Epistemic Overload as Epistemic Injustice
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ABSTRACT

Epistemic injustices are the distinctly epistemic harms and wrongs which undermine or depreciate our capacities knowers. This dissertation develops a theory of epistemic injustice and justice which accounts for excesses in epistemic goods as a source of epistemic injustice. This is a theory of epistemic overload as epistemic injustice. The dissertation can be divided into three parts: 1) motivational, 2) theoretical, 3) applications and implications. First, Chapters 1 and 2 motivate the study of epistemic injustice and epistemic overload. Chapter 1 identifies a gap in the literature on epistemic injustice concerning excesses in epistemic goods as sources of epistemic injustice while canvassing the major themes and debates of the field. Chapter 2 levels an objection to ‘proper’ epistemology, thereby providing an indirect defense of the study of epistemic injustice. Second, theoretical development occurs in are Chapters 3, 4, 5, 6. Chapter 3 initiates the argument for epistemic overload, while Chapter 4 extends the case for epistemic overload, identifying several epistemic injustices arising from excesses of understanding, credibility, and truth. Chapter 5 explains the oversights of prior theorists by developing a more descriptively adequate account of social epistemics that explains the many sites of epistemic injustice. Chapter 6 develops a two-stage contractualist theory of epistemic in/justice to explain the bad-making features of epistemic injustices and generates the duty of epistemic charity. The third part of the dissertation applies the findings of earlier chapters to contemporary practical and theoretical problems. Chapter 7 employs the contractualist reasoning of Chapter 6 to address and ameliorate problems from excesses in the uptake and circulation of hermeneutical resources and true-beliefs. Chapter 8 considers the mutual dependence relations between political phenomena and epistemic in/justice, showing that accounts of political justice depend upon or presuppose epistemic justice. Finally, Chapter 9 applies epistemic overload to the use of big data technologies in the context of predive policing algorithms. An abductive argument concludes that the introduction of the “Strategic Subjects List” as part of a Chicago policing initiative in 2013 introduced understandings which likely contributed to gun-violence in Chicago and which constitutes an epistemic overload. In sum, the dissertation shows the theoretical and practical significance of epistemic overload as epistemic injustice.
Epistemic Overload as Epistemic Injustice

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GENERAL AUDIENCE ABSTRACT

Epistemic injustice refers to the ways in which people can be wronged in their capacities as knowers and thinkers. What we know and how we think are of central importance to our identity and well-being. Theories of epistemic injustice endeavor to explain the emergence, nature, and effects of these injustices, while developing accounts for promoting the intellectual agency of persons. Epistemic injustices are important to recognize for social justice when they systematically undermine marginalized people, rendering people unable to resist oppression as they become unintelligible, lose credibility, or are overwhelmed by epistemic excesses. The centrality of “Black Lives Matter,” “#MeToo,” and “FakeNews” to contemporary social movements demonstrates how the circulation of phrases accompanying understandings are crucial for effective public deliberation and political progress, particularly in diverse societies. Yet, subtleties of social epistemics often conceal epistemic injustices, as willful misinterpretations of “Black Lives Matter,” for example, are immeasurable and defy conventional distinctions between ethical and epistemic conduct. These considerations motivate studying epistemic injustice. The central thesis of this dissertation is that excesses in epistemic goods such as credibility, understanding, and true-beliefs can constitute epistemic injustices. Hence, epistemic overload as epistemic injustice. Theoretically, this dissertation extends the challenge to the univocal status of traditional epistemic goods. Recurrent and long-held views on the value of truth, credibility, and understanding are upended as I show that these goods can undermine epistemic agency itself. Practically, it shows how epistemic goods and resources can be harmful and counterproductive to persons as epistemic agents and for the achievement of social justice. These results are applied to the identity-types generated by predictive policing big-data algorithms.
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Epistemic injustices are the distinctly epistemic ways in which persons are wronged as knowers. Epistemic agency is of central normative significance, as it is the precondition for enjoying other epistemic goods, and epistemic agency is central to the interests of agents as moral subjects. Theories of epistemic injustice endeavor to explain the emergence, nature, and effects of these injustices, while developing accounts for promoting epistemic justice. The study of epistemic injustice is of theoretical and practical significance.

Epistemic injustices are important to recognize for social justice when they systematically undermine marginalized people, rendering people unable to resist oppression as they become unintelligible, lose credibility, or are overwhelmed by epistemic excesses. The centrality of “Black Lives Matter,” “#MeToo,” and “FakeNews” to contemporary social movements demonstrates how the circulation of phrases, their uptake, and failures of understanding are crucial to public deliberation and political progress, particularly in diverse societies. Yet subtleties of social epistemics often conceal epistemic injustices, as willful misinterpretations of “Black Lives Matter” are immeasurable and defy conventional distinctions between ethical and epistemic conduct. These considerations motivate studying epistemic injustice.¹

Theoretically, the field of epistemic injustice challenges dominant philosophical paradigms. First, it contests traditional distinctions between epistemology and ethics. Theories of epistemic injustice attempt to reconcile considerations about fairness, harm, truth, credibility, and

¹ While epistemic in/justice may not be the most pressing problem for social justice, it is of greater significance than conventionally understood, as will be argued throughout the dissertation. This neglect makes theories of epistemic injustice relatively undeveloped and appreciated.
understanding. Second, it challenges the view commonly held in philosophy that epistemic goods such as truth are univocal and intrinsically valuable; they are incommensurable with ethical goods, which preempts comparisons. Within social epistemology, epistemic injustice is also a heterodox field. Entire schools of social epistemology are predicated on engineering epistemic activities to maximize true beliefs (Goldman, 1999).

Influenced by traditional epistemology and the seminal works on epistemic injustice, current research in the field emphasizes epistemic deficits as epistemic injustice. Problems of epistemic injustice are characteristically explained as people lacking knowledge, credibility or understandings. The central thesis of this dissertation is that excesses in epistemic goods such as credibility, understanding, and true-beliefs can constitute epistemic injustices. Hence, epistemic overload is an epistemic injustice. Theoretically, this dissertation extends the challenge to the univocal status of traditional epistemic goods. Recurrent and long-held views on the value of truth, credibility, and understanding are upended as I show that these goods can undermine epistemic agency itself.

In developing the case for epistemic overload, this dissertation develops a theory of epistemic injustice which better accounts for social epistemics, the logical space of epistemic injustice, and the ways in which political justice and epistemic justice relate. It also provides a novel two-stage contractualist theory explaining ethical-epistemic normativity. This dissertation is of practical import as we enter an age of unprecedented abundance in epistemic capabilities and goods. This is most evident in the context of big data technologies (Ch 9). *Epistemic Overload as Epistemic Injustice* draws attention to how ostensibly ‘positive’ epistemic inputs may be counterproductive, ethically and epistemically. I demonstrate cases of epistemic excess in truth,
credibility, and understanding which hamper individual and collective epistemic and ethical success. The scale and structural nature of epistemic overload shows that these epistemic injustices harm and shape agents in ways far exceeding the slights associated with ‘microaggressions.’ Failures to recognize epistemic overload as epistemic injustice are ethical and epistemic failings. To situate these initial remarks, I turn to Miranda Fricker’s (2007) seminal work on epistemic injustice. As nearly all work on epistemic injustice engages with this program-initiating research, Fricker’s work is the primary foil of this dissertation.

1. Introduction: Fricker’s (2007) Epistemic Injustice

The publication of Miranda Fricker’s (2007) *Epistemic Injustice: Power and the Ethics of Knowing* drew renewed focus to the ways in which people are harmed as thinkers and knowers. This book “renegotiates a stretch of the border between” epistemology and ethics, calling for an integrated analysis of these normative fields (Fricker 2007, 2). Eschewing Alvin Goldman’s veritistic social epistemology, the emerging field of epistemic injustice postulates epistemic agency as a central value. Epistemic injustices are bad insofar as they wrong persons as knowers. The onus of research is on the social epistemics of situated knowers and how these dynamics produce or undermine epistemic and ethical values.

Fricker maintains that epistemic injustices are of two fundamental kinds. First, testimonial injustice occurs when a person’s assertions are attributed less credibility than they deserve owing to the listener’s prejudicial assessment of their identity. Any generally recognized

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2 In this respect, epistemic injustice as a field is more closely aligned with Steve Fuller’s (2012) conception of social epistemology, with the onus on ‘social’ over ‘knowledge.’ The field of epistemic injustice is compatible with Fuller’s view that, “Perhaps, the most important overarching problem for social epistemology is the relationship between so-called moral and epistemic value” (2012, 277).

3 Commitment to analysis of socially situated knowers is a feature of epistemic injustice researcher harkening to the Feminist Standpoint Epistemologists (e.g., Sandra Harding, 2004; Donna Haraway, 1988).
social identity-type may be associated with incompetence, being prone to error, and so forth. For example, a professor may dismiss a student’s account of scientific facts because they are a member of a minority group not associated with scientific acumen. The student may suffer from being wrongfully dismissed, but this testimonial injustice has important implications for their capacity as an epistemic agent. Serious or recurring cases of testimonial injustice may dissuade people of specific identity groups from engaging in activities which develop their critical faculties. As such, the epistemically wronged become less able as epistemic agents. They are thereby harmed as knowers by testimonial injustice. They become less capable of expressing their interests and experiences due to repeated occurrences of testimonial injustice. Epistemic injustice may constitutively undermine people as knowers.

Testimonial injustice is interpersonal: One individual wrongs another by engaging in a culpable, wrongful credibility deficit based on identity type-casting. While individual instances of credibility deficit may constitute wrongs, Fricker focuses on the prejudices associated with identity types as these track across contexts, predicting recurring epistemic injustices for members of prejudicially-cast identity-groups. The most pernicious effects of epistemic injustice accrue cumulatively as individuals of an identity-type regularly experience wrongful credibility deficits. One-off instances of testimonial injustice are unlikely to undermine a person as a knower, but recurring experiences of beings intellectually dismissed lead to epistemic harms. Recurring and socially-tracking testimonial injustice may epistemically hamper entire demographic groups. Similarly, Fricker focuses on credibility deficiencies rather than excesses. These are the most paradigmatic cases of credibility misattributions and they are more prone to
inducing epistemic harm, Fricker claims. So, in outline, testimonial justices are: 1) intrinsic interpersonal wrongs that 2) track with social identity (for reasons of social justice) and 3) are distinctly epistemic in both the inputs and outputs of the injustice that results from 4) deficiencies in credibility attributions.

The conception of ‘intrinsic’ used above refers to the primary harm of epistemic injustice. The primary harm of epistemic injustice is the “objectification” of epistemic agents (Fricker, 2007, 134-145). To induce a primary epistemic harm is to depreciate agents qua knowers. Epistemic injustice depreciates a fundamental aspect of one’s personhood, namely their capacity as a knower. To be a person is to be a knower, so objectifying our epistemic agency cuts at the core of our personhood.

Secondary harms are the adverse consequences associated with epistemic injustice, including a depreciated sense of self, reduced epistemic agency, and practical harms. Fricker uses the case of Tom Robinson in To Kill a Mockingbird to illustrate how a testimonial injustice ruins Tom’s life, as he is found guilty because the judge and jury refuse to believe his plausible testimony. Systematically tracking credibility deficits deprives people of interlocutors who give appropriate credence to their claims. This suggests that the victim of a testimonial injustice will have fewer opportunities to intellectually engage with others at their actual level of competence. They may disengage from a range of epistemic activities to avoid being intellectually disparaged.

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4 As foreshadowed, focus on only epistemic deficits is a mistake of current theorists working in epistemic injustice, to be rectified in Ch 3 and Ch 4. Before a critique of this view is appropriate, it must be clearly presented.

5 Fricker gives two arguments against credibility excesses as sources of epistemic injustice. First, she contends that they do not systematically track individuals across social location. Second, credibility excesses do not constitute intrinsic wrongs, but are merely bad in their cumulative effects. Both these arguments are rebutted in Ch 4.

6 Given that the primary harm is intrinsic and not contingent on bad consequences, I also refer to it as the ‘primary wrong.’ This turn-of-phrase clarifies its non-consequentialist nature.
Furthermore, people are likely to internalize the socially imposed understandings that they regularly experience. This may lead them to doubt their own capacities as epistemic agents. These individuals then contribute less to collective meaning-making. This leads to the second type of epistemic injustice. Coady (2010) denotes testimonial injustices as credibility deficits and hermeneutical injustices as intelligibility deficits.

Hermeneutical injustice occurs when a relatively powerless population is deprived of the epistemic resources necessary to understand or explain their experience. These resources are denoted as ‘hermeneutical resources’ as they regard the terms, schemas, theories, and worldviews which either aid or inhibit intelligibility and understanding. They are the epistemic resources used to interpret experience. For an example of hermeneutical injustice, consider a veteran of the Second World War. The veteran lacks a term for the anxiety and sense of impending danger he experiences after returning from the front. The term ‘post-traumatic stress’ is instrumental for clarifying that these symptoms are treatable and not a failure of character. The unavailability of the term ‘post-traumatic stress’ is a conceptual lacuna. The veteran suffers due to this conceptual gap as he struggles with feelings that cannot be adequately described and may be misrepresented to him as cowardice. Frontline troops are epistemically marginalized as they lack a proportional influence on the creation, distribution, and

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7 In an interview with Susan Dieleman, Fricker explains why hermeneutical injustice receives a minimal treatment compared to testimonial injustice. She states, “[t]he main explanation for the unequal length of treatment in the book is simply that so much of what I needed to say about epistemic injustice in general was already explained in relation to testimonial injustice (the background power relations, the nature of the wrong, the epistemic and ethical hybridity of the corrective virtue, etc.)” (Dieleman 2012, 258). For this reason, I take it that primary and secondary harms are not exclusive to testimonial injustice but apply to hermeneutical injustice and other types of epistemic injustice.

8 The distinctions between these types of hermeneutical resources will be addressed in Ch 4 and 5.
uptake of hermeneutical resources relevant to their unique experiences. This is an epistemic injustice insofar as the lack of the interpretive resource ‘post-traumatic stress’ deprives combat veterans of ways of self-understanding, addressing the problem, and adequately characterizing these experiences to others. The veteran may become a less capable thinker and knower due to the systematic deprivation of a concept which would facilitate participation in epistemic practices on equal terms. Secondary harms arise as the veteran suffers due to this unresolved self-understanding and collective misunderstanding.

Hermeneutical injustice is a structural epistemic injustice. Collective epistemic activities determine the available interpretive resources. Power asymmetries and other forms of oppression perpetuate and contribute to these gaps in conceptual resources. As such, it is not a matter of interpersonal wrongdoing. While the veteran with PTSD suffers an epistemic injustice, it is a result of structural processes rather than any interpersonal interaction. Yet, hermeneutic lacunas may contribute to testimonial injustice if lacking interpretive resources results in a listener underappreciating the claims made by the person who suffers from hermeneutical injustice.

With an outline of Fricker’s work provided, I turn to the secondary literature responding to, rebuking, or amending Epistemic Injustice. Further elements of Fricker’s account will be developed through the course of the dissertation, but this outline captures the core characteristics of epistemic injustice and is sufficient to understand the responses to Fricker.

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9 ‘Uptake’ and failures of uptake will be used throughout this dissertation. Here, I invoke Austin (1962) conception of illocutionary success as uptake. When a speech or performative act of communication has the desired effect on an interlocutor, illocutionary success has occurred. Expanding the scope of this term, I also use the term to designate cases in which a hermeneutical resource becomes recognized and used within a discursive group as a case of uptake. If a hermeneutical resource which aids a marginalized group in self-understanding becomes common parlance within other groups, that is a case of successful hermeneutical uptake.
which motivate the chapters of the dissertation. The four categories of secondary literature and the debates within those areas are outlined next.

The corpus of literature on epistemic injustice can be understood as a body of reactions to Fricker’s work, which I divide into four categories. I briefly canvass these conventional categories before reviewing the pertinent literature. By reviewing the literature on epistemic injustice, I identify the debates and topics which are the basis of my chapters.

First, most work on epistemic injustice posits novel types of epistemic injustice not included in Fricker’s initial characterization. Broadly, these novel types can be divided into three categories which challenge or reaffirm Fricker’s initial characterizations. First, process injustices are developed in contrast to Fricker’s emphasis on epistemic injustices being “sufficiently harmful in themselves” and not a matter of cumulative effects (2007, 21). Second, the discriminatory/distributive distinction motivates positing distinctly discriminatory or distributive forms of epistemic injustice. Fricker emphasizes discriminatory injustices, arguing that there is nothing especially epistemic about distributive injustices and that discriminatory injustices are the most neglected (2007, 1). Coady (2010), among others, challenges this claim. This distinction is useful for differentiating novel varieties of epistemic injustice. Lastly, third-order injustices are posited as interpersonal exchanges about structural features of collective epistemic life (Dotson, 2012). These are cases in which some party is culpable for invoking a problematic hermeneutical resource or failing to understand a useful one from the perspective of the marginalized in the interest of promote social justice and epistemic agency. Third-order injustices are important for understanding the ways in which problematic or beneficial hermeneutical resources are collectively circulated and understood, for better or worse. Third-order injustice is the basis for
later structural epistemic injustice. These three subcategories of novel epistemic injustices are not mutually exclusive. There are discriminatory third-order process epistemic injustices.¹⁰

These distinctions are relevant for understanding the theoretical moves in the field since the publication of *Epistemic Injustice* and for understanding how the dissertation draws from these lessons. As will be shown, these developments are characterized almost exclusively in terms of epistemic deficiency. Further, a focus on discriminatory epistemic injustice neglects the ways in which the *additional* circulation and uptake of epistemic goods, such as resources for understanding, can contribute to epistemic injustice. There is a dearth of literature on this dimension of epistemic injustice. This dissertation argues that epistemic excesses characterize varieties of epistemic injustice. As will be shown, this conclusion is practically and theoretically significant. The argument for epistemic overload as epistemic injustice will be developed in Chapter 3 and concluded in Chapter 4.

The second category of literature on epistemic injustice consists of the critiques and nuances of Fricker’s initial theoretical framework of epistemic injustice. These reactions focus on two issues. These issues regard the nature of hermeneutical space and the relations between epistemic injustice and political injustice. By identifying tensions and implications of Fricker’s view, these works refine or reject features of Fricker’s *descriptive* account of epistemic injustice in relation to the political justice, social epistemics, and hermeneutical space. A recurring theme in this literature is that a properly situated understanding of hermeneutical space leads to more complex understandings of hermeneutical space and socio-epistemic dynamics (e.g., Medina (2014), Mason 2012, Pohlhaus (2011)). There is not a single shared interpretive space among

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¹⁰ See: L. Anderson (2017)
agents, as Fricker’s account suggests. These arguments inform crucial refinements to social epistemics, defended in Chapter 5.

Beeby (2011) worries that Fricker’s characterization of epistemic injustice is overly dependent on the political. Political dynamics play a predominant role in the formation and perpetuation of hermeneutical injustice, suggesting that hermeneutical injustice is reducible to political injustice. Fricker (2013) and Dieleman (2013) argue that epistemic justice is essential for any deliberative or contractualist account of political justice. Chapter 8 clarifies these relations, showing that political justice and epistemic justice are largely codependent. This point is underappreciated by political philosophers and theorists of epistemic injustice.

The third literature offshoot is not fully discrete from the second but regards the distinctly normative features of epistemic injustice. A growing debate regarding the normative foundations of epistemic injustice: A) challenges Fricker’s virtue theoretic commitments; B) posits differing normative theoretical foundations for epistemic injustice; and C) reevaluates the wrong-making features of epistemic injustice. While the debate on the normative foundations of epistemic injustice is continuous with nuances and critiques, it will be considered discretely due to the growing body of work and significance to understanding the ethical dimensions of epistemic injustice. A proper normative grounding for epistemic injustice is essential for the field to pass meta-ethical muster. This literature offshoot provides especially fruitful grounds for engagement with major ethical and metaethical debates in philosophy. As it turns out, the social contract tradition is largely neglected in research on epistemic injustice. In Chapter 6, I develop a two-stage contractualist account of epistemic injustice which explains epistemic injustice. Chapter 7 addresses the action-guiding value of the two-stage approach by applying it to
intractable problems from epistemic overload, showing that the two-stage contractualist theory 
is useful for redressing contemporary problems from epistemic overload.

Fourth, there is a wide range of applied work. Authors both within and outside of 
philosophy use elements from the epistemic injustice literature to critique current practices in 
medicine, childcare, and academic philosophy itself. Most of those works invoke Fricker, but a 
few have applied Dotson’s (2011, 2014) framework of epistemic oppression to their local 
concerns. As this dissertation is primarily theoretical, applied topics will receive only a cursory 
treatment. The current literature is focused primarily on: a) the politically marginalized; b) 
medical ethics; and c) education. My contribution to the applied domain will be to apply 
epistemic overload to problems associated with the informational abundance onset by big data 
in Chapter 9.

The secondary-literature quadrants I invoke are conventional designations. It may be 
useful to violate the discreteness of these categories within the dissertation. This dissertation 
informs all the major areas of debate in the literature on epistemic injustice as framed within the 
four categories and drawing form the subcategories referenced. In what follows, there are many 
technical terms; indeed, more so than anywhere else in the dissertation. Specific terms are only 
useful for clearly delineating the debates and motivating the dissertation.

2. Novel Varieties of Epistemic Injustice

Positing novel varieties of epistemic injustice constitutes the most extensive literature 
category to emerge in response to Fricker’s work. As noted, Fricker contends that testimonial 
injustice and hermeneutical injustice are the fundamental types of epistemic injustice. Others 
contend that this is not the case and offer additional types. In some cases, (e.g., Anderson 2017)
new forms of epistemic justice are proffered as reducible to Fricker’s primary types, but sufficiently important to merit additional consideration.

\textit{Process epistemic injustices} are characterized by interpersonal or structural dynamics which are temporally extended, thereby cumulatively undermining individuals as epistemic agents and shaping collective, structural epistemic life. One of the earliest additions to the tally of epistemic injustices comes from Hookway (2010). Hookway claims “[w]e can be victims of epistemic injustice without making assertions and claims to knowledge, and without suffering from conceptual impoverishment” (153). Rather than a moment of testimonial exchange, Hookway emphasizes \textit{participant perspective injustices}. For example, a student may offer a question as a continuation of a classroom discussion. The teacher then dismisses this contribution as irrelevant or ill-conceived. The teacher attributes full testimonial credibility to the student, yet she is unable to accommodate probing questions extemporaneously. After repeated incidents, the student comes to view their questions as irrelevant or ill-conceived after repeated rebukes. This is not clearly a testimonial injustice or hermeneutical injustice but is a case of harming someone as a thinker and knower via distinctly epistemic means over time. As such, Hookway moves the dialogue from Fricker’s focus on testimonial exchange to broader issues of epistemic dynamics. Appealing to epistemic processes, Medina (2011) argues that “[b]ecause epistemic injustices are temporally and socially extended, they call for a sociohistorical analysis” (17). With attention to credibility excesses as part of ongoing epistemic processes, one problem from excessive credibility attributions becomes clear. Insofar as credibility is a socially-scarce good, assigning excess credibility to one person or group indicates deficits elsewhere. So, while not an intrinsic epistemic injustice on Medina’s account, credibility
excesses are important to understand the emergence of credibility deficits which are prejudicial (i.e., testimonial injustices). Medina’s (2011) influential contribution is among a few pieces that explicitly recognize the possibility of credibly excesses but fail to realize that credibility excesses can be intrinsic epistemic injustices. I show this in Chapter 4.

Coady’s (2010) claim that epistemic goods are relevantly distributional initiated the *distributive/discriminatory distinction* in epistemic injustice. Anticipating Medina (2011), Coady argues that the circulation of epistemic goods in epistemic economies is central to understanding and identifying epistemic injustice. Coady posits wrongful ignorance and wrongful error as varieties of distributional epistemic injustice. A student may fail an exam as they were not given a decent education or appropriate textbooks. They are harmed in distinctly epistemic ways by a poor distribution of epistemic goods. Likewise, we may have a right to know a proposition that is withheld from us. This is a wrongful ignorance due to the undistributed knowledge.

Fricker (2010) acknowledges these forms of epistemic injustice but retains focus on discriminatory epistemic injustice for the purposes of promoting social justice. Fricker writes, “[i]t would have been better if I had placed the emphasis on my aim of unveiling forms of discrimination – epistemic discrimination – whose epistemic character meant that they were especially *well-hidden* injustices” (175). The literature following this debate has largely focused on discriminatory epistemic injustices. Without some consideration of impact or systematicity, the study of epistemic injustice may reduce to analysis of minor interpersonal misdeeds.

Following this discriminatory emphasis, Anderson maintains that conceptual competence injustice is a wrong done to a person specifically in their capacity as a knower of conceptual or
linguistic truths (2017, 210). These are *a priori* knowledge claims which are under-credited due to a person’s identity-type. Rather than supposing an interlocutor has a coherent but competing conception of a term, a conceptual competence injustice occurs when an agent is assumed to lack adequate understanding of a concept and it is this inadequate understanding which explains disagreement. These injustices track with social identities types, as with testimonial injustice. Anderson states, “[w]hen a member of a non-marginalized group makes a conceptual claim, there is no possibility of competence injustice” (213). Being a member of a marginalized group is a necessary condition for a conceptual competence injustice to occur, according to Anderson. Yet minority status need not be the cause of the credibility misattribution. While closely aligning with Fricker’s account, Anderson is careful to identify cases in which there are both testimonial injustice without conceptual competence injustice and conceptual competence injustice without testimonial injustice. The former are simply cases of wrongful prejudicial credibility deficits regarding empirical claims. I may doubt what my mother has good vision just because of her age. While this may be a prejudicial epistemic injustice of some form, the matter is empirical. Anderson establishes conceptual competence injustice as discrete from testimonial injustice by maintaining that testimony is not a necessary condition of conceptual competence injustice. One can be wronged without saying anything if they withhold testimony due to the belief that they will be receive a wrongful conceptual credibility deficit. Anderson’s account is important as it shows how discriminatory processes are relevant to structural features of epistemic life. I employ Anderson’s conceptual competence injustice in Chapter 5 to identify sites and manifestations of third-order epistemic injustice.
Berenstain (2016) follows this discriminatory emphasis by arguing that epistemic exploitation occurs when privileged person A compels marginalized person(s) B to educate A about the oppression of B. For Berenstain, epistemic exploitation is especially pernicious because its manifestations are often masked as virtuous epistemic conduct. Playing ‘devil’s advocate’ may result in epistemic exploitation. Berenstain identifies several harms of epistemic exploitation. First, there is unpaid epistemic labor required to explain one’s oppression. It may become tiresome and intrusive for a woman to explain why she is not comfortable being alone with male colleagues. This labor and emotional energy could be better used for personal ends. The double-bind of these situations is that noncompliance may be perceived as hostility or taken as evidence that the marginalized individual’s views are unjustified. If the woman chooses not to explain why she is uncomfortable being alone with male colleagues, she is likely to be viewed as frigid or irrational while providing an explanation has costs too. This cost is magnified by the social norm of default skepticism.

Berenstain maintains that epistemic exploitation often overlaps with testimonial injustice. Default skepticism and an expectation that a marginalized individual ought to explain themselves further is due to an unjustified prejudicial credibility deficit. Yet, this account neglects an important point. One can be compelled to do epistemic labor precisely because they are perceived to be an expert on the matter. Epistemic exploitation in the form of expecting racial minority to speak on behalf of their group may be a case of epistemic exploitation which involves attributing a credibility excess. While Berenstain does not recognize this connection, I develop the case for epistemic exploitation as credibility excess in Chapter 4. As such, testimonial injustice and epistemic exploitation are only tenuously linked. Epistemic exploitation often
invokes the use of available conceptual resources. Conceptual lacunas are not required for epistemic exploitation to occur. Despite this, the harms of epistemic exploitation can be exacerbated when conceptual resources do not exist or are not sufficiently circulated to allow for an intelligible explanation. This motivates the turn to the third type of epistemic injustice posited.

*Third-order epistemic injustices* arise at the intersection of interpersonal dynamics about structural features of epistemic life. Interpersonal uses or failures to use specific hermeneutical resources may constitute third-order injustices. Berenstain considers Dotson’s (2012) contributory injustice to explain that epistemic exploitation is often characterized by an inadequate uptake of proffered explanations and hermeneutical resources. Contributory injustice occurs when someone engages in “maintaining and utilizing structurally prejudiced hermeneutical resources that result in epistemic harm to the epistemic agency of a knower” (Dotson, 2012, 31). While the marginalized person may offer a satisfactory explanation of their oppression, the recurring need to give such explanations suggests that privileged persons are failing to uptake these understandings or asking rhetorically and skeptically. This case of epistemic exploitation is a contributory injustice insofar as expecting further answers to one’s questions is the result of a culpable failure to uptake understandings and an insistence on re-imposing their preexisting understanding. Contributory injustice influences collective understandings and collective hermeneutical resources, as the perpetrators contribute to problematic epistemic dynamics and resources.¹¹ This is characteristic of third-order epistemic injustice.

¹¹ Epistemic exploitation can be discriminatory and third-order but need not be third-order to constitute an epistemic injustice.
injustice. The injustice requires first-order and second-order elements. By drawing on preexisting hermeneutical resources, these resources are reaffirmed to the detriment of specific knowers. Dotson critiques Fricker for incidentally perpetuating contributory injustice by maintaining that testimonial and hermeneutical injustice are exhaustive (2012, 40).

Dotson credits Gaile Pohlhaus’s (2012) willful hermeneutical ignorance as a specific type of third-order contributory injustice. Willful hermeneutical ignorance occurs when a dominantly-situated knower culpably fails to acknowledge the epistemic resources developed by those who are epistemically marginalized. Through a close analysis of Tom Robinson’s trial in To Kill a Mockingbird, Pohlhaus (2012) argues that willful hermeneutical ignorance better explains the jury and prosecutor’s behavior than testimonial injustice. Jurors culpably fail to charitably understand Tom Robinson on key points, rather than attributing him less credibility. This case will be used in Chapter 4 to identify novel varieties of epistemic overload and in Chapter 5, to motivate the need for a refined account of how hermeneutical resources are created and circulated to promote epistemic justice.

Pohlhaus posits a second important variety of third-order contributory injustice. Wrongful requests occur when someone is asked to understand a perspective or experience in a way that harms or depreciates them as an epistemic agent. Asking a young man of color to understand why people are afraid of him is a wrongful request insofar as it requires him to adopt a worldview in which he understands himself as a threat, despite his knowledge of his intentions. The contention is that it is wrongful to ask others to adopt views in which they must understand themselves in problematic ways.
The upshot of this analysis is that strategic refusals to understand can be useful forms of resistance to an epistemic injustice. One can be epistemically selective insofar as adopting certain understandings tend to undermine our sense of agency, individuality, or epistemic abilities. While this account invokes more sophisticated understandings of situated and interactive epistemic space, it is significant for another reason. It is one of the only cases in the literature in which an epistemic excess is implicitly conceived of as an epistemic harm. One can wrongfully suffer from adopting additional understanding. Refusals to know and understand can be epistemically and ethically productive (Pohlhaus, 2011, 224). Pohlhaus’s wrongful requests motivate recognition of excessive understandings which harm and objectify agents in their epistemic capacities. I call excesses in the uptake of understandings and hermeneutical resources hermeneutical overload (Ch 4).

Contrary to Fricker’s characterization of hermeneutical injustice, the problems of third-order injustice regard the circulation and uptake of hermeneutical resources, not their discovery. This is a key oversight for understanding socio-epistemic dynamics. I develop a comprehensive account of social-epistemics in Chapter 5 to amend this neglect. The resources necessary to address hermeneutical injustice often exist but are not employed by dominant groups. Likewise, the perpetuation of dominant hermeneutical resources can be an impediment to hermeneutical justice. Being in a dominant epistemic position can lead to hermeneutic gaps, but it can also lead to poor communication and circulation of epistemic resources. Thus, the issue is not primarily one of knowledge generation; it regards epistemic economies and interpersonal relations as part of an ongoing process for epistemic justice.
3. Nuances and Critiques

Work in this category focuses on refinements to the theory of epistemic injustice, primarily in response to Miranda Fricker’s work. Two primary points of debate are evident. First, the nature of conceptual and hermeneutical space is contested and refined. Second, how epistemic in/justice relates to political in/justice is debated. While the former debate is important for developing theories of epistemic injustice, the latter is of fundamental importance to the independent viability of these fields.

Some of the earliest secondary literature on epistemic injustice is a series of challenges to Fricker’s (2007) account published in a special edition of *Episteme* in 2010. Alcoff initiates two important lines of critique. The first regards whether intentional practice is sufficient to amend non-inferential habits, as Fricker’s virtue theoretic commitments suggest. This issue will be in the next section on normative foundations of epistemic injustice. Second, Alcoff critiques Fricker’s view of hermeneutical space and collective epistemics. This unsatisfactory account explains Fricker’s neglect of third-order injustices.

Alcoff reconsiders Fricker’s view that there is one collective hermeneutical space. Recall that hermeneutical injustice is “the injustice of having some significant area of one’s social experience obscured from collective understanding owing to a structural identity prejudice in the collective hermeneutical resource” (Fricker, 2007, 154). Fricker adds that hermeneutical lacunas are like holes in the atmosphere (161). The view that discovering some terms (like sexual harassment), in addition to rhetorical uses of ‘gaps’ and ‘lacunas,’ leads Alcoff to conclude that Fricker holds an objectivist view of conceptual space. An objectivist view entails that there are static and mind-independent configurations of hermeneutical space. This underappreciate
how epistemic agents willfully amend or retain hermeneutical resources. While Alcoff’s remarks are tentative, she suggests that the picture of conceptual space is more complicated and that the relationship between politics, affect, and hermeneutical resources needs elaboration. Others modify the terms of debate but retain this central insight (e.g., Mason; Medina, 2011, 2014).

Jose Medina (2012) provides a framework for understanding collective hermeneutical resources, considering the significance of credibility excesses as third-order contributory injustices from his earlier work (Medina, 2011). Medina (2012) employs the notion of epistemic economies for this end. Recall that Fricker maintains that credibility excesses are not testimonial injustices, as credibility is not a distributional good. Each person is entitled to their fair share of credibility, which is not contingent on how much credibility others receive. Medina’s view shifts from this narrow interactional model of epistemic injustice to a contextual approach. In this contextualist approach, credibility is conceived of as a good circulated in the epistemic economy. Medina does not argue that credibility excesses are sources of epistemic injustice themselves. Instead, he contends that attention to the broader context of testimonial exchange shows the significance of credibility excesses. While there is no necessary logical relation between some individuals having excess credibility and others suffering from prejudicial credibility deficits, these epistemic phenomena tend to be linked. If one person receives excessive credibility, it is usually at the expense of others within the same communicative space. My over-estimating a professor’s credibility is psychologically associated with an unfair depreciation of a fellow graduate student’s criticisms of that professor. Attending to credibility excesses can better attenuate us to credibility deficiencies in other sectors of the credibility economy. Noticing that a certain demographic regularly receives excess credibility is a strong indicator that other groups
which epistemically engage with that group receive prejudicial credibility deficits. This “polyphonic contextualism” approach is developed in Medina (2012, 202).

Likewise, Mason (2012) distinguishes between dominant and collective hermeneutical spaces to identify culpable unknowing. There are commonly shared resources which are not adopted by dominant groups and dominant resources which are prevalent across social contexts. If some commonly circulated hermeneutical resource is not recognized by a dominantly situated knower, this may constitute culpable unknowing. This is another third-order contributory injustice, but Mason’s (2012) work is most important for recognizing distinctions in hermeneutical spaces and discursive communities.

While recognition of third-order injustices and epistemic economies are improvements to understanding hermeneutical space, these are suggestions used to posit additional types of epistemic injustice (e.g., Mason, 2012) or to make points about the distributive relevance of epistemic goods (Medina). Chapter 5 focuses exclusively on the issue of hermeneutical spaces, conceptual space, hermeneutical resources, and discursive communities to develop an account of the sites and processes of epistemic in/justice.

Finally, the relations between political and epistemic in/justice are considered. Beeby (2011) critically assesses hermeneutical injustice, but in relation to its political contingency. Beeby considers the case of Carmita Woods’s experience of sexual harassment by a professor at Cornell. Fricker contends that lacking the term ‘sexual harassment’ creates both practical and epistemic problems for Carmita as she was unable to understand and explain her experience. Her experience of a hermeneutical lacuna explains her epistemic and practical problems. Carmita suffers a hermeneutical injustice. Despite this injustice, Fricker maintains that the Cornell
professor is non-culpable. Both Carmita and the professor were under the same hermeneutical lacuna. Each lacked the conceptual resources and critical consciousness to properly understand their interactions. Yet, inconsistent with Fricker’s claim that people under conceptual lacunas “get burned,” only Carmita suffers personally or epistemically (Fricker, 2007, 161). This result suggests that the variable which determines epistemic injustice is political in nature. The context of feminism and patriarchal dynamics in the workplace determine that only Carmita suffers from hermeneutical injustice. Beeby argues that this reductive account is excessively dependent on political considerations. Beeby concludes, “I suggest we move away from a reliance on background social conditions. Why lean on social conditions like sexism or racism, when the important thing is that individuals in this scenario do not understand their experiences?” (2011, 485). Given that Fricker’s contribution is to identify a novel variety of injustice that is specifically epistemic, Beeby’s point is a fundamental criticism. If epistemic injustice is reducible to political discrimination, it fails to be a novel and autonomous variety of epistemic injustice.

Fricker (2013) counters this political depends critique by arguing that contractualist and deliberative conceptions of political justice depend on epistemic justice. This partners-in-guilt strategy holds that neither normative field is prior or more fundamental. Dieleman (2015) extends the relevance of epistemic justice to that democratic legitimacy by arguing that substantive inclusion requires of all parties to be credibly understood. Attending to epistemic injustice allows political theorists to recognize the ways in which formal institutions and procedures may be insufficient to ensure genuine debate. While formal institutions may be just,

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12 Coady (2010) also appeals to background conditions to show cases of non-testimonial injustice (e.g., childcare availability effects a researcher’s productivity).
this does not ensure that subtle discriminatory epistemic injustices are not occurring, thereby leading to misrepresentations in collective preferences.

Chapter 8 evaluates the political dependence problem, concluding that epistemic justice and political justice are mutually dependent. This chapter shows that Beeby’s critiques are essentially correct but misdirected. By critiquing the distributive/discriminatory distinction, I show that testimonial injustice is necessarily political, while hermeneutical injustice is not. The analysis then extends to the relations between political and epistemic in/justice. The chapter concludes that bargain-based rational choice moral theories presuppose or depend on epistemic justice as well. This is a point neglected by Fricker (2013) and Dieleman (2015).

4. Normative Foundations

The normative foundations debates can be organized into: a) critiques of Fricker’s virtue theoretic conception of epistemic justice; b) new theories of epistemic in/justice; and c) explanations of the wrong-making features of epistemic injustice.

Returning to Alcoff’s (2010) critique of virtue theory, Alcoff considers the implications of Fricker’s quasi-perceptual view of credibility attributions in conjunction with her virtue theoretic account of epistemic justice. The quasi-perceptual view of testimonial assessment maintains that we rarely explicitly consider the reasons for and against trusting another’s testimony. Instead, our default is to intuitively judge testimony based on the grammar, syntax, content, and features of testifiers. This is how prejudicial credibility assessments occur. We wrongfully give a diminished credibility assessment to another because we have prejudicial associations with their identity-group. Fricker concludes that individuals are often not culpable for the injustice they perpetuate due to lacking the requisite knowledge or understandings (2007, 23, 33, 89).
Alcoff’s contribution is to take this quasi-perceptual account of testimonial assessment seriously. In so doing, she argues that volitional personal practices are unlikely to counteract non-propositional, unconscious credibility assessments. As such, it is not clear that exercising one’s virtues is sufficient to adjust quasi-perceptual prejudices. Sherman (2012) develops this critiques in trenchant terms, arguing that Fricker’s commitment to a virtue-theoretic normative foundation is not a viable basis for epistemic justice.

Sherman (2012) undertakes this project by criticizing Fricker’s commitment to a virtue theoretic framework. Fricker maintains that testimonial justice consists in developing the habits, sensibilities, and critical consciousness to recognize epistemic injustice and actively compensate for it. This process requires intentional effort but will ultimately influence our perceptions of social identities to counteract prejudicial influences. Sherman’s criticism is a matter of practical consistency. Sherman states,

Even if there is (or could be) such [an epistemic] virtue, it would be a bad idea to have this virtue ideal guide our practice as hearers, given that the very biases we are trying to avoid are likely to influence our conception of the virtue we strive for (2012, 231).

Consider the Grand Wizard of the Ku Klux Klan. In a moment of reflection, the Grand Wizard considers his stereotypical prejudices. He considers whether his quasi-perceptual credibility assessments comport with what he believes is a just way to assess the credibility of minorities. Upon reflection, he concludes that, indeed, he is right to give racial minorities reduced credibility just because they are being minorities. He congratulates himself for his willingness to be self-
reflective and for having the proper credibility attributions towards minorities. Unlike other
types of perceptual misjudgments, credibility assessments cannot be readily tested. If I
misjudged the length of a line, I can measure that line. How can I measure whether the credit I
attributed to a speaker is what they deserve? The tendency for confirmation bias suggests that
we are more likely to support our initial assessments than we are to admit being wrong. Thus,
rather than self-scrutinize, individuals are prone to not notice their biases at all or to use other
beliefs and psychological mechanisms to reaffirm their prejudices. As such, virtue theory is
unhelpful for ameliorating epistemic injustice. Indeed, Sherman implies that it may exacerbate
our misdeeds as such reflection may serve to rationalize and reaffirm prejudices. The failures of
virtue theory motivate the turn to other normative theories of epistemic in/justice. These works
are important for clearing theoretical space to consider alternative normative theories of
epistemic in/justice. The burden of proof is on the virtue theorist to show how virtue theory is
sufficiently useful for promoting collective and social justice in the form of epistemic justice. This
challenge motivates the turn to a two-stage contractualist account of epistemic in/justice (Ch 6)
which can avoid these pitfalls by directing normative deliberation about epistemic in/justice (Ch
7).

Sherman maintains that a deontic account can adequately explain testimonial injustice.
This can be characterized by conceptions of what agents deserve regarding credibility. The fact
that prejudicial credibility assessments violate equal treatment of persons and that testimonial
injustice involves “[a]cting and judging in ways that we could not endorse from behind a veil of

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13 De Bruin (2015) develops an account of self-fulfilling testimonial injustice in which true prejudices
problematically inform self-concepts in ways which lead to epistemic harms.
ignorance” (2012, 232). While Sherman’s article only tentatively suggests the viability of a deontic normative framework for epistemic injustice, Riggs (2012) develops this account. Riggs (2012) develops a deontic interpretation of testimonial justice and injustice in terms of negligence. In this account, testimonial injustice is a form of negligence which occurs when we fail to meet our duty to properly appraise the credibility of another person. This account explains when agents are culpable for epistemic injustice. For example, Mr. Greenleaf is not culpable for his credibility misattribution of Marge in The Talented Mr. Ripley because he lacked the requisite understandings. He was not negligent because he did not know better. On a virtue theoretic account, Greenleaf’s actions are unjust because they are not virtuous. His lack of virtue may be from many sources, some of which may not be his doing, but this does not change that he fails to be virtuous and has a vice. This suggests that one can be testimonially unjust without conscious intent, contrary to Fricker’s claims. Riggs’ explanation of epistemic injustice as deontic failure is reinforced by Fricker’s characterization of the primary harm of epistemic injustice in deontological terms. As noted, Fricker maintains that it is a problematic objectification of epistemic agents and disrespects their personhood (Riggs, 160). While this account has some plausibility, it is not clear why negligence does more explanatory work or has more advantages relative to virtue ethics.

Invoking the doctrine of the mean, one can over-attend and under-attend to credibility assessments. Negligence occurs when we under-attend to our credibility assessments and allow prejudicial bias to affect our assessments. It also seems that deontic procedures face the same risks of confirmation bias. Deontologists are just as susceptible to confirmation bias as virtue theorists and neither provides modes of reflection or decision-procedures to avoid this problem.
The literature on epistemic consequentialism is obliquely referential to issues of epistemic injustice. Nonetheless, consequentialism is worth considering here both because consequentialist thought is an influential part of modern normative theory and because Alvin Goldman’s (1999) seminal work on social epistemology is avowedly consequentialist in its emphasis on maximizing true-beliefs. Goldman explicitly analogizes his veritistic social epistemology to consequentialist views, replacing knowledge with utility. Coady (2010) levels familiar objections to consequentialism against Goldman’s veritistic social epistemology. Veritism holds that maximization of true beliefs is the end of normative social epistemology. But problematically, truth-maximization is insensitive to knowledge distributions and may allow for the worse-off to become worst-off. Rather than offering an epistemic difference principle, Coady invokes “rights to know” as discrete from maximizing true beliefs (2010, 105-106). Instead of reiterating tired debates from normative ethical theory, scholars of epistemic injustice turn to under-utilized normative theories. One such effort is Bohman’s (2012) republican epistemology.

Bohman (2012) elucidates criticisms like Beeby’s (2011) view that Fricker’s account is excessively dependent on background social conditions. In a line of argument mirroring other authors working on the normative foundations of epistemic injustice, Bohman argues that a virtue theoretic framework is ill-suited to addressing epistemic injustice. This is because patterns

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14 Fricker’s emphasis on discrimination and the central importance of respect for persons as epistemic agents indicates a fundamental divergence in work on epistemic injustice and social epistemology from Goldman’s veritistic program. While undefended, accounts of epistemic injustice have an implied axiological commitment to epistemic agency as the central good to which epistemic in/justice refers.  
15 Berker (2013) rejects epistemic consequentialism for similar reasons, noting that simplistic varieties are indifferent to trivial truths as opposed to important facts and that epistemic consequentialism is insensitive to the distributions of epistemic goods.
of domination are the best account for why prejudicial identity types persist. Thus, rather than expecting individuals to practice epistemic virtuous, an institutional analysis better promotes epistemic justice. Moving beyond an interactional model of epistemic justice is especially appropriate for understanding hermeneutical injustice, since it is inherently dependent on social, collective conditions (183). This contribution falls within the domain of normative foundations as Bohman offers an alternative to virtue theory.

Bohman contends that a republican epistemology can better ground the claims of epistemic injustice. Rather than merely contending that listeners should be more virtuous, republican epistemology addresses epistemic injustice directly. It does so by identifying the condition which leads to epistemic inequality. This condition is domination, in which the desires and opinions of persons are arbitrarily interfered with (180). Bohman quotes Philip Pettit’s account of non-domination as “control that a person enjoys in relation to their own destiny.” (Pettit 1997, 71; Bohman, 184). Via a renewed focus on individual autonomy within prevailing social conditions, promotion of republican values contribute to the background conditions which undermine epistemic injustice via domination. While this account rightly points to the inadequacies of a strictly interactional apolitical model of epistemic injustice, it is problematically reductive. It is susceptible to Beeby’s political dependence critique. By making epistemic injustice remediable by background conditions, there ceases to be a raison d’être for a distinct field of epistemic injustice. If epistemic injustice is merely the result of domination, then epistemic injustice is a matter of political philosophy.16

16 Recognition theory, based on the work of Hennhoth and Hegel has also seen recent defense. See Giladi (2017); Congdon (2017). This view will not be considered here, as it has no clear advantages of deontic emphasis on
A final domain of normative theory has not been addressed by the secondary literature on epistemic injustice. In the fifth chapter of *Epistemic Injustice*, Fricker introduces a “genealogical” account of epistemic justice based on the epistemic necessities of social living. By invoking a state of nature, this account generates three stages. First, there is a need for truth and not too many false beliefs. Second, there is a requirement for pooling and sharing information. Third, dispositions are needed which promote and stabilize relations of trust. These relations of trust depend on reliable indicators regarding testimonial credibility. If we are to trust, we must have some basis for discerning the credibility of speakers. For this reason, Fricker believes that social categorization is necessary for shared epistemic life (115). From this account, Fricker moves to a virtue theoretic analysis, maintaining that conventionalist explanations for the emergence of epistemic virtues lead to the *intrinsic* valuation of virtues (110). Chapter 6 develops a theoretical explanation of epistemic in/justice using two-stage contractualist reasoning to generate epistemic norms and duties. This approach has the advantage of providing action-guidance for epistemic-ethical deliberation, avoiding the critiques leveled by Alcoff and Sherman (Ch 7). Further, it grounds epistemic in/justice in the reasons and interests of agents, which is a central advantage given that epistemic injustice focuses on epistemic agency. It reflects Fricker’s emphasis on persons *qua* epistemic agents.

The final theme of debates about normative foundations addresses explanations of the bad-making features of epistemic injustice. Fricker appeals to the intrinsic injustice of objectifying knowers to explain the primary wrong of epistemic injustice. Pohlhaus maintains respect for persons – which implies recognition of them as epistemic agents - and the wrong of negligence can capture a failure of recognition.
that a better characterization of primary harms is derivative subjectification. Consistent with Fricker’s exegetical strategy, Pohlhaus returns to the fictional account of Tom Robinson’s trial in To Kill a Mockingbird. During the trial, Robinson is asked a series of questions. His mundane claims are accepted while specific claims are rejected. Pohlhaus writes that “there is something odd about characterizing this mistreatment as treating someone like an object” (102). Evidence gleaned from a tree may constitute a non-problematic epistemic objectification, and epistemic objectification implies a uniformity of treatment. Yet, Robinson is not being treated like an inanimate being with no intentional volition or autonomous rational capacity.

There is still something wrongful about tactically disbelieving Tom Robinson, but the issue is not that he is objectified. Instead, the degradation of his epistemic agency arises when parts of his narrative are disregarded because they do not conform to the expectations of the white prosecutor and jury. Tom Robinson is ‘derivatized’ insofar as his agency is coopted for the ends of reaffirming a racist narrative. This account of the primary wrong is of central significance to work in epistemic injustice. First, it undermines the support for deontic interpretations of epistemic injustice by showing that the ad hoc Kantian language used by Fricker is insufficient to explain the primary wrong of epistemic injustice. Second, it generalizes the primary harm in any case of serious disrespect of an epistemic agent for another’s ends. This provides conditions for identifying when derivative subjectification occurs. Uses of ‘objectification’ refer to Pohlhaus’s derivative subjectification. I retain ‘objectification’ for brevity and simplicity.

Finally, Marsh (2011) and Origgi (2011) argue that testimonial injustices can be characterized in terms more fundamental than prejudice and credibility. Marsh and Origgi argue that testimonial injustice is reducible to trust injustice. Marsh (2011) illustrates this example with
the case of a parent who leaves her child at a daycare. The parent sees her child’s male caregiver give another man a kiss on the lips as he gets out of his car for work. After seeing this, the parent takes the child out of daycare. This case is a prejudicial trust deficit that does not depend on testimonial exchange. The more fundamental element is wrongfully withholding trust and the effects on individual and collective knowledge formation. Whether testimonial exchange occurs is not central to whether an interpersonal epistemic injustice occurred. Trust is the basic epistemic good and testimonial credibility is one type of trust relation.

Origgi (2011) identifies the centrality of trust to epistemic activity by considering the difference between well-established scientific facts and the claim that the moon-landing was a hoax. Her point is that the credibility economy is influenced by many considerations. Prejudicial heuristics are only one of the dimensions used to assess the reliability of testimony. The community of believers and the way in which content is conveyed also effect credibility assessments. Origgi thereby shifts the focus from prejudicial identity types to the conditions which promote or undermine relations of trust. Reasons besides one’s membership in an identity-group may explain testimonial injustice. To this end, Origgi considers a range of norms and practices. Deference to authority, conformism, social norms, emotional reactions and moral commitments are all factors which affect credibility assessments.

These accounts provide a foundational account of testimonial injustice while allowing for many other varieties of epistemic injustice. Attention to trust relations also promotes sensitivity to other potential epistemic injustices. This contribution provides overlapping consensus for considering trust as a basic good for epistemic success. I derive this result from social contract reasoning (Ch 6). While Origgi and Marsh do not provide their own normative theories, they do
force questions about the logical structure of epistemic injustice and its normative foundations. Affirming these conclusions for discrete reasons, Chapter 6 concludes that many forms of epistemic injustice (e.g., testimonial injustice) are best understood as trust injustices and that trust is a fundamental epistemic good, endorsable both for conventionalist prudential reasons and moral reasons.

5. Applied Cases

Finally, I turn to applications of epistemic injustice. This section canvasses four areas to which epistemic injustice is applied: a) medical practice; b) the politically marginalized; c) education; and d) other categories. Attending to the areas of application motivates my application of epistemic overload to big data in Chapter 9. Of course, there is intersectional overlap among the categories designated. While this portion of the literature review is the least exhaustive, it provides a sense of the ways in which epistemic injustice is applied within and outside of philosophy journals. Fricker’s work has gained traction outside of academic philosophy.

First, following Fricker’s focus on social justice and discriminatory epistemic injustice, applications attend to the politically marginalized. For example, Bell (2014) analyzes qualitative research on assisted reproduction techniques employed on women. Bell contends that women using assisted reproductive techniques experience epistemic injustice. By interviewing twenty-eight women who underwent in vitro fertilization, Bell concludes that testimonial “quietening” occurred to women who did not have their emotional feedback validated by doctors, as physicians concerned themselves with strictly physical elements of the procedure (Bell, 2014). The focus on women in medical contexts is not limited to developed nations.
Wardrope (2015) assesses and explains a common critique of the practice of medicalization itself. Medicalization is the process by which phenomena become candidates for medical explanation, diagnosis, and treatment. Being uncomfortable in groups may by conceived of as a character trait or as a medical condition, such as agoraphobia. Applying the latter label and prescribing medicines medicalizes these phenomena. Critics of medicalization argue that it provides an individualistic interpretation rather than a holistic understanding and is biologically reductive. Wardrope interprets these arguments as claiming patients to be victims of hermeneutical injustice. Medicalization deprives individuals of understandings which would be instrumental in their self-understanding and the management of self. Patients are given medical jargon rather than empowering concepts. Contra these critiques, Wardrope maintains that medicalization can be illuminating to individuals as much as it obscures such understandings, and that the testimony of medicalized subjects often suggests satisfaction with receiving formal diagnoses. Ignoring these considerations constitutes testimonial injustice, as the medicalized often claim satisfaction regarding having their conditions medicalized. Yet, Wardrope concludes that concerns regarding medicalization are valuable insofar as the challenge institutional power regarding the designation and understanding of medical conditions.\(^\text{17}\) A just system for determining how hermeneutical resources are developed and circulated is an issue ripe for analysis with this field.

Kidd and Carel (2017) apply testimonial and hermeneutical injustice to contemporary medical practice. By noting that the average amount of time a patient speaks to a doctor without

\(^{17}\) Sanati and Kyratsous (2015) is another noteworthy application of epistemic injustice to the diagnoses of delusional patients. This case is especially interesting for epistemic injustice as a delusional patient, by definition, has less-reliable perceptions.
interruption is eighteen seconds and that patients often suffer negative prejudicial stereotypes based on their illnesses, the authors argue that the testimony of patients is often not given due credit. The authors maintain that patient experiences of medical conditions are rarely accepted as part of appropriate public discussion and are not part of the treatment or diagnosis. This leads to hermeneutical injustice in which patient perspectives are marginalized and thereby become inarticulable and ineffable (Kidd and Carel, 185). This article is a straightforward application of Fricker’s concepts. As such it does not have any considerable faults but also does not develop the theory, which of course, it is not intended to do.\textsuperscript{18}

At the intersection of political marginalization and medical applications of epistemic injustice, Gallegos and Quinn (2017) address the medical conditions of pregnant women in rural Mexico. In the Chiapas highlands, maternal mortality rates are lower in Zapatista communities than non-Zapatista communities. Women in Zapatista communities have useful knowledge for childbirth without the luxuries of modern medicine, which is being ignored by regional authorities. First, these women promote traditional plant-based medicines to address maternal care. Second, they create and sustain \textit{promotoras} – educational collectives – to teach women how to use these traditional medicines. Third, they challenge gender roles by taking active roles in political mobilization and medicinal practice. Given their status as indigenous, poor women, Gallegos and Quinn claim that women in Chiapas suffer epistemic injustice, as these methods have not been adopted in non-Zapatista communities despite their efficacy. This is evidenced by politicians and doctors ignoring the testimony about local conditions offered by these women.

\textsuperscript{18} Kidd has made a small industry of applying epistemic injustice to medicine, with multiple publications on the topic (2016, 2017).
The authors invoke Medina’s (2012) epistemologies of resistance to explain the alternatives that Chiapas women developed to manage the effects of epistemic injustice. While a very interesting anthropological case, it vindicates Beeby’s (2011) concern that epistemic injustice is often reducible to background political conditions. Medical concerns are evident in both Gallegos and Quinn’s (2017) and Bell’s (2014) work on marginalized peoples.

Turning to the politically marginalized, Bostwick and Hequemborg (2014) maintain that bisexual women experience disproportionate epistemic injustice. Relative to straight and lesbian women, bisexual women suffer higher rates of mental health disorders. The authors attribute this to the limited distinctions in the different forms of prejudices which are uniquely faced by bi women. While the gay community has hermeneutical resources to assess injustice, bisexual women do not. By identifying bisexual-specific microaggression, Bostwick and Hequemborg note that bisexual women are often viewed as having illegitimate desires and lifestyles by both straight and gay communities. The authors identify specific mechanisms such as resistance to understanding and pressure to change which induce worse life prospects for bi women. Bostwich and Hequemborg imply that hermeneutical resources are lacking for the marginalized group of bisexual women. Scholars oriented towards social justice issues of epistemic injustice would do well to develop theories for successfully creating and circulating hermeneutical resources. Yet before this can be done, the nature of hermeneutical space and collective hermeneutical resources must be understood. This is the focus of Chapter 5.

As a final application of epistemic instance to the politically marginalized, Doan (2017) asserts that state-based epistemic injustice occurs. For example, the state of Michigan “redlines” counties which are primarily poor and black. Analyzing public records, Doan shows that poor
black counties in Michigan are held to higher standards and given less favorable terms when grants and funding proposals for those counties are reviewed by state-officials.

The third category consists of applications of epistemic injustice to education. Murris (2013) applies Fricker’s concepts to the relations between students and teachers in primary schools. Teachers often commit testimonial injustice against students because they assume the student to lack understanding, rather than lacking the resources to articulate themselves. This piece is noteworthy because it is an empirical case of the ways in which hermeneutical and testimonial injustice are mutually reinforcing. Murris also identifies background conditions (e.g., the practice of making students passive recipients of knowledge) to explain why testimonial injustice occurs. Education is often not conceived of as a collaborative activity but rather a didactic one in which teachers are experts in all domains.

Kotzee (2013) provides a more rigorous theoretic treatment of education. Kotzee argues against the view that educators should engage in “leveling-down” such that they limit the educational opportunities open to all to better ensure that the worst-off received educational benefits (332). Rather than rely on distributive account of educational justice, Kotzee recommends epistemic justice as a basis for the assessment of educational policy and institutions. From this turn, Kotzee concludes that “justice, when it comes to knowledge, is not for everyone to have equal knowledge” (344). While this statement oversimplifies the Rawlsian conception of distributive justice employed by Kotzee’s interlocutors, this is an important paper. Foremost, educational theory is fertile ground for a distinctly epistemic conception of justice and this is a serious attempt to integrate distributional and discriminatory conceptions of epistemic injustice. Further, it attempts to reconcile consequentialist intuitions and Fricker’s deontic
inclinations regarding the primary harm of epistemic injustice. Kotzee contends that a wrong of hermeneutical injustice is the epistemic inefficiency that arises from unshared experiences and understandings, implying a veritistic explanation of hermeneutical injustice.

Finally and fourth, the Routledge Handbook on Epistemic Injustice (2017) expands applications of epistemic injustice applications to include religion, law, digital environments, and the academic discipline of philosophy. While few are noteworthy, Origgi and Caranna’s (2017) cautionary note regarding digital environments are part of the motivation for Chapter 9.

6. Conclusion

Reviewing the literature on epistemic injustice clarifies the impetus for the chapters composing this dissertation. Analysis of the bad-making features of epistemic injustice and the paradigm cases of epistemic injustice provide criteria for establishing that epistemic excesses can be epistemic injustices (Ch 3). Underappreciation of distributive-process injustices explains Fricker’s neglect of epistemic excesses and leads to a consideration of these types of epistemic overload (Ch 4). Neglect of third-order epistemic injustice motivates a closer study of the nature of social epistemics and the sites of epistemic injustice (Ch 5). Recognizing the inadequacy of consequentialist, deontic, and virtue-theoretic explanations of epistemic in/justice prompts a return to the social contract tradition (Ch 6), which can address problems from epistemic overload (Ch 7). Recognizing that the political dependence debate is at a stalemate, I reconsider the discriminatory/distributive distinction to show that testimonial injustice is inherently political and epistemic overload as epistemic injustice is not (Ch 8). Further, Chapter 8 shows that contractarian accounts of political justice presuppose or depend upon conditions of epistemic injustice. Finally, I apply epistemic overload to big data and the use of algorithms to classify
people, arguing that this can result in objectification and harmful introductions of excessive hermeneutical resources (Ch 9). Before turning to the study of epistemic overload as epistemic injustice, the case for the study of epistemic injustice must be made. As an immature and heterodox field, the study of epistemic in/justice requires defense as a field of inquiry. In Chapter 2, I argue that the stipulated limits of ‘proper’ epistemology are unjustified and problematic by the standards of philosophy. This motivates the turn to studying epistemic in/justice as part of an ameliorative epistemology.
Chapter 2: Stipulative and Ameliorative Epistemologies: A Rortyan Critique of ‘Proper’ Epistemology

1. Introduction: Stipulative and Ameliorative Philosophy

This chapter is meta-philosophical. It regards the proper domain of epistemology and divisions within analytic philosophy. It challenges the conventional divisions between analytic epistemology and other forms of normative theory. I argue that while analytic epistemology has unique resources and problematics, its normative justification must depend on some value more fundamental than epistemic values such as truth or trust. Establishing this thesis motivates the turn to an ameliorative epistemology and the study of epistemic injustice. This chapter is primarily negative insofar as it does not stipulate the values which ground an adequate epistemology. Instead it shows that epistemology, as it is currently understood, suffers from serious defects. Constrained by conventional stipulations of contemporary epistemologists, the domain of epistemology is better explained by sociological considerations than normative ones. This is a criticism derived from the work of Richard Rorty. Philosophers must take this criticism seriously if they claim to be interested in giving ultimate explanations rather than reinforcing the prejudices of status quo. Recognizing this limitation of ‘proper’ epistemology motivates the turn to developing a theory of epistemic injustice and justice.

To develop this argument, I turn to a major debate within epistemology. Reviewing the ‘value of truth’ debate in epistemology displays the way in which epistemologists eschews relevant considerations for purely formal criteria of cognitive success as the sole criterion of epistemic value. This commitment is not grounded in other justifications but is stipulated as a claim about

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19 While Rorty’s criticisms of philosophy generalize to challenge the field as such, this chapter develops a weak Rortyan critique which does not require accepting his global skepticism.
epistemology *qua* epistemology. I call this *stipulative epistemology*. By invoking Sally Haslanger’s (2005) tripartite distinction between conceptual, descriptive and ameliorative philosophical methodology, I advocate for an ameliorative turn in epistemology. Social epistemology oriented suited to address ethical and epistemic considerations has more explanatory power and justification. This work puts disparate strands of contemporary epistemology in conversation by giving reasons for analytic epistemologists to heed the calls of feminist social epistemologists. By showing that ‘proper’ epistemology is methodologically unfounded, I clear ground for developing a theory of epistemic injustice which integrates epistemic and ethical considerations.

### 2. Truth, Stipulative Epistemology and Pragmatic Epistemology

A major debate in contemporary epistemology concerns which values are epistemic values. Pritchard (2007) calls this the *value turn* in epistemology. There are two main camps in this debate: truth-monists and value-pluralists. Truth-monists hold that only truth is intrinsically epistemically valuable. Value-pluralists argue for multiple basic epistemic values, maintaining that truth is not the sole value of epistemology. Value pluralists hold, for example, that trust, justification and corroboration have irreducible epistemic value.\(^\text{20}\)

This debate is circumscribed by considerations of what constitutes proper epistemology, as interlocutors who otherwise disagree appeal to the conventional understandings of epistemology to ground their premises. Epistemologists do not offer capabilities or human-flourishing as a basic good which explains other epistemic values. Epistemic value theory is conducted as though epistemic values are *sui generis*. Yet the basis for this assumption goes undefended. This assumption turns on *how* epistemologists understand the proper constraints

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\(^\text{20}\) See Townley (2013) and Ellis (1988) for discussion of epistemic value pluralism.
of debate within their field, rather than the reasons for and against this stipulation. As will be shown, epistemologists stipulate that epistemology just is the sort of discipline that eschews pragmatic considerations.

Kvanvig (2005) is a value-pluralist who provides an especially clear account of the constraints on epistemic value discourse. He specifies that epistemology “aims to investigate successful cognition” (288). Success in this account is irreducible to survivability, or other adaptive benefits. Kvanvig stipulates this as an analytic-use claim. When epistemologists use the term ‘epistemology’ they mean only that which regards successful cognition which is not reducible to instrumental goods or outcomes. Kvanvig generalizes this point by stating, “I am inclined here to make a terminological restriction that what I mean by the use of “epistemology” and related terms is just this study of success which abstracts from the consequences of cognition” (286-287). While Kvanvig is careful not to denigrate consequentialist epistemic inquiries, he holds that these matters simply are not what epistemology regards.

This formal constraint on epistemology best characterizes most research priorities in epistemology. Debates about coherentism, foundationalism and reliabilism are not concerned with which best contributes to our welfare. Articles on internalism and externalism about epistemic justification do not invoke beneficial outcomes as a merit of their view. Indeed, it is not clear how such theories could differentiate on the grounds of practical success. They are matters of epistemology because they are characterized by “the study of purely theoretical cognitive success, where the notion of what is purely theoretical is understood as above in terms of abstraction from the causal consequences of the success in question” (Kvanvig, 2005, 288). None of these accounts draw support from claims that they lead to more successful action,
whether this is construed in terms of human welfare or adaptive advantage. This conception of epistemology is not isolated.

Again, we see this type of epistemology from a truth-monist. Marian (2001) first reiterates the wide-ranging consensus on truth monism. The epistemic turn which started with Descartes established truth as a central value. A wide swath of epistemologists from varying perspectives share this goal. Marian defends this commitment to truth in terms of the explanatory role which truth plays within epistemology. Epistemology is analogized to ethics. As normative theories, each is committed to pursuing their respective intrinsic goods. Marian states, “[t]ruth is treated in analogy to the good – truth is, as it were, the good as far as epistemology is concerned” (154). Right action is instrumental to the final good in ethics. Likewise, justification is instrumental towards the end of truth because it facilitates the achievement of true belief. Justification is valuable insofar as it contributes to the reliability of our beliefs. Reliable epistemic methods are part of good epistemic practices, but the end is always truth. A justified false belief is of lesser value in the same way that a well-intentioned but inappropriate hug is of lesser value. As such, justification is not valuable apart from this end. Having a coherent belief set is important insofar as incoherence entails that some of an individual’s beliefs must be false. Marian clarifies the “[i]nvocation of the truth-goal serves primarily a theoretical need, a need that arises from the overall structure of epistemology” [italics added] (153). In doing epistemology as Marian conceives, truth must be central. Practical

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21 Kvanvig (2001) is a value pluralist while Marian (2003) is a truth monist. I pick these two cases as illustrative of a general trend due to their substantive disagreements but common methodological assumptions.

22 In addition to Descartes, Marian (2001, 152) cites Richard Foley, Ernest Sosa, Bonjour, David Chisholm and Alvin Plantinga.
success cannot justify epistemic practice. It is part of the formal structure of the discipline, as it has been circumscribed apart from other normative inquiries. Basing epistemic goods on other values does not constitute doing epistemology.

Marian elaborates that knowledge is a theoretically impotent concept. It does not explain or direct theory. By stipulating that truth is the central concept, we can explain an array of issues in epistemology. It can make sense of justification as relating to the goal of truth insofar as we strive for regular, reliable truth. Marian concludes, “[t]his picture, the picture of truth as the epistemic goal, reflects the intuition that epistemic concerns are, at the bottom, all about truth” (154). We can make sense of concerns about epistemic luck and justification in terms of whether those things reliably lead to truth. For both Kvanvig and Marian, to do epistemic theorizing is to commit ourselves to a specific perspective which views epistemic goods as discrete from other types of values or considerations. Kvanvig and Marian disagree on the set of intrinsic epistemic values, as Kvanvig is a epistemic value pluralist and Marian is a truth-monist. But, they agree that epistemology does not consider practical success. While this is a partial and brief overview of epistemology, these cases are emblematic of pervasive trends within the discipline. While I only consider two authors here, these views are characteristic of many contemporary epistemologists. Substantive epistemological disagreements occur within the domain of shared assumptions about this epistemological point of view. Next, I evaluate the motivations for this stipulative approach to epistemology.

I will designate this form of epistemology, illustrated by Marian and Kvanvig, *stipulative* epistemology. While this chapter considers only two authors within one contemporary debate in epistemology it is highly indicative of a general methodological tendency. What epistemologists
mean by ‘epistemology’ only considers theoretical construal of success, removed from considerations of human-welfare. It is a stipulation that quarantines epistemology from the messy details of practical success. Epistemology just is the discipline that is concerned with the study of knowledge apart from worries about whether epistemic success entails practical success. The stipulative approach has advantages.

Akin to Rawls’s justification for ideal theory, stipulative epistemology provides a basis from which to assess pragmatic epistemic problems. If the ideal epistemology is delineated it can be the measure of success in other domains, such as the natural sciences. Stipulative epistemology serves as a regulative ideal. The formalisms of stipulative epistemology also allow for a degree of precision unattainable in practical epistemic-social life. If epistemic success is contingent on practical outcomes, epistemology becomes a matter of identifying useful falsehoods, useful truths, useless falsehoods and useless truths. This is an empirically contingent project. Systematizing practically useful beliefs cannot rely on a priori reasoning and intuitions.

Epistemology is an analytic armchair affair concerned only with “purely theoretical” conceptions of success. Stipulative philosophy creates a clear domain for philosophers. On the stipulative account, epistemic questions are not mere practical questions which sociologists or pedagogues might answer

I contrast stipulative epistemology with pragmatic epistemology. Pragmatic philosophy bases epistemic success on successful action, however construed. Ameliorative epistemology is one form of pragmatic epistemology as it places normative emphasis on redressing epistemic injustices. For James this was the “cash value” of truth. Recent work in evolutionary

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23 For other recent examples see: Bullock (2018) and Engel (2009).
epistemology suggests that successful pragmatic epistemology is grounded in adaptive success such that a successful pragmatic epistemic practice contributes to the survivability and perpetuation of an epistemic trait. This program provides an impetus for questioning the value of truth. Further, it can assess why beliefs are mental state we possess. Of what use is it to believe? Rather than stipulating that this is the domain of epistemology, these accounts can explain that true beliefs tend to promote survival. Beliefs as working hypotheses allow us to negotiate a semi-hospitable world, testing our beliefs against this world. For this reason, cognitive content in the form of belief-hypotheses are central to survival. Notice that proper epistemology has no explanation for why any doxastic-states emerge. Pragmatic philosophy provides a unique impetus for explaining epistemic phenomena and grounding epistemic values. Successful living is central. Epistemic practice requires us to concern ourselves with conceptions of success which regard outcomes. One under-explored development of this view can be found in Miranda Fricker's (2007) work.

Fricker invokes state-of-nature theorizing to explicate epistemic practice. She writes that we must have enough true beliefs (and not so many false beliefs) to facilitate survival. Of course, mere quantity of true beliefs is insufficient. True beliefs must be pertinent to be useful for survival. This explains why trivial truths are not of equal value and why truth is not an unconditional good. Life demands epistemic activities which are sensitive to practical success. Further, virtues such as accurate and reliable pooling of information are necessary for social living. From these precepts, Fricker develops an account of testimonial justice. For now, it is

24 Stipulative epistemology must take it for granted that beliefs are a mental state people have, while a pragmatic account can give functionalist or adaptive explanations of our belief-capabilities.
sufficient to provide some sense of the motivation and justification for pragmatic epistemology. It must be left to another project to develop and defend a specific variant of this view. All that is important here is that functionalist accounts of epistemology, such as the pragmatist account sketched above, can explain epistemic activity and dysfunction in highly-plausible terms. These resources are impermissible to consider from the view of purely cognitive success as maintained by stipulative epistemology. The methodological constraints on stipulative epistemology are now clear. Next, I employ Richard Rorty’s criticisms of philosophy to show why these constraints are problematic for critique stipulative epistemology.

3. A Rortyan Critique of Stipulative Epistemology

In *Philosophy and the Mirror of Nature*, Richard Rorty (1979) challenges the philosophical tradition at large, particularly epistemology. He employs Quine’s (1951) contestation of the analytic/synthetic distinction to do so. Rorty invokes the position of an anthropologist assessing the distinction between analytic and synthetic claims within a culture (1979, 173). Rorty maintains that this imagine anthropologist in a foreign culture cannot differentiate between necessary truths and contingent matters of fact without appeal to conventional understandings. Ultimately, social-linguistic practice is the sole basis upon which we can assess the truth of both analytic and synthetic claims. Take the analytic proposition “a bachelor is an unmarried man” and the synthetic proposition that “the bachelor wears oxford wingtips.” The justification for the truth of these claims varies. The former is true in virtue of conventional understandings of “bachelor” and “unmarried man” while the latter is true if there is the proper correspondence between what the bachelor wears and the claim. Yet, the correspondence depends on the definitions of the terms. Conventional understandings determine whether “oxford wingtips”
refer to something that a bachelor does or could wear. Likewise, the proposition “a bachelor is an unmarried man” is true just in case that is what ‘bachelor’ means. Linguistic practice grounds the truth-conditions for both claims. As a result, there is no basis for making sense of either type of truth-claim apart from this historicist approach embedded in linguistic practice. This is the basis of W.V.O. Quine’s (1951) criticism of the analytic/synthetic distinction. Truth, in each case, ultimately rests on how communities in fact use language.

The problem posed against the analytic/synthetic distinction is one that can be deployed against the philosophical tradition. Rorty writes, there is no “permanent neutral matrix” from which we can draw an “eternal standard” regarding the essence of terms (1979, 179). Instead, the truth-value of a philosophical proposition is better understood as a “remark about the status of S’s reports among his peers” (1979, 175). The arbitrator of philosophical certainty is not an immutable claim to objectivity, but a socially situated body of peers. On this account, philosophy is reduced to a type of discourse among a group with certain norms. The truth and coherence of philosophical theses are contingent on the views of philosophers. This strong Rortyan criticism claims all of philosophy is a culturally relative way of life. This is a debate that is much too broad and well-covered to be fruitfully addressed here, but an objection to stipulative epistemology can be drawn from Rorty’s reflections.

Recall that the stipulative approach circumscribes epistemology within what is a purely theoretical characterization of cognitive success. As Kvanvig states, “[a]s already noted, I grant

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25 For one example, notice the dramatic modern turn to egalitarianism. Ancients such as Aristotle and Plato took it for granted that there are pervasive and inherent moral differences between people. Moral equality among persons is a unifying supposition of almost all contemporary ethics and political philosophy, starting in the Early Modern period.

26 While Rorty himself denied this charge, given that his conceptual scheme does not admit of a coherent delineation between objective and relative, many later commentators have charged him of relativism.
that this characterization has a mild stipulative dimension in that it refuses to count as
epistemology certain types of pragmatic approaches to the study of successful cognition” (2005, 287). Similarly, Marian invokes the intuition (of his peers) that truth grounds proper
epistemology (154). Problematically, neither writer justifies this conviction. They merely
stipulate it as what epistemology concerns. As a normative field, epistemology is concerned with
not just how epistemologists articulate themselves. Philosophy claims distinction in not being
constrained by conventional answers, limited to the current beliefs of a given community.

Philosophy seeks ultimate answers for beliefs. Appeals to convention are labeled as fallacious
reasoning.27 A telling passage from Rorty suggests the imminent critique:

“The urge to say that assertions and actions must not only cohere with other assertions
and actions but "correspond" to something apart from what people are saying and doing
has some claim to be called the philosophical urge. It is the urge which drove Plato to say
that Socrates' words and deeds, failing as they did to cohere with current theory and
practice, nonetheless corresponded to something which the Athenians could barely
glimpse” (1979, 179).

Quintessential philosophical activity consists in inquiry beyond the limits of prevailing
convention. The descriptive fact that some community speaks a certain way ought not dictate a
field which purports to concern itself with foundational justifications and explanations. A feature
which distinguishes philosophy from other fields is that philosophy is purportedly not limited in
the questions it may ask and the answers it may seek. From this view, the problem with
stipulative epistemology is now clear.

27 For example, a band-wagon fallacy is committed if someone claims a proposition is true because most others say
so. Notice the similarities to this line of reasoning and explanations for stipulative epistemology. (Though
philosophers are careful not to invoke this fallacy in formal defense of stipulative epistemology).
Stipulative epistemologists preempt lines of inquiry for no other reason than they are not what some individual or group of epistemologists take to be the proper domain of inquiry. This second line of criticism employs the Rortyan challenge against the stipulative approach to contemporary stipulative epistemology. It is an arbitrary limit on the bounds of philosophical inquiry just because some questions and answers do not comport with the commitments of dominant practitioners in the field. This is contrary to “the philosophical urge.” This result appears unacceptable if philosophers are intent on maintaining that philosophy is not a mere form of life, among others, but a discipline of inquiry interested in ultimate accounts. To affirm the philosophical urge, as Rorty described it, is to search for answers that are not limited by conventional stipulations. As such, this is a forced dilemma. Either stipulative epistemologists affirm that their circumscriptions are a matter of conventions or they deny this charge and search for more ultimate justifications for epistemic values and norms. I believe that most will deny the former, and so must move to the former type of inquiry, which does not quarantine epistemic considerations on stipulative grounds.

This assessment differs from Rorty’s strong critique of philosophy. Rorty concludes that because philosophy is a matter of convention, it can only elucidate and is not discovering independent truths (1979, 356-389). For this reason, Rorty views philosophy as an extension of the natural sciences. Philosophy clarifies the relations between truths but does not discover novel truths. My critique of analytic stipulative epistemology is more limited. I argue that if analytic epistemologists are interested in doing serious philosophical work (i.e., avoiding the weak Rortyan critique), then they must dismantle conventional constraints of stipulative epistemology, thereby reducing distinctions between other types of normative theory and
epistemology. If the barrier between these fields is the product of conventional practices of philosophers in the twentieth and twenty-first century, maintaining this distinction is unfounded. This weaker criticism does not entail that all philosophical endeavors are inherently relativistic. These criticisms obtain if and only if conventional stipulation limits the purview of a discipline. Epistemology is akin to a ritualistic practice or way of life when stipulative philosophy prevails. I take it that epistemologists and philosophers are eager to avoid this charge. Thus, rather than maintaining that a conventionalist assessment of philosophy is inevitable, I conclude merely that the stipulative approach to epistemology falls prey to Rortyian criticisms. Epistemology can be amended such that fundamental questions are less constrained by conventional boundaries.\(^{28}\)

Sally Haslanger’s meta-philosophical approach provides resources to critically and productively assess epistemology and to merge ethical and epistemological considerations, characteristic of theories of epistemic in/justice. These resources can direct epistemology to both avoid the weak Rortyian criticism and towards more well-justified ends. By noticing a key feature of philosophical practice, Haslanger escapes reliance on the prevailing uses of terms, and stipulations about the scope of inquiry, instead assessing what meanings should be.

4. A Normatively Grounded Epistemology: Haslanger’s Ameliorative Methodology

Haslanger (1999, 2000, 2005) identifies a tripartite distinction in philosophical methods. These distinctions are between conceptual, descriptive, and ameliorative approaches to philosophy.\(^{29}\) Conceptual approaches analyze the meanings of terms to do conceptual analysis.

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\(^{28}\) Of course, most forms of philosophical inquiry are, to some extent, dependent on the assessment of peers. The distinctive worry with stipulative epistemology is that it employs this conventional circumscription and delimiting as a reason for persisting in the same fashion and against other (e.g., pragmatic) approaches to epistemology.

\(^{29}\) Haslanger (1999) uses the terms “conceptual,” “descriptive” and “analytical.” She changes “analytical” to “ameliorative,” in her later work. I use ‘ameliorative’ throughout the dissertation as it better expresses the motivations and uses of this form of philosophy.
These are often construed as \textit{a priori} matters. The conceptual approach applied to ‘justice’ hopes to better understand justice by attending closely to its meaning, identifying inconsistencies, and eliminating incoherent alternatives.

By contrast, descriptive approaches are naturalistic. They observe the extension of concepts to understand that concept. One may ask for examples of “games” to understand the concept of a game. This is an \textit{a posteriori} matter. Descriptive projects can resume where conceptual analysis fails to give us a coherent account. Similarly, naturalistic projects seek to identify the extension of concepts, such as ‘mammal’ by identifying all those things that are mammals. It is not sufficient to stipulate necessary and sufficient conditions of mammals to discover that there are platypuses, which are mammals. These practices are not fully discrete (Haslanger, 1999, 460).

Haslanger claims,

“conceptual projects depend upon a careful consideration of “normal” or paradigm cases and descriptive projects can provide the detailed accounts of them needed; in turn descriptive projects require a rough specification of the boundaries of phenomena to be investigated and depend on conceptual projects to circumscribe the sorts of cases that are at issue” (460-461).\textsuperscript{30}

Conceptual accounts are more overtly normative insofar as they determine best uses. Haslanger describes this as deciding “which concept of knowledge is ours” (461). What counts as ‘our’ meaning depends on actual uses, of course. Likewise, the descriptive approach enumerates and attempts to understand the relationships between instantiations of a type, which is presumed to have certain limits or conditions regarding what counts as a token of that type.

\textsuperscript{30} This distinction may seem especially unstable in the context of the Rortyan critique. Much like the analytic/synthetic distinction, the Rortyan critique could be applied to this distinction. Nonetheless, this project does not depend on the coherence of this distinction. Indeed, Haslanger acknowledges its instability. Following Haslanger I hold that these methods do not exhaust philosophical methodology and that there is a third and best approach to philosophical questions, ameliorative epistemology.
Edmund Gettier’s (1963) deployment of thought experiments to show that justified true belief is not knowledge draws on both these elements. The concept of knowledge as justified true belief does not extend to the cases that Gettier offered. Gettier identified a tension between extensions of the concept of knowledge and conceptual designations of knowledge as justified true belief. While useful, both the conceptual and descriptive approaches face limitations which motivate Haslanger to proffer the third alternative, ameliorative epistemology.

The conceptual analyst depends on uses of the term to designate a proper definition. One cannot stipulate a meaningful conception of a concept without some appeal to the understandings of others. Yet, an entirely naturalistic account fails to achieve a key feature of philosophy. It is not properly normative. Haslanger writes, “it is an important question whether the concept “embedded” in our practices is sexist, androcentric, or otherwise politically problematic” (462). It is insufficient to identify how a concept is used as the sole basis of justification for qualifying as the way we ought to use a concept. Similarly, stipulated analytic concepts may also retain problematic elements. To leave our current intuitions and uses as the basis of assessment is to reify the status quo as the proper foundations and limits of inquiry. If the concept of “man” has sexist logical implications or extensions, this need not entail that “sexism is built into its truth conditions” (464). The positive alternative is ameliorative philosophical analysis. As Haslanger writes,

“If an [ameliorative] approach the task is not simply to explicate our ordinary concept of X; nor is it to discover what those things we normally take to fall under the concept have in common; instead we ask what our purpose is in having the concept of X, whether this
purpose is well-conceived, and what concept (or concepts) would serve our well-conceived purpose(s) assuming there to be at least one best” (2001, 467).³¹

For example, the concept of justice that some community invokes may be strictly retributive. The extension of the concept uniformly conforms to the principle of *lex talionis*. Rigorous conceptual analysis yields that an “eye for an eye” is the only coherent account of justice. Yet a member of that community may still coherently ask, “is it for the best to have a strictly retributive conception of justice?”³² Maybe this conception of justice encourages destructive cycles of violence. Conceptual designation can have a teleology. This is the crux of the ameliorative approach. It retains the properly normative disposition of philosophy by directing philosophical analysis to the promotion of desirable ends. It recognizes that the socio-historical construction of language is not always in conformance with our normative ideals. It may be best to appropriate terms in ways that better conform to defensible normative positions.³³ We can thereby ask not only how the term is used and what it means. Social justice is a relevant consideration when deciding best uses and meanings of terms.

Applying this approach to epistemology has two primary upshots. First, it can answer questions contemporary analytical epistemology cannot. Regarding the first issue, consider the respective answers of stipulative and ameliorative epistemologists to the question, “why does truth matter?” As shown, the stipulative epistemologist must assert that truth simply is a good

³² While this harkens to G.E. Moore’s open question argument and its notorious limitations, it is illustrative for motivating the turn from descriptive and conceptual approaches to ameliorative epistemology. It is a normative open-question, rather than a linguistic, definitional question intended to prove a metaphysical claim.

³³ As an alternative basis for what constitutes the legitimate uses and extension of terms Haslanger (1999) tentatively offers the fundamental value of moral agency. She writes, “I'd like to claim that something is epistemically valuable if it is a cognitive disposition, ability, or achievement that figures in a kind of (moral, autonomous) agency that is intrinsically good” (471).
as part of what epistemology studies. It is a brute and intrinsic good. The ameliorative approach offers greater explanatory power. It can usefully make sense of truth-seeking as part of our ends. Further, it can reject trivial or harmful truths. There is no obvious basis, on purely theoretical grounds, for preferring truths of nutrition to truths of abstract mathematic, for the stipulative epistemologist. The ameliorative account does not allow the analysis to end at a raw assertion that truth “is the good of epistemology” (Marian, 154).

Second, ameliorative epistemology provides a basis for the fruitful direction of epistemological research. Rather than relying on what some intellectual gatekeepers take to be the salient questions (a tack susceptible to the Rortyan criticism) the ameliorative approach can lead us to ask, “how does this question address human welfare?” While these considerations are not final, they are suggestive for the future directions and constraints on epistemological discourse.

5. Conclusion and Upshots: Putting Epistemologies in Conversation

This chapter is an extension and a bridging of pre-existing literatures. Critical feminist epistemologists such as Susan Hekman (1997) and Patricia Collins (1990) have called for more politically conscience epistemologies for decades. The value-neutrality of epistemic inquiry has long been challenged (e.g., Kuhn, 1963; Rudner, 1953). This chapter follows in this vein, while providing new insight and connection. It provides reasons against contemporary stipulative analytic epistemology and for taking cognate epistemologies seriously. It is not merely a matter of social justice, though this consideration favors ameliorative approaches. An ameliorative approach to analytic epistemology avoids the pitfalls of Rortyan objections and has functional explanatory potential.
While this chapter is primarily negative it does provide positive reasons for deciding between epistemological research programs. The implicit axiological strategy I invoke prioritizes normative values insofar as they contribute to human welfare. This justifies renegotiating the boundaries between epistemology and ethics, as the distinction is unprincipled and inconsistent with fundamental disciplinary commitments. Given the limited purview of this account, it is important to note that I have not endorsed the view that truth is whatever is expedient. Yet an ameliorative project can conceive of conceptual space in ways amenable to the ends of social justice. Ameliorative epistemology recognizes that the uses of terms are mutable and have a normative valence. This contrasts with contemporary social epistemology descended from Alvin Goldman’s (1999) seminal work, which places veritistic (truth-seeking) epistemology at the center of social epistemology. Truth is not the only criteria which determines whether we are justified in stating a proposition.

While indebted to the figures I cite and others, my work is builds upon theirs in several ways. I provide a novel challenge to analytic epistemology from a Rortyan pragmatist perspective. Calling for a shift in epistemological methodology is supported by distinctive reasons. This chapter can be viewed as a case of overlapping consensus, providing new reasons for old challenges. Further, it addresses epistemologists directly. Rather than allowing parallel and non-interacting social epistemologies, this paper encourages dialogue between the two disparate fields, giving reasons for epistemic injustice to be taken seriously. Foundational reasons for undertaking an ameliorative epistemological project are rendered considering the limitations of

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34 For a recent discussion of axiological strategies see Axtell (2016).
stipulative epistemology. As such, theories of epistemic in/justice cannot be justifiably dismissed by appeal to conventional epistemology. Given the problems of a stipulative approach and the advantages of an ameliorative approach, this shifts the burden of justification for further inquiry onto stipulative epistemologists. The problems of stipulative epistemology and the advantages of ameliorative epistemology jointly justify a turn to studying epistemic in/justice as part of an ameliorative epistemic process. Pragmatic approaches give reasons to discern between varieties of true beliefs, while stipulative epistemology seems only capable of giving an ad hoc basis for distinguishing between trivial and useful truths. Yet our intuitions comport with this distinction. Ameliorative epistemologies have much to contribute to an array of topics within social epistemology.

Prospectively, this account motivates the dissertation’s turn to cases of epistemic excess as epistemic injustice. Challenging the foundational assumptions of stipulative epistemology requires reevaluation of other values, such as truth. Similarly, this critical assessment of prevalent hermeneutical resources should consider the interest of people. Likewise, this account gives reasons to evaluate dominant conceptions critically. The remainder of the dissertation takes up this project in earnest. Understanding the theory of epistemic overload as epistemic injustice requires reconsideration of epistemic values and relation to ethical values. This may also generate novel duties in which promoting epistemic agency and human welfare trump considerations from a purely epistemic perspective. With this foreground cleared, Chapter 3 initiates the argument for epistemic overload as epistemic injustice.

35 Another virtue of ameliorative approaches is that they offer a more parsimonious conception of normative conceptual space. Rather than having discrete and sui generis normative values, epistemic and moral goods are part of some common normativity.
Chapter 3: Epistemic Overload as Epistemic Injustice

1. Introduction

Now that work on epistemic injustice has been overviewed (Ch 1) and defended as a field of inquiry (Ch 2), the theory of epistemic overload as epistemic injustice will be developed and defended (Ch 3, Ch 4). The paradigmatic motivating case of epistemic overload will be presented next. After positing this case, it will be analyzed to assess whether it reduces to any pre-existing categories of epistemic injustice. I argue that the case of epistemic overload is an epistemic injustice which cannot be reduced to testimonial injustice, hermeneutical, or the participant perspective. Yet, the lessons drawn from consideration of the participant perspective and understanding the limits of distributive epistemic injustice contribute to mapping the conceptual space of epistemic injustice and demonstrating epistemic overload is a unique form of epistemic injustice consisting of multiple sub-types of epistemic injustice (Ch 4). As such, epistemic overload is distinct variety of epistemic injustice, worthy of investigation. Now, consider the central case of interpersonal testimonial epistemic overload.

Imagine Tina is offered a full-scholarship to her preferred university. She is sharing the good news with her friends during lecture when the annoyed instructor interjects. The teacher brusquely says, “Well, you have little chance of graduating.” Suppose the instructor’s claim is a justified true belief. As a poverty-stricken, first-generation student from a family that does not speak English at home, Tina’s prospects of graduating are poor. Indeed, the scholarship targets ‘at-risk’ youth who have a historical drop-out rate of seventy-five percent. It seems that the

36 What constitutes ‘at-risk’ is socially contingent and multiply realizable. Intersectional identity-traits converge to justify the label ‘at-risk.’ In general, work on epistemic injustice has done little to address intersectional epistemic injustice.
instructor has committed an epistemic injustice against Tina. Tina’s case is paradigm of interpersonal *epistemic overload*.\(^\text{37}\) In what follows I will argue that epistemic overload is a novel and important variety of epistemic injustice. To develop this argument, I turn to the seminal book on epistemic injustice, Miranda Fricker’s (2007) *Epistemic Injustice: The Ethics and Power of Knowing*. Tina’s case imitates the formal consideration of what constitutes epistemic injustice. By identifying Fricker’s necessary and sufficient conditions of epistemic injustice, I show that Tina’s case is an epistemic injustice characterized by an excess of justified true belief.

2. **Testimonial and Hermeneutical Injustice**

Miranda Fricker (2007) develops a theory of epistemic injustice to address such cases. Epistemic injustices are wrongs against people as knowers and thinkers. Fricker distinguishes between the two fundamental types of epistemic injustice, testimonial injustice and hermeneutic injustice. Testimonial injustice occurs when “a prejudice causes a hearer to give a deflated level of credibility to a speaker’s words” (Fricker, 2007, 1). Testimonial injustice are cases in which a person receives less credibility than they deserve, just because they are recognized as a member of a stereotyped group and that group is prejudicially viewed as being less epistemically authoritative. These can be consciously held prejudices or unconscious influential prejudices. For example, a professor is wary of a fraternity member’s recitation of another philosopher’s views just because the professor distrusts members of Greek-life regarding intellectual topics.\(^\text{38}\) The fraternity brother suffers a credibility deficit just in virtue of

\(^{37}\) I take it as deeply intuitive that some sort of epistemic injustice occurred in this instance. The normative foundations chapter (Ch 6) will explain what makes epistemic injustices, such as epistemic overload, bad.

\(^{38}\) I take this example to be illustrative as it avoids the usual ascription of credibility deficits to the politically marginalized. While fraternity members may benefit from many forms of privilege, they may also suffer *distinctly* epistemic injustices. This example distinguishes the unique terrain assessed by theories of epistemic injustice.
his status as a member of a fraternity. The professor need not consciously register this bias for a testimonial injustice to occur.

Testimonial injustices are systematic insofar as they track with recognized social identity (Fricker 2007, 27). Social types include race, gender, ethnicity, race, religion, and recognized voluntary associations (e.g., Greek life). Recurring differential treatment results from prejudicial attitudes about identity-types which persist in the “social imaginary” (Fricker 2007, 13-4). The social imaginary is composed of the collectively held beliefs and attitudes prevalent in a community. These collective beliefs and attitudes constitute the assumptions and norms about identity-types.39 For instance, one’s identity as a gentleman informs the ways in which they are treated and expected to act. A gentleman is likely to be deemed a credible source on recent economic news, just in virtue of the collectively shared assumptions about that identity. These are discursive and collective held beliefs and attitudes, not material conditions. Minimally-interacting social groups recognize and prejudicially assess an evident social type in much the same ways. As such, what constitutes the ‘collective’ social imaginary is discerned by reference the identity-types which are recognized and treated in specific ways across contexts. While testimonial injustices concern interpersonal exchanges, Fricker’s second type of epistemic injustice regards systematic lacunas in collective interpretive resources which result in intelligibility gaps.40 So, testimonial injustices are 1) intrinsic interpersonal wrongs that 2) track with social identity (for reasons of social justice) and 3) are distinctly epistemic in both the inputs

39 The “social imaginary” is imprecise concept defying precise analysis, as the collectively shared beliefs and attitudes about identity-types are constantly changing. Nonetheless, the concept explains how prejudices ‘track’ individuals.

40 See: Alcoff (2010), Medina (2011), Pohlhaus (2012) and Mason (2012) for critiques of this view. Chapter 5 develops and nuances an account of social epistemics to address these problems and to provide a more descriptively adequate account of the sites of epistemic in/justice.
and outputs of the injustice. The second condition is neither necessary nor sufficient for epistemic injustice but will be largely retained to prioritize the most large-scale and widespread types of epistemic injustice. Conditions 1 and 3 are both individually necessary and jointly sufficient for epistemic injustice to arise. Next, Fricker’s second type of epistemic injustice is analyzed.

Fricker contends that hermeneutical injustice occurs when, “someone is trying to make sense of a social experience but is handicapped by a gap in collective understanding – a hermeneutical lacuna whose existence is owing to the relative powerlessness of a social group to which the subject belongs” (2007, 9). For example, someone afflicted by post-traumatic stress disorder (PTSD) from experiences in war may have difficulty negotiating these experiences without the appropriate vocabulary and understanding. The competing conceptions of a shell-shock, battle fatigue, cowardice, and PTSD lead to different self-understandings and qualitative outcomes which impact quality of life, but also one’s capacity as a reasoner and manager of conscious states.\(^{41}\) The low-ranking enlisted soldier is in no position to influence military or medical doctrine on this subject, and so they are in a position of relative powerlessness about informing collective understanding on the issue of war time trauma. This hermeneutic deficit harms one as a knower but may also adversely impinge on one’s quality of life.

So far, it is not clear that testimonial injustice or hermeneutical injustice capture Tina’s case. She is relatively powerless, but the credibility of her testimony is not in question. Further

\(^{41}\) During the Sicilian Campaign of WWII, General Patton ordered, “It has come to my attention that a very small number of soldiers are going to the hospital on the pretext that they are nervously incapable of combat. Such men are cowards and bring discredit on the army and disgrace their comrades, whom they heartlessly leave to endure the dangers of battle while they, themselves, use the hospital as a means of escape. You will take measures to see that such cases are not sent to the hospital but dealt with in their units. Those who are not willing to fight will be by court-martial for cowardice in the face of the enemy.” Excerpt from: Axelrod (2006), 117.
there is no conceptual gap which induces difficulties in negotiating her experiences. As such, further analysis into the taxonomy of epistemic injustice is needed.

It will be argued that while epistemic overload is a novel type of epistemic injustice it is not a product of credibility or intelligibility deficits and is characterized by epistemic excesses. Before this thesis can be developed further, the prevailing literature on epistemic justice will serve as an instructive segue for understanding the conceptual space of epistemic injustice, and epistemic overload’s locations within that space. Coady (2010) and Hookway (2010) posit two further types of epistemic injustice, distributive epistemic injustice and participant perspective injustices, respectively. These constitute neglected varieties of epistemic injustice. By analyzing these cases I show that that i) Tina’s case is not explained by these types of injustice and ii) that not all ostensive epistemic injustices are epistemic injustices in the strict sense specified by Fricker. This places plausible limits on the scope of epistemic injustice while showing that Tina’s case falls within those limits. The conceptual space identified by Coady and Hookway provides a guide for understanding epistemic injustice and epistemic overload as a category within that class, developed in Chapter 4.

3. Expanding the Varieties of Epistemic Injustice: Distributive and Participant

3.1 Distributive ‘Epistemic Injustice’ is not epistemic injustice

Coady maintains that there are cases in which one’s credibility or intelligibility are not at stake, but in which individuals suffer an injustice due to wrongful ignorance or error. For example, a soldier has a right to know why she is being ordered to risk her life (Coady, 105). The soldier is not lacking conceptual vocabulary to negotiate their experience, nor are they being distrusted in their assessments. She simply is not made privy to the reasons which are used to
justify endangering her life. As such, this is a case of unjust ignorance. Assuming that knowing the reasons for war will not jeopardize more lives or undermine a just war (or some other greater value), a soldier has a right to know why their life is at risk. Being deprived of information relevant to one’s livelihood on arbitrary or under-justified grounds is an injustice about what we have a right to know. Unlike hermeneutical injustice, the resources necessary to explain the soldier’s experience are readily available in the vernacular. This is not a case of hermeneutical injustice despite the soldier’s relative powerlessness. Rather, she is not provided with a proper and deserved explanation of her military assignment, given her role and risks.

Coady also contends that one may be the victim of unjust error. Take the case of someone’s belief that the earth spontaneously came into being six-thousand years ago. This belief can be attributed to their formative educational context. Take another case. Sam’s friends and family are apathetic with regard to the issue, and Sam does not seek out information from other sources. Sam has little motivation or capability to autonomously pursue an understanding of the Earth’s natural history, given his social context. As a result, Sam holds the (presumably) false belief that the world was created 6,000 years ago based on textbooks selected by a politically motivated schoolboard. This is a case of unjust error. Sam suffers an epistemic injustice that results from an unjust distribution of goods, such as quality textbooks, informed educators, and a community committed to critical inquiry. He is epistemically worse-off, at no fault of his. As should be evident, Tina is not suffering from a distributive epistemic injustice. These is no wrongful error or ignorance on her part.

Fricker rejects distributive epistemic injustices outright, maintaining that while wrongs emerging from the distributive injustices are epistemic, they are more overt and not distinctly
epistemic (2010, 175). The inequitable distribution of textbooks explains the emergence of the injustice which Sam suffers. The introduction to *Epistemic Injustice* dismisses distributive considerations as “there is nothing very distinctively epistemic about it...” (2007, 1). These types of distributive injustices fall within the purview of political philosophers concerned with the distribution of basic goods. There is no special warrant for a theory of epistemic injustice to address these types of injustice. Unjust error and ignorance are largely addressed by adjustment of other background conditions. The reallocation of material resources could improve the situation. More textbooks of a better quality and good educators alleviate Sam’s epistemic error injustice. Similarly, modification in military procedures regarding informing subordinates would help alleviate the soldier’s wrongful ignorance. In the case of testimonial and hermeneutic injustice, distributive adjustments are unlikely to alleviate the injustice, as the injustices are epistemically perpetuated and not merely a product of facts about the distribution of goods and services. Fricker contends that hermeneutical injustice and testimonial injustice merit special attention as they are often overlooked forms of injustice, characterized by discrimination.

This case of distributive epistemic injustice is important as it delimits the scope of theories of epistemic injustice. Not all injustices with epistemic implications are epistemic injustices. The motivational impetus for a distinctive field depends on often overlooked varieties of distinctly epistemic wrongdoing. These are more likely to be discriminatory than distributional. Further, Tina’s case is not a distributional injustice. it is interpersonal, prejudicial and distinctly epistemic insofar as Tina’s epistemic faculties are put into question and harmed by the epistemic means of assertion. The distribution of goods is not directly relevant to the injustice committed by Tina’s teacher. Having dismissed distributive epistemic injustices, Hookway considers
epistemic contexts rather than interactions to identify an important site of potential distinctly epistemic injustice.

3.2 The Participant Perspective and Epistemic Injustice

Hookway (2010) expands the taxonomy of epistemic injustice by drawing a distinction between informational and participatory perspectives. Testimonial and hermeneutic injustice are the unjust dissemination, reception and construction of propositional or conceptual content. Claims are not given their due in the case of testimonial injustice. While in the case of hermeneutic injustice concepts which are useful in categorizing and understanding states of affairs (including subjective states) are unjustly developed and disseminated. Sometimes these concepts are neglected entirely. Each case is about the transmission and availability of information, either in the form of testimony or the availability of hermeneutical resources.

Hookway identifies epistemic participation as a unique domain of epistemic injustice. Rather than assessing the reliability of one’s speech-content on prejudicial grounds or lacking adequate hermeneutical content, the participant perspective regards cooperative epistemic tasks. For example, a researcher may doubt whether a graduate assistant is competent to interpret data for prejudicial reasons. It is the shared endeavor of discovery that is at stake, rather than the credibility of a speaker. The student may be properly well-regarded as a conveyor of content, but mistakenly unappreciated as an analyzer of novel data. Further, the graduate student is not struggling with some experience which lacks a proper conceptual label, as is the case with hermeneutic lacunas. As such, they are treated justly from the informational perspective but unjustly from a participant view. This leads Hookway to the conclusion that “we can be victims of epistemic injustice without making assertions and claims to knowledge, and
without suffering from conceptual impoverishment” (2010, 153). If one is unfairly unable to contribute to making hermeneutical resources, a participant epistemic injustice occurred. This analysis holds true irrespective of whether the person deprived of epistemic participation receives appropriate hermeneutical resources or credibility.

Fricker (2010) raises two objections to Hookway’s expanded understanding of epistemic injustice. First, a problem of parsimony arises. If unjust relations to one’s participation in epistemic practices are posited as distinct kinds of epistemic injustice, this entails many more sites of epistemic injustice. Self-reflection, passive listening and reading are potential sights of epistemic injustice on this view. Fricker focuses on testimony and hermeneutical resources because these are two of the most common and fundamental types of epistemic activity. How we understand our experiences depends on available interpretive resources. The lack of resources effects communication and self-reflection. These are mainstays of epistemic activity. Testimony is the primary mechanism by which we come to know. We learn by trusting others and their written sources. While some learning is genuinely autonomous, this is rare and depends on having received various forms of knowledge via testimony as well as hermeneutical resources. This thick conception of ‘testimony’ leads to Fricker’s next rebuttal.

Fricker reminds the reader she construes ‘testimony’ broadly. Both rejoinders are captured in one quote. Fricker writes,

“[n]ow I admit I may be stretching not only the notion of ‘testimony’ here but perhaps of ‘credibility’ too. It may be said, after all, that it is not really a matter of unfairly deflated *credibility* that the student is suffering, but rather an unfairly deflated estimation of (of what?)... the epistemic skill of asking relevant questions. But this seems too fine-grained a way of categorizing the phenomenon if we hope to retain a structured sense of its ethical-epistemic significance” (2010, 175-6).
A charitable reading of Fricker allows for her thick conception of testimony which includes the conveyance of one’s inferences drawn from information and arguments. The graduate student suffers a credibility deficit, much like the fraternity member. The respective professor, in each case, unjustly discredits the student’s epistemic faculties – either of conveying philosophical views or interpreting data. Ultimately, the result is a wrongful discrediting of the testimony of the student. The professor merely preempts the student’s final utterance by depriving the research assistant of an opportunity to contribute to data interpretation. This case is largely reducible to testimonial injustice. The professor ascribes the graduate assistance less credibility in their capacity as a data analyzer.

The preconditions for assessing someone as a participant in an inquiry are testimonial and hermeneutic grounds. We assess someone’s merit as an epistemic collaborator by considering their social-identity type as well their word. The conscious and unconscious values assigned to social types (e.g., educated, white) are of hermeneutical import which lead to participatory in/justice. One’s credibility as a participant is contingent on one’s credibility as a provider of testimony insofar as the end of collaborative epistemic work is to share information with one’s collaborative partners.

Yet, Hookway’s participant injustice is temporally extended, as it arises during ongoing epistemic collaboration, rather than in a moment. A process injustice is an injustice which is

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42 In Chapter 6, I conclude with Marsh (2011) and Origgi (2011) that testimonial injustice is reducible to trust injustice. Trust injustices also explain participant injustice without attributing implausible extensions of the terms ‘credibility’ and ‘testimony’ to collaborative epistemic activity.

43 Notice the hermeneutical implications of this participant injustice. The graduate student is under-represented in the meaning-making process due to unjustified marginalization. This consideration will be important for understanding third-order injustices (Ch 5).
aggregative and takes place over extended duration.\textsuperscript{44} Participants are deprived an opportunity to inform a collaborative epistemic process. So while participant injustice is derivative of testimonial injustice with regard wrongful credibility misattributions, it is distinctive in that it is a process injustice. Attending to this distinction will be useful for mapping the conceptual space of epistemic overload (Ch 4). For now, I turn to showing that, despite the limitations of distributive epistemic injustice and participant perspective injustices, epistemic overload is \textit{distinctly} epistemic and need not involve testimonial assessments or hermeneutical gaps.

4. Epistemic Overload as Epistemic Injustice

\textit{Epistemic overload} occurs when additional information, credibility or hermeneutical resources are introduced to an agent which undermine that agent’s epistemic faculties and harm them generally. Information can be testimonial or representation. It need not be propositional but can take the form of illustrations or media portrayals (Ch 4). Let us return to the case of Tina and her acceptance to her preferred school.

Tina is harmed by the true and justified claims her teacher makes. She is harmed both as an epistemic agent and in terms of her subjective well-being. Knowing that students in a similar situation and background do poorly at college leads her to distrust her own faculties. Tina also feels worse about her perceived incompetence and membership in a demographic that is viewed

\textsuperscript{44} Of course, the notions of ‘momentary’ and ‘process’ must be construed in the context of epistemic practices. There are no instantaneous epistemic events (i.e., events occurring without duration), rather the notions are meant to capture an intuitive distinction between relatively gradual and immediate epistemic events. This loose distinction can be maintained and interpreted flexibly without serious harm to the arguments presented.
as less academically capable.\textsuperscript{45} Tina’s angst and lack of confidence occurred after learning of this new information.\textsuperscript{46}

Now the features of Tina’s case can be compared to the other forms of epistemic injustice considered. First, Tina’s experience is interpersonal. No one else need know that Tina received this information or what effects it had on her. We could adjust the example to be one in which Tina sees a well-intentioned bulletin which designates her as “at risk” and “unlikely to graduate.” The harms are short term and long-term. She likely feels immediate embarrassment but will also come to doubt herself for at least some of her college experience. Further, an injustice has been committed against Tina apart from the harms she experiences. Demographic generalizations violate our distinctness as persons. So far, the characterization of the wrongs against Tina can be analyzed in terms of Fricker’s taxonomy of primary and secondary harms, respectively (2007, 44). She is objectified as a knower. By being assessed as a representative of her demographic rather than as an individual, Tina’s teacher disrespects her as an epistemic agent by distinctly epistemic means. Second, she suffers emotionally and epistemically from reduced confidence after the rebuke. Yet, this case does not fall neatly into either testimonial or hermeneutic injustice.

Tina’s case is not testimonial, even under Fricker’s broad conception of ‘testimony’. Tina is not offering testimony to the teacher or attempting to contribute to an epistemic project with

\textsuperscript{45} Thought experiments about epistemic injustices require some psychologizing. This is acceptable as it merely shows that these forms of epistemic overload are possible. Empirical research on stereotype threat confirms that the uptake of understandings does tend to harm knowers (Ch 9).

\textsuperscript{46} Tina may recognize that this information has no necessary bearing on her, and that she still has many reasons to be optimistic. The study maybe flawed entirely, yet this only exacerbates the harms and injustice. Erroneous propagation of harmful falsehoods and stereotypes, and hasty generalizations can be just as deleterious to one’s epistemic capacity.
the teacher. The direction of information flow is reversed. The teacher offers unsolicited testimony. The teacher also thinks highly of Tina’s epistemic faculties. He does not attribute a credibility deficit to her. The instructor believes that Tina is a bright student, and that she personally has a good chance of defying the statistics. He is stating a fact that is pertinent to Tina’s interests and happens to be unaware of the potential harms of such statements.\footnote{Whether the instructor is culpably ignorant is another matter considered by Mason (2012) among others.} The teacher has a statistically justified prejudice, but he is not deflating Tina’s credibility. Indeed, giving due testimonial credibility to Tina is the basis of the teacher’s remarks. He believes that she got into her top-choice university with a full scholarship. So Tina’s case is not a testimonial injustice, despite being objectifying and harmful in distinctly epistemic ways. There are also problems with analyzing the epistemic injustice under consideration as a hermeneutic injustice.\footnote{For those intent on a very broad conception of testimony and credibility, there is still the element of epistemic excess which distinguishes Tina’s case. Arguments against epistemic excesses as epistemic injustice will be confronted and rebutted in Ch 4.}

To understand whether Tina’s experience is a case of hermeneutical injustice, I divide hermeneutical justice into three composite claims. First, hermeneutical injustice entails a dynamic of relative powerlessness on the part of the victim as a member of a social type. Second, there is a conceptual lacuna which undermines the intelligibility of the marginalized. The hermeneutically marginalized are unable to inform collective meaning-making, which results in them lacking the terms to describe their experience. Recall the cases of the WWII soldier with PTSD or the sexually-harassed worker. Finally, there is a resultant harm of being less able to negotiate one’s experience without the proper conceptual tools. Now let us return to Tina’s case.
Part of the problem is that Tina had no part in the creation of this information. Tina was powerless to influence this information about her demographic, given her age and relative standing. She is causally inert even in relation to the pertinent data as she is too young to attend college. The fact that members of Tina’s ethnic background perform less well at university is also explained by historical injustices and relative powerlessness. Yet, while a relative source of powerless is a salient factor, a key feature differs in the case of epistemic overload. There is no “conceptual lacuna.” There is no vacant conceptual space that is under-described. The operant terms to explain poor academic performance have been exhaustively and charitably developed. Tina knows that members of her community have low college-graduation rates. Finally, rather than lacking a conceptual tool that would aid in negotiating her new experiences, Tina is introduced to deleterious information. Knowing that others like her do poorly at college only makes her doubt her own prospects. She does not suffer from an intelligibility deficit in her ability to understand or convey her experience. Tina is not less intelligible and is not debilitated from understanding the relevant experiences as a result. Indeed, part of the problem is that she now more clearly understands her odds of successfully graduating college – or is led to believe her odds conform to her demographics. So while the harms are much the same and Tina is faced with relative powerlessness, the essential element of a conceptual gap is not present. It is the introduction of new facts which undermine her prospects, practically and epistemically. In Tina’s

49 Tina suffers an epistemic injustice irrespective of whether she is thereby encouraged or discouraged from contributing to knowledge production. Put otherwise, if Tina becomes more intellectually productive due to this experience, it would not negate the fact that she experienced the primary wrong of epistemic objectification. Defying prejudicial expectations demonstrates exemplary character, not that no injustice occurred.
case, the epistemic overload is transactional and interpersonal. She suffers an epistemic injustice which objectifies and harms her in distinctly epistemic ways. It is a first-order epistemic injustice.

The initial case for epistemic overload has been offered. Tina’s case is not testimonial, hermeneutical injustice as there are no deficiencies in credibility or intelligibility. Yet, Tina’s case is not a distribution injustice nor is it a case of her being barred from epistemic participation. As such, it is a distinct kind of epistemic injustice characterized by an excess of epistemic inputs, which objectify and undermine her in distinctly epistemic ways. Before continuing this line of argument in Chapter 4, I will briefly dispel some objections to epistemic excesses as epistemic injustice.

5. Objections Considered: Epistemic Paternalism and the Subversion of Truth

Two broad objections can be leveled against this account of epistemic overload. First, it may be argued that this view entails problematic paternalism. Second, objectors may argue that epistemic overload challenges a fundamental dictum of epistemology and long standing philosophical tradition. Namely, this account suggests that assertion of a justified belief can be epistemically and ethically bad. This is a challenge to the univocal value of truth and the practice of stipulative epistemology. As this line of objection is the focus of Ch 2, I turn to concerns of problematic paternalism.

Rather than providing unmediated information to knowers, the possibility of epistemic overload suggests that some mediation may be in order. If it can be wrong to supply a student with a true belief about her prospects, this may imply a duty of epistemic paternalism. After all, it may be the duty of Tina’s teacher not to tell Tina about her chances in college, or so my view implies.
A strong form of this paternalism objection can be developed in Fricker’s terms. She maintains that epistemic activity is a fundamental part of our personhood. Fricker writes, “[t]o be wronged in one’s capacity as a knower is to be wronged in a capacity essential to human value” (44). Undermining our capacity as thinkers and knowers is fundamental injustice as it undermines a basic feature of our personhood. Applying this critique to my view implies that epistemic paternalism disrespects persons as knowers by intervening to promote specific forms of ignorance, for example. Yet whether someone is wronged because of avoiding excess epistemic goods is precisely what is at stake. Epistemic paternalism may result in primary wrongs and secondary harms of epistemic injustice.

First, it is important to note that an injustice need not entail positive duties. Yet, I will assume that some such duty is implied by Tina’s epistemic overload. There are cases in which limits on epistemic content are productive for cultivating epistemic agency. A central purpose of epistemic overload as epistemic injustice is to recognize that informational excesses can have the same deleterious effects on our epistemic agencies as deficiencies in intelligibility and credibility. Traumatic testimonial overload may undermine one’s epistemic agency much the same as not being proper heard or listened to. Effective paternalism is deployed for the precise purposes of creating independence and safety from pernicious mediating forces. While a parent can be overly paternalistic, there are clear cases where overriding the discretion of their children is appropriate. This is not an affront to the agency of the child or a devaluation of autonomy. It respects the agency of persons by protecting that agency. In effect, it ensures that the child

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50 Chapter 4 differentiates between varieties of epistemic overload, designating Tina’s case a form of testimonial overload that is traumatic insofar as it occurs over a brief period.
51 See: Conley’s (2013) Against Autonomy for a compelling case for limited applications of coercive paternalism.
can effectively employ and develop those attributes. Allowing one’s epistemic agency to be hampered by epistemic overload shows no special respect for that agency.

While learning through experience has value, some excesses can fundamentally damage one’s capacity as an epistemic agent. This will be explored more in Chapter 4 in the context of excess credibility and cultivation of epistemic arrogance. To put the debate in Fricker’s terms once more, excesses have the same potential to deform the very development of self if those injustices debilitate the development of epistemic agency (52). If Tina underperforms at college because of the low-confidence and anxiety her teacher induced via epistemic overload, she may also fail to become the person she aspired to be. Worries about the proper limits of epistemic paternalism are appropriate. This further motivates the need for an adequate theory of epistemic overload and the duty of epistemic paternalism. It does not show that worries about the extent of epistemic paternalism warrant a rejection of epistemic overload en toto.

Epistemic overload is a distinct variety of epistemic injustice. Tina is harmed specifically as a thinker and knower due to what her teacher truthfully told her. There is no credibility deficit as in the case of testimonial injustice. The victim of epistemic overload need not attempt to provide any testimony to be wronged. Further, epistemic overload defies two key features of hermeneutical injustice. First, it is not contingent on a gap in conceptual or any lack of understanding. Second, the resultant harm of epistemic overload is a result of excess information, not a deficiency. Epistemic overload draws attention to the fact that extant and commonly circulated concepts are a source of injustice. More profoundly, it shows that the introduction of novel concepts on behalf of victims may itself be a disservice to the relatively
powerless if doing so only serves to make victims more aware of the injustices that they face while no more capable of facing them.\textsuperscript{53} Intelligibility is often only the first step towards epistemic justice in hostile socio-epistemic environments, as will be shown in Chapter 5. Finally, it draws attention to the non-linguistic content that influences our epistemic agency. Repeated images may have the same corrosive effect on epistemic capabilities as being told that you cannot succeed (Ch 4). This moves away from philosophical fixation on propositional knowledge.\textsuperscript{54}

The use of Hookway’s and Coady’s research direct attention to these conclusions. The participant perspective is instrumental in recognizing non-testimonial varieties of epistemic injustice, and for recognizing the conceptual terrain of epistemic injustice, both temporal and social. Kristie Dotson’s (2014) first and second-order injustice provides the hermeneutical resources to evaluate these hybrid-cases and culpable third-order epistemic injustice and justice (Ch 4, Ch 7). The case of epistemic overload is more significant than another addition on a growing list of epistemic injustices. Epistemic overload leads to reconsideration of other epistemological commitments and research priorities in the theory of epistemic injustice. It suggests that epistemic excesses are an important and overlooked variety of epistemic injustice.

This chapter is an admittedly partial defense of epistemic overload as epistemic injustice. It highlights one plausible case, motivates and defends it. By laying the conceptual framework to understanding epistemic injustices generally, I show that not all injustices with epistemic effects are epistemic and that some varieties of epistemic injustice are largely reducible to Fricker’s

\textsuperscript{53} See: Mackinnon (2017) “Allies Behaving Badly: Gaslighting as Epistemic Injustice” for cases in which ostensibly aiding the marginalized does more harm than good.

\textsuperscript{54} I thank Tremain (2017) for this consideration.
types. Showing this motivates the unique significance of epistemic overload, insofar it does not reduce to other types of epistemic injustice and is not largely derivative of Fricker’s two types. The unique domain of epistemic excesses has been identified as one of the most salient differences between Fricker’s types and epistemic overload. The next chapter is poised to explore this conceptual space along the dimensions of sociality and time, in the context of epistemic abundance.

Chapter 4 develops these findings by a close analysis of the conceptual space provided in this chapter. It continues the formal argument for epistemic excesses as epistemic injustice by considering five species of epistemic overload. As it turns out, Fricker’s arguments against epistemic excesses as injustices fail based on her own criteria. As such, Chapter 4 clears space for a more thoroughgoing theory epistemic injustice which can account for socio-epistemic life and the fact of epistemic overload.
Chapter 4: The Logical Structure of Epistemic Overload

1. Introduction

With the initial case for epistemic overload established, the logical structure of epistemic overload can be presented in tandem with further arguments for epistemic overload as epistemic injustice. Several findings are forthcoming in this chapter. First, epistemic overload is a genus of epistemic injustice with consisting of several species of epistemic overload, varying along the dimensions of temporality and sociality. Numerous types of epistemic injustice are resultant from epistemic deficiencies (Chapter 1); likewise, there are multiple epistemic injustices resultant from epistemic excesses in epistemic goods. Each will be developed.

Epistemic overload can arise from excesses of epistemic goods including truth, credibility, and non-propositional content. These types of epistemic overload are 1) testimonial trauma, 2) testimonial redundancy, 3) hermeneutical overload, 4) representational overload, and 5) structural momentary epistemic excesses (SMEE). Second, contrary to dominant views (Fricker, 2007; Medina, 2011) credibility excesses are sufficient to generate the primary and secondary wrongs of epistemic injustice, thereby constituting intrinsic epistemic injustice. Third, non-propositional content can induce epistemic overload. I elaborate a line of argument initiated most recently by Shotwell (2017), maintaining that overemphasizing propositional content can lead to neglecting other important sites of epistemic injustice. I argue that non-propositional representational content can influence our epistemic activities in ways which constitute epistemic injustice. Fourth, fixation on testimonial and transactional epistemic injustice neglects one of the most significant and growing domains of epistemic injustice, namely digital domains based on algorithmic data processing. This theme will be explored in Chapter 9.
Before these findings are evident, I develop a schematic view of the conceptual space under analysis. The matrix displaying types of epistemic overload is useful for diagnosing other cases of epistemic injustices via excesses found in the literature as well as for distinguishing between varieties of epistemic overload. The argument for epistemic overload as epistemic injustice is not complete, so some of the chapter will continue to establish that excesses in epistemic goods, such as credibility and understanding of hermeneutical resources can induce epistemic injustices. By invoking Fricker’s conditions for epistemic injustice, I show that these excesses satisfy the necessary conditions of epistemic injustice and that they are of practical significance as they prejudicially track persons. Before developing and defending the types of epistemic overload within logical space, that space must be circumscribed. Figure 1 illustrates this space in relation to participant injustice, testimonial injustice and hermeneutical injustice. Figure 2 considers only epistemic excesses, representing the novel types of epistemic overload.

2. The Logical Space of Epistemic Injustice: Sociality and Time

2.1 Time as Process/Moment

Recall Hookway’s participant injustice (Chapter 3). Rather than an interpersonal moment, participant injustice arises during ongoing epistemic collaboration. A process injustice is an injustice which is aggregative and takes place over extended duration.\textsuperscript{55} Participants are deprived an opportunity to inform a collaborative epistemic process. While participant injustice

\textsuperscript{55} Of course, the notions of ‘momentary’ and ‘process’ must be construed in the context of epistemic practices. There are not instantaneous epistemic events (i.e., events occurring without duration), rather the notions are meant to capture an intuitive distinction between relatively gradual and immediate epistemic events. This loose distinction can be maintained and interpreted flexibly without serious harm to the basic argument.
is derivative of testimonial injustice with regard wrongful credibility deficits, it is temporally extended.

The process/moment distinction regards the temporal extension of an injustice. Process injustices are gradual while moment injustices occur in short duration. Hermeneutical injustices are process injustices as lacunas in collective hermeneutical resources are the result of a collective and gradual meaning-making. Language is a gradual social process. The injustice persists if the lacuna remains. Testimonial injustices are momentary insofar as the wrong is an immediate appraisal of one’s credibility as a speaker. Of course, the implications of testimonial injustice may be enduring and the explanation for the emergence of such injustice is historical, but the injustice is immediate. The moment that the professor disregards a student because he is a fraternity member, a testimonial injustice occurs. Likewise, some epistemic injustices occur immediately while other epistemic injustices require time to emerge. The extent of the wrong or harm does not directly correlate with the process/moment distinction.

The second broad distinction highlights the relative sociality of the injustice. As I use it, ‘sociality’ refers to the distinction between interpersonal and structural epistemic injustice. Sociality admits of gradations. Here Dotson’s first-order and second-order epistemic activity is useful (2012, 26-35). First-order epistemic activities occur within epistemic discourses. First-order epistemic injustice results from the use of prevailing resources, and norms. So testimonial injustice constitutes a first-order epistemic injustice as dominant prejudices influence the wrong-

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56 Here we can distinguish between the immediate injustice and further harms that may arise. One can be the victim of an unjust epistemic appraisal without suffering subjective harm. For example, one can have their testimony discredited without knowing that the listener is under appreciating their contribution, much less that the testimony is underappreciated on prejudicial grounds.
doer’s credibility assessment. Testimonial injustice occurs in contexts in which one person engages with another, making it relatively asocial and first-order. There is no element of creating or questioning socioepistemic concepts or norms. It is interpersonal injustice; it is minimally social. Second-order injustice refers to the “socioepistemic structures that create and sustain” epistemic injustice (Dotson 2012, 30). Hermeneutical marginalization leads to epistemic power asymmetries and gaps in collective hermeneutical space. As socioepistemic structures act on agents, second-order in/justice arises. Hermeneutical injustice occurs because the collective epistemic structure is missing useful hermeneutical resources. Hermeneutical injustice is second-order, social and structural. It requires many actors to create and sustain a set of shared ideas for understanding. As such, and unlike testimonial injustice, no one person is at fault for a hermeneutical injustice. We can now see why this dimension of logical space in relation to epistemic injustice is dubbed ‘sociality’. Many more social dynamics operate in second-order cases, while first-order injustice may require only two agents. Daily epistemic activities constitute, reaffirm and undermine dominant systemic structures and common understandings. First-order activity influences second-order processes as individuals collectively make meaning.

This is third-order epistemic activity. Dotson’s third-order epistemic injustices are interpersonal activities regarding epistemic structures (norms, terms, understandings). For example, one can be willfully ignorant and thereby reinforce problematic hermeneutical resources or disallow new contributions to epistemic structures (Mason, 2012; Pohlhaus, 2011). This involves interpersonal, first-order dynamics in relation to the maintenance of second-order structures. Third-order epistemic activity will be interpreted as being at an intermediary position between structure and interpersonal epistemics. It involves personal or interpersonal action in
relation to structural features of shared epistemic life. Third-order epistemic activity most often consists of individuals engaging with others about prevailing understandings and terms.

Considerations of time and sociality are better understood as on a spectrum rather than as a rigid bivalent distinction. These distinctions are fluid and conventional. All humans are socialized and are only capable of epistemic agency due to epistemic structures. Likewise, all moment injustices have some temporal extension. Yet it is clear from the contrast between hermeneutic and testimonial injustice that epistemic injustice can along the dimensions of sociality and time. Recognition that sociality comes in degrees in the epistemic domain also allows for investigating forms of epistemic injustice which occur in relative social isolation (Chapter 9), as well as third-order issues of confronting and restructuring socioepistemic orders (Chapter 7). These two dimensions of epistemic injustice lead to a four-part contrast (fig 1). The varieties of epistemic overload in this conceptual space will be presented in Figure 2 and defended thereafter.
The social moment quadrant is represented by testimonial injustice, discussed above. Hermeneutic injustice is a social process, as has been argued. Tina’s case of epistemic injustice is interpersonal and occurs in seconds (Chapter 3). The unexplored conceptual spaces are the interpersonal-process and structural-moment epistemic injustices. Participant injustice, depending on the case, may fall on either side of the interpersonal/structural distinction. It is designated as structural both for simplicity and because the example of the marginalized graduate student at a research university implies institutional factors in the research.
collaborators’ marginalization. Some participant injustices result from the informal social dynamics of small independent groups. Other participant injustices are the results of institutional arrangements which bias some while marginalizing others. Figure 1 is an organizing heuristic and not is intended as an exact representation of the metaphysical structure of epistemic injustice. As the figure suggests, there are unexplored areas of the theory of epistemic in/justice. As will be shown, there are species of epistemic overload in all four quadrants.

3. The Species of Epistemic Overload within Conceptual Space

Mapping the discrete types of epistemic overload in conceptual space is simplified with Figure 2. The four quadrants of the figure vary on the dimensions of sociality and time. The dimension of sociality is a central feature of discussion in social epistemology generally, while the importance of process injustices is defended by Medina (2011). Traumatic momentary incidents can induce epistemic overload in ways that have been largely ignored, while process injustices have cumulative adverse effects. These are relevant both from the perspective of respect for individuals as epistemic agents, and regarding social justice. One further clarification is needed before the figure is presented. A third dimension of epistemic excesses is implied in Figure 2. The reader may imagine that this figure is the top view of a cube, divided into four equal segments. While other epistemic injustice may fall in the same conceptual space along the dimensions of sociality and time, they are excluded here as they are in the category of epistemic deficiencies. Figure 2 only represents injustices from epistemic excesses. Unfortunately, it cannot represent differences between the types of epistemic excesses which characterize each

57 Medina maintains that process injustices are relevant in the context of excessive credibility attributions as these excesses gradually lead to the epistemic marginalization of peoples who receive less credibility than they deserve. Interpersonal process injustices are central to the gradual development and maintenance of dominant ways of understanding, for better or worse (2011, 18-19).
case. As will be shown, epistemic overload can arise from excesses of credibility, truths, or understanding of hermeneutical resources.

3.1 Testimonial Overload and Trauma: Tina’s Case

The paradigm case of testimonial overload is Tina’s interaction with her teacher canvassed in Chapter 3 “Epistemic Overload as Epistemic Injustice.” This is a momentary injustice as a one-off interaction is sufficient to induce the epistemic wrongs characteristic of epistemic injustice. Testimonial overload identifies interpersonal cases, as it regards instances in which testimonial exchange induces overload. For Tina, a single sentence from a trusted mentor is sufficient to cause wrongful epistemic harms. Reduced epistemic self-confidence,
performance-anxiety, and an undermining of trust relationships with epistemic authorities arise from this brief exchange. This remark also fails to appreciate Tina as unique epistemic subject, rather than part of a demographic aggregate, which constitutes the primary harm of epistemic injustice. The teacher’s remark is objectifying insofar as Tina is treated as part of a statistical distribution rather than an agent with unique epistemic agency. Tina’s case is therefore characteristic of both the primary and secondary harms of epistemic injustice, is distinctly epistemic, and is characterized by epistemic excesses rather than deficiencies (Ch 3).

Other one-off interactions can have a similarly harmful effect on people, particularly in terms of secondary practical and epistemic harms. Characteristic of testimonial overload is testimonial trauma. Cases in which an interpersonal moment is sufficiently epistemically harmful or objectifying constitutes testimonial overload. If the parent of an aspiring scientist truthfully tells their child that they lack the intelligence to be successful in their field, testimonial overload occurs. Interpersonal process injustices, such as testimonial redundancies, require more elaboration.

### 3.2 Testimonial Redundancy: Credibility excesses and truth excesses

Following the interpersonal dimension while attending to process injustices, testimonial redundancies are characterized by repeated interpersonal exchanges which have a deleterious effect on our epistemic agency and demean a person as a knower, via distinctly epistemic means. Before going further, distinguishing between types of epistemic goods will be important.

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58 It seems possible to rephrase any excess as a deficiency of some form. Lack of proper sensibility, for example, may characterize the wrong that Tina’s teacher committed. Yet, this does not characterize how or why Tina was harmed. It was the input of too much information that was pivotal. Unjustified false claim would not have the same effect. Part of the harm is due to the teacher’s claim being a justified true belief.

59 For now, almost all judgments of sufficiency are based on *prima facie* plausibility as an epistemic injustice. Ch 6 will establish a basis for our normative judgments regarding assigning the status of epistemic injustice to cases.
So far, our analysis has been insensitive to distinctions between credibility and truth. Testimonial redundancies can arise from an excess of either epistemic good.

For example, social science research widely confirms that reaffirming the intelligence of students to students is epistemically counterproductive for those students (Mueller and Dweck, 2002). True praise may reduce a gifted student’s intrinsic motivation to engage in intellectual pursuits. Telling student that about their superior intelligence can lead them to neglect demanding work and conditions them to be motivated by praise. As such, it can have a demotivational effect which stunts gifted students as epistemic agencies. The secondary harms are evident. In this case testimonial redundancy undermines the epistemic dispositions necessary to be a successful epistemic agent. While a relatively minor form of epistemic objectification, this praise supposes that aptitude is a static trait which is insensitive to inputs and effort. It objectifies students as a generically ‘intelligent’ neglecting the dispositional and process nature of maintaining the epistemic capacities associated with intelligence. It thereby reduces the student’s epistemic agency to a static (maybe genetic) disposition, rather than a volitional capacity. As such this form of testimonial redundancy is an interpersonal process injustice induced by excesses of true claims.

Alternatively, testimonial redundancy can result from repeated over-estimations of one’s credibility. As will be shown, these may also prejudicially track and objectify knowers. This case is especially theoretically significant for several reasons. First, Fricker (2007) and Medina (2011)

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60 Secondary harms are strong evidence that epistemic injustice via overload occurred. I leave discussion of primary harms to the Ch 6. Normative Foundations.
61 While this case of epistemic injustice is minor compared to prior examples and Fricker’s cases, this only limits its relevance from a social justice perspective. It is an epistemic injustice, nonetheless. From the perspective of a teacher or the philosophy of education this type of testimonial redundancy may be especially important.
dismiss the possibility of credibility excesses being sufficient to constitute epistemic injustice. For Fricker they are irrelevant and for Medina they are only relevant as part of social-epistemics, for understanding distributive processes in the circulation of epistemic goods. Second, credibility excesses may cause primary wrongs and secondary harms of comparable severity to paradigm cases of epistemic injustice (e.g., testimonial injustice). This case thereby solidifies the status of epistemic overload as epistemic injustice while updating dominant understandings of epistemic injustice.

Credibility is the other epistemic good that can be harmfully excessive, resulting in testimonial redundancy. I will leave aside the debate about whether credibility is a distributional good. Medina (2011) and Coady (2017) give compelling reasons for construing credibility as relevantly distributional, if not necessarily finite. At least, credibility attribution depends on relative distributions, so one person’s credibility excess is likely to involve another’s wrongful deficiency (i.e., testimonial injustice). While not logically necessary, this is a contingency of human practice which social epistemology must accommodate. I turn to Fricker’s implied view that a necessary condition of the primary wrong of epistemic injustice is objectification and disrespecting knowers as such. This also leads to Fricker’s argument against credibility excesses as a type of epistemic injustice, which I will counter.

Fricker writes, “but while credibility excess may (unusually) by disadvantageous in various ways, it does not undermine, insult, or otherwise withhold a proper respect for the speaker qua subject of knowledge; so in itself it does her no epistemic injustice” (2007, 20). Here, Fricker emphasizes that the secondary harms are insufficient to warrant epistemic injustice. To be an epistemic injustice the credibility excess must manifest the primary wrong
characterized by objectification and disrespect of the person as a knower. This forestalls incidental epistemic injustices resultant from the arrangement of background conditions. After all, malnutrition may induce secondary epistemic harms but is not best characterized as an epistemic injustice. For an epistemic injustice to arise, it must intrinsically depreciate person’s as knowers by objectifying them.

Returning to Fricker’s quote above, to “withhold proper respect” is a very strict stipulation which presupposes that a deficit (of trust, credibility, reliance) is the only way that primary wrongs can arise. It seems that any disrespecting of epistemic agents as such is wrong for the same reasons that “withholding” some epistemic good is an injustice towards that person. Elsewhere in Epistemic Injustice, Fricker states “But testimonial injustice…. also wrongfully deprives the subject of a certain fundamental sort of respect… a form of objectification” (2007, 132). So, to charitably interpret Fricker, I generalize primary wrongs as disrespectful objectification of another’s epistemic agency. A strict interpretation risks begging the question about whether epistemic excesses can be epistemic injustices. The spirit of the primary wrong regards epistemic objectification which disrespects epistemic agents. As such, primary harms are essentially cases in which using individuals as a mere means disrespects them as epistemic agents (i.e., derivative subjectification a la Pohlhaus, 2014). For example, using someone as a source of information, irrespective of how those questions will impact that person as an epistemic agent may constitute the primary wrong of epistemic injustice. In Chapter 6, I provide a normative foundation for primary harms based in social contract reasoning. For now, I use Fricker’s conception of primary harms as objectification to show that epistemic injustice can arise from credibility excesses (among other epistemic excesses) based on Fricker’s account. To
show that credibility excesses can be fundamentally disrespectful and objectifying in this way, I turn to one variety of epistemic injustice posited by Berenstain (2016), epistemic exploitation.

**3.21 Epistemic Exploitation as Credibility Excessive Testimonial Redundancy**

Epistemic exploitation occurs when a marginalized person is compelled by a person of privilege to provide testimony about the conditions of their oppression (Berenstain, 570). I generalize from this epistemic exploitation, which specifically regards testimony about one’s oppression. If a marginalized person is compelled to testify because of their identity-type, this constitutes a weaker form of epistemic exploitation. Attributing presupposed expertise to someone because they are part of a perceived identity-group based may also constitute epistemic exploitation (Collins, 2017). Any case of mining persons for information about their intersectional dimensions (race, gender, ethnicity, religion, etc.) based on the belief that they are relative experts about that identity-group creates the potential for epistemic exploitation. Of course, the primary wrong only occurs when disrespectful objectification occurs. This form of credibility excess may induce the secondary harms of unappreciated, uncompensated, coerced and taxing epistemic labor. I introduce a specific case to make these claims evident.

Min-jun is a Korean exchange student studying in the United States. Min-Jun is regularly asked to explain ‘Asian’ culture, politics, and otherwise be an expert on all-things-Asia. People

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62 Two contrast cases will demonstrate the relevant difference between Berenstain’s more stringent characterization of epistemic exploitation and my use of it. First, consider one person asking a black man to explain why black men get shot by police in the US. This question assumes that the black man is an expert on police brutality because he is black. This case regards a form of oppression, police brutality. In a second case, a person asks a black man about how to pick up women. For Berenstain, only the former case is epistemic exploitation as it regards oppression via policing while picking up women is not a form of oppression black men experience. On my less strict construal, the second case is also epistemic exploitation as it uses prevailing prejudicial-identity types to ascribe expertise to a person under the assumption that they are a relative expertise due to stereotypes of the sexually prolific black man.
make a prejudicial stereotyped assessment of his racial characteristics and nationality. Min-Jun is treated as a relative expert on ‘Asian’ affairs. First, notice that Min-Jun is experiencing a credibility excess which tracks with a identity type. It is a prejudicial credibility excess. When Min-Jun gives testimony, his epistemic labor is unappreciated, uncompensated, coerced and taxing. Indeed, actual cases like this are all too familiar to minorities. Often such questions about the continent of Asia are unappreciated by interlocutors and are asked as conversation starters. The racially unique and foreign student status of Min-Jun is likely the most salient feature of Min-Jun for many people. They may ask “what is China like?” in much the same way as people ask, “how is the weather there?” No harm is meant, but Min-Jun’s response is likely to be unappreciated. The questioner is unlikely to retain or seriously value Min-Jun’s testimony as it was for idle conversation. Of course, in almost all interpersonal exchanges, there is not a compensated transactional element, but Min-Jun faces special risks of being type-cast for his knowledge and testimony, as well as the burdens associated with this recurring experience. His answers may further cast him as a token representative of ‘Asia.’ The coercive and taxing dimensions of epistemic exploitation require more explanation.

Berenstain maintains that testimony from marginalized persons is often coercive insofar as they face a double-bind (2016, 577). I add that there is a third option, which is also problematic. On the one hand, simply ignoring naive questions comes at social cost. Min-Jun may be viewed as rude or otherwise standoffish if he ignores the conversation or redirects it. He also loses an opportunity to epistemically engage in his second-language. On the other hand, opting to explain the questioner’s intellectual mistake to them also runs social costs and is taxing. He risks alienating questioners by correcting them at the start of a conversation. The third
option is no better. Entertaining the question with an attempted answer reinforces the problematic stereotype and condones this form of epistemic exploitation. The situation is coercive as the question forces Min-Jun into a situation which cannot be resolved without some personal cost or tacitly condoning a prejudicially naïve question. Finally, how is this epistemic labor taxing for Min Jun? While it is evident from the description, a closer analysis bears results.

To this point, the process dimension of this analysis has been lacking. The concept of testimonial redundancy implies repeated interactions. In the case of Min-Jun, all-things-Asia questions are a routine part of life in the United States as an exchange student. The coercive dynamic works in tandem with the epistemically taxing dynamic of epistemic exploitation. Being repeatedly required to choose between reinforcing, correcting or avoiding prevailing problematic ‘benevolent’ stereotypes means that Min-Jun must regularly negotiate a fraught dynamic (and in a non-native language!). This is exhausting and frustrating epistemic labor. This may influence Min-Jun’s future epistemic conduct in deleterious ways. This leads to the prevalence of secondary harms in this case. Avoiding new interlocutors or situations where such questions are common deprives Min-Jun of social and epistemic opportunities. The secondary epistemic harms are most evident. The coercive and taxed elements of Min-Jun’s epistemic labor require that he expend scarce cognitive resources to fend-off or cater to misconceptions. Operating in a foreign land, Min-Jun is already stretched by course work, culture shock, and mastering a new language. The burden of recurring credibility excesses is a form of testimonial redundancy. This testimonial redundancy of credibility attributions overload undermines his desire to engage in the shared epistemic activities necessary to learn about his new home. The secondary harms are therefore evident. I turn to the primary wrong of epistemic injustice next.
The testimonial redundancy Min-Jun experiences is induced by a credibility excess which tracks with his identity and objectifies him. Being an Asian student, his social identity in the US tracks him as being especially smart, studious and an expert on his “homeland” of Asia. This excessive credibility is fundamentally disrespectful to him as a discrete knower and person. It objectifies him as a generic Asian, who therefore must be an expert about Asia, generally. (Maybe because he’s from “there” or because, being Asian he’s assumed to be especially studious and smart). He is not treated as a distinct person, but as a token-type representing an entire continent. While all questions about Asia asked of Asians need not entail this fraught reading, at least some of his encounters are likely to have this characteristic, especially when recurring. This is sufficient to establish that Testimonial Redundancy is an interpersonal process injustice which disrespects a knower as such because of a credibility excess that tracks with his social identity. As primary wrongs are intrinsically bad this epistemic injustice can happen in a one-off instance. There is an intrinsic wrong of disrespecting Min-Jun by asking him questions based on problematic and readily correctable assumptions. This primary wrong does not depend on the cumulative secondary harms resultant from the recurrence of these questions.

Fricker contends that credibility excesses only have secondary and cumulative harms. For example, ongoing excessive credibility attributions may induce epistemic arrogance (2007, 21). Yet, this case makes clear that there is a primary wrong of objectifying Min-Jun even in one-off instances.

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63 Fricker offers a final defense against credibility excesses as cases of epistemic injustice. She admits that in rare cases a cumulative credibility excess can be a testimonial injustice, but it is only so in secondary terms “since none of them wrongs him sufficiently in itself” (21). While it is not clear what is sufficient primary wrong is, it seems that not believing a person for their race is much the same sort of intrinsic disrespect for individual knower as assuming that someone is an expert just because of their race and ethnicity. The issue is not the secondary harms. Min-Jun’s case shows that credibility excesses can be objectifying and disrespectful in one-off instances. Recurrence only compounds the primary wrong and induces secondary harms.
instances. After all, primary wrongs regard proper respect attributions to persons *qua* epistemic agents, not any consequentialist considerations about cumulative effects. Testimonial redundancy is characterized as an interpersonal *process* injustice resulting from excesses of truth or credibility because secondary harms from these epistemic excesses only arise with repeated occurrences. Testimonial redundancies are designated as process-injustices insofar as these cases are the most harmful. In principle, the primary wrong could happen in one-off instances, and may be sufficient to undermine the victim’s epistemic agency. As such, Min-Jun’s case constitutes a testimonial redundancy injustice resultant from excessive credibility attributions. I turn to structural forms of epistemic overload, both momentary and process.

### 3.3 Structural-Processes: Hermeneutical Overload and Representational Overload

Before explaining and illustrating structural-process forms of epistemic overload, clarifying the meaning of ‘structural’ injustice is important. Structural injustices are second-order as they result from large-scale institutional or interpersonal processes. Being the result of many actors, structural epistemic injustices rarely admit of individual solutions or culpability. Hermeneutical injustice is Fricker’s paradigm case of structural epistemic injustice, as collective hermeneutical resources are shaped by the shared epistemic activity of many individuals over time. No single agent is responsible for structural injustices, rather individuals contribute to epistemic and institutional structures which marginalize, empower, or silence peoples. While in some sense even interpersonal injustices depend on structural features, such as available hermeneutical resources, interpersonal injustices are perpetrated by individuals. As will be shown, there may be only one person directly involved in structural epistemic overload.

Individuals can experience epistemic injustice from representational or algorithmic sources
which are the combined result of many actors. This individual is engaging only with structurally produced epistemic and non-propositional content. With this understanding of structured injustice in mind, I turn to hermeneutical overload.

The writings of another philosopher are instrumental to motivate the case for hermeneutical overload. Gaile Pohlhaus (2011) considers Patricia William’s story of being denied entry into a store on Manhattan in the 1990s. Patricia pressed the door buzzer of a store. The attendant made eye-contact with her and refused her entry, indicating the store was closed. Being early afternoon during winter holiday shopping season in New York with other customers inside, Patricia inferred that the denial of admittance was based on her race. Patricia William’s relayed this experience to others. In doing so, she was told to understand the position of the young clerk. “Can’t you sympathize with the poor boy, Patricia?” The epistemic injustice results from the expectation for Patricia to understand this affront, as a black woman. Of course, being racially profiled is an injustice, but it is not the focus for understanding hermeneutical overload. Before turning to hermeneutical overload directly, consider Pohlhaus’s analysis of this request to understand the clerk’s actions.

Pohlhaus characterizes the expectation to understand the latent racism imposed on Patricia as a wrongful request. Asking a black woman to understand how “people like her” are latently dangerous is demeaning. Pohlhaus extends this analysis, recognizing that understanding the attendant’s decision requires more than simply adding a true belief to her existing belief set. Pohlhaus writes, “[t]o follow the sense of a claim is to comport oneself toward the world in particular ways and to participate within the ‘grammar’ which structures the sense of the claim” (2011, 225). Drawing from a socially situated conception of understanding, Pohlhaus recognizes
that understanding involves coordinated action. To understand where an arrow points is not a matter of discerning the truth apart from how that conventional symbol is used within a community.\textsuperscript{64} It is in this sense that Patricia Williams can ‘understand’ the actions of the attendant. For Patricia to understand why she was denied entry, she must adopt an entire worldview which interprets black faces as latently criminal. These are structurally sustained prejudicial identity types which depend on the beliefs and coordinated actions of many people. It is a process injustice as adoption of such a hermeneutical lens requires sustained efforts by Patricia or others to develop this understanding. If she understood herself as statistically prone to criminal violence she would view the clerk’s actions as justified. Patricia, in effect, is being asked to don a distinctive hermeneutical lens which exculpates the actions of the clerk, if only she would understand her blackness as a justification for being treated like a criminal. Here is the dimension of excess.

Understanding is an epistemic good. But for Patricia to understand this racist offense, she must adopt a worldview which depreciates her as person. If she does so, hermeneutical overload results. To show that this is an epistemic injustice, notice the resultant epistemic effects on Patricia if she adopts this understanding. This primary harm will be developed after addressing secondary harms.

If Patricia adopts this racist view she experiences hermeneutical overload. Hermeneutical overload occurs when a subject’s addition of a hermeneutical resource, whether it be a term, schema, theory or worldview undermines and objectifies them. In effect, it is an excessive

\textsuperscript{64} Interestingly, this Wittgensteinian point is evident in Hong Kong. Traffic arrows painted on roads towards oncoming vehicles (the opposite direction they do in the U.S). You are being directed to drive into the point of the arrow in Hong Kong.
understand which objectifies and harms an agent. As Patricia’s case suggests, hermeneutical overload is often based on prejudicial and dominant hermeneutical resources, though this is not a necessary condition of hermeneutical overload. By increasing her understanding in this way, Patricia undermines her self-trust, belief in her perceptual/affective reliability, and develops a form of hermeneutical deference in which the ostensibly racist acts of others are justified and accommodated. The fundamental disrespect towards Patricia as a unique person and secondary harms of hermeneutical overload do not depend on whether the understanding is justified on statistical grounds. Pohlhaus writes, “asking for understanding in this case unfairly undermines the agency of certain persons” (226). Hermeneutical overload can result from an excess in any variety of hermeneutical resource, to include terms, schemas, theories and worldviews.

Returning to the idea of understanding as coordinated action, we can see how certain understandings undermine epistemic agency. As a black-woman, to understand oneself from a racist worldview is to recognize one’s own latent criminality and impulsivity. As such, Patricia is expected to recognize the structure of beliefs or prejudicial schemas the attendant has and how those justify refusing her entrance; after all, she may be a criminal with ill-intent. Yet, this understanding requires that Patricia act and think in a way which depreciates her perceptions and judgments. Rather than trusting her own intent to buy holiday presents, she must come to understand how others are justified in their perceptions of her, which conflict with her self-assessment. So, to understand the attendant’s decision she must set aside her justified belief that she wanted to buy something and entertain the projected negative stereotypes about her.

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65 See Jones (2012) for further discussion of epistemic self-trust.
66 These will be explored in Ch 5, but the basic point is clear. One can be hermeneutically overloaded by both adopting a specific term or an entire worldview, though the severity of each case will vary.
She must jettison her own experience of anticipating a shopping experience. She must infer what a white clerk will “understand” about her as a black woman on the other side of bullet-proof glass. One must constantly doubt their own beliefs and experience to accommodate an objectifying hermeneutical lens.

I focused on the wrongful request and what fulfilling that request requires of Patricia. This induces secondary harms. But the wrongful request and subsequent hermeneutical overload are also fundamentally demeaning to her as a unique epistemic agent and person.

This is characteristic of the epistemic objectification that is sufficient for the primary wrong of epistemic injustice. It does not respect her as a subject, instead expecting her to subordinate her epistemic agency in the interests of accommodating her transgressor. This is sufficient to be the derivative subjectification and disrespect characteristic of epistemic objectification. By understanding this racist worldview, Patricia undermines her own epistemic agency. Instead the request treats her as a mere vessel for understanding, capable of adding this understanding without any downside and without any consideration of her situated subjectivity as a black woman who was unfairly denied access to a store. Even if most black women that went to Benetton’s in 1990s NYC did steal, it still fundamentally disrespects and objectifies Patricia to expect her to adopt this worldview despite what she as a unique subject perceived and intended. It treats her as a demographic object rather than a unique subject. This failure to recognize this subjective side of Patricia’s epistemic agency is sufficient to constitute epistemic objectification, the primary harm of epistemic injustice. A final note regards the temporal dimensions of Hermeneutical Overload. The process dimension of hermeneutical overload must be defended, as it seems that wrongful requests happen in a moment.
The wrongful request is the expectation others impose on Patricia, to adopt a racist worldview. It is objectifying yet does not entail secondary harms. Pohlhaus’s central concern is that it can be wrong to ask people to understand, in some cases, because of the ill effects that schematic uptake that is required and because it fails to consider what this costs Patricia (or anyone in a relevantly similar scenario). For contrast, hermeneutical overload is a form of epistemic overload in which one adopts hermeneutical resources or understandings which undermine their epistemic agency and epistemically objectifies them. In this case Patricia does not suffer hermeneutical overload. There is a wrongful request of her to adopt a worldview which may induce hermeneutical overload, but she strategically refuses to understand this worldview to protect her epistemic agency and dignity. Wrongful requests are momentary and potentially interpersonal insofar as they require only one utterance from a single person. Adopting an understanding is a process that requires extended exposure to the worldview which situates and makes sense of the understanding. Wrongful requests may lead to hermeneutical overload, but they are essentially discrete.

Hermeneutical overload exists solely in the process quadrant, though the wrongful request may be momentary. Notice that Patricia is only capable of the racialized understanding because she is embedded in a society which sustains latent racist ideologies. Recall the discussion of understandings as worldviews involving coordinated action. The elements of coordinated action and interrelated beliefs make it improbable to think that one could genuinely

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67 Of course, some are not able to resist hermeneutical overload. Fricker provides a case of a young gay man who says, “I never doubted that homosexuality was a sickness; in fact, I took it as a measure of how unsparingly objective I was that I could contemplate this very sickness” (2007, 164). Fricker uses this case to show the constitutive impact of hermeneutical lens, though neglects to mention that the adverse effects of this worldview are a result of an excess understanding and the man’s ability to be ‘objective.’
adopt an epistemically harmful and objectifying worldview in a moment. Understandings, in this sense, cannot be established in a moment. Semi-epiphany moments are possible only once sufficient exposure has occurred. One could not instantly understand a totally foreign and epistemically deleterious worldview without extended exposure to it. Patricia can understand this worldview as it has persisted in various discursive communities for some time, and she has had exposure to this understanding.

Of course, this is only a psychological limitation of agents like us, and not a conceptual claim. So, for all relevant intents and purposes, hermeneutical overload is a process and structural epistemic excess is induced by the adoption of a schema, term or worldview. As such, I will generically refer to all structural forms of epistemic overload as hermeneutical overload. This leads to another variety of structural process based epistemic overload, representational overload. Next, a second type of epistemic overload in the structural-process quadrant of epistemic excesses is presented.

Representational overload regards any form of structurally induced from excesses of non-propositional epistemic content, which depreciates or undermines an individual’s epistemic agency. My use of *representational* requires clarification. I am referring to non-propositional symbolic or pictorial content which influences our capacities as an epistemic agent either in terms of know how, knowing that, or epistemic faculties generally. For example, a skull and crossbones sign at a beach provides representational, non-propositional epistemic content. It is

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68 This characterization of hermeneutical overload also explains Crerar’s (2016) case of menstrual taboos as a source of epistemic injustice. By adopting a way of understanding one’s experience, young women are objectified as they are taught to understanding that their bodies are dirty and that menstruation is shameful.

69 Gilbert Ryle (1949) first postulated this distinction.
reasonable to infer that the water is dangerous for swimming from this symbol, assuming the background conditions necessary for this understanding. The emphasis on non-testimonial and non-propositional requires justification, as it is a significant divergence from the current focus of epistemic injustice literature, so I briefly defend this departure.

Alexis Shotwell (2017) maintains that focusing on propositional knowledge itself constitutes epistemic injustice. A collective hermeneutical lacuna develops in which scholars of epistemic injustice fail to recognize that non-propositional, representational content can also be a source of epistemic justice. Before elaborating representational overload and providing examples, Shotwell’s argument against strictly propositional knowledge will be presented to motivate the case for representational overload as a distinct type of epistemic injustice.

Shotwell rebukes a thought experiment designed to draw intuitions affirming the distinction between knowing how as opposed to knowing that. Imagine a professional pianist who loses their hands. Later the pianist’s hands are replaced with fully functional cybernetic hands. Presumably, the pianist could resume playing immediately. This shows that the pianist did know how to play the piano even without hands. Before the new hands, the pianist still had much the same skills involved with piano playing. This thought experiment is intended to undermine the distinction between know how and knowing that. It seems that in this case, knowing how is not a skill, but a cognitive trait; much like knowing that.

Shotwell criticizes this thought experiment as it controls-out relevant questions about the pianists lived experiences which influence their epistemic agency. The nature of the loss is different (and worse) than having no piano to play. Further, affective dimensions of this presumably traumatic experience might influence the pianist’s ability and desire to play the
piano. The pianist might develop cognitive dissonance regarding pianos as losing his hands fundamentally changed his identity. Losing one’s hands is traumatic, I can only imagine. Adding new hands may not restore his piano skills and dispositions, just as before. A wide-array of cognitive and epistemic mechanisms may have changed after this traumatic loss. These psychological considerations muddy the thought experiment, making it nearly useless. Epistemic faculties are entangled in our physiology and identity in much more nuanced ways than this thought experiment conveys. The conclusion to be drawn is not a skeptical one about thought experiments generally. Instead, the focus is on the fact that non-propositional content can dramatically change our epistemic agency and is an important source of epistemic inputs. In this case, physical trauma could fundamentally alter the pianist’s agency. In other cases, representational content can have similar effects.

Rather than physical traumas, I turn to representational content overload. Consider cases in which people regularly view representations of their social identity type in negative stereotyped ways. For example, Hispanic men exposed to faces of other Hispanic men represented criminally or as otherwise socially maladapted. These images are on bulletins posted in neighborhoods and on the local news. In this example, the potential for state-sanctioned violence creates a strategic risk situation in which these men have good prudential reason to doubt themselves and their intentions, for the risks of going about one’s day without attunement to this implicit representational ‘understanding’ is very high. So far, these considerations are removed from epistemic injustice.

How does uptake of this non-propositional representational content lead to epistemically undermining and objectifying agents? Consider cases in which the representational content
regards epistemic activity of a target social type. Such images, cumulatively, have the effect of constituting an understanding for target populations, as Patricia William’s propositional understanding of race-based fears required of her. Hispanic men must, similarly, doubt their own intentions and sense of self. Epistemic activities, such as communicative exchanges (especially non-English conversations) are hampered by conditions in which there are institutional deterrents to public socializing. There are the personal epistemic harms of missing these opportunities to intellectually engage. Yet, there are also structural hermeneutical effects on collective knowledge production as some populations are deterred from collective epistemic practices. The primary harm is evident for similar reasons as Patricia William’s case. Rather than respecting agents as individuals with unique epistemic ambitions and propensities, such publicly displayed fixtures portray a generic type, objectifying the features of individuals. Concretizing the associations between those arbitrary ethnic features and illegal behavior objectifies all members of that social type, attributing and perpetuating a negative stereotype as universal attribute.70 This influences the ways in which the objectified engage with their subjectivity and self-assessments and others, much like hermeneutical overload from a wrongful request. Now that the case for media-representational epistemic overload is clear, I defend postulating two types of epistemic overload in one quadrant.

Positing both hermeneutical and representational overload may appear redundant and not parsimonious. Readers may be tempted to reduce media overload to hermeneutical overload.

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70 This suggests that hermeneutical overload is just one of the bad-making features of this case. The perpetuation of problematic stereotypes in collective hermeneutical space is another social-epistemic injustice. Yet, there is no objectification and it may not harm others. This second injustice is relevant from the perspective of social justice and for explaining the sites of epistemic injustice, but is not itself an epistemic injustice.
overload. Media representations influence our interpretative schemas, after all. Focusing on non-propositional content may itself be a sufficient justification for including media representational overload. Notice that each type of epistemic overload arises under different conditions. Positing two types of structural process epistemic overloads is warranted when considering the distinctive mechanisms and causal relations associated with each form of structural-process epistemic overload. In the case of hermeneutical overload, one must adopt the heuristics and schemas which are epistemically undermining and self-deprecating. Recall that while Patricia Williams suffers a wrongful request, she does not succumb to hermeneutical overload because she employs a strategic refusal (Pohlhaus 2011). Representational overload does not require adoption as understanding. This injustice can be imposed on agents irrespective of their beliefs and schemas. Exclusion from knowledge production and objectification does not depend on the young Hispanic men, in the example above, changing their beliefs or heuristics, though they may do so and may have reason to do so. The epistemic community around them is shaped by the problematic representations. The epistemic harms could manifest from changes in the behaviors of another citizen alone. The absence of citizens is influenced by the representations on the signs and results in a less rich epistemic environment. Representational overload can result in secondary harms without the victim adopting the implied understandings, unlike hermeneutical overload. The representations need only constitute a deterrent or burden to undermine the exercise of their epistemic agency.

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71 Throughout the remainder of the dissertation, I will use ‘hermeneutical overload’ as a general designation for structural-understanding-based forms of epistemic overload, using context and specific terminology to specify where needy. Little precision is lost and while this minor infelicity promotes brevity and simplicity.
Positing and analyzing these two types of epistemic overload also suggests different paths of resistance, considered in Chapter 7. Hermeneutical overload can be resisted by agents with the appropriate critical consciousness. They can invoke strategic refusals. Representational overload is structural in a way that does not admit of such cognitive resistance. One can be wronged and harmed by it even if they reject those representations and are aware of them. Indeed, cognitive resistance may be a source of stress and dissonance which itself epistemically harmful. Instead, material culture must shift or be shifted to promote more just, ameliorative representations of subjects. Resistance to representational overload requires engagement with the physical environment or institutions (news stations, municipalities) which propagate these problematic and objectifying representations.

Finally, notice that these are both process injustices. The deleterious secondary harms of both forms of overload take time. One cannot uptake a worldview quickly. Likewise, influencing epistemic communities and subjectivities is unlikely to have noticeable impact in a one-off depiction, though a one-off depiction may be disrespectful and objectifying. This leads to the final variety of epistemic overload which is characterized by injustices that are momentary and structural.

**3.4 Structural-Momentary Epistemic Excesses (SMEE): Algorithmic Overload**

The final quadrant regards structural but momentary epistemic overload. I focus on the case of algorithmic overload as an illustrative paradigm case of this type of epistemic excess. While other institutional and structural systems may produce epistemic overload in a moment, algorithmic overload is the most evident case. Algorithms are a rare combination of

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72 Heightened sensitivity to epistemic injustice, like ethical wrongs, may come at some psychological cost.
institutionalized structures which are capable of rendering results nearly instantaneously.

Algorithms are decision-procedures. As Pedro Domingos (2015) explains in *The Master Algorithm*, “a sequence of instructions telling a computer what to do.” All algorithms rely on extended decision-trees based on the logical operators of AND, OR, and NOT. In principle, an algorithm can be built and implemented one person. For all intents and purposes, the influential and powerful algorithms are gradually built by a host of people and other algorithms. For example, PageRank is the most important and well-known of Google’s search engine algorithms. It assigns numerical values to websites based on the quantity and sources of page visits, thereby ranking where sites appear on Google when queries are initiated. To further illustrate, Wikipedia is placed highly by PageRank because Wikipedia receives many clicks and views from around the globe. As this case demonstrates, algorithms are slowly modified and refined by the collective contributions of many individuals.

To further hone the discussion of algorithms, I turn to Cathy O’Neill’s (2016) recent discussion of big data and algorithms in Chapter 9. Algorithmic overload will receive further treatment in Chapter 9, so some remarks are cursory. Establishing the logical structure of this variety of epistemic overload is the primary objective of this section. Elaborating the mechanisms and implications of algorithmic overload will be delayed to Ch. 9.

First, attend to the second-order structural nature of Algorithmic overload. Some social or institutional phenomena renders an epistemic good to an agent with adverse epistemic effects and is objectifying. SMEE can result from credibility excess, truth excess or representational excesses. For example, an algorithm may bestow tenure on undeserving future
This credibility excess undermines epistemic agency as it cultivates epistemic arrogance and laziness. As a result, the professor suffers as an epistemic agent. The promotion itself may be a form of epistemic objectification as it fails to appreciate the unique epistemic subjectivity of the professor. It fails to recognize that he does not merit the position, instead subordinating actual manifestations of his epistemic agency to conform to modeled expectations.

If structural epistemic outputs inherently take extended periods, due to the number of actors and decision points, how are these epistemic excesses momentary? What is momentary in cases of structural momentary is the conveyance of an excess of epistemic goods to the wronged subject. One moment the professor does not have an inflated sense of competence and credibility, the next moment they do. Like testimonial trauma, the injustice can happen in seconds. While I have dispensed with concerns that epistemic excesses cannot constitute epistemic injustices, there is a remaining issue.

Fricker focuses on varieties of epistemic injustice which track across social types because these are the most pernicious and influential as they systematically track across social groups. As Fricker states about the condition of being systematic, “…it is central from the of view of a guiding interest in how epistemic injustice fits into the broader pattern of social [in]justice (27).” On the whole, I have developed my cases of epistemic overload to meet this condition. Yet, the justification for doing so is in relation to considerations of social justice and to make the case for

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73 For skeptics of the tenure-algorithm case, notice that major hedge funds now designate algorithms as voting board members. Insofar as the university system gradually mimics the business-world, the tenure-algorithm is not a terribly distant or implausible possibility.

74 If the reader finds the momentary ascription implausible, the theory of epistemic overload as epistemic injustice is unscathed by adding a third type of epistemic injustice to the structural-process quadrant and leaving the “structural-momentary” quadrant vacant. The unique qualities and significance of SMEE warrant its status as such, though I will use the generic ‘Hermeneutical Overload’ to refer to it, at times.
epistemic overload intuitively plausible.\textsuperscript{75} While this provides reason to prioritize systematically tracking epistemic injustices, this practical moral consideration does not dictate conceptual space regarding the nature of epistemic injustice.\textsuperscript{76} As such, this non-systematic structural momentary credibility excess is a case of epistemic overload. Yet, as will be argued in Ch 9, algorithmic ascriptions do systematically track and harms people. As big data technologies subsume our professional and epistemic activities, the relevance of this form of epistemic overload is considerable and growing.

This chapter is complete insofar as the logical structure of epistemic overload is established. While I defend the case for Testimonial Overload, Testimonial Redundancy (credibility or truth), and Representational Overload, the defense of Algorithmic Overload will be postponed to Chapter 9. If that chapter fails to prove that algorithmic overload is a bona fide form of epistemic overload, the rest of the varieties defended here are unaffected.

4. Conclusion: Explaining and Integrating Other Forms of Epistemic Wrongdoing

The conceptual space of epistemic overload is more expansive and complex than initially theorized. This is to be expected in a burgeoning field. This chapter shows that the topography of epistemic overload is complex and significant to practical normative issues. A further upshot of this analysis is that it can explain and integrate several plausible and unexplained varieties of epistemic injustice. This analysis shows how wrongful requests relate to hermeneutical overload. Likewise, it shows how epistemic exploitation can induce the harmful credibility

\textsuperscript{75} Fricker shows ambivalent commitment to the centrality of systematicity to epistemic injustice, asserting that incidental hermeneutical injustice counts as hermeneutical injustice and can be ”life-shattering” (2007, 158).

\textsuperscript{76} This line of critique will be developed in chapter 8, in relation to Beeby’s (2011) political dependence critique of hermeneutical injustice.
overload characteristic of testimonial redundancy. Recognizing the pivotal role of epistemic excesses in these cases also provides theoretical support to Pohlhaus’s calls for strategic refusals (Pohlhaus, 2011 238-9). One way to dismantle oppressive epistemologies is to refuse to adopt understandings generated from those worldviews. Finally, following Medina (2011) theoretical development of epistemic excesses allows recognition of epistemic power asymmetries which are integral to identifying and addressing epistemologies of ignorance. A full-fledged normative account of these injustices will be developed in Ch 6 and Ch 7.

Next, I turn to Chapter 5 “Conceptual Space, Hermeneutical Resources and Discursive Communities: On the Many Sites of Epistemic Injustice.” Chapter 5 addresses the relationship between conceptual space, hermeneutical resources, and discursive communities. This account serves to locate the ways in which epistemic injustices emerge and are sustained and provides a better descriptive account of conceptual space than is currently available in the literature. Recognition that first and second-order epistemic phenomena interact is a key omission of Fricker’s work, as it leads to her neglect of culpable ignorance (Mason, 2012) and willful hermeneutical ignorance (Pohlhaus, 2012). By recognizing the plurality of discursive communities within shared epistemic life, and the distinction between concepts and hermeneutical resources, the stage is set to develop a normative theory of epistemic injustice in Chapter 6. Clarifying social epistemics also facilitates locating sites for epistemic justice positive in keeping with ameliorative epistemology. Chapter 7 develops means for addressing the problematic hermeneutical resources which constitute hermeneutical overload. Finally, describing the dynamic interactions between first and second-order social epistemology is
instrumental to resolving the apparent tensions between epistemic injustice as a political phenomenon and as an ethical matter in Chapter 8.

Before moving forward, some terminological clarification is in order. Epistemic injustice is the most generic term. Epistemic overload is a type of epistemic injustice which includes the species of epistemic injustice presented in this chapter. ‘Testimonial injustice’ is a generic term that now applies to testimonial injustice, testimonial redundancy, and traumatic testimonial overload, though it will often be useful to differentiate these terms. ‘Hermeneutical overload’ generically refers to all structural and objectifying excesses of understanding arising from the uptake of representational content or hermeneutical resources. While this account is less parsimonious, it more adequately captures the complexities of epistemic overload as epistemic injustice.
Chapter 5: Conceptual Space, Hermeneutical Resources and Discursive Communities: On the Many Sites of Epistemic In/justice

1. Introduction

Now that the argument for epistemic overload as epistemic justice is complete and the logical structure of epistemic overload has been presented, the dynamic third-order interactions between interpersonal and structural epistemic phenomena can be elaborated. The account offered here is decidedly more complex than Fricker’s characterization of hermeneutical resources circulating in one collective hermeneutical space. This sacrifice in brevity and parsimony is required to explain important sites of epistemic in/justice. Considering objections to Fricker’s conception of hermeneutical injustice motivates this chapter’s focus on a nuanced conception of social epistemics regarding hermeneutical resources.

2. The Static Conception of Hermeneutical Space

On Fricker’s account, hermeneutical injustice occurs when a gap in collective interpretive resources undermines a person’s ability to understand or convey their experience. Early commentators call hermeneutical injustice an intelligibility deficit (e.g., Alcoff 2010). The hermeneutically marginalized cannot be understood and may not understand their own experience. This is a structural injustice insofar as no single individual wrongs the victim of a hermeneutical injustice. Instead, prevailing collective hermeneutical resources are insufficient to account for some aspect of their experience. Miranda Fricker’s (2007) conception of collective hermeneutical space has come under recent attack.

These critiques fall into two categories. First, there are those who critique hermeneutical injustice for being too closely connected and dependent on social-political conditions. Beeby’s (2011) analysis argues for this conclusion. This critique will be set aside for Chapter 8, when the
relation between political justice and epistemic justice is analyzed. Second, Pohlhaus (2011), Mason (2012) and Medina (2012) critique Fricker’s account of hermeneutical injustice for underappreciating the relational meaning-making process which constitutes hermeneutical injustice. Fricker develops hermeneutical injustice by considering one collective hermeneutical space as opposed to numerous competing hermeneutical discourses. Further, Fricker’s account overemphasizes the extent to which concepts themselves are integral to the attainment of epistemic justice.

Fricker’s account of hermeneutical space lacks the nuances and distinctions necessary to explain the varieties of epistemic injustice that arise from the discovery and development of hermeneutical resources. It also fails to allow for productive social solutions to hermeneutical injustice. To undertake this argument, some concepts must be presented. Extant literature offers a distinction between collective hermeneutical resources and dominant hermeneutical resources, noting that there are non-dominant but collectively shred modes of understanding (E.g., Mason (2012), Medina (2014)). While these innovations make for a more explanatorily adequate theory of epistemic injustice, additional distinctions between conceptual space, hermeneutical resources and the role of discursive communities in the process of disseminating hermeneutical resources clarifies the processes of epistemic in/justice. The more sophisticated accounts offered by Mason (2012) does not clearly differentiate between conceptual space, dominant hermeneutical resources, and non-dominant hermeneutical resources. It does not address the fact that discrete discursive communities develop, circulate and uptake hermeneutical resources. I will show that these distinctions offer practical and theoretical advantages.
First, recognizing the distinction between hermeneutical resources and conceptual space clarifies ambiguities regarding the social and ontological status of terms such as ‘sexual harassment’ and ‘PTSD.’ Second, it facilitates an account of how hermeneutical resources are discovered and developed. Fricker maintains that that hermeneutical resources are immanent in the social imagination (Fricker, 2010, 168). My account clarifies that circulation and uptake of hermeneutical resources are central to epistemic justice, and that hermeneutical resource only become immanent through epistemic labor. Recognizing discrete discursive communities offers a social and epistemic location for hermeneutical innovation. Third, these distinctions are of practical significance, as shown by an analysis Anderson’s (2017) conceptual competence injustice in relation to competing conceptions of ‘racism.’ Novel understandings of common terms are an essential catalyst for shifting dominant hermeneutical resources to reflect the interests of non-dominant groups. Just conceptual debates are integral to this process.

The limitations of Fricker’s conception of hermeneutical space as collectively-shared also provides an explanation for the neglect of epistemic excesses as sources of epistemic injustice. Fricker implicitly endorses an additive model of hermeneutical justice. If there is one collective hermeneutical space, then identifying a hermeneutical resource is sufficient for it to enter collective circulation. After all, Carmita Woods, the sexually harassed secretary, is merely lacking the term ‘sexual harassment’ to understand and convey her experience. This cumulative view of hermeneutical space explains the neglect of epistemic excesses as sources of epistemic injustice. If hermeneutical lacunas are resolved by adding hermeneutical resources to our shared collective understanding, this forestalls the possibility that additional hermeneutical resources could be a source of epistemic injustice. By developing a more adequate theory of hermeneutical
and conceptual space, this description of social epistemics supports the theory of epistemic overload, as it is more sensitive to the many sites and varieties of epistemic injustice. These are third-order epistemic injustices as the regard interpersonal interactions about structural features, such as hermeneutical resources.

3. One Collective Hermeneutical Space: Its Problems and Implications

Hermeneutical injustice consists in the epistemic harms that arise as one is found to be unintelligible or when someone cannot understand their own experience because of a conceptual lacuna. It is a form of situated epistemic inequality. Gaps in collective hermeneutical resources deprive individuals of epistemic goods, such as self-understanding and intelligibility. Individuals suffer under these hermeneutical lacunas. Commentators such as Alcoff (2010) and Congdon (2015) argue that Fricker holds a realist conception of hermeneutical space. Indeed, Fricker maintains that conceptual lacunas are like “holes in the atmosphere” (2007, 161). This indicates that there is a fact of the matter, irrespective of individual beliefs. Fricker (2010) later clarifies this position. She maintains that the phenomenology of bullying or sexual harassment may vary depending on the availability of conceptual resources. Of course, unlike ozone depletion, our beliefs about hermeneutical resources effect the harms resultant from hermeneutical gaps. Nonetheless, there is a fact of the matter. Ozone depletion is occurring, and there is a conceptual lacuna for some terms, apart from our views. Fricker writes, “the conceptual resources for understanding workplace bullying for what it is were immanent in our collective hermeneutical resources long before we succeeded in rendering them explicit by coining the succinct label ‘workplace bullying’” (2010, 168). The conditions for undiscovered hermeneutical resources are latent in the collective social imagination. There is an unarticulated
collective understanding that bullying exists and is a problematic behavior. It is only a matter of discovering and promoting the uptake of relevant concepts. Fricker is not subscribing to a form of relativism. She clarifies, “still I am committed to the reality of his being bullied even prior to the advent of that concept as a ready collective hermeneutical resource” (2010, 168). Coining the term identifies a phenomenon which is understood collectively, but tacitly. As such, hermeneutical injustice is a structural injustice in which a conceptual lacuna is the basis of the injustice. Resolving this hermeneutical injustice requires coining ‘bullying.’ With Fricker’s conception of the nature of hermeneutical space clarified, its problems can be assessed. This characterization of hermeneutical injustice has come under attack from related directions.

There are two problems with the “one collective hermeneutical space” view. First, it implies an improbable ‘eureka!’ moment of hermeneutical justice. Second, it neglects culpable third-order hermeneutical injustices. Fricker is committed to the view that coining a term is itself central to epistemic justice. Identifying ‘bullying’ will serve to promote intelligibly and promote self-understanding. Crera (2016) calls this a “‘eureka!’ moment of revelation, a ‘life changing flash of enlightenment’ that pierces and dispels the ‘hermeneutical darkness…” (197). Indeed, Fricker variously describes the group of women discussing post-partum depression as “a story of revelation” a “breakthrough and that “hermeneutical darkness... suddenly lifted” (2007, 149). Call this the eureka view of hermeneutical justice. While eureka moments are certainly possible, I maintain that these are a relative anomaly and do not adequately characterize realization of hermeneutical justice. What may seem like a eureka moment to an outsider is a process of discussion, coining, circulation and uptake of hermeneutical resources. The eureka view does not account for the phenomenology or process of epistemic justice. It is implausible
that coining a term would be potent towards the resolution of the cognitive tension associated
with suffering hermeneutical injustice without an associated sense (belief or non-cognitive
attitude) that this new term will be potent in discourse. Small groups cannot just make-up words
to resolve their situated hermeneutical marginalization. Coining ‘sexual harassment’ will not aid
Carmita in explaining her discomfort to her supervisors or the unemployment office until the
term is recognized and has social power. The second problem with the hermeneutical injustice
as a systemic structural feature of hermeneutical space is that it fails to account for culpable
forms of ignorance.

Mason (2011) and Pohlhaus (2012) formulate the third-order epistemic failures
contributing to hermeneutical injustice by identifying cases of personal culpability in the
meaning-making process. Mason maintains that Fricker conflates ‘dominant’ and ‘collective’
hermeneutical resources (2011, 300).\textsuperscript{77} This conflation masks two types of unknowing. On the
one hand, there are systematic forms of ignorance generated by prevailing hermeneutical
conditions. People cannot know about sexual harassment until that term is invented and
circulated. No one person is culpable for the fact that this term was not prevalent during the
1960s. On the other, individuals can engage in ethically and epistemically bad practices which
maintain gaps in dominant or collective hermeneutical resources. People may fail to uptake an
interpretive resource which is socially salient and useful. This is culpable unknowing (Mason,
2012). When ideas conflict with one’s beliefs or desires it is all too common to reject the former.
Epistemic justice also depends on the epistemic resources of marginalized groups being heard
and respected by dominant discursive communities. Someone can articulate ‘sexual harassment’

\textsuperscript{77} Mason takes cues from Dotson’s (2011) testimonial quieting and third-order epistemic injustice.
to others without it being recognized or appreciated as such. A coworker can simply respond that the sexually harassed “can’t take a joke.” People culpably refuse to uptake hermeneutical resources they could understand.

Pohlhaus (2012) develops her form of third-order epistemic injustice as willful hermeneutical ignorance. These are cases in which dominantly situated epistemic agents intentionally refuse to uptake some understanding or concept. Epistemic agents may refuse intelligible testimony to avoid cognitive dissonance or to promote their interests. By reviewing Tom Robinson’s court case in To Kill a Mocking Bird, Pohlhaus argues that willful hermeneutical ignorance is at play, rather than mere testimonial injustice.

Tom Robinson is accused of raping a white woman. At the trial, Robinson is asked to explain why he was on the property of the woman’s family earlier in the week. Robinson explains his sympathies for the woman due to her disability. The jury and prosecutor are aghast at the suggestion. The prosecutor takes issue with the contention that a black man could feel sorry for a white woman. The plaintiff’s attorney rhetorically asks, “You felt sorry for her, you felt sorry for her?” The lesson is that this is not a case of mere disbelief based on a prejudicial identity type as Fricker contends (Pohlhaus, 2012, 726). Rather, the testimony offered by the white defense attorney (Atticus Finch) and the black defendant (Tom Robinson) violate preconceptions about the hierarchy prevalent in the South during the early 20th century. Robinson’s testimony challenges prevailing racist understandings. The issue is not whether the jury believes the testimony, but that admitting the truth of the testimony would force those knowers to reevaluate their understandings about race and social hierarchies. Indeed, the jury does believe Tom Robinson’s testimony on many topics. Unwilling to make such an amendment to their
worldviews, the jury commits willful hermeneutical ignorance to preserve their ideology (Pohlhaus 2012, 725). Rather than a lack of hermeneutical resource necessary to understand how a black man could pity a white woman, or mere ignorance, the jury intentionally obscures understanding. There are latent resources available for interpreting the events; black men are capable of pity and some white women may be underprivileged in ways that a black man is not. The jury commits willful hermeneutical injustice as they refuse to adopt these understandings, instead insisting that Tom Robinson was motivated by his sexual appetite.78

Several lessons are forthcoming from these cases. First, we should be humble in ascribing causal power to coined phrases. The revelation of ‘institutional racism’ or ‘white privilege’ would not sway a jury in the antebellum South. The constructive work required for hermeneutical justice depends much more on the process of uptake and circulation of concepts than previously recognized. Second, while hermeneutical justice is a structural injustice owing to the availability of hermeneutical resources, individuals are culpable for some failures of uptake and circulation. These failures are not merely testimonial injustices, as they are not the quasi-perceptual assessment of testimony based on prejudicial identity types. They are intentional responses to cognitive dissonance. The collective development of hermeneutical resources is a space of contestation. Agents actively develop or refuse manners of thought as much as they endorse or reject key terms. While current collective hermeneutical resources are a structural matter, future resources are constituted by the ethical-epistemic choices people make. This leads to the view that hermeneutical space is not immanent in a predetermined sense. While there is some

78 This case also suggests that hermeneutical resources are not just specific terms, but background understandings and assumptions.
cluster of behaviors which can be designated as ‘bullying’ at any given time, whether this term emerges and is socially potent is a matter of third-order epistemic dynamics. Some discursive communities may never have a latent understanding of bullying that conforms to contemporary norms. A closer assessment of hermeneutical and conceptual space will clarify these relationships, showing that a nuanced understanding of hermeneutical processes is necessary to understand hermeneutical injustice and to facilitate hermeneutical justice.

4. Problematizing One Hermeneutical Space

What should be made of these related problems with Fricker’s conception of hermeneutical space and related epistemic injustices? In this section, I show how these problems arise from problematic background assumptions. I posit distinctions to clarify the sites and scope of epistemic injustice. First, the problems will be reviewed.

Fricker’s account suffers from related problems. By positing one collective hermeneutical space, undiscovered concepts play a leading role in the pursuit of justice. If there is one collective hermeneutical space in which the concepts necessary for epistemic justice are immanent and the discovery of these concepts places those immanent resources in collective circulation, then discovering those concepts is central to epistemic justice. On this account, eureka moments characterize achievements of hermeneutical justice. As argued, this underappreciates the social and interpersonal epistemic dynamics which allow for the effective development and distribution of hermeneutical resources. Second, this account neglects the ways in which individual agents are responsible for the emergence and distribution of hermeneutical resources. Individuals can be ignorant or willing refuse to understand in ethically bad ways.
Clarifying the distinctions between types of hermeneutical resources, discursive communities and conceptual space will appropriately amend the description of social epistemics as towards a more adequate theory of epistemic injustice. The marginalized speaker may suffer from hermeneutical marginalization, though they know perfectly well how to articulate themselves. They may withhold testimony to avoid being unintelligible or ignored by dominant listeners. This is testimonial smothering (Dotson, 2012). Though they may be under a hermeneutical lacuna, it need not be the case that the dominant listeners “get burned,” as Fricker suggests (2007, 161). The ignorance of the dominant group may only harm the epistemically marginalized. Clarifying between collective, dominant and marginalized hermeneutical resources facilitates identification of these different dimensions of injustice. This generates the need for a refined account of how hermeneutical resources are discovered, circulated and adopted into collective use. To achieve this end some distinctions will be developed. By recognizing these distinctions, we can better understand the locations of epistemic justice and injustice.

4.1 Resolving the problems: Conceptual Space, Hermeneutical Resources and Discursive Communities

Conceptual space is not present in the literature on epistemic injustice, but its addition will be instrumental to a more adequate theory of epistemic injustice. As I define it, conceptual space includes all logically possible coherent combinations of predicates. This entails any combination of predicates which are not self-contradictory or tautological. On this view, concepts need not be atomic and are abstract entities. There are infinite possible concepts in conceptual space. They are not concrete entities. Certain concepts may go undiscovered or
unused indefinitely just like certain syntactically-sound combinations of mathematical operators and variables may never be combined. There is no necessary connection between social understandings and any given concept. The specific word used to identify some combination of properties is not integral to the concept, though it may be integral to intelligibility and epistemic justice. Indeed, the same word may designate discrete clusters of properties simultaneously or over time. The properties ascribed to ‘sexual harassment’ and ‘bachelor’ pick out some concept which is used to help us understand and convey our experience. The properties ascribed to these terms may shift. On my view, this would be a different concept applied to the same word, though they are likely to share family resemblance. There is some concept which is picked out by the predicates that are assigned to the term “sexual harassment.” This process is a socio-epistemic matter of agreement and contestation as terms are coined, circulated, up-taken and modified continuously. Unanimous agreement is unlikely. ‘Sexual harassment’ is a contemporary hermeneutical resource because it circulates among epistemic agents and facilitates intelligibility.

Hermeneutical resources and conceptual space are not synonymous. The primary difference is based on the circulation of hermeneutical resources. Hermeneutical resources are necessarily those conceptual tools and understandings which are used by discursive communities to explain and understand experience. In the inclusive sense, hermeneutical resources are specific terms, schemas, theories and worldviews by which epistemic agents interpret their world. Schemas regard recurring socially-shared understandings about types.79

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79 Schemas will be elaborated in Chapter 7. To foreshadow, a quote by Sally Haslanger clarifies my use of ‘schema.’ Haslanger writes, “A mental construct that, as the name suggests, contains in a schematic or abbreviated form someone’s concept about an individual or event, or a group of people or events. It includes the person’s or group’s
Prejudicial identity-types are the most relevant type of schemas, for purposes of epistemic in/justice. Schemas has more implications about types than a mere term but are not ‘higher-order’ as they are not entire theoretical accounts or worldviews. Worldviews are broad lenses through which individuals understand all of their experiences. Worldviews are often the precondition for appreciating or rejecting specific terms, schemas and theories as hermeneutical resources. One may have a broadly religious worldview by which they understand events, or they may employ specific concepts such as sin to do so. One’s religious worldview may preclude them from being able to understand a naturalistic assertion at all (Kidd and Carel, 2017). As this example suggests, worldviews and specific concepts often operate in tandem as hermeneutical resources. One’s interpretive framework and epistemic lens are hermeneutical resources as they are used to understand and convey experience. Fricker uses ‘hermeneutical resources’ in a limited, exclusive sense. On this exclusive account, hermeneutical resources are specific terms. In general, I diverge from Fricker’s exclusive use of hermeneutical resources to include interpretive terms, schemas and worldviews. Hermeneutical resources are employed by individuals within discursive communities and shared among individuals and discursive communities. Widely shared hermeneutical resources are considered collective, though there is no precise criteria for demarcating these distinctions, as they all interrelate. Broadly though, these distinctions will be useful in much of the remainder of this chapter and Chapter 7.

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80 Fricker’s conflation of dominant and collective hermeneutical space and neglect of non-dominant hermeneutical resources explains this limited purview. If there is one collective hermeneutical space and a common social imagination, there are no significant differences in worldviews. This underappreciates the extent of pluralism in contemporary liberal societies.
conceptual space is differentiated from hermeneutical resources, and the types of hermeneutical resources have been distinguished. Next, the chapter considers the groups of people that use hermeneutical resources.

Discursive communities are social groups who use small subsets of conceptual space as hermeneutical resources. There may or may not be distinct worldviews between discursive communities, though discursive communities share worldviews. Members of a discursive community speak a language which draws from conceptual space and consists of useful hermeneutical tools, as determined by members of that community over time. Social needs and cooperative discussion result in the identification of a concept, in conceptual space, which is then circulated within a discursive community as a hermeneutical resource in the form of a term. Worldviews tend to lead to the adoption of specific terms as hermeneutical resources. These terms become novel hermeneutical resources within the marginalized hermeneutical space of a discursive community. For example, a worldview which places importance on the concept of sin, traditionally understood, is situated to support concepts of culpability, responsibility and blame. Discrete discursive communities have variation in concepts they invoke. Of course, there is overlap among discursive communities of the same language. The hermeneutical resources which are shared across most discursive communities are collective hermeneutical resources. There are many variations in the degree to which some hermeneutical resource is collective. Collective hermeneutical resources are constantly shifting and have a family resemblance relation. There may be no set of hermeneutical resources which is common to all discursive communities while a collective hermeneutical space is still recognizable.
Diverging from Fricker and drawing from the lessons of Mason and Pohlhaus, it is possible for a dominant group to not share collective hermeneutical resources with marginalized discursive communities, and for an epistemically dominant group to retain hermeneutical resources without collective uptake occurring. A dominant epistemic community may invoke the term ‘synthetic a priori’ without this term becoming a collective hermeneutical resource. The same is true for marginalized discursive communities. While one community may use the term ‘bougie’ to designate a specific subset of people, a dominant discursive community may not recognize this term. ‘Bougie’ may not circulate in collective hermeneutical space either but retain its value as a hermeneutical resources for the people in a marginalized discursive community. There may be strategic reasons to refuse to accept new hermeneutical resources or to distribute hermeneutical resources prevalent within a subset of discursive communities.81 There may also be strategic reasons to not distribute useful hermeneutical resources to other discursive communities, though an exploration of this issue must wait.82 The term may also fail to circulate in dominant or collective hermeneutical resources.83 Collective resources are not necessarily dominant, though dominant epistemic communities have a larger influence in determining what circulates and is used within discursive communities for epistemic and non-epistemic reasons. Most or all discursive communities may recognize a hermeneutical resource without it being the dominant mode of interpreting a phenomenon, though in such a case, that hermeneutical resource is a collective resource. This is a result of the asymmetrical epistemic

81 See: Pohlhaus (2011) for a discussion of strategic refusals to understand.
82 Chapter 7 considers these possibilities in the context of epistemic paternalism and ameliorative hermeneutical revision.
83 Medina (2011, 2012) elaborates on the array of contextual sensitivities necessary to appreciate epistemic justice within social epistemic space. He also provides some mechanisms by which hermeneutical justice can be achieved, such as the creation of epistemic friction to stimulate interaction and epistemic change (2012, 79).
authority of different groups and power differences. While most discursive groups may invoke
divine intent to explain geopolitical phenomena, a few dominant discursive communities can
undermine this collective hermeneutical resource from being the dominant mode of
understanding in the domain of geopolitics. So, in this example, divine intent is collective shared
theory to explain geopolitics which is not dominant.

This account of conceptual space, hermeneutical resources, and discursive groups
presents a decentralized picture of hermeneutical justice and injustice. hermeneutical justice
Addressing the requires many more intermediate steps than coining a term. There are many
discursive communities, some of whom share hermeneutical resources not in collective or
dominant discourse. Challenges of intelligibility and hermeneutical lacunas may appear at many
more points in the process from one individual or group coining a term, to collective
understanding. Identifying hermeneutical resources may take the form of re-appropriating
extant language and understandings or drawing from conceptual space by coining a new term.
While these remarks are cursory, they have theoretical merits worthy of further investigation.

4.2 Distinctions with a difference: Discursive communities, Hermeneutical Resources, and
Conceptual Space

We are now able to assess the utility of the distinctions between discursive communities,
hermeneutical spaces, hermeneutical resources, and conceptual space. First, this account helps
us better understand where hermeneutical resources originate. Due to some experience that
remains unexplained and under described, individuals in discursive communities may come to
ascribe some set of properties to a phenomenon and label it with a term. This process is usually
social and the result of shared experiences, as Carmita’s story suggests. While the innovation of
a term simplifies and clarifies the expression of experience (and alters that experience) it is the
uptake by dominant groups and other marginalized groups which places the concept in collective
hermeneutical space. Without some degree of collective uptake, hermeneutical resources
cannot resolve hermeneutical injustice. Willful hermeneutical ignorance can forestall this uptake
and circulation. To take an example, consider the term ‘womanizer.’

While the precise etymology of the term is unclear, some speculative work will illustrate
the differences that my account offers in explaining the emergence of this term. On Fricker’s
account ‘womanizer’ was discovered in a moment of insight among women because of shared
experiences. This new term helps women understand and explains certain experiences with
men. There is no work of collective uptake and circulation, discovery of the term brings it into
collective hermeneutical resources in a *eureka*! moment. Hermeneutical justice occurs once this
term is in collective hermeneutical space. On my nuanced account, this description is refined.

First, there are the experiences which stimulate individuals to identify a perceived
problem. Social interaction among (primarily) women facilitates this development, as Fricker
illustrates. The term ‘womanizer’ is coined, but it is now only within a small discursive
community. It must be circulated and taken-up by other discursive communities for it become
part of collective hermeneutical resources. Even if straight men are relatively dominant knowers
that are resistant to the term, ‘womanizer’ may achieve the status of a collective hermeneutical
resource if the concept is sufficiently circulated and employed by other discursive communities.
This process requires the ethical-epistemic work of many people and is probably accompanied by
resistant epistemologies from some dominantly situated discursive communities, such as (some)
men. Here, culpable wrongdoing is possible if willful hermeneutical ignorance arises. The socio-
political potential of the term is only realized when a diffuse array of practitioners and discursive communities legitimate the concept by using it or acknowledging that it has appropriate uses. It must not only have meaning, but normative force across discursive communities when used. This example shows that the ethical action is still primarily one of agential interaction, rather than structural considerations. It also highlights the many points of interaction which characterize social-epistemic phenomena. Eureka moments are the anomaly; epistemic justice takes social and epistemic labor; just as political justice requires social mobilization.

Second, this more developed account can be used to assess Fricker’s claim that undiscovered hermeneutical resources are “immanent.” Fricker’s example of bullying suggests more than mere logical possibility of discovering ‘bullying’ in conceptual space. An immanent hermeneutical resource is not yet in use but is recognized, if only tacitly, by a significant portion of a population across discursive communities. It is on the verge of being discovered. As a result, an immanent resource is not in hermeneutical space, though may be more likely to emerge due to certain shared experiences or worldviews. Concepts are immanent hermeneutical resources insofar as they are available via conceptual work and have some significant probability of emerging with social-epistemic labor due to prevailing conditions. This is contingent on social epistemics. As argued though, the transition from discovered concept to hermeneutical resource is more fraught than armchair \textit{a priori} philosophy.

Prevailing social conditions have aroused awareness in marginalized people or other allies (e.g., the bullied). It is at this point that they come to coin a phrase to understand and relay their experience. Recognition of the need for a new hermeneutical resource may precede the discovery and coining of a term. In this critical moment, as marginalized peoples consciously or
unconsciously sense a need for the hermeneutical resource, the resources are immanent. The coining of a hermeneutical resource in a marginalized discursive community does not entail that the concept was immanent in collective hermeneutical space. More significantly, it may require gradual social mediation and contests to promote uptake of the term. While “trans-phobia” picked out some set of properties in conceptual space, it was not immanent in social understanding until the LGBTQ community and allies advocated for the uptake of the hermeneutical resource for many years. Immanence of “trans-phobia” in the social imagination itself depended on epistemic and social activism and only occurred recently. Epistemic justice is in the making.

Marginalized persons can modify an existing concept to include cases of concern for the marginalized parties. We can lexically designate behaviors that were not currently considered bullying to be included in the conception of the term. This process is of greatest significance when modified understandings enter collective hermeneutical space. This suggests that social groups are already aware of a hermeneutical lacuna and pursuing alternative means of interpreting experience. The hermeneutical resources of “hostile work environments” have been gradually expanded to include subtle forms of harassment. This process depends on interactions among the afflicted and between discursive communities.

The structural features of this hermeneutical process are evident when considering the background conditions necessary for the coining of terms. Critical consciousness is necessary (Haslanger, 2013). Critical consciousness depends on historical moments in which epistemic agents are in a position to recognize the value of a term or the problematic implications of a prevailing hermeneutical resource (Fricker 2007, 100. As such, hermeneutical resources are
immanent only under specific social conditions. ‘Sexual harassment’ and ‘womanizer’ arose out of a political context in which women were exposed to a critical consciousness (a modified worldview) about patriarchal dynamics. It is this process which shows that epistemic justice is a social and political struggle. The battle for epistemic justice has just begun when a concept is identified as a hermeneutical resource. This draws special attention to one early step in the process of developing hermeneutical resources. This occurs at the point at which we stipulate the definitions of concepts.

The third result of these distinctions is recognizing two early locations of the struggle for hermeneutical justice. These arise when hermeneutical resources are introduced via conceptual stipulation and when a marginalized discursive community attempts to promote their hermeneutical resources to other discursive communities to make the resource a part of collective hermeneutical space. The next section considers these third-order processes in the context of uses of ‘racism’ among contemporary discursive communities.

5. An Application: Conceptual Competence Injustice, ‘racism,’ and the sites of epistemic injustice

The third advantage of these distinctions between hermeneutical resources, conceptual space, discursive communities, collective hermeneutical space, and dominant hermeneutical space can be fleshed-out by analyzing recent work on epistemic injustice. Two cases will be used to illustrate this point. The first case regards the introduction of terms in academic philosophy. The second regards the uptake of different conceptions of racism, between discursive

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84 This account recognizes the conceptual space to identify many of the possible sites of epistemic justice. The move from conceptual space to uses of epistemic resources within a marginalized community is my focus for several reasons. First, conceptual work is especially suited for this sort of project and as the audience of this paper is of a philosophical disposition, it is important. Second, this is a site of interpersonal epistemic injustice. There are specific actions and inactions which lead to the sort of conceptual competence injustice at its earliest stages. Interpersonal conceptual debates are the first step in circulating an unused concept as a hermeneutical resource.
communities. I integrate considerations from both D.E. Anderson (2017) and L. Anderson to show how these distinctions inform practices for epistemic justice.

Derek Anderson (2017) identifies conceptual competence injustice as an interpersonal epistemic injustice against another person regarding their knowledge of linguistic and conceptual truths. It is third-order epistemic injustice as it regards interpersonal interactions about the introduction of new hermeneutical resources. For D.E. Anderson, conceptual competence injustice occurs when a member of a marginalized group is ascribed lower credibility than they deserve regarding conceptual claims. It may occur without testimonial exchange, on Anderson’s account, if agents smother their testimony for fear of experiencing a credibility deficit. Anderson’s motivating example is a case in which a woman of color offers an account of natural kinds, at a philosophy conference, maintaining that they are not rigid designators. A first year, white, male graduate student reminds the presenter of Kripke’s (1980) view that natural kinds are rigid designators. The first-year student suggests that the presenter is confused. Unsurprisingly, the presenter is a relative authority on natural kinds and is employing understandings from contemporary metaphysics literature (Anderson, 211). While using the same term, these interlocutors are referring to discrete concepts as hermeneutical resources to understand ‘natural kinds’. The graduate student does not recognize the updated definition being invoked and instead assumes an error must have occurred.

D.E. Anderson connects conceptual competence injustice to Dotson’s (2012b) account of contributory injustice. Akin to willful hermeneutical ignorance and Mason’s ethically bad epistemic behavior, contributory injustice occurs at the intersection of interpersonal and structural epistemic injustice. Contributory injustices are epistemic injustices in which a speaker
supplies the conceptual resources necessary to explain and understand her experience, but intelligibility is undermined by culpable misunderstanding. It arises in cases in which listeners willfully reject other understandings, but the effects are far reaching. Anderson writes,

“[b]y denying the marginalized person the credibility she is due and by denying that she has competence with concepts he doesn’t understand, the hearer can effectively disregard the speaker’s conceptual claim, thereby thwarting her ability to contribute her understanding to the shared pool” (2017, 218).

This quote brings us to the crux of the importance of conceptual competence injustice within the refined understanding of hermeneutical space. As argued, hermeneutical injustice results from the social epistemic activity of discursive communities and individuals. The discovery, circulation and uptake of concepts are key to alleviating hermeneutical injustice. Fricker neglects the latter two parts of this process. While collective, hermeneutical resources are the product of individual interactions within and between discursive communities with distinct hermeneutical resources. They are essentially third-order epistemic activities. D.E. Anderson’s addition of conceptual competence injustice provides a wedge to understand an early point of friction within or between discursive communities which undermine or contribute to hermeneutical injustice. The assertion of distinct understandings of linguistic, conceptual claims is one of the frontiers of hermeneutical in/justice. By contributing discrete understandings of terms, hermeneutical marginalization can be undermined. While the best conception of

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85 We could imagine a case in which someone says, “black lives matter” and receives the retort “all lives matter.” Assuming the respondent is aware of the political context of the “black lives matter” their exclusive reading of the statement can be understood as contributory injustice. They are willfully misrepresenting “black lives matter” to be an antagonistic and racially exclusive.
natural kinds is of less import for theories of epistemic injustice, a second case shows its relevance.

Luvell Anderson’s (2017) work will be repurposed to illustrate this point and to show how hermeneutical injustice can arise between discursive groups. Consider the assertion that “white people cannot experience racism in the United States.” This underpins a conflict between conceptions of racism predominant in two discursive communities: The Black Lives Matter (BLM) community and All Lives Matter (ALM) discursive community. The race-based prejudicial understanding of racism, which is dominant in ALM, entails that this claim is false. Of course, on this understanding of ‘racism’ white people can be the victims of racially motivated prejudice. If ‘racism just refers to racially motivated prejudice, white people can (and are) victims of racism.

If charitably read though, the initial claim implies a different view of racism. On the institutional conception of racism implied by the initial assertion, racism is the structural and systematic patterns of violence and oppression which privilege white people to the detriment of peoples of color. On this view, it is equally clear that white people in the United States have not been systematically and institutionally persecuted and are thus not victims of (institutional) racism. This vindicates the BLM understanding of racism and entails that the initial assertion is true, if understood. White peoples cannot be victims of racism so long as the institutions of governance systematically favor them at the expense of peoples of color. The issue is whether these discursive communities can come to acknowledge that there are competing conceptions

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86 These are illustrative caricatures of these movements, as there is sure to be much more nuance and disagreement than this example suggests. Nonetheless, it demonstrates the value of my refined account of hermeneutical space. It also shows that the ‘discursive community’ remains imprecise in detail.
87 This claim is complicated by the history of ‘whiteness’ as a fluid concept, though it remains tenable.
of racism and see the merits of the different conceptions of this hermeneutical resource for ameliorating epistemic and political injustice.

Conceptual competence injustice occurs in this case if a dominant knower tells an epistemically marginalized individual that their conception of racism is wrong without understanding that their interlocutor is using a different conception of ‘racism’ or despite understanding. Doing so fails to recognize that epistemic agents pick out clusters of properties with terms, and this process identifies a concept which may then become a hermeneutical resource. This is a third-order epistemic injustice as it is an interpersonal contestation about the appropriate terms within a shared hermeneutical space. The truth of the initial assertion, that white people cannot experience racism in the US, depends on which conception of racism is operant in context. What properties we are ascribing to the verbalization of ‘racism’ dictates the truth-value of the proposition in question. Rejecting the possibility of discrete conceptions of the same term is a conceptual competence injustice which arises from a failure to notice the distinction between concepts and hermeneutical resources or is willfully ignorant for purposes of silencing BLM activists. This conflict results from discursive communities which hold competing world-views (or at least schemas) about race in the United States. At least, a distinction is in order between merely prejudicial racism versus institutional racism. Hermeneutical marginalization is still a live possibility, as a failure to uptake and circulation of the concept have not been secured. Coining ‘institutional racism’ is clearly insufficient for hermeneutical justice.

This analysis shows how interactions about shared terms and new understandings can serve to promote hermeneutical resources and better represent the experience of marginalized knowers or fail to do so. It identifies the agential dynamics regarding hermeneutical resources,
the fact that there are discrete discursive communities, and that coining the term is only one small part of the struggle for epistemic justice. The term “racism” may be available in collective hermeneutical space, but unless the institutional conception of racism is circulated and recognized, the BLM discursive community is excluded from being understood on the issue of state-sanctioned racism and police brutality. The frontiers at which concepts are designated or re-appropriated as hermeneutical resources are the points at which concepts move from conceptual space to marginalized hermeneutical resources or from marginalized hermeneutical resources within discursive communities to collective hermeneutical resources. At each point, the task is to provide an understanding of a hermeneutical resource or provide a new hermeneutical resource which better accommodates the interests of all members of the epistemic community and promotes collective uptake of the term. Contestation is a part of the process of epistemic justice.

6. Conclusion

There are reasons to be objectivists about conceptual space. Logically possible combinations of predicates are not contingent on our beliefs. Yet, hermeneutical resources are inherently dependent on socio-political conditions. They are tools which we use to understand, explain and shape our world. While there may be better and worse hermeneutical resources, for the ends of living well, there is no fact of the matter apart from the predicates these resources are ascribed by discursive communities. There are no hermeneutical tools without those who make and use the tools. The meaning of a term is a stipulative and conventional affair in which discursive communities and individuals actively create, use and reject meanings. Recognizing this process is integral to epistemic justice. Recognition of this process is facilitated by acknowledging
the importance of differences between conceptual space, hermeneutical resources, and discursive communities.

This chapter focuses on the contexts of hermeneutical injustice with the goal of developing a better understanding of it and shared epistemic life. As shown, it is often not the lack of a concept that generates hermeneutical injustice, but failures of uptake and saliency. This may arise from willful, contributory epistemic wrongdoing or because the appropriate critical consciousness and adjacent hermeneutical resources are not yet available. One crucial point at which uptake occurs or fails to occur is at the level of analytic stipulative definitions. By invoking D.E. Anderson’s (2017) work on conceptual competence injustice, I show that discrete understandings of ‘racism’ are important for the ameliorative practice of epistemic justice. The case of competing conceptions of racism shows how this can happen or fail to happen between discursive communities. These discrete understandings are immanent only insofar as person(s) have identified some phenomenon which lacks an adequate hermeneutical resource to convey one’s experience. It is perfectly possible that the dominant and collective discursive communities are inattentive to the need for these hermeneutical resources. This study also explains the neglect of epistemic excesses as sources of epistemic justice, as one collective space implies that adding more hermeneutical resources of the right kind is sufficient to achieve hermeneutical justice. The insights gained in this chapter are instrumental to understanding hermeneutical overload and ameliorating it (Ch 7).

Recognizing the need for novel conceptual understandings or the need to undermine other salient hermeneutical resources is especially important for philosophers. As gatekeepers of conceptual a priori work, philosophers are in a pivotal position to recognize and promote
valuable hermeneutical resources or to undermine problematic conceptions (e.g., of racism).

This analysis provides marching orders. It shows that epistemic justice is promoted by a critical openness to discrete and novel hermeneutical resources. Appropriation of terms may be for the best. Special attention to marginalized testimony and experience will promote these ends.

Sponsorship of conceptual investigation is the business of philosophers, but it is also part of the pursuit of epistemic justice.

The next chapter clarifies what makes an epistemic injustice bad and what makes epistemic justice good by appeal to epistemic agents and their agency. While Fricker explains the harms and wrongs of epistemic injustice, she does so by appealing to every major normative theory. The next chapter explains the normative foundations of epistemic justice in a manner consistent with the preceding conclusions, by invoking a two-stage contractualist theory of epistemic in/justice.
Chapter 6: A two-stage contractualist theory of epistemic in/justice

1. Introduction

So far, epistemic overload is defended by appeal to intuitive cases, Fricker’s criteria, and the resultant primary wrongs and secondary harms of epistemic overload (Ch 3, 4). Chapter 5 refines the understanding of social epistemics to better account for the process of hermeneutical in/justice and third-order epistemic injustices. This suffices to establish epistemic overload as epistemic injustice, but there is no compelling foundational explanation of the bad-making features of epistemic injustices. Fricker appeals to consequentialist and deontological considerations to explain the bad-making features of epistemic in/justice. She also invokes a social contract account while integrating virtue theory framework for epistemic justice. This appeal to a range of theories is logically unstable. Consequentialism is the foil of deontologists; likewise, deontology is often the foil of virtue ethicists and consequentialists. A logically stable normative foundation is necessary to coherently explain epistemic in/justice. In this chapter, I argue that a two-stage contractualist account, using reasoning from an epistemic state of nature and suitably idealized agents, coherently explains Fricker’s conception of epistemic in/justice, epistemic overload, and other epistemic-ethical hybrid phenomena while also explaining the distinction between primary and secondary harms. Finally, the theory provides positive duties of epistemic justice which are applied to actual problems from epistemic overload in Chapter 7.

To undertake this project, I first develop a genealogical, functionalist epistemic state of nature (ESON). This is the conventionalist first-stage of the theory which posits semi-rational agents in an epistemic state of nature to explain goods and rules of successful epistemic communities and individuals. This first-stage establishes the basic goods and rules of any functioning epistemic community. I invoke Williams (2002) genealogical account of truth and
truthfulness to provide conceptual vocabulary and to stipulate the initial conditions of the first-stage. Rationally self-interested reasoning in the first-stage generates the basic goods of truth and trust, as well as basic rules for cooperation and against defection. Any epistemic community like ours must possess these features to be successful. Further, agents will endorse these goods because they are constitutive of their epistemic success. Promotion of the basic epistemic goods leads to epistemic rules that communities converge on, as collective interests in truth and trust promote rules of cooperation. The first-stage account provides a plausible basis for actual epistemic values which implicitly appeals to truth and trust. Further, the first-stage conventionalist account provides reasons from the perspective of epistemic agents to explain epistemic in/justice. These results are confirmed and extended with the addition of normative premises in the second-stage: the epistemic state of nature in the original position (ESON OP). Before turning to these features of the second-stage, the relations between the first-stage and second-stage are clarified.

The first-stage conventionalist explanations establish the central importance of truth and trust and rules for cooperation, making the normative assumptions of the second-stage minimal and plausible. The second-stage is an extension of the first-stage for cases of epistemic injustice not addressed by first-stage goods and norms. Addressing problems from epistemic injustice requires moral agents. The addition of normative premises in the epistemic state of nature in the original position (ESON OP) are necessary to resolve intractable, structurally-sustained epistemic

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88 ‘Success’ refers to both practical and epistemic well-being. As is consistent with arguments from Chapter 2 and claims made throughout the dissertation, this chapter will not be limited to considerations of “purely” epistemic activity. Instead, social epistemic activity will be considered in the broader context of its function for beings like us. Thus, issues of flourishing and well-being are relevant to epistemic activity in the two-stages of the theory.
injustice. Drawing on Rawlsian postulates analogous to reasonable agents behind a veil of ignorance provides action-guidance for remediating epistemic injustice.\footnote{89} As will be shown, the basic goods of truth and trust along with norms of cooperation are likely to be insufficient to secure stable epistemic cooperation under contemporary conditions (Ch 7). The second-stage adds reasonable agents behind a veil of ignorance.

The epistemic state of nature viewed from the original position is the second-stage contractualist explanation of epistemic in/justice, stemming from the social contract tradition manifested by Rousseau, Kant and Rawls. This stage is contractualist as agents are epistemically and ethically idealized; for this reason, they are referred to as ‘reasonable agents’. Ethically, agents in the second-stage are ignorant of morally irrelevant matters of luck, such as their social position and demographic traits.\footnote{90} Agents imagine that they could be any member of a society. Epistemic (and prudential) idealizations include rational agents with extensive knowledge of social epistemology. For example, reasonable agents understand that some discursive communities are marginalized because of historical contingencies, without anyone being blameworthy for this outcome. This is epistemic drift. The \textit{red king effect} is used to illustrate one type of epistemic drift that agents can know about, despite lacking knowledge of their social contingencies.

\footnote{89} Rawls focus on distributive justice is complemented by consideration of persons \textit{qua} epistemic agents insofar as the first-stage theory expresses respect for the agency of persons, considering that theirs interests exceed issues of material scarcity.

\footnote{90} This ignorance mirrors Rawls’s veil of ignorance. It is ethical and not epistemic insofar as the epistemic factor of ignorance is a procedural method for promoting the ethical values of fairness and equality. Yet, this again suggests that ethical and epistemic normativity are not so distinct, as argued in Chapter 2.
If agents are reasonable as stipulated in the second-stage, they endorse the basic goods of truth and trust, while recognizing the collective need to deter epistemic defection and to create reliable indicators. Further, the basic good of epistemic charity is assented to in the ESON OP. As endorsed by reasonable agents, epistemic charity entails a willingness to undertake some cost to engage persons who are deemed less credible, unintelligible, or who are harmed by epistemic overload. The good of epistemic charity is valuable to all agents in the ESON OP as well as collective epistemic success, for reasons that will be made clear. The apparent redundancy between the ESON and ESON OP results from the normative additions in the ESON OP, while the ESON is merely a genealogical explanation which plausibly explains norms of social-epistemic life. This strategy has the merits of grounding epistemic goods and rules by reference to the basic needs for success in the first-stage and endorsement of epistemic agents in the second-stage.

In the final section, the theoretical virtues of the ESON OP are compared to Fricker’s theory of epistemic injustice. I conclude that the two-stage contractualist theory conserves the central insights of Fricker’s account while explaining more epistemic injustices without appealing to inconsistent theories. As such, the two-stage conventionalist/contractualist account is more theoretically conservative and fecund. The ESON OP also obtains this explanatory power with minimal meta-ethical baggage, as the plethora of normative foundations are reduced to one normative foundation in the social contract tradition. As a result, this normative foundation for epistemic injustice is more parsimonious than alternative theories. The action-guiding potential of reasoning form the ESON OP is shown by applying it to actual contemporary forms of epistemic overload in Chapter 7. Before the ESON is developed further, the unique methodological value of social contract reasoning will be considered.
The special merit of social contract thinking for epistemic-ethical hybrids due to the necessary integration of the epistemic capacities and interests of agents in the generation of goods and rules. This is of special importance for epistemic concerns as this method integrates the perspectives of epistemic agents, which is central from the perspective of theories of epistemic in/justice, as epistemic in/justice necessarily refers to epistemic agency. A scheme for distributive justice may succeed without appealing to the epistemic faculties of agents. There is no essential need to recognize the epistemic agency of persons to determine the just allocation of food, for example. By contrast, theories of epistemic justice which do not appeal to the agency of individuals make a fundamental mistake as the neglect what injustices are about. A theory of epistemic justice which invokes the perspectives of epistemic agents integrates their perspective into the basic conditions of the normative theory. This is a foundational retention of epistemic agency as it acknowledges persons qua epistemic agents. In the next section, the state-of-nature reasoning used in epistemology by Bernard Williams and Edward Craig is introduced as a basis for the two-stage model.

2. The Epistemic State of Nature: A Conventionalist Explanation

While social contract reasoning has a long tradition in philosophy, only recent commentators apply conventionalist considerations to social epistemology. Craig (1999) and Williams (2002) offer two applications of conventionalist genealogical explanations of epistemic values, such as truth and sincerity. Unfortunately, their focus is on purely epistemic
considerations though their methods and concepts will be useful. Fricker extends conventionalist reasoning to the epistemic-ethical hybrid domain of epistemic injustice. Self-interested agents will come to value truth as some true-beliefs are necessary for survival. As collective norms pressure individuals to forgo narrow self-interest for epistemic goods, individuals come to endorse those goods intrinsically. This move explains Fricker’s virtue-theoretic account of epistemic justice. Universally endorsed instrumental value becomes intrinsically valuable to agents as social pressures cultivate a tendency to forsake self-interest for truth, leading to virtuous agents who are truthful for its own sake (2007, 113). This account of epistemic justice is unsuccessful.

If this optimistic account were true, the tendency of epistemic pressures to produce virtuous agents would undermine the need for theories of epistemic justice. Fricker’s conventionalist account predicts actual virtuous agents. Given Fricker’s frequent recognition of epistemic injustice and emphasis on non-ideal normative theory, it is evident that reasonable and virtuous agents are not ubiquitous. As such, her virtue-theoretic remains undermotivated and open to objections. Further, critics maintain that virtuous reflection is unlikely to yield epistemic justice, assuming reflection occurs at all (Sherman, 2012). Introspection in conjunction with our cognitive biases are likely to lead people to rationalize their prejudices, rather than amend them. Problems for Fricker’s theory also occur on her account of epistemic injustice.

Craig attends to explaining the emergence of knowledge concept, concluding that it lacks necessary and sufficient conditions due to its sordid genealogy. Williams limits his inquiry to why and how truthfulness is created and sustained in epistemic communities.
The primary problem for Fricker’s account of epistemic injustice is its reference to inconsistent and competing normative theories. The primary harms of epistemic injustice are explained by reference to Kantian deontology. Recall that epistemic objectification results from treating persons as a mere means (Fricker 2007, 132-4). Secondary harms are the consequentialist considerations regarding both a) harming our epistemic agency and b) practical harms. As is well-trod terrain in the history of normative thought, these commitments are inconsistent, forestalling any attempts to provide a unified explanation of epistemic in/justice by combining these normative theories. Reasoning from the second-stage in the ESON OP explains both the primary and secondary harms, testimonial injustice, hermeneutical injustice, and epistemic overload, making it parsimonious, conservative and fruitful.

I invoke Craig and Williams to develop the first-stage ESON. Differences emerge by considering epistemic goods in relation to successful living generally, rather than using state-of-nature reasoning for purely epistemic ends. As is consistent with arguments from Chapter 2 and claims made throughout the dissertation, this chapter will not be limited to “proper” epistemic activity. Instead, social epistemic life will be considered in the context of its function for beings like us and what we consider to be justifiable on reflection. Issues of flourishing and well-being are relevant to epistemic activity in the ESON OP. Nonetheless, this chapter is not intended to be a general normative account. It explains only epistemic in/justice. Before embarking, the project is outlined along with explanations of the stipulations of the chapter.

The first step is to stipulate the conditions of the first-stage and the agents within it. This exercise must balance the demands of formalized, abstracted theory while retaining sufficient correspondence to epistemic practice to be relevant. Agents are self-interested and semi-
rational due to selective and social pressures. Survival demands at least semi-rational agents. The ESON OP uses the basic goods and rules of the ESON and adds normative premises about agents. Idealizations have normative authority because they represent what self-interested agents would assent to under conditions that are fair, equal and informed. Idealizations justify rules both in relation to what social beings need for conceptions of a good life apart from awareness of one’s social contingencies, as expressed in the second-stage of theory. The apparent redundancy between the ESON and ESON OP captures the difference between functional reasons and normative reasons for the endorsed goods and rules, suggesting overlapping consensus among reasonable and (semi) rational agents about the basic goods and rules of epistemic communities. While the ESON explains what agents like us would endorse and need, it does not justify those results. The ESON OP justifies what would be done and helps to bridge the is-ought gap without defying it. Cooperation, truth and trust are basic goods endorsed by rational agents in the first-stage and reasonable agents in the second-stage.

2.1 The First-Stage: The Epistemic State of Nature

Human epistemic activity requires integrated social life. As such, the ESON presupposes agents within some community, rather than isolated individuals in a state of nature characteristic of Hobbes’ formulation of the state of nature. In the ESON, there are multiple linguistic communities which compete and are under environmental selective pressures. Selective mechanisms operate on the entire community as well as individuals. Moderate scarcity requires parties to cooperate to live well, epistemically or otherwise. Communities which fail to pool a sufficient quantity and ratio of relevant true beliefs (relative to false beliefs), will be at a selective disadvantage. Relevant beliefs are those which are of autoguiding consequence in the
promotion of agents’ interests and ends. Trivial true beliefs are not valuable in functionalist accounts. As such, the ESON is characteristic of an assurance game like the stag hunt.\textsuperscript{92} Agents who fail to enjoy the advantages of cooperation fail generally. For this reason, agents recognize society as a cooperative scheme for mutual advantage. Next, I turn to Bernard William’s \textit{Truth and Truthfulness} to develop conditions of agents and the environment in the first-stage.

Williams’ analysis focuses on explaining the origins and value of truth and the disposition for truthfulness. While this focus will limit the symmetries between Williams’ epistemic state of nature and the ESON, it is a useful starting point. I consider stipulations about agents in the ESON and features of the ESON in tandem. Linguistic communities and individuals are both subject to selective pressures over time. The reciprocal dynamics of individuals and communities forestall compartmentalized analysis as each informs the other.

Consider the basic goods that any agents like us need to negotiate a semi-hospitable world. To survive, any agents like us require a sufficient ratio of true beliefs, relative to false beliefs and those true beliefs are of sufficient practical relevance to our ends to guide successful action.\textsuperscript{93} This postulation divorces from the limitations of proper epistemologists, as I consider practical success to be part of epistemic success (Ch 2). Purely epistemic considerations have little grounds for differentiating between beliefs-sets with the same ratio of true beliefs. If a person’s beliefs are all true, but regard the celestial bodies orbiting Betelgeuse, this is of little value to that agent’s survival. So, as part of an ameliorative epistemology (Ch 2), this theory of

\textsuperscript{92} See Skyrms (2004) for a detailed account of the stag hunt as a model for explaining the evolution of cooperation.
\textsuperscript{93} Williams and Craig are content-insensitive to the type of truths considered, as their ends are purely epistemic. My account is sensitive to the type of belief insofar as it relates to survival and human-flourishing (especially epistemic flourishing). This will be assessed in the discussion of epistemic paternalism and ameliorative hermeneutical revision (Ch 7).
epistemic in/justice also attends to whether epistemic goods, like truth, are conducive to agents’ survival and flourishing. I conclude that epistemic goods are not always good for agents; epistemic overload is actual. As such, the ‘sufficient ratio of true beliefs’ claim is qualified in two respects. First, it entails a *qualitative dimension*, referential to valuable ends as understood by the agents who hold those beliefs. Second, it implies a comparison group of false beliefs. A sufficient ratio of true beliefs is necessarily relative to some false beliefs. So, mentioning ratios of true beliefs implies actual or possible false beliefs.

Further, agents live in communities as social beings. Epistemic life is primarily social and the preconditions for any epistemic activity is a shared social life. Regarding individuals, irrespective of the relative aptitudes of agents, purely positional epistemic advantages exist (Williams, 42).94 Purely positional epistemic advantages result from uniquely situated individuals. Agents have unique experiences and perspectives, which allows them unique knowledge. As such, all (or almost all) agents will discover truths that others do not know. The need for a sufficient ratio of qualitative true beliefs in conjunction with purely positional epistemic advantage and communal living of linguistic groups leads to epistemic cooperation among individuals. Further, epistemic division of labor entails increased productive efficiency with specialization. Parties have an interest in sharing and pooling knowledge to improve their relative and collective positions. Overall, individuals are largely mentally and physically equal, as Hobbes contends. They are almost never better off alone. So social cooperation is necessary for

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94 Purely positional advantage may be interpreted as one way to generalize and formalize the results from Feminist Standpoint Epistemologies. Alison Wylie calls this idea the *inversion thesis* stating, “[a] central tenet of standpoint theory is that those who are marginalized (socially, politically, economically), and who suffer epistemic injustice as a consequence may, in fact, be epistemically advantaged in key respects” (2011, 399).
flourishing generally, and specifically for our purposes, cooperation is necessary for epistemic well-being. These communal inclinations are based on agents who are semi-rational and self-interested as they recognize their epistemic situation. At times these features of agents contradict motives for epistemic cooperation.

Self-interest competes with cooperation as individuals have reasons to mislead or withhold from knowledge pooling while attempting to gain the benefits of pooled knowledge and the epistemic divisions of labor. Epistemic defections are cases in which individuals tactically mislead others to promote individual or sub-group interests. This may be lying, withholding pertinent information, and insincerity. A simple example will illustrate how self-interest may conflict with cooperating by pooling knowledge. If my pure positional advantage allows me to know about a limited and slowly replenishing community of rabbits to eat, I have a self-interested reason to withhold that information. If I pool my knowledge about the rabbits, others are likely to hunt the rabbits. If no rules are implemented to manage the rabbit population, a collective action problem arises. By sharing my knowledge, I endanger my livelihood as the rabbit population may be hunted to exhaustion. On the other hand, I also want to take advantage of the pooled knowledge offered by others. As such, individuals have incentives to freeride off the pooled knowledge of the community while retaining their purely positional epistemic advantages.

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95 The stipulation that agents are semi-rational and self-interested is itself justified by reference to the necessities of survival in less than hospitable world. Agents lacking these features entirely will not succeed and reproduce, preventing biological or cultural transmissions of their traits.

96 In-group bias may be explained by self-interest founded in expectations of reciprocity or biological explanations of kin-group preferences.

97 The ESON need not be imagined as occurring in the Pleistocene. Suggesting as much simplifies socio-epistemic processes and activities.
to promote their self-interest. Yet, the community, and presumably (almost) every member of that community is better off if knowledge is pooled by all. This leads to two results.

First, social and individual learning mechanisms will promote dispositions to be sincere and to detect sincerity. Communities which cannot discern and encourage sincere assertions have a selective disadvantage. So reliable indicators will emerge to pool knowledge reliably (Craig, 1999, 19). It is for these reasons that Fricker suggests stereotypes, among other indicator properties, are an inevitable outcome of the cooperative demands of shared epistemic life (2007, 30). For knowledge pooling to be successful, people must contribute knowledge gained from their positional advantage and others must be able to tell when individuals are epistemically defecting. If time and cognitive processing demands were not constraints, stereotypes may not arise. But for beings like us, heuristics such as stereotypes and other reliable indicators are essential for epistemic coordination.

Second and related, rules against epistemic defection develop. Detection alone is not a sufficient deterrent against epistemic defection, as little costs can be imposed interpersonally, due to the relative descriptive equality among agents. Interpersonal feuds are likely to make both parties worse off, which rational agents will avoid. So, without social mechanisms for punishing defectors, rational self-interest leads to widespread defection. Without assurances and incentives, epistemic defection is rational. An epistemic collective action problem arises. Defection undermines the epistemic efficiencies of communal cooperation and is suboptimal from the perspective of self-interested agents. People prone to cooperation are disadvantaged

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98 Of course, these indicators can become unreliable or unwarranted, such as unjust prejudicial stereotypes. This problem is addressed in Chapter 7.
as free-riders gain from the knowledge of cooperators while those cooperators do not benefit reciprocally. External selective pressures operate against communities which do not epistemically cooperate. A collective of epistemic defectors will not effectively pool and produce the truths necessary for communal success. As a result, successful communities must be able to deter epistemic defection to promote cooperation. To ensure cooperation, communities will develop norms for imposing costs on caught defectors. These punishments may be reputational or tangible.

The central importance of pooling true beliefs and not defecting leads Williams to the values of sincerity and accuracy. These values serve as reliable indicators for knowledge sharing and stable dispositions to prevent defection. Accuracy regards reliable development and conveyance of true beliefs, while sincerity is the disposition to intend to assert what one believes. For Williams, sincerity and accuracy are “virtues of truth” because both are derived from considerations about acquiring, conveying and pooling true beliefs (2002, 44). The disposition to be a reliable knowledge acquirer and conveyer are rewarded. Accuracy promotes the ratio of true beliefs pooled, relative to false beliefs. Sincerity ensures that people do pool what they believe. Operating in tandem, sincerity and accuracy are necessary for cooperative success and individual well-being. Aside from pooling true belief, I argue that trusting and being trusted better capture the thrust of William’s virtues. Trusting and being trusted are integral to individual and collective success in the ESON. The postulate of trust has theoretical advantages over sincerity and accuracy.

Being able to rely on the testimony of others is integral to well-being, epistemically and otherwise. There is considerable investigative investment for an agent independently to confirm
testimony from the purely positionally advantaged (Williams, 88). In some cases, independent confirmation is not possible. Trusting others is necessary to enjoy the fruits of epistemic cooperation. If we do not trust what is epistemically pooled, we will not rely on it. Further, being trusted is a precondition for avoiding imposed costs of defection. If people do not trust you, they may epistemically withhold or otherwise impose costs on your perceived defection. Reduced trust explains punishments, justified or unjustified. Finally, if agents do not trust communal norms, they may epistemically defect to avoid wrongful punishment. So, trust is necessary to enjoy the epistemic labors of others and to avoid punishments for perceived defection. Proper trust relations are also a condition of ongoing epistemic cooperation. As such, the basic good of trust is something that any agent in the ESON wants and that will naturally emerge from competitive selection under scarcity. While Williams opts for “sincerity” and “accuracy” as a basic goods, understanding these in terms of trust has merits which justify using ‘trust’ in lieu of Williams’ terms.

First, trust is predictively useful and measurable. Trust predicts access to pooled truths because the untrustworthy are unlikely to be allowed continued access to pooled knowledge. If you are not trusted it is likely a punishment because of perceived epistemic defection. Trust also predicts imposed costs on epistemic defectors, which are selective pressures. The selective disadvantages of being distrusted can be modeled game-theoretically. Learned distrust is likely to reduce cooperation and correlate with punishments for perceived epistemic defection. The value of trust can also be understood in turns of the costs of punished defection and the gains of cooperation. Second, trust does more explanatory work than the concept of sincerity. Virtues such as accuracy and sincerity are reducible to the demand for trust. If one is consistently sincere
and accurate they are trusted unless other epistemic defects (social or individual) arise.\(^9^9\) While sincerity is an *intentional* state to assert what one believes, trust-relations can be observed. This avoids needless psychologizing. Relating back to the first reason, trust conditions can be understood in terms of empirical conditions rather than cognitive states, making it more useful, recognizable, and falsifiable. Third, trust relations regard both community norms (e.g., hermeneutical marginalization/inclusion) and individual dynamics (e.g., credibility attributions) which are integral to understanding epistemic injustice. The trust that agents hold for epistemic institutions and other persons can be assessed.\(^1^0^0\) Attempting to assess institutional sincerity sincere commits a category mistake. Communities cannot have intentional states. Fourth and finally, trust explains forms of epistemic injustice and has a literature persuasively reducing testimonial injustices to trust-injustices. Following Origgi (2011) and Marsh (2011) testimonial injustice can be understood as unjustified trust deficits. A person does not receive appropriate credibility attributions as they are not trusted in virtue of their social identity. Credibility is a specific type of epistemic trust. This is central to the relevance of the ESON OP for purposes of explaining recognized epistemic injustices and anticipating novel types. Accuracy, sincerity, and credibility are just factors influencing trust dynamics.

From these considerations, the first-stage conventionalist account produces two basic goods and two general rules. To summarize, any epistemic community like ours requires reliable indicators to promote trust and truth, mechanisms for effective knowledge pooling, and rules against epistemic defection. To generate normative results from this functionalist account,

\(^9^9\) While different types of trust may arise from signaling accuracy or sincerity, this need not delay the general justifications for stipulating trust as a basic epistemic good. It can be analyzed and subdivided at a later point.\(^1^0^0\) For discussion of social norm formation and operationalization see, Bichierri and Suntuoso (2017).
normative premises must be integrated into the account. Before turning to an initial situation in the second-stage, the results of the ESON will be schematized.

Individual Basic Epistemic Goods:

1) Truth - A sufficient ratio of qualitative true beliefs, relative to false beliefs

2) Trust –
   a) To trust others - the ability to rely on pooled resources and
   b) To be trusted - to be allowed to participate in shared epistemic life

Countervailing Forces: Epistemic defection

Socially Basic Epistemic Goods:

1) Cooperation

2) Mechanisms to Detect and Protect Against Defection
   a) Reliable Indicators
   b) Enforced norms against epistemic defection

3. The Second-Stage: The Epistemic Original Position

The second-stage retains the key features of the ESON and agents within it, while adding normative content about deliberating agents. Normative results can be inferred by assessing what individuals in the ESON would assent to under fair and equal conditions. This is the second-stage contractualist theory. It is the epistemic state of nature in the original position (ESON OP).

To motivate these normative premises, I invoke Rawls’s original position for epistemic-ethical ends.
Initial conditions are fair and equal as all agents jointly and unanimously decide on the basic epistemic goods and norms of their future hypothetical epistemic community behind a veil of ignorance. They know that they will enter some discursive community, but do not know details about it or their identity. They are therefore impartial about group identity, generational affiliation or individual bias. Only rules and goods that any agent or community would endorse from the perspective of the ESON OP are legitimate. Further, these agents are informed. They understand the ESON and its implications. They have a general understanding of their epistemic situation and mechanisms of social epistemics. These informed agents also have a basic understanding of general facts about economic, social, biological, and psychological facts (Rawls 1999, 122-3). The results from the functionalist ESON and results from the ESON OP are largely isomorphic. The basic goods that any agent would want from the ESON OP are fixed by the demands of cooperative living and socially situated epistemic life. First, consider the individual perspective. What are the basic goods that any agent would want irrespective of their specific ends and knowledge of their social contingencies?

3.1 Truth and Trust Revisited

First, a sufficient ratio of qualitative true beliefs (relative to false beliefs) is agreeable to all in the ESON OP. These are necessary for survival no matter what else an agent desires. As such, and much like the results from the ESON, individuals want conditions conducive to knowledge acquisition and pooling. This implies norms of epistemic sharing and cooperation. The nature of this cooperation cannot be refined from the ESON OP without stipulating background conditions. Likewise, all parties, irrespective of social location, have an interest in trust relations which are necessary for that knowledge pooling. To be trusted is integral to enjoying the benefits
of mutual epistemic cooperation. We cannot benefit from epistemic cooperation if there is insufficient interpersonal trust. Reliable heuristics are justified in virtue of the common cognitive limitations of all agents. Heuristics are necessary only insofar as epistemic agents are cognitively limited, but any agents like us do have cognitive limitations requiring heuristics. Reliable indicators develop to promote successful knowledge pooling and to detect epistemic defection. Knowledge pooling will accelerate and improve with reliable indicators, rather than requiring discrete evaluation of each assertion without any assumptions or theories operant. These epistemic heuristics, such as stereotypes, are recognized norms of actual successful and idealized epistemic communities. Even capable agents have cognitive limitations and epistemic priorities which warrant reliable indicators for efficient assessments. Reliable indicators promote trust and epistemic cooperation.

These considerations anticipate that virtues of honesty and sincerity are universally socially justified, insofar as they are instrumental to the promotion of trust. The specific manifestations of trust mechanisms depend on contingent circumstances. Trust mechanisms cannot be theorized until more stipulations about individual and environmental conditions are set. Rules against defection prevent large-scale epistemic defection which has potential to undermine epistemic cooperation and communal success.

Rules against defection are justified without knowing the details of one’s society. Self-interested agents are strongly motivated to defect in some cases. In any actual epistemic community, some people will have reason to defect. This motive is contrary to collective

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101 Beings with unlimited ability to assess testimony are too dissimilar from humans to be useful to consider.
interests and the long-term viability of epistemic communities. As such, social norms to deter epistemic defection are enforced. As the freeriding of epistemic defection undermines social cooperation by reducing its benefits and increasing its cost, rules against defection are justified from the ESON OP. Every party in the ESON OP recognizes that their personal well-being and collective functioning depends on preventing widespread epistemic defection which undermines trust and the pooled knowledge in the epistemic community. They also recognize that they are almost always better off, in the long-run, by forgoing tactical epistemic defections which risks punishments. This is only evident from the impersonal perspective of the second-stage. While agents in the ESON may be coerced or selectively-advantaged by adhering to these values and norms, they may not have reasons for endorsing those ends, aside personal expedience. Agents in the ESON OP consciously endorse these goods without appeal to narrow self-interest. As such, the ignorance of agents in the ESON-OP contributes to their fair-mindedness, as they must consider being a member of any actual discursive community. The knowledge about social epistemology agents hold allows them to anticipate systemic epistemic defects emerging. These systemic epistemic defects may manifest as epistemically inefficient rules or unreliable indicators, even if all parties act justly towards others. In a sense, these are epistemic collective action problems.

One systemic epistemic defect is epistemic marginalization in which individuals or discursive communities are less able to contribute to and benefit from pooled epistemic resources. While justified epistemic marginalization may result from recurring epistemic

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102 This suggests that the second-stage, like the first-stage, is a partial compliance theory. Even moral agents suffer from selfishness and weakness of the will.
defection, epistemic marginalization may also emerge from epistemic drift. Epistemic drift is the gradual marginalization of some discursive communities, at no fault of their own. Changes in epistemic norms and hermeneutical resources over time due to random selection, sampling error effects, and memetic mutations may cause epistemic drift. An epistemic community may drift towards injustice without anyone intending it. One variety of epistemic drift applies to any heterogenous epistemic community.\textsuperscript{103} This is the red king effect.

As a minority, one frequently engages with the epistemic majority. One’s well-being is more likely to be sustained or undermined by these recurring interactions with members of the majority. From the perspective of a majority member, interactions with minorities are less likely to be pivotal to well-being. Agents who are semi-rational and self-interested will tend to modify their behavior in accordance with the risks and payoffs. As a result, minority groups are more likely to epistemically adjust to majority norms, heuristics, and hermeneutical resources than the majority is likely to respond to the minority (O’Connor, Bright and Bruner, 2017, 5). Call this the \textit{epistemic Red King effect}.\textsuperscript{104} Epistemic communities are likely to become less attuned to minority group’s reliable indicators or hermeneutical resources. These results are amplified by asymmetrical bargaining conditions, as some groups zin positions of power. Differences in relative gains by accommodating the other parties are more pronounced as the costs of non-cooperation differ across individuals and groups.

\textsuperscript{103} Heterogeneous discursive communities within epistemic communities are a natural product of gradual divergence via selection (i.e., epistemic drift), resultant from the first-stage of the theory. It is also a feature of epistemic communities like our own, in which there are numerous discursive sub-communities within epistemic communities.

\textsuperscript{104} O’Connor, Bright and Bruner (forthcoming) analyze this phenomena in depth.
The possibility of epistemic Red King effect and asymmetrical bargaining conditions are recognized in the ESON OP. Knowledge of social epistemics includes knowledge of the red king effect and the plurality of discursive communities in society. So, agents will recognize that intersectional epistemic oppression is likely to arise. This is structural, non-culpable injustice. Nonetheless epistemic marginalization is bad for the unlucky agents experiencing it, as they become less intelligible and less trusted. As all agents want to enjoy the epistemic benefits of cooperation and set up epistemic norms which ensure this outcome, agents in the ESON OP have reason to legislate against the adverse effects of epistemic drift. Further, all parties know (and know that others know) that epistemic cooperation is optimal, so promoting cooperation is in the interest of all. Finally, individuals in the ESON OP do not know their social identities. Any of them could be a member of an epistemically oppressed group, so the opt to ensure that that this marginalization does not undermine their life-prospects insofar as epistemic injustice can induce severe secondary harms. From these considerations, epistemic charity is a good that all parties endorse as basic.

3.2 Epistemic Drift, so Epistemic Charity

Epistemic charity is the only major divergence from results of the ESON, as it depends on the reasonableness of agents in the ESON OP. The ESON only considers what any agents and communities will do to survive and epistemically flourish. The ESON OP adds considerations for ensuring fair conditions which are likely to allow for epistemic flourishing of any member of the imagined epistemic community and to ensure the long-term success of the epistemic community. While epistemic charity is not necessary for epistemic functioning or survival, it is a
good that any agent would want in their society from the perspective of ignorance about social position and knowledge of social epistemics.

Recognizing the possibility of unjustified epistemic marginalization from the Red King effect, agents in the ESON OP legislate to avoid becoming disadvantaged in this way. Further, the purely positional advantages of individuals entail that epistemically flourishing societies are those which enable most members to epistemically cooperate. So, it follows that either as a majority or minority member, one has reason to sponsor epistemic charity. Cognitive divisions of labor and synergistic aggregations of knowledge support this conclusion. Like the compounding of wealth over time, *epistemic compounding* results from the efficiencies of cooperation and specialization.\(^{105}\) Long-term stable cooperation predicts epistemic gains, increased epistemic flourishing, and the practical benefits from these achievements.\(^{106}\) The advantaged who charitably accommodate the structurally disadvantaged are likely to benefit in the long-run for doing so. So, reasonable and rational reasons coalesce to justify endorsement of charity in the ESON OP.

Agents in the ESON OP recognize that long-term communal and individual interests depend on promoting cooperation and preventing adverse epistemic drift effects, like the epistemic Red King effect. Recognizing that systematic epistemic defects are an inevitable byproduct of epistemic drift, epistemic charity entails a default disposition to operate against

\(^{105}\) I thank Michael Moehler (2018) for this consideration, motivated by his remarks on the compounding economic benefits of long-term cooperation (98-9).

\(^{106}\) ‘Epistemic progress’ is a thin and open-ended concept. It may be construed as verisimilitude, successful action, or some other conception of the epistemic goals of social epistemics. The ESON OP does not stipulate details about agents’ conceptions of the good, epistemically or otherwise. In general, it is compatible with many conceptions of epistemic success.
these marginalizing processes. As such, epistemic charity is endorsed by all members of the ESON OP, given their recognition of the risks of being a victim of unjustified marginalization and their interest in promoting collective success. This can be framed as the duty of epistemic charity and the disposition for epistemic charitability. We should be epistemically charitable to prevent intersectional epistemic oppression, promote communal epistemic functioning, and reap the benefits of ongoing epistemic cooperation among members of society.

The manifestations of epistemic charity are contingent on the specifics of the environment. Duties depend on who is marginalized and to what extent, expected costs and benefits, and other circumstantial considerations. Despite this, some general remarks about epistemic charity can be made. First recall that stereotypes are an inevitability of cognitive limitations and the need for reliable indicators for pooling knowledge. Due to epistemic red king effects and other forms of epistemic drift, stereotype-based epistemic marginalization is likely to negatively impact the reliability of stereotypes. So deserved and undeserved epistemic marginalization will occur. As such, epistemic charity entails giving special credence to members of marginalized groups who are more likely to be epistemically disenfranchised, whoever that may be. A charitable interpretation of unintelligible testimony involves applying effort towards understanding the claims of others and recognizing the possibility that the unintelligibility is a product of credibility misattributions, wrongful distrust, hermeneutical lacunas, or epistemic overload.107 Similarly, epistemic charity may involve allowing a perceived epistemic defector to

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107 Fricker invokes Louise Antony to call for a form of epistemic charity she calls epistemic affirmative action. She writes, “[men should] adopt the working hypothesis that when a woman, or any member of stereotyped group, says something anomalous, they should assume that it’s they who don’t understand, not that it is the woman who is nuts” (170-171).
enjoy the benefits of shared epistemic life, as the basis for attributing defector status will be
imperfect. The labeled defector has much to gain from social-epistemic reincorporation and the
advantage agent does not risk much by being more charitable. The duty of epistemic charity is
warranted from the perspective of the ESON OP.

Epistemic charity is likely to be rational from the impersonal perspective of second-stage,
not merely altruistic. The epistemic red king effect and the influence of power on epistemic life
entails that dominant parties have minimal risk/cost of charitability. They also have some
epistemic upside, as the purely positional advantage of minorities entails that there is much
more to be gained from epistemic trust and the benefits of cooperation. Pooling all purely
positionally advantaged knowledge and synergistic effects of epistemic compounding allows the
best epistemic result. The reasons for epistemic charitability from the marginalized perspective is
too obvious to bear repeating here.108

To reiterate, the reasons for epistemic charity are 1) “it could be me” reasoning in the
ESON OP due to recognition of epistemic drift and contingency of the birth lottery, which
appeals from any position in society (marginalized or dominant). 2) The low-risk of epistemic
charity from the dominant parties with potential gains from epistemic compounding 3) overall
maximizing epistemic cooperation promotes optimal outcomes for all and is of obvious interest
to the epistemically marginalized. After presenting a schematic of the ESON OP’s results, the
theoretical virtues of the ESON OP are explored. The account of the two-stage theory is

108 The case for inclusion and cooperation among all discursive communities based on expected returns is stronger
than the analogous case made for economic cooperation. Epistemic agents and discursive communities have
knowledge from their purely positional advantage which cannot be outsourced or substituted, unlike economic
goods and services.
complete. The remainder of this chapter considers the comparative theoretical advantages of the two-stage theory, relative to Fricker’s account of epistemic in/justice.

Individual Basic Epistemic Goods:

1) Truth - A sufficient ratio of qualitative true beliefs relative to false beliefs

2) Trust –
   a) To trust others - the ability to rely on pooled resources and
   b) To be trusted - to be allowed to participate in shared epistemic life

Countervailing Forces: Epistemic defection

3) Charity –

Socially Basic Epistemic Goods:

1) Cooperation

   Charity – promote cooperation, prevent adverse epistemic drift

2) Mechanisms to Detect and Protect Against Defection
   a) Reliable Indicators
   b) Enforced norms against epistemic defection

4. The Theoretical Virtues of the Two-Stage Theory of Epistemic In/Justice

This section describes the theoretical virtues of the two-stage contractualist account. The two-stage theory is parsimonious, conservative, and fecund. A theory is conservative if it can
account for existing knowledge within its domain.\textsuperscript{109} Conservativism is backwards looking insofar as it regards preserving what is already believed by relevant experts and confirmed by current theories. A conservative theory unifies preexisting understandings, towards the end of providing a comprehensive explanation. As a theory is fecund if it predicts and explains more than prevailing alternative theories. Fecundity is forward looking as it regards potential further discoveries. Parsimony is the theoretical virtue of explaining the same phenomena with fewer assumptions than competing theories. Parsimonious normative theories require less metaphysical or meta-ethical commitments to explain the same phenomena.

The section will proceed as follows. First, I show that that ESON OP conserves the central features of Fricker’s account including primary and secondary harms as well as testimonial and hermeneutical injustice. Second, it explains epistemic overload and other epistemic injustices such as wrongful requests (Pohlhaus, 2011). Finally, the ESON OP relies on one normative methodological foundation rather than four inconsistent theories, making the ESON OP decisively more parsimonious than other normative theories of epistemic injustice. Recognition that this two-stage theory possesses these three virtues to a higher degree than Fricker’s account gives reason for preferring the ESON OP as the normative theory of epistemic in/justice.

4.1 Explaining the Primary and Secondary harms of Epistemic Injustice

\textsuperscript{109} Keas (2017) systematizes theoretical virtues into four categories: evidential, coherential, diachronic and aesthetic values. Parsimony is the paramount aesthetic value, fecundity is a diachronic virtue of program-productivity over time, theoretical unification and non-contradiction are coherential virtues, while conservatism and explanatory power are evidential virtues. As the terms used in this chapter are consistent with Keas systematization and conform to his categories, I retain my characterizations of these theoretical virtues. I integrate evidential and coherential virtues in the discussion of explanatory power, conservatism, and theoretical unification.
The ESON OP explains the primary and secondary harms of epistemic injustice by reference to the perspective of reasonable agents. Recall that the primary harm of epistemic injustice is being objectified in our capacity as an epistemic agent (Fricker, 44). This is a fundamental degradation and disrespect to one’s epistemic agency. Our status as an epistemic agent is integral to our personhood, so being degraded as a knower is to be degraded as a person. Pohlhaus (2014) persuasively objects to the characterization of the primary wrong as “objectifying.” Agents are not treated as passive vessels of knowledge when they experience interpersonal epistemic injustices. Rather, they are treated as derivative epistemic subjects. Committing an interpersonal epistemic injustice induces primary harm by attempting to subjugate an epistemic agent so that their beliefs or worldview corroborate the perpetrator’s views. As mentioned in Chapter 1, ‘objectification’ refers to Pohlhaus’s derivative subjectification. With this amendment, it becomes clear why the primary wrong will be recognized and stipulated against by agents in the ESON OP.

All agents reflecting from an initial position of the ESON OP legislate against anyone being treated as derivative epistemic subjects. This follows from the operation of the veil of ignorance on self-interested and informed agents. As the function of the ESON OP is to endorse conditions which ensure epistemic flourishing, no matter the results of the birth-lottery, epistemic objectification is antithetical to this central purpose. The primary wrong is a central bad as it undermines epistemic agency itself. Epistemic agency is a precondition for epistemic flourishing. If we are not able to autonomously deliberate, we cannot develop the epistemic faculties necessary for flourishing. Of course, derivative subjectification is also likely to be accompanied by unjustified secondary harms. Consistent with Fricker’s account, epistemic objectification is a
central form of wrongdoing and bring harm to agents in the ESON OP. For reasonable agents to
assent to participate in an epistemic community, assurances against being degraded as an
episemic agent are necessary. Uncertainty about their social position in the birth lottery ensures
legisrating against forms of epistemic objectification. This conclusion preserves both the notion
of primary harms and its greater importance relative to secondary harms (Fricker, 21). 110

Further, social epistemic goods are undermined by epistemic objectification. These are
the secondary effects of epistemic objectification. Epistemic trust is undermined by suffering the
primary harm. A primary harm depreciates the purely positional advantages of others, which
must be pooled to promote collective well-being epistemically and generally which undermine
collective knowledge pooling and the interests of the wronged as epistemic agents. So
objectified or marginalized agents cannot trust the epistemic community to accept their
testimony. Those who objectify fail to enjoy the positional advantages of the objectified.
Committing the primary wrong prevents genuine collaboration, instead promoting epistemic
homogeneity via domination. Similar reasoning applies to the secondary harms of epistemic
injustice. 111

Recall that secondary harms are the practical and epistemic ill-effects of epistemic
injustice. While primary harms are intrinsically bad, secondary harms result from outcomes
which undermine our agency or ends. For this reason, categorical bans against secondary harms

110 There is an interesting symmetry between the lexical priority of epistemic autonomy in this account which has
affinities to the Rawlsian lexical priority of political liberty. In both cases, respect for persons as agents motivates
these conclusions.

111 Conserving the primary harm of epistemic injustice is one of the main reasons that reasonable agents are
required, and not merely rational agents. Merely rational agents may endorse epistemic objectification if it suits
their ends without undo risks.
cannot be endorsed from the ESON OP. There are many cases in which some practical or epistemic harm may arise. Imposing costs on epistemic defectors maybe be a justified imposition of secondary harms. Whether the secondary harms constitute an epistemic injustice is contingent on distributions and effects. Nonetheless, all agents in the ESON OP can agree that secondary harms are bad if they result from injustice or undermine the collective goal of knowledge pooling.

There are limits on the extent to which secondary harms are tolerable from a self-interested perspective. Rational agents would not endorse epistemic martyrdom for greater goods. They will also recognize that their interest and collective interests admit of secondary harms. So, agents will legislate against secondary harms which are severe enough to hamper epistemic agency or without good reason. Of course, from the ESON OP fair-minded agents would not condone the distribution of ill-effects without reasons which refer to the culpable choices of agents out of self-interest. Just as with Fricker, secondary harms are bad-making features of epistemic injustice. The consequentialist nature of secondary harms requires prescriptions about them to be contingent on context. Secondary harms are prima facie bad for agents in the ESON OP, but whether they are tolerable depends on if they promote epistemic flourishing and collective success. Punishments for epistemic defection are likely to target epistemic goods as a fair reciprocation of agents’ choices to defect. Yet, rational agents without knowledge of their social position have interest in preventing severe or unfair distributions of epistemic harms, to preserve their own epistemic agency and success. Consistent with Fricker’s account, secondary harms are bad insofar as they destroy one’s agency or have other unjustified ill effects. Next, I turn to testimonial and hermeneutical injustice.
Testimonial injustices are interpersonal prejudicial credibility deficits. Promoting the trust necessary for cooperation requires reliable credibility attributions. Persistent testimonial injustice undermines effective knowledge pooling and the benefits of cooperation. Individuals recognize that they may be victims of testimonial injustice. Credibility misattributions may befall anyone, so agents refuse risking being a victim of epistemic injustice. It may be objected that risk-tolerant agents may condone credibility misattributions in the hopes of receiving beneficial credibility excesses.

The risk-situation from the perspective of the epistemic original position does not support this conclusion. The chance of suffering a primary harm from credibility overload or testimonial injustice operates against endorsing credibility misattributions. The primary wrong of these injustices degrades persons as epistemic agents. This risk of primary harm is of intrinsic significance from the perspective of self-interest in one’s epistemic agency, and so is not commensurable with any amount of secondary gains from credibility misattributions. This bad is not outweighed by the possibility of some epistemic benefits as a matter of moral luck. Further, it is not clear that receiving unjustified credibility excesses constitutes epistemic flourishing. As Aristotle laments in Book 1 of the *Nicomechean Ethics*, being esteemed by others is not a self-sufficient good. We must be trustworthy to epistemically flourish, not merely trusted. Of course, credibility excesses may operate against epistemic flourishing by contributing to intellectual laziness. So, agents do not endorse epistemic excesses from their position. These results are corroborated from social considerations.

Without knowledge of one’s social identity-type, agents have no interest in credibility misattributions. Misattributions are only of interest to agents who know they will benefit from
those misattributions, which is something that agents in the ESON OP cannot know. Proper
credibility attributions facilitate epistemic cooperation due to promoting justified trust. All
parties have an interest in promoting reliable indicators as this best facilitates knowledge
pooling. An epistemic system that perpetuates credibility misattributions develops epistemic
defects which are selectively disadvantageous. Specifications of the rules for cooperation and
against epistemic defection converge with self-interest to justify and explain collectively
denouncing prejudicial credibility misattributions as epistemic injustices. Notice that these
remarks apply to cases of credibility excesses. Agents in the ESON OP legislate against epistemic
overload. (This point is pursued in the next section 4.2). Continuing the conservative power of
the ESON OP, consider Fricker’s other type of epistemic injustice.

Hermeneutical injustice regards the unavailability of the epistemic resources necessary to
understand and communicate experience due to systematic marginalization of some group(s) in
the collective meaning-making process. The possibility of hermeneutical injustice is known by
agents in the ESON OP due to knowledge of the epistemic red-king effect. Epistemic drift occurs
regardless of social contingencies, when there are differences in the sizes or power of discursive
communities. This is a near certainty in any pluralistic society. So hermeneutical marginalization
will occur even without culpable injustice.\footnote{This provides an explanation for Fricker’s view that
hermeneutical injustice is a non-culpable structural injustice, while also admitting that willful
hermeneutical injustice is possible. As any group may become epistemically marginalized just in
virtue of being a minority, all parties have an interest in preventing this outcome from the

\footnote{Though reflection using the ESON OP as a heuristic in non-ideal conditions also allows for recognition of culpable
hermeneutical injustices such as willful hermeneutical ignorance (Pohlhaus, 2012; Mason, 2012), as discussed in
Chapter 7.}
perspective of the ESON OP. Hermeneutical injustice undermines individuals who suffer under hermeneutical lacunas and prevents the sharing of purely positional advantages possessed by minority groups who are rendered unintelligible. The ends of individuals, epistemic drift and the demands of social epistemic life converge to explain hermeneutical injustice. In this case, rules of social cooperation and principles of epistemic charity entail recognition of hermeneutical marginalization as an epistemic injustice. They have this interest as individuals and in recognition of their collectively-bound interests.

Epistemic cooperation and the principle of epistemic charity mutually reinforce the conclusion that epistemic mechanisms should be instituted to prevent hermeneutical injustice via epistemic charity.\footnote{Here, the concept of epistemic charity may be instrumental for developing expressively free environments, which are woefully undertheorized spaces intended to promote hermeneutical justice (Crerar, 2016).} The structure and content of epistemic charity are delimited by contingencies of social epistemic life. Yet, from the ESON OP the theoretical structure of Fricker’s account is retained. Further, these considerations anticipate the additional theoretical work of the ESON OP in relation to epistemic overload. The contents of hermeneutical justice will be delayed until the ESON OP is applied to non-ideal cases of actual epistemic social life (Chapter 7). For now, I turn to the fecundity of the two-stage contractualist theory.

4.2 The Fecundity of Reasoning from the Epistemic Original Position

The fecundity of the ESON OP will be developed in two parts. Some forms of epistemic overload and epistemic injustice can only be understood in the context of the non-ideal contingencies of our world by implementing ESON OP as a heuristic to promote epistemic-ethical
reflection. These factors will be considered next in Chapter 7. Epistemic injustices which are recognized without knowledge of social facts are the priority for now.

The fecundity of the ESON OP is demonstrated by further analyzing credibility misattributions. As Medina (2011) argues, credibility excesses in epistemic communities suggest credibility deficits elsewhere. Reasonable agents recognize that inefficiencies in knowledge pooling result from credibility excesses, as some contributions are overappreciated while others are underappreciated. So, these epistemically unjustified credibility asymmetries predictably undermine the efficacy of collective knowledge pooling. As a result, collective epistemic interest is undermined from misattributions of credibility. Further, as shown in Ch 4, some prejudicial credibility excesses do entail considerable primary and secondary harms. Agents in the second-stage ESON OP have personal stake in legislating against recurring, stereotyped credibility excesses. Reasoning from the ESON OP predicts and explains credibility-excessive testimonial overload and testimonial redundancy. Both forms of epistemic overload do undermine collective and individual success, as I have argued above (4.11, 4.2), so they are epistemic injustices.

Similarly, recognition of epistemic red king effects on hermeneutical resource distributions suggests that agents in the ESON OP will be sensitive to the possible of hermeneutical overload. Recall from Chapter 4, (Section 3.3) that hermeneutical overload occurs when individuals are wronged or harmed in their epistemic capacities by excesses in the uptake of hermeneutical resources and understandings via worldviews, schemas and terms. Adopting a worldview which degrades one’s epistemic agency is an example of a primary-harm inducing case of hermeneutical overload. If a worldview implies that one minority group is inferior, adoption of this worldview is problematic. First, one risks self-inflicted primary harms if they do
not legislate against epistemically objectifying and harmful hermeneutical resources.\textsuperscript{114} Knowing that group dominance and power asymmetries might lead to an excesses circulation or uptake of hermeneutical resources, agents in the ESON OP will be sensitive to the distorting potentials of hermeneutical excesses. This follows both for reasons of self-interest and to promote effective epistemic cooperation. Epistemic cooperation is undermined if some set of hermeneutical resources replace and prevent other resources from emerging due to social contingencies such as population ratios, rather than normative-epistemic reasons. To conclude, the ESON OP predicts epistemic overload as a source of collective and individual epistemic dysfunction, which reasonable agents will endeavor to prevent.

4.3 Parsimony: Reducing the normative pantheon of epistemic in/justice

Notice from section 4.1 that deontological explanations ground Fricker’s account primary harms while consequentialist concerns motivate secondary harms. This is an unstable theoretical basis as these theories are mutually incompatible. The ESON OP explains both harms as bad in relation to the perspective of the agents who seek epistemic flourishing. While this point is simple, it is important. It is a reduction of Fricker’s theoretical baggage without loss of explanatory power. While this success is clear, a final challenge remains. An unappreciated motivation for Fricker’s turn to virtue theory must be explained and explained by considerations from the ESON OP to show that the two-stage theory can do the same theoretical work.

Recall that Fricker posits a non-inferentialist, quasi-perceptual account of testimonial perception (Fricker 2007, 66). The phenomenology of credibility attributions justifies Fricker’s

\textsuperscript{114} While a categorical ban on hermeneutical overload is facile, reasonable agents take measures to prevent these conditions and to promote expressively free environments (Crerar, 2016).
conclusion that assessment of testimony is immediate and without propositional cognitive content. The first experience of testimony, before formulating a belief, is an affective, perceptual response to testimony. We feel approval or suspicion regarding testimony before finding the reasons supporting that sense. It is only after cognitive assessment that we can provide reasons for our initial response to the testimony, thereby committing a testimonial injustice if we fail to be aware of this credibility misattribution. I take it that this view, or something close to it, is correct. Commitment to the quasi-perceptual view of testimonial perception leads Fricker to an account which provides normative guidance in relation to cultivating our affective, quasi-perceptual epistemic responses. Virtue theory is invoked as it addresses the affective dimensions of normative life, recognizing that non-cognitive dispositions influence epistemic and ethical conduct.

Fricker’s use of virtue theory provides action-guidance regarding training our epistemic sensibilities to be more virtuous. If we suspect that we are misattributing credibility based on prejudicial identity types, we can consciously give more credence to someone, until we train our affective and quasi-perceptual responses to be virtuous (Fricker, 2007, 81-84). Recognition of the tendency for affective bias resultant from background social conditions provides moral reason for individuals to train their sensibilities via habit formation. We can become more virtuous listeners by intentionally attending to our quasi-perceptual assessments of others as epistemic agents (Fricker, 79).

115 Inferentialist accounts commit a normative fallacy by denying subjective experience to meet internalist standards of epistemic justification consistent with logical inference. Inferentialists maintain that because we ought to have internalist justifications for our testimonial assessments, we do in fact have them. Alternatively, we can lower the burden of proof for testimonial assessment understanding it as more analogous to visual perception than formal logic. This seems right.
Agents using the ESON OP as a heuristic can reach much the same conclusions. While some of this discussion must wait for Chapter 7, reasoning from the ESON OP can be invoked as a guiding heuristic for epistemically just conduct. Informed reasonable agents have basic knowledge of human psychology and will take measures to account for problematic affective biases and dispositions. Again, recognition of epistemic conditioning and epistemic drift give reason for agents to expect that testimonial assessments will be adversely influenced morally and epistemically irrelevant factors such as population ratios and power asymmetries. Being socially situated, they are likely to possess some of these hermeneutical excesses, influenced by dominant stereotypes circulating in collective hermeneutical space. Interest in personal epistemic flourishing and collective epistemic success motivate and explain attention to quasi-perceptual credibility misattributions. As has been shown, reasoning from the ESON OP is more sensitive to novel varieties of epistemic excesses as epistemic injustice. This result conforms to virtue theoretic commitments to goods being intermediate between excess and deficiency. This provides confirmation to my conclusions so far, as virtue theoretic insights and the contractualist reasoning demonstrate overlapping consensus. Despite these affinities, Chapter 7 demonstrates the action-guiding potential of the ESON OP as a heuristic. I argue that the ESON OP is better suited to promoting epistemic justice than virtuous reflection considering social psychology and normative critiques of virtuous reflection (Sherman, 2012; Alhstrom-Vij, 2013).
5. Conclusion

The apparent redundancy of the ESON and ESON OP can be explained by the respective theoretical roles played by each stage. The ESON explains why basic goods emerge and are necessary for individual and collective success. It motivates the basic structure and features of epistemic life, as well as providing minimal normative foundations on conventionalist grounds. This makes the second-stage more plausible, as few additional assumptions are required. The ESON OP justifies and extends these results. An evolutionary process alone cannot be expected to generate just results any more than power struggles lead to justice.

In addition to the theoretical virtues canvassed, one more will be surveyed. Proper use of the ESON carries special normative and reason-giving weight. Rather than stipulating that epistemic objectification is bad – an intuition that many shares but that the skeptic does not – the ESON OP can give compelling reasons to individuals by reference to their own ends. Reasoning from the ESON OP leads individuals to recognize that epistemic objectification is seriously bad, and that such forms of marginalization are likely to result from the sheer luck of epistemic drift. Relying on individual and social considerations provides reason-giving force.

One limitation of this account is that it supposes that reasonable reflection can adjust affective quasi-perceptual epistemic dispositions. Chapter 7 will canvas this problem noting that it is a common one. Like any other normative theory, the ESON OP cannot prevent the willfully bad from making bad choices. Yet it provides useful hermeneutical resources for sound moral reflection for those who are interested in promoting epistemic justice but are hampered by the
tendency for biases. It can also give some reasons and motivation to the more skeptical or apathetic, by reference to the advantages of cooperative epistemic life.

In Chapter 7, the action-guiding potential of the second-stage is illustrated by applying it to contemporary problems from epistemic overload.
Chapter 7: Applying the Epistemic Original Position to Problems from Epistemic Overload

1. Introduction

The last chapter developed a two-stage contractualist approach to generate the individual basic epistemic goods of truth and trust. Social cooperation rules, including rules against defection, emerge from any functioning epistemic community and so are agreeable to all members of any such community. In the second-stage, reasonable agents affirm these epistemic goods as self-interest mandates. This morally-loaded conception of the initial situation includes reasonable and forward-looking individuals without knowledge of their social position. The epistemic state of nature in the original position (ESON OP) provides overlapping consensus for the basic goods of truth and trust, while adding epistemic charity. This normative foundation for epistemic injustice demonstrates theoretical virtues of parsimony, fecundity and conservatism. Nonetheless, its abstraction limits its action-guidance for our actual world. The ESON OP cannot stipulate how these basic rules and goods should be implemented without accounting for the contingencies of an actual epistemic community. This chapter applies the two-stage theory to prevalent types of actual epistemic overload. This chapter completes normative foundations explaining epistemic in/justice. It also explains why a thicker, morally-loaded contractualist account is necessary for epistemic justice. Rational self-interest is an insufficient basis for ameliorating existing epistemic injustice.

Reasoning from the ESON OP is a useful normative heuristic for addressing actual epistemic injustice. To illustrate, I focus on testimonial overload and hermeneutical overload in non-ideal contexts. Given the range of hermeneutical resources, I analyze two types of hermeneutical resources. Schemas and terms are characterized as lower-order hermeneutical
resources, while theories and world views are higher-order hermeneutical records. This distinction is relevant for purposes of addressing these forms of epistemic overload. Higher-order hermeneutical overload arises from deeply ensconced structural features of shared epistemic life, requiring different solutions than lower-order terms and schemas. The duty of epistemic charitability arises to address lower-order hermeneutical overload, while ameliorative hermeneutical revision addresses higher-order cases. I focus on hermeneutical overload for its novelty and perniciousness. The adverse effects of hermeneutical injustices, particularly hermeneutical overload, require a more nuanced account of epistemic justice than Fricker provides.

Reasoning from the ESON OP applies to traditional conceptions of hermeneutical injustice as intelligibility deficits. The duty of epistemic paternalism arises from interpersonal duties to prevent testimonial injustice, testimonial overload, and testimonial redundancy. I focus on truth excesses to analyze the novel varieties of epistemic overload developed in this dissertation. While these duties are conceptually distinct, contextually conditional implementation may blur distinctions as duties of epistemic justice are mutually reinforcing. These are merely suggestive of some duties which follow from the two-stage theory, regarding contemporary varieties epistemic overload. These duties may not obtain in other contexts and are not intended as exhaustive. Of course, these duties result from conditions of our world. Outlining problems will precede solutions.

Approximating conditions of our world is itself a controversial project. Retaining some abstraction makes specific points less controversial and more generalizable. It a wider range of applications. Before turning to the these epistemic-ethical problems and their solutions, a note
on the limits of purely rational considerations clarifies the theoretical need for a contractualist theory of epistemic in/justice, rather than a contractarian account. I also note some assumed background conditions which are necessary to realize epistemic justice.

In most cases, pure rationality is insufficient to generate a sense of duty pace Kant. As will be shown, these epistemic duties require undertaking risks and costs which may not best promote one’s self-interest. As a result, these duties only apply to reasonable agents.

Reasonable agents are characterized by their long-term thinking, recognition of the contingency of their social position, interest in the collective good, and responsiveness to reasons. They employ the ESON OP as a heuristic for epistemic-ethical judgments. As such, they will undertake some burdens to promote the good. They may or may not directly benefit, but given their moral sensibilities, pursuing justice is rewarding. The background conditions necessary for reasonable agents using the ESON OP to have duties are also crucial.

I assume that there is a sufficient ratio of morally-minded agents to promote epistemic justice by fulfilling these duties. Ameliorating structural features of shared epistemic life requires collective action. Of course, if the conditions of epistemic life are such that undertaking these duties is futile, duties change or are negated. This is an extension of the ought-implies-can principle. The minority status and relative powerlessness of reasonable agents may make efforts to promote structural epistemic justice futile. Duties of epistemic justice do not require undermining one’s own flourishing. There are still reasons to not harm or objectify others, and sanctions still exist to encourage social cooperation, yet structural hermeneutical amelioration can only arise if a sufficient ratio of people (within and across discursive communities) intends to
achieve epistemic justice.\textsuperscript{116} Ultimately, maintaining that the cooperative behavior of reasonable agents can be efficacious in promoting epistemic justice is a hopeful assumption. Inefficacy of reasonable agents does not entail a return to a Hobbesian state of nature, where any form of self-preservation is permissible. Reasonable agents have no duty if they have no reason to expect positive results while also expecting burdens of opportunity cost, epistemic labor, and the risks of epistemic trust. Duties of epistemic justice only obtain in contexts in which epistemic justice is realizable. These considerations are also constrained to the subset of reasonable agents who are in a privileged position of relative epistemic authority. This may be due to their own merit or as a matter of luck from initial social location. In any case, these duties only apply to agents who are not so politically or epistemic oppressed that they are not able to recognize or realize these duties. With the basic features set, the problems will be set forth along with their concomitant duty. First, I turn to forms of hermeneutical overload.

1.1 Hermeneutical overload and the types of Hermeneutical Resources: terms, schemas, worldviews

Hermeneutical resources are the conceptual tools used to make experience intelligible. The resources range from local terms, such as “sexual harassment” to worldviews such as a broadly “Judeo-Christian” worldview. The granularity of hermeneutical resources can be assigned to a spectrum ranging from specific terms, schemas, theories, and worldview, respectively (Ch 4, 5). In outline each type of hermeneutical resource covers a larger domain than the preceding type. Of course, each is influenced by the other types of hermeneutical

\textsuperscript{116} My suspicion is that reasonable agents are required for epistemic justice (over merely rational agents) in part because intention plays a pivotal role in epistemic-ethical activity.
resources. Terms address a phenomenon. “PTSD” and “Sexual harassment” are recurring examples. My use of ‘schema’ appeals to the Kantian thought that we organize individual entities according to essential characteristics of specific types. Haslanger (2008) characterizes schemas as,

“A mental construct that, as the name suggests, contains in a schematic or abbreviated form someone's concept about an individual or event, or a group of people or events. It includes the person's or group's main characteristics, from the perceiver's point of view, and the relationship among those features” (212).

The most characteristic type of schema, for our purposes, are prejudicial stereotypes. While intentional recognition of a term is necessary to use it as a hermeneutical resource (Ch 5), this is not so for schemas. Unconscious bias can inform schemas, theories, and worldviews. ‘Theories’ retain this feature of schemas but provide background explanations and predictions. Worldviews encompass elements of the former types of hermeneutical resources while providing ultimate explanations and understandings.

Hermeneutical overload can be induced from an excess of any type of hermeneutical resource. Specifying precise distinctions is futile given that natural language does not conform to philosophical rigor. These four types of hermeneutical resources are stipulative approximations. Neither the duties of epistemic justice nor the theory of epistemic overload as epistemic injustice hinge on a precise distinction between types of hermeneutical resources. The types of hermeneutical resources are important, for the purposes of this chapter, only insofar as it is recognized that epistemic-ethical duties must be responsive to variation in the scope and pervasiveness of a hermeneutical resource. While it may be a relatively simple matter to remove a term from a discursive community’s lexicon, it is not so simple to change entire worldviews. As
a final note before continuing, I do not intend these ethical-epistemic duties to be exhaustive or exclusive. This chapter merely illustrates how recognition of epistemic overload and social contract reasoning converge in useful ways for addressing epistemic overload.

2. Lower-Order Hermeneutical Overload: Reliable Prejudicial Credibility Deflation and the Duty of Epistemic Charitability

The first problem is the problem of reliable prejudicial stereotypes, due to hermeneutical overload of a prejudicial schema. Prejudicial stereotypes are schemas which hold that members of a social identity type share some feature. Epistemic prejudicial stereotypes are of interest here, as they regard generalizations about the attributes of people as knowers. The problem of reliable prejudicial stereotypes arises from cases in which epistemic and ethical norms conflict, as it is epistemically justified to prejudicially discredit or remain suspicious of another’s testimony in virtue of their social identity or other indicators which give sufficient justification for distrust. Illocutionary style or other heuristic indicators may reliably suggest epistemic defection, thereby providing good epistemic reasons to distrust the person in question. Reliable prejudicial stereotypes can emerge from conditions recognizable from the epistemic original position (Ch 6). Mechanisms of epistemic drift, such as the epistemic red king effect, result from asymmetries in starting positions of discursive communities. Specific histories of injustice may exacerbate this epistemic marginalization, leading to epistemic oppression.

The hermeneutically marginalized are less intelligible and credible as a result, which leads to justified prejudicial credibility deficits associated with entire identity-groups. Cases in which

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117 Objectors may maintain that such prejudicial treatment based on stereotypes is never epistemically justified. For these objectors, assume that there are others who are epistemically intransigent, so appeals to epistemic-ethical hybrid considerations provide reasons for these intransigently prejudicial agents to be less prejudiced.
one has purely epistemic reason to dismiss members of social identity groups even though these reasons result from injustices constitute an especially pernicious type of hermeneutical overload. The over-abundance of epistemic reasons to distrust another countervail against ethical considerations of treating persons as individuals deserving of respect in their capacity as knowers. Other forms of institutional violence and injustice only promulgate the reliability of these stereotypes as schematic heuristics. In effect, hermeneutical overload results from excessive circulation of a prejudicial schema which objectifies persons and further hampers their epistemic (and collective) success. Fricker (2007) acknowledges this structural constitutive potential of stereotypes, but not in relation to epistemic excesses (16).

Problematically, Fricker’s account of epistemic injustice depends on attributing less credibility to individuals than they deserve (De Bruin, 2013). Fricker advocates for a proportional view of credibility writing, “the hearer’s obligations are obvious: she must match the level of credibility she attributes to her interlocutor to the evidence that he is offering the truth” (2007, 19). Fricker does consider the case of a prejudicial credibility deficit which is epistemically justified, posing a problem for this view. She considers the attribution of a prejudicial stereotyped credibility deficit to an honest car salesman. In effect, the prevalence of the schema which correctly characterizes used car dealers as dishonest, objectifies and disregards the agency of the honest car salesman.

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118 The limits of purely epistemic considerations are most vivid in cases where political injustices have causal relations to epistemic outcomes. From a purely epistemic, individualistic perspective there is nothing problematic about the emergence of reliable prejudicial indicators.

119 Fricker cites Louise Antony’s “brief proposal” of epistemic affirmative action on the model of working hypothesis that when a woman says something anomalous, men should assume that it is they and not the woman who does not understand. Fricker dismisses this proposal for lacking sufficient context sensitivity (170-1). This is a strange objection, given her virtue theoretic account of hermeneutical and testimonial justice are predicated on cultivating precisely this sort of context sensitivity. In any case, the ESON OP provides a model for addressing these concerns without depending on a veritable ‘black box’ of epistemic-ethical virtue.
This is analogous to lower-order hermeneutical overload. Fricker claims that distrusting the salesman is non-culpable innocent error as it is not sufficiently harmful, objectifying and is not a personal ethical failing (42-43). This conclusion provides little action-guidance for current purposes of non-ideal theory and promoting epistemic justice. It does not resolve the problem of reliable prejudicial stereotypes.

De Bruin (2013) argues that Fricker neglects true (or reliable) self-fulfilling stereotypes. Research on stereotype threat effect robustly confirms that there are self-fulfilling negative stereotypes. The injustice of prejudicial stereotypes creates situations in which the premises used to justify the injustice become true via collective social reinforcement. For example, depriving women of opportunities for political participation based on the false view that they are unfit for public life may create norms and stereotypes which people internalize. A schema arises which attributes politically incompetence to women. An excess in the uptake and circulation of this schema perpetuates political and epistemic injustice. These perpetuated prejudicial stereotypes may have a constitutive effect on the political agency of women who are victims of this prejudice and may lead others to further discredit women in this situation. While De Bruin is the first to recognize the possibility of justified prejudice, neither he nor Fricker address epistemic-ethical responsibilities in this context. Neither provides a normative framework to address this form of hermeneutical overload. Fortunately, reasonable agents using the ESON OP have an interest in promoting the good even in cases where they are not culpable for committing an epistemic injustice. Their interests exceed merely avoiding culpable injustice.

In addressing the problem of reliable stereotypes agents face a dilemma. Either reasonable agents can trust someone who they have reason to distrust or not. The former
option may constitute irrational or excessively risky behavior. The beliefs we adopt influence our epistemic and practical success. Trusting the untrustworthy requires willfully undertaking the risks associated with adopting unreliable testimony as credible. Agents weigh the opportunity cost of trusting someone who is unlikely to contribute to their well-being, and may undermine it, against alternative options. If the costs of charitable trust are expected to outweigh the benefits, self-interest cannot motivate or explain constructive ethical responses to the problem of reliable prejudicial stereotypes. The theoretical need for reasonable agents is evident for epistemic practice to be ameliorative, rather than rational or veritistic.

The latter option is to not trust the person who is subject to a reliable prejudice. This alternative has its own problems. The cycle of hermeneutical marginalization is reinforced by distrust and avoidance of the marginalized. Collective epistemic flourishing fails to be Pareto efficient as it is possible for all parties to be epistemically better off by cooperation.\textsuperscript{120} Neither party is benefitting from cooperative epistemic activity. Long-term collective success is undermined by the failure to incorporate members of a discursive community into collective knowledge production and meaning-making. This deprives others of knowledge and hermeneutical resources from the marginalized group’s purely positional advantages and unique discursive environment. The primary harm of epistemic injustice results from this horn of the dilemma as the basis of reliable stereotypes necessarily hinges on treating individuals as part of Bayesian aggregates, rather than unique individuals. An outline of the problem is clear.

\textsuperscript{120} The inclination for Pareto efficiency is one way to understand the motivations of reasonable agents behind a veil of ignorance. They are motivated by recognition of epistemic compounding and ignorance of social position to engage in activities which push the Pareto frontier outward, ensuring that they are better off irrespective of their social location.
The potential costs of trusting unreliable testimony from members of a discursive community forces conflicts with the motivations of strictly rational agents. So, reasonable agents, using the ESON OP must invoke the additional epistemic-ethical good of epistemic charity and thereby trust the unreliable, if there is no serious risk. This is an acceptable result.

Most ethical traditions accept that duty and self-interest diverge, at times. Indeed, acting in the interest of others despite personal risk is often considered paradigmatic ethical behavior. As reasonable agents in the ESON OP invoke the good of epistemic charity to promote long-term success and the collective good, the duty of epistemic charitability arises. Assuming tolerable risks, epistemic charitability are cases of interpersonal epistemic engagement in which persons are given more trust than the evidence justifies or are interpreted intelligibly despite prevailing understandings. Before developing epistemic charitability further, I analyze the results from above in relation to Fricker’s views on credibility attributions.

2.1 An Objection to the Proportional View of Credibility Attributions

Fricker’s proportional view of credibility attribution does not comport with positive duties of epistemic justice in relation to the problem of lower-order hermeneutical overload from reliable stereotypes. Recall that the proportional view advocates for attributing persons credibility based strictly on the available evidence. Fricker states that the hearer must “match the level of credibility she attributes to her interlocutor to the evidence that he is offering the truth” (19). Part of that evidence is a person’s social identity, as Fricker confirms.121 Fricker admits of the possibility of reliable stereotypes elsewhere stating, “there can be empirically

121 Recall from Chapter 6 that reliable indicators, such as stereotypes, are a practically necessary result of our cognitive limitations and cooperative need to pool knowledge.
reliable stereotypes as well as unreliable distorting ones…” (2007, 30). So consideration of available evidence, including reliable stereotyped indicators, may justify distrusting a person’s testimony in virtue of their membership in an identity group. This is reminiscent of stipulative epistemology (Ch 2) as consideration of evidence (an epistemic good) is the only relevant variable when assigning credibility. Worse, the proportional view implies that epistemic objectification may be justified as individual testimony is dismissed due to their membership in a stereotyped identity-group. So, the proportional view cannot redress the problem of reliable and justified stereotypes as it does not regard it as a problem at all. It implies that the victims of epistemic injustice who have had their epistemic agency impaired and you have justified prejudicial schemas attributed to them, get what they epistemically deserve when they are distrusted.

Epistemic drift (e.g., the epistemic red king effect) and historical injustice may undermine the epistemic agency of persons. From no fault of their own, a person’s epistemic agency may be harmed in ways that make them genuinely less worthy of trust. These are non-culpable forms of epistemic bad luck. A major motivation for any theory of epistemic injustice is addressing these harms. As theories of epistemic justice are ameliorative, the proportional view is unacceptable. Indeed, Fricker reneges on the proportional view as she endorses “upwards” adjustments in credibility attributions to “compensate for the hindrance” of hermeneutical injustice (2007, 170). She cites Louise Antony, suggesting that a form of ‘epistemic affirmative action’ may be appropriate to compensate for epistemic injustice.

This is either a manifest contradiction of her proportional view of credibility attribution or relies on the implicit assumption that hermeneutical injustice makes victims merely appear less
intelligible without undermining their actual epistemic agency. To be charitable, I assume Fricker intends the latter view, that hermeneutical lacunas make recipients of testimony unable to appreciate the evidence preferred by victims of epistemic injustice. Indeed, unjustified credibility deficits are one result of an intelligibility gap. But, it is also highly plausible that some victims of hermeneutical injustice suffer secondary harms from their hermeneutical marginalization. Fricker believes this to be so. These harms result in people being less trustworthy as they have had their epistemic agency hampered. The constitutive effects of epistemic injustice undermine a victim’s epistemic agency, resulting in reduced credibility.

So Fricker’s proportional fails to admit of genuinely less reliable social-identity groups stereotypes or endorses them as acceptable results of epistemic desert. The former option is implausible. It is also inconsistent with the secondary harms of epistemic injustice along with the systematic tracking of identity-groups. Reasoning from the ESON OP suggests that credibility is a good we have reason to attribute to others for ethical-epistemic hybrid reasons in pursuit of an ameliorative epistemology which promotes epistemic justice. While the evidence available may justify dismissing another’s testimony, there are other reasons to be receptive. Everyone would be better-off if the unreliable became reliable epistemic cooperators. Epistemic-ethical activity has an ameliorative telos. This leads to the duty of epistemic charitability.

2.2 Epistemic Charitability

Epistemic Charitability is a duty of epistemic trust attribution, given to a member of a social identity type which suffers from reliable prejudicial stereotypes or is otherwise less
capable as an epistemic agent. Epistemic charitability may be instantiated by granting credibility or attempting to make testimony intelligible. While ‘trust’ more naturally extends to credibility, we can also make additional efforts to trust that someone is saying something intelligible even if it is not currently understood. Doing so entails epistemic labor. Trusting that one’s interlocutor is intelligible, and endeavoring to understand them, are the first steps in repairing trust-relations and their epistemic agency. Giving someone the benefit of the doubt, patience, and extending the principle of charity all follow from epistemic charitability. While some personal risks may result, reasonable agents are not constrained by pure self-interest. While they will not massively undermine their own flourishing for others, the recognize that some personal sacrifice may be the cost of epistemic justice. From the perspective of the ESON OP reasonable agents have multiple reasons to engage in epistemic charitability.

First, the effects of epistemic charitability over time are the promotion of justified trust, intelligibility and credibility. Agents reasoning from the ESON OP are forward-looking. They recognize that their situation is a cooperative scheme for mutual advantage. They are interested in promoting a flourishing epistemic community. They are motivated by these considerations to promote long-term collective interest. By defying social expectations about a groups epistemic reliability, reasonable epistemic agents promote a positive feedback loop in which treating members of negatively stereotyped identity groups results in members of those groups exhibiting less of the traits which were the basis of the justified prejudicial epistemic

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122 Earlier drafts used ‘epistemic affirmative action’ instead of charitability. ‘Charitability’ is a superior substitute as it implies a degree of generality extending beyond the narrow, racialized connotations of ‘affirmative action.’

123 Notice that the basic good of trust can account for the range of issues associated with credibility and intelligibility, showing its explanatory power in the context of addressing epistemic injustice.
stereotype. This is consistent with the constitutive effects of epistemic in/justice. The collective good is promoted as participation in the cognitive division of labor and discursive intercourse encourage epistemic flourishing. This is achieved by including as many epistemic agents in cooperation which contributes to epistemic compounding. The purely positional advantages of marginalized discursive groups and unique hermeneutical resources are cannot be substituted. The marginalized have understandings and knowledge that other groups do not. Relative epistemic marginalization is likely to result in unique hermeneutical resources, which may be instrumental in promoting the intelligibility of other groups or individuals.

Second, reasonable agents recognize their own fallibility. Being informed includes some knowledge of confirmation bias and the influence of social epistemic on judgment. The pernicious influence of one’s discursive community is especially likely given the ways in which collective hermeneutical resources and epistemic practices influence our judgment. Reasonable agents know that their credibility assessments may be incorrect. Further, they recognize that political and epistemic oppression contribute to debasing members of a group, leading to ethically-bad, but epistemically justified prejudicial schema. Reasonable agents work against this form of hermeneutical overload by exhibiting epistemic charitability.

Third, while overall stereotyped credibility deflation may be warranted, that does not entail that any given person who is a member of social identity types is untrustworthy. Treating

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124 The Pygmalion Effect and Rosenthal Effect are both extensively researched. The maintain that perceived higher expectations positively contribute to outcomes. The most common context of study is education, so these results are highly likely to apply to socio-epistemic life.

125 This belies the foundational commitment to some form of double-consciousness or standpoint epistemology. Double-consciousness occurs from cases in which the oppressed recognized the social realities of a situation better than the oppressor, in virtue of that oppression. This is a basic commitment of Fricker’s theory, as admittedly part of feminist standpoint theory, and my own work, though it cannot be well-defended here.
others with respect as persons *qua* epistemic agents avoids committing the primary harm of epistemic injustice. This respect for persons as individuals is a basic feature of reasoning from the ESON OP, as we recognize the contingency of our own social position and our moral equality. A reasonable agent recognizes that birth is a lottery. Treating persons as individuals is warranted for reasons that any reasonable agent will recognize both to avoid wronging persons and to respect the autonomy of individuals. The risks of committing the primary harm of epistemic injustice warrant epistemic charitability.

So reasonable agents employing the ESON OP as an epistemic-ethical decision heuristic have reasons and motivation to be epistemically charitable. Doing so promotes collective epistemic success, respects agents as individuals, avoids committing epistemic injustices, and recognizes our own fallibility as epistemic agents. As such, reasonable agents undertake moderate risks and costs to promote the epistemic flourishing of other by expressing epistemic charitability. If the duty is adhered to be a sufficient ratio of reasonable agents, the collectively held schema will gradually be adjusted. This occurs as self-justifying prejudicial feedback loop is undermined by not reinforcing it. Further, epistemic participation of marginalized epistemic agents encourages the cultivation of the epistemic attributes which they lacked. This suggests that there are interpersonal solutions to structural problems, when those structural problems are not too deeply engrained or widespread and when there are enough morally-motivated agents.

Prejudicial stereotypes are a schematic heuristic which generate credibility and intelligibility deflation. It is a case of hermeneutical overload insofar as these lower-order schemas are interpretive resources, whose salience objectifies and harms knowers. In keeping
with the quasi-perceptual account of testimonial assessments, these schemas may be applied non-propositionally and without conscious awareness. The ESON OP directs attention to these possibilities, while adding normative considerations. This structures deliberation about the others as epistemic agents which avoids the pitfalls of unconstrained introspection (Sherman, 2012; Alstrohm-Vij, 2013). By regularly giving trust and engaging in epistemic activity with others, we can cultivate the sensibilities to act rightly and amend epistemic injustices resulting from oppression and bad luck. As will be shown, higher-order hermeneutical overload from worldviews and theories require structural strategies for amelioration.

3. Higher-Order Hermeneutical Overload

Imagine that at T1 the dominant or collective worldviews and theories available to a person undermines them as an epistemic agent, inducing both primary and secondary harms. This is theoretical hermeneutical overload resultant from an excess in theory uptake. For example, prejudicial research programs may go to great lengths to find evidence of racial differences in criminality with statistical approaches, while alternative explanations have not been explored. Patricia William’s experience of a wrongful request can be understood as an invitation to induce theoretical hermeneutical overload (Ch 4). The explanation and justification for not being admitted into the store is based on a racial theory of criminality. If she uptakes the racist theory, this induces hermeneutical overload. This case is different insofar as Patricia had the resources to strategically refuse this understanding. If people lack the character or context to refuse such harmful theoretical understandings, different ameliorative responses are required. The unique response to theoretical and worldview hermeneutical overload depends on the scope and intransigence of theories and worldviews, compared to terms and schemas.
While demarcating culpability requires details about agents, as social beings our theories and worldviews are largely informed by the contexts in which we are inculcated. So, attributing individual culpability for a case of higher-order hermeneutical overload is usually inappropriate. A self-interested agent with genuine alternatives would not willfully self-undermine or self-deprecate by adopting such a theory. Likewise, a reasonable agent would not choose to perpetuate epistemic injustice if they were informed. So higher-order hermeneutical overload is structural as agents are inculcated to adopt understandings and because many people sustain the prevalence and circulation of higher-order collective or dominant hermeneutical resources. While these remarks apply to schemas and terms, they hold especially true for theories and worldviews. Higher-order hermeneutical resources are impervious to change from the perspective of individuals. While prejudicial stereotypes schemas and racist theories are similar in their origin and ontology, their scale and scope require distinctive solutions. This is expressed by the interpersonal duty of epistemic charitability, and the third-order activity of ameliorative hermeneutical revision.

3.1 Ameliorative Hermeneutical Revision

Reasonable agents' interest in the long-term collective good and epistemic flourishing motivate them to undertake long-term structural solutions. Structural responses are justified by recognition that epistemic charitability is insufficient to amend theories and worldviews. The epistemic inertia of dominant epistemic systems is unlikely to be amended by a lifetime of charitable interactions. Structural solutions must be gradual and collectively pursued.

This leads to the duty of ameliorative hermeneutical revision. The duty of ameliorative hermeneutical revision (AHR) holds that one should endeavor to change interpretive conditions
to better promote epistemic cooperation, individual epistemic flourishing, and reduce the primary and secondary harms of hermeneutical injustice, including hermeneutical overload. As has been argued extensively by this point, these ends are justifiable to reasonable agents using the ESON OP as a normative heuristic. For this reason, I shift to explicating ameliorative hermeneutical revision. AHR harkens to Sally Haslanger’s (1999, 2000, 2005) ameliorative epistemology, offered in Chapter 2. One characteristic example comes from Haslanger’s characterization of ameliorative justice. She writes,

“to say that I am a white woman is to situate me in complicated and interconnected systems of privilege and subordination that are triggered by interpretations of my physical capacities and appearance. Justice requires that we undermine these systems, and in order to do so, we need conceptual categories that enable us to describe them and their effect (2005, 11).”

The objective of ameliorative hermeneutical revision is to adjust prevailing hermeneutical resources to better promote epistemic and political justice. Characteristic of the discipline (Ch 1), Haslanger suggests the addition of hermeneutical resources so that we can better recognize and describe how social identity types undermine contribute to injustice. She elaborates, “for example, to make sense of American social history, it is valuable to have the concept of 'quadroon,' 'octoroon,' 'spinster,' and the like” (11). These resources enlighten people of their social oppression, allowing for the critical consciousness necessary to challenge or mitigate oppression. Rather them following this additive line, AHR endeavors to remove or adjust extant higher-order hermeneutical resources.

The purpose of AHR is precisely to adjust collective hermeneutical resources so that terms such as ‘octoroon’ hold no social power. In our current collective discursive ‘octoroon’ is not uptaken or circulated. It is not understood as referring to people who are of one-eighth
African ancestry. Further, I speculate, that ‘octoroon’ would not induce stereotype threat in subjects who were primed with this term and who have some African ancestry. By removing the circulation of ‘octoroon’ from social circulation, the racialized theories are undermined. A contemporary example of a hermeneutical excess and an appropriate revisionist response comes from Christine Korsgaard’s (1999) *On the Sources of Normativity*. In discussing reflective endorsement, she considers the uses of “masculine” and “feminine” as evaluative terms. She states,

“People who have fallen into doubt about the values embodied in these concepts and the way of life to which they once led us do not argue about whether they track the ethical truth. People who have already decided against these values do not run around telling us that masculinity and femininity are false or wrong. If someone says that aggressiveness is not feminine the response will not be that aggressiveness *is* feminine or that aggressiveness is great. The response is “Let’s not talk that way.” The complaint that has been launched against these values is not that they were false or misleading but that they were straitjackets, stunting everybody’s growth” (1999, 72).

Korsgaard’s explanation for removing gendered theories of agency from collective understanding is grounded in Kantian terms of reflective endorsement. Reasonable agents in the ESON OP also endorse this result for the reasons stated above. The practical result is a reduction in the primary harm of epistemic injustice by no longer imposing schemas (as part of racist theories) on individuals. This also undermines the secondary harms of epistemic resultant from latent prejudices. As a result, the collective good is promoted by increased epistemic cooperation and efficiency. Of course, AHR requires a gradual ecological approach to realizing its ends. Reasonable agents intentionally and collectively reduce the uptake and circulation of problematic resources, which constitute racist or gendered theories, for example. *Homo prudens* are forward-looking, so they are interested in and capable of long-term goals. As such, ‘revision’
is more appropriate than hermeneutical removal. AHR is agent-centric, there is no formal institutional role in this process, though reasonable agents may apply their rationality as they see fit. Similar projects can be directed towards other terms which are found to be bad, all things considered.

An interesting result of AHR is that it side-steps issues of truth and falsity entirely, from the perspective of reasonable agents. The goal is to make terms such as ‘octoroon’ and ‘spinster’ unintelligible so that they have no social power or circulation, thereby destabilizing the racist theories these terms support. It is not important, here, whether someone is one-eighth of African ancestry or not. Epistemic overload is prevented by inhibiting agential and social uptake, so that ‘octoroon’ is no longer intelligible. So a final result, consistent with remarks throughout this dissertation, is that unintelligibility can be an asset. Similar remarks can be applied to worldviews. If an aspiring priest touches my head and says, “That bump shows you’re the spawn of Satan” the default response is not “that is false” but rather, “that is non-sense.” By changing collective interpretive conditions, the harms of epistemic injustice cannot arise. While this religious worldview is still intelligible, the collective work of reasonable agents may make the assertions of the priest meaningless to future generations. Individuals can operate on epistemic structures in this way. By depriving theories of social power, uptake and circulation there ill-effects cannot occur. It also ensures that circulation and uptake will happen less, so even if a hermeneutical resource retains social power, it is unlikely for agents to be influenced by these problematic hermeneutical resources. Now that the idea has been developed, its relation to epistemic charitability will be addressed.
What distinguishes epistemic charitability and ameliorative hermeneutical revision?

Epistemic charitability is interpersonal. One person engages with another to undermine lower-order hermeneutical overload and to avoid committing epistemic injustice. One must engage with the epistemically marginalized to be epistemically charitable. Ameliorative hermeneutical revision regards prevailing hermeneutical resources. Ameliorative hermeneutical revision occurs as individuals target problematic interpretive resources, which are parts of theories and worldviews, and foster alternative resources. While a reasonable agent may do so in conversation, there no necessary connection to addressing any specific person(s). For example, an editor in the 1960s could have contributed to AHR by refusing to publish articles using ‘Negroid.’

As a final cautionary note, AHR comes at some risks. By undermining the salience and social power of terms, schemas, theories and worldviews, reasonable agents may commit willful hermeneutical injustice. They may be blameworthy for intentionally contributing to the unintelligibility of marginalized persons. Even with good intentions and the ethical-epistemic heuristic of the ESON OP, committing epistemic injustice is possible. This consideration reinforces the emphasis on a gradualist approach to AHR. Authoritarian attempts to censor linguistic practice is likely to commit more epistemic injustice than it resolves.\(^{126}\)

\(^{126}\) This cautionary note is of relevance to social justice movements which emphasize terminological conformity associated with “political correctness.” While these movements can be understood as instantiated efforts towards Ameliorative Hermeneutical Revision, they also risk silencing marginalized peoples who are socially situated such that they can be attuned to the newest iterations of politically correct discourse.
4. Testimonial Overload: Probable or True Beliefs Which Undermine Epistemic Well-Being

In discussing the value of truth in state-of-nature, I follow Craig and Williams by focusing on the functional role that true beliefs play in promoting well-being (Ch 6). It is supposed that selective pressures are strong enough for a high-ratio of false beliefs to be fatal, so a sufficient ratio of true beliefs is necessary. While truths about local physical and social conditions are usually beneficial in this manner, this functionalist reasoning does not clearly extend to all true propositions. First, there are trivial truths which are irrelevant to survival. More relevant to current applications is the fact that, in contemporary developed societies, in survival is very probable after infancy irrespective of one’s beliefs. An astonishing percentage of Americans hold transparently false political and scientific beliefs. These considerations help to explain why recognition of epistemic overload in the form of testimonial trauma and testimonial redundancy are not forthcoming from state-of-nature reasoning.

The value of true beliefs extends to the horizons of live options (Dewey). True beliefs are valuable insofar as they encourage well-being and epistemic-flourishing. As I have argued elsewhere (Ch 3 and Ch4) there are cases in which true beliefs induces epistemic harm. For purposes of elucidating the theory of epistemic overload, the most interesting variety of beliefs are harmful true beliefs.

    As William’s articulates, beliefs have a force and immediacy which cannot be willfully upended (66). I cannot choose to discontinue a belief that hold because I do not approve of having that belief. Indeed, it may be conceptually impossible to choose not to believe what one believes. While one could gradually and effortfully forget what they believe or forget the justifications for their belief, this psychological process is outside the scope of this inquiry.
Further, due to overconfidence bias and other similar dispositions, we are unlikely to recognize that our own beliefs are self-harming. So, again the privileged ‘outside’ perspective of reasonable agents will be implicit in considerations of how to best address testimonial overload.

4.1 Epistemic Paternalism, its scope and limits

The duty of epistemic paternalism follows from the above considerations. Epistemic paternalism regards cases in which individual(s) or institution(s) manipulate epistemic conditions to promote the best-interest of an epistemic agent. For our purposes, the paradigm case of epistemic paternalism is interpersonal withholding of justified truths in the epistemic interests of an individual, to prevent testimonial overload. This is a common and simplifying case for present purposes. For example, consider true propositions which are likely to induce epistemic overload via stereotype threat, such as Tina’s case (Ch 3). With these constraints defined, the necessary conditions and defeaters of epistemic paternalism will be presented.

Two conditions must hold for the duty of epistemic paternalism to arise. It must be the case that 1) If agent A comes to believe a true proposition X, A will be undermined as an epistemic agent. 2) Agent B knows 1) and believes X. While these conditions are necessary, they are not sufficient. Other defeaters, such as B’s promise to tell the truth about X to A can negate the duty of epistemic paternalism under specific conditions. Proffering paternalism raises the hackles of liberal philosophers as it is seen to conflict with values of equality and autonomy. These are also basic considerations that reasonable agents using the ESON OP hold, so these concerns must be addressed. In general, the duty of epistemic paternalism only arises when it is clearly in the interest of an agent both epistemically and otherwise. The ESON OP provides guiding principles but cannot fully articulate precise conditions justify epistemic paternalism. the
good intentions reasonable agents are necessary. While a fully satisfactory account of the domain of epistemic paternalism cannot be undertaken here, some limits are worth noting.

First, cases in which the recognition of a true belief by A undermines their epistemic autonomy or status as a knower, epistemic paternalism is justified. If A’s holding true belief X induces stereotype threat, for example, this is likely to undermine A’s epistemic well-being and achievement. So B may have reasons to withhold information from A in the interest of promoting these basic values. Similar remarks hold for promoting the ends of A, insofar as they are not irrational. The paradigm case is intended for situations like stereotype threat. Epistemic paternalism can be invoked to protect the agency and autonomy of Tina.

Dissenters may argue that epistemic paternalism is likely to undermine the epistemic flourishing of A and indicates disrespect for A as a moral and epistemic agent. Conly (2013) rebuts these objections by with two arguments. First, there is nothing disrespectful about recognizing the attributes and limits of a person’s cognition. Like the Kantian thought that executing a murder respects their agency, epistemic paternalism recognizes persons for their bounded-rationality, biases, and how information affects them. Respecting agents entails recognizing them for who they are as fallible and vulnerable epistemic agents. Second, epistemic paternalism is not contrary to values such as autonomy and equality if it promotes those ends in the long-run. Allowing one’s autonomy and equality to be degraded itself requires justification aside from appeal to truth as a univocal good. Preserving a person’s epistemic agency is a sign of respect. Of course, the limits of epistemic paternalism must be responsive to the overall good for that agent.
Frequent or large-scale epistemic paternalism is likely to undermine the epistemic flourishing of A, so tactical omission or lying should be weighed against the risk of epistemic-underdevelopment or epistemic objectification. Reasoning from the ESON OP can only justify limited cases of epistemic paternalism. As recognition of the birth-lottery informs reasonable agents that they may be the subjects of epistemic paternalism, they opt against extreme epistemic paternalism. As I understand it, part of epistemic flourishing is understanding the world despite some unpleasant truths. Self-interested agents opt against large-scale interference in the deliberation of others to forestall the risks of being epistemically objectified, understood as derivative subjectification (Pohlhaus, 2011). These considerations provide reasons for limited applications of epistemic paternalism. The range of justified withholding is limited to the extent that it conforms with respect for agents and promoting their agency. These considerations allow further specification of the scope of epistemic paternalism. If withholding is likely to lead to significant forms of ignorance or underdevelopment, it is inappropriate.

Philip Petit’s (2006) work on deference to majority opinion can provides guidance for circumscribing the plausible limits of epistemic paternalism. Petit’s approach prioritizes the perspective of agents in relations to their “web of belief” (181). Amending a peripheral belief is of little consequence to our overall worldview and responsibility for our epistemic conclusions. Peripheral beliefs are those beliefs which are inessential to our well-being and are not required for many other beliefs to be plausible. Belief X is peripheral if X’s truth-value can be changed without affecting a range of other commitments the agent holds (e.g., by becoming inconsistent with many other beliefs). Amending basic tenets of our belief-system by deferring to majority opinion is an abdication of our epistemic agency and responsibility. Doing so is only appropriate
for peripheral beliefs. Similar remarks hold for epistemic paternalism. While withholding a peripheral belief is of no great consequence for one’s well-being or agential status, withholding a relevant core truth conflicts with respecting that persons agency and may adversely affect their overall epistemic and general well-being. This also holds if the truth is of core significance to the interests of a person, epistemic or otherwise. In this regard, epistemic paternalism is a hedge against needless harm. It prevents peripheral truths from hampering the well-being or agency of others. These considerations must be weighed against the risks of recurring epistemic paternalism. As Grill and O’Hansson (2005) state in the context of medical epistemic paternalism, “[w]ithholding, like manipulation, might be the best way to achieve a short-term well-defined objective. In the long-run, openness and truthfulness have better consequences” (652). While these remarks are cursory, they provide a sufficient outline, for our purposes.

Of final note is that, strictly speaking, epistemic paternalism is a form of epistemic defection (Ch 6). Recall that epistemic defections are cases in which individuals tactically manipulate epistemic conditions to promote individual or sub-group interests. So epistemic paternalism is a form of epistemic defection which is intended to promote the interests of the agent who is subject to the tactical manipulation of epistemic conditions. This is an acceptable result. Detected epistemic paternalism may come at some cost, just as with other forms of epistemic defection; this cost is itself justified from the perspective of reasonable agents who endeavor to promote the collective good at moderate risk. Widespread epistemic paternalism is likely to have deleterious effects on epistemic cooperation as it undermines trust when

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127 Technically, epistemic paternalism is not ameliorative, as it is not directed at existing epistemic injustice. Instead, it is forward-looking and preventative. Reasoning from the second-stage provides both retrospective and prospective duties of epistemic justice, though this distinction remains undeveloped.
detected. So a final consideration for reasonable agents considering withholding a truth is the extent to which others are doing similar behaviors. While isolated cases of epistemic defection (or any form of epistemic free riding) are unlikely to undermine a stable-equilibrium for collective good, frequent recurrence may destabilize trust relations. So the interpersonal withholding case is also paradigmatic because it is not characterized by large-scale or recurring epistemic paternalism. In the case of stereotype threat, agent A and B must know and trust each other well enough for B to know that A will be undermined by a specific set of truths. While epistemic paternalism is interpersonal withholding of specific epistemically deleterious propositions, worldviews can also seriously undermine and degrade one’s status as an epistemic agent.

5. Conclusion

Epistemic charitability, ameliorative hermeneutical revision, and interpersonal epistemic paternalism constitute the duties for epistemic overload based on reasonable agents considering the ESON OP. Each is agent-centered as they are duties incumbent upon reasonable agents in relation to hermetical resources and other agents. This leaves the structural, political duties of epistemic justice unaddressed.

Another product of this chapter results from the process of application. The ESON OP is a valuable heuristic for promoting epistemic justice and undermine epistemic injustice, especially epistemic overload. Sherman (2012) shows that, given the psychological constraints of humans, undirected ‘virtuous’ reflection is likely to be an exercise in confirmation bias. Without a regulative ideal, reflection is unlikely to lead to the recognition and endorsement of duties. Significantly, appeal to the ESON OP avoids charges against virtue theoretic accounts. By
invoking considerations about collective interests, impersonal self-interest, and socio-epistemic processes, reasonable agents invoking the ESON OP are guided in their efforts for epistemic justice. Yet, the ESON OP as normative heuristic only appeals and applies to reasonable agents. This limitation is simply acknowledging the limits of theories of epistemic justice. Expecting others to engage in epistemic charitability is a hard-bargain, unless they already have reasonable dispositions. The ESON OP as a normative heuristic for these problems and promotes the mindfulness necessary for epistemically justice behavior for reasonable agents and can address actual problems from epistemic overload.
Chapter 8: The Politics of Epistemic Overload

1. Introduction

Fricker’s (2007) theory of epistemic injustice is deeply political. Testimonial and hermeneutical injustice are influenced and have influences on the public sphere. Paradigmatic testimonial injustice tracks politicized identities such as race and gender. Likewise, hermeneutical injustice results from the structural epistemic marginalization of a discursive community. A group’s systematic inability to contribute to collective meaning-making leads to members of that group becoming unintelligible. The structural nature of hermeneutical injustice depends on systematic socio-political processes. Yet, Fricker claims that “testimonial and hermeneutical injustice must first be explored as ethical problems, for that is what they most fundamentally are;” and “the ethical is primary” (2007, 9; 177). Despite the political contingencies of epistemic injustice, Fricker focuses on moral dimensions of it.

Beeby (2012) objects to the political dependence of epistemic injustice as she argues that epistemic injustice is reducible to “background social conditions” (483). As I will show, it is the specifically political background conditions which motivate Beeby’s objection. Call objections to accounts of epistemic injustice based on their political contingency political dependence critiques. Political dependence critiques maintain that if epistemic injustice is reducible to or explained by political circumstance, the field of epistemic injustice lacks a unique domain of inquiry and raison d’etre. If theories of epistemic in/justice cannot account for the relations between political justice and epistemic justice any better than political theories, the field of

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128 Beeby’s argument suggests a regress problem, as political and social phenomena are themselves contingent on prior “background” conditions. While not explicit, Beeby implies that the study of political justice and political theory are sufficiently well-established to not be reduced to other fields, unlike epistemic in/justice.
epistemic injustice lacks unique explanatory power. This is the theoretical impetus for developing an account of the political relations to epistemic in/justice.

I argue that there is mutual dependence between epistemic in/justice and political in/justice. This finding is not problematic for theories of epistemic injustice as these dependence relations are biconditional. Further, not all forms of epistemic in/justice depend on the political in/justice. In this analysis, I rebut Beeby’s (2011) critiques of hermeneutical injustice while showing that the special significance of testimonial injustices depends on forms of political injustice. The justification for focusing on testimonial injustice depends on its political nature and import. Theories of epistemic injustice and political justice are partners in guilt. Many forms of political justice depend on epistemic justice, just as epistemic justice often depends on political justice. With the dependences of epistemic injustice identified, I turn to showing how political justice depends on epistemic justice. Fricker (2013) shows the dependence of political justice on epistemic justice for contractualist theories of political justice, but disregards contractarian accounts. I extend this analysis to bargain-based rational choice moral theory from the contractarian tradition. This shows that liberal theories of political justice, including rational-choice theories, presuppose or depend upon epistemic justice.129 These mutual dependencies warrant attention from political philosophers. To reach these conclusions a series of steps are required.

This chapter will proceed as follows. First, disambiguation of conceptions of the ‘political’ is refines the scope of inquiry and the relevant conceptions of ‘politics’ and the ‘political.’ Drawing

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129 By ‘liberal’ I mean the classic liberal emphasis on values of equality, liberty, and autonomy.
from the work of Sheldon Wolin and Steven Luke on politics and power achieves this end.

Second, review of Beeby’s (2012) political dependence critique clarifies its force and results. This objection is less devastating to hermeneutical injustice than Beeby maintains, as it does not apply to cases Fricker (2007) offers. I then argue that discriminatory varieties of epistemic injustice, such as testimonial injustice, are intimately connected to the political in ways that are unappreciated. This undermines the distinction between discriminatory and distributive varieties of epistemic injustice defended by Coady (2010) and reaffirmed by Fricker (2010). As a result, Fricker’s focus on testimonial injustice is susceptible to the political dependence critique. This result does not apply to epistemic overload as epistemic injustice, as will be shown. Third, employing our refined understanding of epistemic injustice shows that liberal accounts of political justice depend on epistemic injustice. I extend this point to bargain-based theories. Finally, the significance of these findings is discussed.

Before going further, the terms of the debate must be set. If merely some forms of epistemic injustice depend on political injustice, this does not show a global problem for the study of epistemic injustice. It is unsurprising that the political injustices of slavery produce many epistemic ill-effects and injustices. Likewise, the descriptive epistemic landscape bears on political justice and descriptive politics. Unjust epistemic conditions for entire groups of people are likely to be of political important too. Pointing to cases in which epistemic injustice explains a normative political phenomenon does not constitute an objection to a theory of political justice either. For a political dependence critique to succeed, it must be the case that a theory of epistemic injustice lacks a distinct area of inquiry due to the theory’s reducibility to political in/justice. This would entail that addressing these political issues is sufficient to achieve
epistemic justice and that the epistemic in/justice is reducible to the political in almost all cases. I will test whether forms of epistemic in/justice are reducible to political in/justice by appeal to supervenience relations. Clarifying supervenience relations between political in/justice and epistemic in/justice demonstrates cases of metaphysical independence and non-reducibility.

Supervenience obtains when there can be no change in A without some change in B. For example, moral properties supervene on physical properties if there cannot be a change in moral properties without some change in physical conditions. If physical conditions in world X are identical to physical conditions in world Y, their moral properties are identical too. Beeby’s (2012) political dependence critique can be understood as the claim that hermeneutical injustice supervenes on political circumstance. Testing for exceptions to supervenience relations between the epistemic and political will reveal mutual dependence relations and some cases of independence. Before this approach can be developed, a brief account of the political is necessary.

1.1 The Political

The operant conception of the ‘political’ and ‘politics’ determines whether and to what extent epistemic in/justice depends on political in/justice. If the ‘political’ is characterized by all shared social, historical and cultural happenings, epistemic life is included. Under this broad conception of the ‘political’, epistemic justice is necessarily political. This trivial result warrants limiting the conception of the political. On the other hand, the ‘political’ is not merely actions of public officials and government institutions. Institutional and governmental actors respond to ‘political’ mobilizations and events outside of their control. So, several clarifications regarding
political and epistemic relations are in order. A comprehensive account of politics is not necessary for the purposes of this chapter or dissertation. This conception of the political need only account for the domain of politics in relation to social-epistemic life.

To clarify the relevant understanding of the political and politics, Wolin’s (1997) work on politics in *Fugitive Democracy* is useful. Wolin writes, politics “refers to the legitimized and public contestation, primarily by organized and unequal social powers, over access to the resources available to the public authorities collectively. Politics is continuous, ceaseless, and endless” (1997, 31).\(^{130}\) Political phenomena are the collective activities characterized by exercises of power to influence the distribution of goods or in the assignment of social roles. Examples of the ‘social powers’ that undertake political activities include organized identity groups, governmental institutions, and special interest groups. Some modifications of this initial definition improve its applicability.

First, “legitimized” contestation is not a relevant consideration here. Politics occurs during organized contestations which are not morally, legally, or publicly recognized as legitimate contests. For example, an attempted coup d’état is a quintessential political event and is of the utmost significance but is not a legitimized exercise of the revolutionary group’s powers. It is political and illegitimate. Second, while politics regards the distribution of benefits and burdens, it need not regard resources which public authorities access and ‘resources’ must be understood broadly. A political contest can arise over the conditions which would allow for the discovery of resources. For epistemic purposes, this could be a contest over the extent to which

\(^{130}\) Wolin distinguishes ‘politics’ from the ‘political’, which is a distinction neglected here. ‘Politics’ and ‘political’ are synonymous for the purposes of this chapter, as both refer to a descriptive contest among groups for resources.
some arena of discourse is an expressively free environment (Crerar, 2016). Expressively free environments allow for the discovery and exchange of hermeneutical resources. Expressively free environments and the hermeneutical resources produced in these environments are not especially accessible to public figures. Political contests may regard the pre-conditions for resources to become accessible. It is not as though public authorities hoard hermeneutical resources. Further, a broad conception of ‘resources’ includes social capital and social roles which contribute to the interest of agents. For this reason, contests between groups over ancestral homelands and cultural sites are political. They are contested spaces for access to resources of all types, which may not have been discovered or appreciated as such. Third, I assume a thin conception of ‘organized’ groups to include socially distinguishable collectives acting with some common interests or understanding. So, discursive communities can act collectively and politically without being institutionally organized or otherwise formally structured. Finally, inequality in respective social powers is not necessary for political activity to occur, though politics is often characterized by unequal contests between groups.

With Wolin’s initial definition modified, politics and the political are: cases of collective contestation, by (at least minimally) organized groups with social powers, over access to material, cultural, and epistemic resources. Political life consists in the shared activities which determine the distribution of burdens and benefits in society. So, for example, a relief effort designed to distribute goods to famine victims is a political project. Any organized group (e.g., a church) can engage in this redistributive effort, thereby making it political. Likewise, a gradual collective adjustment of available hermeneutical resource is epistemic and political. These are processes of public contestation by discursive communities for the circulation of and access to
epistemic resources. In this case, a political dependence critique may maintain that improving epistemic conditions supervenes on these political activities. That there can be no change in epistemic in/justice without a change in the conditions of political in/justice.

With an account of the political developed, two underspecified features of the ‘political’ will be redressed. The social powers possessed by groups and the nature of contestation both require further specification. Exercises of these powers by groups constitute instantiations of power. Identifying the characteristics of power allows assessment of the dependence relations between the epistemic and the political. Political contestations are often (and increasingly) ideological contestations, which may not be clearly recognized as political. Steven Luke’s three-faces of power addresses both concerns. Attention to power relations helps identify subtle forms of political contestation, while also specifying the ‘social powers’ groups use. Expressions of power which conform to these criteria of politics as, collective contestations over resources, are instantiations of political phenomena. Focusing on power relations draws attention to the action and effects of the political. These effects are what is important about the political, for purposes of studying the relations between the political and epistemic in/justice.

Schematically, Steven Luke’s (1974) holds that power manifests in three ways. First, power is exercised by A if they can get B to do what A wants and what B would otherwise not do. These are overt expressions of power, legitimate or not, if undertaken by groups for the purposes of influencing shares or resources and burdens in society. Second, power manifests when “a person or group – consciously or unconsciously – creates or reinforces barriers to the
policy airing of policy conflict” (Lukes, 20). This dimension of power most intuitively regards agenda-setting processes, as some group or groups use their influence to dictate which topics get attention. This admits of covert practices of manipulation and coercion as some issues are occluded from public scrutiny. This face of power can be expressed without needing to overtly impose the first-face of power. There may be no need for A to get B to do what A wants, because B has been preempted from pursuing alternative courses by the agenda-setting features of the second-face of power, implemented by group A. Recognition of covert politics motivates Luke’s turn to the third-dimension of power.

Lukes notes that the first and second-dimensions of power only regard overtly contested interests, in which parties are silenced or denied entry into political processes they hope to change (28). The third-dimension of power regards cases in which agents come to adopt the interests of others as their own, despite the incongruity between their ‘real’ interests and their current professed interests (122). This third-face of power regards ideological domination characteristic of false consciousness and some cases of adaptive preference formation. The space of contestation is antecedent to group mobilization about resources, as prevailing understandings lead one group to cede their interests to another group, often without any conscious awareness or clear moment of resolution. This is an important addition, as it moves from a narrow focus on overt contestations to ideological contestations. The third-face of power operates in the domain of shared epistemic life canvassed in Chapter 5. For example, if Patricia

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131 This suggests connections between Kristie Dotson’s (2012) third-order contributory injustice and Lukes’ study of power.
132 While Lukes’ normative position cannot be assessed, ‘real’ interests can be described by reference to reasoning in the two-stage contractualist model of epistemic in/justice (Ch. 6).
Williams adopts those racialized understandings which objectify her as a black person, she suffers from hermeneutical overload resulting from the third-face of power. Patricia agrees to the conditions of her epistemic objectification, as she adopts a racialized worldview, thereby effectively adjusting her interests and perspective to conform to a type of understanding which privileges whites over blacks. She is ideologically dominated by conforming to the interests and requests of her white colleagues. This connects power relations to the domain of epistemic in/justice. With conceptions of politics and power sketched, the next section relays the political dependence critique and its soundness.

2. Beeby’s Political Dependence Critique of Hermeneutical Injustice

Beeby (2012) develops the political dependence critique with the greatest success. Hermeneutical injustice is her target, but Beeby’s critiques can be generalized. Beeby assesses Carmita Woods’ experience of sexual-harassment while working at Cornell. Given that the term ‘sexual harassment’ is not available in the collective hermeneutical resources, Carmita is unable to explain her experience to others, including the unemployment office which demanded a justification for her resignation to receive benefits. While Carmita merely found her experience unintelligible to others, owing to the lacuna in collective understanding, other cases may be so severe that the person suffering from an intelligibility deficit may be unable to understand an experience for themselves, at all.133 As a result, Carmita suffers from a hermeneutical lacuna which undermines her ability to explain and understand her experiences. This is a hermeneutical injustice.

133 Medina (2017) calls this hermeneutical death stating, “[h]ermeneutical harms can run so deep as to annihilate one’s self, so as to produce hermeneutical death” (41).
To initiate the political dependence critique, Beeby notes that both Carmita and the Cornell professor are under the same hermeneutical lacuna, yet only Carmita suffers an epistemic injustice. Contrary to Fricker’s claim that everyone under a hermeneutical lacuna “gets burned,” only the politically oppressed are harmed (2007, 161). Beeby argues that background political conditions do the normative work of explaining Carmita’s situated hermeneutical marginalization and the harms of hermeneutical injustice (2011, 483). It is not the lack of hermeneutical resources itself which harms Carmita, but patriarchal power relations which prevent ‘sexual harassment’ from being coined, circulated, and up-taken.\footnote{134} In effect, dominant patriarchal interests have informally set the collective hermeneutical agenda such that ‘sexual harassment’ is not a salient issue or an available term. This exercise of power by political groups, broadly construed, prevents Carmita from having the resources she needs to explain the professor’s advances. Oppressive social relations, manifested by the second-face of power, also explain the lack of uptake and circulation of the term ‘sexual harassment.’ Operations of the second-face of power prevent this term from entering collective hermeneutical space. The public agenda fails to address this issue, as it is not a subject of public debate. The political conditions and exercises of power by patriarchal groups also explains why Carmita, and not the professor, benefit from the uptake and circulation of ‘sexual harassment’ in collective hermeneutical space. The socio-

\footnote{134} Importantly, the political conditions explain why this experience is bad for Carmita and why her suffering is not an inevitability of human temporal and cognitive finitude. The implicit counterfactual condition is that politically unjust patriarchal relations have occluded understandings that would otherwise be intelligible to Carmita. It is expressions of power which have led her interests, as a sexually harassed woman, to be suppressed relative to dominant interests. Yet, as Chapter 6 in argued, there are cases where contingencies of population size and human cognitive finitude coalesce in the form of bad epistemic drift. Epistemic drift effects, like the red king effect, are bad and unjust from the perspective of idealized agents in the second-stage of two-stage contractualist model, as these effects can be predicted to arbitrarily impinge on some peoples, just because of they are a member of a proportionally smaller group. As such, idealized agents legislate against allowing contingency such as these to harm persons \textit{qua} knowers.
political precarity and power asymmetries of a sexist work environment explain the differential harms and levels of epistemic injustice. Resolving those power-differentials would be sufficient to achieve hermeneutical justice. To rephrase in terms of supervenience conditions, there can be no change in Carmita’s hermeneutical injustice without some change in political contexts. It is operations of power exercised in the (conscious or unconscious) interest of patriarchal groups which explain why women, as a group, lack the hermeneutical resource of ‘sexual harassment.’ As such, hermeneutical injustice may not be a distinctly epistemic injustice after all, but reducible to the political.

While a great deal of political contingency is involved in Carmita’s case, it is not a necessary feature of hermeneutical injustice. Fricker shows this by referencing a man who is stalked by a Christian pastor and the man’s efforts to explain this experience to others (2007, 158). The stalker does not threaten the man or trespass in any way. Because of the stalkers anomalous behavior, the stalked man cannot intelligibility convey his disconcert to his partner and the police officer he calls. The hermeneutical lacuna the stalked man is under is more harmful because there is no identity-group which shares his experience. Lacking a political group with common interests or understandings regarding this non- sexual stalking partially explains why the stalked man’s experience is not readily conveyed to others. His “situated hermeneutical inequality” is exacerbated because there have not been contests between social groups (Fricker, 2007, 162). The stalked man is epistemically isolated by the apolitical nature of this case, exacerbating his
unintelligibility and reducing his chances of becoming intelligible. This epistemic injustice lacks a clear political valence, which intensifies the secondary-harms.135

This case demonstrates that hermeneutical injustice does not supervene on the political. There could be a change in the stalked man’s experience of hermeneutical injustice without any change in political conditions. All that need change is epistemic charitability from his girlfriend and the responding police officer (Ch 6, 7). As such, Fricker’s hermeneutical injustice is not subject to Beeby’s political dependence critique.136 So while some of the most salient cases of hermeneutical injustice depend on political marginalization, this is not a necessary feature of hermeneutical injustice as such. Surprisingly, this political dependence critique applies to testimonial injustice.

2.1 Testimonial In/justice depends on political constructs

While commentators focus their political dependence critiques on hermeneutical injustice or by positing other types of epistemic justice and showing their political dependence (E.g., Coady’s (2012) distributional epistemic justice), none have addressed the political dependence of testimonial injustice. Recall that testimonial injustice is a prejudicial credibility deficit based on another’s social identity. Fricker focuses on this discriminatatory variety of epistemic injustice. As

135 This line of reasoning assumes the stalked man’s experience is a hermeneutical injustice. Fricker appeals to “situated hermeneutical inequality” but in the context of individuals, there is not structured account why situated hermeneutical inequality is bad or unjust, rather than merely unfortunate for the stalked man, given his social location. It seems implausible to label every personal case of unintelligibility as a hermeneutical injustice as this case suggests, so Fricker’s account may lack adequate normative foundations to assert that individuals can experience hermeneutical injustice. Fortunately, the two-stage contractualist model predicts epistemic drift and generates positive duties (Ch 6, See footnote 7). The duty of epistemic charity is not met by the girlfriend or responding officer as they fail to charitably engage with the stalked man’s claims. So, the situated hermeneutical inequality of the stalked man is some injustice insofar as other agents culpably failed to meet their duties.

136 Of course, the political background influences whether individuals have the necessary critical consciousness to charitably interpret Joe’s claims. This is one way in which political institutions can promote epistemic justice, though an exploration of this point cannot be developed here.
Fricker explains, “[b]y contrasting [with distributive injustice] the project of this book is to home in on two forms of epistemic injustice that are distinctly epistemic in kind...” (1). Further, she emphasizes that identity types are “shared conceptions of social identity – conceptions alive in the collective social imagination that given, for instance, what it is or means to be a woman or man...” (14). Fricker (2010) later clarifies, “[i]t would have been better if I had placed the emphasis on my aim of unveiling forms of discrimination – epistemic discrimination – whose epistemic character meant that they were especially well hidden injustices...” (175).

The invocation of a distinction between distributional and discriminatory injustice is defended on methodological grounds. While distributional injustices may constitute bona fide epistemic injustices, they “are already commonly recognized as forms of social injustice, largely because the positive advantages of access to education and information are manifest” (Fricker, 175). So, the ‘distinctly epistemic’ condition is a methodological constraint, primarily for purposes of addressing unrecognized forms of discriminatory epistemic injustice. The project of epistemic in/justice is political insofar as it is intended to address especially pernicious, prevalent and unrecognized forms of injustice. These are usually cases in which whole groups are being epistemically wronged and harmed. Fricker’s focus on prevalent discriminatory epistemic injustice is motivated by the magnitude of harms and relative inattention to this form of injustice.

While Fricker’s focus is laudable, it is logically unstable. The social identity types which are subject to credibility deficits and hermeneutical lacunas are socio-political constructs. Feminist epistemology and social epistemology are committed to the view that social identity-types are constituted by power relations. There is nothing essential to these identity types. The
historical contests between these groups gives them their status as recognized entities. Political contests are the basis of social identity types. Fricker maintains that systematic tracking of social identity types is a condition of testimonial injustice stating, “the speaker sustains a testimonial injustice if and only if she receives a credibility deficit owing to identity prejudice in the hearer” (28).137 The epistemic privilege or marginalization resulting from unique standpoints arise from the positional advantages and disadvantages as a member of a socially-constituted identity type. Likewise, epistemic disadvantage results from the background conditions which lead to prejudicial attitudes. Tom Robinson is epistemically evaluated by reference to his politically constructed identities as a black man. These identity-types are the shared schemas discursive communities use to distribute epistemic resources, such as trust (e.g., credibility). Power struggles by political entities define the collective conception of a social identity type. As a result, prejudicial credibility deficits necessarily entail a political context in which there are broad stereotypes which are perpetuated across discursive communities in a society. These are functions of power, as dominant groups impose dominant understandings and refuse to uptake alternatives, thereby exercising the second and third faces of power. As a result, testimonial injustice fails to be distinctly epistemic, but instead depends on political injustice for the stereotype formation. This is a methodological feature of testimonial injustice as systematically tracking identity types are important for reasons of social justice. Addressing the motivations of

137 For a more thorough review of this claim, see Chapter 4. Fricker adds that systematically tracking injustice is central from the guiding perspective of social justice. Thus, it seems that Fricker is stipulating what she means by testimonial injustice. It is necessarily tracking, on her account, not for metaphysical reasons, but because systematic injustices are the most harmful and problematic, given their prevalence.
Fricker’s account explains this problem and shows the advantages of an alternative methodology to avoid this political dependence critique.

Beeby’s recommendation is to discontinue dependence on background conditions to motivate cases of epistemic injustice (2012, 485). This strikes at the core of Fricker’s project in two ways. First, Fricker characterizes her project as one of non-ideal theory as she targets perceived instances of epistemic injustice and builds a theory to accommodate those cases (vii-viii). In explaining the focus on systematic prejudicial credibility deficits as testimonial injustice rather than merely wrongful credibility deficits, Fricker writes, “[systematicity] is central from the point of view of a guiding interest in how epistemic injustice fits into the broader pattern of social injustice (27).” The theoretical scope of epistemic injustice is delimited by the contingencies of contemporary injustice, for Fricker. Epistemic injustice is important to study, for her, because it addresses unrecognized varieties of injustice which are recurrent and large-scale. This explains why nearly every case of epistemic injustice considered by Fricker is of a politically oppressed identity group. Collective contestations involve many more parties and are likely to be of greater moral significance, compared to interpersonal relations. While laudable in intentions, recognition of prevalent political injustices is an insufficient basis for developing a logically structured account of epistemic injustice. The epistemic injustices we do not yet recognize are important for the reasons Fricker emphasizes. As the varieties of epistemic overload developed in Chapter 6 show, practically and theoretically significant varieties of epistemic injustice are missed by delimiting the theory of epistemic injustice by reference to priorities of social justice. Further, it makes Fricker’s account of testimonial injustice susceptible to the political dependence critique.
By adhering to Beeby’s recommendation, political dependence critiques can be avoided. This is the strategy employed in Chapter 4 by considering conceptual space along the dimensions of sociality and time. It is furthered in Chapter 6 by developing a systematic normative foundation which predicts and explains epistemic injustices from the position of reasonable agents, not the contemporarily marginalized and their allies. So Beeby’s political dependence critique is a problem for Fricker’s theory of epistemic injustice, not for any theory of epistemic injustice. Epistemic overload as epistemic injustice does not depend on political background conditions in all cases, as I argue next.

3. The Political Independence of Interpersonal Epistemic Overload

Testimonial redundancy (e.g., recurring interpersonal truth or credibility excesses) and testimonial overload demonstrate two cases of epistemic injustice which are not dependent on political circumstance. Violations of epistemic trust relations and failures of the duty of epistemic paternalism can lead to individuals receiving harmful and objectifying excesses in truth and credibility (Ch. 6). These excesses result in both primary and secondary harms but are not predicated on political identities.

Imagine a pair of siblings are at their father’s funeral. Having drunk, the brother turns to his sister and says, “dad never thought you were smart.” This induces testimonial trauma in the sister and does not depend on politically constructed identities.¹³⁸ There can be a change in epistemic-ethical normative space without a change in political conditions. Interpersonal

¹³⁸ The Marxist may hold that the nuclear family is a product of bourgeois economic relations, but this need not extend to recognition of one’s sibling as such. While husband/wife dynamics may be politically constituted, conceptions of siblings and parents cannot be considered politically loaded without reducing all interpersonal understandings to the “political,” though gender, age-based hierarchies, among others may be political features of sibling dynamics.
epistemic overload defies political dependence critiques. Likewise, some forms of epistemic drift may not be the product of any (covert or overt) contestations between groups, as the Red King Effect shows (Ch. 6). Further, the case of hermeneutical overload via algorithmic introduction of identity types shows that epistemic injustice may arise in cases without political activity, as understood here (Ch 9).

While Beeby’s political dependence critique undermines Fricker’s account, it is does not undermine the field of epistemic injustice as a unique field of inquiry. This conclusion supplies reasons to apply considerations of social justice after giving a structured account of epistemic in/justice.\(^{139}\) With the study of epistemic injustice defended against political dependence critiques, I turn to attempts to show that political justice depends on epistemic justice. As I clarify, political justice depends on epistemic justice.

4. Contractualist Political Justice Depends on Epistemic Justice

This section recounts Fricker’s recent work arguing that political justice \emph{necessarily} depends on epistemic justice. Fricker (2013) and Dieleman (2012) develop this position. I clarify the scope of these findings, showing that Fricker and Dieleman are inattentive to the distinction between contractualist and contractarian conceptions of political justice, leading them to neglect contractarian accounts of political justice.\(^{140}\) Voluntarism is the view that individuals are free to

\(^{139}\) This result supports ideal-theory in epistemic in/justice, contrary to Fricker’s onus. By giving a structured account of epistemic injustice, the theory of epistemic overload is better attuned to actual forms of epistemic injustice that attention to epistemic deficits neglects (e.g., prejudicial credibility excesses and hermeneutical overload). In this case, the ideal-theory better predicts actual pernicious forms of epistemic injustice than the non-ideal theory designed for those purposes.

\(^{140}\) Fricker (2013) conflates this distinction by calling any account of political justice which invokes the agency of individuals a ‘voluntarist’ account. This neglects the types reasons and the types of agents invoked to model cooperation and non-cooperation. The contractarian/contractualist distinction captures these differences in reasons as the former regard strictly rational self-interested agents, while contractualist accounts consider idealized agents.
choose goals and how to achieve them within the bounds of certain societal and cultural constraint. The social contract tradition or ideals of autonomy suppose that agents, in some way, assent to the political institutions which govern them. This is necessary for the legitimacy of the political institutions and is the basis of their authority to impinge on the goals of persons.

Democracy is based on voluntarist ideals.

Fricker (2013) invokes Philip Petit’s view that contestation is necessary to political freedom and shows that genuine contestation requires just epistemic conditions. The capacity for contestation is essential to political freedom as it protects against arbitrary interference. This condition is more basic than freedom to do. A slave may have extensive liberties, but this is not political freedom unless they are not subject to arbitrary interference (Pettit, 2011). To be free, any burden or restriction imposed upon an individual must be contestable, so that agents can inform the conditions of their political association. Fricker argues that contestation requires a fourth condition in addition to Pettit’s account three criteria. Fricker’s four criteria are:

1. A potential basis for contestation
2. A channel or voice available by which decisions are made
3. A suitable forum in existence for contestation
4. Epistemic justice

The potential basis for contestation stipulates that there is some basis for contesting political outcomes. This feature of political processes assures freedom from arbitrary interference.

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141 Of course, total freedom is too much to expect of a political institution, whose existence is justified for the precise purposes of checking individual interests for collective good. So, while political freedom as total freedom fails, political freedom as having the ability to influence, and contest outcomes captures voluntarist commitments while providing plausible limits on the domain of political freedom.
interferences. Contestation can be either deliberative or bargain-based. Petit and Fricker opt for deliberative basis, viewing bargain-based as simply manifestations of power struggles from initial starting position and therefore an inadequate moral basis for collective decisions (2013, 1323). Insofar as freedom from arbitrary interference is necessary for liberty and political justice, threat-power and bargaining-power are not an adequate basis for theories of political justice. For consensual deliberation to occur, others must understand our claims as intelligible and credible. Appealing to threat-power does not ensure freedom from arbitrary interference. Epistemic injustice hinders both intelligibility and credibility, so it thwarts genuine deliberative contestation.

The ‘channel or voice’ for decisions regards appropriate representation of groups. This means that there is a medium of representation to convey the interests of peoples’ during collective deliberative processes. To be adequately represented, hermeneutical resources must be constituted to promote intelligibility. One cannot be represented if a hermeneutical overload of stereotypes prevents uptake or intelligibility. Likewise, credibility misattributions make for unfair deliberative influence. Credibility excesses lead to unjust credibility deficits elsewhere. Unjust credibility distributions influence how and whether representatives are understood. This is an arbitrary interference in the deliberative process as some peoples’ claims are over-estimated while others are under-estimated only because of a distributive epistemic injustice in the circulation of credibility.

Third, a suitable forum for contestation requires that morally irrelevant pressures do not influence the judgment of assenting and contesting agents. If such influences do shape an agent’s preference, these preferences are unlikely to conform to the agent’s actual interests.
Further, it prevents autonomous assent. If agents assent because they were intellectually stunted or misdirected (e.g., by higher-order hermeneutical overload, Ch 7), this is a morally irrelevant pressure on an individual’s judgment. Fricker’s original contribution is the fourth criteria of epistemic justice. Political freedom is not attained if agents cannot engage in voluntary association in which all interests are weighed. They are not able to express their interests, if they are unintelligible, or they are not given an unfair context of interpretation.

Dieleman (2015) defends the view that political justice requires epistemic justice by arguing that integrating theories of epistemic in/justice into political philosophy will contribute to recognizing political injustice and legitimating political authority. Appealing again to Petit, Dieleman invokes three conditions for a just political procedure: inclusivity, judgmental and dialogical. First, inclusivity occurs when all interests in a society are weighed in political decisions. To be appropriately representative all parties’ interests must be considered. Further, the Judgmental condition “requires that decisions be made not on the basis of individual preference but on the basis of judgments about the common good” (798). Second, Judgments are responsive to the force of reason, not power asymmetries. This is characteristic of reasonable, morally-minded agents. Agents are responsive to the claims of others for reasons other than self-interest. Third, the dialogical condition holds that deliberation is open and unforced. Reasons and arguments determine results, not arbitrary differences in threat power and bargaining power. Deliberation is only open if individuals receive appropriate levels of credibility and intelligibility.

Dieleman argues that judgmental and dialogical procedural defects are forms of epistemic injustice (801). Dieleman states “a deliberative space will be testimonially [sic] unjust
when it is characterized, either formally or informally, by such problematic assumptions” about the competence or intelligibility of speakers based on their social identity (802). A deliberative procedure cannot satisfy the dialogical condition if some portion of the population is unintelligible or has been epistemically deformed from hermeneutical overload, for example. Discourse is forced if a person merely recites an imposed worldview. Developing the necessity of epistemic justice for the dialogical condition requires recognition of informal as well as formal openness. Informal openness considers credibility dynamics as well as intelligibility. A result of deliberation is not dialogically open if informal epistemic norms prevent some from having their testimony weighed appropriately or intelligibly. These results show that epistemic justice is necessary for forms of political justice which are contractualist and deliberative, but not merely contractarian.

Both Fricker and Dieleman implicitly invoke contractualist accounts of political justice in claiming that epistemic justice is necessary for political justice. Fricker writes, “Petit rightly claims that only the latter [contractualist accounts] provides a suitable basis for the kind of contestation that suits the deliberative democratic purpose. Instead of trading concessions, outcome of which will depend largely on strength of force ... open-ended and genuine deliberation” are required for political justice (Fricker 2013, 1323). Reasonable agents, like agents in the ESON OP, are motivated by considerations of the collective good and can be persuaded by the claims of others. Reasonable agents are not assumed in bargain-based theories or rational choice theories (Darwall 2003, 3). There is no assumption that agents have interest in the common good nor is there the assumption of who are responsive to reasons.
Theories which do not assume reasonable agents, but only rational agents, can address societies with deep moral pluralism (Moehler, 2018). This is important, as most modern liberal societies are characterized by deep moral disagreement. There is no common conception of the public good in such societies, so appeal to the common good is irrelevant as agents in deeply morally pluralistic societies do not have consistent conceptions of the good. Further agents who have deep moral disagreement may be impervious to the reasons and argumentation of those who do not share their comprehensive worldview. So, while epistemic justice is relevant to important theories of political justice, it has not been shown to be necessary for thinner conceptions of morality and political justice, such as contractarian accounts. Contractarian theories do not assume that bargain-based reasoning is impermissible, as they do not smuggle moral assumptions. In the next section I argue that epistemic injustice also distorts basic bargaining conditions and rational choice. This shows that epistemic injustice is important to contractarian, rational-choice and bargain-based political theorizing.

5. Bargaining Theory and Epistemic Injustice

While the work of Fricker (2013) and Dieleman (2015) deserves recognition for showing how deliberative and contractualist accounts of political justice depend on epistemic justice, these authors dismiss bargain-based theory for lacking a sufficient normative basis. Yet, recent works shows the normative promise of strictly rational behavioral models. To extend the relevance of epistemic in/justice to rational-choice moral theories, I show that Nash equilibrium depends on conditions of epistemic justice. Nash equilibrium is necessary for bargain-based results to be rational. First, these conditions and their relevance to bargaining theory is clarification.
Nash equilibria are stable states in which no participant in a decision-procedure can be made better off without another participant changing their decision. As such, states of Nash equilibria are the best outcome for all agents, given the choices of others. Of course, rational agents desire to maximize expected returns, but must be responsive to the bargaining-power and behavior of others. Nash equilibrium trumps Pareto optimality as some stable situation can emerge which is non-optimal but is the best outcome for each participant relative to what selfish agents choose (Moehler, 61). Agents will not choose the maximal possible payout if they have good reason to believe that they will not get any payout as a result. Rational results are important, as agents are only motivated by self-interest on contractarian accounts (Darwall 2003, 4). Merely rational agents have no reason to agree to terms of association if doing so does not benefit them. To demonstrate the unstable, non-optimal and irrational tendencies of games with interpersonal epistemic injustice, consider a game-theoretic thought experiment.

Imagine an iterated assurance game, such as the stag hunt. There are two options: cooperate or defect. Agents learn from prior interactions and adopt strategies to maximize expected gains. The prospect of benefiting explains agents’ motivation to cooperate and avoid defection. Over iterations, rational agents will come to agreements out of self-interest. To add an element of epistemic injustice, imagine that learning mechanisms are defective. For every game iteration, twenty percent of cooperating stag-hunters give wrongful trust deficits to other cooperators. Call these occasional defectors, prejudicial stags. For purposes here, limit the set of wrongful trust attributions to any interpersonal epistemic injustices which undermine depends on epistemic justice. Prejudicial stags defect because of perceived unintelligibility of other
cooperators, or their credibility misattribution. Cooperating stags who engage with prejudicial stags experience and trust violations, undermining future cooperative inclinations. While some learning between generations can be assumed, some prejudicial stags randomly emerge. Due to random emergence, no reliable indicator for identifying prejudicial stags develops. They lack reliable indicators themselves, in virtue of their prejudice. This results in cases of irrational non-cooperation.

Prejudicial stags fail to cooperate in some cases as they misjudge expected payouts due to their prejudicial trust-assessments. Individuals maximize their expected benefits by cooperating. Failures of cooperation by cooperating-types leads to no utility gains. Problematically, cooperating stags learn to distrust others stags due to the prevalence and randomness of defecting prejudicial stags. The expected utility of cooperation is diminished given the risks of cooperating with an unidentified prejudicial stag, resulting in no utility and probably disutility. Without reliable indicators to identify defecting prejudicial stags, cooperating stags have reason to adopt a mixed-strategy. This undermines equilibrium. A purely cooperative agent fails to achieve Nash equilibria regularly, given the prevalence of random defection in the form of prejudicial stags and the resulting mixed-strategies adopted by others. A cooperator dominant strategy cannot stabilize, as internal prejudicial defection undermines the viability of cooperative behavior. Likewise, prejudicial stags will give up maximal gains due to their

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142 To explain prejudicial-stag, imagine their epistemic character is undermined by hermeneutical overload, thus leading to their poor judgment and prejudice.
143 This acknowledges that prejudice is usually culturally-contagious while also recognizing that some individuals autonomously develop prejudicial attitudes.
144 These epistemic injustices may be understood as resulting from epistemic drift. Prejudicial stags may be non-culpable for their prejudice, given background structural features.
prejudice. In effect, prejudicial stags leave utility ‘on the table’ for themselves and others by opting for prejudice over cooperation. They will forgo self-interested behavior due to a defect in their epistemic character, manifested as recurring epistemic injustices. This distortion in the reliability of indicators prevents equilibrium, as individuals are regularly undermined by cooperating and rewarded for mixed-strategies. So, agents cannot rationally pick the best strategy, given the randomness of defection. If parties fail to cooperate due to prejudicial, random, or learned distrust, both parties miss the benefits of cooperation. If learning mechanisms or attribution of intelligibility and credibility are epistemically defective, rational agents cannot accurately discern payoffs and costs. While this is one ad hoc example, it is likely indicative of a trend.

This trust deficit induces a non-cooperative and unstable result. The prejudicial stags fail to be reliably rational as their unjustified (random) prejudice undermines cooperative behavior for mutual advantage. Indeed, rational choice theory stipulates informed agents that seek to maximize their self-interest. So, the problem of epistemic injustice for rational choice theory is foundational. Committing epistemic injustice is likely antithetical to the basic axioms of rational choice. It is unlikely to attain equilibrium due to the risks of committing to one strategy and the randomness of defection. This conclusion can be stated in terms of the criteria of inclusivity, discussed by Dieleman.

145 Chapter 6 gives arguments to show that random epistemic drift will produce credibility misattributions and hermeneutical injustices.
Bargaining theory depends on the condition of inclusivity. Inclusivity occurs when all interests in a society are weighed in political decisions.\textsuperscript{146} To achieve rational results, agents must have accurate estimations of their environment and expected payoffs. Rational results cannot be reliably attained under the uncertainty that prejudicial defection creates. Epistemic injustices distort rational behavior as they lead agents to misjudge the bargaining power of themselves or others, amounting to a failure of inclusivity. Agents cannot aggregate or reconcile their interests as their interests are not adequately represented from the outset. Their preferences are incoherent as they hope to maximize their own interest, while also undermining their own interests by prioritizing prejudicial attitudes. The stipulations of rational choice and bargaining theory formalize-out considerations of epistemic injustice. This shows the fundamentality of epistemic justice to rational choice. Constitutively deformed epistemic agents or prejudicial agents fail to be rational in many cases. While I lack the erudition to formalize a proof showing that this result must always be the case, it remains highly indicative. Epistemic agents suffering from or imposing epistemic injustice are less likely to promote their own best interests, as failures of cooperation occur.

Bargaining theory formalizes the decision procedure to avoid issues of epistemic injustice. But the model of expected utility maximization by rational agents hinges on them being properly informed and not deluded about the bargaining conditions. Epistemic injustice functions as noise in rational bargain-based signaling which undermines the prospects for

\textsuperscript{146} Inclusivity can be construed in contractarian or contractualist terms. The latter holds that weighing the reasons of others, for example, are required for inclusivity. The former is weaker conception of inclusivity, which only requires recognition of the expected behaviors and associated payouts of others. It is inclusive of their interests, which is relevant to other agents so that they can make rational choices about expected behaviors and associated benefits, though it need not be attentive to the reasons for those behaviors.
rational agreement, given the choices of others (i.e., Nash equilibria). Collective associations with prejudicial stags (or other similar types of epistemic unjust person), cannot achieve stable and reliable results for parties in those associations. Further, prejudicial stags risk irrationality by not promoting their interests due to prejudicial attitudes which result in epistemic injustice.

In some sense, this result depends on a question begging assumption insofar as an irrational type of agent (prejudicial stags) are introduced into rational choice theory. Yet recall that structural epistemic injustice (e.g., hermeneutical overload) can result from the epistemic red King effect and other forms of epistemic drift (Ch 6). Thus, rather than being a problematic postulate, epistemic defection and injustice are to be expected in the bargaining of actual agents. As a range of behavioral economists and psychologists have shown, rationality is the exception, not the norm in human affairs. Insofar as epistemic injustice is probable, and rationality is exceptional, the burden of defense is on game theoretic assumptions about rationality. I am not arguing that rational choice theory is inherently flawed. Rather, I am showing that one of the implicit assumptions about agents in bargaining theories is that their epistemic agency and sense of self have not been distorted by epistemic injustice. This is an acceptable assumption, but it entails that there are no serious or pervasive epistemic injustices to interfere with rational inquiry. As a result, both deliberative and bargain-based theories of political justice require or implicitly invoke conditions of epistemic justice.

To this point, the mutual dependence of epistemic in/justice and political in/justice has been shown. The project focuses on individual responses to epistemic and political injustice, as characterized by the duties of Ch 7 and the responses of reasonable and rational agents to conditions of epistemic injustice. This focus neglects structural responses to epistemic injustice.
6. Conclusion

Political in/justice and epistemic in/justice are often codependent. The most pernicious forms of epistemic injustice are structural and political. Likewise, political justice depends upon or presupposes conditions of epistemic justice. The dependence of contractualist and contractarian accounts of political justice on epistemic injustice is due to theoretical postulates about the nature of deliberating agents or the requirements for just deliberative conditions. So, this dependence relation does not extend to normative accounts which invoke boundedly-rational agents, which do not presuppose full rationality or precise procedural constraints. This only shows that additional work is required to identify and specify the contingent relations between epistemic in/justice and bounded-rationality, as boundedly-rational agents are subject to and perpetuate epistemic injustices, which influence their deliberations. Political philosophers have reason to attend to the influences of epistemic in/justice on boundedly-rational agents, if they hope to develop more empirically-adequate understandings of political agency and for viable accounts of political justice. In the final chapter, I turn to applying epistemic overload to the context of big data and predictive policing. This provides empirical support for the theory of epistemic overload and shows its practical consequence.
Chapter 9: Epistemic Overload, Big Data, and Stereotype Threat: The Case of Predictive Policing

1. Introduction

This final chapter applies the theory of epistemic overload to the case of big data and elaborates the psychological mechanism of stereotype threat which provides empirical support for actual cases of prejudicial hermeneutical overload. As will be shown, the algorithmic outputs of big data can induce both primary and secondary harms of epistemic injustice. These harms are induced by epistemic overload. Specifically, this chapter shows that the outputs of big data analysis can result in both structural momentary epistemic excesses (SMEE) and structural-process hermeneutical overload (Ch 4).

Big Data is a uniquely important application of epistemic overload for three reasons. First, most people in developed countries are impacted by big data, and the developing world is rapidly adopting these technologies. The ubiquity of data collection and algorithmic prediction suggest that the injustices generated from big data are global in scale or soon will be. Second, big data is characterized by epistemic abundance rather than deficiency, which has been largely neglected by applications and theories of epistemic injustice (Ch 1, Ch 3). This chapter addresses a gap in the literature by applying epistemic overload to big data. Third, many of the concerns raised by applied articles on epistemic injustice regard topics increasingly influenced by big data. As education, healthcare, and economic analysis are subsumed by automated computer

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147 Recall that ‘hermeneutical overload’ is used generically to refer to all forms of structurally-based excesses in interpretive resources or understanding, both momentary and process (Ch. 4). I specify references to momentary varieties of hermeneutical overload as algorithmic overload or SMEE (Structural-momentary epistemic excess). The key features of hermeneutical overload are excesses in interpretive resources for understanding and intelligibility. Reducing greatly simplifies discussion and reduces terminological redundancy. The process/moment distinction is useful for evaluating the circumstances of individual cases and in the context of algorithmic overload, as will be addressed in the final sections of the chapter.
systems, testimonial exchange plays a reduced role in epistemic life. Algorithmic procedures will be central to epistemic activities.

This chapter will first specify a narrow conception of ‘big data’ to focus on the most widespread and potentially harmful types of algorithms, data collection, and data usages. Once the normative significance of these technologies is established, I turn to refining a conception of stereotype threat, based on the analysis of empirical literature and Goguen’s work linking it to epistemic injustice. Stereotype threat is a key psychological mechanism in relation to epistemic overload. As psychological research confirms, awareness and understanding of prejudicial schemas in collective hermeneutical space can be harmful to the epistemic functioning of agents. This is exacerbated by the widespread use of algorithmic profiles which model persons as demographically-determined statistical aggregates. Finally, I analyze the Chicago Police Department’s use of predictive policing algorithms to generate a “strategic subjects list” for people highly likely to be involved with gun-violence. To show that reliance on algorithms contributed to structural, momentary epistemic excesses (SMEE) of an identity-type schema, I interpret the empirical studies of this policing initiative. I conclude that state-power in conjunction with the use of algorithmically produced schemas is likely to have produced actual Algorithmic Overload. The chapter shows that big data, as narrowly defined, is of practical and theoretical significance for theories of epistemic injustice, and that the theory of epistemic overload is useful for addressing and explaining these injustices.¹⁴⁸

¹⁴⁸ Of course, this claim is compatible with an acknowledgement of the many valuable features of big data technologies.
2. Big Data as Collection, Prediction and Profiling

Before applying epistemic overload, it is necessary to clarify ‘big data’. As a term emerging from natural language, ‘big data’ lacks necessary and sufficient conditions. For this reason, I specify a narrow conception of big data. Following Origgi and Ciranni (2017), big data is “profiling [which] is due to the automatic storing and archiving of a mass of data such as browsing history, IP address social network activity, email content, keywords used in searching the web. This “immaterial capital” [and the automated use of it] constitutes what is called Big Data” (307). These technologies model, use decision-procedures to predict and prescribe human behavior. This information is used for advertising and the ongoing development of digital technologies designed to replace and facilitate human activity. Predicting our ends, these technologies recommend routes, products and behaviors. As such, organizations specializing in large-scale data collection and prediction use “statistical doubles” of individuals as models for further prediction (Origgi and Ciranni, 2017).

While the usual concerns regarding big data focus on issues of privacy, commodification, and Constitutionality, I focus on an underappreciated risk. The predictions and recommendations of these technologies are normatively loaded, both epistemically and ethically. Theories of epistemic injustice specialize to address issues at the border of epistemic and ethical theory. To further hone the import of these technologies, I focus on a subset of the most epistemically and ethically significant big data technologies.

149 While Origgi and Ciranni focus on the statistical doubles of persons, big data also models “statistical doubles” in the forms of simulated markets, urban spaces and earth’s biosphere.
2.1 Weapons of Math Destruction: opacity, scale, damage, and constitutive effects

The basis of big data profiles are algorithms. Algorithms are decision-procedures which adhere to strict programmed rules to yield outputs. Algorithms are rule-based computer operations used for decisions, computations and problem-solving. These outputs, such as predictive generalizations about demographics and demographically targeted ads become especially normatively significant if four conditions apply. Three conditions offered by Cathy O’Neil are opacity, scale and damage. I add a fourth condition. The constitutive effects of algorithmic outputs on persons as knowers are of special import for analyzing the secondary harms and formative influence of these technologies.

Cathy O’Neil’s (2016) Weapons of Math Destruction focuses on the “opacity, scale and damage” of algorithms (31). She maintains that these are the essential features of unjust algorithms. The significance of each condition depends on its relations to the other criteria. The problem of opacity occurs when the agents influenced by the algorithm cannot readily understand its procedural methods which determine results. This arises from the lack of transparency of algorithmic and the specialized skills required to understand these decision procedures. Only a subset of computer engineers can understand the programmed rules of an algorithm. More importantly, the most sophisticated, influential and pervasive algorithms are the coveted intellectual property of corporations and federal governments.\footnote{Given the near-total lack of transparency maintained by government agencies like the National Security Agency, I ignore these cases. While the ways in which intelligence organizations and governments use this technology is of great import to political and epistemic theories of in/justice, there is little that is known about these technologies.} As legally protected intellectual property, the decision-procedures which determine algorithmic outputs remain valuable trade secrets or matters of national security, even among the subset of people.
who could understand these algorithms. Finally, the advent of self-modifying algorithms exacerbates the problem of opacity as algorithms autonomously initiate modifications. In some cases, even the designers and owners of algorithms are at a loss for the behavior of their programs. This opacity is most significant in cases where algorithms are widely used.

The fact of scale results from the globalized implementation of algorithms. The algorithms which determine our credit scores are applied to virtually all Americans and are increasingly influential in determining our life prospects. Employers rely on credit scores as a basis of assessing job applicants, for example. Similarly, the search engines and targeted ads are ubiquitously applied. The consequences of these technologies occur on a grand scale, as millions (if not billions) of users are influenced. Google’s search engine algorithm and ad services are paradigmatic examples of opaque and scaled big data technologies. The influence of these algorithms makes their outputs and effects on people of central concern.

Third, O’Neil departs from a descriptive analysis to the claim that scaled and opaque big data algorithms lead to bad consequences and unfairness. This category is not discrete from the prior conditions, as the harms of big data are contingent on its outputs and scale. As adoption of these technologies is the contemporary norm, special attention to their adverse effects is warranted. O’Neil offers examples in hiring, loans, prison-sentencing, and policing to make the case that opaque, scaled, and harmful big data technologies constitute “weapons of math destruction” (WMDs) (O’Neil, 12). To illustrate, consider the predictive policing software used by

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152 This feature of algorithmic opacity, particularly about corporate intellectual property, limits the cases of big data that can be studied, as little data and little insight is available.
153 Facebook released a pair of chatbots who developed an indecipherable language to communicate (Perez, 2017).
154 For example, in 2016 Microsoft issued a series of apologies after its Twitter-bot Tay began using hate-speech and denied the Holocaust.
the municipalities of Santa Cruz, Atlanta and Los Angeles. PredPol is a crime prediction and prevention software (O’Neil 2016, 85). Crime data is fed to PredPol, which correlates variables to identify and predict high-crime zones. These high-crime zones often correlate with poor, high-density neighborhoods with large minority populations. In this case, the modeled ‘statistical double’ regards five-hundred square foot areas of urban space. As a response, police departments increase patrolling and enforcement in identified zones. O’Neil argues that the normative significance of these technologies depends on their fairness and harm.

Big data algorithms are unfair insofar as moral luck plays an inordinate role in determining whether one is harmed or benefitted by the implemented technology and police enforcement. Law abiding citizens in heavily patrolled neighborhoods are more likely to be stopped, questioned and arrested, just in virtue of being in a poor neighborhood. Criminals living in affluent neighborhoods are unlikely to be harassed by police just because they are not in a ‘high crime’ zone (O’Neil, 104). This also correlates with racial profiling. For example, the New York Police Department’s “stop and frisk” policy targeted Latino or Black men eighty-five percent of the time (O’Neil, 93). Further, algorithms cannot account for historical injustices to explain or ameliorate crime-rates. They are limited to analyzing current data and trends, which is itself often the result of discrimination. So predictive policing algorithms are used to justify and perpetuate the policing practices which contributed to disproportionate crime and poverty in some communities. The harm of these algorithms is compounded by a fourth condition.

The constitutive effects of big data WMDs can be understood both as causally influential in institutional policy design and in relation to persons as knowers. The primary focus of this chapter is the individual constitutive effects, in relations to epistemic agency. Consideration of
the institutional implications of big data is relevant to provide an example of the scale, harms and constitutive effects of big data. Continuing the example of predictive policing, consider the data gathered from increased patrolling and enforcement in high-crime zones. Foremost, there are likely to be more arrests and incident reports in the area; this holds if no change in actual crime-rates occurs, as police tend to enforce laws where they are sent. This crime data is then fed back to the predictive policing algorithm. Elevated crime indicators are then recycled into PredPol (or similar technologies such as CompSTAT), justifying and reinforcing the existing policy. While some interpret this as a success, enforcement may perpetuate the conditions it is intended to alleviate. As is well established, police-encounters predict imprisonment rates and recidivism is correlated with police encounters. The ACLU found that Black Americans are 3.73 times more likely to be arrested for marijuana, despite comparable use rates across races in the United States (ACLU, 2013). So it is the demographic-targeting and enforcement which explains differences in arrest rates for marijuana.

Algorithms cannot process data they are not fed, so their inferences are contingent on these inputs and serve to justify prevailing practice. While racist policies and enforcement contribute to these prejudicial outcomes, the application of big data is complicit and underappreciated. The opacity and ‘objectivity’ of these technologies reifies their prescriptions. The constitutive effects of big data algorithm results from the influence that these data-based outputs have on the epistemic agency of individuals and the effects of institutional design. By making statistical-double of persons, peoples and areas, implemented big-data policing practices causally influence individuals and epistemically objectify them.

\[ ^{155} \text{For discussion See: Braningtonhouse, 2015.} \]
To elucidate these individual constitutive effects of hermeneutical overload. The psychological mechanisms of stereotype threat are presented. The personal constitutive significance of hermeneutical overload (structural or momentary) in identity-type ascriptions, are best understood by reference to contemporary psychological research on stereotype threat. This research program provides an empirically adequate basis for concluding that hermeneutical overload results from the implementation of big data profiling. It also clarifies that positing the secondary harms of epistemic overload is supported by current research, and not merely folk psychologizing. This also completes the work initiated in Ch 4, as hermeneutical overload via algorithmic outputs are a case of structural momentary excesses in interpretive resources, which harm and objectify knowers.

3. The Personal Constitutive Effects of Stereotype Threat

Stereotype threat is induced when individuals recognize that collectively held stereotypes about their identity types are associated with underperformance or other socially undesirable tendencies in some domain that the individual intends to undertake, thereby adversely influencing that individual’s performance. In theory, stereotype effect can increase or decrease performance, based on whether the activated stereotype has positive or negative implicit associations, and the complexity of the task. Focus on epistemic injustice limits relevant considerations to adverse epistemic and overall effects (i.e., the threats).

Claude Steele (1995) initiated the research program on stereotype effect by priming two groups of black men with different prompts for the same verbal portion of the Graduate Records Exam. Group 1 was told that the test was a diagnostic of intellectual ability, while Group 2 was told that the test had no diagnostic implications. The same conditions were applied to two
groups of white men. As hypothesized, Group 1 performed worse on the test, successfully answering 8 out of 30 questions. Group 2 showed a fifty-percent improvement, answering 12 out of 30 questions correctly (Steele, 1995). There was no statistically significance difference between the groups of white students, despite receiving the same variation in prompts.

Modified iterations of this study found that non-verbal ques, such as demographic surveys before tests also induce stereotype threat. Similar effects have been documented among women on math exams (e.g., Spencer, Steele, & Quinn, 1999; Walsh, Hickey, & Duffy, 1999) and white men when primed with references to Asian men before taking math tests (e.g., Aronson, Lustina, Good, Keogh, Steele, & Brown, 1999.) Importantly, these effects are not ubiquitous. For example, Michale Ilchitz replicated Steele’s (1995) methods Vancouver and found little difference in performance between groups (Ilchitz, 2017).  

It seems that the stereotype effect only operates on agents situated in discursive communities which collectively hold stereotyped identity schemas. Vancouver, a city with very little history of institutional racism, does not have a collective hermeneutical space which contributes to interpretations of blackness as associated with academic inferiority. This finding comports with Fricker’s conception of identity power, based in the social imagination, as tacitly influencing the epistemic life of individuals. Specific stereotypes and their effects change over time, but there is robust conceptual replication of stereotype threat. Further, it shows the

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156 Unfortunately, Ilchitz was not published for finding a null hypothesis. This suggests a problematic journal preference for interesting and novel confirmations, rather than replication and falsification. Yet, Ilchitz claims is that the social prevalence of stereotypes was not sufficient to induce a stereotype threat effect in people. It seems that, for Vancouverites, there are less implicit assumptions about the mathematical competence of women. Without these implicit associations, stereotype primers do not illicit adverse epistemic effects in subjects. This supports the view that it is additional understanding and social awareness of stereotype primers which are necessary to induce epistemic ill-effects. This corroborates the predictions from the theory of epistemic overload, via hermeneutical overload. The identity-schema must be circulating and up-taken to be harmful or beneficial (Ch 5).
distinctly epistemic nature of stereotype threat, as it depends on understanding prevailing identity-types, one’s intersectional social identity, and that the relevant primer references one’s identity.

### 3.1 Stereotype Threat as Epistemic Injustice

Turning to the individual constitutive effects of stereotype threats shows an array of secondary harms consistent with epistemic injustice. Agents experiencing stereotype threat use strategies, such as practicing less for a task and discounting the value associated with tasks (Stone, 2002). People avoid epistemic activities they are expected to perform worse on, after experiencing stereotype threat. As a result, the stereotype threatened do not develop their epistemic abilities in those domains. Disengagement and deidentification with domain-specific epistemic tasks is a recurring result of agents experiencing stereotype threat (Crocker, Major, & Steele, 1998; Major, Spencer, Schmader, Wolfe, & Crocker, 1998). As individuals work to avoid being epistemically objectified in relation to stereotypes in collective hermeneutical space, they avoid epistemic tasks which would develop their epistemic agency. So, stereotype threat has a constitute effect on persons as epistemic agents, predictably leading them to epistemically disengage from threatening intellectual domains. Performance stress has psychological and epistemic effects as well. I quote Goguen in full to relay the breadth of findings:

“Stereotype threat also yields reduced self-efficacy (Aronson and Inzlicht 2004), lowered confidence that one will do well in the stereotyped domain (Stangor et al. 1998); lowered aspirations to pursue stereotype-relevant careers (Davies et al. 2002; Davies et al. 2005); and negative physical and psychological health consequences, including increased general anxiety (Ben-Zeev et al. 2005; Bosson et al. 2004), blood pressure (Blascovich et
al. 2001), and feelings of dejection (Keller & Dauenheimer 2003). (Shapiro and Aronson in Stangor and Crandall 2013, 97)” (Goguen 2016, 217).^157

Yet, Nussbaum and Steele (2007) showed that short-term disengagement allowed black students under stereotype threat to maintain their motivation on a task. These findings suggest that disengagement can represent an adaptive response that allows individuals to maintain positive self-views or to maintain motivation and persistence.^158 This adaptive response is a self-preservation tactic to reconcile the objectification of being stereotyped. As individuals recognize the essentializing and objectifying ways in which dominantly shared stereotypes portray them as epistemic agents, they engage in various strategies of self-defense. Stereotype threat induces epistemic injustice in terms amenable to Fricker’s criteria, yet Goguen suggests these epistemic injustices are akin to Fricker’s hermeneutical injustice as intelligibility deficits. I consider and reject this claim.

Goguen’s (2013) conceptual analysis of stereotype threat links stereotype threat to epistemic injustice. Goguen notes that stereotype threat is associated with mere underperformance in tasks that have prejudicially charged. This underperformance effect is only one element of stereotype threat. Some individuals exhibit increased effort when faced with a stereotype threat. Indeed, on simple tasks, stereotyped people may outperform individuals who are not subject to stereotypes in that domain. O’Brien and Crandall (2003) and Wicherts, Dolan and Hessen (2005), studied women prompted with stereotype threats targeting the mathematical competence of women in relation to men. On simple tests, stereotype threatened women over-performed

^157 Notice too, the ethical-epistemic hybridity of these effects. Epistemic and general well-being are undermined in tandem. This comports with the holistic conception of a unified ethical-epistemic normativity (Ch 2).
^158 This suggests that Pohlhaus’s (2011) strategic refusals has empirical support. Further, it suggests that strategic refusals may apply to specific content domains as well as hermeneutical resources.
relative to the control group of unprimed women. On more difficult tests, women experiencing stereotype threat unperformed relative to the control group.

Evidently, people threatened by a stereotype can be motivated to disprove the negative stereotypes. Improved performance on simple tasks along with physiological arousal suggests that people experiencing stereotype threat go into “overdrive” (Goguen, 4). Individuals are prone to exert extra cognitive effort and be more physiologically aroused. These responses help with simple tasks, but are a detriment to successful completion of complex tasks. These results are consistent with the Yerkes-Dodson Law, which predicts that physiological arousal and performance exhibit a bell-curve function. Initially, stress improves performance, but excessive physiological arousal undermines performance. This increased arousal constitutes a secondary harm, when excessive, but also provides specific empirical evidence implying that epistemic overload is occurring. Primed by a negative stereotype, individuals are overloaded with objectifying prejudicial identity stereotypes that they work to mitigate by avoiding or overcoming in distinctly epistemic ways.

As a result, stereotype threat has the potential to constitutively influence agents to conform to stereotype-based expectations. A component of secondary harms of stereotype threat can be understood as part of strategies to avoid the primary harm of epistemic injustice. People would rather give up a domain of epistemic life than be subject to the derivative subjectification of negative stereotypes. Subjected to an objectifying stereotype, individuals perform worse on epistemic tasks, become epistemically avoidant and suffer from unhealthy
stress levels.\textsuperscript{159} This is sufficient to constitute the primary and secondary harms of epistemic injustice. As Goguen concludes, “self-doubt and suspicions of irrationality can undermine a person’s sense of self in ways that damage and stunt their epistemic life” (14). Despite the evident ways in which understanding, and awareness are integral to inducing stereotype threat, Goguen explains it by reference to hermeneutical injustice. To make this case, Goguen compares reports of the experience of hermeneutically marginalized women with African-American students experiencing stereotype threat. She emphasizes the common experience of self-doubt and epistemic harms shared by both groups (2014, 10-11). Yet, Goguen sets up the case for epistemic injustice via stereotype threat in different terms than the hermeneutical lacunas characteristic of hermeneutical injustice. So, I turn to showing that stereotype threat is better understood in relation to hermeneutical overload.

### 3.2 Stereotype Threat as Epistemic Overload

Goguen analyzes stereotype threat by reference to what W.E.B. DuBois called “the temptation of doubt. AsDuBois puts it in The Souls of Black Folks, “suppose, after all, the World is right and we are less than men? Suppose this mad impulse within [for liberty and equality] is all wrong, some mock mirage from the untrue?” (DuBois 1903, 49; Goguen, 12).” The competing social expectations of rationality and the prevalent stereotype that African-Americans are not fully rational lead to the temptation of doubt. Namely, DuBois suggests that people may be tempted to submit to social expectation to underperform. The primary and secondary harms of

\textsuperscript{159} While more empirical research is required, this indicates experimental-philosophical confirmation of primary wrongs as being worse for agents than secondary harms. When faced with the primary wrong of objectification, individuals voluntarily accept secondary epistemic harms (e.g., of reduced intellectual engagement) to avoid the primary wrong. This consideration also makes the limited psychologizing about the motives of would-be shooters in Chicago less suspect.
epistemic injustice arise as people are objectified by social expectations manifested in stereotypes and epistemically harmed as they react in ways which shape their epistemic agency, usually for the worse. Yet this case is better explained in terms of hermeneutical overload than as a hermeneutical injustice characterized by conceptual lacunas or intelligibility gaps. (Ch 4).

For stereotype threat to arise in Du Bois’ case, one must first understand that they are a member of an identity group and that this identity group has negative collective associations. They must also infer that some specific stimuli (the stereotype primer) refers to these collectively held negative stereotypes to which they are a party. There is no hermeneutical lacuna which explains how stereotype threat is induced in the context of stereotype threat and the temptation of doubt. Individuals are not struggling to make themselves intelligible due to inadequate communicative resources. They are struggling to be respected as epistemic agents, despite living under an oppressive political and epistemic regime which perpetuate prejudicial identity-types. The prevalence, circulation and uptake of prejudicial schemas about black persons leads to the temptation of doubt. Domain avoidance, which is consistent with self-doubt and stereotype threat, also suggests the understanding of stereotypes is required. One must know which domains they are expected to under-perform in to strategically discount or avoid those domains. Epistemic agents recognize that their performance in a specific area is being evaluated with loaded expectations, so they avoid those domains or try to disprove the underlying stereotypes. The anxiety, cognitive over-drive, domain avoidance and self-doubt result in “spillover” (Goguen, 8). Cognitive spillover occurs when one psychological effect influences adversely effects other mental processes, such as working memory (Croizet et al., 2004; Schmader and Jones, 2003). Here, more evidence for hermeneutical overload arises as an
excessive of epistemic inputs and recognition of those inputs leads to secondary epistemic harms.

It is evident that stereotype threat is a form of epistemic overload in terms of socio-epistemic inputs, recognition of those inputs, agential responses to those primers, and the harmful psychological and physiological effects of stereotype threat. The temptation of doubt and stereotype threat are instantiations of hermeneutical overload. As stereotype threat regards collectively held beliefs and associations, it is a structural epistemic injustice induced by the excessive prevalence of an interpretive-resource: their identity-type. Social background conditions of prejudicial identity types are a necessary condition for stereotype threat to occur. To be subject to epistemic overload via stereotype threat, one must be inculcated to associate themselves with these negative prejudices. As such, we can distinguish between process and momentary forms of hermeneutical overload about stereotype threat.

In one sense, all cases of hermeneutical overload from stereotype threat are process injustices. Stereotype threat is inherently a process insofar as a necessary condition of stereotype threat is learning the prejudices circulating in collective hermeneutical space. Yet, the advent of algorithms which generate statistical doubles of individuals and demographic aggregates dramatically accelerates this process, making decision in a relative moment. So the process/moment distinction regards the time it takes to generate, circulate and uptake the hermeneutical resources produced by algorithms, which induce hermeneutical overload.

It has been shown that stereotype threat is a form of hermeneutical overload, either as a process or momentary structural injustice. An excessive awareness of prejudicial identity types and uptake of prejudicial primers leads to the primary and secondary harms of epistemic
injustice. Worse, individuals are constituted by these social expectations as they generally perform worse on and avoid stereotyped epistemic domains. The final step in this chapter is to apply these findings to a case to show that Algorithmic Overload is actual. Recognition of the modeling methods and scale of big data shows that hermeneutical overload via stereotype threat is a major and especially problematic source of epistemic injustice. Focus on the case of the Chicago Police Department’s use of big data and generation of the “strategic subjects list” highlights a case of structural momentary epistemic excess (SMEE), Algorithmic Overload.

### 3.3 Stereotype Threat, Momentary Hermeneutical Overload and Big Data

The last step of this final chapter is analyzing a case of big data contributing to momentary hermeneutical overload via stereotype threat. Algorithms, narrowly construed, increase the scale and constitutive effects of hermeneutical overload via stereotype threat while being intransigent to normative considerations due to their opacity and perceived ‘objectivity’. In virtue of their reliance on data inputs to model behavior, they perpetuate dominant collective prejudicial identity types and constitute agents in ways consistent with those expectations.

To develop the connection between big data and stereotype threat, I consider demographic modeling strategies of algorithms for crime prevention. In most cases, big data companies are interested in personal data for selling and modeling. Algorithmic outputs are based on demographic data about one’s location, race, income, and so on. They then use these data to make statistical doubles of individuals. People are demographically targeted in ways consistent with generalizations drawn from statistical aggregates. Let us return to the case of predictive policing to highlight an especially overt case, coinciding with the case of predictive policing used above.
4. Epistemic Overload Applied: The Strategic Subjects of Predictive Policing

Starting in 2013, the Chicago Police Department began using COMPSTAT predictive policing software to preemptively intervene and monitor identified subjects. Rather than identifying high-crime areas, the algorithms identified persons it deemed highly likely to be involved with gun violence, listing these people on a “Strategic Subjects List.” These people were more closely monitored and more frequently contacted by officers. The Strategic Subjects List was comprised of 95.8% males and 77% African-American. Being “highly likely” to be involved in gun violence is relative to the general population, so subjects identified on the Strategic Subjects List often had a >1% predicted chance of gun violence in the following twelve months (Saunders et al. 2016, 358). Further, the study could not differentiate between those likely to be victims of gun violence as opposed to those likely to perpetuate gun-violence. Researchers identified important findings from this study.

Strategic subjects were 50% more likely to have contact with the police and were “2.88 times more [likely]... to be arrested for a shooting” (Saunders et al., 364). In qualitative follow-up interviews with enforcement officers Saunders et al. found, “when there was a shooting, the police looked at the members of the SSL as possible suspects” (2016, 365). This constitutes a partial explanation of the increased arrest rates. The Strategic Subject List population was more likely to be caught for crimes as the list became a reference for beat officers, who then observed and frisked people on that list. Yet, the shooting date is specified in only 56% percent of the arrests. This suggests that many (or most) arrests for shootings were for shootings that
happened well before the introduction of Strategic Subject List (364). This is important as it suggests that the Strategic Subjects List was reliable for identifying perpetrators of gun-violence and because these perpetrators were being arrested or deterred.

Despite reliable identification of illegal shooters, these increased arrests are the only statistic that can be construed as a success. While shooting rates declined, these declines were consistent with seasonality (cold weather deters violent crime) and the general trend of decreasing gun violence in Chicago at the time. As a result, the use of the Strategic Subjects List and associated interventions had no statistically significant impact on gun-violence among studied subjects. Saunders et al. wondered “...why this did not lead to a reduction in the perpetration of gun violence” (365). They authors conclude that the policy had little effect on shooting rates in Chicago. Gun violence was intransigent.

Saunders et al. do excellent empirical work but underappreciate the significance of their findings. The conjunction of arrests rates of Strategic Subjects and no correlated decrease in gun violence suggests that either a) the algorithm systematically misidentified probable future gun-violence perpetrators or b) that the introduction of the Strategic Subjects List contributed to shooting rates. This is not a logical dilemma, so its prongs must be motivated.

First, consider the possibility of systematic misidentification. Given that the overwhelming preponderance of violent crime is committed by a small portion of the population (Blumstein, 1986) it is likely that the Strategic Subjects being monitored and arrested constitute a

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160 Imagine a person shooting a gun into a wall months ago. They carry that gun for months, when eventually they are stopped and frisked because they are on the Strategic Subjects List. They are then arrested for the prior shooting, as the Chicago Police Department has forensic evidence matching the retrieved slug in the wall to the gun the perpetrator carried. While guilty of the crime, there is no deterrent effect on that subject.
significance proportion of those prone to gun-violence. Put otherwise, it is improbable that the people arrested for shootings in Chicago do not compose a statistically significance portion of the gun-violent. This is particularly evident given the rate of arrests for prior shootings among people on the Strategic Subjects List. Members of the strategic subjects list were historically more prone to gun-violence, so their arrests are expected to correlate with decreased shooting rates. For these reasons, the latter explanation for the intransigence of gun violence is unlikely. The arrests and preventative deterrence of people on the Strategic Subjects List is predicted to correlate with decreased gun violence. There are less gun-violent prone people on the street. So something else is “making up” that difference in shooting rates, resulting in static gun-violence rates.

This leaves the possibility that the Strategic Subjects list contributed to gun-violence rates. The constant rate of gun-violence, despite increased arrests, is attributable to the introduction of Strategic Subjects List. This is indicative of hermeneutical overload. Strategic Subjects and other members of the community learn of the identity-type that has been generated by an algorithm and institutionally ascribed by the police and respond. Before turning to these points some ambiguities must be resolved. First, given the data, we cannot know if Strategic Subjects or other persons can be credited (or blamed) for the intransigence of gun violence. It may be that members of the list who were not arrested shot more to “make up the difference” or that other people opportunistically engaged in gun-violence. One explanation of this opportunism

161 While I believe that prejudicial enforcement is a reality of policing practices in American cities, it is unlikely that larges-scale fabrication of evidence explains the convictions of members of the Strategic Subject List. It is more plausible, in my view, that they did commit the relevant crime in most cases. Increased interventions and ‘follow-ups’ lead to people arrested for crimes they otherwise would not have been caught for.

162 Given the empirical and inductive terrain, these results are all tentative. Nonetheless, in so far as criminology and sociology can make robust generalizations from empirical findings, the ‘career-criminal’ is among them.
may be explained by the belief that their omission from the Strategic Subjects List put them at reduced risk of arrest. The precise motivations, reasons and explanations of individuals cannot be known. Some speculative considerations show that the intransigence of gun violence is plausibly explained by the introduction of the Strategic Subjects List. If this follows, this shows a case of structural momentary excesses in hermeneutical resources via big data technology (i.e., Algorithmic Overload).

First, consider the case of others who have no reason to believe they are on the Strategic Subjects List but who are inclined to gun violence. The knowledge that subjects of interest will receive disproportionate targeting by police may lead them to infer that the risks of engaging in gun-violence have decreased. If the police are occupied watching others for a type of crime, it is reasonable to believe that I am less likely be caught for committing that type of crime. This is not characteristic of stereotype threat, but of other harmful excesses in true belief. Yet, the input is structural and momentary, insofar as the Strategic Subjects List is generated by an institutionally designed algorithm, and that other would-be shooters learn of their status on that list in a (relative) moment. Notice though, that this case is not characterized by an intrinsic wrong of epistemic objectification. So while the design and implementation of the Strategic Subjects List can be criticized on these grounds, the individuals who respond rationally (given their ends) to that design do not suffer an epistemic injustice.

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163 This is also not testimonial overload, as the person that is not a strategic subject is not harmed or objectified in distinctly epistemic ways. However, it does suggest the practical significance of epistemic excesses for understanding social epistemics and addressing injustice.

164 This may constitute some sort of lesser-wrong, akin to a wrongful request. This could be a case of officers wrongfully providing information.
Second, Strategic Subjects may be causally constituted by the imposition of an identity-type associated with gun-violence and requiring police intervention. This suggests constitutive stereotype threat that is momentary. With the backing of state power and threat of the police, agents are ascribed an identity type as a member of the Strategic Subjects List. They have strong reason to take this identity-ascription seriously, as it fundamentally regards their life prospects. This is characteristic of structural, momentary hermeneutical overload. That is a SMEE based resultant from Algorithmic overload.

This case shows that stereotype threat can be induced in short-order under specific conditions. It is likely that Strategic Subjects both uptake and are stressed by the imposed identity-type. The imposition of the list is sufficient to constitute the primary harm of epistemic injustice as they are objectified as “the type” to be shooters. Further, agents are likely to understand their experiences differently, considering this new identity-type. A suspicious unmarked vehicle is more likely to be viewed as a threat now. These are sufficient to constitute the primary and secondary harms of epistemic injustice.

The psychological pathways of this general phenomena need not be specified. Some individuals may be obstinate, intentionally defying the objectifying ascriptions of state power. A sense of self and autonomy are so integral to persons that they may engage in ostensibly irrational behavior to retain that sense of self. Others, particularly gang members, may derive a sense of pride and social esteem from their distinguished status on the Strategic Subjects List. They may act in ways which justify the initial stereotype-ascription as it distinguishes them for

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165 This case explains the momentary nature of algorithmic overload as the heuristic group of the strategic subjects was generated in a relative moment, as was the circulation and uptake of that hermeneutical resource, identity-type.
being especially dangerous, ‘bad’ or otherwise rogue. Subconscious mechanisms are also possible explanations, though I will not delve into Freudian analysis. In any case, all that need be shown here is that there are cases of structural momentary epistemic excesses of hermeneutical resources resulting from algorithms.\textsuperscript{166} This much seems clear and plausible. The theory of epistemic overload is not contingent on this application, it merely demonstrates its fruitfulness and relevance to addressing socially significant forms of injustice.

5. Conclusion

Proving the case for SMEEs from hermeneutical resources via algorithms in the context of the Strategic Subjects List applies the theory of epistemic overload to practical and theoretical effect. A close analysis of this case supports the thesis of the dissertation, regarding epistemic excesses as sources of epistemic injustice. Further, it demonstrates one interesting and pernicious case of algorithms subsuming human epistemic life in detrimental, constitutive and epistemically unjust ways. These insights can be applied to many other contexts. For example, students may be adversely primed by assigned membership in learning disabled or English as a Second Language classes. Unfortunately, given the relative immaturity and opacity of empirical research on algorithm-based programs, few other instantiations of big data-based epistemic overload are available for analysis. Powerful firms and federal agencies are not eager to share their trade-secrets. Nonetheless, the overall arc of the dissertation has made considerable theoretical progress. Not only is epistemic overload conceptually possible, it is of great practical importance to a digitized future, as this chapter shows. Incidentally, this chapter also shows the

\textsuperscript{166} Further, notice that all these same conclusions result from cases without a human conveying the relevant testimony. An automated message, generated by the algorithm, could do all the same work. As could an infographic. Momentary representational overload is possible.
need for care and scrutiny in the analysis of empirical results. If policies designed and evaluated by technical experts are great importance to realizing a more just society, moral philosophers should attend to those designs and inferences closely.


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