

Critical Reply to “Culpability for Epistemic Injustice: Deontic or Aretetic?” by Wayne Riggs
David Coady, University of Tasmania, Australia

“Culpability for Epistemic Injustice: Deontic or Aretetic” is an excellent piece of constructive criticism of Miranda Fricker’s important work on testimonial injustice. I agree with much that Riggs says. In particular, I agree with him that Fricker’s work on this subject owes more to the Kantian deontological tradition than it does to the Aristotelian virtue ethical tradition. In what follows, I will take issue, not with the substance of Riggs’ article, but with some subsidiary points, which, I think, are of some importance.

Riggs addresses Fricker’s (2007, 100) discussion of a passage from Patricia Highsmith’s *The Talented Mr. Ripley*, in which one fictional character, Herbert Greenleaf, refuses to take seriously the opinion of another, Marge Sherwood, on the grounds that she is a woman, and he has a prejudice according to which women have little capacity for rational thought, especially when they are being emotional. Fricker claims that Greenleaf’s attitude is an example of *non-culpable testimonial injustice*. According to Fricker, Herbert Greenleaf is “at fault”, but not “culpably at fault”. Riggs finds this distinction unsatisfactory, and argues that testimonial injustice is always something one is culpable for. He concludes that since Herbert Greenleaf is not culpable, his refusal to take Marge Sherwood’s opinion seriously is not a case of epistemic injustice.

There are a number of ways Fricker might defend the distinction between being at fault and being culpably at fault, and hence make sense of the concept of non-culpable epistemic injustice, but what interests me is not what Fricker and Riggs disagree about in this example, but what they agree about, namely Herbert Greenleaf’s lack of culpability (or blameworthiness). I will argue that they let him off too lightly, and I will draw some general lessons from this.

Riggs argues that culpability for testimonial injustice should be understood as a form of negligence. He proposes some necessary and sufficient conditions for negligence, and claims that Herbert Greenleaf does not meet these conditions in the circumstances in question. These conditions are spelt out in terms of what it is *reasonable to expect of a person*. Riggs claims that Herbert Greenleaf would be negligent in this situation and hence testimonially unjust, if and only if the following two conditions were met:

- (a) it was reasonable to expect him to know that he was required to correct his judgments ..., and (b) it was reasonable to expect Herbert [Greenleaf] to recognize the harms that would result from his failure to do so.

Since it would not be reasonable to expect these things of Herbert Greenleaf, Riggs claims he is not negligent. This seems to be wrong. A person can be negligent without it being reasonable to expect him or her to know any better or to recognize the harms that would result from his or her negligence. It’s true that the legal, as opposed to the moral,

concept of *negligence* is typically spelt out in terms of the concept of *a reasonable person*, but even in the legal context, it is not what a reasonable person would expect of the accused that is relevant, but what a reasonable person *would do* in the circumstances of the accused. The accused cannot escape blame by arguing that he is an unreasonable person, and hence that nothing better could reasonably be expected of him.

Fricker’s argument (2007, 100) that Greenleaf is not culpable also appeals to facts about what could reasonably be expected. She claims that “blame is out of order” in this case, because Herbert Greenleaf could not “reasonably be expected to achieve the critical perspective on gender that would have enabled him to question his lack of trust in Marge in the requisite way”. Fricker supports her position by appeal to the Kantian maxim that “ought implies can”. But the fact that something cannot be reasonably expected of a person does not mean that he or she cannot do it. It is reasonable to expect bigots to behave (and think) in bigoted ways, but that does not mean that they cannot do (or think) otherwise, and it does not mean that they are not blameworthy for what they do (or think). Fricker claims (and Riggs appears to agree) that Herbert Greenleaf could not have questioned his distrust of Marge Sherwood, because that would require him to adopt a certain “critical perspective on gender”, which would presumably be impossible for a man of his education and social background. But this seems to be an overly sophisticated account of what is required for moral behavior (or, in this case, moral belief formation). There have always been people who have managed to overcome identity prejudice (which it was reasonable to expect them not to overcome) without the aid of any particularly sophisticated intellectual framework, and I see nothing in the original novel, or in Fricker or Riggs’s discussion of it, to suggest that Herbert Greenleaf could not have overcome his particular species of bigotry as well (although it would not be such a good novel if he had).¹

Why does Herbert Greenleaf’s culpability matter? If he were culpable, the locus (as Riggs puts it) of his culpability would be his beliefs,² rather than (say) his actions. Fricker and Riggs’ exculpation of Herbert Greenleaf matters because it seems to buy into the view, explicitly endorsed by many professional philosophers, that we have little or no responsibility for our beliefs, because we have little or no control over them. I have criticized this view elsewhere, and argued that the tendency to understate the extent to which we are responsible for our beliefs has had a bad influence on epistemology in recent decades (Coady 2012, 12-17).

¹ Even if I am wrong, and there is something in the novel that I have missed which implies that Herbert Greenleaf was literally incapable of taking Marge Sherwood’s views seriously, it is worth remembering that the “ought implies can” principle has always been highly controversial. Possible counterexamples include situations in which one can’t behave well because of a flaw in one’s personality. Arguably this situation is such a counterexample.

² To be more precise, the locus of culpability would be his doxastic attitudes, which include, not only his beliefs, but the degrees of confidence with which he holds those beliefs.

Riggs’ characterization of testimonial injustice as a form of negligence also seems to underestimate the extent to which we are in control of, and hence responsible for, our beliefs. According to Riggs, testimonial injustice is a form of negligence, because it essentially involves a *failure to act*, specifically a failure to actively compensate for one prejudices:

So, when someone perpetrates a testimonial injustice, what she is culpable for is *not so acting*. In other words, the wrong done to the speaker in an instance of testimonial injustice is one of *negligence* (original emphases, 155).

But although this is certainly one way in which one can be culpable for one’s objectionable prejudices, it is not the only way. People are sometimes culpable, not merely for failing to act to compensate for (or eliminate) their objectionable prejudices, but also for actively and intentionally seeking evidence to confirm them, as well as actively and intentionally interpreting evidence in ways that seem to confirm them. I say that when they do either of these things, they are not merely being negligent, they are engaged in intentional wrongdoing, and I see no reason to restrict the expression “testimonial injustice” in such a way that it excludes this kind of wrongdoing.

I suspect that Riggs and others will say that although people can manipulate their beliefs in the ways I suggest, they cannot do so consciously. But even if that’s true, the fact that someone is not conscious of what they are doing, does not mean they are not doing it intentionally (intentions can presumably be non-conscious), and it does not mean that they should not be held responsible. At one point, Riggs rhetorically poses the question of “how we can hold someone responsible for something that is happening well below the threshold of consciousness”, implying that such attributions of responsibility would be ill-placed. I must say that I don’t see why. It seems to me that we are just as much (and as little) responsible for beliefs and other mental states that we are not conscious of as for those we are conscious of.

I don’t want to come over as a scold who is too quick to attribute fault. I don’t claim that we are responsible for everything we believe, anymore than we are responsible for everything we do, and I certainly don’t think we should be legally sanctioned for ‘thought crime’. However, it does seem to me that Fricker and Riggs both fail to do justice to the extent to which our beliefs are under our control and the extent to which we may be properly blamed or praised for them.

Contact details: David.Coady@utas.edu.au

References

Coady, David. 2012. *What to believe now: Applying epistemology to contemporary issues*. Malden, MA: Wiley-Blackwell.

Fricker, Miranda. 2007. *Epistemic injustice*. Oxford: Oxford University Press.

Coady, David. 2012. Critical reply to “Culpability for Epistemic Injustice: Deontic or Aretetic?” by Wayne Riggs. *Social Epistemology Review and Reply Collective* 1 (5): 3-6
<http://wp.me/p1Bfg0-jP>

Riggs, Wayne. 2012. “Culpability for epistemic injustice: Deontic or aretetic?” *Social Epistemology* 26 (2): 149-162.