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Bystander Omissions and Accountability for Testimonial Injustice

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ABSTRACT

Literature on testimonial injustice and ways that perpetrators might combat it have flourished since Miranda Fricker's ground-breaking work on testimonial injustice. Less attention has been given, however, to the role of bystanders. In this paper, I examine the accountability that bystanders may have for their *omissions* to redress testimonial injustice. I argue that bystander accountability applies in cases where it is opportune for bystanders to intervene, and if they are also sufficiently equipped and able to redress the testimonial injustice. Moreover, I recommend that we move beyond virtue responsibility for ameliorative thinking about testimonial injustice.

KEYWORDS Bystanders; omissions; moral responsibility; moral accountability; testimonial injustice; epistemic duties

1. Introduction

Epistemic injustice, according to Miranda Fricker, describes the wrongs that agents might suffer in their capacity as knowers. A paradigmatic variety of epistemic injustice is testimonial injustice, which occurs when agents are recipient to what Fricker calls *identity-prejudicial credibility deficit*. This is where a speaker receives less credibility for her testimonial contributions than she otherwise would have, owing to some would-be hearer's negative prejudices of the speaker's social identity. (Fricker 2007, 28) Since Fricker's ground-breaking analysis of this epistemic injustice, plenty of subsequent literature has addressed its mechanisms, as well as critically framing its instantiations in specific fields such as medicine. (Carel and Kidd 2014, 530; Newbigging and Ridley 2018, 37)

The answer to the question of *who* is to be held responsible and accountable for testimonial injustice is in some sense already described by the concept. Granting that testimonial injustice may be systematic, that is, 'produced . . . specifically by those prejudices that "track" the subject through different dimensions of social activity,' (Fricker 2007, 27) it appears that the

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would-be hearers – the ones who dole out the unjust credibility judgments – are responsible for the testimonial injustice caused. Fricker herself makes an ameliorative suggestion for these perpetrators in her work: she says that those who exercise unjust credibility judgments should cultivate ‘... a corrective anti-prejudicial virtue that is distinctively reflexive in structure.’ (Fricker 2007, 91) A guiding principle in the regulation of credibility judgment could be to ‘neutralize any negative impact of prejudice in one’s credibility judgements by compensating upwards to reach the degree of credibility that would have been given were it not for the prejudice.’ (Fricker 2007, 92) This *virtue of testimonial justice*, as Fricker calls it, may involve critical self-awareness and self-monitoring habits on part of the perpetrator. This approach ‘underscores the importance of not further burdening the victims,’ (Doan 2018, 8) though some might say that this precludes discussion about the responsibility that victims of testimonial injustice may have.

In my view, attribution of responsibility and accountability solely on the direct perpetrators of testimonial injustice also obscures the significance of another possibility: **the responsibility that bystanders may have in their omissions to redress testimonial injustice.** The issue of bystander omissions to redress testimonial injustice is, however, no less important. So, I propose herein that we explore a framing of responsibility and accountability which will enable us to morally implicate bystanders of testimonial injustice. I should clarify here that my focus on bystander accountability is motivated by several factors. Firstly, relatively little has been explicitly said about bystanders and how they might be implicated in cases of testimonial injustice. Secondly, the idea that there are bystander duties is an intuitive and inclusive way to expand on the topic of who might be held accountable for testimonial injustice without focusing only on the direct perpetrators nor particularly burdening the victims.

In Section 2 of my paper, I draw upon philosophical literature on acts, omissions, and moral responsibility and accountability, to claim that bystanders can be held accountable for *not* attempting to redress testimonial injustice, which in many cases will count as wrongful omissions. From my claim follows that we ought to not only criticize bystanders for their role in cases of testimonial injustice but to also instantiate normative expectations on them to redress testimonial injustice, with some notion of bystander *duties*. In Section 3, I argue that holding bystanders fully accountable is warranted on two conditions. The first condition is that it must be reasonably opportune for them to do something about some instance of testimonial injustice; the second condition is that they should be sufficiently equipped to meet the demand to fulfil the relevant bystander duties. In Section 4, I recommend that we move beyond the traditionally virtue responsibility framework for ameliorative thinking about testimonial injustice. Effective

epistemic interventions, rather than individually variable virtue-cultivating efforts, constitute a more widely applicable and coordinated way to hold bystanders to account.

2. Omissions and Accountability for Testimonial Injustice

I will preface my discussion of bystanders, omissions, and accountability for testimonial injustice by first getting clearer on the meanings of responsibility, accountability, and omissions, which are concepts widely discussed in metaphysics and philosophy of action. The focal insight I derive from this literature is that it is possible to be responsible for omissions (Sartorio 2005, 469), and that attributing responsibility can be normatively justified for the relevant sorts of omissions. According to this literature, a standard way to find agents morally responsible for some action is by *attributing* certain powers to the agent in question, and viewing their behaviour as arising out of that fact. (Talbert 2019) It is, furthermore, possible to *hold* agents morally responsible, by which we would mean something more like holding them accountable for their actions. This would involve an agent or group being ‘held by another to certain expectations or demands or requirements.’ (Watson 1996, 235) Thus, moral responsibility not only involves *identifying* some action with a particular agent, but also to possibly find them ‘[liable] to sanctions.’ (Watson 1996, 237) Being accountability-responsible, then, may involve ‘sanctions . . . expressed in the moral realm typically via reactive attitudes such as resentment or indignation.’ (Shoemaker 2011, 628) For the purposes of my paper, references to ‘responsibility’ and ‘accountability’ made henceforth will adhere to this notion of responsibility-as-accountability.

When we engage with agents on things over which we take them to be responsible, we might ask them things like ‘Why did you do that?’ Equally, however, we might demand to know why they did *not* do something. In other words, we think agents can be morally responsible for their *failures* to act (Byrd 2007, 56) or, as Randolph Clarke puts it, ‘omissions to act.’ (Clarke 2011, 594) On a very wide conception, omissions might simply refer to whenever a person does not do something. In this wide sense, we are all failing to stop the Earth’s rotation, that is, omitting to stop it. (Fischer 1997, 46) But this wide conception is not the kind of omission I am concerned with in this paper, which captures something narrower. A way to narrow down this conception is by adding that omissions require the *ability* to do the thing not done. For example, one does not omit to get milk from the store if the store is out of milk. (Clarke 2014, 6) We might also say that there are both *intentional* and *unwitting* omissions. In the former case, the agent is aware that there is a call on them to do some action, but fail to abide by it – like promising someone to get milk and then consciously *omitting* to get milk,

out of pure laziness. This may even be called an *act* of omission as one could argue that what is done intentionally is in some sense ‘a manifestation of agency.’ (Clarke 2010, 161) In the *unwitting* case, the agent may not be privy to any reason or demand to do some action – they might genuinely have forgotten to get milk from the store. (Douskos 2021, 698)

Whichever way we want to narrow down the concept, it seems at least obvious that not *all* omissions implicate moral responsibility in the same way. It is rather when ‘there is some special reason why I should have done something about it, I am said to have . . . some responsibility in the matter.’ (Lucas 1995, 53) Perhaps *promising* to get milk and then omitting to do so is a good candidate for ‘special reasons’, making the omission especially wrongful or blameworthy; but it would hardly make sense to talk about moral responsibility for any of us omitting to stop the Earth’s rotation. So we may here be further motivated to distinguish between the *relevant* sort of omissions, versus the wide sense of omissions, or alternately, mere inactions or ‘not-doings’. For instance, the reason I could not be said to be *omitting* to run a three-legged race is perhaps because there is no special call on me to run a three-legged race – it is not something I am *supposed* to be doing. (Payton 2021, 46) Similarly, the absence of the Queen of Denmark at some café in New York doesn’t count as an omission, if we follow a more folk use of the term, which treats omissions as absences of actions that were *expected* but did not occur. (Willemsen 2018, 1588) Thus, it seems now plausible to say that **attribution of accountability-responsibility for omissions must track not the wide sense of omissions or mere inactions, but the absence or not-doing of actions that were expected in some way (perhaps normatively so, in the case of promising to get milk).**

The notion that there is such a thing as omissions for which people may be held morally responsible, has featured not only in metaphysics and the philosophy of action literature but in debates within normative and applied ethics. The question of whether there is a genuine moral distinction between *doing* versus merely *allowing* harm (Woollard 2012, 449), or *killing* versus *letting die*, for instance, is an illustrative case in point. The broader distinction in this context, which is sometimes called the ‘acts and omissions doctrine’ (Clayden and Mattar 1984, 59), captures the idea that there *is* an ethical difference between whether an agent actively intervenes to bring about some result, or omits to act in cases where ‘it is foreseen that as a result of the omission the same result occurs.’ (Blackburn 2016, 6) Many have long argued, however, against the acts and omissions doctrine in favour of something like an *equivalence thesis* of acts and omissions in ethical contexts. As James Rachels pointed out, ‘whatever reasons there may be for judging one act worse than another, the simple fact that one is killing, whereas the other is only letting die, is not among them.’ (Rachels 1979, 164) The equivalence thesis blurs the moral distinction between a positive

action and omissions, the latter of which some scholars take to be an action of a distinctly *negative* kind. (Clarke 2014, 5) One is not more off the hook *merely* because their action was a negative one. Now I do not aim to reconcile the longstanding debate here; rather, I wish only to highlight the possibility that both ‘positive’ and ‘negative’ actions can be construed as morally equivalent when it comes to accountability attribution.

In the context of testimonial injustice and the role of bystanders, this might translate into the following. Minimally, we could just say that bystanders often wrongfully omit to redress testimonial injustice, and that such omissions make them *complicit* in instances of testimonial injustice. More controversially, we might even go as far as to say that bystander omissions to redress testimonial injustice are morally *on par* with direct perpetuation of testimonial injustice, thereby making omissions *equally* as morally bad as the latter. I will leave this stronger, latter claim as an open possibility, though I believe the *extent* to which bystanders are to be practically held accountable for omissions to redress testimonial injustice must surely depend on certain other variables that nuance determination of moral liability. In any case, the point I want to emphasize here is that failures of omission in this context *are* at the very least the kinds of omissions for which it would be appropriate to hold bystanders to account. Later, I will talk about epistemic duties and what might be normatively *expected* of agents to dispense with the accountability charge. For now, let us consider the following pair of scenarios, which should demonstrate why bystander omissions can warrant accountability charges:

Anne and John

Anne is at a party with some friends. In midst of a conversation with a group of people, she says that she identifies as a feminist. She shares some of the issues she has been thinking about: intersectional feminism, reproductive rights, representation and diversity in the workplace, the impact of the #MeToo movement. One man in the audience, John, interjects and dismisses Anne’s reflections by claiming ‘You don’t really support gender equality. You’re just another bitter, man-hating feminist, and your views are a joke.’ Most of the audience who share in Anne’s feminist sympathies hear what John says, but do not intervene or defend Anne despite finding John’s comments dismissive and disrespectful towards her.

Taylor and Sara

Taylor is the CEO of a successful company. He is, among his colleagues, known to be a generally charismatic and influential person, but many are quietly weary of his tendencies to promote a toxic workplace culture, with self-proclaimed ‘politically incorrect’ jokes to ‘lighten the mood’ and frequent interruption of women employees at important meetings. At one such meeting, Sara – a newly hired software engineer on a probation period – is the latest such victim to Taylor’s hazing. In the middle of Sara’s presentation, which her colleagues thought to be particularly clear and competent, Taylor raises a hand

to interrupt her. He makes a show of giving her a blank look, and then dramatically looks over his shoulder at everybody else to comment: ‘Can we get someone who knows what they’re talking about – and doesn’t whine at such a high pitch – to give the presentation instead? A man perhaps?’ Taylor chuckles to himself, impervious to the mood of the room, while everybody sits in mortified, uncomfortable silence, avoiding eye contact with both Sara and Taylor.

This pair of cases, I think, can help us make sense of (the rather unfortunate) everyday kinds of bystander omission that invite accountability charges in relation to testimonial injustice. Consider first the case of Anne and John. John is a classic example of someone who exhibits identity-prejudicial credibility deficit by diminishing Anne’s views merely because she said she identifies as a feminist. There is no mystery about John – he is clearly prejudiced. But is he the only one liable for his role perpetuating testimonial injustice? The real mystery in this case, in my view, concerns why the rest of the audience – the bystanders, if you will – did not do anything to disrupt or reprimand John’s behaviour. They are, after all, said to repudiate his conduct, and are presumably less ignorant than John given their sympathies with Anne’s feminist causes. Of course, Anne might herself have stood her ground and defended her own views against John’s dismissals, needing no interjection from an outside audience. In this way, there may be occasions where bystanders are discharged of their potential duties to intervene, or at least where the normative call for bystanders to *do* anything is weakened. But suppose Anne is (understandably) taken aback, despite her otherwise outspoken and confident manner, and finds herself momentarily at a loss for words as she looks to her sympathetic interlocutors for support. On these sorts of occasions, it appears more difficult to write off bystander omissions as neutral: although the bystanders may not have explicitly manifested identity-prejudicial credibility deficit, they did not put a stop to it nor assisted the recipient when they witnessed it happen.

It is therefore plausible to consider that there are at least *some* cases which it would be normatively reasonable to expect bystanders to redress the testimonial injustice they witness. Still, one could try to defend the bystanders by pointing out that they might simply be ignorant of the whole situation – though one might counterargue here that ignorance, in any case, only exonerates blame insofar as one is also blameless for the ignorance. (Furman 2018, 287) Perhaps, though, any discomfort we have with the bystanders is in part tied to an intuition we may have about them as *not* being ignorant in the way that John might be. We expect that bystanders should both have *known* and *done* better, and so their omission appears especially morally disappointing; whereas John, on the other hand, is maybe someone we might condemn but expect no better from. For some, it may even be that it is ‘... not immediately obvious whether perpetrators deserve

to be held responsible, because they do not know they've done anything wrong.' (Piovarchy 2021, 602) While I would not go so far as to say John does not *deserve* to be held responsible, it does seem like part of our dissatisfaction with the audience involves different normative expectations on them that are not being met: to provide outside testimonial support, or at the very least attempt to do *something* to rectify the testimonial injustice. Our intuitions about bystanders here seem to point to something of an expectation on them to exercise an imperfect¹ *duty*, perhaps, to redress such cases of testimonial injustice.

Moving on to the case with Taylor and Sara, however, we may get slightly different intuitions about bystander accountability, further raising questions about how bystander duties are to be carried out. In Taylor and Sara's scenario, which takes place in a professional setting, the stakes are much higher than in the example with Anne and John. Taylor is the boss of the company, and it is specified that Sara – the victim – is on a probation period, on account of her being newly hired. We probably would feel sorry for Sara, but not blame her for not fighting her boss there and then. But what about the others who were at the meeting, rooting for Sara but at the same time not daring to outwardly defy Taylor's dismissals of her knowledgeability and competence? Have they not done something wrong by omitting to call out Taylor's inappropriate interruption of Sara? We might say here that because payrolls and bonuses are plausibly contingent on good relations with the boss, there are countervailing reasons that justify the bystander omission in this case. We might question why any one of the meeting members are particularly obliged to play the saviour for the new employee.

But here it will be important to acknowledge that though it may be difficult for everyone to live up to their epistemic responsibilities, especially under conditions of oppression, as José Medina mentions, what it would be reasonable to 'expect of responsible agents to know about themselves, about their peers, and about their surroundings needs to be socially contextualized.' (Medina 2013, 130) When allocating blame, we should keep in mind that prohibitive conditions which present obstacles to bystander intervention may not affect everybody equally and to the same degree. As Jennifer Lackey has said in her work on duties to object: a tenured, white, male professor may have a more pressing duty to object when he hears his colleague make a sexist remark, as compared with his black, female, junior colleague. This is partly because discharging such duties will bear on the agent's social status – the agent with greater power may be more likely to be listened to and have a greater epistemic impact 'in producing true beliefs, both at the individual and the collective level.' (Lackey 2020a, 43) The idea here that individual bystanders have *different* kinds of actions it would be appropriate for them to execute, at different times and in different circumstances, can help nuance my view on how to address accountability charges.

3. Bystander Accountability for Testimonial Injustice

In this section, I specify more precisely the conditions under which bystanders ought to be held accountable for their omissions to redress instances of testimonial injustice. The framework of bystander accountability I will provide in this section does not necessarily preclude, nor is it at odds with, the responsibility that other agents (perpetrators, victims) may have. Lively debates on the kinds of duties that *victims* may have to resist their own oppression, for instance, are ongoing.² But since presumably victims suffer from epistemic injustice *because* they are already marginalized and may also be subject to intersecting oppressions, I take the notion of *bystander* accountability to be a more intuitive and straightforward avenue by which duties for agents other than perpetrators in cases of testimonial injustice might be construed. While I do not wish to downplay or minimize the agency of the victims of testimonial injustice, I hope highlighting the bystanders' role helps to avoid overburdening the victims, diffusing accountability charges in a fair way. After all, bystanders have the privilege of not being the primary targets of the testimonial injustice and are thereby not doubly pressed to both recover from *and* combat testimonial injustice in the way victims are likely to be. Keeping this in mind, I now propose the following account of bystander accountability for testimonial injustice. Accountability applies to bystanders when there is opportune and reasonable occasion for them to redress testimonial injustice, provided also that the bystanders being held accountable are sufficiently equipped and able to redress testimonial injustice without incurring unreasonable costs as a result.

This means people are not *in general* accountable for cases of unjust testimonial exchange, as people may not be privy to many such cases. One cannot be held accountable for an instance of testimonial injustice that happened in a different room, and for which one had neither the *knowledge* nor *resources* to redress. Sometimes, interfering with others may also be inappropriate or unwelcome, as when one might mistake some exchange as an injustice when taken out of context. The aim here is, then, to target only those cases which we can plausibly take as constituting opportune and appropriate occasions for one to redress testimonial injustice, and which one is also sufficiently equipped and able to do so – omissions that would, all things being equal, be fair to criticize. As Casey Rebecca Johnson observed in her discussion of epistemic obligations to voice disagreement, even if a case can be made for such an obligation, 'it is not plausible that we have an *ultima facie* obligation to testify when we disagree,' since doing so might violate other norms like social etiquette. For example, one probably does not have an all-things-considered obligation to voice disagreement when one overhears a stranger on a bus. (Johnson 2018, 120) Similar considerations apply in the bystander case.

The question of the *threshold* for intervention or voicing objection must be reasonable, proportional, and appropriate to the exchange, and this is part of determining when we might expect a bystander to do something.

But what sorts of duties apply to those who *are* candidates to intervene and redress testimonial injustice? And what would make bystanders sufficiently equipped to do so? Accountability for testimonial injustice may instantiate both *epistemic* duties – duties we have *qua* believers or knowers (Retzler and Retzler 2020, 128) to correct for the falsity or epistemic vice of testimonial injustice, perhaps – as well as *moral* or *social* duties to intervene and assist victims of testimonial injustice. The normative force of certain duties that we expect people to abide by – epistemic or otherwise – are what make certain cases of omission wrong and objectionable. Epistemic duties typically featured in social epistemology literature include things like ‘the duty to deliberate on our evidence’ (Stapleford 2018, 4069) which implicate what the individual epistemic agent ought to do, though others may be doubtful of there being such a thing as *purely* epistemic duties – like duties to hold certain beliefs about something – that don’t collapse into moral obligations. (Wrenn 2007, 115)

For this paper, however, I will favour Jennifer Lackey’s account of ‘interpersonal epistemic duties’, which offers a plausible analogue of duties that apply in our more *social* epistemic context, and which import normative considerations beyond *self*-regarding epistemic duties. Lackey’s account of interpersonal epistemic duties state that, ‘If it is in our power to prevent something epistemically bad from happening through very little effort on our part, we ought, epistemically, to do it.’³ (Lackey 2020b, 287) Though she does not talk about bystanders specifically, her discussion of interpersonal epistemic duties are highly relevant: she says that we may have both *positive* epistemic interpersonal duties that involve the epistemic flourishing of others, like promoting access to evidence, understanding, etc., and *negative* epistemic interpersonal duties which involve ‘preventing members of our communities from being the victims of epistemic wrongs.’ (Lackey 2020b, 288) But people may have different obligations depending on their social status, which may include ‘properties that contribute to differences in power’ like gender, race, and class, as well as properties which are more epistemic in nature, like expertise. (Lackey 2018, 92) What I find attractive about Lackey’s framing of epistemic duties is that it takes there to be duties which apply equally as much to *others* as they may apply to oneself, and that it is at the same time sensitive to agents’ various capacities to carry them out.

To illustrate how Lackey’s insights might apply to bystanders, let us revisit the examples of Anne and John, and Taylor and Sara. Suppose in the party where Anne and John’s exchange occurred, there is at least one person in the

audience who witnessed the whole exchange – call him Martin – who does not belong in a socially marginalized group. His testimony would be respected, and he tends to be treated by other agents as having epistemic authority in relevant matters. He seems to meet the condition of both having the opportunity to redress testimonial injustice, and to be sufficiently equipped to do so. Martin could decide to call out someone like John. Hopefully, others would listen, chime in, and John would correct his mistake and apologize to Anne. But even if none of those things happened, Martin would not be left much worse off for having tried to redress the testimonial injustice, due to the privileges he enjoys in these kinds of situations. Notwithstanding the actual success we might anticipate from Martin's efforts, then, bystander duties nonetheless still apply to him. But it may be inappropriate to demand the same of those in the audience who *are* already marginalized – testimonial or otherwise – as they would *not* enjoy the same privileges, and in the worst case be censured, undermined, or penalized for coming to Anne's aid.

Consider now an alternative framing of the case of Taylor and Sara. Suppose the members attending the meeting in which Sara was humiliated were all socially non-marginalized senior partners of the company, who own equal shares of the company. They now appear to meet the condition of being sufficiently equipped and able to redress testimonial injustice at an opportune occasion – we no longer have reason to think they would be made much worse off by having intervened. They most definitely could have done *something* to reprimand Taylor's conduct and show solidarity with Sara, without putting their salary on the line. This information flips our initial intuitions about the case, which had primarily rested on the fact that Taylor was the CEO with all the power. The uncomfortable silence of the meeting attendees is in this case indicative of an omission for which it would be entirely appropriate to hold them accountable.

We might now explicitly state the following. Differences in the social standing of epistemic members in any given community or interpersonal exchange mean that the *way* we hold bystanders accountable, and the *degree* to which we can expect individuals to adhere to bystander duties in each case, are context dependent. To account for contextual differences between bystanders, the blame which might be placed on a bystander and the attendant expectation placed on them to *take* responsibility and fulfil their bystander duties should be made proportional to the agents' abilities and powers in this realm. That is, the extent of the accountability attributed to bystanders should take under consideration their ability to draw on relevant skills and resources, to decide on the epistemic actions they wish to take, and the power they have to execute such decisions without undue costliness or fear of reprisal.

4. Effective Epistemic Interventions to Combat Testimonial Injustice

Now that I have defended the idea that bystanders can be held accountable for omissions to redress testimonial injustice, I will reflect on the following question. How, exactly, should we ensure that the bystander will fulfil their duties and not wrongfully omit to redress testimonial injustice? **In this final section, I maintain that accountability for testimonial injustice in the context of bystander omissions is best facilitated with effective epistemic interventions coordinated at a collective level, rather than *only* with virtue responsibilism, which focuses on ‘developed traits of intellectual character that reflect on the evaluation of their possessor.’** (Wright 2018, 747)

Scholars who have proposed various solutions for dealing with testimonial injustice, from the perspective of either the perpetrator or the recipient of the epistemic injustice, have tended to adopt a language of virtue responsibilism which focuses on epistemic character traits. (Dougherty 2018, 128) Miranda Fricker, as mentioned in the introduction, has famously suggested development of a virtue of testimonial justice as a counter to testimonial injustice. This virtue would be a corrective one that makes someone cognizant of their own prejudices. Reza Lahroodi has added also that characterological assessment of epistemic agents may include both individual agents’ traits, and traits at a collective level. (Lahroodi 2007, 282) José Medina has called for *epistemic resistance* as a response to epistemic injustice, which would involve ‘the use of our epistemic resources and abilities to undermine and change oppressive normative structures and the complacent cognitive-affective functioning that sustains those structures.’ (Medina 2013, 3) As for what traits *recipients* of epistemic injustice might develop, Medina has suggested that there are distinct epistemic virtues that oppressed subjects may have, including: humility, curiosity/diligence, and open-mindedness. (Medina 2013, 43). These virtues converge on a kind of lucidity, as he claims ‘the lucidity of the virtuous subject can have a subversive character, having the potential to question widely held assumptions and prejudices . . . ’ (Medina 2013, 45) Alternatively, Nadja El Kassar has suggested that intellectual self-trust is ‘a powerful defense mechanism against epistemic injustice and the effects of epistemic injustice.’ (El Kassar 2021, 200)

The potential obligations of bystanders, however, are featured less in the literature. Are there virtues bystanders should develop in particular? Perhaps – bystanders may require wisdom, for instance, about how and when to intervene in other agents’ unjustly conducted epistemic interactions. But although it may seem intuitively plausible to ‘have each individual strive to be the sort of person that characteristically corrects for their prejudices,’ (Sherman 2016, 232) I am sympathetic to Benjamin Sherman’s observation that the aim to achieve something like the virtue of testimonial justice might

be defeated by the fact that ‘... you are likely to think the vast majority of the time, your judgments are fair and accurate, otherwise, they wouldn’t persist in being your judgments.’ (Sherman 2016, 238) Linda Martín Alcoff has also questioned whether the ‘volitional reflexivity’ encouraged in Miranda Fricker’s virtue responsibilism is sufficient to counteract ‘a non-volitional prejudice.’ (Alcoff 2010, 131) These observations present an issue for the Frickerian recommendation that perpetrators ought to develop a virtue of testimonial justice, and it would equally apply in the case of bystanders, who may be blind to their being implicated in the injustice by ‘allowing’ the injustice to pass.

There are other issues with the virtue responsibilist approach. If it is left open to individuals to volitionally cultivate and develop their virtues how they will, we might reasonably expect some degree of coordination and compliance issues. For example, the different interventions agents may (or may not) initiate in response to incidents of testimonial injustice – in their varying stages of self-reflexive virtue cultivation – may make the task of bystander duties very onerous for some agents compared to others. Just imagine a case where an exemplary agent sees that only chiding the perpetrator of testimonial injustice is not enough, but that efforts to educate or nudge passive bystanders would also be necessary to fully redress the incident in question. Other bystanders’ laxity would generate greater burdens for the more virtuous bystanders. Though the call to virtue is not itself a problem, we need to say more about how to evenly distribute the task of redressing testimonial injustice if we want to avoid the risk of singling out just a few bystanders to act as the Good Samaritans for the whole group.

Furthermore, the idiosyncrasies characteristic of the plural, individuated standards of ‘virtuous’ intervention in socially situated contexts mean that some interventions may miss the target of virtue anyway, even if everybody were to act.⁴ For example, a privileged person’s enthusiastic, well-motivated intervention to ‘stand up’ for victims might come across as more unduly paternalistic than as helpful. Perhaps this person is consciously eager to fight testimonial injustice and advocate on behalf of victims, but unconsciously also driven to prove the point that they are not a guilty party, or something of that sort. They might then unwittingly ‘absolve responsibility for acting to undermine systems of oppression by replacing it with guilt or “awareness” as an endpoint for allyship,’ (Bowman 2020, 476) perhaps with something like *self-appointed speaking-for*, which occurs when ‘one speaks on behalf of ... another individual or group without their authorization.’ (Steers-McCrum 2020, 241) Yet this itself can also be a form of testimonial injustice. Thus, bystander accountability cashed out only through responsibility for one’s own virtue cultivation risks sanctioning inconsistent or ultimately inappropriate methods of intervention, including those that incline towards the paternalistic, and which reproduce the systems of epistemic privilege that

generated the first instance of testimonial injustice. Of course, one might protest that a *truly* virtuous agent with practical wisdom should be perfectly able to avoid such mistakes by knowing precisely what would and would not be appropriate to do in the circumstances. Be that as it may, ensuring that redressing efforts are coordinated, effective, and complied with *in case* some fall short of virtue – or are yet still developing their practical wisdom – seems just as important as encouraging people to cultivate their virtuous character.

Of course, it may be *ideal* for bystanders to develop the sort of character that grant them the disposition to independently redress instances of testimonial injustice. But the objective of collective compliance is worth exploring so that the recommendation of virtue cultivation might be facilitated and enhanced. My view is that we ought to develop and implement effective epistemic interventions that are decent and acceptable to *all*, and which agents might generally do well to abide by as a decent minimum in settings of testimonial exchange.⁵ The objective here is to draw communal boundaries between agents that signal epistemic conduct that will or will not be socially tolerated. Epistemic norms might regulate ‘individual and community epistemic practice’ (Henderson 2020, 281) via normative epistemic sensibilities that people can ‘work jointly to produce . . . epistemic common good,’ (282) and which enable people to ‘regulate the belief forming practices of others in an interdependent pursuit of a good.’ (Henderson 2020, 282) These standards can be regulated and reinforced in different ways – through setting-specific policies and rules, incentives and disincentives, compulsory education, and bystander training and awareness for different institutional settings (for instance) which might help instruct and equip people with the resources to intervene and offset inappropriate exchange should they witness it. As David Henderson points out, it will also be important to ‘inculcate the normative sensibilities in initiates . . . to marginalize those who do not conform, to mark those who are particularly adept in their conforming practice.’ (286) This practice would mean agents are ‘insisting that others coordinate and cooperate in the production of an individual and public epistemic good.’ (Henderson 2020, 282)

Much like how rules and norms of conduct can be collectively negotiated and agreed upon between students in a classroom setting, and then duly enforced (brownie points for good behaviour, detention for bad behaviour), it is not implausible for agents to voluntarily accept communal epistemic norms and rules of conduct in specific contexts. This can be done simply with the understanding that such norms are there to regulate interaction *regardless* of one’s character, or what one might otherwise prefer to do. When we consent to abide by good practice standards and rules of conduct when signing up to an online forum, for instance, we are doing the same sort of thing – individual preferences do not figure as highly as community guidelines in practice. We can, for example, instate as a general rule that certain

uses of language (e.g. slurs) are to be rejected in social interactions; we could set up reminders for people to actively consult and include diverse viewpoints in conversation; we could endeavour to ask others how they feel and check how comfortable they are in social settings; we might openly present ourselves as allies, instead of inwardly sympathizing with the plight of others; and so on and so forth. These are all different potential instantiations of duties to intervene, which when exercised accordingly constitute multiple ways to discharge bystander accountability. Such precepts could easily be internalized and consistently followed by participating agents when reinforced as a matter of norms and rules.

Let us consider briefly how this approach can build on the insights of the virtue responsibilist framework, without at the same time reducing bystander accountability to virtue cultivation. We could imagine that a virtuous bystander might intervene in an exchange like that of Anne and John by being moved to advocate for Anne's views to be expressed and heard without interruption. A less virtuous character who may not think the testimonial injustice to be such a big deal, however, can still disrupt the unjust exchange by simply reminding John that his conduct will only invite protest from the audience, and that the guests around him will probably be displeased by his provoking comments given the norms in place. This latter sort of intervention appears realistic even in the case that the bystander only begrudgingly accepts communal standards and norms of conduct, or simply just prefers to socialize in a light-hearted environment. My point here is that we do not need to rely *only* on the goodwill of agents to rectify testimonial injustice; there are many practicable ways to sketch out how to redress testimonial injustice. In fact, even Miranda Fricker's own virtue responsibilist approach suggests that other empirically substantiated interventions might neutralize the negative effects of prejudice. Fricker recognizes that, for instance, that in some range of cases one might '... do better to stop reflecting on one's likely prejudices and instead go in for some sort of unreflective psychological work-out involving anti-prejudicial priming techniques.' (Fricker 2010, 165) My view of collective behaviour-targeting epistemic interventions just differs in emphasis from the responsibilist approach, the latter of which Fricker says must be 'self-reflective in the first instance.' (Fricker 2010, 165)

My approach, overall, makes minimal presumptions about the level of virtue that can or will be cultivated by agents, though it may certainly *help* or coincide with individual and group efforts to cultivate and coordinate virtue. But epistemic interventions are not so much a matter of personal responsibility as they are collectively agreed upon norms implemented for all to adhere to, regardless of their plural leanings, understandings, beliefs, and values. My account can thereby explain how compliance can make sense

even for the less virtuously motivated, or for audiences exhibiting variable dispositions. While my goal here was not to lay out an exhaustive list of implementable epistemic interventions in context-specific settings, I hope my call to think beyond virtue responsibilism highlighted the importance of the task to reflect on reasonable and actionable norms that can help agents best comply with and internalize their bystander duties.

5. Conclusion

In Section 2 of my paper, I claimed that bystanders can be accountable for their *omissions* to redress testimonial injustice. In Section 3 I specified that bystanders should be held to account on the condition that there is appropriate opportunity for them to redress testimonial injustice, and if they are sufficiently equipped and able to take up that opportunity. In Section 4, I suggested that managing this accountability for testimonial injustice might be done most effectively with epistemic interventions, rather than by merely calling for a cultivation of individual or collective epistemic virtues. I hope, overall, that this work has laid out a credible account of bystander accountability for incidences of testimonial injustice, and that it provides a foundation for further critical discussion on the role of bystanders in cases of testimonial injustice.

Notes

1. Though there are many interpretations we can provide of imperfect duties, what I take them to mean here are duties that allow for a degree of latitude and discretion (Schroeder 2013, 1), such as duties of charity, which may require us to give *something* to those less fortunate without specifying how much and to whom. A potential duty to intervene to redress testimonial injustice perhaps follows a similar format. I am sympathetic to the notion that obligations to resist oppression '[fall] somewhere between the paradigm perfect duty of refraining from harming someone who has done us no harm and the paradigm imperfect duty of helping at least some people whose suffering is not the result of injustice.' (Buss 2010, 41) I should note here too that the *kinds* of bystander acts we might count as satisfactorily discharging of their bystander duties to redress testimonial injustice could be various. Publicly disrupting a testimonially unjust dialogical exchange could be one way, but checking up on the victim privately could be another way to exercise bystander duties.
2. Ashwini Vasanthakumar, for instance, argues that victims may have a duty to overcome injustices 'as an instantiation of their duty to assist,' (Vasanthakumar 2018, 465) because victims are epistemically privileged and are thereby 'uniquely positioned to initiate and motivate resistance efforts.' (466)

3. This formulation mirrors that of Peter Singer's well-known claim regarding duties of aid and rescue, which is notably more demanding: '... if it is in our power to prevent something bad from happening, without thereby sacrificing anything of comparable moral importance, we ought, morally, to do it.' (Singer 1972, 231)
4. As Christine Swanton's target-centered approach to a virtue ethical account of rightness suggests, a foolish but well-motivated agent may not be blameworthy for their actions but this does not mean that they do the *right* action. (Swanton 2001, 36) Actions that issue from a virtuous character might still miss the *target* of virtue. She thus makes a distinction between a 'virtuous act' and 'action from virtue.' (Swanton 2001, 45)
5. It does not matter so much how the motivation to adhere is achieved – it might be due to an awareness of a threat that one might be penalized for not following certain rules and norms, the desire to be a team player, etc. This is one feature that sets my approach apart from virtue responsibilism – good motivation and character can remain an ideal, but for redressing efforts it is more important to monitor agents' participation, rather than their motivation or character.

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References

- Alcuff, L. M. 2010. "Epistemic Identities." *Episteme* 7 (2): 128–137. doi:10.3366/epi.2010.0003.
- Blackburn, S. 2016. *The Oxford Dictionary of Philosophy*. Oxford: Oxford University Press.
- Bowman, M. 2020. "Privileged Ignorance, 'World'-traveling, and Epistemic Tourism." *Hypatia* 35 (3): 475–489. doi:10.1017/hyp.2020.25.
- Buss, S. 2010. "Reflections on the Responsibility to Resist Oppression, with Comments on Essays by Boxill, Harvey, and Hill." *Journal of Social Philosophy* 41 (1): 40–49. doi:10.1111/j.1467-9833.2009.01477.x.
- Byrd, J. 2007. "Moral Responsibility and Omissions." *The Philosophical Quarterly* 57 (226): 56–67. doi:10.1111/j.1467-9213.2007.468.x.
- Carel, H., and Kidd, I. 2014. "Epistemic injustice in healthcare: a philosophical analysis." *Medicine, Health Care and Philosophy* 17: 529–540. doi:10.1007/s11019-014-9560-2.
- Clarke, R. 2010. "Intentional Omissions." *Noûs* 44 (1): 158–177. doi:10.1111/j.1468-0068.2009.00735.x.
- Clarke, R. 2011. "Omissions, Responsibility, and Symmetry." *Philosophy and Phenomenological Research* 82 (3): 594–624. doi:10.1111/j.1933-1592.2010.00480.x.

- Clarke, R. 2014. *Omissions: Agency, Metaphysics, and Responsibility*. New York: Oxford University Press.
- Clayden, G., and N. Mattar. 1984. "Acts and Omissions: Killing and Letting Die." *Journal of Medical Ethics* 2: 59–60.
- Doan, M. 2018. "Resisting Structural Epistemic Injustice." *Feminist Philosophy Quarterly* 4 (4): Article 5. doi:10.5206/fpq/2018.4.6230.
- Dougherty, T. 2018. "There Are No Epistemic Virtues." In *The Routledge Handbook of Virtue Epistemology*, edited by H. Battaly, 127–140. New York: Routledge.
- Douskos, C. 2021. "Habit, Omission, and Responsibility." *Topoi* 40 (3): 695–705. doi:10.1007/s11245-020-09708-z.
- El Kassar, N. 2021. "The Powers of Individual and Collective Intellectual Self-trust in Dealing with Epistemic Injustice." *Social Epistemology* 35 (2): 197–209. doi:10.1080/02691728.2020.1839592.
- Fischer, J. M. 1997. "Responsibility, Control, and Omissions." *The Journal of Ethics* 1 (1): 45–64. doi:10.1023/A:1009707919608.
- Fricker, M. 2007. *Epistemic Injustice: Power and the Ethics of Knowing*. Oxford: Oxford University Press.
- Fricker, M. 2010. "Replies to Alcott, Goldberg, and Hookway on Epistemic Injustice." *Episteme* 7 (2): 164–178. doi:10.3366/epi.2010.0006.
- Furman, K. 2018. "Moral Responsibility, Culpable Ignorance and Suppressed Disagreement." *Social Epistemology* 32 (5): 287–299. doi:10.1080/02691728.2018.1512173.
- Henderson, D. 2020. "Are Epistemic Norms Fundamentally Social Norms?" *Episteme* 17 (3): 281–300. doi:10.1017/epi.2019.49.
- Johnson, C. R. 2018. "Just Say 'No': Obligations to Voice Disagreement." *Royal Institute of Philosophy Supplement* 84: 117–138. doi:10.1017/S1358246118000577.
- Lackey, J. 2018. "Silence and Objecting." In *Voicing Dissent: The Ethics and Epistemology of Making Disagreement Public*, edited by C. R. Johnson, 82–96. New York: Routledge.
- Lackey, J. 2020a. "The Duty to Object." *Philosophy and Phenomenological Research* 101 (1): 35–60. doi:10.1111/phpr.12563.
- Lackey, J. 2020b. "Epistemic Duties Regarding Others." In *Epistemic Duties: New Arguments, New Angles*, edited by K. McCain and S. Stapleford, 281–295. New York: Routledge.
- Lahroodi, R. 2007. "Collective Epistemic Virtues." *Social Epistemology* 21 (3): 281–297. doi:10.1080/02691720701674122.
- Lucas, J. R. 1995. *Responsibility*. Oxford: Oxford University Press.
- Medina, J. 2013. *The Epistemology of Resistance: Gender and Racial Oppression, Epistemic Injustice, and the Social Imagination*. Oxford: Oxford University Press.
- Newbigging, K., and J. Ridley. 2018. "Epistemic Struggles: The Role of Advocacy in Promoting Epistemic Justice and Rights in Mental Health." *Social Science & Medicine* 219: 36–44. doi:10.1016/j.socscimed.2018.10.003.
- Payton, J. D. 2021. *Negative Actions: Events, Absences, and the Metaphysics of Agency*. Cambridge: Cambridge University Press.
- Piovarchy, A. 2021. "Responsibility for Testimonial Injustice." *Philosophical Studies* 178 (2): 597–615. doi:10.1007/s11098-020-01447-6.
- Rachels, J. 1979. "Killing and Starving to Death." *Philosophy* 54 (208): 159–171. doi:10.1017/S0031819100048415.

- Rettler, L., and B. Rettler. 2020. "Epistemic Duty and Implicit Bias." In *Epistemic Duties: New Arguments, New Angles*, edited by K. McCain and S. Stapleford, 125–145. New York: Routledge.
- Sartorio, C. 2005. "A New Asymmetry between Actions and Omissions." *Noûs* 39 (3): 460–482. doi:10.1111/j.0029-4624.2005.00509.x.
- Schroeder, S. A. 2013. "Imperfect Duties, Group Obligations, and Beneficence." *Journal of Moral Philosophy* 11: 1–28.
- Sherman, B. R. 2016. "There's No (Testimonial) Justice: Why Pursuit of a Virtue is not the Solution to Epistemic Injustice." *Social Epistemology* 30 (3): 229–250. doi:10.1080/02691728.2015.1031852.
- Shoemaker, D. 2011. "Attributability, Answerability, and Accountability: Toward a Wider Theory of Moral Responsibility." *Ethics* 121 (3): 602–632. doi:10.1086/659003.
- Singer, P. 1972. "Famine, Affluence, and Morality." *Philosophy and Public Affairs* 1 (3): 229–243.
- Stapleford, S. 2018. "Imperfect Epistemic Duties and the Justificational Fecundity of Evidence." *Synthese* 190 (18): 4065–4075. doi:10.1007/s11229-013-0249-5.
- Steers-McCrum, A. R. 2020. "Don't Put Words in My Mouth: Self-appointed Speaking-for Is Testimonial Injustice without Prejudice." *Social Epistemology* 34 (3): 241–252. doi:10.1080/02691728.2019.1682710.
- Swanton, C. 2001. "A Virtue Ethical Account of Right Action." *Ethics* 112 (1): 32–52. doi:10.1086/322742.
- Talbert, M. 2019. "Moral Responsibility." In *The Stanford Encyclopedia of Philosophy*, edited by E. N. Zalta. <<https://plato.stanford.edu/archives/win2019/entries/moral-responsibility/>>
- Vasanthakumar, A. 2018. "Epistemic Privilege and Victims' Duties to Resist Their Oppression." *Journal of Applied Philosophy* 35 (3): 465–480. doi:10.1111/japp.12255.
- Watson, G. 1996. "Two Faces of Responsibility." *Philosophical Topics* 24 (2): 227–248. doi:10.5840/philtopics199624222.
- Willemssen, P. 2018. "Omissions and Expectations: A New Approach to the Things We Failed to Do." *Synthese* 195 (4): 1587–1614. doi:10.1007/s11229-016-1284-9.
- Woollard, F. 2012. "The Doctrine of Doing and Allowing I: Analysis of the Doing/Allowing Distinction." *Philosophy Compass* 7 (7): 448–458. doi:10.1111/j.1747-9991.2012.00491.x.
- Wrenn, C. B. 2007. "Why There Are No Epistemic Duties." *Dialogue: Canadian Philosophical Review/Revue Canadienne de Philosophie* 46 (1): 115–136. doi:10.1017/S001221730000158X.
- Wright, S. 2018. "Virtue Responsibilism." In *The Oxford Handbook of Virtue*, edited by N. E. Snow, 747–764. New York: Oxford University Press.