Alex Alexis (Université de Montreal/Université Paris 1)

From epistemic to ontological (in)justice: Investigating Indigenous claims before settler courts

This article delves into the judicial handling of ontological and epistemic conflicts, specifically addressing how judges navigate claims grounded in different worlds and knowledge systems (Cadena and Blaser 2018). Through a comparative case study, it examines two legal disputes that challenge the ontological and epistemological underpinnings of modern/contemporary Western jurisprudence. In the first case, Ktunaxa Nation v. British Columbia (2017), the Supreme Court of Canada grapples with the existence of "supernatural" entities, notably "Grizzly Bear Spirit" (Gingras and Larregue 2019). In the second case, the Waitangi Tribunal in New Zealand deals with en((es of dubious ontological consistency, namely "data" (Alexis 2023; Ruckstuhl 2023). The Canadian Supreme Court approaches Indigenous claims about the Grizzly Bear Spirit with significant skepticism, while the Waitangi Tribunal asserts that Māori data are taonga (treasures). Canadian judges appear confident in determining what does or does not exist, whereas New Zealand judges have shown more openness to multiple worlds. These cases are analyzed considering Fricker's concept of epistemic injus(ce (Fricker 2007; Medina 2017) and the central thesis of Science and Technology Studies (STS), which argues that reality is not pre-exis(ng but enacted through prac(ce, leading to mul(ple reali(es stemming from distinct practices (Latour 1987; Law and Joks 2019). The article also explores the potential limits and benefits of these "theories of knowledge" for judicial practice.

References

Alexis, Alex. 2023. "Tracer et valoriser les ressources et savoirs autochtones à l'ère numérique : métadonnées, données ouvertes, propriété intellectuelle." Les Cahiers de propriété intellectuelle 35(3):679–708.

Cadena, Marisol de la, and Mario Blaser, eds. 2018. A World of Many Worlds. Durham: Duke University Press.

Fricker, Miranda. 2007. Epistemic Injustice: Power and the Ethics of Knowing. Oxford ; New York: Oxford University Press.

Gingras, Yves, and Julien Larregue. 2019. "L'esprit de l'ours Contre La Station de Ski : L'argumentation Juridique Face à Un Conflit Ontologique et Épistémologique."Canadian Journal of Law and Society / La Revue Canadienne Droit et Société 34(1):13–32. doi: 10.1017/cls.2019.1.

Latour, Bruno. 1987. Science in Ac)on. How to Follow Scien)sts and Engineers through Society. Cambridge, Mass: Harvard University Press.

Law, John, and Solveig Joks. 2019. "Indigeneity, Science, and Difference: Notes on the Politics of How." Science, Technology, & Human Values 44(3):424–47. doi:10.1177/0162243918793942.

Medina, José. 2017. "Epistemic Injus(ce and Epistemologies of Ignorance." in The Routledge Companion to the Philosophy of Race. Routledge.

Ruckstuhl, Katharina. 2023. "Data as Taonga: Aotearoa New Zealand, Māori Data Sovereignty and Implica(ons for Protec(on of Treasures." NYU Journal of Intellectual Property & Entertainment Law 12(3):391–412.

Alvaro Dominguez Armas and Marcin Lewinski (Universidade Nova de Lisboa)

Revisiting the communicative dimension of protests

Our goal in this paper is to examine Medina's (2019, 2023) insight into the communicative dimension of protests. Medina (2019) describes protests as actions of epistemic resistance with the potential to change oppressive aDtudes that are spread in society. To achieve such goal, protests create an epistemic friction in society that can unmask and uproot forms of insensitivities that limit the capacity of citizens to engage in public arguments. Recently, Medina (2023), inspired by the work of Chrisman and Hubbs (2018), has elaborated on the communicative aspect of protests drawing on speech act theory. He describes protests as acts that can be performed by multiple and different utterances (what he calls the 'polyphony of protests') that communicate more than one thing (what he calls the 'complex illocution of protests'). Although we agree with the first half of Medina's (2023) description of protests in terms of speech acts, we find the second half to be problematic. Medina describes protests as having three illocutionary forces: that of protesters (a) giving testimonies about political affairs, (b) evaluating a political manner as oppressive, and (c) prescribing demands. This description raises questions like: what is the relationship between (a), (b), and (c)? Could an act lacking (a), (b), and (c) still count as a protest? In this paper we answer these questions by studying

two plausible characterisations of the relationship between (a), (b), and (c). First, we describe (a), (b) and (c) as having a hierarchical relationship. That is to consider protests as 'indirect speech acts' (Searle, 1975) in which either (a), (b) or (c) are expressed by means of the other. We find this option problematic, and alternatively, we favour the description of (a), (b), and (c) as having a horizontal relationship. That is to consider protests as 'plural speech acts' (Lewiński, 2021) in which (a), (b), and (c) are expressed at the same time with the same force and with one and the very same locution. In addition, another illocutionary force inherent to the speech act of protesting, that of co-opting members of the general audience, is fully incorporated in our to account for the publicity of protests. We argue that from our description of the forces of protest stems a better understanding of their 'complex illocution' and, ultimately, a beNer understanding of how the communicative dimension of protests produce an epistemic friction in public arguments.

References

Chrisman, M., & Hubbs, G. (2018). Speaking and Listening to Acts of Political Dissent. In C. R. Johnson (Ed.), Voicing Dissent: The Ethics and Epistemology of Making Disagreement Public (pp. 164–181). Routledge.

Lewiński, M. (2021). Illocutionary pluralism. Synthese, 199(3-4), 6687–6714.

Medina, J. (2019). Racial Violence, Emotional Friction, and Epistemic Activism. Angelaki. Journal of the TheoreCcal HumaniCes, 24(4), 22–37.

Medina, J. (2023). The Epistemology of Protests: Silencing, Epistemic Activism, and the Communicative Life of Resistance. Oxford University Press.

Searle, J. R. (1975). Indirect speech acts. In P. C. J. L. Morgan (Ed.), Syntax and semantics, 3: Speech acts (pp. 59–82). Academic Press.

Leonardo Barros da Silva Menezes (Universidade do Minho)

Why are grateful refugees epistemically harmed?

Scholars working on both credibility-related and intelligibility-related forms of epistemic injustice in asylum decisions have mostly analyzed why, and how, decision-makers have failed to not only believe asylum applicants, but also to understand them and make sense of their lives, realities and experiences (Wilkstrom, 2014; Sorgoni, 2019; Mackinnon, 2009).

Instead of focusing on the 'culture of disbelief' in asylum decisions, I show in this paper why we should examine cases of epistemic injustice of another sort. Put otherwise, the refugee protection regime suggests also a form of epistemic injustice which I call the 'humanitarian indebtedness'. By

'humanitarian indebtedness', I mean the implicit contract in which the 'host' provides 'a home and a future', and in return, it's the duty of the 'guest' to be 'humble and grateful' — presumably forever. What makes the host-guest dynamic so troubling, I argue, is precisely that this relation of debt limits in practice the possibility of refugee agency, in so far as more explicit forms of political engagement risk being seen as ungrateful. Such social expectation presumes that those people are much better 'here' than 'there, and they should therefore have no reason to complain about their host society. Being grateful shows us that gratitude may be felt, but first becomes something that is owed.

Then, I clarify on what basis does this relation of debt constitutes a form of epistemic injustice. To do so, I test it out from two distinct viewpoints. For those — such as Miranda Fricker (2017) — who speak about testimonial and hermeneutical injustice, I show, the 'humanitarian indebtedness' elucidates why, and how, a subject may be harmed even when she/he is given the appropriate meanings to be 'believed' and recognized as such. For those — such as David Coady (2017) — who speak about distributive epistemic injustice, hermeneutic egalitarianism, I argue, in order to be non-arbitrary, should extend to refugees.

In the third part, I offer reasons why epistemic rights to refugees not only imply the rejection of a humanitarian (or gratitude-centered) logic, but also require the refugee right to political stand in their host societies. My claim is that forced displaced persons' experience should be heard and make sense institutionally not as humanitarian victims, but rather as epistemic-political agents.

Amandine Catala (Université du Quebec à Montreal)

Epistemic Injustice, Transformative Experience, and Epistemic Empowerment: Reclaiming the Public Discourse on Neurodiversity

Public discourses and representations about neurodivergence remain mostly shaped by the medical model and the pathology paradigm. Moreover, neurodivergence as an axis of social identity and marginalization remains largely unaddressed in debates on epistemic injustice and epistemic empowerment. In this paper, I draw on my experience as a late-diagnosed autistic woman, professional philosopher, and neurodiversity activist, to show that analyzing public discourses and representations about neurodivergence through the lens of epistemic injustice and of epistemic empowerment is fruitful to better understand the mechanisms and dynamics at play in all three.

I argue for three main claims. (1) Inaccurate representations and negative discourses about autism create a new type of epistemic injustice, which I term *existential hermeneutical injustice*, which specifically affects a person's sense of identity or who they take themselves to be, by preventing a person from knowing and becoming who they are. (2) Accessing an autism diagnosis constitutes a *hermeneutical breakthrough* that is the source of a *transformative experience* for previously undiagnosed autistic women. (3) This transformative experience is in turn the source of *epistemic empowerment* that allows us to reclaim public discourses on neurodiversity toward greater epistemic justice.

The paper proceeds as follows. After some brief terminological clarifications (section 1), I first show how the production and uptake of public discourses and representations about autism generate several forms of epistemic injustices (section 2). I then argue that these epistemic injustices in public discourses and representations about autism hinder hermeneutical breakthroughs and create what I call existential hermeneutical injustice, which disproportionately affects undiagnosed autistic women, BIPOC, and LGBTQ people. I argue that preventing hermeneutical breakthroughs is problematic because hermeneutical breakthroughs can counteract existential hermeneutical injustice and give rise to transformative experience and epistemic empowerment (section 3). Finally, I show how epistemic empowerment can bring about greater epistemic justice by reclaiming and transforming public discourses and representations about autism (section 4).

This paper thus makes several contributions: it connects epistemic injustice and neurodiversity by introducing the new concept of existential hermeneutical injustice (which can also be applied to other axes of social identity beyond neurodivergence); it further develops Fricker's notion of hermeneutical breakthrough, which I argue requires hermeneutical representativeness (and hence an intersectional approach to autism and epistemic justice); it connects hermeneutical breakthroughs to transformative experience and to epistemic empowerment (a horizontal, solidaristic kind of epistemic power); and it identifies the mechanisms and dynamics at play in order to foster greater epistemic empowerment and epistemic justice in public discourses on neurodiversity.

Jordi Fairhurst Chilton (Universitat de les Illes Balears & KU Leuven)

Minimizing Epistemic Injustice in Deep Disagreements

Suppose we engage in a discussion about the morality of euthanasia. During our conversation we offer arguments and evidence to support our claims about the topic. Unfortunately, our argumentative exchanges are ineffective because there is not enough shared background to mutually appreciate our respective arguments and evidence. At this point it becomes apparent that our disagreement is not just a clash of beliefs: it is something deeper. We may be in a systematic and persistent disagreement rooted in contrary worldviews, where there seems to be no mutually recognized method of resolution because we reason and analyze evidence using different frameworks or principles. These peculiar disagreements are what philosophers have called deep disagreements. They are central to our life, plaguing our interactions with people pertaining to different cultures, societies, and social groups.

Recently, Lagenward has described and assessed how epistemic injustices can contribute to deepening disagreements. When prejudices and epistemic injustice come into play in a regular disagreement, this can lead to a normative higher-order disagreement about what counts as evidence concerning the original disagreement, which deepens the disagreement. The aim of this paper is to explore how forms of resistance can be implemented to combat those prejudices that give rise to injustice-based deep disagreements, thereby enabling constructive dialogue and

epistemically valuable disputes. Specifically, I discuss how epistemic friction (Medina 2013) can minimize, eradicate, or avoid the normative force of said prejudices.

The normative force of prejudices often stems from their implicitness: they are assumptions about which one remains silent and displays automatically and unreflectively in their behavior (Boncompagni 2019). Studies have shown how deep disagreements are epistemically valuable insofar as they make explicit the underlining assumptions in our epistemic practices (see e.g., De Cruz & De Smedt 2013). This occurs because, when two epistemic frameworks collide, fundamental assumptions (e.g., prejudices) that usually remain unquestioned within a community are now problematized by individuals from other communities with (conflicting) fundamental assumptions. The friction within the dispute brings prejudices to the forefront, forcing disputants to contrast said prejudices to meet justificatory demands (cf. Medina 2013). Accordingly, by using epistemic friction to change the epistemic status of prejudices, we can minimize their normative force and enable disputants to engage in constructive dialogue. Moreover, if prejudices are eradicated, the depth of the disagreement is reduced thereby enabling the possibility of resolving the dispute and make collective decisions.

Valentina Cuccio and Francesca Ervas (Università di Messina - Università di Cagliari)

Epistemic injustice and metaphor resistance in the debate on schizophrenia

The paper examines epistemic injustice (EI, Fricker 2007) in the context of metaphorical communication on mental illness, specifically focusing on schizophrenia. Metaphors have been largely investigated in research on persuasion and public communication (e.g., Sopory and Dillard 2002 for a review), though EI in mental illness communication via metaphors has not been considered so far. The paper considers the mechanisms that contribute to the failure to attribute credibility (testimonial injustice) and interpretive capabilities (hermeneutical injustice) to people with mental illness (Crichton, Carel & Kidd 2017), when they communicate their illness through metaphors compared to literal language. The paper proposes a multilayered embodied account of metaphor and EI in schizophrenia and suggests possible routes to challenging EI via resistance to metaphor.

Findings suggest that schizophrenic patients show abnormalities of self-experience such as the loss of the implicit recognition of self-body parts or the explicit self-misattribution of the same body parts when belonging to others (Gallese & Ferri 2014 for a review). A dysfunction of the bodily self-experience makes it not possible, for people who have schizophrenia, the automatic attunement with the other which enables the establishment of both a second-person epistemic perspective and the self-other relationship. In this perspective, we suggest that epistemic injustice in schizophrenia partly relies on a disruption of bodily mechanisms which affects schizophrenic communicative interactions at two different levels. At a first level, a dysfunction of the bodily self-experience makes it not possible, for people who have schizophrenia, the automatic attunement with the other which

enables the establishment of both a second-person epistemic perspective and the recognition of the other as an epistemic subject.

At a second level, an altered subjective experience might lead schizophrenic patients to embody metaphors in a different way compared to controls (Littlemore 2019). For this reason, their metaphors might not be recognized and/or understood when communicating their experience with mental illness via embodied metaphors. This problem, coupled with negative social and moral stereotypes on mental illness held by interpreters, exacerbates conditions for EI. A multilayered model of EI in mental illness is thus proposed where a basic, non-conceptual and implicit level of disrupted bodily mechanisms (Cuccio 2018) interact with an upper, conceptual and implicit (possibly made explicit) level of metaphors potentially divergent from the stereotyped and frozen metaphors of their linguistic community (Ervas 2017).

Despite the challenges raised by metaphors in mental illness communication, the paper will show that metaphors can still serve as a valuable tool for facilitating better communication between people with schizophrenia and interpreters. Metaphors are indeed crucial for people with schizophrenia to express their self related to mental illness to gain a better understanding of their experiences. In public communication, awareness of the source of variability in embodied metaphors production should be supported as a strategy to resist stereotyped metaphors leading to EI and modulate genuine metaphors possibly useful to overcome EI.

References

Crichton et al 2017 Epistemic Injustice in Psychiatry BJPsych Bulletin

Cuccio 2018 Attention to Metaphor. From neurons to representations. John Benjamins

Ervas 2017 Another metaphor is possible. Challenging social stereotypes in figurative language comprehension RSL

Fricker 2007 Epistemic Injustice Power and The Ethics of Knowing OUP

Gallese, Ferri 2014 Psychopathology of the Bodily Self and the Brain. The Case of Schizophrenia Psychopathology

Littlemore 2019 Metaphors in the Mind CUP

Sopory, P., & Dillard, J. P. (2002). The persuasive effects of metaphor: A meta-analysis. Human Communication Research, 28(3), 382–419.
https://doi.org/10.1111/j.1468-2958.2002.tb00813.x

Maddison Forcha (Macquarie University)

Epistemic justice for LGBTQIA+ discourse in the public domain: the role of epistemic friction

Public discourse can be a source of harm and discrimination for LGBTQIA+ people, whether this be via interpersonal interactions or exposure to negative media debates. Examples of interpersonal interactions include members of the LGBTQIA+ community having to engage in harmful conversations about, or associated with, their sexuality or identity with family members, other students, friends, or colleagues etc.

This paper presents empirical research findings from semi-structured interviews with 18 LGBTQIA+ people and allies to identify stories of people changing their minds and becoming more accepting of LGBTQIA+ lives and experiences, as well as seeking to understand the level of harm that occurs within the LGBTQIA+ community from discriminatory media discourse. This paper will also explore whether Medina's (2013) concept of 'epistemic friction'– which involves acknowledging and engaging with perspectives other than one's own, and remaining open to epistemic counterpoints – is involved in effective public discourse on these issues.

Based on the research findings I argue that epistemic friction does have potential, but I question the extent to which LGBTQIA+ people should be expected to engage in these debates and interpersonal interactions, due to the level of harm or burden that they may face. Moreover, a surprising finding was that many participants avoided public debate, but highlighted the benefits of representation in popular media (such as television shows and movies). Overall, I will provide some recommendations for ways in which epistemic friction in interpersonal interactions could be beneficial, based on my empirical findings, as well as drawing attention to the ways in which members of the LGBTQIA+ are burdened with engaging in potentially harmful interactions.

References

Medina, José. 2013. *The Epistemology of Resistance: Gender and Racial Oppression, Epistemic Injustice, and the Social Imagination.* Oxford: Oxford University Press.

Claudia Galgau (KU Leuven)

Conceptual double standards and the system of violence against migrants

In this paper, I introduce the phenomenon of a conceptual double standard and use it to analyse public and institutional justifications for the systemic violence on (illegalized) migrants that is happening globally. In the last years there has been a global and exponential increase in institutionalized processes that 'push back' migration in violent ways. Increasingly, those who reach a state's territory are not offered the just procedural treatment of checking whether they have legitimate claim to refugeehood (Abji, 2020). Instead, migrants are put in detention in correctional facilities or on isolated islands, are dropped in isolated woods, or are forcibly transported to deserts

where they are left to die from dehydration (Gazzotti, 2021; Lindberg, 2022; Parekh, 2020). These processes, while illegal and dehumanizing, are increasingly publicly justified by international political bodies. I argue that conceptual double standards play an important role in this public justification of systemic violence against migrants.

I argue conceptual double standards is an unjust mechanism that, like cases of hermeneutical injustice, entails a bias in collective hermeneutical resources (Falbo, 2022; Fricker, 2007). I offer a preliminary definition of conceptual double standards: In a social domain, a term 'X' refers to two broadly similar, but importantly different, concepts 'A' and 'B'. Whether the term 'X' latches on to the concept 'A' or 'B' is determined by reinforcement of relative advantage/disadvantage of privileged and marginalized social groups, respectively. This phenomenon, like its moral equivalent, functions to reproduce, keep in place and legitimize illegitimate social hierarchies, such as hierarchies of gender, race and ableism (Haslanger, 2017, 2019).

Drawing on examples of the public justification for the border policing of Frontex by the European Union (Franko, 2021; Mungianu, 2016), I argue that the term 'exploitation' latches on to different concepts in the context of discussions around migration. These differences are not accidental or arbitrary, but when analysed together, show that they are geared towards systematic reinforcement of relative advantage/disadvantage of privileged and marginalized social groups, and thus keep in place illegitimate social hierarchies and the violence arising from these.

Understanding the role that conceptual double standards play in the public justification of violence against migrants offers a way to point at one structure of flaws in the these justifications. It also highlight the way systems of violence rely on the existence of (conceptual) ambiguity.

References

Abji, S. (2020). Punishing Survivors and Criminalizing Survivorship: A Feminist Intersectional Approach to Migrant Justice in the Crimmigration System. *Studies in social justice, 2020*(14), 67-89. doi:10.26522/ssj.v2020i14.2158

Falbo, A. (2022). Hermeneutical Injustice: Distortion and Conceptual Aptness. *Hypatia, 37*(2), 343-363.

Franko, K. (2021). The two-sided spectacle at the border: Frontex, NGOs and the theatres of sovereignty. *Theoretical criminology, 25*(3), 379-399. doi:10.1177/13624806211007858

Fricker, M. (2007). *Epistemic Injustice: Power and the Ethics of Knowing*. New York: Oxford University Press.

Gazzotti, L. (2021). *Immigration nation : aid, control, and border politics in Morocco*. New York, New York: Cambridge University Press.

Haslanger, S. (2017). Racism, Ideology, and Social Movements. *Res Philosophica, 94*(1), 1-22. doi:10.11612/resphil.1547

Haslanger, S. (2019). Cognition as a Social Skill. *Australasian Philosophical Review, 3*(1), 5-25. doi:10.1080/24740500.2019.1705229

Lindberg, A. (2022). *Deportation limbo : state violence and contestations in the Nordics*. Manchester, UK: Manchester University Press.

Mungianu, R. (2016). *Frontex and non-refoulement : the international responsibility of the EU*. Cambridge: Cambridge University Press.

Parekh, S. (2020). *No Refuge: Ethics and the Global Refugee Crisis*: Oxford University Press.

Volker Kaul (University di Salerno)

Situatedness, Identity, and the Scope of Public Discourse

Justice in the social contract tradition regards institutions and not individuals. In the state of nature, in the absence of institutions, individuals cannot be blamed for acting unjustly. Similarly, in Sally Haslanger's (2012) constructivist position oppression is clearly a problem that institutions are facing and not something the single individuals can necessarily do much about. Specific social institutions, rules, and practices position individuals as subordinate or privileged along some dimension (economic, political, legal, social, etc.), dividing them into distinct social groups. The meaning of the social categories race and gender is given by this social reality of oppression based on physical markers (semantic externalism), while individuals generally do not have sufficient self-knowledge and even identify with the oppressive structure *as* blacks or women. Rawls' (1971) principles of justice, that in the original position are equally built on some form of externalism, would be among the right answers to address structural injustices.

However, critical theories, in particular after Charles Mill's (1997) *The Racial Contract*, argue that the counterfactuality of social contract theories is itself a source of oppression and hold that any theory of justice needs to take the situatedness of individuals and their knowledge as point of departure. This is precisely the point of Fricker (2007) and Medina (2012), who in line with Linda Alcoff adopt a hermeneutical approach regarding epistemic injustice, according to which individuals have self-knowledge and agency. Yet, this gives rise to a complex question: What is the relationship between the situatedness of individual knowledge, that stands in some relationship with the structures of oppression, and the social identities that individuals come to endorse? Situatedness seems to presuppose that the meaning of social categories depends on the structures of oppression from which they emerge, whereas identification implies that their meaning is somewhat autonomous, depending on individual agency (semantic internalism). Whereas an internalist position contains emancipatory potential, the fact of situatedness, that is so central to critical theory, does not appear to allow a point of view outside the oppressive structures. Marx is very clear on this, claiming that only a revolution caused by the exacerbation of the structural contradictions can overcome class conflict.

My goal here is to elaborate this tension in Fricker's and Medina's work and analyze the scope an epistemology of resistance must take: If public discourse remains rooted in identity politics, how can pure social and political antagonism be ever overcome?

References

Alcoff, Linda María (2006), *Visible Identities: Race, Gender, and the Self*, Oxford: Oxford University Press.

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

Haslanger, Sally (2012), *Resisting Reality: Social Construction and Social Critique*, Oxford:

Oxford University Press.

Medina, José (2012), *The Epistemology of Resistance: Gender and Racial Oppression, Epistemic Injustice, and the Social Imagination*, Oxford: Oxford University Press.

Mill, Charles (1997), *The Racial Contract*, Ithaca (NY): Cornell University Press.

Rawls, John (1971), *A Theory of Justice*, Cambridge (MA): Belknap Press.

Sophie Lauwers (KU Leuven)

Rethinking Norms for Public Argumentation: Secularism, Public Reason and Epistemic Injustice

This paper will not directly address how epistemic injustice works in public arguments, but rather how epistemic injustice is perpetuated by norms of what is considered a good public argument in the first place. Specifically, the paper investigates widespread norms of what in liberal political philosophy is often referred to as 'public reason'. Such norms, aimed at guiding legitimate argumentation in democratic deliberation, often rely on the expectation that 'religion' and 'politics' ought to be separated. In the paper, I argue that scholarship on public reason has insufficiently taken into account the insights from recent critical secularism studies (e.g. Asad 2003; Anidjar 2006; Mahmood 2016; Sayyid 2022), which point to how secularist norms and institutions often further the marginalized position of religious minorities. In light of these observations, this paper calls for rethinking legitimate forms of public argumentation.

In the first part of the paper, I outline dominant theories of public reason in liberal political philosophy, which range from a requirement to preclude religious argumentation in the political arena (Audi 2000), to translating one's religious commitments to a secular language (Habermas 2008), to complementing argumentation deriving from comprehensive doctrines with purely political

argumentation (Rawls 1997). In the second part, I interrogate how these liberal norms for democratic deliberation not only rely on false binaries, but also disadvantage minority political identities and voices. I analyse the workings of hermeneutic injustice, testimonial injustice, and epistemic ignorance towards religious groups – a category so far underexplored in this context. I argue that public reason norms reinforce both secular and Christian forms of hegemony: only depoliticized and interiorized religiosity is considered democratically acceptable, although many majority Christian values, practices and traditions can often pass as 'secular' and 'cultural', resulting in a double standard. This, I argue, impoverishes the quality of democratic debate, further marginalizes the position of religious minorities in a way that intersects with patterns of racial, class and gender inequality, and limits the possibilities for public resistance against such injustices. In the third part of the paper, I outline the contours of alternative normative guidelines to achieve democratic deliberative justice. These imply a shift in not only public norms of deliberation, but also in the receptivity of state institutions to different understandings of 'religious' agency and voice.

Linh Mac (University of Tennessee at Knoxville)

Krinostic Injustice

In sexual assault accusations, a hearer commonly believes a speaker's testimony insofar as it consists of simple recollections of events but disbelieves the speaker's testimony concerning the characterization of their experience – its interpretative or hermeneutic aspect. To explain this phenomenon, which disproportionately affects women, I develop a distinction between basic and interpretative reports. Drawing on Trudy Govier, G. E. M. Anscombe, Gilbert Ryle and Bernard Williams, I develop this basic versus interpretative distinction by examining a lawyer's cross-examination of a rape complainant in an actual sexual assault case. I analyze the inconsistencies in the lawyer's selective acceptance of the witness's testimony, highlighting how the lawyer accepts the witness's testimony pertaining to basic descriptions of events but rejects their characterization of their experience.

Since Miranda Fricker, testimonial injustice and hermeneutical injustice have mostly been considered relatively distinct phenomena. I claim, however, that testimonial and hermeneutical injustice ought to be viewed as a unified phenomenon. There is no part of our epistemic lives that isn't already hermeneutic. I call this species of content-focused epistemic injustice "krinostic" injustice, given that it's injustice in respect of judgment (in Ancient Greek, the verb κρῖνω means "to decide"). I conceptualize judgement as a practice of applying a general rule to a particular case, a universal to an instance. Legal judgments are paradigmatic examples of such judgments. Judges, for example, decide whether an act committed by a defendant constitutes a certain crime.

I then address several objections. First, one might argue that a lawyer's deliberate attempt at undermining a witness' credibility during a cross examination is a form of gaslighting, rather than testimonial injustice. In response, I emphasize that judges—for example when manipulated by defense lawyers—can and do commit epistemic injustice. Second, one might object that a genuine

disagreement over the characterization of the event between the speaker and the hearer cannot legitimately be considered testimonial injustice. Third, it's difficult to draw a line between basic and interpretative reports, given that even basic reports are already imbued with conceptual or interpretative framework(s), however "simple." Fourth, interpretative reports happen to be reports that are disputed whereas basic reports aren't. I explain why these objections don't work against the view I'm advancing while acknowledging their force. I end by highlighting the specific epistemic and moral harms associated with krinostic injustice.

Ivan Mladenovic (University of Belgrade)

Fighting Epistemic Injustice in Public Deliberation

The starting point of my presentation is the difference between ideal epistemic deliberation and real speech situation (Estlund 2008). Estlund argued that the model of ideal epistemic deliberation should not be a blueprint for real world institutions, since people will probably deviate from its norms. But this ideal has important role to play in order to identify deviations in real speech situations and figure out the most appropriate countervailing deviations (Estlund 2020). Estlund thinks that these countervailing deviations might make people closer to the ideal epistemic deliberation, than by trying to implement it directly. However, this raises the following problem: fighting power with power by way of countervailing deviations instead of approaching ideal epistemic deliberation, might lead to political polarization (or to increasing political polarization).

So, the main challenge that I will address in this presentation is this: how is it possible to fight injustice in public deliberation by means of countervailing deviations without ending in political polarization. I shall argue that instead of relying on ideal epistemic deliberation that belongs to ideal theory, it is necessary to introduce a set of conditions that are appropriate for non-ideal situations. In the rest of presentation, I will defend the following set of conditions: 1) Justified countervailing response, 2) Saving space for arguments, and 3) Bringing in evidential support. The idea is that this (non-exaustive) set of necessary conditions provide normative guidance in non-ideal conditions by which countervailing response need not end up in (increasing) political polarization. The main point is that the aforementioned set of conditions provide normative guidance when the aim is to reduce or at least not to increase political polarization in public deliberation, while conceding that sometimes countervailing response might be necessary.

References

Estlund, D. M. 2020. Utopophobia: On the Limits (if any) of Political Philosophy. Princeton and Oxford: Princeton University Press.

Estlund, D. M. 2008. Democratic Authority: A Philosophical Framework. Princeton and Oxford: Princeton University Press.

Dima Mohammed (Universidade Nova de Lisboa)

Public Argument as Epistemic Resistance

Persuasion seems like a cornerstone of political argumentation. The pursuit of changing a public's mind has been at the heart of political argumentation in the classical rhetoric of Aristotle just as in the modern approaches (e.g. Zarefsky 2008). The pursuit of changing minds is considered important also from the perspective of critical dialectical approaches: Trying to convince the opponent of our position is central in many political processes, such as deliberation (Fairclough and Fairclough 2012) and the exercise of accountability (e.g. Mohammed 2018) among others. Yet, the persuasion account of argument isn't unchallenged. Even if one would not accept the radical idea that "Argument has no function" (Goodwin, 2007), it is undoubtedly desirable to make sense of the many instances where political arguments do not aim at persuading an audience of the acceptability of a claim (see for example, Doury, 2012). In this paper, I examine the role that persuasion plays in political argumentation. I discuss the specific goals and functions of public and political argumentation (Mohammed 2016, Zenker et al. 2023), with a focus on contexts characterised by epistemic injustice (Fricker, 2007, Medina, 2012). Paying a special attention to the public argumentation of protest movements (Medina 2023). I argue that an adequate account of political argumentation today ought to go beyond persuasion and highlight the role of public reason-giving in epistemic resistance.

References

Doury, Marianne (2012). Preaching to the Converted. Why Argue When Everyone Agrees? Argumentation 26 (1):99-114.

Fairclough, I., & Fairclough, N. (2012). *Political Discourse Analysis: A Method for Advanced Students*. Routledge.

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

Goodwin, J. (2008). Argument Has No Function. *Informal Logic*, *27*(1), 69. https://doi.org/10.22329/il.v27i1.465

Medina, J. (2012). *The Epistemology of Resistance: Gender and Racial Oppression, Epistemic Injustice, and Resistant Imaginations*. Oxford University Press.

Medina, J. (2023). The Epistemology of Protest. Oxford University Press

Mohammed, D. (2016). Goals in Argumentation: A Proposal for the Analysis and Evaluation of Public Political Arguments. *Argumentation*, *30*(3). https://doi.org/10.1007/s10503-015-9370-6

Mohammed, D. (2018). *Argumentation in Prime Minister's Question Time* (Vol. 15). John Benjamins Publishing Company. https://doi.org/10.1075/aic.15

Zenker, F., van Laar, J. A., Cepollaro, B., Gâţă, A., Hinton, M., King, C. G., Larson, B., Lewiński, M., Lumer, C., Oswald, S., Pichlak, M., Scott, B. D., Urbański, M., & Wagemans, J. H. M. (2023). Norms of Public Argumentation and the Ideals of Correctness and Participation. *Argumentation*. https://doi.org/10.1007/s10503-023-09598-6

Zarefsky, D. (2008). Strategic maneuvering in political argumentation. *Argumentation*, *22*(3), 317–330. https://doi.org/10.1007/S10503-008-9096-9

Nalliely Hernàndez and Melissa Amezcua (Universidad de Guadalajara)

Rorty's "Redescription" as Resistance to Hermeneutical Injustice: The Case of Feminicide in Mexico

In this paper, we will argue that sometimes overcoming hermeneutical injustices at play in our communicative practices requires to expand the space of reasons, and that the notion of redescription, which Rorty opposes to argumentation, can be useful in such expansion as a form epistemic resistance, because stated conceptions, narratives and norms are not enough to tackle them.

For this purpose, first we will recover the crucial criticism that Rorty made to the deliberative model of democracy (mainly to Habermas) and other epistemological perspectives (inferentialism, Helen Longino) which, in our view, support the skepticism in argumentation and consensus as the main solutions to social conflict. As a result of these assessments, we will show the inevitable and structural character of epistemic injustices, in particular hermeneutical injustice, described by Miranda Fricker.

Then, we will argue that hermeneutical injustices, in so far as they are structurally instituted require the creation of new arguments and concepts. Hence, using José Medina's conception, we will uphold that this hermeneutical exercise can be useful as a form of epistemic resistance and political action in order to expose and repair such injustices. Nevertheless, we will do a critical analysis of the normative character of the concept of epistemic resistance using some theoretical tools of Michel Foucault and Nancy Fraser about power and capitalism, respectively.

Therefore, we want to show that we need some kind of practice like *redescription* in the Rortian sense, which has to use imagination to generate *perplexity* (in Medina's sense) and be able to provide new justifications, as he convincingly states in "Pragmatism and Feminism". Finally, we will illustrate such productive exercise in the case of feminicide in Mexico, focusing in the emergence of the concept as an instance of feminist epistemic resistance and political activism.

Eva Schmidt (Universität Münster)

Considering Epistemic Injustice in Deliberative Democracy Theory: Public Deliberation and Hermeneutical Injustice

How are the epistemic consequences of social inequality factored into theories of deliberative democracy? Deliberative democracy theory's roots in critical theory point to a focus on the consequences of social inequality. However, I will argue that even radical versions of deliberative democracy (Bohman 1996; Young 2000) fall short in their analyses, as they do not sufficiently consider the epistemic consequences of social inequality (i.e., epistemic injustice) and its impact on public deliberation. Public deliberation denotes the process of reasoning and argumentation in the public sphere, but the qualifier "public" also denotes a delineation between public and non-public reasons and arguments. This delineation is by no means straightforward even in ideal terms, and I argue that social inequality makes any endeavour of differentiation even more complex. This differentiation but also the justice of the process of public deliberation is at stake if we do not sufficiently consider the effects of epistemic injustice. I will conduct a theoretical analysis of the effects of social inequality and the corresponding power asymmetries on two levels: face-to-face communication or public dialogue (1) and intergroup communication of ((counter)hegemonic) public spheres (2). Firstly, I will point out how epistemic injustice can undermine the mechanisms of public dialogue that are meant to determine which reasons are public before coming to decisions (1). In processes of, for instance, explication (i.e., making explicit what is latent in common understandings and shared intuitions (Bohman 1996)), wilful hermeneutical ignorance (Pohlhaus 2012) can block attempts of marginalized groups to make intelligible how institutional structures negatively influence their lives. Such active resistance against even just considering hermeneutical resources provided by marginalized communities can render the emancipatory aspirations of deliberative democracy impossible. Secondly, I will illustrate how structural epistemic injustices block the uptake of hermeneutical resources of marginalized communities by considering the way counterhegemonic publics and more dominant public spheres interact (2). I will specifically highlight the way epistemic resources move or are impeded from moving freely between public spheres by active ignorance and argumentative injustice. With this project I aim to show one area of application of epistemic injustice theory that has so far been under researched, even though this interdisciplinary approach can contribute crucial theoretical findings to deliberative democracy theory.

References

Bohman, James (1996): Public deliberation. Pluralism, complexity and democracy. Cambridge: MIT Press.

Pohlhaus, Gaile (2012): Relational Knowing and Epistemic Injustice: Toward a Theory of Willful Hermeneutical Ignorance. In *Hypatia* 27 (4), pp. 715–735. DOI: 10.1111/j.1527-2001.2011.01222.x.

Young, Iris Marion (2000): Inclusion and Democracy: Oxford University Press.

Eugenia Stefanello (Università di Padova)

When Ignorance is Bliss: Phenomenological Empathy and Loving Ignorance as Forms of Epistemic Resistance

Empathy is usually considered a fundamental tool for understanding the testimony of others (Stueber, 2006). In particular, empathy is thought to provide the empathizer with access to the other person's internal states, both cognitive and affective, and as a result to enhance testimonial sensitivity, thereby increasing testimonial trust and counteracting instances of epistemic injustice (Fricker, 2007).

I will attempt to partially challenge this claim. First, I will argue that the traditional way of framing empathy as an affective perspective-taking skill can exacerbate epistemically unjust dynamics by promoting epistemic arrogance (Liebow & Ades, 2022). Especially in the context of asymmetrical relationships, empathy can sometimes misrepresent the testimony of marginalized subjects through an inaccurate empathically gained understanding that deprives them of epistemic authority over their testimony (Jones, 2022).

Second, I will attempt to show that there is epistemic and moral value in not being understood (Bailey, 2018). For this reason, recognizing the epistemic, affective, and existential limits of the privileged empathizer's understanding in grasping the other's testimony may be an effective way for subjects belonging to marginalized groups to reclaim epistemic power over their experiences.

Accordingly, I will suggest that we reconceptualize empathy to account for a specific kind of fruitful and positive lack of understanding and that a phenomenological definition of empathy inspired by Stein, combined with Tuana's concept of "loving ignorance," might be able to achieve this kind of positive lack of understanding (Stein, 1917; Tuana, 2006). Since a phenomenological account of empathy allows the empathizer to understand whether an accurate, plausible, and respectful empathic understanding is possible, while always recognizing the other person as a bearer of motives and values, it seems capable of signaling to the subject when it is appropriate to cultivate loving ignorance.

Importantly, this concept of empathy does not require the empathizer to imaginatively take on the other's perspective or reproduce the same emotional states, reducing the risk of misinterpretation, projection, or distortion (Summa, 2017; Zahavi, 2014). Moreover, recognizing the axiological

dimension of the other should guarantee this positive lack of understanding without dehumanizing the other (Buber, 2020; Vendrell Ferran, 2018).

I will conclude that this way of understanding empathy intertwined with loving ignorance can be considered a form of epistemic resistance (Medina, 2012): it returns some epistemic power to marginalized people by freeing up epistemic space in public discourse to allow them to be the person most entitled to speak about their experience, thus promoting epistemic justice.

References

Bailey, O. (2018). Empathy and Testimonial Trust. *Royal Institute of Philosophy Supplement*, *84*, 139–160. https://doi.org/10.1017/S1358246118000589

Buber, M. (2020). *I and thou* (R. G. Smith, Trans.). Martino Publishing.

Fricker, M. (2007). *Epistemic injustice: Power and the ethics of knowing*. Oxford University Press.

Jones, J. (2022). Disappearing Black People through Failures of White Empathy. In K. Maitra & J. McWeeny (Eds.), *Feminist Philosophy of Mind* (p. 0). Oxford University Press. https://doi.org/10.1093/oso/9780190867614.003.0005

Liebow, N., & Ades, R. L. (2022). 'I Know What It's Like': Epistemic Arrogance, Disability, and Race. *Journal of the American Philosophical Association*, *8*(3), 531–551. https://doi.org/10.1017/apa.2021.27

Medina, J. (2012). *The Epistemology of Resistance: Gender and Racial Oppression, Epistemic Injustice, and Resistant Imaginations*. Oxford University Press.

Stein, E. (1917). *On the Problem of Empathy* (W. Stein, Trans.). Springer Netherlands. https://doi.org/10.1007/978-94-017-5546-7

Stein, E. (1922). *Philosophy of Psychology and the Humanities: The Collected Works of Edith Stein, vol. 7*. ICS Publications.

Stueber, K. R. (2006). *Rediscovering empathy: Agency, folk psychology, and the human sciences*. MIT Press.

Summa, M. (2017). Empathy and Anti-Empathy: Which are the problems? In E. Magrì & D. Moran (Eds.), *Empathy, Sociality, and Personhood* (pp. 87–105). Springer International Publishing.

Tuana, N. (2006). The Speculum of Ignorance: The Women's Health Movement and Epistemologies of Ignorance. *Hypatia*, *21*(3), 1–19.

Vendrell Ferran, I. (2018). Intentionality, Value Disclosure and Constitution: Stein's Model. In E. Magrì & D. Moran (Eds.), *Empathy, Sociality and Personhood. Essays on Edith Stein?s Phenomenological Investigations.* https://philarchive.org/rec/FERIVD-2

Zahavi, D. (2014). Empathy and Other-Directed Intentionality. *Topoi, 33*(1), 129–142. https://doi.org/10.1007/s11245-013-9197-4

George Surtees (University of Sheffield)

The Intellectually Humble Response to 'Tradwife' Testimony

In public debates about oppression, the virtue of intellectual humility often requires that we defer to the testimony of marginalised people, in order to come to the right position and avoid committing epistemic injustice. However, increasingly, such testimony is used in public debates strategically to support an unjust status quo. Think of the black conservative who argues against reparations, or the 'happy tradwife' who argues against feminism (Bright, 2023). The humble person, in their quest to avoid committing epistemic injustice towards these speakers, risks being directed towards beliefs that are morally and epistemically problematic.

I argue that intellectual humility, when properly understood, need not produce these worries. The humble person has a healthy sense of their intellectual limitations (Whitcomb et al, 2015). While this will often cause them to defer to the testimony of marginalised people as and when they ought, it does not require that they defer universally - e.g. in 'happy tradwife' cases. Rather, intellectual humility is (at the very least) consistent with having a healthy sense of your intellectual strengths, and using these critical abilities to assess the testimony of marginalised people within public debates accurately (Battaly, 2021, 2023; Whitcomb et al., 2021).

To illustrate this, I contrast the intellectually humble person with the intellectually servile. I argue that the worries we might have about the humble person are better applied to the servile. The intellectually servile lack belief in their own epistemic abilities (Battaly, 2021). This, combined perhaps, with an undiscerning desire not to commit epistemic injustice, means the servile risk adopting the view recommended by the last marginalised spokesperson they heard. The servile thus represent an especially credulous audience for 'happy tradwife' forms of testimony. I argue in contrast, that it is consistent with the virtue of intellectual humility that the humble remain sensitive to the right kinds of epistemic reasons they have for forming a belief on the basis of testimony. This is because humility does not require excessive estimation of epistemic limitations, or underestimation of epistemic strengths (Whitcomb et al, 2015, 2021).

The desire to avoid committing epistemic injustice towards marginalised individuals in public debates may result in being too willing to adopt positions that reinforce an unjust status quo, simply because they are voiced by a marginalised speaker. While intellectual servility may make an agent liable to this, intellectual humility, when properly understood, need not.

References

Battaly, H. 2021. 'Countering Servility Through Pride and Humility'. Midwest Studies in Philosophy. Volume 45, pp. 1–XX

(2023) Educating for intellectual pride and ameliorating servility in contexts of epistemic injustice, Educational Philosophy and Theory, 55:3, 301-314

Bright, L.K. 2023. 'White Psychodrama'. The Journal of Political Philosophy. Vol 31(2): 198-221

Whitcomb, D., Battaly, H. Baehr, J. and Howard-Snyder, D. (2015). 'Intellectual Humility: Owning Our Limitations' in Philos Phenomenol Res, 94: 509-538.

Whitcomb, D, Battaly, H., Baehr, J., and Howard-Snyder, D. (2021). The Puzzle of Humility and Disparity. In Mark Alfano, Michael Lynch & Alessandra Tanesini (eds.), The Routledge Handbook of the Philosophy of Humility. Routledge. pp. 72-83.

Nine-Marie van Veijeren (Stellenbosch Universiteit)

Relational open-mindedness: a virtue epistemological consideration of political deliberation and polarisation on social media

The discourse surrounding political deliberation regularly assumes something about the epistemically normative, especially when it is focused on deliberation and polarisation on social media. The concern is that these epistemic norms assume that epistemic environments are equally hospitable for all epistemic agents, neglecting to consider epistemic injustice and systemic ignorance. For the purpose of offering useful, effective deliberative norms, this paper examines the traditional conception of the epistemic virtue of open-mindedness and offers a conception of open-mindedness as a sensitivity to relationality. Virtue epistemology, the domain in which epistemic norms such as open-mindedness are discussed, directs the analysis to the community or individual that produces knowledge, in order to offer character traits, attitudes, or thinking styles that are conducive to knowledge as epistemic norms. The concern with conventional virtue epistemology is that it mostly relies on idealised analyses, in which the environment of the epistemic agents and the social and political constitution of epistemic systems are abstracted. As such, the kinds of epistemic virtues proposed in traditional virtue epistemology are inadequate for the purposes of exposing systems of ignorance within epistemic systems, and often prove ineffectual (or even unobtainable) for real epistemic agents.

By centring the analysis on ignorance produced within epistemic systems, this paper employs epistemologies of ignorance as a kind of non-ideal epistemology in order to expose the erasure of the relational constitution of epistemic agents and epistemic systems by and within those epistemic systems. It is contended that this erasure of relationality serves as the foundational inadequacy of epistemic systems and of normative epistemology to offer effective epistemic norms. As such, for an epistemic norm such as the favouring of open-mindedness to combat systemic ignorance and epistemic injustice, it will need to be reconciled with an understanding of epistemic actors and systems as relationally constituted.

Understanding open-mindedness as a sensitivity to relationality achieves this reconciliation and offers an achievable, useful norm, while maintaining intended meaning of open-mindedness, dissolving the issues that conceptions of open-mindedness are known to encounter, and offering a distinct epistemic behavioural category. This paper offers a better foundation upon which to understand epistemic norms and responsibilities in order to enable clearer and more fruitful analyses of our epistemic systems, including the epistemic, ethical, social, and political consequences of social media usage.

Eleonora Volta (Università San Raffaele Milan)

From Silencing to Extracted Testimony in Trials for Gender-Based Violence: a Performative Approach

Shedding light on the political power and oppressive potential of language, theories of illocutionary silencing and discursive injustice pioneered in the early '90 by Jennifer Hornsby and Rae Langton show how identity prejudice can shape the pragmatics of speech, limiting in some circumstances the speaker's ability to do things with her words. By looking at patterns ofsilence through the lens of epistemicinjustice (Fricker 2007), it can be seen that under conditions of gender oppression the 'illocutionary disablement' (Langton 1993) faced by women largely depends on sexist hermeneutical resources, conceptual lacunae and interpretative gaps that compromise the climate of reciprocity between speakers necessary for uptake. Whereas much recent work in feminist philosophy of language and epistemology has focused on how power constrains speech and testimony, this paper aims to highlight the flip side of silencing by looking at the productive power of sexist ideology in the authoritative context of the crime trial for gender-based violence.

Building on José Medina's performative account of epistemic injustice (2013, 2021), I argue that when sexist conceptual resources such as rape myths and gender-based prejudices are used by the judge as an epistemic lens through which to define what counts as sexual violence, they do ideological work by setting unfair constraints on the communicative and epistemic agency of the complainant in the obtaining of her testimony. Moreover, I argue that the very same hermeneutical insensitivities and distorting concepts that shape patterns of silence can give rise to forms of agential testimonial injustice (Lackey 2023) in which the only witness statements believed by the Court are

those elicited through oppressive questions that obscure, deny or minimize the reported violence, constituting a form of extracted speech (McKinney 2016). Selected examples from the hearing transcripts of a recent Italian trial for gender-based violence will be used to support the core of my argument.

The overall aim of this work is to show that a performative approach to epistemic injustice can be fruitfully used to detect and counteract those unjust discursive practices that prevent a felicitous use of a plethora of hermeneutical resources produced to tackle gender-based violence. In practical terms, this analysis supports calls for magistrates in gender-based violence crime trials to be warned about the risks of re-victimization of survivors, and to be adequately trained to ensure an unbiased constitution of testimonial evidence.

References

AUSTIN, J.L. (1962). How to Do Things with Words, London, Oxford University Press.

FALBO A. (2022). Hermeneutical Injustice: Distortion and Conceptual Aptness, "Hypatia", 37, 343–363 DOI:10.1017/hyp.2022.

FRICKER, M. (2007). Epistemic Injustice: Power and the Ethics of Knowing, Oxford, Oxford University Press.

FRICKER, M. (2013). Epistemic justice as a condition of political freedom?, "Synthese", 190: 1317–1332. DOI: https://doi.org/10.1007/s11229-012-0227-3

FRICKER, M. (2017). Evolving Concepts of Epistemic Injustice, in I. J. Kidd, J. M., & G. Pohlhaus Jr. (eds.) Routledge Handbook of Epistemic Injustice, London, Routledge.

DOI: https://doi.org/10.4324/9781315212043

HASLANGER, S. (2012). Resisting Reality: Social Construction and Social Critique. Oxford, Oxford University Press.

HASLANGER, S. (2019). Cognition as a Social Skill, "Australasian Philosophical Review", 3:5–25.

HORNSBY, J. and LANGTON, R. (1998). Free speech and illocution, "Legal Theory", 4:21–37.

JENKINS, K. (2021). Rape Myths: What are They and What can We do About Them, "Royal Institute of Philosophy Supplements", 89:37-49.

KUKLA, Q. (2014). Performative Force, Convention, and Discursive Injustice, "Hypatia", 29, 2:440-457. DOI: https://doi.org/10.1111/j.1527-2001.2012.01316.x

LACKEY, J. (2020). False Confessions and Testimonial Injustice, "The Journal of Criminal Law & Criminology", 110(1): 43–68.

LACKEY, J. (2023). Criminal Testimonial Injustice, Oxford, Oxford Academic.

LANGTON, R. (1993). Speech Acts and Unspeakable Acts, "Philosophy & Public Affairs", 22, 4:293-330.

MCKINNEY, R.A. (2016). Extracted Speech, "Social Theory and Practice", 42,2: 258–284. DOI: https://doi.org/10.5840/soctheorpract201642215

MEDINA, J. (2013). The Epistemology of Resistance: Gender and Racial Oppression, Epistemic Injustice, and Resistant Imagination, New York, Oxford University Press.

MEDINA, J. (2020). Capital Vices, Institutional Failures, and Epistemic Neglect in a County Jail, In I. J. Kidd, H. Battaly, and Q. Cassam (eds.) Vice Epistemology: Theory and Practice, New York, Routledge.

MEDINA, J. (2021). Agential Epistemic Injustice and Collective Epistemic Resistance in the

Criminal Justice System, "Social Epistemology", 35,2: 185–196. DOI: https://doi.org/10.1080/02691728.2020.1839594

Jinhjing Wu (University of Southern Denmark)

Understanding Epistemic Injustice towards Indigenous People when Representing and Protecting Nature

This article applies the lens of epistemic injustice to the scenarios when Indigenous peoples are the voice of nature in a predominantly non-Indigenous society. It argues that these Indigenous voices for protecting nature are dismissed both in public debates and court cases due to different forms of epistemic injustice. Based on the taxonomies provided in the work of Fricker (2007), Medina (2012), and Dotson (2014), this article first introduces three relevant types of epistemic injustice, i.e., testimonial injustice, hermeneutical injustice (Fricker, 2007), and the third-order injustice (Dotson, 2014). Each type will follow with an example where Indigenous communities undertake the role as the voice of nature. Each example shows how a particular type of epistemic injustice prevents the Indigenous community from representing and protecting nature. The first example is about the Mbyá-Guarani tribe's relocation within Brazil. It shows the testimonial injustice has been committed by the general public towards the tribe leader Darcy Tupã during the public meeting. The second example concerns the Australian Djab Wurrung People's fight to protect their sacred birthing trees. The overlook of the spiritual meaning of the birthing trees in the governmental decisions, as this article argues, underscores the hermeneutical injustice encountered by the Djab Wurrung People. The third example is a landmark case *the Kichwa Indigenous People of Sarayaku v. Ecuador* (2012), handled by the Inter-American Court of Human Rights. While praised for its progressive approach in this decision, as argued by this article, the Court still committed the third order epistemic injustice towards the Sarayaku People's testimony. The last part of the article revisits the discussion on the

virtuous approach in both Fricker and Medina's work. It further suggests a distinction between individual, institutional, and societal virtues. Using the three examples mentioned above, it discusses how different categories of virtue could contribute to correcting different types of epistemic injustice. This article concludes by summarising how the lens of epistemic injustice is crucial when engaging with Indigenous people in a modern legal system. It also provides some preliminary suggestions on what a modern legal system can do to overcome such injustice.

References

Dotson, K. (2014). Conceptualizing Epistemic Oppression. *Social Epistemology*, 28(2), 115-138, DOI: 10.1080/02691728.2013.782585.

Fricker, M. (2007). *Epistemic Injustice: Power and the Ethics of Knowing*, OUP. https://doi.org/10.1093/acprof:oso/9780198237907.001.0001

Medina, J. (2013). *The Epistemology of Resistance*, OUP.