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Yes, There Is Such a Thing as Conceptual Competence Injustice

Derek Anderson, Boston University

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Conceptual competence injustice (Anderson 2017) is a form of epistemic injustice that occurs when a dominant agent or structure impugns (implicitly or explicitly) a marginalized epistemic agent's ability to use a concept. The most explicit occurrences involve testimony that asserts or implies what is traditionally regarded as a linguistic or conceptual truth. Dominant agents regard a marginalized agent's testimony as revealing or implying a deficiency in conceptual competence, where this attribution of deficiency is unwarranted and contributes to a pattern of epistemic oppression.

This essay emphasizes two aspects of conceptual competence injustice: (1) the sense in which it is a structural injustice, and (2) the sense in which it is centrally a form of competence injustice (as opposed to testimonial injustice).

Podosky & Tuckwell (2017) argue that every instance of conceptual competence injustice (hereafter: *CC injustice*) is an instance of testimonial injustice (Fricker 2007), and that therefore CC injustice is not a substantive or helpful concept in its own right. Further, they present arguments that CC injustice has not been adequately distinguished from either hermeneutical injustice or contributory injustice. My focus here will be on the main arguments that CC injustice is a kind of testimonial injustice and has no independent theoretical value. These arguments provide an excellent springboard for an elaboration of aspects (1) and (2) mentioned above.

Podosky & Tuckwell's main argument proceeds in two stages. First, they argue that causal etiology is a necessary condition on CC injustice, so it cannot be distinguished from testimonial injustice on these grounds. Then they argue that every instance of CC injustice is identical to some instance of testimonial injustice. Section 2 argues that causal etiology is not a necessary condition on CC injustice. Section 3 highlights the ways in which CC injustice, as a form of competence (*simpliciter*) injustice, is distinct from various kinds of testimonial injustice. In section 4, I grant for the sake of argument that all CC injustice is testimonial injustice and argue that, even if that were true, there would still be such a thing as CC injustice and recognizing its existence would still be theoretically important.

Causal Etiology and Structural Oppression

It is not necessary that CC injustice be caused by any particular type of psychological state (Anderson 2017). This is because CC injustice exists as an aspect of structural epistemic oppression. Episodes are to be identified by the role they play in a broad pattern of epistemic marginalization and domination, not by the immediate psychological forces that produce them.

This contrasts sharply with Fricker's account of testimonial injustice, episodes of which are necessarily caused by 'negative identity prejudice,' a psychological disposition to regard and/or treat members of some marginalized group in negative ways across a wide spectrum of social circumstances. Because CC injustice and testimonial injustice differ in this way with respect to causal etiology, it is easy to demonstrate they are distinct phenomena.

Against this, Podosky & Tuckwell argue that CC injustice intuitively requires the same causal etiology that Fricker attaches to testimonial injustice, so the two forms of injustice can't be

distinguished along these lines. Their argument involves an intuition pump intended to show that CC injustice cannot occur as the result of merely bad epistemic practices in the absence of prejudice.

Their intuition pump introduces a character: Taylor the coin-flipper. Taylor has no negative identity prejudices, but she has a bad epistemic practice. She regularly flips a coin to decide what to believe. Taylor meets Linda, a Black woman, who competently defends Meinongianism about non-existent objects. Taylor flips her coin and decides on that basis to regard Linda as incompetent with the concept of existence. Podosky & Tuckwell maintain that, intuitively, Taylor has not perpetrated CC injustice.

The defense of this claim is a pure intellectual seeming or intuition shared by the authors. They write, “Taylor does not seem to be committing anything other than shoddy epistemic behaviour; there doesn’t appear to be anything unjust about what she’s doing.”

They argue from this intuition that instances of CC injustice cannot arise from (merely) bad epistemic practices. They maintain that, for example, a white male graduate student who routinely dismisses the conceptual competence of women in his cohort, but who also dismisses everyone else for the same reason: because he has inaccurately high intellectual self-trust, so perpetrates no epistemic injustice against these women.¹

He is guilty of bad epistemic practices because he gives himself unduly high credibility, but he is not guilty of any kind of epistemic injustice. The thought is (I suppose): this guy doesn’t discriminate against women; he treats men and women the same way; so he cannot be treating only these women unjustly as the account of CC injustice in Anderson (2017) entails.

Both the methodology and the conclusion of this argument are flawed. First, an appeal to brute intuition about whether Taylor has done something unjust is contentious in an unhelpful way. Those who agree that CC injustice can be perpetrated without identity prejudice will not have the same intuition as Podosky & Tuckwell. Let me start by making explicit the rationale behind this intuition.

Taylor’s choice to use the coin-flip, while epistemically blameworthy in general, intuitively acquires a special blameworthiness when she chooses to employ it in circumstances that could perpetuate the epistemic marginalization of women of color. Taylor is not exculpated by the possibility that she fails to recognize how coin flipping in her encounter with Linda might contribute to a pattern of epistemic oppression. A common feature of structural oppression is that those who participate in it do not typically know they are participating in it.

¹ For an extensive discussion of how to understand intellectual self-trust, see Jones (2012). Relevantly, Jones argues that excessive self-trust among dominant agents is itself a proper cause of epistemic injustice.

Further, the fact that Taylor behaves uniformly with marginalized and dominant agents does not mean her behavior toward marginalized groups is exculpated. Imagine a person who uses racial slurs in referring to white people and people of color uniformly; the uniformity of treatment does nothing to mitigate the wrongness of using racial slurs against people of color. Epistemic irresponsibility harms members of epistemically marginalized groups in different and more egregious ways than it harms members of epistemically dominant groups. Seen in this light, it is intuitively compelling that Taylor is doing something epistemically unjust in her treatment of Linda.

In addition to being unhelpfully contentious, we have good reason to think intuitions in this domain are ideologically loaded. Critical race theorists and Black feminists have taught us that individualistic intuitions about wrongness and blameworthiness in the context of structural oppression are not to be trusted because they are predictably and demonstrably conditioned by dominant power structures. Thus, Collins (2002) writes, “To maintain their power, dominant groups create and maintain a popular system of ‘commonsense’ ideas that support their right to rule.”²

Hence, members of dominant groups who benefit from structural oppression tend to see innocent individual motives as exculpatory, while members of subordinated groups tend to see participations in structural oppression as prime examples of injustice even when motives are innocent. For example, Matsuda (1987) argues that intuitions about individual blameworthiness with regard to reparations debts differ between groups that benefit from past oppressions and groups that still suffer from them.

Intuitions about what is necessary for blameworthiness are socially situated and tend to reflect group interests. Given the likelihood that dominant ideology influences intuitions about whether good-willed participation in structural oppression counts as injustice or not, a flat-footed appeal to intuition does little to rule out the possibility that CC injustice can occur without negative identity prejudice.

Finally, Podosky & Tuckwell’s conclusion, viz. that white male graduate students with merely over-inflated intellectual self-trust do not produce epistemic injustices, is false. In fact, this is a *reductio* of the position that bad epistemic practices by themselves are never sufficient to produce epistemic injustice. The prevalence of over-confident, socially dominant epistemic agents within philosophy is a cornerstone of epistemic marginalization of women of color and other marginalized identities. Demonstrating this requires only reflecting on ways that excessively self-confidence among dominant agents contributes to a general pattern of epistemic oppression within academic philosophy.³

Let us assume for the sake of argument that some over-inflated dominant agents really harbor no negative identity prejudices. Still, many dominant philosophers do harbor negative identity prejudices, which is a cornerstone of systemic epistemic marginalization. These negative identity prejudices produce testimonial injustices and CC injustices, as well as other aspects of epistemic oppression. Another cornerstone of epistemic oppression is the

² *Black Feminist Thought*, pp. 284.

³ Podosky & Tuckwell say they find it unclear what a “general pattern of epistemic bias against women of color” could refer to. The following is partly intended to address that lack of clarity.

prevalence of situated ignorance (Dotson 2011) about marginalized lives that marginalized agents must face within the overwhelmingly white and male population of academic philosophers.

A third cornerstone is the force of willful hermeneutical injustice (Pohlhaus 2012) among dominant philosophers. Philosophers are trained to argue against opposing worldviews; thus, dominant philosophers are adroit at willfully resisting uptake of marginalized epistemic resources and thus adroit at preserving situated ignorance. A fourth cornerstone is the prevalence of epistemic exploitation (Berenstain 2016): marginalized agents are constantly called on to explain and defend the existence of their oppression by dominant agents, especially within a tradition that promotes a skeptical, questioning attitude toward everything. Epistemic exploitation erodes intellectual self-trust, elicits what Dotson (2011) calls unsafe testimony, and forces marginalized agents to engage in unwanted cognitive and emotional labor.

Now, in the midst of this climate, consider the role that over-confident but prejudice-free socially dominant epistemic agents play. While these agents tend to make life more difficult for everyone, their existence is much more potent and harmful for marginalized epistemic agents. The woman of color who is trying to make it in philosophy must deal with wave after wave of over-confident white men who are judging that she does not adequately grasp the concepts she is working on. It doesn't really matter if some of these men truly have no negative identity prejudices. Moreover, these dominant agents enjoy a relative advantage in conceptual competence credibility over marginalized agents.

As Medina (2012) observes, credibility is relative. Over-inflated intellectual self-trust in the context of academic philosophy often functions to unjustly increase dominant agents' credibility. This constitutes a relative decrease in the credibility of marginalized agents who face myriad pressures to undermine their confidence. Being regarded as relatively less credible than over-inflated dominant agents contributes to the significant and unjust disadvantages faced by marginalized agents, compounding other issues, and does so regardless of whether these dominant agents harbor negative identity prejudices. Further, the over-inflated dominant agents then go about further diminishing the credibility of marginalized agents by disparaging their conceptual competence, using their over-inflated self-confidence to lend more credibility to their disparagements.

Conceptual competence injustice is an injustice because it is part of pernicious patterns of epistemic marginalization. The considerations raised here show that CC injustice is not necessarily caused by any particular psychological state. As such, we can sharply distinguish CC injustice from testimonial injustice as Fricker conceives it.

However, analogous arguments plausibly show that testimonial injustice itself should be reconceived as an aspect of structural oppression. Indeed, I think a better account of testimonial injustice would jettison Fricker's causal etiology criterion. In that case, more work must be done to individuate the concept of CC injustice from the concept of

testimonial injustice. The considerations in the next section aim to satisfy that further desiderata.

Competence Injustice, Not Testimonial Injustice

Podosky & Tuckwell argue that every instance of CC injustice is an instance of testimonial injustice. Let us assume that causal etiology is not necessary for either testimonial injustice or CC injustice. Then their arguments may still be workable. Here I reply that, even setting causal etiology aside, CC injustices are not always identical with instances of testimonial injustice.

My argument is straightforward. A judgment that constitutes CC injustice need not be connected with testimony in any central way. It is not necessary that a person's testimony be disbelieved, ignored, or pre-empted in an episode of CC injustice. CC injustice involves only an unjust judgment about a person's ability to think well using certain concepts. It is most convenient to characterize CC injustice by reference to testimony (as in Anderson 2017) because conceptual content is most directly characterized by reference to linguistic expressions, but CC injustice is not essentially concerned with what people say or might say.

CC injustice is primarily a form of *competence injustice*, a broader notion that encompasses all unjust judgments of ability. The abilities that are unjustly impugned in episodes of competence injustice might be cognitive or they might not be. Competence injustices are abundant; they include, for example, the sexist attitudes that a woman cannot be a soldier, a mechanic, or a computer programmer.

Whether an instance of competence injustice counts as a form of epistemic injustice depends on the connection between knowledge and the ability in question. A woman could be the victim of competence injustice regarding her ability to be a soldier purely on the basis of sexist views about physical strength and endurance. Her ability to be a mechanic might be unjustly doubted on the basis of sexist views about her ability to perform mechanical tasks, but it might also be a matter of conceptual competence injustice: consider the sexist attitude that a woman wouldn't know the difference between a carburetor and a fuel pump. A woman might be passed over for a job as a mechanic as a result of such conceptual competence injustice. This example of CC injustice has nothing essential to do with testimony.

Podosky & Tuckwell recognize that sometimes CC injustice occurs in the absence of testimony. Nevertheless, they argue that such cases are best characterized as special kinds of testimonial injustice: either *pre-emptive testimonial injustice* or *reflexive testimonial injustice*.

According to Fricker, pre-emptive testimonial injustice occurs when a potential hearer's prejudice operates in advance, before a speaker has a chance to speak, such that the victim's testimony is never solicited. But clearly the example of the aspiring mechanic is not centrally about having one's testimony pre-emptively dismissed. It's not that the other mechanics don't ask for her opinion or don't believe her when she speaks. They don't give her a job. They might have only seen her resume, seen that she was a woman, and passed her over due to conceptual competence injustice.

This is not an example of pre-emptive testimonial injustice.⁴ Relatedly, conceptual competence injustice can operate in structural ways that don't turn on pre-emptive testimonial injustice. There are many historical examples of people being excluded from professions on the grounds that members of their social group lack the requisite conceptual abilities, including law, medicine, politics, education, and business. These exclusions involve epistemic injustice that is not testimonial injustice.

Podovsky & Tuckwell introduce the idea of reflexive testimonial injustice to address cases in which CC injustice happens in a private way. In the relevant cases the victim privately doubts her own conceptual competence, maybe loses it altogether if her doubt is extreme, but her testimony is never discredited because she refrains from speaking. The authors maintain that such episodes are best understood as a form of testimonial injustice.

Their first argument is that testimonial injustice can “manifest itself in this way . . . Fricker points out that the experience of persistent testimonial injustice may lead one to lose confidence in one's beliefs and general intellectual capacities.” I agree that testimonial injustice can cause private CC injustice, but it does not follow that such instances of CC injustice *are* testimonial injustices.

That argument would have the form *A causes B, therefore B is an instance of A*, which is obviously invalid. Fricker does not explicitly theorize that testimonial injustice causes CC injustice, although this is a natural connection to make. But this causal connection does not entail that private CC injustices occurring as a result of testimonial injustices are themselves testimonial injustices.

The authors then argue that private CC injustice can be accurately characterized as *reflexively perpetrated testimonial injustice*, the phenomenon in which a marginalized person internalizes a negative identity prejudice against their own social identity and on this ground discredits their own testimony. However, there are clearly two different phenomena here. One is the person's damaged confidence in her conceptual competence; the other is the fact that they ascribe their own testimony unduly low credibility. These are not obviously identical and Podowsky & Tuckwell give no reason why we should believe they are the same thing.

We can say more. The victim's doubts about her credibility are often caused by damaged confidence in her conceptual abilities resulting from CC injustice inflicted by others. This causal story conflicts with the account Podowsky & Tuckwell offer, given their insistence on Fricker's causal etiology for testimonial injustice. They maintain that reflexive testimonial injustice is necessarily caused by negative identity prejudice. So according to their reduction, the victim of private CC injustice always doubts their own conceptual competence because they have a negative identity prejudice against people like themselves which causes them to

⁴ CC injustice in this case also produces an indefinite number of pre-emptive testimonial injustices, since there are many things the woman could have told the other mechanics had she worked there. By not giving her a job, they pre-empt all of her testimony. But the injustice in this case can't be reduced to this collection of pre-emptive testimonial injustices.

discredit such people's testimony, including their own testimony when expressing the concepts in question.

This is byzantine and unconvincing. Moreover, this account would only cover cases in which a person's damaged confidence in her conceptual abilities is the result of an internalized negative identity prejudice against her own social group. Hence, the reduction fails to account for cases in which a marginalized agent who harbors no negative identity prejudice is afflicted by private CC injustice.

The attempt to reduce all private CC injustice to reflexive testimonial injustice is unsuccessful. The distinction can be clarified further if we think about other effects that don't concern testimony. A person suffering from private CC injustice might choose not to attend certain classes, read certain books, develop certain talents, or apply for certain jobs. These cases are not explained by the victim's doubts about the credibility of her own testimony. They are explained by the fact that her confidence in her ability to think clearly using certain concepts has been damaged.

Even if it were proved that the class of conceptual competence injustices is necessarily a subset of testimonial injustices, this would not show that there is no such thing as CC injustice, nor would it show that CC injustice is not interesting or useful.

First, an argument from equivalence to non-existence is clearly invalid. One cannot argue that triangles do not exist by showing that the concept of a triangle is necessarily co-extensive with the concept of a polygon with three edges and three vertices. Even if Podosky & Tuckwell showed that the concept of CC injustice is necessarily co-extensive with the concept of testimonial injustice, this would not show that there is no such thing as CC injustice.

At most it would show that every instance of CC injustice is necessarily an instance of testimonial injustice and vice versa. But in fact the authors argue from a weaker starting point than intensional equivalence. They argue that CC injustices are a subset of testimonial injustices; therefore there is no such thing as CC injustice. This has the same form as the following argument. All cats are mammals; therefore there is no such thing as a cat. Clearly neither of these arguments is valid.

To show that there is no such thing as conceptual competence injustice, one would have to show that nothing is a conceptual competence injustice, which has not even been attempted. So the title of their paper, "There's no such thing as conceptual competence injustice," is strikingly inapt. A more apt title, perhaps, would have been: "Conceptual competence injustice has no explanatory value." It seems this is the only thesis the authors might reasonably be pursuing. Indeed, perhaps the authors present this as their main thesis when they write, "we suggest that there isn't anything more to be learned by thinking about conceptual competence injustice that isn't captured by testimonial injustice."

In that case their argument must have the form: A is a subset of B, therefore the concept of A has no explanatory value. But again this argument is obviously invalid. Electrons are a subset of fermions, but the concept of electron has explanatory value. Even if every instance

of CC injustice were shown to be an instance of testimonial injustice, that would not suffice to undercut the explanatory value of the concept of CC injustice.

Even if CC injustice is a subset of testimonial injustice (which I've argued it's not), it has important explanatory roles that aren't addressed by a general account of testimonial injustice that does not theorize about CC injustice. One of these explanatory projects is presented in Anderson (2017) section 4, where I argue that conceptual competence injustice plays a distinctive role in shaping the adverse climate of academic philosophy for marginalized groups. Even if every instance of CC injustice were an instance of testimonial injustice, it would still be important to think about how this distinctive form of testimonial injustice operates within academic philosophy.

Another explanatory project—in fact, the one I was working on when I found a need to develop an account of conceptual competence injustice—involves the way in which unjustly low ascriptions of conceptual competence can shape the evolution of linguistic meaning within a dynamic metasemantic model. The idea, following Burge (1979, 1986), is that the semantic properties of expressions as used by a community are determined in part by patterns of deference. These patterns of deference are in turn shaped by distributed judgments of conceptual competence.

In the model I develop,⁵ a preponderance of conceptual competence injustice within a system leads naturally to *enfranchised semantic drift*: over time, linguistic expressions in a community come to mean what dominant epistemic agents use them to mean because marginalized agents are perceived as conceptually incompetent. Even if every instance of CC injustice is an instance of testimonial injustice, the concept of CC injustice and not the concept of testimonial injustice is most explanatorily relevant when explaining enfranchised semantic drift.

In general, it is exceedingly difficult to prove a priori that a concept has no theoretical importance. No argument approaching such a proof has been offered against the theoretical significance of conceptual competence injustice.

Contact details: derek.e.anderson@gmail.com

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⁵ See Anderson (ms.) "Linguistic Hijacking."

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