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Article

Democracy, Trust, and Epistemic Justice

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ABSTRACT

I analyze the relation between deliberative democracy and trust through the lens of epistemic justice. I argue for three main claims: (i) the deliberative impasse dividing majority and minority groups in many democracies is due to a particular type of epistemic injustice, which I call 'hermeneutical domination'; (ii) undoing hermeneutical domination requires epistemic trust; and (iii) this epistemic trust is supported by the three deliberative democratic requirements of equality, legitimacy, and accountability. In arguing for those claims, I contribute to the conceptualization of both epistemic injustice and domination, as well as to discussions of trust and deliberative democracy.

INTRODUCTION

Consider the following cases in their colonial context. Muslim women in France are told that the headscarf symbolizes women's subordination and hence contradicts the national values of gender equality and secularism. Black Dutch citizens are told that there is nothing wrong with the blackface character Black Pete. Belgians of Congolese descent are told that there is nothing problematic with Hergé's depiction of Congolese people as ignorant and servile in *Tintin in the Congo*. Indigenous peoples in the U.S. are told that there is nothing objectionable in the name of the capital's professional football team, the 'Washington Redskins', or in a national holiday like Thanksgiving. And so on.

In all those cases, the majority of the population defends a practice that is part of the 'national' culture as harmless, fun, or justified by 'national' values and tradition, while a minority denounces it as oppressive: neocolonialist, racist, stigmatizing, and marginalizing. This fundamental divergence in their respective understandings of the social practice creates a deep divide between majority and minority groups which prevents them from deliberating to adopt a public discourse and policy regarding the practice that both groups might equally embrace.

In this paper, I show that this deliberative impasse results from a prior situation of social injustice, one of unequal power relations between different social groups, including inequalities in epistemic power. Those epistemic inequalities grant differential levels of credibility and intelligibility to individuals based on their membership in different social groups. That is, they create epistemic injustice. I argue that epistemic

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injustice prevents the just deliberation that is required for minority and majority to be able to participate equally in the production of the appropriate public discourse and policy regarding the social practice at stake. Specifically, I argue that just deliberation requires what I call 'epistemic trust', which is necessary to secure epistemic justice in both its credibility and intelligibility components. In other words, I analyze the relation between deliberative democracy and trust through the lens of epistemic justice. In doing so, I contribute to the conceptualization of epistemic injustice as well as to discussions of trust and deliberative democracy.

The paper proceeds as follows. I first briefly present Miranda Fricker's groundbreaking account of epistemic injustice, introducing the key concepts underlying my analysis (section 1). I then analyze our deliberative impasse as resulting from a new type of epistemic injustice, not considered by Fricker (section 2). I then argue that securing epistemic trust and epistemic justice requires recognizing not simply minorities' equal epistemic status or equal credibility as full members of the deliberative scheme but, further, their special epistemic status or special credibility as oppressed members of society (section 3). Finally, I argue that the recognition of the special epistemic status of minorities is justified in virtue of, and indeed required by, three fundamental commitments of deliberative democracy: to equality, legitimacy, and accountability. I show that those three requirements serve respectively to distribute, limit, and control epistemic power in deliberation, and thereby to foster epistemic trust and epistemic justice, which enables fruitful collaboration between minority and majority (section 4).

1. EPISTEMIC INJUSTICE: TESTIMONIAL AND HERMENEUTICAL

Miranda Fricker has insightfully shown how social power relations yield 'epistemic injustice', a particular type of injustice that an individual suffers specifically in her capacity as a knower. Fricker identifies two types of epistemic injustice: testimonial and hermeneutical.[1]

In the case of testimonial injustice, an individual's testimony is wrongfully dismissed because of her membership in a particular social group. For example, a police officer fails to consider the description by a black witness of an assault because the witness is black, or a citizen is not convinced by the speech of a female politician because the politician is a woman. Testimonial injustice is thus characterized by a credibility deficit unwarrantedly attributed to a speaker by a hearer, because of the hearer's prejudice regarding the social group to which the speaker belongs.[2] In our examples, the hearer consciously or unconsciously views black people as liars or women as unintelligent. As a result, the hearer deems that the epistemic contributions of black or female speakers are unreliable: that black people or women are epistemically untrustworthy. In other words, testimonial injustice consists in denying equal epistemic status or credibility to a speaker due to the hearer's prejudice.

To understand hermeneutical injustice, two related concepts must be introduced: hermeneutical resource and hermeneutical marginalization. A society's collective hermeneutical resource is the pool of understandings or available labels that individuals draw from and use to describe social practices or experiences. A social group is hermeneutically marginalized when it participates unequally in the production of

the descriptive labels that make up the society's collective hermeneutical resource. In the case of hermeneutical injustice, an individual's social experience or interpretation is wrongfully misunderstood because of her social group's hermeneutical marginalization.

Fricker identifies two types of hermeneutical injustice. The first concerns the content of the speaker's communicative attempt: the speaker's attempted description of her experience is misunderstood because of a lacuna in the collective hermeneutical resource. For example, before the term 'sexual harassment' was coined, many women in the workplace experienced this first type of hermeneutical injustice: the lack of a proper term rendered their experience unintelligible, as the utter unease they felt in response to the inappropriate behavior of their colleagues was characterized instead as a lack of humor or a prudish mindset.

The second type of hermeneutical injustice concerns the form of the speaker's communicative attempt: the speaker's very way of expressing herself is not recognized as valid because of the prevalence of another expressive style. For example, Lawrence Kohlberg conducted studies purporting to track children's moral development and concluded that the boys were mature whereas the girls were immature, because the scale he was using was from the outset structured such that it could capture only the boys' expressive style.[3] The boys' answers reflected an impersonal, logical, and abstract form of reasoning, whereas the girls' answers reflected an interpersonal, empathetic, and contextual form of reasoning. Using a scale based solely on the boys' expressive style, Kohlberg was unable to make sense of the answers given by the girls: the prevalence of the boys' expressive style rendered the girls' answers unintelligible.

In sum, while the first type of hermeneutical injustice concerns the content of a speaker's communicative attempt and the second concerns its form, the result is the same in both cases: the speaker's social experience or interpretation is ultimately collectively misunderstood because of her social group's unequal participation in the production of collective understandings. In other words, the speaker suffers an undue intelligibility deficit because of her social group's hermeneutical marginalization.

Note that, for Fricker, hermeneutical injustice or marginalization occurs *prior to* the speaker's communicative attempt, though it becomes manifest through the speaker's failed communicative attempt.[4] In the content-based type, the term is already missing from the hermeneutical resource when the speaker speaks. Indeed, this is precisely why the speaker is misunderstood. Similarly, in the form-based type, the expressive style is already not recognized when the speaker speaks. Again, this is precisely why the speaker is misunderstood. For Fricker, then, misunderstanding occurs due to marginalization prior to the communicative attempt.

To review, epistemic injustice is a type of injustice that an individual suffers specifically in her capacity as a knower, as a result of her unequal social position. In testimonial injustice, an individual suffers an undue credibility deficit: as she attempts to make a knowledge contribution, her testimony is wrongfully dismissed because of her membership in a particular social group. In hermeneutical injustice, an individual suffers an undue intelligibility deficit: as she attempts to take certain concepts or to use certain words to describe her social experience or interpretation, it is wrongfully

obscured or misunderstood because of her social group's unequal participation in the production of collective understandings or descriptive labels. In other words, we might say that in testimonial injustice the individual suffers an injustice in her capacity as a subject of knowledge or knowledge-maker or contributor, whereas in hermeneutical injustice the individual suffers an injustice in her capacity as an object of knowledge or knowledge-taker or user. Thus both testimonial and hermeneutical injustice deny an individual's competence as a knower or epistemic agent: the individual is wronged specifically in her epistemic capacity.

2. HERMENEUTICAL DOMINATION

Recall the cases introduced at the outset, where majority and minority respectively offer diverging understandings of a given social practice, leading to a deliberative impasse. I characterized this deliberative impasse as resulting from inequalities in epistemic power, that is, from epistemic injustice. In this section, I specify this claim. Specifically, I argue that this deliberative impasse results from a particular type of epistemic injustice, not considered by Fricker, which is produced through the intersection of testimonial and hermeneutical injustice, and which I call 'hermeneutical domination'. Hermeneutical domination, I argue, corresponds to a third type of hermeneutical injustice.

Let me start with a brief yet important caveat. Throughout this section, I will use a somewhat simplified picture of the social ontology by referring to two main social groups: majority or dominant group and minority or nondominant group, with their respective views on the issue that divides them: for or against a certain practice. However, by using this somewhat simplified picture, I mean neither to homogenize those social groups nor to universalize their views. There are of course also individuals belonging to the dominant group who oppose their group's view on the practice, as well as individuals belonging to the nondominant group who oppose their group's view on the practice. Yet because the dominant or majority group overall tends to adopt one view, while the nondominant or minority group overall tends to adopt the opposite view, for the sake of simplicity and concision, I will use the simplified picture of the majority as adopting one view and the minority as adopting another view.

Having clarified this, I now turn to my claim that our deliberative impasse results from a new type of epistemic and hermeneutical injustice: namely, hermeneutical domination. To introduce the concept, I proceed in three steps. To understand what hermeneutical domination is, it will first be useful to describe how it occurs. We will then be in a position to define hermeneutical domination by examining its two main definitional components: first by explaining how it is a type of hermeneutical injustice; then by showing that it is a case of domination.

Hermeneutical domination occurs through the intersection of testimonial and hermeneutical injustice in the following way:

i. First, the majority wrongfully dismisses the minority's testimony: in this case, the minority's attempt to contribute to the collective hermeneutical resource by providing an alternative understanding or description of a given social practice or experience. Through this dismissal, the majority

treats the minority as epistemically unequal and the minority's testimony or hermeneutical contribution as epistemically untrustworthy. That is, the minority suffers an undue credibility deficit: this is testimonial injustice.

ii. As a result of this denial of equal epistemic status or credibility deficit, the minority is deprived of the opportunity to contribute to the collective hermeneutical resource or the pool of descriptive labels used to characterize or make sense of that social practice or experience. Its experience or description of the practice thereby remains collectively misunderstood. That is, the minority suffers an undue intelligibility deficit due to hermeneutical marginalization: this is hermeneutical injustice.

iii. Consequently, the minority is subjected to a public discourse on that social practice or experience that is shaped by putatively collective understandings that are in fact wholly formulated and imposed by the majority. That is, the minority suffers what I call 'hermeneutical domination', the result of the intersection of testimonial and hermeneutical injustice.

Having seen how hermeneutical domination occurs, let us now look at the hermeneutical aspect of hermeneutical domination. To do so, I show how hermeneutical domination is both distinct from the two types of hermeneutical injustice identified by Fricker, yet still a case of hermeneutical injustice. Recall that hermeneutical injustice is characterized by the collective misunderstanding of an individual's social experience or interpretation due to her social group's hermeneutical marginalization. This is also true in hermeneutical domination. But unlike the content-based type, the misunderstanding in hermeneutical domination is not characterized by the absence of a specific term needed to understand a particular social practice or experience. And unlike the form-based type, the misunderstanding in hermeneutical domination does not stem from a difference in expressive styles.

To illustrate, let us take the case of Black Pete. Here black citizens have very articulately characterized the character as a remnant of colonial times and slavery, and hence as insulting and racist. This distinguishes hermeneutical domination from the content-based type of hermeneutical injustice, illustrated above with the example of sexual harassment, where a term is missing to articulate and communicate a particular social practice or experience. Moreover, white citizens have in turn very clearly understood, explicitly rejected, and actively opposed this articulate characterization.[5] This distinguishes hermeneutical domination from the form-based type of hermeneutical injustice, illustrated above with the example of Kohlberg's study, where the minority's message does not even get through to the majority because of a difference in expressive styles.

Finally, unlike both the content- and form-based types of hermeneutical injustice identified by Fricker, where the injustice or marginalization occurs *prior to* the communicative attempt, in hermeneutical domination the injustice or marginalization occurs *after* the communicative attempt, as a result of its dismissal. This important difference between my account and Fricker's explains why hermeneutical domination is both the distinct result of the intersection of testimonial and hermeneutical injustice as well as a new type of hermeneutical injustice. The fact that hermeneutical

marginalization occurs after the communicative attempt or testimony dismissal means that hermeneutical injustice follows a prior testimonial injustice. The fact that the object of the dismissed testimony is an alternative understanding or hermeneutical contribution means that the testimonial injustice at play results in hermeneutical marginalization, and consequently in an undue misunderstanding of the social practice or experience, that is, in hermeneutical injustice.

In other words, the fact that there is hermeneutical marginalization means that there is hermeneutical injustice and collective misunderstanding. The fact that hermeneutical marginalization occurs after a dismissed attempt to contribute an alternative understanding means that hermeneutical domination is the distinct result of testimonial injustice and hermeneutical marginalization. It also means that undoing hermeneutical domination will require addressing the testimonial injustice from which it initially stems, as we will see in sections 3 and 4 by looking at epistemic trust.

To review, then, hermeneutical domination corresponds neither to the content-based nor to the form-based type of hermeneutical injustice identified by Fricker. It is a third and distinct type of hermeneutical injustice that results from the intersection of testimonial injustice and hermeneutical marginalization.

Let us now look at the domination aspect of hermeneutical domination. We saw that prior to hermeneutical domination, testimonial and hermeneutical injustice interlock: the credibility deficit affecting the minority's testimony prevents the minority from providing an alternative understanding of the practice. The testimonial injustice the minority suffers prevents it from having an impact on the society's hermeneutical resource. The minority is thereby hermeneutically marginalized. As a result of its unequal hermeneutical participation in the shaping of the public discourse on the practice, the minority is in effect hermeneutically disenfranchised by the majority. That is, the majority unilaterally imposes a collective understanding of the practice that it is impossible for the minority *to contest* in any meaningful sense. I call this specific type of phenomenon 'hermeneutical domination'. To explain how hermeneutical domination is a case of domination, I first draw on Philip Pettit's analysis of domination in his conception of political freedom as nondomination. The specifically epistemic nature of hermeneutical domination will then allow me to expand on Pettit's analysis of domination.

Domination, as famously defined by Pettit, corresponds to the capacity of an agent to interfere with another agent in an arbitrary way and with impunity.[6] Particularly significant for our discussion is Pettit's conception of nonarbitrariness. Nonarbitrariness, as it relates to the exercise of power over an agent, consists in being *forced* to track that agent's relevant interests. Thus mere willingness to track the relevant interests of the agent over whom power is exercised will not be sufficient to secure nonarbitrariness. To be secured, nonarbitrariness requires not only this substantive or welfare condition, but also a procedural or accountability condition that an exercise of power be constrained by checks or controls, either by external third parties or by the individual or group whose relevant interests are at stake. Importantly, in this latter respect, nonarbitrariness requires that those subjected to power have the *effective possibility to contest* it.[7]

So domination is the capacity to interfere arbitrarily and with impunity, and nondomination the absence thereof, confirmed by the possibility of contestation. From

these definitions, it appears that domination and nondomination are both a function of the power, either to interfere or to contest, that an agent has or does not have relative to another agent.[8] The question of domination, then, is one of power distribution. Domination can be characterized as a severe imbalance of power between two agents that is left unchecked, creating the capacity of arbitrary interference. Consequently, nondomination requires an equal or checked distribution of power amongst all agents, creating the effective possibility to control or contest power,[9] as will be illustrated in section 4.

Though Pettit's account of domination concerns specifically the political realm and political power, I contend it distinctively captures the specific type of wrong occurring in our cases, thereby extending Pettit's analysis to the epistemic realm and epistemic power. My claim is that in our cases, the minority is hermeneutically dominated in that it is subjected to arbitrary hermeneutical power. Indeed, the minority is subjected to unilaterally imposed collective understandings, in a way that fails to track its hermeneutical interests and that makes effective contestation impossible. Thus in our cases the kind of arbitrary power at play, and hence the relevant type of domination and of contestation, are epistemic, and more specifically hermeneutical.[10]

The foregoing shows how Pettit's account of domination is useful to analyze the specific type of wrong occurring in our cases. Conversely, in illustrating the epistemic form domination can take, our cases shed new light on the analytical category of domination. My claim is that, in the case of hermeneutical domination, the severe and unchecked imbalance of power that characterizes domination takes the form of *monopoly*: namely, hermeneutical monopoly.

Monopoly corresponds to exclusive and absolute control over some domain—in our cases, the society's collective hermeneutical resource. How might monopoly correspond to domination? Recall that nonarbitrariness, and hence nondomination, requires having the effective possibility to contest power, to guarantee that this power tracks the relevant interests of the agent subjected to it. Monopoly, by definition, precludes such effective possibility of contestation since it involves exclusive and absolute control over some domain—here, the society's collective hermeneutical resource. Having prevented the minority from contributing to the collective hermeneutical resource and to the public discourse on the practice, the majority in effect exerts monopoly over this hermeneutical resource and, by extension, over the correct understanding of the practice. The presence of hermeneutical monopoly thus means that the minority is hermeneutically dominated: its hermeneutical interests are not tracked by the majority's hermeneutical power and it has no effective possibility to contest it. Undoing hermeneutical domination, then, will require undoing hermeneutical monopoly, as we will see in section 4 by looking at the deliberative process whereby this can happen.

Note, importantly, that exerting this hermeneutical monopoly need not be conscious or deliberate on the part of the majority. The majority might not be aware of the hermeneutical power it is wielding: it might not be aware that there is hermeneutical monopoly and domination. In other words, hermeneutical domination need not be intentional. This is another important way in which our cases shed new light on

the analytical category of domination. For Pettit, domination or interference is intentional. Pettit introduces this requirement to distinguish interference due to the injustice of domination, as when a master burns down his slave's shelter, from interference due to accident or bad luck, as when a house is destroyed by a natural disaster.[11] Hermeneutical domination, however, reveals that domination need not be intentional.

This also affects Pettit's requirement that domination, because intentional, be a matter of common knowledge. According to Pettit, both dominating and dominated parties will be aware that theirs is a relation of domination. Pettit does allow one exception to this common-knowledge condition: in the case of manipulation, where only the dominating party is aware of the domination at work.[12] Yet analyzing hermeneutical domination as nonintentional shows that the reverse exception to the common-knowledge condition is also possible: when the dominated parties are aware of the relation of domination while the dominating parties are not, as in our cases.

Since sections 3 and 4 will focus on how to undo hermeneutical domination in order to enable deliberation regarding the appropriate discourse and policy on the practice, it will be useful to specify further the power dynamics that underlie it. Doing so will further highlight how my account differs from Fricker's.

Hermeneutical domination, I showed above, results from hermeneutical marginalization that itself results from testimonial injustice. The imbalance in hermeneutical power that leads to hermeneutical domination, then, is due to a prior imbalance in epistemic power: namely, in testimonial power. In looking at the way unjust testimonial power operates, I will show that testimonial injustice can occur even absent any actual occurrence of testimony dismissal.

Here my account parts ways with Fricker's in a significant way. On my account, even if there is no actual instance of testimony dismissal, there can still be testimonial injustice, as the prejudice that causes testimony dismissal, and makes it a constant possibility, would still remain.[13] The prejudice that members of certain social groups are epistemically untrustworthy, that leads the hearer to dismiss their testimony, is always present in the background—even when no particular instance of dismissal occurs. Actual testimony dismissal is thus not necessary for testimonial injustice to obtain. The constant presence of the prejudice that the speaker is epistemically untrustworthy amounts to a *potential* testimony dismissal that is sufficient for testimonial injustice to obtain.

This modal difference significantly distinguishes my account from Fricker's, who analyzes testimonial injustice solely in actual and not in potential terms. On Fricker's account, testimonial injustice occurs only through actual, individual instances of testimony dismissal. On my account, by contrast, testimonial injustice consists not only in such actual, individual instances but also in the prejudice that the speaker is epistemically untrustworthy, even when no particular dismissal actually occurs. To appreciate why this modal difference matters, consider the case of a society in which there never was any actual instance of testimony dismissal, but where the testimonial prejudice still held pervasively. On Fricker's account, that society would qualify as testimonially just. But this implication is normatively problematic, since such a testimonially prejudiced society clearly has not achieved testimonial justice.

This modal difference points to a further, ontological, difference between my account and Fricker's. Testimonial injustice, where it exists, is in fact a stable feature of the social ontology: it is part of the current structure of unequal power relations in the society, which include inequalities in epistemic, testimonial power. So testimonial injustice is not solely an individual problem, as Fricker suggests; it is also a *structural* one.[14] Since hermeneutical domination is due to testimonial injustice, addressing it will require attending to inequalities in testimonial power. Stable though it be, testimonial injustice is fortunately not immutable, as I argue in the next two sections.

3. TESTIMONIAL INJUSTICE AND EPISTEMIC TRUST

As we saw, hermeneutical domination prevents the just deliberation that is required for majority and minority to be able to participate equally in the production of the appropriate discourse and policy on the practice at stake. Since hermeneutical domination is initially caused by testimonial injustice, undoing hermeneutical domination requires addressing testimonial injustice. In this section, I argue that just deliberation requires epistemic trust. Epistemic trust makes just deliberation possible by undoing the testimonial injustice that leads to hermeneutical domination. To see how, we will in a moment go back to the notion of testimonial injustice. But first, it will be useful to set up the stage of my argument by introducing a distinction I draw between two different types of trust.

In everyday life, we display trust in at least two very different ways. I might for example trust a friend to keep her promise, because I know she always does. Here my trust is based on personal knowledge from past experience. This first type of trust I call 'experience-based trust'. By contrast, I might trust the surgeon who will operate on me, because she has the relevant medical training. Here my trust arises despite the complete absence of any personal or firsthand knowledge of the field, because of the recognition of another person's relevant knowledge or expertise. This second type of trust I call 'expertise-based trust'.

How does this distinction relate to my argument? Recall that our aim is to undo the testimonial injustice that leads to hermeneutical domination. My claim is that testimonial injustice can be undone through epistemic trust because epistemic trust involves expertise-based trust. Concretely, the minority can cease to be the victim of testimonial injustice, because the majority ought to and can recognize the epistemic value of the minority's testimony: recognize, indeed, the minority's *expertise* in attesting that a particular social practice is neocolonialist, racist, stigmatizing, or marginalizing—even if the majority does not experience or view it as such. In this section, I explain why the majority ought to recognize this expertise; in the next, how it can.

Because my argument will centrally rest on the notion of oppression, I begin by clarifying it. I follow Iris Marion Young's foundational analysis of oppression as a structural phenomenon that affects individuals in virtue of their membership in certain social groups.[15] Oppression is structural in that it results from the social institutions and practices that structure social life. These institutions and practices can be more or less formal, explicit, or conscious: they include the law, law enforcement, courts, the market, bureaucracy, education, employment, the division of labor, the media, certain cultural symbols, behaviors, habits, or stereotypes, etc.[16] Oppression

operates through the combination of those different social institutions and practices into a structure that systematically disadvantages some social groups while systematically advantaging others.[17] Social groups are defined by class, gender, race, age, sexual orientation, disability, religion, etc., where each of these corresponds to a particular type of social experience: similar social opportunities and obstacles, understood specifically as resulting from the structure of social relations, rather than from natural chance or individual choice. Each individual belongs to multiple social groups at once. For each social group that is systematically disadvantaged by the social structure, there is another social group that is systematically advantaged by it: for each oppressed group, there is a privileged group. Recognizing oppression, then, also means recognizing privilege. All the minority groups in the examples mentioned at the outset—Muslim women, black people, indigenous groups—are all social groups, and all oppressed groups.

With this definition of oppression in place, how might minorities have a sort of valuable expertise in describing a particular social practice as oppressive? The claim is that minorities, because of their particular social location, have a different social experience: they are more aware of oppressive social institutions and practices, which remain largely invisible to dominant groups because of their privileged social location. Simply put, minorities experience oppression firsthand. This firsthand experience of oppression means that minorities are also in a position to produce more accurate and reliable knowledge of certain social institutions and practices. This is the idea that oppressed groups can and often do have a certain 'epistemic privilege', in that their specific experience is often the source of a fundamental critique of social power relations.[18] However, because those power relations also influence the production of knowledge, dominant epistemic frameworks tend to be inaccurately imposed as correct and standard, thereby eclipsing or obliterating those of nondominant groups.[19] Rectifying this situation requires recognizing nondominant groups' epistemic privilege.

To review, members of oppressed groups tend to produce epistemically more reliable and trustworthy accounts of certain social phenomena, in virtue of their very position of oppression: because they directly experience oppressive institutions and practices, and because they do not benefit from preserving them. In other words, members of oppressed groups tend to have an epistemic privilege, due to their social expertise.

Here my account expands on Fricker's and contributes significantly to the conceptualization of the analytical category of testimonial justice. If minorities tend to have epistemically privileged insights due to their social position and experience, then testimonial injustice is doubly problematic, because it does not recognize the equal, let alone special, value or credibility of minorities' testimonies. While Fricker rightly characterizes testimonial injustice as undue denial of equal epistemic status or credibility, she does not consider the possibility that testimonial justice might require acknowledging, beyond equal credibility, *special* credibility. That is, some social groups' epistemic insights might in addition warrant special status or attention. This possibility is a significant one to include in an account of testimonial justice, especially since failure to recognize special credibility exacerbates epistemic injustice by causing hermeneutical marginalization and domination.

Testimonial justice, then, requires recognizing others' special credibility when warranted: when those others have the expertise that makes them *epistemically trustworthy*. That is, testimonial justice requires epistemic trust or recognition of expertise. To see why the majority ought to trust the minority as expert, let us look more closely at the case of epistemic trust toward the surgeon.

What might justify my epistemic trust toward the surgeon? I want to argue that epistemic trustworthiness depends on two criteria: a substantial criterion of legitimacy and a procedural criterion of accountability. I trust the surgeon, first, because her training, qualifications, credentials, skills, and surgical track record make her trustworthy. The fact that she is certified and experienced makes her a legitimate surgeon: in order to be a practicing surgeon, she has to meet certain substantial standards, including relevant knowledge and practice of the field. Further, I also trust the surgeon because her professional affiliation and commitments make her trustworthy. The fact that she belongs to a profession that has a code of deontology and ethics, including professional integrity, makes her an accountable surgeon: in order to remain a practicing surgeon, she has to meet certain procedural standards of answerability.

So even though I am not in a position to have first-order beliefs regarding the medical aspect of the surgery (I do not have the knowledge to make that kind of assessment), I *am* in a position to have second-order beliefs regarding the surgeon's professional competence and integrity, that is, regarding her knowledge and commitment with respect to the medical aspect of the surgery (I do have the knowledge of her legitimacy and accountability). Moreover, and importantly for our discussion, even if I did *not* actually formulate those second-order beliefs based on the surgeon's legitimacy and accountability—indeed, even if I mistakenly believed that the surgeon was neither legitimate nor accountable—the fact would still remain that the surgeon *is* legitimate and accountable: she does meet the substantial criterion of legitimacy and the procedural criterion of accountability. That is, she is epistemically trustworthy, and in virtue of her epistemic trustworthiness, I *ought* to trust her.

This trust imperative reveals that epistemic trustworthiness entails a normative component: it enjoins one to trust trustworthy others, in virtue of their trustworthiness. Epistemic trustworthiness thus reveals that trust can be a *normative* notion: to say that an agent is trustworthy is to say that one ought to trust this agent.

How does my account of epistemic trustworthiness, illustrated here with the case of the surgeon, apply to the case of testimonial injustice, where the agents involved belong to particular social groups, rather than to particular professions? That is, how can we say that the majority *ought* to trust the minority, in the same way that a layperson ought to trust the surgeon? Epistemic trustworthiness, I argued, requires meeting the substantial criterion of legitimacy and the procedural criterion of accountability. In virtue of their social position, members of nondominant groups tend to have the relevant, firsthand experience of oppression: they have direct access to the evidence or data of oppressive institutions and practices, which remain largely invisible to dominant groups because of their privileged social location. This firsthand experience of oppression by nondominant groups is the source of epistemically privileged knowledge on their part, which is less partial and hence more accurate, and which makes their epistemic insights regarding oppressive institutions or practices

legitimate (e.g., Black Pete as insulting and racist). As epistemic contributors regarding oppression, members of nondominant groups thus meet the substantial criterion of legitimacy. Moreover, because they are oppressed, nondominant groups do not have the same interest as dominant groups in maintaining the status quo and in perpetuating social injustice. Their standpoint expresses a fundamental commitment to social justice and hence an interest in not concealing what runs counter to it. As epistemic contributors regarding oppression, members of oppressed groups thus meet the procedural criterion of accountability: their goal is an avowable one and they are willing to engage in transparent reason-giving to support it.

Members of oppressed groups, then, meet the two requirements of epistemic trustworthiness: they are legitimate and accountable epistemic contributors. Hence their testimonies ought to be trusted. That is, their epistemic trustworthiness requires epistemic trust. The majority ought to trust the minority, even absent any firsthand knowledge of oppression on the majority's part, just like the layperson ought to trust the surgeon, even absent any firsthand knowledge of medicine on the layperson's part. In both cases, epistemic trustworthiness not only justifies but requires epistemic trust. The majority, then, ought to trust the minority.

However, since we are starting from a situation where the majority does not recognize the minority's expertise and hence where epistemic trust does not obtain, it will not suffice simply to tell the majority that it ought to trust the minority and recognize the minority's epistemic privilege. We need a transitional phase whereby we can get from this initial situation of epistemic distrust to the desired situation of epistemic trust. I contend that deliberation, following strict rules of participation, can provide the necessary context to move away from epistemic distrust and to build epistemic trust.

4. EPISTEMIC TRUST AND DELIBERATIVE DEMOCRACY

In this section, I show how deliberative democracy provides a framework for both the practical realization and the theoretical justification of epistemic trust. Recall that what grounds the trust imperative that the minority's special credibility ought to be recognized is epistemic trustworthiness, defined in virtue of the two criteria of legitimacy, based on experience, and accountability, based on transparent commitment and reason-giving. In order to be able to recognize the minority's epistemic privilege, the majority must first be in a position to see it: it must become aware of the minority's epistemic trustworthiness, based on the two criteria of legitimacy and accountability. Legitimacy and accountability can be made visible through deliberation, which allows one to share one's social experience, expose one's fundamental commitment to social justice, and engage in open reason-giving. In other words, deliberation allows participants to acquire the appropriate second-order beliefs regarding other participants' competence and integrity as epistemic contributors. They can thereby trust those others' first-order beliefs or epistemic contributions precisely in virtue of their legitimacy and accountability. Thus epistemic trust can arise through deliberation, from exposure to contributions that make visible the legitimacy and accountability that ground epistemic trustworthiness, which in turn grounds the trust imperative.

However, since we are starting from epistemic distrust, we need a guarantee that deliberation will be conducive to epistemic trust: that is, that deliberation will have the means to achieve its aim. We can have such a guarantee by implementing strict rules of deliberation by which all participants are required to abide: for example, listening carefully, speaking respectfully, being responsive to others' contributions, showing critical self-reflection, using nonfallacious reasoning, etc. These rules create a deliberative space that makes possible the effective exchange of social experiences, commitments, and reasons. That is, these rules make visible the legitimacy and accountability that underlie trustworthiness. This visibility in turn makes it possible for the majority to trust the minority: to form the second-order beliefs regarding the minority's epistemic contributions that are necessary for epistemic trust. Those second-order beliefs, then, help to undo the testimonial prejudice that leads to testimonial injustice.

I have argued that securing epistemic trust requires recognizing not simply minorities' equal epistemic status or equal credibility as full members of the deliberative scheme but, further, their special epistemic status or special credibility as oppressed members of society. I have shown how strict rules of deliberation make epistemic trust possible in practice. I now proceed to show that deliberative democracy also provides a philosophical justification for epistemic trust. I argue that the recognition of the special epistemic status of minorities is justified in virtue of, and indeed required by, three fundamental commitments of deliberative democracy: to equal epistemic status, legitimacy, and accountability.

It will be useful to begin by recalling that democracy aims to control, limit, and distribute power.[20] In the context of deliberative democracy in general, and of hermeneutical domination in particular, the relevant type of power is epistemic: testimonial and hermeneutical. In other words, deliberative democracy requires that epistemic power be controlled, limited, and distributed.[21] Specifically, I argue that epistemic power can be distributed through the deliberative democratic requirement of equality of epistemic status; limited through the deliberative democratic requirement of legitimacy; and controlled through the deliberative democratic requirement of accountability.

This analysis of deliberative democracy complements my analysis of hermeneutical domination as a severe and unchecked imbalance of epistemic power taking the form of hermeneutical monopoly. As we saw in section 2, under a regime of hermeneutical monopoly, epistemic power is by definition not equally distributed and contestation is impossible. The three deliberative democratic requirements will address these problems by securing equality of epistemic status as well as checks and balances in the form of legitimacy and accountability. In other words, in distributing, limiting, and controlling epistemic power, those three requirements make contestation possible and hence serve to undo hermeneutical domination. Let us look at each of those three requirements in turn to see how they might justify recognizing the special credibility of minorities, thereby making contestation and nondomination possible.

i. *Distributing epistemic power: Equality of epistemic status.* Giving minorities special epistemic attention is warranted because of the unjust character of

the severe epistemic imbalance that arises from the convergence of testimonial and hermeneutical injustice in hermeneutical domination. That is, securing the epistemic equality required for just deliberation requires correcting the pre-existing credibility imbalance by recognizing minorities' special credibility or epistemic privilege.

ii. *Limiting epistemic power: Legitimacy*. What makes an epistemic insight or deliberative contribution legitimate? As we saw in section 3 when looking at epistemic trustworthiness, factors such as relevant training, qualifications, credentials, skills, and experience all support a claim to epistemic legitimacy. In the case of oppressed minorities, what makes their epistemic contributions regarding a social institution or practice legitimate is their particular social experience of oppression, from which they develop knowledge of social institutions and practices that is less partial and therefore more accurate and reliable. That is, their particular social experience results in social expertise or epistemic privilege. Thus a commitment to legitimacy in the context of deliberative democracy requires recognizing minorities' special credibility or epistemic privilege, which allows contestation.

iii. *Controlling epistemic power: Accountability*. Accountability requires transparent reason-giving in response to contestation. As we also saw in section 3 when looking at epistemic trustworthiness, in the case of oppressed minorities, their fundamental commitment is to social justice, and as such is an avowable one. Hence they will readily engage in transparent reason-giving to support it. Thus a commitment to accountability in the context of deliberative democracy requires recognizing minorities' special credibility or epistemic privilege.

Deliberative democracy, then, requires epistemic trust. That is, the three deliberative democratic commitments to equality, legitimacy, and accountability require the recognition of epistemic privilege. In distributing, limiting, and controlling the epistemic power at stake in deliberation, those three requirements enable the recognition of the special credibility of minorities. The three requirements thus foster testimonial justice. Securing testimonial justice prevents the hermeneutical marginalization that leads to hermeneutical domination. That is, securing testimonial justice will by extension secure hermeneutical justice and nondomination. In other words, by constraining epistemic power through the three deliberative democratic requirements, just deliberation undoes the hermeneutical domination that characterizes the cases introduced at the outset, as will be further illustrated in a moment.

Before concluding, it is important to address a potential worry. It might seem that in requiring epistemic trust or the recognition of epistemic privilege, my argument precludes deliberation instead of facilitating it, as I have claimed it does. If the minority group is the social expert, then what discussion is there left to be had: what would be the point of deliberation? Deliberation remains essential in at least two crucial respects. First, it is through deliberation that it becomes possible to secure epistemic trust, as explained above. Second, recall that epistemic trust is a necessary condition for just deliberation. Once epistemic trust is in place and testimonial and

hermeneutical contributions have been made through deliberation, so that no hermeneutical monopoly and hence no hermeneutical domination obtains, deliberation can focus on a public discourse and policy regarding the practice that can be shaped equally by all groups concerned. To take the case of Black Pete, for example, black and white Dutch citizens might agree that Santa Claus celebrations can be great fun, but that in order for that to be the case for all groups involved, the character of Black Pete must be removed or replaced or modified, so as not to perpetuate racist stereotypes. Or to take the case of the headscarf, Muslim and non-Muslim French citizens might agree that gender equality is a crucial goal of social justice, but that the burden to achieve that goal rests on all groups and on the institutions and practices of the society as a whole, so as not to reproduce neocolonialist attitudes.[22]

These brief examples allow us to catch a glimpse of how, through just deliberation—resting on commitments to equality, legitimacy, and accountability—groups can converge on a common social goal or policy, despite their initially very different social locations and experiences. In other words, the promise of deliberative democracy is that it has the potential of addressing sociopolitical questions not as matters of mere preference aggregation based on social power, but as matters of justice.[23]

CONCLUSION

In this paper, I have analyzed the relation between deliberative democracy and trust through the lens of epistemic justice. I have argued for three main claims: (i) that the deliberative impasse dividing majority and minority groups in many democracies is due to a particular type of epistemic injustice, which I have called 'hermeneutical domination'; (ii) that undoing hermeneutical domination requires epistemic trust or the recognition of minorities' epistemic privilege; and (iii) that this epistemic trust or recognition of epistemic privilege is supported by the three deliberative democratic requirements of equality, legitimacy, and accountability. In arguing for those claims, I have contributed to the conceptualization of both epistemic injustice and domination, as well as to discussions of trust and deliberative democracy.

NOTES

1. Miranda Fricker, *Epistemic Injustice: Power and the Ethics of Knowing* (New York: Oxford University Press, 2007).
2. Fricker calls this 'identity-prejudice'.
3. Carol Gilligan, *In a Different Voice: Psychological Theory and Women's Development* (Cambridge, MA: Harvard University Press, 1982).
4. Miranda Fricker, "Epistemic Justice As a Condition of Political Freedom?" *Synthese* 190 (2013), 1317–32, at 1319.
5. A petition aiming to 'save' Black Pete gathered over two million 'likes' on Facebook in just a few days: http://www.bbc.co.uk/religion/0/24744499.
6. Philip Pettit, *Republicanism: A Theory of Freedom and Government* (New York: Oxford University Press, 1997).
7. Ibid., 55, 63, 187–88.
8. Ibid., 113–14.
9. Ibid., 69.
10. In recent work, Fricker has argued that epistemic justice is a condition of political freedom as nondomination (Fricker, "Epistemic Justice As a Condition of Political Freedom?"). For example, in order to be able to contest a crime or a legal sentence, one must not suffer testimonial or hermeneutical injustice.

That is, political nondomination requires epistemic justice. Fricker's claim, then, concerns the political realm or political power: the domain of domination (the police, the court) and the object of contestation (a crime, a legal sentence) are both *political*. By contrast, my argument is that epistemic justice requires hermeneutical nondomination. My claim, then, concerns the epistemic realm or epistemic power: the domain of domination (the collective hermeneutical resource) and the object of contestation (the understanding of a certain social practice or experience) are both *epistemic*. Otherwise put, Fricker's analysis and mine are complementary but distinct: as they are concerned with different areas of social life, our respective arguments operate at different levels of the social ontology. Fricker's focus is on political freedom as nondomination, showing that it requires epistemic justice. My focus is on epistemic justice, showing that it requires hermeneutical nondomination.

11. Pettit, *Republicanism*, 52–53.
12. Ibid., 70.
13. Note that my present claim that testimonial injustice can obtain regardless of any particular instance of testimony dismissal is compatible with my earlier claim that hermeneutical domination results from hermeneutical marginalization that itself results from the dismissal of the minority's testimony or attempted hermeneutical contribution.
14. Fricker does recognize that those individual instances of testimonial injustice are *due to* unjust power relations, or to what she calls 'identity-prejudice' (i.e., prejudice that affects individuals, as members of particular social groups, across several social spheres: economic, educational, professional, etc.). Identity-prejudice then yields what she calls 'systematic testimonial injustices'. But the way Fricker analyzes the systematic character of those testimonial injustices is simply in terms of the repeated or persistent occurrence of actual, individual instances of testimony dismissal (Fricker, *Epistemic Injustice*, 27–29). That is, for Fricker, testimonial injustice—understood as actual, individual instances of testimony dismissal—*results from* the structure of unjust power relations, but is not *itself* a permanent feature or part of this structure, which is consistent with her conception of testimonial injustice solely in actual terms. On my account, by contrast, testimonial injustice *is* a stable feature or part of this structure, thus making it possible to conceive of testimonial injustice in potential terms. Relatedly, Fricker has also considered the question of epistemic injustice from an institutional perspective, asking whether a society's institutions (e.g., the police or the courts) can possess the virtue of epistemic justice. But here again, the way Fricker conceives of institutions as displaying epistemic justice reduces institutions and their virtue to the particular individuals who work for those institutions and the particular actions those individuals carry out on behalf of the institution (Miranda Fricker, "Can There Be Institutional Virtues?" in Tamar Szabó Gendler and John Hawthorne, eds., *Oxford Studies in Epistemology* vol. 3 (Oxford University Press, 2010) 235–52, at 249). Fricker's analysis of testimonial injustice, then, is in actual and individual terms, rather than in potential and structural terms.
15. Iris Marion Young, "Five Faces of Oppression," in *Justice and the Politics of Difference* (Princeton, NJ: Princeton University Press, 1990), 39–65.
16. Particularly relevant to the previous section is Young's discussion of what she calls 'cultural imperialism' as one of the forms that oppression can take (Young, "Five Faces of Oppression," 58–61). Cultural imperialism is the process whereby dominant groups universalize their particular cultural understandings as the norm, and consequently impose cultural products that reflect this norm, to the detriment of nondominant groups, who then appear inferior or deviant. For example, movies, advertisements, or commercial goods tend to express dominant standards of beauty, family, or social success. Though my concept of hermeneutical domination would fall within the scope of Young's concept of cultural imperialism, Young's concept is broader and more general as it captures many different types of cultural dominance. As illustrated with the cases introduced at the beginning of this paper, my concept of hermeneutical domination is narrower as it focuses in particular on the epistemic power dynamics that underlie the characterization of particular social practices or experiences. Moreover, in articulating the specific concepts of testimonial injustice, hermeneutical injustice, and domination, my concept of hermeneutical domination is more specific. In other words, my analysis of hermeneutical domination goes beyond yet complements Young's analysis of cultural imperialism.
17. For a telling illustration of oppression as a structural phenomenon, see Robert Friedman, "Institutional Racism: How to Discriminate Without Really Trying," in Thomas Pettigrew, ed., *Racial Discrimination in the United States* (New York: Harper and Row, 1975), 384–407, at 400.

18. This idea has been powerfully defended by standpoint theorists in Marxist and feminist thought. Note that standpoint theory does not claim that being oppressed automatically entails a critical stance. Nor, therefore, does standpoint theory claim that being oppressed necessarily grants an epistemic privilege. Epistemic privilege, when warranted, is always contextual and therefore contingent, rather than necessary and universally valid. See Alison Jaggar, "Feminist Standpoint Theory," in Alison Jaggar, ed., *Just Methods* (Boulder, CO: Paradigm Publishers, 2007), 303–307; Alison Wylie, "Why Standpoint Matters," in Robert Figueroa and Sandra Harding, eds., *Science and Other Cultures: Issues in Philosophies of Science and Technology* (New York: Routledge, 2003), 339–51.
19. See for example Young, *Justice and the Politics of Difference*, ch. 2: 58–61, ch. 4: 97, 111–16, esp. 115–16, ch. 5: 123, 127, ch. 6: 164–65.
20. Mark Warren, "Democratic Theory and Trust," in Mark Warren, ed., *Democracy and Trust* (New York: Cambridge University Press, 1999), 310–45, at 310.
21. By using the phrase 'power distribution', I am not suggesting that power is a thing that can be distributed like a material good. Following Young, I conceive of power as a nonmaterial good that is a function of social relations (Young, "Displacing the Distributive Paradigm," in *Justice and the Politics of Difference*, 15–38). Though Young does not explicitly mention epistemic power, her analysis of political power also captures the way epistemic power operates.
22. For interesting discussions of this particular case, see Alia Al-Saji, "Voiles Racialisés," *Les Ateliers de l'Éthique* 3 (2008), 39–55; Monique Deveaux, "Regimes of Accommodation, Hierarchies of Rights," in Chantal Maillé, et al., eds., *Revealing Democracy: Secularism and Religion in Liberal Democratic States* (Brussels: Peter Lang, 2013), 77–93; Jean-Fabien Spitz, "La République Française et le Multiculturalisme," in Bernard Gagnon and Jackie F. Steele, eds., *Concilier Démocratie et Diversité: Essais de Théorie Politique* (Brussels: Peter Lang, 2014), 67–96.
23. Iris Marion Young, *Inclusion and Democracy* (New York: Oxford University Press, 2000), 50.