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Repairing Epistemic Injustice: A Reply to Song

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The subject of Seunghyun Song's recent *Social Epistemology* article is the imperial Japanese government's practice of conscripting women from occupied countries into sexual slavery during the Asia–Pacific War. At so-called "comfort" stations, the trafficked women were raped by Japanese soldiers, suffering disease, fertility loss, and existential distrust as a result (Song 2021, 161-2). In the literature on historical injustice and reparations, Japan's military sexual slavery is a prominent case (e.g., Brooks 1999, Part 3; Barkan 2000, Ch. 3; Lu 2017, Ch. 4). That the Japanese government has long practiced denialism is frequently noted.¹

Song theorizes Japan's denialism in terms of epistemic injustice. Whereas much of the literature on responsibility for epistemic injustice is forward-looking and ameliorative, Song argues for the importance of backward-looking responsibility. She considers what epistemic repair would look like in the case of both the Japanese government and a prominent denialist historian, Ikuhiko Hata, honing in on the concept of acknowledgment. As Song emphasizes, acknowledgment is not the only form epistemic repair could take, but she persuasively argues for its normative significance (Song 2021, 167-9).

The backward-looking notion of epistemic repair is an exciting contribution to the literature on epistemic injustice. I agree with Song's observation that this literature's understanding of responsibility is often forward-looking: At stake is not the duties that arise in the aftermath of specific instances of wrongdoing and injustice, but what epistemically fallible agents are responsible for doing to create a more just world. I want to contribute to Song's project of theorizing epistemic repair—and more broadly, the idea of backward-looking epistemic responsibility—by pressing her on a few issues and questions that came up for me as I read her article.

Epistemic Repair as a Standalone Category?

The first issue has to do with the relationship between epistemic repair and reparations more generally. In a 2010 article, Margaret Urban Walker points out that in UN documents on reparations, a number of measures are specifically related to truth-telling. As Walker (535) conceptualizes truth-telling, it's similar to how Song (2021, 168-9) conceptualizes acknowledgment—not just the state admitting, "Yes, that happened," but a wide range of measures meant to recognize the victims' versions of events and impress their understandings upon the public memory. Walker makes the interesting observation that truth-telling might be seen only as a prerequisite to reparations. After all, how could the grounds for the payment of reparations be established without admitting the truth of large-scale injustices? From this perspective, it's not obvious that truth-telling *itself* should be considered a form of reparations (Walker 2010, 528). Moreover, states might choose truth-telling because it is cheaper than monetary reparations and less politically costly than holding individual perpetrators accountable (529). Are there grounds for considering truth-telling a morally meaningful reparative justice measure, rather than a precondition or a symbolic substitute?

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¹ Note that I use the term "denialist" here and in the first section in keeping with Song's broad, ordinary language usage of the term. Later I will differentiate between denialism and revisionism.

Walker answers affirmatively. She suggests that *whenever* "there is or has been violence, persecution, or oppression within a society," there is a tendency to "create epistemic diversion and deniability in place of acknowledgment and accountability" (536). Like Song, Walker sees denials of truth as constituting distinct harms to victims in addition to the first-order harms they've suffered. "Reparative truth telling" is always important, she argues, because of the wrongfulness of the "epistemic impeachment" of victims and "their degradation from the moral status of a credibly self-accounting actor": "These harms constitute a fundamental form of moral disqualification, a morally annihilating insult added to the original injury" (536). Because of the gravity of epistemic wrongs, then, reparative truth-telling is a morally meaningful reparative justice measure in itself.²

Walker explicitly uses the language of epistemic *harms*; she does not, however, use the language of epistemic *repair*. Presumably because she sees epistemic harms as characteristically occurring in the aftermath of state-sponsored violence and mass atrocities, she does not see a need to separate out the epistemic component of reparative justice from reparative justice more generally. By contrast, Song (2021, 169) sees epistemic repair as a subproject within the broader terrain of reparative justice. Let me try to say what is defensible about both Walker's and Song's perspectives.

This is a bit speculative, but for Walker, I think it's possible that formulating "epistemic repair" as a distinct category would create too much of a separation between the injustice and the aftermath of injustice where wrongdoing is denied. Truth-telling isn't a narrowly targeted measure only aimed at repairing the second-order wrong of denialism but also matters for the first-order injustice. Even in scenarios where wrongdoing occurs but denialism doesn't—say that I lose my temper at my partner and immediately regret it—it's important that agents own up to what they did and say that it was wrong. This, I think, is a fairly strong argument for considering truth-telling/acknowledgment part of reparative justice *simpliciter*.

However, as Song persuasively illustrates, agents other than the immediate perpetrator can significantly harm the victims by denying the injustice or its wrongness. She gives three criteria for evaluating liability to undertake epistemic repair: causality, autonomy, and epistemic competence (166). The causality part is particularly worth emphasizing—an agent "must directly cause the epistemic harms" (166)—because it allows her to narrow her focus to powerful agents who concretely make a difference in the promotion of epistemic injustice. As such, she is interested not only in the Japanese government's owing it to the survivors to make epistemic amends, but also Hata, the denialist historian.

Everything Song (esp. 164) says about Hata is quite bad but I wanted to know more. In researching him, one of the first things that came up was his recent effort to get the U.S. publisher McGraw-Hill to revise a history textbook's description of the survivors of Japan's

² Of course, it's still the case that truth-telling is extremely important as a precondition of reparative justice. It is not optional and substitutable the way some other reparative justice measures may be thought of as being. Claire Moon (2012) points out the inappropriateness of the Argentinian government's offer of compensation to the protesting mothers whose children had been "disappeared" during the so-called "Dirty War" since it was not accompanied by an admission of murders. Without truth, it's hard to imagine that the government's reparative gesture being anything but an instrumentalization of the idea of reparative justice, an attempt to buy the victim's silence (Nuti and Page 2018, 333-336).



military sexual slavery so that they would be portrayed as sex workers like any other. "There are women in Amsterdam who sit in windows displaying their services and in Japan we have Soapland, which is part of the sex trade ... Prostitutes have existed at every time in human history, so I do not believe that comfort women are a special category," Hata told reporters at a media conference (Fifield 2015). Moreover, directly disputing the testimony of the survivors, particularly Korean survivors, about the brutalities they endured is a central aim of Hata's. As he writes in his widely-distributed 1999 book *Comfort Women and Sex in the Battle Zone*:

Quite a few of these accounts make no sense. Lee Yong-soo, who testified in the US House of Representatives in 2007, apparently brought the audience to tears with her tales. "In Taiwan, the owner would hit us repeatedly, and even between bombings, the men would set up makeshift tents anywhere, on dry fields or in paddies, and they would make us serve them," she said.

In my opinion, life stories previously in circulation were mainly revised by the likes of the Korean Council and, during promotion tours, they appeared to be altered according to the audience's reaction. Some people have witnessed women giving statements being told that on a certain day, they were to use "scenario B"—that is, that the women were to tailor their statements to fit their audience (Hata 2018, 314).

In Chapter 6 of the book, titled "Personal Stories of the Comfort Women," Hata writes that "Relying on personal stories of women who are remembering events from several decades ago is the equivalent of trying to catch the clouds in one's hands" (148). He describes four "patterns" among the women who publicly testified about their experiences:

- 1. Their life as a comfort woman was seemingly much crueler than was typical.
- 2. They lived a life of hardship after the war ended.
- 3. No existence of family that would oppose having their names revealed.
- 4. They are of low intellectual ability and susceptible to suggestion and flattery (148).

All this is to say that, yes, Hata is indeed someone who can be said to have perpetrated epistemic wrongs against the survivors, despite his lack of involvement in the actual system of military sex slavery itself. This supports Song in her project of formulating epistemic repair as a distinct category. By contrast, on Walker's account, Hata would certainly be considered vicious, but he's also a private individual and thus (from what I gather) outside the scope of agents considered to be reparatively liable.

Should epistemic repair be distinguished from reparative justice more broadly or not? I would be inclined to say that epistemic repair should be treated distinctively. However, to me this points to the need for a theory of how epistemic repair fits in with the general notion of reparative justice. As I envisage it, such a theory would foreground Walker's point that the perpetrator's acknowledgment is important vis-à-vis the first-order injustice, and not only the epistemic wrongs committed in the injustice's aftermath. It would also explicitly argue

for the conceptual distinctness of epistemic repair against the alternative of integrating epistemically reparative measures into a more general reparative justice program without bothering to identify what's epistemic and what's not. That agents other than the perpetrator might be liable for undertaking epistemic repair is one argument; surely there are others. Finally, I would want such a theory to consider the arguments against conceptualizing someone like Hata as having reparative duties and the replies to such objections.

Denial Laws Modeled on Europe's?

Song's article develops backward-looking epistemic responsibility as a distinct concept. Her framework advances acknowledgement as an important form of epistemic repair, but again, for her, it's not the only form epistemic repair might take. I agree with Song about the significance of acknowledgment. However, it seems worth pointing that even though acknowledgment is often politically thorny, it's not especially controversial philosophically. Authors skeptical of large-scale reparations programs like Spinner-Halev (2012) and Waldron (1992) have no qualms with acknowledgment. And so, in the spirit of being provocative, I want to raise potential candidates for epistemic repair that are more philosophically contentious than acknowledgement and see what Song has to say. Suppose that there is a significant political change in Japan: The Liberal Democratic Party (which has been in power almost continuously since 1955) suffers an electoral loss, and a progressive opposition party takes over. The new party is committed to acknowledging Japan's imperial past, including its military sex slavery system.³ And yet, there are still denialists among members of the population. Should epistemic repair involve criminalizing public acts of denialism, as many European countries do regarding denialist statements about the Holocaust?

Criminalizing public acts of denialism seems to come with normative and practical benefits. First, it sends a strong expressive message that the Japanese government is committed to the truth and appreciates the gravity of what the survivors went through. Second, punishment is an institutionalized form of backward-looking responsibility, so for individuals who propagate denialist lies about Japan's sex slave system, from a backward-looking epistemic responsibility standpoint, it seems fitting that they be punished. Third, though this is more forward-looking than backward-looking, criminally sanctioning denialism serves as a deterrent to would-be denialists. If the Japanese government's aim is a cultural shift where the survivors felt epistemically respected, effective criminalization would reduce the likelihood that individual survivors and their communities would have to contend with denialist statements in the media and other public forums.

However, criminalizing denialism also raises a variety of issues. I wonder if the Japanese state has the moral standing to criminalize individual denialism, given its longstanding denialist stance.⁴ Also, which denialisms should be criminalized? Only the denial of the military sex slave system? What about the Nanking Massacre? What about other atrocities around which

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³ Interestingly, I think that this is the most realistic scenario for Japan's owning up to its past, but it would not be on the part of governing party that has been the primary perpetrator of denialism. To me, this does not undercut the significance of the opposition party government taking backward-looking responsibility (epistemic or otherwise) but I can see arguments to the contrary.

⁴ There may be interesting things to think about regarding moral standing to criminalize in the context of a change in ruling parties. Does the fact that a new party made up of individuals with a progressive vision of Japan's imperialist past has come to power increase the Japanese state's standing to criminalize denialism?



denialist theories have propagated, like the Holocaust and the Armenian genocide? Fronza (2018, 108-10 *et passim*) worries that when European countries criminalize only Holocaust denialism, this creates a "hierarchy of memories" where the memories of victims of mass violence other than the Shoah are relegated to a lower-ranking status.

In her book on denial laws in Europe, Fronza's (2018) overall argument is that criminalization is a blunt instrument to combat the spread of lies and conspiracy theories around the Holocaust. For Fronza, the purpose of criminal law is to hold wrongdoers accountable for causing harm, but the harms of denialism are too loosely connected to any given denialist speech act to justify criminalization. The main argument for punishing denialism is that it promotes important shared values, respect for the victims of mass atrocities and respect for historical truth. But for Fronza (esp. Ch. 5), the *ultima ratio* principle—*viz.*, the idea that criminal sanctions should only be used as a last resort since they function by repressing individuals' fundamental freedoms—precludes using criminalization to uphold values.

However, I wonder what a theorist of epistemic injustice would say about the claim that the harm of denialism is too indirect to justify criminalization. A denialist statement made by someone on television or interviewed in a newspaper might very well cause distress on the part of a mass atrocity survivor who encounters it. When Holocaust survivor Violeta Friedman came across the denialist claims of former SS official León Degrelle in a magazine, she filed a claim against him "for violating her right to dignity and honor" (139). I agree with Fronza's general idea that we don't want "a world in which criminal law steps in before any real risk or harm is perceived," which "prosecutes ideas and punishes a type of offender more than an actual offence" (162). At the same time, from an epistemic injustice standpoint, I think it's plausible to conceptualize Friedman's experience of Degrelle's words as a kind of harm. This leaves me quite ambivalent about denial laws.

Denialism, Revisionism, and Cancel Culture

For me, the most interesting aspect of Fronza's book for Song's project is the former's claim that the very definition of denialism cannot be understood without referencing the related phenomenon of revisionism. As Fronza (2018, 4) points out, revisionism can have positive and negative connotations, and refers to the reevaluation of "historical reconstructions in the light of new information and knowledge acquired through research in order to reinterpret events and rewrite their narratives." To a certain extent, all historical research is revisionist, but we tend to use the label when there is an attempt to reinterpret the meaning of "historical events that were taken as established facts" (5). The most common form of denialism, however, aims not at reinterpretation, but at refuting the fact that certain historical events took place. In the context of Nazi Germany,

... starting from the irrefutable fact that the Nazis eliminated much of the Jewish population of the occupied territories, the revisionist view aims mainly to redistribute blame, attribute limited responsibility to Adolf Hitler and the Nazi regime and downplay the issue of extermination within the overall framework of the war. On the other hand, the denialist view in the

strict sense negates the very existence of the Holocaust and considers the facts underlying its historical reconstruction to be groundless (5).

In Song's article, there's no distinction between revisionism and denialism; denialism is an umbrella term for both. This is, I think, also how we often employ the concept of denialism in everyday speech, and it's certainly how I've been using the term thus far in my response article. However, I think the revisionism/denialism distinction is useful, especially because it allows us to emphasize that only denialist speech would be a potential candidate for criminalization.

But even though I agree that only denialist speech should be considered in debates over denial laws, revisionism is more insidious for reasons that I'll get into, and I wonder if it is more dangerous. From what I've seen of Hata's work, he clearly counts as a revisionist rather than a denialist. He is not saying that the idea of military encampments set up for the sexual gratification of Japanese soldiers was a fiction. Rather, his central claim is that the sex slave label is wrong and that the "comfort" women were prostitutes (Hata 2018, Ch. 2)—and extremely well-paid ones at that (316).⁵

I'll return to Hata momentarily, but let me first say a bit about this central claim of his. As anthropologist C. Sarah Soh (2008) points out, the prostitution interpretation of the "comfort" system is not entirely without merit; it fits with some, though certainly not all, survivors' experiences. And, conceptions that put all responsibility on the Japanese government and treat the Korean people as victims *simpliciter* ignores the complicity of some Korean government officials and members of society, as well as the "masculinist sexual culture" in colonial Korea and imperial Japan" (Soh 2008, 3). This is what leads Catherine Lu (2017) to apply the tools of structural injustice theory to theorize the "comfort" women case:

If we regard the Japanese military "comfort" system in its entirety as one large, "consolidated wrong" that involved multiple wrongs—including deceptive and/or forcible recruitment methods; specific targeting of poor rural and working-class women; and enforced prostitution, rape, confinement, and/or sexual forced labor and slavery— then the contributory acts of Korean colonial state officials and police, local elites, and private entrepreneurs in the recruitment process can be viewed as partially constitutive of the wrong. Although they had no role in initiating the wrong, their contributions were central to the operationalization of the system (132).

Lu (esp. Ch. 2) raises a broader concern about historical memory of past injustice being simplified into a Manichean representation that shuns nuance and neglects the structural nature of our social reality. Soh's book, though its specific focus is only the "comfort" women case, also clearly opposes Manichean representations of the past. Indeed, Soh (2008) shows how the language of "Japan's military sex slavery" is hardly politically neutral and has a political history. (This is a fair point: I use this language consciously as the language preferred by many survivor-activists, and I imagine this is why Song uses it too, but it is also

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⁵ I focus on Hata in this section, but note that both the official positions of both the Japanese government and the Republic of Korea count as revisionist ("History Issues" 2021). Thank you to Masakazu Ogami for raising this point and directing me to this citation.



the case that we often uncritically adopt the language and frames that are prevalent in our epistemic communities.) Soh details the politicized nature of the memory wars over Japan's military sex slavery, but—unlike Hata—the way she does this does not belittle the survivors' experiences or accuse them of being liars, even when she points out instances where survivors gave inconsistent stories about their experiences. Soh's (2008) book provides the kind of nuance that Lu's philosophical analysis calls for, showing the diversity of experiences that the survivors underwent:

... the comfort system accommodated the gamut of men's recreational public sex, ranging from commercial sex under licensed prostitution and indentured sexual labor, to wartime military rape, to battlefield abduction into sexual slavery. It is the reality of this widely divergent range of sexual activities—from conventional masculinist behaviors, legal or not, to grave crimes of sexual assault and enslavement—that resulted in the indisputable suffering of innumerable young girls and women, both inside and outside Japan (235).

Returning to Hata: Unlike Soh, emphasizing the "comfort" system's complex nature is not the historian's aim. Hata seems ideologically and politically driven to dismantle the survivors' claims against the Japanese government. In doing so, Hata wears the mantle of reasonableness, even respectability, and the historian is respected in certain circles in Japan. With denialists, it's fairly easy to see them as way outside of the mainstream, as conspiracy theorists whose ideas only have uptake among very niche audiences. But Hata is on TV and in documentaries, he gives interviews printed in well-reputed publications, and he's seen as a conservative whose views are in line with the Liberal Democratic Party, not a fringe thinker whose views are too out-there to carry any weight. No doubt this is in large part because he presents himself as a conscientious historian committed to the truth, whatever that may be:

In writing this book [Comfort Women and Sex in the Battle Zone], I did not include emotionally charged or politically driven arguments. I have not included personal views or proposals. I believe this is the only way to impartially lay out the facts. I would like to leave it up to each reader to make a personal interpretation and draw their own conclusion after reading the book (Hata 2018, 344).

Hata's self-presentation as a neutral arbiter of historical fact, and the fact that his revisionist views are less extreme than a through-and-through denialist's would be, gives him a certain credibility—a "credibility excess," in the language of the epistemic injustice literature—that enables him to inflate the plausibility of the conservative-nationalist position.

And yet, as much as Hata is culpable as a perpetrator of falsehoods and epistemic injustice, the idea of the state criminally punishing his speech via denial laws, or the speech of any other revisionists, seems to be an unjustifiable encroachment of state power. How should we as a society deal with unrepentant revisionists if not criminalization? Surely other historians

⁶ Interestingly, Soh (2008) cites Hata a number of times.

and social scientists should carefully rebut his work and expose its ideological nature, but is this enough? Should Hata be cancelled?

I take cancel culture to refer to punitive and quasi-punitive measures enacted by members of society rather than the criminal justice system, where agents are called to account for offenses like sexual misconduct and disrespectful speech, and which might involve, e.g., employment termination, formal and informal boycotts of a person's books, TV shows, films, etc., venues calling off a person's public speaking engagements, open letters and petitions laying out the case against a person's actions, and directly shaming a person on social media. I could imagine there being a movement to cancel Hata. For example, individuals might pressure the Japanese book publisher Shinchosha Publishing Co. to stop issuing *Comfort Women and Sex in the Battle Zone* and the U.S. publisher Rowman & Littlefield to stop issuing the English edition. Hata has won awards like the Kikuchi Kan Prize; this and other awards could be retracted by the committees that chose Hata as a recipient. And so forth and so on.

I am not bringing up cancel culture just to be provocative. The process of epistemic repair begins at the point when agents have a change of mind and change of heart, and I just don't see someone like Hata admitting anytime soon that he's been wrong about claiming that the survivors have exaggerated and fabricated their testimonies. If Hata is unwilling to voluntarily redress his epistemic injustices and if it would be wrong to criminalize his speech, there remains the question, are social sanctions appropriate? Of course, this question goes quite far outside the scope of Song's article, but from the overall standpoint of theorizing backward-looking epistemic responsibility, it seems important to raise.

In fact, in the case of Hata, the cancellation question is hypothetical—at least as far as I'm aware—but there is a U.S. revisionist with positions similar to Hata's who is currently the subject of a heated controversy. Harvard law professor John Mark Ramseyer's online-first *International Review of Law and Economics* article, "Contracting for Sex in the Pacific War," presents "comfort" women as having voluntarily taken up sex work. His article has been largely discredited by legal scholars and scholars of Japanese history. Among other issues (including self-plagiarism), contracts entered into by the women are central to Ramseyer's analysis, but he does not cite any contracts as primary source documents. When pressed on the matter by a colleague, he replied, "I thought it would be cool if we could get the contracts ... But I haven't been able to find it" (Gersen 2021).⁸

When a publicly available article with serious scholarly defects passes through a journal's peer review process, it seems obvious that academics aware of these defects should publicly detail them and call upon the journal to undertake an investigation. However, in an internet age, if the article with scholarly defects is addressing a politically charged subject matter, it is

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⁷ I only began reflecting on cancel culture in the context of Song's article because Hata has been a committed revisionist for decades: I am pessimistic that he would ever voluntarily take up epistemic repair and acknowledge the epistemic harms he's perpetrated. But if he did voluntarily engage in epistemic repair, it is still meaningful to inquire as to whether social sanctions are independently appropriate. Doing's one's reparative duties is not a punishment, whereas social sanctions are punitive by their very nature, so we might still want to know if perpetrators of epistemic injustice should be (socially) punished. I thank Masakazu Ogami for bringing up this issue.

⁸ In addition to Gerson (2021), see Stanley et al. (2021); Morris-Suzuki (2021); and Gordon and Eckert (2021).



natural that a much larger firestorm will emerge. The fact of the article's existence, and the controversy around it, will appear in an array of news media publications. The institution that employs the author of the article will have to assess whether sloppy research rose to the level of academic misconduct, and if it did, what to do about it. Both the author and critics of the author will receive hate mail and threats—they will be seen not as individuals, but as occupying roles in a much larger sociocultural drama.

There are good reasons to think that, as social sanctions, hate mail and threats are normatively deficient. However, when a researcher chooses to enter into politically charged territory, explicitly aligning himself with one ideological camp—as Ramseyer did in an unpublished article where he explicitly undertook a revisionist debunking of the "'sex slave' narrative"9—it seems fair that he's viewed as standing for more than who he is as a single individual. At the same time, there seems to be something inherently unwieldy about social sanctions. Agents authorize themselves to impose them and there are no institutionalized checks to prevent their cumulative impact from being disproportionate. Moreover, even actions that are not punitively intended and that are not rightly considered sanctions on their own—e.g., a single news outlet reporting on the fact that the researcher's defective article was published—may contribute to a sense that an individual is being bombarded with negative attention.

Besides the disproportionality worry, social shaming may have the consequence of bolstering the revisionist narrative that the other side is extremely hostile to the "truths" they've taken pains to uncover, that it will do anything, even suppress open dialogue, to protect its version of the historical record. Then again, Lee Yong-soo (the same survivor whose account Hata characterized as making "no sense") called Ramseyer's claims a "blessing in disguise' because they created a huge controversy... 'So this is kind of a wake up call," as she said in a recent Harvard Law School event on Zoom (Kim and Ives 2021). In the end, as with denial laws, I'm left with a sense of ambivalence. But I do think it would be incredibly interesting for a theory of backward-looking epistemic responsibility to grapple with cancel culture, to explain why it's wrong or to defend a version of it.

Conclusion

Song's recent article on epistemic repair for Japan's military sex slavery lays out the case for considering acknowledgment as a form of reparative justice particularly suited to redressing epistemic wrongs. I agree with Song, and was also struck by her insight that the literature on responsibility for epistemic injustice is much more forward-looking than backward-looking, and that there's a lot of work to be done in theorizing backward-looking epistemic responsibility. I have pressed Song on the relationship between epistemic repair and reparative justice more generally, but in the spirit of this insight, I have also put forward other forms that backward-looking epistemic responsibility might take. Should individual agents who've publicly made denialist statements about Japan's military sex slavery be criminally liable? Should their revisionist counterparts be subject to the kind of social

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⁹ See http://www.law.harvard.edu/programs/olin_center/papers/pdf/Ramseyer_995.pdf; this article is scrutinized in some of the works cited in the previous footnote.

sanctions that are associated with present-day cancel culture? Granted, these are primarily questions of punishment rather than reparation, and Song's response may very well be that in the context of epistemic injustice, there are reasons to be reparatively rather than punitively oriented. But if this is the case, if denialists and revisionists are unwilling to undertake the work of epistemic repair, one might reasonably ask—then what?

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