

Comments on Elizabeth Anderson, “Epistemic Justice as a Virtue of Social Institutions”

John Christman, Penn State University

As a way of adding to the productive dialogue between Miranda Fricker and Elizabeth Anderson, the latter commenting on Fricker’s important book *Epistemic Injustice*, I want to explore the main claims of Prof. Anderson’s paper, and to point to ways the dialogue can be continued.¹ I have little to say by way of critique as such, but I do want to suggest directions that such further dialogue might need to proceed.

Anderson’s response to Fricker’s insightful analysis of epistemic injustice relies on the distinction between transactional injustice – wrongs committed locally at the site of individual or dyadic transactions – and structural injustice – injustice manifested at the social or institutional level. Anderson argues that contrary to Fricker’s focus on individual virtue as a response to both testimonial and hermeneutical epistemic injustice, some epistemic harms must be corrected at the collective, policy level – i.e., structurally. Anderson focuses on testimonial injustice, but her point can be stated also about hermeneutical injustice as well.

Recall the distinction between these two forms of epistemic injustice. Testimonial injustice involves a wrong done to a person when she is unfairly excluded or downgraded as a credible source of knowledge. Hermeneutic injustice, on the other hand, involves the wrong done to a person when the dominant discourse of a society lacks the crucial vocabulary with which a person can express her interests (and the wrong done to her when those interests are significantly set back). The primary example Fricker uses for this is the experience of what we would now call sexual harassment in an age before such treatment was (properly) identified for what it was. (Picture a typical episode of the TV show *Mad Men*.) As Fricker claims and Anderson reiterates, hermeneutic injustice is always structural, in that it is a product of collective social practices and institutional vocabularies not the interaction between individuals at the “local” level.

The chief claim Anderson makes here is to challenge Fricker’s view that for both testimonial and hermeneutical injustice, (individual) ethics is the primary focus of responses to injustice of this sort. That is, Fricker admits that the virtue she puts forward as antidotes to epistemic injustice are connected with corresponding requirements at the institutional and political level, but she claims that efforts to overcome epistemic injustice should be understood as individual ethical virtues, and “in terms of our philosophical understanding of epistemic injustice, the ethical is primary.”² Anderson disagrees, and in at least three areas of group-based credibility deficits, *structural* responses are needed, and individual ethical prescriptions will be either otiose or

¹ Miranda Fricker, *Epistemic Injustice: Power and the Ethics of Knowing* (Oxford: Oxford University Press, 2007).

² Fricker, *Epistemic Injustice*, p. 177.

counter-productive. Those areas include “differential access to the markers of credibility; ethnocentrism, and the ‘shared reality bias’” (Anderson 2012, 169).

In each of these areas, individual behavior may be innocent, such as the use of benign stereotypes to identify reliable sources of certain kinds of knowledge. So that adverse effects of some of these habits at the collective level must be dealt with structurally, and that individual virtue responses are either misplaced or ineffective. Similarly, ethnocentric (in group) favoritism can be malicious, but it can also serve valuable social functions. And when such tendencies have problematic social effects, the proper response is at the level of social rules, not individual behavior. For example, when social segregation along racial lines exaggerates (at the collective level) the habits of otherwise innocent ethnocentrism, we must combat that segregation at that collective level. It would be counter-productive at best to expect individuals to amend their cognitive habits locally to respond to this problem, especially insofar as they will fail to see it as a problem (since they may not understand the connection between their sense of familiarity with the cognitive and discursive habits of others and social segregation on a larger scale).

The additional observations I want to make here are quite in keeping with Anderson’s point and in fact are partially implicit in what she says. The first is to emphasize that institutional policies implementing responses to social injustice at the collective level must be seen as *supportive* of individual values and senses of good behavior. That is, if the response is *purely* structural – imposing a collective response to a social injustice with no social impetus for people to re-think their individual habits, values and behaviors, serious problems of effectiveness if not legitimacy of that social policy hover on the horizon. This is not only because for justice to be done it must be seen to be done, but also because social rules must gain the support of those living under them by mapping, even if indirectly, to the individual virtues and values in local social transactions that motivate them.

This is to entirely agree with Anderson’s insistence that structural responses should not be seen as competing with individual virtue promotion, for often such structural remedies can be put in place to “enable individual virtue to work” (Anderson 2012, 168). My claim is the complement to this, namely that the promotion of individual attitudes, values and virtues will be required for structural remedies themselves to work, if not to gain their full legitimacy as instances of justice-based policies.

Consider racial injustice and the use of affirmative action policies to counteract its effects (in the U.S. context for example), a topic Anderson has written extensively about.³ Such programs may well be a proper response to structural injustice and attempt, at a social level, to respond to

³ *The Imperative of Integration* (Princeton, NJ: Princeton University Press, 2010), ch. 7.

entrenched racial injustice. At the same time, whites and other ethnic groups have reacted to these programs with resentment and resistance, and as Anderson uncovers in her recent work, lack of support for and understanding of the point of these policies have hampered their effectiveness. A dominant reason that such responses to racial inequality are so embattled is that the structural responses have not been met with sufficient buy-in by all affected: whites in many corners do not share the motivation behind the need for such measures and do not see it as a virtue to participate in or support them. The lack of personal commitment is at least part of the story.

My point here is familiar enough, and I make it merely to emphasize the *dynamic* correspondence between responses to injustice at a structural level and the transactional virtues associated with them. Unless there is at least acceptance of the values inherent in the structural measures at the individual (transactional) level, such institutional policies will prove to be ineffective and counter-productive in many cases and, one could argue, illegitimate.

If measures to counteract the bad effects of ethnocentric bias, for example, are seen as disadvantageous to certain groups, they will not engage in the requisite supportive behavior needed for those policies to function. Just as Anderson claims that collective responses to injustice are needed to give full effect to transactional virtues at the local level, the opposite also holds: individual support of the values inherent in the social policy are required for those policies to succeed. If a person’s sense of fairness and inclusivity guiding her local behavior is completely unconnected with the values guiding the public policy, the latter will lack effectiveness.

Indeed, they may also lack legitimacy, if we follow a certain reading of (the broad contours) of liberal democratic political theory. In that tradition, principles of justice at the collective level (as the “first virtues of social institutions” in John Rawls’s phrase) are prioritized over the promotion of individual values and social goods. And in more recent developments of liberal theory, this priority is far from absolute, in that political principles of justice must be seen as part of a package of goods the whole of which is broadly acceptable as part of a political consensus (again, to follow Rawls, if only loosely). If the imposition of a collective response to a social “injustice” is divorced completely from individual citizens’ senses of value and virtue, and as a result they cannot accept the public justification of those social principles, it is unclear they are fully legitimate.

(I mention these philosophical tenets of what is described as “ideal theory” though I realize that the critical enterprise in which we are all engaged in this conversation – correcting ongoing and

entrenched injustice – lies within the realm of “non-ideal theory”.⁴ But I think the points are nevertheless worth considering in the same way.)

So my point is that claims that certain policies are required to restructure social institutions and practices are legitimate only when paired with notions of virtue and the good espoused by (or acceptable to) those who must follow them. Rules of justice that shape institutions will not only be ineffective but arguably illegitimate if they are entirely unconnected with conceptions of individual virtue and the good functioning in the micro-terrain of interpersonal relations.

This issue of complementarity – between structural responses and individual virtue – plays out more forcefully in the case of hermeneutical injustice and indeed may raise worries about Fricker’s analysis not mentioned by Anderson. Recall that hermeneutical injustice involves the public discourse within which people’s interests (and claims of victimization) might be expressed, and when the dominant discourse fails to include a vocabulary within which such interests can be articulated, a systemic form of exclusion and “silencing” occurs. Anderson focuses on testimonial injustice, but her points about structural responses to epistemic biases apply here as well, though with new complications.

For example, Anderson also raises questions about the effectiveness of individual responses to epistemic injustice in cases where people are unaware of the markers of cognitive disadvantage. In such cases we cannot expect the virtue of greater sensitivity to that disadvantage to take hold, even if we adopt the habits of sensitivity to such patterns of exclusion that Fricker recommends. This point, however, can be applied to hermeneutical injustice in even more powerful ways. For if the dominant social discourse does not even contain the *vocabulary* by which people’s experience of harm can be expressed, it is obscure how we can adopt the virtue of being sensitive to such disadvantage at the individual level. Not that I want to forgive the sexual harasser’s in the age of *Mad Men*, but insofar as the claims that certain experiences of hurt and harm are a mark of injustice are themselves not substantiated in the public discourse (yet) or are still a matter of dispute, a virtue of sensitivity to still unexpressed forms of hermeneutical injustice will have no content.

At a time before a vocabulary of harm and injustice has been established, when some people express the claim that they are being misunderstood, it is unclear what substance the virtue of hermeneutic justice will have unless we already know how the story will end, namely that they *are* being misunderstood and are not merely engaging in special pleading. Consider, for example, individuals who claim to suffer from what is called “Body Integrity Identity Disorder” who desire to amputate their own healthy limbs due to a feeling of estrangement from their body

⁴ See Anderson’s discussion of this issue in *The Imperative of Integration*, pp. 3-7

form. Such individuals have asked the medical community to respond to their needs for this type of procedure and have claimed injustice in not being properly heard.⁵ But whether those medical professionals who refuse to participate in such amputations are exhibiting the vice of hermeneutic insensitivity or not will very much depend on how the issue of the status of such claims will work out. We will have to wait to see, for instance, whether such a desire comes to be understood as the expression of a genuine interest in a social context whose dominant discourse lacks a vocabulary for that interest, or is an idiosyncratic preference that has no claim on society in general. The content of the hermeneutic virtue here is under-determined at this point. (I choose this example because I am agnostic about the status of such claims; for those readers who think this expresses my own insensitivity, or over-sensitivity, I then need a different case where the jury is indeed still out on the status of the claims in question.)

But this is contestable in given cases. The more general form of the virtue might be this: “be aware of the historical patterns of silencing that have victimized less powerful groups because we failed to listen carefully enough to their complaints”. And this is very much in keeping with Fricker’s own view about the individual virtue of hermeneutic justice.⁶ But what would a *structural* response to hermeneutical injustice look like if it were pursued along such lines? On the one hand, it would resemble calls for greater inclusion and flexibility in the modes of public discussion, both in formal political chambers and the public sphere more generally.⁷ But the issue of indeterminacy arises here with greater force: we cannot assume that the particular voices not being publicly understood (yet) represent a case of unjust exclusion until we allow the dynamics of full social discussion of the issues to take their course. It cannot be assumed that excluding certain modes of expression is a matter of *injustice* prior to coming to realize that they represent genuine interests rather than factional or idiosyncratic pleadings.

So here the structural response is more complicated. But clearly the understanding of the ways in which our patterns of thinking, communicating and listening can be infused with forms of injustice has been greatly illuminated both by Prof. Fricker’s book as well as Prof. Anderson’s amendments and challenges. I only hope these comments spur further discussion of this important area of inquiry and public discussion.

Contact details: jchristman@psu.edu

⁵ See Robin Henig, “At War With Their Bodies, They Seek to Sever Limbs” *New York Times*, March 22, 2005.

⁶ Fricker, 169-75.

⁷ See, for example, Iris M. Young, *Inclusion and Democracy* (Oxford: Oxford University Press, 2002).

References

- Anderson, Elizabeth. 2010. *The imperative of integration*. Princeton, NJ: Princeton University Press.
- Anderson, Elizabeth. 2012. Epistemic justice as a virtue of social institutions. *Social Epistemology* 26 (2): 163-173.
- Fricker, Miranda. 2007. *Epistemic injustice. Power and the ethics of knowing*. New York: Oxford University Press.
- Henig, Robin. 2005. At war with their bodies, they seek to sever limbs. *New York Times* March 22, 2005. <http://www.nytimes.com/2005/03/22/health/psychology/22ampu.html>
- Young, Iris M. 2002. *Inclusion and democracy*. Oxford: Oxford University Press.