-318 <<https://dx.doi.org/10.1111/papa.12149>>, p.394
- ⁷ David Lewis, 'Elusive Knowledge', *Australian Journal of Philosophy*, 74:4 (1996), 549-567, <<https://doi.org/10.1080/00048409612347521>>, p.558