The Performative Contradiction of Epistemic Justice

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Introduction

Justice has long been a fundamental concept in philosophy. In the *Republic*, Plato defines justice as a cardinal human virtue inextricably tied to the state of the soul (Brown, 2017). For centuries, philosophical inquiries into justice primarily concerned moral and political distribution. However, Miranda Fricker fundamentally expanded this landscape by mapping justice onto epistemology, introducing the concept of *epistemic injustice*—the phenomenon wherein an individual is "wronged in their capacity as a knower."

Since then, successive theorists have challenged, modified, and expanded this framework to address structural silencing and improving our epistemic landscape. Yet, as the project of epistemic justice scales into broader institutional practices, deep societal and political tensions have surfaced. While these frameworks aim to equalize rights and redistribute credibility to historically marginalized groups, they have been met with fierce polarization. Dominant groups increasingly claim that such redistributions constitute "reverse discrimination," arguing that the enforced elevation of certain identities suppresses others.

What accounts for this friction? Is the phenomenon we observe today the result of a lack of clarity of theory, a mere misapplication of epistemic theory, or does it point to a fundamental, inherent structural flaw? This essay argues that epistemic justice contains an unacknowledged performative contradiction—not merely that the framework can be abused, but that the adjudicative authority it structurally requires cannot be legitimized on its own terms. Because epistemic justice's meta-criteria for identifying credibility deficits are themselves epistemological claims, any systematic project of epistemic correction must invoke a self-grounding hierarchy: the very structure it sets out to dismantle. This tension is not a correctable implementation flaw but a constitutive feature of the project.

The essay proceeds as follows: (1) an examination of epistemic injustice and its internal requirements through feminist perspectives; (2) the articulation of the neutral adjudicator problem; (3) an analysis of why liberal repair strategies, such as Tilton's, fail; and (4) a structural diagnosis of this contradiction using Zhuangzi's *Qiwulun*.

The Framework and Its Internal Requirement

In this section, we review the concept of epistemic injustice through the lens of feminist epistemology to demonstrate a fundamental structural requirement for this concept to function: namely, the necessity of an adjudicative authority within the system.

In her renowned book, *Epistemic Injustice: Power and the Ethics of Knowing*, Miranda Fricker establishes the idea of a "distinctively epistemic kind of injustice," which consists "in a wrong done to someone specifically in their capacity as a knower" (Fricker, 2007). She argues that this injustice primarily takes two forms: testimonial and hermeneutical.

For Fricker, testimonial injustice is caused by an unjust assignment of a credibility deficit. "The speaker sustains such a testimonial injustice if and only if she receives a credibility deficit owing to identity prejudice in the hearer" (Fricker, 2007). However, this definition immediately raises a structural problem: how do we decide that a specific credibility deficit is caused by identity prejudice rather than a legitimate epistemic assessment? Fricker acknowledges that stereotypes affect us so deeply that they often operate beneath conscious awareness. If prejudice is unconscious and pervasive, identifying it requires an agent—Fricker suggests a "virtuous hearer"—who “possesses [a corrective virtue] owing to a well-trained *testimonial sensibility” (Fricker, 2007)*.

A similar problem emerges with hermeneutical injustice. Fricker analyses this wrong in terms of a "situated hermeneutical inequality," where "prejudicial flaws in shared interpretive resources prevent the subject from making sense of an experience which it is strongly in her interests to render intelligible" (Fricker, 2007). Again, the framework

demands an internal judgment: who or what determines that a gap in our vocabulary is a "prejudicial flaw" rather than just a concept we haven't discovered yet? Both forms of epistemic injustice inherently require an adjudicative capacity, a mechanism to accurately label what is prejudiced and what is rational.

Feminist philosophers have provided different epistemological approaches to address how we evaluate knowledge and power, which can be broadly categorized into three views. Yet, even when analysing these frameworks, the need for a definitive, neutral adjudicator within the system remains unavoidable.

The Feminist Postmodernism approach rejects "totalizing metanarratives" and essentialist categories, arguing that what we consider "reality" is discursively constructed. Drawing on thinkers like Butler, Flax, and Spelman, it posits that asserting any single, objective theory is inherently an exercise of power designed to authorize some views and exclude others. (Anderson, 2024) While Fricker notes this is appealing for exposing power dynamics, its radical holism poses a structural problem. If the self is fragmented across intersecting identities and all knowledge claims are shifting exercises of power ("mobile positioning"), we lose the normative ground to distinguish between rejecting testimony for a good epistemic reason and rejecting it out of prejudice. To maintain the concept of epistemic "injustice" at all, the framework still requires an adjudicative authority to step outside the discursive field and determine which exercises of power are oppressive and which are justified.

Feminist Empiricism holds that feminist values can serve as legitimate, generative epistemic resources. To ensure objective knowledge, feminist empiricists rely on a procedural strategy, which they argue that epistemically bad biases are weeded out not by neutral individuals, but by a diverse, democratic epistemic community holding its members accountable. (Longino, 1990) However, this merely shifts the burden of the adjudicator to the collective. The system still requires a meta-authority to evaluate the community itself, someone must adjudicate which biases are epistemically productive versus limiting, when a community’s procedural scrutiny is sufficiently diverse, and whose collective inquiry successfully identifies prejudice rather than reinforcing dominant norms.

Feminist Standpoint Theory argues that subordinated social locations generate distinct epistemic advantages, granting marginalized groups a clearer view of fundamental social regularities than those in dominant positions. (Anderson, 2024) Crucially, a standpoint is not merely a given identity; it must be *achieved* through critical reflection and collective self-consciousness. (MacKinnon, 1989) While contemporary theorists like Harding and Wylie have shifted toward a pluralistic model where "insider-outsiders" possess contingent epistemic advantages, this framework constantly faces the adjudicator question. Someone must validate which standpoints possess epistemic privilege in each context, verify whether an individual has successfully "achieved" the critical consciousness required to speak from that standpoint, and adjudicate when intersecting, plural standpoints make competing or contradictory claims.

No matter whether we rely on Fricker's virtuous hearer, postmodernism's power analysis, empiricism's diverse community, or standpoint theory's marginalized perspectives, to analyse the concept of epistemic injustice, a structural gap remains: it cannot function without an internal adjudicative authority capable of looking at an epistemic exchange and accurately declaring, "This is prejudice" or "This is legitimate."

This brings us to a critical tension. As we will explore in the following section, the framework requires a judge capable of neutrally evaluating socially situated knowledge—yet the foundational premise of these theories is that no such neutral, socially detached position exists.

The Neutral Adjudicator Problem

We have established that a mechanism of judgment is required to practically execute the concept of epistemic justice. However, is a truly neutral judgment feasible in this domain? To answer this question, it is instructive to contrast epistemic justice with a domain where structural reorganization is routinely and coherently executed: political justice.

When a theory of political justice seeks to dismantle an unjust social hierarchy and replace it with a just one, the project is philosophically coherent. This is because political authority can be evaluated by criteria that remain conceptually external to the hierarchy itself. We can measure the legitimacy of a political structure against independent benchmarks, such as welfare outcomes, the satisfaction of fundamental rights, or adherence to procedural fairness. (Miller, 2026) Crucially, an observer can assess whether a political hierarchy produces these normative goods without that assessment being dictated by the hierarchy's own internal logic. The adjudicator stands on independent ground.

Epistemic justice, on the other hand, cannot do this. The meta-criteria required to identify and correct epistemic injustice, determining which lived experiences generate genuine insight, distinguishing strategic ignorance from contingent unawareness, or deciding which social standpoints are epistemically privileged, are not neutral or external benchmarks, but perspectival and internal. They are themselves highly contested epistemological claims. When we apply the necessity of adjudication back to the four models discussed earlier, a self-grounding loop emerges in each: the adjudicator’s authority is validated by the very epistemic hierarchy it is attempting to construct.

Consider how this structural circularity manifests across the theories.

Fricker relies on a listener, whom she calls “Virtuous Hearer”, with a "well-trained testimonial sensibility" to detect and correct prejudice (Fricker, 2007). However, defining what constitutes a "well-trained" sensibility requires a pre-existing standard of epistemic virtue. The listener must use their judgment to determine what is just, yet their judgment is only deemed "virtuous" if it aligns with the framework's conception of justice. The virtuous hearer becomes both the anchor of the system and its conclusion.

The Feminist Postmodernism framework relies on an adjudicator to distinguish between oppressive and benign exercises of discursive power. But to make this distinction, the adjudicator must invoke an objective meta-narrative of oppression. Because postmodernism rejects totalizing meta-narratives, the framework is forced to exercise epistemic dominance in the very act of denouncing epistemic dominance.

By outsourcing adjudication to a democratic epistemic community, feminist empiricism attempts to bypass the individual judge. Yet, the criteria for determining whether a community is sufficiently "diverse," or whether it is successfully weeding out "bad biases" rather than reinforcing new dogmas, are themselves epistemic values. The community's authority is thus grounded in criteria that the community itself must establish and enforce.

In feminist standpoint theory, when a theorist declares that Group X's standpoint provides superior insight into social reality over Group Y's, they are making a meta-epistemological judgment. From what standpoint is that overarching judgment made? The framework constructs a hierarchy of credibility to validate the marginalized standpoint, while simultaneously using the marginalized standpoint to authorize the hierarchy.

In every variation, the mechanism designed to correct epistemic injustice acts as a self-grounding structure. When a theorist or institution identifies a specific group as credibility-deficient and another as epistemically privileged, they are making a claim that draws on meta-criteria. Those meta-criteria derive from a preferred standpoint, and that standpoint's authority derives from the very framework being constructed.

This explains why epistemic justice cannot function like political justice. As demonstrated above, every judgment required to assert that an epistemic injustice has occurred must rely on internally contested epistemic evidence, rather than external, independent benchmarks. This circularity is inherent.

One might object that the neutral adjudicator problem is overstated, since certain cases of epistemic injustice appear self-evident: a woman's medical testimony dismissed simply because she is a woman seems obviously prejudicial. However, even this apparently clear case is not adjudicated from a neutral position but from a perspective that has already determined what counts as prejudice. Consider a physician who, over years of clinical experience, has encountered repeated instances of inaccurate self-reporting from a particular demographic. When that physician discounts a patient's testimony, is this identity prejudice or an experiential

generalisation? The two descriptions are formally indistinguishable without a meta-standpoint capable of determining where legitimate pattern recognition ends and unjust stereotyping begins — precisely the standpoint we have shown to be unavailable. What appears to be an "obvious" case of epistemic injustice is only obvious from within a framework that has already settled the very questions at issue. Even at the level of individual judgment, the need for a neutral adjudicator reasserts itself.

Consequently, the contradiction here is not logical, but structural and performative. Whenever we attempt to systematically identify and correct an epistemic injustice, whatever explanatory account we use inevitably forces us to exercise the exact kind of hierarchical epistemic authority that the framework sets out to dismantle.

The Tilton Foil: Why Liberal Repair Fails

Given this inherent structural circularity, one might ask if the framework can be salvaged not through structural overhaul, but through a more rigorous, good-faith application. If the problem is that adjudicators lazily assign or withhold credibility, perhaps the solution is simply better epistemic practice.

This is the core of the liberal repair strategy, exemplified by theorists such as Tilton, who observe the same vulnerabilities in standpoint epistemology but diagnose them as moral rather than structural failures. Tilton proposes a repair: when dominant-group members invoke standpoint epistemology, they must not use it as an excuse for lazy epistemic deference. Tilton critiques what she calls the Strong Epistemic Disadvantage Thesis (SEDT) — the claim that dominant social positions place strong limits on what the socially dominant can know about oppression they do not experience. She argues that the SEDT 'is a primrose path for the socially dominant' (Tilton, 2024). Instead, they must do the hard work of genuinely engaging with marginalized perspectives—reading, listening, and cultivating authentic solidarity. In this view, if the epistemic work is done genuinely, the standpoint claim becomes legitimate. The framework itself is not structurally flawed; it merely requires diligent, ethical application.

This is a serious and charitably reconstructed attempt to save the project of epistemic justice from within. However, it ultimately fails because it merely shifts the performative contradiction one level of abstraction higher.

Tilton's solution introduces a new requirement: someone must judge when the dominant-group member has successfully achieved the standpoint. We must determine when the hard work has been done genuinely and when epistemic access has truly been earned. Crucially, this judgment cannot be made by the dominant-group members themselves, as self-certification would defeat the entire premise of the critique. The validation must come from members of the marginalized group, or from a sufficiently credible adjudicator.

Consequently, the neutral adjudicator problem returns with full force. Instead of needing an adjudicator to determine which standpoints deserve credibility, the framework now requires an adjudicator to validate who has successfully appropriated or aligned with a standpoint. The authority of this new adjudicator faces the exact same self-grounding problem identified previously: their authority to validate the "hard work" relies on the very epistemic hierarchy being contested. The regress has not been stopped; it has simply been deferred.

Furthermore, Tilton's framework relies on an implicit assumption: that there exists a unified community of standpoint-holders who can reliably and non-circularly validate this epistemic achievement. But as demonstrated, that community cannot be definitively identified without invoking the very meta-criteria that remain in dispute.
What the Tilton foil demonstrates is that even the most rigorous, good faith attempts to repair the framework from within inevitably reproduce its constitutive problem. The issue is not that the framework has been insufficiently refined, or that its practitioners lack moral seriousness. It is that any refinement strategy must ultimately invoke an adjudicative authority, and that authority cannot be grounded without structural circularity.

A Structural Diagnosis through Zhuangzi's *Qiwulun*

The failure of liberal repair strategies brings us to a crucial realization: the performative contradiction in epistemic justice is not a theoretical error waiting to be solved, but a structural reality that must be acknowledged. To articulate the mechanics of this reality, we can turn to the Daoist philosopher Zhuangzi, specifically his *Qiwulun* (Discourse on the Equalization of Things).

Invoking Zhuangzi here is not an appeal to simple relativism, nor is it a claim that all perspectives are equally valid or that knowledge is impossible. Rather, Zhuangzi provides a structural diagnosis: every act of discrimination or judgment (*shifei*—distinguishing "this" from "not-this," or "right" from "wrong") is inherently performed from a specific perspective (*chengxin*—a "completed" or fixed mind). Because of this, no perspective can evaluate all other perspectives from a position outside the perspectival structure itself.

Zhuangzi famously captures this epistemological symmetry with the formulation: "There is nothing that is not 'that,' there is nothing that is not 'this'" (是亦彼也，彼亦是也). From any given standpoint, the criteria for what counts as "correct" and "incorrect" are determined entirely by that standpoint's own internal commitments. There is simply no meta-standpoint available to evaluate all other standpoints without that meta-standpoint itself being subject to the exact same analysis. (Zhuangzi, trans. Watson, 1968)

When we apply this lens directly to the framework of epistemic justice, the performative contradiction becomes fully illuminated. When an epistemic justice theorist attempts to systematically adjudicate whose perspective has been suppressed and who deserves credibility, they must implicitly claim a meta-perspective that is somehow immune to that same suppression and critique. This is precisely what Zhuangzi diagnoses as the trap of *chengxin*: a fixed mind that believes its own *shifei* distinctions are the correct ones, thereby failing to recognize that its corrective project is itself an exercise of perspectival power. (Hansen, 2024)

Crucially, this is not an accusation of bad faith. The theorist or adjudicator may be entirely sincere in their pursuit of justice. Zhuangzi's point is structural: the self-grounding trap is built into the very project of systematic correction, not into the moral character of the person attempting it.

One might object that this diagnosis collapses into an "anything goes" epistemology, immunizing oppressive structures from critique. However, Zhuangzi's framework is not an endorsement of any power arrangement. Instead, it is a profound claim about the limits of systematic adjudication. Recognizing that no neutral meta-standpoint can ground the project does not mean we abandon the pursuit of epistemic equity. It means that the work of epistemic correction must proceed locally, provisionally, and without the self-certifying authority that systematic, institutionalized programs require.

Ultimately, the Zhuangzian conclusion is not that epistemic justice is impossible, but that the tension between competing epistemic claims cannot be permanently dissolved by a systematic framework, because any such framework inevitably reproduces the problem. This tension is constitutive; it is what the practice of epistemic negotiation entails. Acknowledging this tension honestly and operating within it is far more intellectually robust than constructing frameworks that attempt to paper over it.

Conclusion

The central claim of this essay can now be restated with full force. The performative contradiction in epistemic justice is not the product of bad actors, nor a defect awaiting theoretical refinement. It is structural. The framework's corrective mechanism requires acts of epistemic adjudication whose authority cannot be non-circularly grounded, because the very standards by which credibility deficits are identified are themselves contested epistemic claims. Any attempt to legitimize that authority must therefore rely on the same hierarchy of epistemic judgment that the framework seeks to dismantle.

The argumentative path to this conclusion has been cumulative. First, the analysis of testimonial and hermeneutical injustice showed that the concept is inoperative without some capacity to distinguish prejudice from legitimate epistemic assessment. This

requirement is neither optional nor eliminable. Second, examination of feminist epistemological responses demonstrated that relocating this function—from the individual hearer to discursive fields, epistemic communities, or standpoints—does not dissolve the problem but merely redistributes it. Third, liberal repair strategies, such as Tilton's, fail to resolve the issue, as they reintroduce the need for adjudication at a higher-order level. Finally, the analysis through Zhuangzi clarifies why this regress is not accidental: any adjudicative standpoint is itself situated and cannot step outside the very perspectival structure it seeks to regulate.

At this point, it is instructive to return to Fricker's account of the "virtuous hearer." Her model of testimonial justice draws on an analogy with moral perception: good epistemic judgment is non-inferential and grounded in a cultivated sensitivity to context. In proposing this, Fricker implicitly acknowledges the very problem this essay has diagnosed that epistemic correction cannot be reduced to rule-following and must depend on situated, perceptual judgment. This is a powerful insight, and as a context-sensitive practice it is the most promising response available. However, Fricker does not take the further step of acknowledging that this very quality marks the approach as inherently limited. Instead, the virtuous hearer is presented as the foundation for a systematic theory of testimonial justice — a move that obscures the fact that what counts as a "well-trained" testimonial sensibility cannot itself be specified without appealing to the kind of epistemic judgment whose legitimacy is at issue. The deeper lesson is that no single approach can transcend its own situatedness. We are always reasoning from within a perspective.

The implication is not a counsel of despair. Individual acts of epistemic correction—recognizing when a speaker has been unjustly dismissed, articulating a previously unavailable interpretive resource—remain both possible and necessary. What cannot be sustained is the ambition to elevate these practices into a systematic institutional program that claims to adjudicate, from a position of epistemic authority, who is entitled to credibility and whose standpoint confers epistemic privilege. Such a program does not escape hierarchical epistemic power; it reconstitutes and reauthorizes it under a different description.

To acknowledge this limitation is not to abandon the pursuit of epistemic justice, but to situate it properly. Epistemic correction must proceed locally, provisionally, and without claims to final authority. It operates within, not above, the field of competing perspectives. Recognizing this does not weaken the project; it renders it more intellectually honest. The tension between competing epistemic claims is not a problem to be finally resolved by theoretical design, but a constitutive condition of our epistemic life—one that must be navigated rather than overcome.

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