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Epistemic Repair: A Reply to Page

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I am grateful to Jennifer Page, who wrote a generous and incisive reply to my paper “Denial of Japan’s Military Sexual Slavery and Responsibility for Epistemic Amends” (2021a). In this paper, I argue that publicly denying the “comfort women” issue—a case of military sexual slavery—often causes epistemic harms and that denialists have a responsibility to provide backward-looking epistemic repair.

I am truly honored to think alongside Page, who demonstrates exciting new ways to extend my idea of backward-looking epistemic repair. In her reply, Page develops a brilliant theory of backward-looking epistemic justice by arguing that criminalizing denialism and socially sanctioning revisionism may be two distinct ways to provide epistemic repair.

My response will extend Page’s contribution to the literature by providing additional arguments that support her claims. I will first provide arguments that defend criminalization in the first section and defend social sanction in the second section. Throughout my reply, I will mainly discuss speech acts that commit denialism and revisionism of the “comfort women” issue, assuming that this is a case of sexual atrocity and that there is an internationally established consensus regarding the case as a historical event that did occur.

Punishment as Epistemic Repair

The literature on epistemic justice is often focused on agents’ forward-looking responsibilities to make the world more just, epistemically-speaking. In contrast, I wanted to develop a backward-looking epistemic responsibility, drawing on the debate on reparation and remedy. Both backward- and forward-looking approaches are considered to be salient approaches, each raising distinct concern of justice. A backward-looking approach assumes that an injustice, once committed, should be rectified. A forward-looking approach take injustices to be normatively significant as long as they help improve the present relations or lessen present inequalities.

Jennifer Page’s reply lays out two novel ways to conceptualize backward-looking epistemic repair. I will start with her argument on punishment, where she maps out three arguments for employing criminalization of public acts of denialism as a form of epistemic repair (Page 2021, 31). First, punishing public acts of denialism is highly likely to deter recurrence of similar acts of denialism in the future. Second, denial laws hold denialists accountable for causing harm to the victims. Third, criminalizing public acts of denialism may heal specific kinds of wounds suffered by the victims who face denialisms.

The first argument, more forward-looking than the rest, raises an important theoretical point about the temporal orientations of justice. Backward- and forward- looking concerns of justice may be analytically distinguished. However, the division between backward- and forward-looking concerns of justice may form a false dichotomy at a theoretical level (Nuti 2019, 21). Even if a reparative program aims to be backward-looking, it may be bolstered by a forward-looking justification. Likewise, if epistemic repair stands as a subproject of broader reparative program, it need not adopt either one of backward- and forward-looking

orientations of justice. Rather, a form of epistemic repair may fulfil both concerns simultaneously.

The second and third arguments illustrate distinct backward-looking reasons for punishment—to hold wrongdoers accountable and to amend harms that have been caused by past wrongdoing. Criminalization is an institutionalized form of backward-looking responsibility and denial laws hold denialists accountable for harms they have caused in the past by proportionately punishing their public acts of denialism. Furthermore, punishment may amend harms caused by the acts of denialism.

I found the third argument especially thought-provoking, so I intend to unpack it further. Does punishment heal the wounds caused by past wrongdoings, and if so, how? The third argument seems particularly relevant for the “comfort women” issue, given the recent failure to prohibit defamation or insult aimed at the “comfort women” survivors in South Korean context. To explain, on August 13, 2021, a bill that revised the Act on Protection, Support and Commemorative Projects for Sexual Slavery Victims for the Japanese Imperial Army (henceforth, the bill) was submitted, only to be withdrawn 12 days later.

The bill prohibited defamation and insult aimed at “comfort women” survivors, their kin, and civic groups who support the survivors (such as the Korean Council for Justice and Remembrance for the Issues of Military Sexual Slavery by Japan, henceforth, the Korean Council), including both statements of fact and spreading of false-knowledge within the scope of defamation or insult. The bill was met with heavy criticism, among which the most important being one from Lee Yong-soo, a “comfort women” survivor and a prominent activist who has led the “comfort women” movement for decades. Lee stated during the interview: “Why did they include civic groups in the bill when they said the bill is intended to protect the victims? (...) They never asked our opinions about this. They ignored us once again” (Ser 2021).

On August 25, 2021, the bill was withdrawn.

Given the lamentable failure of the bill in South Korean context, I wondered whether punishment may in fact function as epistemic repair, and if it does, how exactly denial laws should be implemented in order for it to successfully amend harms caused by public acts of denialism. I argue that for legal sanction to have a successful outcome as epistemic repair, its procedure has an important impact.

Page’s argument zooms in on the outcome of legal sanction—the state may send a strong message at the level of society by implementing denial laws, illustrating that the “government is committed to the truth and appreciates the gravity of what the survivors went through” (2021, 31). I found this argument intuitively compelling, but I wondered what should be done in order for the state successfully communicate this message so that legal sanction does not become yet another insult to injury, as did in South Korean context.

I want to start by mapping out harms caused by denialism, which may be amended by

adopting legal sanctions. One epistemic harm caused by public acts of denialism is the propagation of false-knowledge, which “masks the truth” about the injustices. This may culminate into collective ignorance, by misinforming fellow citizens with wrong information (Oranli 2018, 50). When survivors’ testimonies are eclipsed by false-knowledge, criminalization of public acts of denialism may be an effective way to correct the situation. First, criminalization will block further spreading of false-knowledge. Moreover, it may be an effective way to disallow denialists from using public space as their platform. In fact, I suggest that legal sanction may largely, although not exclusively, amends harms that are epistemic in nature.

Epistemic harm, unfortunately, is only a part of the harm caused by public acts of denialism. Page indicates in her reply, based on the testimony of the Shoah survivor, that public acts of denialism often cause violation of dignity:

A denialist statement made by someone on television or interviewed in a newspaper might very well cause distress on the part of a mass atrocity survivor who encounters it. When Holocaust survivor Violeta Friedman came across the denialist claims of former SS official León Degrelle in a magazine, she filed a claim against him “for *violating her right to dignity and honor*” (139) (2021, 32; her emphasis).

Similarly, the survivors of Japan’s military sexual slavery who face public acts of denialism also experience violation of dignity.¹ By employing epistemic injustice as my analytic toolkit, I argued that denialism may cause violation of dignity because it often involves testimonial injustice, which excludes survivors of grave injustices from social acts of testimony. When survivors’ testimonies are refuted by being attributed deflated credibility based on survivors’ social identities, survivors are denied the status of the subject (Song 2021a, 164; Fricker 2007, 148). Furthermore, they are excluded from social processes where individuals may participate in social acts of testimony to impart knowledge onto others—an act where individuals exercise reason as a basic human capacity.

Interestingly, Page suggests that legal sanction may ameliorate other kinds of harm, such as violation of dignity. I want to support this claim, by illustrating how legal sanction may actively include the survivors in the process of its lawmaking, thereby providing them with an authoritative standing that corrects past exclusion. That legal sanction may correct enduring practice of exclusion is a particularly exciting prospect, given the fact that exclusion has been a thorny issue, especially for sexual violence. In her analysis of gender and reparation, Margaret Urban Walker point out how reparative programs often fail to address

¹ It could be that the members of civic groups, organizations, etc. that help the victims may also experience violation of dignity due to public acts of denialism. This concern raises an important point: Violation of dignity may arise due to different reasons. While I argued that violation of dignity that the survivors faced is due to exclusion, there could be other reasons for violation of dignity. I admit that as additional victims of public acts of denialism, members of civic groups, organizations, etc. may be subject to violation of dignity. However, I argue that their experience of violation of dignity may be different from that of the survivors, given that their experience may not involve exclusion. I thank Tamara van den Berg for pressing me here.

sexual violence successfully because of systemic exclusion that women suffer in public institutions:

Women have in many societies been assigned “speechless standings” that forbid or disqualify by law or custom their testimony relative to certain matters, that require the permission of men to speak, or that impede women’s access to the needed public, legal, and institutional avenues of expression. These are impediments to women being able to enunciate their experiences and report their injuries, and so help render women’s injuries invisible (2005, 46).

Legal sanction may be one channel to correct survivors’ enduring experience of exclusion, which paves path to violation of dignity, by actively including them in the process of lawmaking. By doing so, women, especially survivors of sexual violence, are given access to public space, moreover, a standing to discuss their experiences within public institutions.

My argument is not that punishment itself is an epistemic repair. Rather, the process of lawmaking, which is crucial to implement legal sanction, could become a part of epistemic repair. If the process actively includes the survivors and provides them with a privileged standing to discuss their experiences it may assuage the survivors’ experience of indignities—*to a degree*. (I do not want to overstate the power of any reparation in amending grave wrongdoings such as violation of dignity.)

Let me go back to the bill. Given that the “comfort women” survivors have been suffering from systematic exclusion for decades (Song 2021a, 162), it raises a serious moral concern that the bill I mentioned above was criticized by Lee as having excluded the survivors, such as herself, in the process of lawmaking. Now, imagine that the bill was introduced as a part of a reparative program, with the aim to amend the harms “comfort women” survivors faced due to public acts of denialism. It makes sense that the bill would have failed to communicate to the survivors that the state is committed to the gravity that the survivors went through, given that it perpetuated the exclusion survivors faced. Instead of doing justice, the bill may have added insult to injury.

Counterfactually, if the bill had actively included the “comfort women” survivors throughout the process of lawmaking, thereby offering them a space to participate as authoritative voices who may shed light on the “comfort women” issue, then the bill may have had an ameliorative effect to the survivors. In short, what I suggest here is the following: The outcome of legal sanction may partly depend on the procedure through which legal sanction is implemented, for it to be successfully employed as a form of epistemic repair.

Finally, I want to discuss the disadvantages of employing legal sanction as epistemic repair. While punishment as epistemic repair may assist in amending certain harms, it also has disadvantages such as the chilling effect. However, I think there is a way to mitigate them. For instance, punishment should necessarily come with a limit. As Page suggests, the scope

of criminalization should be limited by distinguishing denialism from revisionism, only to punish the former and not the latter (2021, 32-3). Revisionism refers to historical research with a proper methodology that verifies and reinterprets established facts about historical events, while denialism refers to the denial, the trivialization or the justification of a historical event that prevail over methodologically sound historical research (Page 2021, 32; see Fronza 2018, 5-6). Assuming that revisionism is a legitimate form of historical research, Page argues that “the idea of the state criminally punishing [revisionist] speech via denial laws ... seems to be an unjustifiable encroachment of state power.” (2021, 34).²

Conversely, there could be other issues other than chilling effect and loss of proportionality, namely, the threat of political instrumentalization. Consider again the bill. The survivor-activist Lee has been vocally opposed to the bill because it prohibited defamation and insult aimed at civic groups such as the Korean Council and did not limit its protection to “comfort women” survivors and their kin. In my regard, Lee’s criticism seems to raise a legitimate worry.³ Including civic groups as potential victims of slander may indicate that the bill has been politically instrumentalized, where governments use reparative policies such to strengthen their power—a common problem that has been identified when implementing reparative policies (Nuti and Page 2019, 334). In fact, it seems crucial to invite such scrutiny, during the process of lawmaking or policymaking, to check whether reparative policies have been politically instrumentalized or not.

Taking Lee’s criticism as a guideline for epistemic repair, I offer another way to limit punishment. If legal sanction were to employed in order to offer epistemic repair, it should only prohibit acts that harm survivors and their kin. What I suggest is to focus on the consequences of speech acts, not on its kind. Furthermore, by legally sanctioning only acts that cause harm to the survivors and their kin, it would have clearly communicated that the bill is “for the survivors” and serves no other purposes. This communication seems crucial for criminalization to successfully function as a form of epistemic repair, in other words, to successfully provide ameliorative effect to the survivors as a part of the reparative program.

The Power of Cancel Culture

Alongside legal sanction, Page discusses social sanction—especially, cancel culture—as an alternative form of epistemic repair. The main motivation to discuss social sanction is due to the variety of harmful speech acts. In fact, denialism is not the only type of speech acts that harm. Other speech acts, which do not constitute acts of denialism strictly conceived, may cause harms. If these speech acts are not legally sanctioned, due to the limit of law, what

² A Harvard law professor John Mark Ramseyer is another revisionist, having published works that claim “comfort stations” involved only voluntary sex workers.

³ This worry seems particularly legitimate, given a scandal that preceded the bill. Since May 25, 2020, Lee has accused the Korean Council and its former leader Yoon Mee-hyang for exploiting “comfort women” survivors to garner governmental funds. Yoon is one of the members of national assembly who drafted the bill. On this basis, Lee has raised criticisms whether the bill prohibits any criticisms, such as the one raised by Lee, given that the bill also forbids statements of truths. Based on this, Lee raises a suspicion that the bill aims to protect Yoon, more so than to protect the “comfort women” survivors.

should we do about them?

Consider Ikuhiko Hata, a figure whom I had argued to be a denialist and a perpetrator of epistemic injustice in my paper. Page points out Hata's work is revisionist, since his work does not pretend that the experience of the "comfort women" was a hoax nor does he invoke conspiracy theory-type thinking. Rather, Hata exploits the fact "comfort women" did include some sex workers; extrapolates the fact to argue that there was no occurrence of sexual slavery at "comfort stations." While it does not constitute denialism strictly conceived, Hata's work still cause serious harms. Page's point is that we should not let such speech acts so easily off the hook. In cases where legal sanction should not operate, social sanction may serve as epistemic repair that correct harms caused by revisionist works like that of Hata.

One concrete example of social sanction is "cancel culture," which refers to "punitive and quasi-punitive measures enacted by members of society rather than the criminal justice system, where agents are called to account for offenses like sexual misconduct and disrespectful speech" (Page 2021, 35). That is, authors who produce revisionist works that commit epistemic injustice, yet, do not constitute denialism, may be "cancelled" by any members of society either at the individual or community level to achieve epistemic repair. Page states:

I could imagine there being a movement to cancel Hata. For example, individuals might pressure the Japanese book publisher Shinchosha Publishing Co. to stop issuing *Comfort Women and Sex in the Battle Zone* and the U.S. publisher Rowman & Littlefield to stop issuing the English edition. Hata has won awards like the Kikuchi Kan Prize; this and other awards could be retracted by the committees that chose Hata as a recipient. And so forth and so on (2021, 35).

While Page herself contends that she is not fully convinced with social sanction, I found the argument ultimately defensible, albeit contentious.

Page's defense of cancel culture, as an example of social sanction, is hinged on the limitation of legal sanction. We both seem to agree that it is necessary to limit legal sanction for it to successfully function as epistemic repair, but that does not mean that limiting legal sanction is without any worry.⁴ As mentioned above, some problematic speech acts will be let off the hook. In order to avoid such error, social sanction may be mobilized in order to enforce accountability where legal sanction cannot exert its force. In this way, insidious yet harmful speech acts may be held accountable.

While there is much to admire to Page's argument, I want to pursue another argument for social sanction, specifically, for cancel culture. Independently from legal sanction, cancel

⁴ While this is unrelated to social sanction, this limit may also have unintended consequence. Namely, the state's message of commitment to the survivors' truth may be curtailed to a degree. Imagine that the state allows harmful speech acts that are as harmful as denialism to continue. It may give off the message that the state is insincere or lacks genuine commitment for reparation.

culture may be defensible because it successfully highlights underlying power structures that often contextualize denialist or revisionist speech acts, thereby calling attention to the urgent need to subvert the hierarchy among powerful and marginalized agents. Highlighting and subverting this power hierarchy is a crucial step in epistemic repair, or so I will argue.

In her analysis of cancel culture spotted in social media in the US, Eve Ng highlights power dynamics as a crucial aspect of cancel culture. She argues that cancel culture is often marked by: “[t]he dynamic of ... a collective of *typically marginalized voices* “calling out” and emphatically expressing *their censure of a powerful figure*” (Ng 2020, 623; my emphasis).

For instance, #MeToo movement, which involved cancel culture, entailed marginalized individuals issuing censorship of powerful agents by exposing their misconducts of sexual harassment or assault (for examples of cancel culture related to racism, see Bouvier 2020). The dynamic of marginalized agents calling out powerful figures seems to be present in our case as well, where renowned historians with international prestige, such as Hata and Ramseyer, are called into question by survivors of sexual slavery who faced intersecting burdens of sexist, racist, and colonist oppressions (Min 2003, 954).

Page argues that by cancelling Hata, his revisionist work is debunked so that he no longer enjoys epistemic excess as rigorous historian who writes with “self-presentation as a neutral arbiter of historical fact” (Page 2021, 34).

By looking closely, however, one may notice that cancel culture often goes beyond the withdrawal of social and economic support. Consider the case of John Mark Ramseyer, a Harvard law professor, whose recently published revisionist paper on “comfort women” has caused a huge international uproar. As rightly summarized by Page, the crucial aspect of the uproar against Ramseyer was not only in debunking the scientific rigor of his article and dismantling Ramseyer’s “credibility excess.” A significant part of the response was constituted by efforts to give platform to the “comfort women” survivors by inviting them to lectures, seminars or events at academic circles. What cancel culture did in the case of “comfort women” is both *undoing the privilege* of powerful agents such as Hata and Ramseyer, while *privileging* the “comfort women” survivors. As result, it called into attention the power dynamics between two groups in order to subvert it.

Given this observation I elucidated above, I wondered whether Page’s definition of cancel culture, which does not reference the dynamics of power, misrepresents cancel culture to a degree. As an attempt to revise this, I offer an updated definition of cancel culture, as an attempt to offer a theory of it:

Cancel culture is a social process with multiple phases that aims to subverts power hierarchy. The initial phase of cancel culture usually begins with a “call-out,” often platformed by social media, that publicizes and shames powerful individuals who uphold, enact or profit from sexist, racist, or homophobic views, or are indicted for serious misconducts. The second phase of cancel culture involves withdrawal of social and economic supports, usually in forms of boycotting, withdrawing social or financial support, or

terminating employment contracts, in order to enforce accountability on these powerful agents.

This definition is supposed to paint too rosy a picture, so to illustrate an ideal model of what cancel culture could be.

Be that as it may, the main contention of cancel culture is because of its wrongful practices found in real life. For one, cancel culture attacks individuals who may be privileged due to their social identities, yet, do not yield much social or political power.⁵ Such examples abound in real life. Cancel culture, undoubtedly, includes incidents where powerless agents are canceled, often due to seemingly harmless actions, without subverting power hierarchy. Furthermore, Page accurately points out that cancel culture may suffer from disproportionality. As measures that are enacted by any members of society, cancel culture simply lacks of central mechanism that may promote proportionality.

To this, I want to point out a couple of more worries about cancel culture. Firstly, cancel culture may foster the “zeal of ideological purity,” where individuals are not allowed the space to err. As consequence, an individual who commits unintended harmful speech act, or commit inconsistent harmful speech acts, may face same treatment as to another individual with a coherent and enduring pattern of continuous misconduct. Secondly, cancel culture often blurs the distinction between public and private. As a form of social activism, cancel culture has the potential to “call-out” any harmful speech acts in both public and private spheres. While I mentioned above that the strength of cancel culture comes from its capacity to subvert power hierarchy in private spheres, this aspect could also be a source of disadvantage. For instance, cancel culture may place unwarranted threat onto speakers who are speaking privately, or semi-privately, placing them in positions to fear for disproportionate consequences. Thirdly, cancel culture has the potential to constitute a due process violation by lacking attention to fair procedure.

I find these worries legitimate, but they do not seem to wholly invalidate the project of cancel culture. Cancel culture, as any other grassroots activism with multiple actors as leading participants, may evolve to establish certain ethics standards to not fall into the worries raised above. As a way of illustrating this potential, I illustrate how the worry of disproportionality may be mitigated. Marginalized agents who enforce cancel culture may surely have the capacity to distinguish powerful from non-powerful agents, from public to private speech acts, furthermore from soft to hard measures. For instance, for powerful agents who are clearly unrepentant, therefore, has an established pattern of misconduct (which was the case of Hata) cancel culture may mandate both the first “call-out” phase as well as the second phase of withdrawing social and economic supports. In contrast, for less powerful agents who commit private speech acts with the potential to correct their future actions may only be subject to the initial “call-out” phase, without withdrawal of social and

⁵ Furthermore, this incident also illustrates that power hierarchy that cancel culture may highlight and subvert may be disaggregated from social privilege that contextualize individuals’ actions. I thank Jennifer Page for raising the point about disaggregation of power from privilege as well as her point about cancel culture including the problematic aspect of cancelling non-powerful yet privileged agents.

economic supports. Lastly, not all forms of cancel culture may be justified. In fact, I suggest that that only the types of cancel culture that seem to subvert power dynamics, where marginalized individuals call upon censorship in order to cancel powerful agents, may be justified.

When done correctly, cancel culture may become a part of successful epistemic repair because it subverts the power dynamics between powerful and marginalized agents. I had defended punishment as epistemic repair due to potential to actively include the survivors during the process of lawmaking, which may provide the survivors with a privileged standing within public institutions. In similar vein, cancel culture provides the survivors with a privileged standing, although this time they gain access to privatized spaces that go beyond public institutions, such as private institutions, social media, and so on. Because cancel culture provides platform to the survivors outside of public institutions as well, it may enlarge the scope of epistemic repair, thereby constituting a fuller reparative program.⁶

Now, I want to conclude by raising other questions that has not yet been addressed here, but may be important to conceptualize backward-looking epistemic responsibility in more detail. So far, I have been discussing denialism and revisionism of a sexual atrocity, which is a grave injustice that is generally considered to be a historical event that should not have occurred. I wonder how backward-looking epistemic repair would look like, if moral agents deny, trivialize, justify or relativize sexual violence that occur in our everyday lives. What if Anna experiences sexual assault, which is denied by her close friend Amy? What should Amy do in order to provide epistemic repair, should her change her mind about her past denial? Or, what should a community do if Anna experiences sexual assault, and the community where she is a member denies her experience? What is the backward-looking epistemic responsibility of this community?

I have briefly mentioned elsewhere, in a different context, that members of a community may have a shared backward-looking responsibility to remember sexual predators, if there were any denials involved in the past (Song 2021b). For instance, if a community has identified one of its members as a perpetrator of intimate partner violence whose actions have been denied in the past, then, bystanders may be obliged to remember the identity of said perpetrator. I had argued that this may be a community-level initiative to set the record “straight” so to correct the effects of denialism that may occur within interactions among individuals. This shared knowledge also contests the social norms that treat past intimate partner violence as private matters and, instead, treats safety of women as a shared concern.

I found it to be an interesting point of reference that may reveal a different perspective, while attending to a similar issue. However, as these issues exceed the scope of this reply, I will conclude my dialogue with Page, for which I will be always grateful.

⁶ An additional complication may arise when an injustice becomes a historical injustice due to the passage of time. Whether cancel culture may be justifiable form of epistemic repair for historical injustice would require a separate analysis, which falls outside of the scope of this reply.

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