

Navigating a Necessary Inequality: Children and Knowledge-Based Injustice

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Introduction

At best, children live their everyday experiences as subjects of deep rooted paternalist ideologies, which (rightly or wrongly) limit their freedoms in the name of protection.² At worst, children are subject to living atrocities such as labour and sexual exploitation, which in extreme cases can end in death. All of these are very real-life experiences. Unfortunately for philosophy, our earliest years are often overlooked, treated as a conceptual black box where critical approaches to lived experience need not apply. Philosophy is nearly never joined with childhood as a lived experience worthy of philosophical reflection in its own right.

This article focuses on children and epistemic injustice – injustice done to an individual in their capacity as a knower and transmitter of knowledge. The aim of the paper is to lay out what I see to be the central topics and main questions that a philosophical project addressing the lived experience of childhood epistemic injustice should cover. The overview starts what I hope will be a much deeper and enduring discussion by providing two benefits that can be taken-up immediately. First, methodologically, it constitutes an attempt to engage the lived experience of childhood, taking it as worthy of mature philosophical investigation and reflection equal to the seriousness that philosophical reflection permeating adult life takes.³ Doing so means understanding children as persons meriting full and genuine philosophical engagement in their own right. Second, it points to an area where the main

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² Legal definitions of “children” vary from country to country. For present purposes, there is not need for a strict definition and I leave it up to the reader’s intuition to delineate.

³ This does not mean attempting to write as though I were/from the perspective of a child. Rather, it means not taking childhood as something to be merely endured until the serious business can begin. I cannot help but write from an adult point of view and, at least here, for an adult audience.

theory of epistemic injustice would benefit from expansion overall, namely, the development of the practical dimension.

In what follows, I proceed with a brief synopsis of the concept of epistemic injustice, highlighting why its application to children may be considered problematic from the get-go. Temporarily setting aside *prima facie* worries about children living in unavoidable inequality, I then connect the standard focuses of epistemic injustice to some examples of the lived experience of childhood in medical and legal contexts. Serious reflection on these experiences points to a new general form of epistemic injustice that has yet to receive much attention in the literature, namely, the injustice an individual may face in their capacity as a decision-maker. The article concludes with a substantiated call for continued research.

Epistemic Injustice

In 2007, Miranda Fricker published a seminal book entitled *Epistemic Injustice: Power and the Ethics of Knowing*. There, she characterized two types of injustice an individual can face in their capacity as a knower and transmitter of knowledge: testimonial and hermeneutical. The first identifies situations in which a hearer attributes a lack of credibility to a speaker due to an identity prejudice. The second identifies injustice that occurs “when a gap in collective interpretive resources puts someone at an unfair disadvantage when it comes to making sense of their social experiences” (Fricker, 2007, 1). To illustrate these kinds of injustice, Fricker focuses on racial and gender discrimination. Her central example of testimonial injustice is when a police officer does not believe a man because he is black. As a central case of hermeneutical injustice, Fricker discusses the experience of “a woman who suffers sexual harassment prior to the time when we had this critical concept, so that she cannot properly comprehend her own experience, let alone render it communicatively intelligible to others” (6).

As is now well established, discriminating on the basis of race and gender is unjust. Accordingly, all things being equal, discrediting what someone says or preventing someone from understanding and/or communicating their lived experiences simply due to their skin colour or gender is unjustly discriminatory. When it comes to age, however, the case is not so clear.⁴ In the

⁴ I do not here mean to overlook the existence and importance of intersectionality. Children, beyond being young, may also face differing challenges based on their being of

case of children this is primarily because children are necessarily in an earlier stage of intellectual and physical development than their adult counterparts. Acknowledging this fact makes it unclear whether something like the injustice against the black man or woman mentioned above could apply to children. Accusations of testimonial and hermeneutical injustice against children may fail from the start because children's inexperience may negate the default assumption of intellectual credibility usually accompanying adults. In other words, when discrediting someone's sharing of their knowledge based on their race or gender, the default assumption is that if blinded from these factors, the subject in question would be considered credible. For children, however, who are by definition lesser experienced, it may seem just to remove the default assumption of credibility that adults carry. Thus, it may appear sensible to instead hold a default position of skepticism toward the testimony of children due to their understandable lack of knowledge and experience. On this account, discriminating against children as knowers and transmitters of knowledge may not be unjust, rather just consistent with the facts.

In terms of hermeneutical injustice, we may run up against the same problem; children may not have access to the collective interpretive resources required for them to make sense of their social situation - not through any individual restriction, but because they have to learn about those resources and how to access and engage them. That learning and ability comes in time. In short, then, children may be thought to be justly excluded as potential victims of knowledge-based injustice, thereby undercutting any potential claim to either of these unique types of harm, before they get off the ground.

While I appreciate the weight of the worry, I do not think it need be taken all the way to the end. Rather, as I will argue in more detail below, recognizing the status of children as necessary learners does not negate the possibility of their being treated epistemically unjustly. It does, however, mean that the characterization of that injustice must be articulated in unique ways from the central cases. The acknowledgement of the fact that children are by definition young, and that that fact brings with it unique considerations, should thus guide the central research questions pertaining to the possibility of children being treated unjustly as knowers, but not undermine them. For example, as an overarching question, we might ask: *How does the physical and social situation of*

a certain race, or gender, or from a certain economic status, etc. For this paper, I am isolating youth only for starting point simplicity.

childhood impact determinations of just and unjust knowledge-based discrimination against them?

Children and Testimonial Injustice

Fricker's articulation of testimonial injustice describes it as occurring when a person is wrongly judged a less credible knowledge bearer/sharer due to their perceived social identity (2007, 9-29; see also Wanderer, 2017). While examples of this injustice resulting from stereotypes attached to gender and race are most discussed, age also impacts social identity and stereotype creation.⁵ Children may be stereotyped by being identified with certain cultural trends, as having certain interests and jargon, and expectations to act and re-act in certain ways – all of which lend to their social identities and ultimate social inequality. They are often generalized as “overly emotive, irrational, and incompetent” (364) and recently a new characterization of ‘millennials’ as lazy ‘snowflakes,’ who are unwarrantedly entitled and selfish, has emerged. These labels contribute to the creation of a class-based social identity of youth in similar ways as stereotypes based on gender or race. And like the stereotypes associated with gender and race, this identity-prejudice can cause children to be unjustly discredited as bearers and sharers of knowledge – (“what does he know about hard work?”) (Fricker, 2007, 22-29).⁶

Recent research has pointed to the impact of child testimonial injustice in the medical field. Carel and Györfy (2014) have written an excellent, concise article on the topic, highlighting instances where children's testimony being rejected led to misdiagnosis and in some cases death. They argue that “[medical] doctors make distinctively epistemic judgements when assessing patients' statements, even if they do not explicitly recognise this skill as such” (1256). If children are then stereotyped as “irrational, with reduced powers of reasoning, flawed or non-existent memories, [who can] be easily swayed” (ibid.), it would be very easy for a physician to reject their credible articulations of their symptoms. On the other side, overly positive stereotypes may also cause harm. For example, when a parent and child have conflicting testimony, the doctor may wrongly side with the parent, who is viewed as more credible because s/he is

⁵ For young, old, and equal as they are perceived relative to the judger.

⁶ Fricker acknowledges that not all instances of credibility deficit are unjust. In some cases, we might discredit someone accidentally or unknowingly, in which case the deficit will be “innocent.”

older. This may happen, for example, in cases of child abuse, where the adult claims the child's injuries originate from a different or an unknown source.

Considering cases of child abuse leads us to the other obvious domain where children's testimony may be unjustly discredited: the legal domain. Although it appears that both Canadian and American legal systems are making improvements to account for what is being called "the voice of the child" (Welder, 2000; Chong and Connolly, 2015), a gap still remains between studies of child testimony and legal practice (Brainerd and Reyna, 2012; Birnbaum, 2009; Birnbaum and Saini, 2012). Fixing this gap is important especially since children's testimony is crucial in a number of legal situations. For example, in some situations a child may be the only witness. This could be in a crime unrelated to them, or a crime that happened directly to them, as in many cases of child abuse. They can also be central figures in civil cases such as custody hearings, the resolutions of which depend immensely on the testimony of all involved.

Even if the 'voice of the child' is taken into account, traditionally it is not given equal weight to that of an adult. In fact, the view that children's memories are less reliable than adolescents, and adolescents' less reliable than adults, is so ingrained that it is considered common knowledge, thereby negating any special training for jurors on the matter (Brainerd and Reyna, 258). This "common sense" view results in (or stems from) deeply held stereotypes. Burroughs and Tollefsen (2016, 366) summarize a study by Goodman et al. (1984, 1987),

"in which groups of adults were provided with both written and filmed testimony of children (6 and 10 years of age) and adults (30 years of age) regarding cases of vehicular homicide and murder. In each case the eyewitness testimony was identical and all details of the trial were exactly the same with one exception: the age of the eyewitness. The studies showed that adult potential jurors consistently rated child testifiers as less credible than adult testifiers, especially so in the case of 6 year olds."

Given that the testimony was the exact same, the results of this study clearly support the contention that children face an identity-prejudice in the courtroom on a regular basis despite their being little evidence to support it. In fact, as

Brainerd and Reyna (2012) point out, a number of studies have actually demonstrated a decrease in reliability as people age, depending on the situation. They conclude unequivocally that “The notion that children’s evidence is necessarily more infected with false memories than adolescents’ or adults’ is mistaken, and there are domains of everyday experience in which age increases in false memory are likely to occur and may even be the rule” (259). For present purposes, it is important to note that the prejudice children face in the courtroom is not born there. Rather it comes in with the jurors who contracted it during their traversing through everyday social life.

Now, to be fair, in some cases identity-prejudice can attribute expert knowledge to children. In my experience, this is likely to happen during discussions of basic technology. Growing up, a number of members of my family counted on me as the ‘tech guy’ because I knew how to set up a VCR and fix basic computer problems, even though I was astutely aware of my limited knowledge relative to my own peer-group. Recognizing the potential for children to have domain specific credibility led Burroughs and Tollefsen (2016) to the conclusion that “the important question is whether, given a relevant domain of competence, children can be reliable testifiers” (2016, 368). The problem with such a view, however, is that the exact same question could (and should) be asked of all adults. As such, making this determination does not directly address the unique character the injustice toward children takes. The injustice children face is not that they may lack knowledge in certain domains, as all adults also do, but that they live in a world where epistemic and communicative resources are constructed and enforced by adults by default.⁷ They live in an epistemic tyranny of the majority. When they are attributed with being credible knowledge bearers, it is an exception, not the rule.

Whoever the victim, testimonial injustice causes harm in several ways. On the surface, wrongly discrediting a speaker will result in the hearer losing knowledge they could have gained. More foundationally, however, Fricker argues, that “The capacity to give knowledge to others is one side of that many-sided capacity so significant in human beings: namely, the capacity for reason.” As such, “When someone suffers a testimonial injustice, they are degraded *qua* knower, and they are symbolically degraded *qua* human” (2007, 44). Degrading someone in this way, especially repeatedly, can have a direct impact on that person’s educational, intellectual, and/or psychological development (2007, 47-

⁷ This point is developed in the section on hermeneutical injustice below.

58). In severe cases, it can cause victims to fall into a trap of embracing the false prejudices held against them, giving them a “self-fulfilling power”. When this happens, “the victim is constituted as the prejudicial stereotype depicts her” (Burroughs and Tollefsen, 2016, 365; Fricker, 2007, 55). While this threat is present for all victims of epistemic injustice, threats to development are even more pressing for children, than for an already well-developed adult.

What, then, do these considerations mean for a full inquiry into the relationship between testimonial injustice and children? A guiding research question might be presented as: *How, given their shifting developmental needs and abilities, should childhood testimonial injustice be characterized?*

Practical Injustice

The examples from the medical and legal domains hint at an area of injustice that has yet to receive attention – the injustice done to people in their capacity as a decision-maker. To be sure, oppressing someone as a decision-maker has overlap with oppressing them as a testifier. We can here draw a parallel with the separation between theoretical and practical reasoning. If theoretical reasoning is about beliefs and practical reasoning is about action,⁸ then we could separate epistemic injustice into the theoretical (testimonial and hermeneutical) and practical (decisions and actions) as well. And just as practical reasoning operates on both beliefs and actions, so too does practical epistemic injustice involve both beliefs and actions. Further, the practical can be subdivided between the competency to make a decision and knowledge regarding how to do something.⁹ A few quick examples will help highlight the central differences.

First, imagine a case where as a child you are accused of stealing a cookie you in fact did not steal. Your parent notices a cookie is missing, asks you if you took it, and rejects your “No” answer based on an identity-prejudice credibility deficit of your youth. This, I believe, is a clear case of testimonial injustice – however, menial or severe.

Second, consider an adolescent who invites a friend over to their house, but on the basis of the stereotype that all young people are just trying to have

⁸ Strictly speaking, practical reasoning only involves intentions to act that unless inhibited will come to fruition. I use “actions” in this section for simplicity, rather than technical accuracy.

⁹ See Hawley (2011) for a general discussion of the latter.

sex, his/her parents insist on an ‘open door’ policy that states (more or less explicitly) something like “whenever there is a potential for sexual activity with another person, my child’s bedroom door must remain open”. In this case there is no testimony. The issue is not about believing the child’s testimony of their relationship status with their friend. Rather, it is about discrediting him/her as a decision-maker – as someone who can determine for themselves how they would like to manage their personal relationships. In such a case, the child is being unjustly discredited as a decision-maker based on an identity-prejudice, while being forced to sacrifice their privacy as a result.

Third, imagine you have spent a number of hours in driver’s training, successfully completed your course, and have recently received your licence allowing you to drive without an instructor or other experienced driver. Excited, you ask to borrow the car, but based on the stereotype that people your age are always bad drivers, your parents refuse. In this case the identity-prejudicial credibility deficit relates directly to your knowing how to drive. It is not about your belief that you know how to drive, nor your decision that you’d like to borrow the car – it is just about your ability to operate it.

Fourth, as an example of a mixed-case, imagine you are a senior in elementary school and you ask your teacher to use the bathroom, but she forbids it. In such a case, the teacher may doubt that you actually have to use the bathroom, perhaps suspecting you really want to go chat with your friends in the hallway. However, the teacher may very well believe your testimony that you feel like you need to use the washroom, but deny permission based on a doubt about you knowing how long you can hold it until the lunch break.

The two central components of all of these examples are that they remain knowledge-based - knowledge of facts, of decisions what to do, and of how to do things – and they are all discriminations based on a youth identity-prejudicial credibility deficit. To be clear and to reiterate, however, not all cases of testimonial or practical epistemic restriction against youth are unjust. I suspect that more often than not, disbelief of testimony and paternal doubt about decisions and actions are indeed just. This is because the injustice only stems from the restriction resulting from an *unjust stereotype*. Testimony that is not believed for a just reason, such as the fact that you know it is impossible for there to be a real, full-grown, wild grizzly bear in the fridge, or practical epistemic judgements, such as knowing that your 3-year-old does not know how to appropriately use a butcher’s knife, are not unjust. As such, I am not saying that children are always victims of epistemic injustice, just that stereotypes mean

they can be – and the injustice might a subtler and more common occurrence than is currently appreciated.

Now, of course practical injustices like these are also not restricted to children. Indeed, I think they could apply to all groups facing an identity-prejudicial credibility deficit – and that list grows every day. I agree with Hawley (2011, 294) that no matter who you are, “if I unfairly think that you lack knowledge how, then this is a distinctively epistemic injustice, one that wrongs you as a knower,” but I also suggest that if I unfairly think that you cannot make your own decision regarding what to do, then you are facing a related, but importantly distinct epistemic injustice as well. Applied to children, the term “unfairly” here becomes a central focus since all of the nuance of children’s shifting developmental needs and abilities mentioned above, apply here as well.

Taking stock of these considerations, two guiding research questions come to the fore. Generally, we can ask: what kinds of practical epistemic injustice exist and how are they related to their theoretical counterparts? For children we can ask: *How, given their shifting developmental needs and abilities, should childhood practical epistemic injustice be characterized, and what is its relation to its theoretical counterpart?*

Children and Hermeneutical Injustice

Fricker defines hermeneutical injustice as “the injustice of having some significant area of one’s social experience obscured from collective understanding owing to hermeneutical marginalization” (2007, 158). Recall from above, that this occurs as a result of a gap in collective interpretive resources. Her central example focuses on the experience of women who were sexually harassed by men, especially in positions of power, before the term “sexual harassment” was coined. Since the term emerged from groups of women sharing their individual experiences and reflecting on what they discovered was a widespread phenomenon, before they spoke out about the experience, many women experiencing sexual harassment felt alone and unable to make sense of or articulate the character and extent of the wrong they were enduring. While it is true that the harassers were also missing the term and the subsequent understandings of the wrong that its coinage helped facilitate, the absence for them did not cause them any harm. As such, the epistemic component of the wrong was only unjust to those being harassed even though the conceptual “lacuna” existed on both sides. Indeed, before “sexual harassment” the same act was largely proclaimed as “flirting” by its perpetrators, which supports the

notion that “the whole engine of collective social meaning was effectively geared to keeping these obscured experiences out of sight” (2007, 153).

Unlike testimonial injustice, for Fricker hermeneutical injustice is rarely, if ever, the result of an individual’s action. Instead, it is a cultural phenomenon, occurring in society broadly. Developing the idea, Jose Medina suggest that “When it comes to hermeneutical harms and injustices, the question is not simply whether or not there are expressive and interpretative resources available for meaning- making and meaning sharing, but how those resources are used, by whom, and in what ways.” (2017, 43). Phrasing the question in this way starts toward an approach that could be fitting for children. This is because in the case of children, the ability to use interpretive resources and the ability to make meaning out of life experience are necessarily developmental. Accordingly, it is not simply a matter of whether or not resources are available because even if they are, it does not necessarily mean children would be able to use them. And, in these cases a lack of access may be an inequality, but it is not an injustice.

Nevertheless, on first thought, children seem to suffer hermeneutical injustice on two levels. On the first level, most (North American) children are systematically excluded from the design and implementation of their daily activities – the most obvious example being education.¹⁰ The result is that children in the North American public school system¹¹ have their experience of education, especially the (benevolent?) dictatorship of all of their teachers and administrators, obscured owing to an intentional hermeneutical marginalization – their exclusion from participation in the design of the means and goals. This exclusion also systematically limits their ability to come together and enrich their social world of understanding. While they may be able to join in groups for brief periods, this is done on dictate from the adult world. ‘Free time’ like recess and lunch might provide opportunities for this kind of development, but they are 1) exceptional and 2) generally viewed as breaks away from the real work of learning in the classroom. If children were encouraged to get together to discuss

¹⁰ Importantly, not all schooling is this way. A number of North American educational organizations are very careful to include student input, most notably, Sudbury schools (cf. the Finnish education system). Differing approaches to home-schooling may also prioritize child input, the most extreme of which is called “unschooling” advocated for most prominently by John Holt.

¹¹ I use this term very loosely here to encompass all aspects of the roughly 6.5 hours a day, 5 days a week, that children spend in public school institutions: including the physical and social aspects.

their experiences of education, I wonder if they might coin a new term for their experience? I can see a parallel between what we call “education” and what the harasser in the example above called “flirting” that may only become salient once the new term makes it into the popular lexicon.

On a deeper level, (North American) children face hermeneutical injustice in a number of experiences¹² due to the perpetuation of what I call the default world of adult social and communicative understanding. Being the majority of the population, adults are rather comfortable operating with the interpretive resources they use on a daily basis and make little to no effort to systematically adapt them for their younger counterparts. There are of course exceptions to the rule, such as a good lawyer who connects with a youth in a trial, or a teacher who learns the most recent jargon of her students so as to facilitate an understanding of their world and improve intergenerational communication. But they are indeed exceptions, leaving the structural and cultural force of the marginalization largely intact.

This level of marginalization also permeates philosophy. Acknowledging it can help explain why children and childhood have traditionally been excluded from serious philosophical reflection.¹³ In fact, it permeates so deeply that I suspect when Fricker speaks of “collective understanding” and “collective interpretive resources” she is not including children’s understandings or resources. Conceptually, “collective” is by default, adult.

In light of the considerations raised in this section, a guiding research question for a full investigation into the topic might ask: *How can childhood hermeneutical injustice be characterized given the fact that children’s lack of access to the communicative and social resources held by the majority is in many cases simply biological?*

¹² Almost by definition of the problem, I cannot be more specific here. In a full study of children and epistemic injustice the invention of terminology would accompany detailed investigations into children’s lived experiences to give some substance to concrete examples.

¹³ Again, there are exceptions such as Jean-Jacques Rousseau’s work on education, originally published in 1762 and the contemporary Philosophy for Children (P4C) movement.

Conclusion

The aim of this paper has been to justify and outline central questions/pillars that a full investigation into children and epistemic injustice should address. In so doing, I hope to have also raised some worthwhile insights for the field more broadly that might not have been come to otherwise. While the paper raises many more issues than it resolves, I hope that their articulation supports the contention that a full research project into the topic is both needed and possible.

Fricker warns us that “wherever power is at work, we should be ready to ask who or what is controlling whom, and why” (2007, 14). In the case of children, there are sensible answers to these questions. We might answer “adults are controlling children, for their benefit”. Indeed, in many cases the stewardship of children explains or justifies an unavoidable social and epistemic inequality between them and adults. As I have argued in this paper, this necessary inequality does not negate the possibility that children can be oppressed in their unique capacities as knowers. Rather, it provides a useful frame within which a full characterization of the oppression can be investigated.

Finally, I am reminded of the important distinction between equality and equity. Although some children are unavoidably epistemically unequal to adults, this inequality does not necessarily have to translate into injustice. There are more and less just and unjust ways of navigating this inequality and creating equitable epistemic resources that help recognize society’s youngest as the people that they are, in their own precarious positions, just like the rest of us. Valuable future work is needed to continue clarifying the philosophical foundations and day-to-day management of the just merging of these social worlds.

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