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Epistemic Responsibility and Culpable Ignorance: About Editorial and Peer Review in Practical Philosophy

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New Topics on Practical Philosophy

In the last decades, some practical issues that traditionally were not part of the classical repertoire of philosophy have gradually won their place in universities and congresses. Trans issues are among them. The growing interest they have received has also been reflected in academic publications, which began to include articles applied to different aspects of personal, collective and political identity of subjects who identify with a gender other than that assigned at birth. Unfortunately, neither the popularity of the topics, nor the political commitment manifested by their authors, nor the prestige of the journals that have hosted them seem to have been enough to guarantee the quality and rigor that characterizes philosophy in other areas. On the contrary, it is my contention that journals that enjoy a very good reputation tend to lower their standards considerably when it comes to publishing articles on these subjects. This conclusion is the result of careful reading of the sources and extended evaluation experience, which finds trans scholars raising presenting negative reviews that are then discarded because of the journals' interest in "incorporating these issues".

That said, I will argue that the proliferation of uninformed articles about trans people and their political initiatives contributes neither to philosophy nor the target communities. On the contrary, academic endorsement of such texts is detrimental in both directions and constitutes a lack of epistemic responsibility. To support this contention, I will take as a case study an article recently published in a well-known Mexican journal, which seems to me particularly relevant because it exhibits problems that are part of a persistent pattern.

The Epistemic Role of Editorial and Peer Review

The proliferation of unscrupulous research on trans issues in philosophy affects both philosophy and trans people. The former because it certifies incorrect and/or unjustified theses and superficial approaches as if they were quality research and authorizes the scholars who produce them. The latter because trans people must deal with the consequences of such research and with their authors, now identified as experts with credible backgrounds, often in prominent journals.

Certification and authorization are functions of editorial and peer review, processes that consist in the evaluation of the manuscripts by third parties. Although in practice the distribution of labor is more diffuse, editorial review generally focuses on the relevance of the text, while peer review addresses issues of academic quality, although it is not defined whether this refers to a selection of the best articles, an input to make them more robust, or a search for errors and fraud (Smith 2006). This system, especially the so-called "double-blind" model, has received much criticism. The evidence of its defects (which include unavoidable biases, lack of transparency, experiences of abuse, among others) and the lack of evidence of its effectiveness have led to various revision initiatives and alternative proposals (Jefferson, Alderson, Wagner et al. 2002; Smith 2006; Fitzpatrick 2010; Origgi 2010; Souder 2011; Katzav and Vaesen 2017).

However, be it because we believe in the benefits of this procedure or because we cannot find a better one, peer review is still a *sine qua non* of academia, used in almost every aspect of scholarly work: ‘from hiring decisions through tenure and promotion reviews, in internal and external grant and fellowship competitions, and, of course, in publishing’ (Fitzpatrick 2010, 162). Its functioning rests on the trust in the authority of goal-directed and impartial experts who judge based on standards of academic excellence. In other words, it is a procedure that must satisfy (at least) these three conditions: it must be executed by experts, they must be impartial, and their evaluation must respond to epistemic criteria. From everything that can be said in this regard, I am interested in cutting out a problem that I consider particularly relevant to the scenario under analysis here: the case in which the reviewers lack the necessary knowledge to evaluate the assigned manuscripts. In this case the epistemic standards that justify the peer review system are violated. When this occurs in the field of practical philosophy and in works on vulnerable communities, it also has negative consequences of a practical nature.

Ideas about an Unknown World

Some concrete examples may serve to make this point clearer. I will take them from an article on the Argentinian Gender Identity Law recently published in the Mexican journal *Diánoia*. This publication constitutes a paradigmatic case of lack of epistemic responsibility. It should be noted that I am not interested in discussing the terms of the article but to focus on the phenomenon of its publication in a well reputed philosophy journal in Spanish. The centrality assigned to its problems below is due to the fact that they exhibit the laxity of epistemic standards when it comes to publications on these topics in philosophy and call for addressing issues of epistemic responsibility of editorial and peer review.

Among the various problems presented by the article, in what follows I will focus on lack of knowledge of the field, violation of the principles of evidence-based research, objectification and fetishization of vulnerable communities and lack of rigor in argumentation.

In relation to the first point, proposing today as one’s own thesis that gender identity is biotechnologically produced without referring, even if only, to canonical works of the field (such as that of Preciado in *Testo Junkie* [2008]) is like maintaining that speech acts have performative effects without referring to Austin, or that all analysis of historical discourse must account for its narrative operations, without referring to the legacy of Hayden White and other narrativists. These are theses that have had enormous impact on Western Philosophy, promoted schools of thought, antagonists, debates, reformulations, and significant hybridization. Knowing this background is part of the formation of anyone who decides to go into the above-mentioned topics, a condition for becoming an expert on them and/or reviewer. In other words, a lay public does not violate any obligation if it does not know about theories of gender, philosophy of language or philosophy of history. The situation is different for those engaged in research on these topics and even more so for the editors and peers in charge of the review.

Coarse simplifications, lack of evidence and lack of argumentative rigor also seem to be problems that tend to pass the filter of peer review when it comes to trans issues. It is not by chance that numerous trans scholars have elaborated methodological, ethical, and epistemic suggestions for researchers who are interested in these topics, and that these start from such basic aspects as knowing what they are talking about (for example, Cabral 2009; Namaste 2009; Hale 2009; Adams et al. 2017; Henrickson et al. 2020).

Academic journals play an important role in determining what is considered knowledge and who the experts are. When they accept articles that make uninformed claims, they are engaging in epistemic negligence. No doubt it could be analyzed in more detail according to different possible scenarios. For example, the editorial committee might call on experts as reviewers, who exceptionally perform poorly. In that case, it would be difficult to defend that an act of negligence happened. It may also be the case of sending an article to review by prestigious authors whose prestige does not have a correlation in the expertise in the topics under review, something that is evident in the results of their review. And it may also be the case that they non experts, who also accept the task, in which case we are facing a succession of negligent acts, both on the part of the editors and the reviewers. Published articles that show a lack of knowledge of relevant bibliography suggest that the reviewers are not experts in the field.

This is also the case with articles that make claims without regard to evidence. The article under analysis here provides an example of this, when it alludes to the allegedly harmful effects and health risks of hormone replacement treatments for trans people without providing references or evidence. This is epistemically negligent, first, because it ignores and omits evidence to the contrary; second, because it has distorting effects that inaugurate or reinforce chains of authorization that harm trans people and their access to rights such as health.

In medicine, evidence-based research involves a systematic process of evaluating and selecting the best evidence currently available to address practical problems. This selection responds to criteria of methodological quality and rigor. But also, of relevance, it would not make sense to simply maintain that a certain medical practice presents health risks and offer as evidence research with a drug not recommended by national guidelines or provided by the health system.¹ And that could potentially be pernicious.

The use of published literature in specialized journals to affect the rights of trans people is a problem that has been widely debated. Bernice Hausman's texts have been used to undermine trans people's access to health (Pyne et al. 2017, 14) and Janice Raymond's texts

¹ The article, which focuses on the Argentinean case, mentions that there are health risks of hormonization in trans people based on scientific articles with drugs not recommended in the local guidelines, nor provided by the health system, nor guaranteed by the resolution that regulates the health provisions of the Gender Identity Law. Additionally, contrary to the principles of evidence-based research, it omits references to the best currently available evidence on the adverse effects and safety of hormones and to the recommendations of the local medical system.

have explicitly committed to transphobic agendas. In 2016, a panel at the World Professional Association for Transgender Health focused specifically on this issue, pinpointing which articles and authors are most often cited by conservative groups to justify anti-trans legislative initiatives in the United States.

Jacob Hale's (2009) rule on the judicious use of authority citations responds to these problems; after all, knowledge of the field also implies a non-naïve relationship with relevant literature. In a similar vein, Mauro Cabral (2009) calls on every researcher interested in trans issues to adopt 'the same critical attitude with which [one works] on other issues.' Highlighting this is not capricious, as he warns, when it comes to these issues, the most established researchers in other fields 'become extraordinarily simplistic.' This is expressed, among other things, in certain argumentative licenses and in the recourse to fallacious representations.

Going back to our example, let us think of an argument that seeks to defend that the Argentine Gender Identity Law collides with the emancipatory principles it claims to uphold. The authors argument starts from the idea that such law has no place for "science", since it considers gender identity to be a subjective experience—thus making no room for scientific authorities in determining the subjects' gender identity. Then moves on to assert that "science" slips into the text of the law anyway, and with it, its theoretical commitments, including binarism, in the name of which the bodies of intersex people are mutilated. In its rhetorical move, the argument insists on the way trans people undergo medical interventions and exposes the tragedy of a well-known intersex person operated on at birth. Finally, the conclusion qualifies any praise of the Gender Identity Law because, after all, such law would be related to "science" and therefore carries with it the commitments through which such atrocities are perpetrated against intersex people.

What justifies exposing the medical biographies of intersex people as "cases"? The exoticization and instrumentalization of intersex people are widespread problems even in LGBT and feminist theory and politics. Intersex people have questioned the display of their histories and bodies to the fascination and/or outrage of different audiences. The protagonists of these stories have been confined to the social status of a "case". Why would we invite readers to learn more of their stories through the work of authors who have used intersex people as a means to their own ends?

Why would we insist on presenting trans people as subjected to the normative standards of science? What would lead us to present the development of biomedical technologies as a parallel process independent of the agency of trans people? What is the justification for not knowing, as experts, the strategies of appropriation and instrumental use that trans people have historically made of biomedical technologies and what this implies for the theses of determinism?

What reasons lead to presenting science in monolithic terms and identifying it with biology and biochemistry, and to understanding the biotechnological production of identity in its restricted literalness, that is (as effects of hormones and the scalpel) on a limited set of

subjects (trans and intersex)? Or is it that gender technologies do not go beyond clinical practice and do not also reach cis and endosex people?

Why would we say that “science”—without further qualification—is strongly committed to the production of the binary of sexual difference? My point here is not denying the cishnormativity of the biomedical paradigm but considering the existence and production of alternatives within science. Such alternatives challenge simplistic and dichotomous approaches: the committed work of many health professionals, intellectuals from diverse fields and activists for the rights of trans and intersex people does not pose the challenge of choosing between access to health (and its bodily imperatives) or autonomy (outside the medical system). On the contrary, they are invested in improving the standards and quality of care, depathologizing, guaranteeing decisional autonomy and universal coverage (Kara 2017). In the same line, the current search for a vaccine against Covid 19 also involves biology and biochemistry, which implies their theoretical commitments—including the binarism and essentialism that, if we follow the authors argument, would be entailed by scientific knowledge. Would accepting this vaccine mean that we are committed to binarism and essentialism?

My objective with these rhetorical questions is to underline that only a person who ignores the fields of knowledge that are intertwined here (in this case the relevant scientific disciplines, trans studies and intersex studies) would allow for such an argument. As I pointed out earlier, lay ignorance does not imply the transgression of any epistemic obligation, lay people simply do not need to know. Those who decide to publish on these topics and those who take the responsibility for reviewing the manuscripts do. After all, they do need to know the relevant literature and the development of the pertinent fields of the article in question.

Knowledge in a Non-Ideal World

Living with a different identity than the one assigned at birth is a significant experience that contributes to shaping the situation from which trans people look at the world and the world looks at them. In the first place, because it offers a “more direct” access to a series of phenomena, that is, an access not mediated by the testimony of others who have experienced them (Berenstain 2016). These are regular but contingent phenomena that, in themselves, are not sufficient for people to form less distorted, more reliable beliefs, nor do they imply an uninterpreted access to “facts”. I am not defending a thesis of epistemic privilege, but something quite trivial: repeated exposure to these phenomena usually translates into certain perceptual patterns, interests, questions, and habits of expectation (Pohlhaus 2012). If there were a cognitive advantage here, its benefits should be evaluated considering the paradox that is configured whenever living with a gender identity different from the assigned also results in the discrediting of trans people as epistemic subjects. Their word tends to be underestimated and their competencies limited (at best) to the experiential realm.

Secondly, because the public expression of an identity other than the assigned at birth has symbolic and material consequences in people's lives. I am not referring here so much to the fact of identifying in a certain way but to living socially in that way. When this happens before or during people's educational trajectory, it tends to overload it with obstacles (UNESCO 2016; OAS IACHR 2016). Although these social disadvantages may be epistemically significant, they are still disadvantages that, in practice, are expressed in marked differences in the academic credentials of the subjects and their position in the established hierarchies.

The conditions described above pronounce the asymmetry with respect to the epistemic authority of cis people, which, in addition, overlaps with another: trans people are disproportionately affected by the practical consequences of research. Including those of philosophy.

The latter may sound strange, after all, our discipline in general does not conduct research with human beings. Precisely because of this, philosophers have had much to say about the ethics of biomedical and social research, but reflection on our own work has been considerably less. And it is necessary because, whether we like it or not, our research, especially in practical philosophy, has inestimable consequences, which we do not avoid through indifference or a declaration of good intentions. In these terms, considerations about the ethical and epistemic standards of research in philosophy acquire full relevance. These considerations applied not only to philosophy but to all research on trans issues have led to the emergence of the interdisciplinary field of Trans Studies. Repeated history locates its genesis in the 1990s and in North America (Kunzel 2014). However, the texts identified as pioneers were not translated, nor were networks of academic collaboration created that would give meaning to a narrative of linear progress in terms of a North-South spill. Rather, the problems to which these texts reacted (including research that was translated, achieving great impact and circulation in the Spanish-speaking world) did have a global character and found local resistances—thus, the emergence of different germinal critical foci of what we can now call “Trans Studies” can be traced in different, not necessarily connected, contexts, including Latin America. The problems mentioned, on the other hand, still justify as well as obstruct the development of the field.

In Latin American context, Trans Studies have so far not received institutional recognition and have had a marginal place in academia—actively ignored and even repudiated in gender studies institutes. In the case of philosophy, moreover, disciplinary traditions have tended to favor speculative work, so philosophical work within Trans Studies has tended to be ignored, considered “too empirical” to be philosophy (if not “too political” to be theory). Nevertheless, the field has developed even in our discipline, as much as intersex studies. Neither trans nor intersex studies are ‘virgin and unnamed territories, waiting to be discovered, plowed and colonized’ (Cabral 2009, 142).

Epistemic Responsibility, Culpable Ignorance, and Accountability

The epistemic expectations regarding authors and reviewers respond to the obligations derived from their respective professional functions. The type of intellectual work they perform constitutes a social practice with publicly recognized standards, so it is legitimate and reasonable to expect them to know the issues with which they are involved (Goldberg 2017).

The ethical and epistemic issues raised in this short text are as hybrid as the concepts of epistemic responsibility and culpable ignorance. In the realm of academic publications, moreover, this type of ignorance has the effect of making non-knowledge count as knowledge (Mills 1997). From all that has been said so far, it will be understood that this type of event is a small step backwards for philosophy and a big step backwards for trans people.

If there is an interest in opening the doors of the professional practice of philosophy to “trans issues” (and that seems to be the case) combined with genuine concerns about the quality of life of trans people, then it will be a matter of opening up to the epistemic counterpoint (Medina 2013). This will undoubtedly involve becoming aware of one’s place in the space of reason, knowing the field and establishing cooperative relationships with communities.

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