

Chapter 4

Equality of Intelligibility¹

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In “The Idea of Equality,” Bernard Williams wrote that “each man is owed an effort at understanding,” and that “human understanding” is part of the ideal of respect for persons (1976). Since then, liberal egalitarians have not taken up these suggestive remarks. With the notable exception of Miranda Fricker (2007), the literature on equality has not treated understanding as an explicit object of egalitarian concern.² This is partly due to the prevalence of the distributive paradigm in Anglophone political philosophy.³ On the face of it, it is unclear what it would mean to defend an equal “distribution” of understanding, as opposed to an equal distribution of welfare, resources, or capabilities. But even relational egalitarians like Elizabeth Anderson (1999, 2010, 2011) and Samuel Scheffler (2003a, 2003b, 2015) have not defended a principle of equal understanding.

In this chapter, I argue that understanding should play a central role in our conception of what it is for persons to relate to one another as equals. My argument proceeds as follows. Part I reviews the debate between relational and distributive egalitarians. I focus on Samuel Scheffler’s latest contribution (2015), in which he defends a principle he calls the Egalitarian Deliberative Constraint (EDC). According to EDC, when people relate to one another as joint deliberators about society’s major laws and institutions, they should give *equal weight* to one another’s *equally important* interests. When everyone does this, then civic deliberation is equally influenced by the equally important interests of all participants. After saying a few things by way of motivation for EDC, I conclude Part I by raising a worry about this principle. The worry is that EDC does not have substantive content without a specification of *which* particular interests ought to count in civic deliberation and *how* important they are—and that any such specification will be controversial among reasonable persons. Part II turns to the question of what it

is to understand an interest. I identify three conditions on understanding an interest, argue that these conditions are independently necessary and jointly sufficient, and defend this conclusion against objections. Part III then draws a connection between understanding an interest and giving it weight in one's practical deliberation. I argue that if someone fails to satisfy any of the three conditions on understanding an interest, her ability to give weight to that interest in her practical deliberation will be compromised. Applying this conclusion to the context of shared deliberation about society's major laws and institutions, I argue that there is a moral reason to ensure that persons are equal in the extent to which their important interests are rendered *intelligible* by the conceptual scheme in terms of which that deliberation takes place. Equality of intelligibility is a substantive implication of EDC that does not require a controversial specification of which particular interests ought to guide civic deliberation and which ones are equal in importance. This answers the worry raised in Part I. Finally, Part IV applies the arguments of Parts I–III to Miranda Fricker's work on hermeneutical injustice (2007). Having made the case that equality of intelligibility can be *derived* from EDC, I argue that the connection between understanding and giving weight also identifies normative *grounds* for Miranda Fricker's notion of an unjust hermeneutical inequality. Part of what makes hermeneutical injustice unjust is that it renders important interests collectively unrecognizable as normative reasons for action, so that they cannot exert weight on civic deliberation. This illuminates the case study of sexual harassment prior to the advent of a shared concept for that conduct.

I

Since the publication of John Rawls's *A Theory of Justice* (1971), most work on equality has accepted what we might call the *distributive assumption*. According to the distributive assumption, the point of equality as a moral and political ideal is that people be made equally advantaged in some respect. G. A. Cohen adopts this assumption when he says that "I take for granted that there is something which justice requires people to have equal amounts of, not no matter what, but to whatever extent is allowed by values which compete with distributive equality" (1989: 906). For those who accept the distributive assumption, the central task for egalitarians is to determine the proper "currency" of equality: what it is that ought to be equalized. Many different answers have been given. Rawls defends social primary goods (1971, 1993, 2001); Sen defends capabilities (1982, 1992, 2010); Dworkin defends opportunity for resources (1981b); Arneson defends opportunity for welfare (1989); Cohen defends access to advantage (1989).

Against this, there is a growing body of literature defending a *relational* conception of equality (e.g., Anderson 1999; Anderson 2011; Anderson 2010; Fourie 2011; Hinton 2001; Scheffler 2003a; Scheffler 2003b; Scheffler 2015; Wolff 1998). On this view, the point of equality as a moral and political ideal is not that persons be equally well-off in some respect. Rather, it is that persons stand in relationships of equality with one another—where two persons standing in a relationship of equality is not the same thing as two persons being equally advantaged. For those who accept the relational ideal, the central task for egalitarians is to determine the structure of an equal relationship between persons. Elizabeth Anderson’s “What is the point of equality?” is the *locus classicus* in this debate (1999). Anderson argues that in a just society, social institutions express equal respect for all while securing the conditions in which everybody is free from oppression and has the capabilities they need to function in society as an equal citizen. More recently, Anderson takes up Stephen Darwall’s notion of second-personal recognition respect (2006), making the case that in a just society, all persons comply with the demands with which every person has the authority to demand compliance, simply in virtue of being a person (2010). Similarly, Samuel Scheffler has argued that in a just society, persons respect one another as equals while jointly securing a distribution of resources that is compatible with relations of equal respect (2003a, 2003b).

In a review essay, Jonathan Wolff observes that a major task for egalitarian theorizing is to reconcile these two ideals of equality (2007). Such a task is beyond the scope of this paper. Its aim is more modest. The aim is to show that within the relational ideal, *understanding* between persons plays a central role.

My point of departure is Samuel Scheffler’s most recent paper on relational equality (2015). Scheffler’s strategy is to begin by asking what equality calls for in the context of a familiar kind of interpersonal relationship—namely, a marriage or partnership. He then argues that one of the respects in which a marriage ought to be equal is also a respect in which the relationship between members of the same political community ought to be equal. In an equal marriage or partnership, both parties follow what Scheffler calls the Egalitarian Deliberative Constraint (EDC). According to EDC, when two people engage in joint deliberation within the context of a shared relationship, they ought to give *equal weight* to one another’s *equally important* interests. Scheffler adopts a broad understanding of interests that includes needs, values, and preferences (2015: 25). What this means is that if you and I are engaged in joint deliberation within the context of a shared relationship, I ought to give just as much weight to the fulfillment of your interests as I give to the fulfillment of my own, equally important interests. And you ought to give just as much weight to the fulfillment of my interests as you give to the fulfillment

of your own, equally important interests. A corollary is that if both parties comply with EDC, then they are equal in the extent to which their equally important interests influence joint deliberation within the context of their relationship. As applied to the political domain, what EDC requires is that citizens give equal weight to one another's equally important interests when engaged in joint deliberation about society's constitution, laws, and major social, political, and economic institutions (Ibid: 36). Call this *civic deliberation*. The corollary of EDC, as applied to the political domain, is that different citizens' equally important interests ought to exert equal weight on civic deliberation over time.⁴

EDC is presented as a relational alternative to distributive egalitarian principles of justice. One objection to this claim is that EDC is in fact a distributive norm. Another objection is that EDC is not in fact a relational norm.

With respect to the first, several considerations support the view that EDC is not a distributive norm. First, as Scheffler points out, distributive principles govern civic deliberation on the basis of its "outputs": specifically, the distribution of the relevant currency that results. By contrast, EDC governs civic deliberation on the basis of its "inputs": specifically, what considerations were taken into account as practical reasons (Ibid: 33). In that sense, EDC does not have a distributive form. Having said this, even if EDC does not have a distributive form, if compliance with EDC entails a certain distribution of interest-fulfillment, one might be tempted to conclude that EDC *reduces* to a distributive principle. But no unique distribution is entailed by compliance with EDC, even holding interests and weights constant. This is clear from the fact that two sets of deliberators who assign the same weights to the same interests will produce different distributions of interest-fulfillment depending on the *means* for interest-fulfillment at their disposal. And as Scheffler notes, even holding resources constant, there is not always a unique answer to the question of what is called for by giving someone's interest a certain weight. This is especially true when the relevant interest is a value or a practical identity (Ibid: 28).

Of course, just because EDC is *not* a distributive principle doesn't entail that there is an interesting or important sense in which it *is* a relational principle. But there are several respects in which EDC can be said to be a genuinely relational principle. First, when two parties to a relationship both act on EDC, they make evident the seriousness with which each takes the other's interests. When this attitude becomes common knowledge, it becomes part of the relationship. Arguably, this is *itself* a good, independent of whatever effects on interest-fulfillment result. Second, we noted that when EDC is fulfilled, each party's equally important interests influence their joint deliberation to the same extent. That is, being equally influenced by both parties' equally important interests is a property of the parties' joint deliberation.

That joint deliberation is at least partly constitutive of their relationship: part of what makes it the relationship that it is.⁵ So being equally influenced by both parties' equally important interests is a property of the relationship itself. If being equally influenced by both parties' equally important interests were a property *only* of each party's practical deliberation, then there would be no distinction between the condition in which the relationship is equally influenced by both parties' interests and the condition in which there is no relationship to speak of but the two parties separately give equal weight to one another's interests in their own independent deliberation.

Finally, when two parties comply with EDC, it is plausible that they exhibit a certain kind of *respect*. Rawls famously said that a person is a "self-authenticating source of valid claims" (1993: 33–34). Among other things, he thought this meant that if someone makes a claim on society's institutions so as to advance her conception of the good life, then so long as her conception is compatible with the principles of justice, her claim ought to be given weight by participants in the basic structure. If persons are equal in their status as self-authenticating sources of valid claims, then compliance with EDC is, plausibly, a fitting deliberative response to that status. And if respect for a person involves a fitting response in one's practical deliberation to her status as a person, then compliance with EDC is a form of respect. More specifically, it is plausible that compliance with EDC is a requirement of second-personal recognition respect (Darwall 2006). Second-personal recognition respect consists in regulating one's conduct in accordance with what other persons have the standing, or authority, to demand, simply in virtue of being persons. If persons have the authority to demand that social institutions give equal weight to their equally important interests, then compliance with EDC is a necessary condition of a social institution's treating persons with second-personal recognition respect.

So there are several reasons for thinking that EDC is a genuine—and genuinely relational—alternative to the distributive principles with which we are so familiar. At the same time, there is a natural objection one might raise to EDC. The objection proceeds in two steps. The first is to observe that without specifying which interests count and how important they are, EDC is a purely formal principle. The second is to argue that any given specification of the content of EDC will be extremely controversial, even among reasonable persons.

With respect to the first, it is clear that EDC has some content, and in that sense is not "purely" formal. This is clear from the fact that someone who denies a particular specification of EDC in favor of another says something different from someone who denies that there is any specification of EDC under which it identifies a valid norm.⁶ With respect to the second, it is not obvious that the only way to infer substantive implications from EDC is to

specify the content of EDC's placeholder notions. If certain implications follow from *any* specification of EDC, then we can agree about what follows from EDC *without* agreeing on the hard questions of what interests count and how important they are. In the rest of this paper, I argue for one such implication, by focusing on the relationship between giving weight to an interest and *understanding* it.

II

What is it to understand an interest?

We recall that Scheffler's notion of interests includes needs, values, and preferences. To this we might add desires, if relevantly different from preferences. Regardless of their taxonomy, it seems clear that interests bear a conceptual connection to *well-being*. If someone's interest is satisfied, then at least in that respect, her well-being is improved; and if her interest is frustrated, then at least in that respect, her well-being is set back. Here again I treat the notion of well-being as a placeholder. *Whatever* turns out to be the relevant notion of well-being, my argument assumes that interests are connected to well-being in these ways.⁷ Now consider a particular interest. Anticipating the discussion in Part IV, consider a person's interest in not being sexually harassed. This is the interest in certain conditions being satisfied: namely, the conditions in which one is not sexually harassed. This suggests that the content of an interest can be identified with its *conditions of satisfaction*: the states of affairs, or set of states of affairs, in which the interest is satisfied. If two interests are identical just in case they have the same content, and if the content of an interest is identical to its conditions of satisfaction, then two interests are identical just in case they have co-extensive satisfaction-conditions.

Given this conception of interests, I claim that there are three conditions which are independently necessary and jointly sufficient for someone (S) to understand an interest.

First, S must have a disposition to classify the interest's satisfaction-conditions under a *common concept* (1).⁸ In the case of sexual harassment, S must have a disposition to group together different instances of sexual harassment under a common concept. If S lacks this disposition, then S will not recognize that sexual harassment is a distinct phenomenon, rather than a mere patchwork of disparate behaviors, and that the interest in not being sexually harassed is a distinct interest, rather than a mere patchwork of disparate interests. Second, S must have a disposition to classify frustrations of the interest as setbacks to the interest-bearer's well-being (2). For example, suppose someone classifies different instances of sexual harassment under

a common concept, but believes that only a subset of these instances are actually harmful to the person being harassed. Such a person does not have a grasp of the interest's satisfaction-conditions, and intuitively fails to understand the interest in question.

Third, S must have an adequate appreciation of the *extent* to which the interest's frustration sets back the interest-bearer's well-being (3). For example, suppose someone correctly classifies different instances of sexual harassment under a common concept, *and* believes that all instances of sexual harassment set back the harassee's well-being, *but* believes that the harm in question is equal in severity to the trivial annoyance of being made to wait in line. It seems right to say that this person simply fails to understand the interest in not being sexually harassed; it's not that they understand it, but have some false beliefs about its importance. Of course, the line between these two may be difficult to draw at times. As with the notion of a disposition invoked in (2), the notion of adequacy allows some room for error, so that persons can disagree about particular cases of harassment without talking past one another. But if a person is mistaken enough about the relationship between sexual harassment and well-being, then (s)he cannot be said to understand the interest at all, on this view.

If these arguments are on the right track, then (1), (2), and (3) are all necessary conditions of understanding an interest. But are they sufficient? Consider the following example. Suppose there is an indigenous tribe that has an interest in performing a certain ritual, *R*. Suppose a government bureaucrat is jointly responsible for policies that affect whether members of this tribe can perform *R*: for example, policies regulating controlled substances, animal welfare, etc. Suppose the bureaucrat correctly believes that whenever members of this tribe are prevented from performing *R*, their well-being is set back. He has at least an adequate appreciation of how severe this setback would be. And he classifies conditions in which members of the tribe can perform *R* under a common concept. But the concept under which he subsumes them is purely demonstrative: they are conditions in which the tribe can perform *that ritual*. Because he does not share the language or the conceptual scheme in terms of which *R* has social meaning, he cannot refer to *R* using the words or concepts employed by its practitioners, nor can he say much about what it is that different instances of *R* have in common, in virtue of which they instantiate one ritual rather than many.

Negatively, one might infer that he doesn't understand the tribe's interest in being able to perform *R*, even though he satisfies (1), (2), and (3). Positively, one might infer that several additional conditions are needed. For example, one might infer that understanding an interest requires not only that one subsume its satisfaction-conditions under *some* concept, but that one does so under some *particular* concept(s). Or one might infer that understanding

an interest requires the ability to identify the properties in virtue of which different satisfaction-conditions satisfy a common interest. Or that it requires both.

Against this line of argument, five considerations suggest that the bureaucrat does understand the interest in performing *R*, and more generally that (1)–(3) are jointly sufficient for understanding an interest.

First, even if the bureaucrat picks out different instances of the ritual under a demonstrative concept, he still understands the ritual well enough to recognize that there is, in fact, *one* ritual going on—not two or five or twenty. That’s something. Second, if the bureaucrat has an adequate grasp of what’s at stake for tribe members’ well-being in performing the ritual, then presumably he has some appreciation of its significance in the larger life of the tribe, and in that sense of what it looks like “from the inside.” Third, it is not clear how exactly one would spell out the additional conditions this example is supposed to elicit. If understanding requires picking out the interest’s satisfaction-conditions under only some descriptions, then where do we draw the line between the descriptions that do and the descriptions that don’t suffice for understanding—given that they are all extensionally unimpeachable? And if understanding requires identifying the property in virtue of which different conditions satisfy a common interest, what about “family resemblance interests” that don’t have such a property, of which many politically salient interests (e.g., in not being sexually harassed) are plausible examples?

Fourth, understanding an interest may come in degrees. Perhaps someone who satisfies the two additional conditions has a *better* understanding of the interest in question than someone who only satisfies (1)–(3). This is consistent with there being a threshold identified by (1)–(3), above which people are reasonably described as understanding an interest, and below which they are not. Finally, the intuition that the bureaucrat does not understand the interest in performing *R* may derive much of its force from a sound intuition about other forms of understanding. For example, we often speak about understanding someone’s *experiences*, where this means something along the lines of knowing what it is like to have those experiences. Nothing in the story suggests that the bureaucrat could know what it is like to be a member of the tribe performing *R*. But without significant additional argumentation, it wouldn’t follow that he can’t understand their interest in doing so.

For all of these reasons, I believe there is a good case to be made that (1), (2), and (3) are not only independently necessary conditions on understanding an interest. They are also jointly sufficient. Having said this, I do not mean to reserve the *phrase* “understand an interest” for (1)–(3). Someone could use the same words to pick out a different phenomenon. But then (s) he would have to find some *other* way of describing the distinctive cognitive

achievement that consists in satisfying (1), (2), and (3). At that point, the dispute would be merely verbal.

III

Having sketched an account of what it is to understand an interest, I now turn to the relationship between understanding an interest and giving it weight in the sense required by the Egalitarian Deliberative Constraint.

We recall that under EDC, persons ought to recognize any two equally important interests as giving rise to equally strong reasons in favor of satisfying them. Now suppose that someone is committed to carrying out a certain relationship in accordance with EDC. But there is an important interest that ought to guide the relationship whose satisfaction-conditions he fails to subsume under a common concept (1). If someone refers to that interest, he will not know what set of conditions they are referring to. And if someone appeals to the fact that a person has that interest as a normative reason, he will not know *what* fact his interlocutor is appealing to. Given this, he cannot treat the fact that a person has that interest as a normative reason. He may be able to give weight to a similar interest with similar satisfaction-conditions, and he may get lucky if the two interests' satisfaction-conditions happen to overlap in the case at hand, but he cannot give weight to *that* particular interest. So he does not give it any weight. If that is correct, then it follows that if someone intends to comply with EDC, but fails to understand an important interest in virtue of failing to satisfy (1), then unless he gives no weight to all the interests which are equal in importance to the interest which he fails to understand, he will not in fact comply with EDC, because there will be at least one pair of relevant interests, equal in importance, one of which he gives some weight and the other of which he gives no weight.

Now consider a second case. Suppose that someone groups the satisfaction-conditions of a particular interest under a common concept, but her beliefs about when those conditions would advance or frustrate people's well-being are significantly off. For example, suppose there is a subset of the interest's satisfaction-conditions whose satisfaction she falsely believes would *undermine* well-being. If she intends to treat the fact that someone has this interest as a reason to do things that will satisfy it, and she is deliberating about an action that would satisfy a member of that subset, then she will not treat the interest as giving her a normative reason to do the action in question, even though her performing the relevant action would, in fact, satisfy the relevant interest in this case. She will aim to hit the mark, but miss it. This shows that if someone intends to comply with EDC, but fails to understand a certain interest in virtue of failing to satisfy (2), then unless she does not give

weight to the other equally important interests that bear on the relationship in a comparable subset of those interests' satisfaction-conditions, she will not in fact comply with EDC: there will be at least one pair of interests, equal in importance and relevant to the relationship, one of which receives more weight overall than does the other. It is not possible for such a person to *both* give equal weight to all equally important interests *and* give weight to interests in all the conditions in which they are at stake. Something's gotta give.

Finally, suppose that someone satisfies (1) and (2) with respect to a certain interest, but is significantly mistaken about the interest's importance, in virtue of having significantly false beliefs about the extent to which the frustration of that interest would set back the well-being of the people who have it. If he gives weight to that interest in proportion to what he takes to be the importance of that interest, he will not succeed at giving weight to that interest in proportion to its actual importance. Intending to hit the mark, he will either aim too high, or too low. This shows that if someone intends to comply with EDC, but fails to understand a certain interest in virtue of failing to satisfy (3), then the only way he can comply with EDC is if he underestimates or overestimates the importance of the other equally important interests to the same degree. It is not possible for such a person to *both* give equal weight to all equally important interests *and* give weight to interests that correspond to their actual importance. Something's gotta give.

In sum: understanding an interest involves having true beliefs about its identity as a distinct interest, its conditions of satisfaction, and its importance for people's well-being. Giving weight to an interest is a practical orientation towards factual beliefs about what interests there are, when they are at stake, and how important they are for well-being.⁹ People who don't understand certain interests get some of the facts wrong. So if these people give weight to what they take to be the relevant interests, when they take those interests to be at stake, in proportion to what they take to be the interests' importance, they will fail in one or more of these respects. And the only way they will end up giving equal weight to all equally important interests under all applicable conditions is if these false beliefs happen to be canceled out by symmetrical mistakes about all the other equally important interests.

So far, I have been considering the relationship between understanding and giving weight from the point of view of an individual agent trying to follow EDC. But EDC is meant to govern deliberation that is essentially *joint*. And the case we are most interested in is joint *civic* deliberation. What does misunderstanding look like on that scale, and what implications does it have for EDC? A full answer to this question requires much more than the space that remains. But we can at least draw a crude sketch.

When people deliberate together about law and social policy, they do so on the basis of a more or less implicit shared understanding of what interests

count in politics, when they're at stake, and how important they are for people's well-being. We can think, again crudely, of this shared understanding as defining a *profile* of different citizens' interests. Each citizen is assigned a set of interests, which are taken to represent distinct aspects of her well-being, and which are defined in terms of discrete sets of satisfaction-conditions. Each of these satisfaction-conditions is associated with a certain improvement in whatever metric of well-being people deem politically relevant. For some people, their "official profile" accurately reflects what would make their lives go well. It carves their well-being at its joints. Those distinct aspects of their well-being, subsumable under a common concept, are understood to be the bases of distinct interests. If a person's well-being is set back in that respect, there is a socially recognized interest for them to appeal to in the making of claims and the formation of claimant-classes. Moreover, the conditions in which these people's interests are regarded as satisfied correspond to the conditions in which their well-being is improved in that aspect, and the significance of their interests for their well-being is reflected in the importance their interests are understood to have. These people are lucky. Civic deliberation, and the conceptual scheme in terms of which it takes place, renders their well-being *intelligible*.

Others are less fortunate. Their "official profile" does not carve their well-being at its joints. There are important aspects of their well-being for which there is no publicly recognized interest to which they can appeal in the making of claims and the formation of claimant-classes. With respect to those interests they are collectively understood to have, the conditions in which those interests are understood to be satisfied do not correspond to the conditions in which those aspects of their well-being are in fact improved. And the significance of those interests for their well-being is not reflected in the importance those interests are collectively understood to have. Civic deliberation, and the conceptual scheme in terms of which it takes place, renders important aspects of their well-being *unintelligible*.

In this situation, there is an *inequality of intelligibility*. When people deliberate together about what interests to accord weight, their shared beliefs about what interests there are, how important they are, and when they apply will track the facts about some people's well-being to a greater extent than they track the facts about other people's well-being. This in turn has the following implication. We recall that EDC has two elements: the principle that one ought to give equal weight to everyone's equally important interests, and the corollary that everyone's equally important interests should exert equal weight on civic deliberation. When there is an inequality of intelligibility, *even if* everyone is committed to giving equal weight to one another's equally important interests, it won't turn out that everyone's equally important interests exert equal influence on joint deliberation *unless* it turns out that the

misunderstanding of any given interest is “canceled out” by a symmetrical misestimation of all the other equally important interests. Even then, some interests will exert more or less weight than their importance warrants.¹⁰ If weight corresponding to importance is *proper* weight, it follows that inequalities of intelligibility entail the impossibility of everyone’s equally important interests exerting equal *and* proper weight. So if there is a moral reason for us to ensure that persons are equal in the extent to which their equally important interests influence civic deliberation, and that no one’s interests are inflated or discounted relative to their actual importance, then there is a moral reason to ensure that persons are equal in the extent to which civic deliberation renders their interests *intelligible*.

At the end of Part I, I noted that Scheffler’s principle is vulnerable to the objection that it is purely formal without a specification of what interests count and how important they are. More generally, some people have objected to relational egalitarianism on the grounds that its key concepts are, in and of themselves, devoid of substantive implications (e.g., Arneson 2000). If the arguments of this paper are on the right track, they suggest that this worry is misplaced. Regardless of what interests ought to guide civic deliberation and how important they are for people’s well-being, it is essential that they be understood. In particular, if some people’s interests are unintelligible in the context of civic deliberation, then whatever reasons they are taken to generate will not match the reasons to which they actually give rise, and even an egalitarian citizenry won’t give them their due.

The connection between understanding and giving weight opens up new questions for relational egalitarianism. What are the similarities and differences between understanding somebody in a one-on-one context and intelligibility within the context of civic deliberation?¹¹ How is understanding an interest connected with other theoretical attitudes, such as knowledge of oneself and others? What sorts of social conditions tend to undermine or promote equality of intelligibility? What are the distributive implications of equal intelligibility for goods like money, power, or opportunities? What are the juridical implications of equal intelligibility for rights like freedom of expression, freedom of conscience, and freedom of association?

In the final section, I frame some of these questions by connecting equality of intelligibility with Miranda Fricker’s concept of *hermeneutical injustice*. It may seem odd that I did not begin there. I did not do so for the following reason. Simply put, I wanted to see how far we could get in justifying a principle of equal intelligibility if our only raw materials are a practical principle about giving weight to interests and a set of descriptive assumptions about what understanding an interest is. I’ve tried to show that from these premises, we can infer a principle of equal intelligibility without appealing to the independent normative significance of understanding. Having made this

argument, I now explore the connections between equality of intelligibility and hermeneutical injustice.

IV

In *Epistemic Injustice*, Miranda Fricker develops the idea that there is a distinctive kind of injustice that consists in someone's being wronged in her capacity as an epistemic subject (2007). Most of the book explores the injustice of someone being wronged in her capacity as a subject of knowledge. In Chapter 7, Fricker focuses on the injustice of someone being wronged in her capacity as a subject of understanding. She calls this species of epistemic injustice *hermeneutical injustice*. Her central case study of hermeneutical injustice is the condition of women prior to the existence of a shared concept for sexual harassment. Drawing on Susan Brownmiller's memoir of the women's liberation movement, she argues that women were not able to understand their experience of sexual harassment, an experience which it was strongly in their interests to understand, because they did not have a concept under which to subsume it. Because men shared the same conceptual scheme for understanding people's experiences—what Fricker calls the “collective hermeneutical resource”—they were also unable to understand women's experiences of sexual harassment. But this does not imply that both groups were victims of hermeneutical injustice. First, women were *disadvantaged* by their lack of understanding to a much greater extent than were men (Fricker 2007: 151). Indeed, ignorance served many men's interests. Second, women's lack of understanding was the result of what Fricker calls “hermeneutical marginalization,” that is, exclusion from the practices by which collective meanings are generated (Ibid: 152–3). She mentions the professions of law, politics, academia, and journalism as among these practices. Third, because women were hermeneutically marginalized, the collective hermeneutical resource was *structurally prejudiced*: it issued biased and inadequate interpretations of women's experiences. In particular, the collective hermeneutical resource exemplified structural *identity* prejudice, because it disadvantaged a group of persons in virtue of their membership in a social group. These distinctions provide the basis for Fricker's definition of the paradigm, systematic case of hermeneutical injustice. Hermeneutical injustice is “the injustice of having some significant area of one's social experience obscured from collective understanding owing to a structural identity prejudice in the collective hermeneutical resource” (Ibid: 155).

How does inequality figure in hermeneutical injustice? First, as noted above, part of what makes hermeneutical injustice unjust is that it generates an inequality in *advantage*. Women were not just disadvantaged by the

absence of a concept for sexual harassment; they were thereby disadvantaged in non-epistemic respects relative to men. Second, inequality is part of what it is to be hermeneutically marginalized. It is not just that women were excluded *per se* from the practices by which collective meanings are generated. They were also excluded relative to men. In that sense, there was unequal hermeneutical participation (Ibid: 153). Third, that inequality rendered the collective hermeneutical resource structurally prejudiced. It is not just that the collective hermeneutical resource issued inadequate interpretations of a significant area of women's experiences. The fact that it did so was especially damaging to the interests of women, as compared to men, generating a "situated hermeneutical inequality" (Ibid: 162).

A situated hermeneutical inequality is similar to an inequality of intelligibility, as that was defined in Part III. In both cases, there is an important aspect of persons that cannot be understood within the shared conceptual scheme. But a few differences are worth noting. First, situated hermeneutical inequalities by definition result from certain processes, whereas an inequality of intelligibility does not by definition have a certain causal history. This is related to the second difference. I did not argue that inequalities of intelligibility are necessarily *unjust*. There's a good case to be made that in order for them to be unjust, they have to have come about a certain way—plausibly as a result of hermeneutical marginalization. Rather, I argued for the weaker conclusion that there is a moral reason to ensure equality of intelligibility, grounded in the more fundamental moral reason to equally recognize one another's equally important interests. Third, whereas a situated hermeneutical inequality involves *experiences* that cannot be understood, an inequality of intelligibility involves *interests* that cannot be understood. This difference makes a difference, because interests play a role in practical deliberation that experiences do not. By treating interests as objects of understanding, I was able to connect intelligibility with giving weight. If successful, this essay derived equal intelligibility from EDC.

Viewed in reverse, this derivation can be seen as a normative *grounding* of hermeneutical injustice. I take it that normatively grounding an injustice consists in identifying some of the properties in virtue of which it is unjust. Fricker identifies several normative grounds of hermeneutical injustice. These are harms, in virtue of which hermeneutical injustice is wrong. The primary harm of hermeneutical injustice is that the subject is unable to render some of her experiences intelligible, either to herself or to somebody else. Because these are experiences that the subject has an interest in rendering intelligible, the primary harm entails the *frustration* of an important interest. The secondary harms of hermeneutical injustice are the disadvantageous consequences that contingently result from the primary harm. Fricker mentions several. In the case of Carmita Wood, one of the victims of sexual harassment described

in Brownmiller's memoir, the secondary harms included material disadvantages, such as the denial of unemployment benefits, as well as psychological disadvantages, such as stress, anxiety, confusion, and loss of self-confidence. In the case of Edmund White, the most important secondary harm was a damaged sense of self. While he remained in the closet, heterosexist social norms prevented him from developing a stable and authentic sense of who he was and what he wanted to become (Ibid: 163–7).

I agree that there is an interest in rendering one's experiences intelligible. I also agree that the frustration of this interest typically leads to secondary harms of the sort Fricker identifies. But I think the grounds of hermeneutical injustice go deeper. It is not just that some important interests are unfulfilled. Nor is it (merely) that some important interests are not given weight. It is that some important interests are not even *recognizable* as generating normative reasons for action.

To make good on this claim, it will help to take a closer look at Fricker's case study of sexual harassment in the early 1960s. It seems clear that at least at that time in the United States, civic deliberation did not render this interest intelligible. First, there was no shared concept under which to group different instances of sexual harassment. So there was no shared concept under which to subsume the satisfaction-conditions for the interest in not being sexually harassed (1). Even if some women possessed the concept of sexual harassment, that concept was not available to draw upon when engaging with others in civic deliberation. For example, Fricker mentions that Carmita Wood's application for unemployment benefits was denied because she could not name her reason for leaving her last job as sexual harassment. She had to list "personal" (Ibid: 150). This is a clear example of the relationship between understanding and recognition. Because the interest in not being sexually harassed was unintelligible within the context of civic deliberation, it was not possible for women to be understood as demanding that this interest be given weight in that context. Moreover, once the concept of sexual harassment had entered general circulation, it was still necessary for women to achieve a shared understanding that all instances of sexual harassment set back a person's well-being, not just the really bad cases (2), and that they do so to a significant degree (3). Without this shared understanding, civic deliberation would have proceeded from false assumptions about when the interest in not being sexually harassed was at stake, and how important it was.

Let's now consider a pair of objections. First, even if people in the 1950s didn't understand the interest in not being sexually harassed, it seems clear that they did understand more general interests, of which the interest in avoiding sexual harassment is a species. For example, suppose that all instances of sexual harassment frustrate the interest in being treated with *dignity*. People in the 1950s understood that there was an interest in being treated with dignity.

So wasn't the problem that they were not giving weight to an interest they already understood, not that they couldn't give weight to an interest they had yet to understand? Second, even if people in the 1950s did not understand the interest in avoiding sexual harassment, it is plausible that they did understand various component interests, with which an analysis of the concept of sexual harassment could at least in principle have been carried out: the interest in not being coerced, not being mistreated by one's superior, etc. If the resources for understanding the interest in avoiding sexual harassment were already there, then it's unclear what was gained by adding the concept of sexual harassment.

In order to answer the first objection, it will help to get clear on what would have to have been true for Americans in the early 1960s to have truly understood the interest in being treated with dignity. If the account of understanding an interest defended in Part II is correct, then they would have to have had a disposition to correctly classify conduct as satisfying or not satisfying the interest in being treated with dignity. Among other things, this implies that they would have to have been disposed to correctly classify conduct that qualifies as sexual harassment as a frustration of the dignity interest. Moreover, they would have had to appreciate the extent to which the frustration of the dignity interest in those contexts sets back well-being. It is not clear that most people met these conditions. In particular, it is not clear that they met them in the context of civic deliberation. It seems more likely that many people didn't understand that sexual harassment always sets back a woman's dignity interest. If that's true, then introducing the concept of sexual harassment, and with it the interest in avoiding sexual harassment, had the effect of improving people's understanding of a more general interest they were already prepared to recognize, but whose satisfaction-conditions they only partially understood. Similarly, it seems likely that even if it was possible for people to analyze the interest in not being sexually harassed in terms of interests they were already prepared to recognize, their understanding of those interests was itself only partial, because they weren't disposed to correctly classify some of those interests' satisfaction-conditions. If this is right, then one important respect in which the introduction of the concept of sexual harassment improved people's moral understanding was through a kind of *illumination*: shining a light on areas of social life where more familiar interests were already at stake.¹²

But what if people really did understand the interest in being treated with dignity, as well as the various component interests? Let's suppose, just for the sake of the argument, that all harassing conduct was understood to frustrate the interest in being treated with dignity, and therefore was understood to set back people's well-being. Let's suppose, furthermore, that people had an adequate appreciation of the extent to which having one's dignity interest

frustrated in those contexts sets back one's well-being. In other words, people satisfied conditions (2) and (3) on understanding the interest in not being sexually harassed. We can then ask what was missing from people's moral understanding, in virtue of their failure to subsume instances of sexual harassment under a common concept. Put another way, we can ask what was gained, simply in virtue of satisfying (1). Here the *political* role of interests becomes important. In politics, interests are the basis for claims, specifically claims on institutions; and claims have claimants, the persons whose interests are at stake. Even if every victim of sexual harassment was understood to have a dignity claim, without a shared understanding of the more specific interest in avoiding sexual harassment, victims of sexual harassment would not have been recognized as having a common basis for making claims. They would not have recognized one another as having a common basis for making claims, undermining the possibility of forming a social movement. And even if they understood one another as sharing a common interest, unless that interest was intelligible within the context of civic deliberation, they could not have intelligibly presented themselves as a *class* of claimants.

By now, I hope to have shown that sexual harassment is not only a clear example of hermeneutical injustice. It is also a clear example of unequal intelligibility as that concept was specified in Part III. I conclude this section by considering what follows for the question of *remedies* to hermeneutical injustice. In considering what should be done about hermeneutical injustice, Fricker stresses the cultivation of certain ethical-intellectual virtues on the part of individual agents. With respect to hermeneutical injustice, she argues that the virtuous agent will be mindful of the possibility that her interlocutor's apparent inability to make sense reflects a gap in collective hermeneutical resources. Commentators have put pressure on this view in several respects. Against the view that hermeneutical injustice should be corrected through the cultivation of certain *virtues*, Riggs argues that hermeneutical injustice consists in a certain kind of *negligence*, whose correction requires compliance with a duty not to be negligent. On this basis, he argues that hermeneutical injustice is better construed in deontological than virtue-theoretic terms (2012). Against the view that hermeneutical injustice should be corrected through the cultivation of certain *individual* virtues, Anderson argues that the structural nature of hermeneutical injustice requires us to think about hermeneutical justice as a virtue of institutions and social practices, not just individual persons (2012).

In saying that hermeneutical injustice can be grounded in equal weight to interests, I mean that *one* of the properties in virtue of which hermeneutical injustice is unjust is the property of making it impossible for some interests to be accorded weight. This need not be the *only* property in virtue of which

it is unjust. But *insofar* as hermeneutical injustice is unjust for this reason, it suggests that the remedy will be both deontological and collective. It will be deontological, because it will take the form of compliance with a certain duty, namely a duty to secure the conditions in which the equally important interests of all citizens are given equal weight. And it will be collective, because the injustice originates in the social practices by which different people's interests are or are not rendered intelligible.

CONCLUSION

Most liberal egalitarians have assumed that equality is a distributive ideal. They have then asked what it is that ought to be equally distributed. Others have argued that equality is a fundamentally relational ideal. They have then asked in what ways we ought to relate to one another as equals. Although it is beyond the scope of this paper to attempt to reconcile both views, I believe that understanding must play a central role in any plausible relational conception of equality. Even if we deny that understanding is intrinsically important, it is a necessary condition of a practical orientation that clearly does matter to relations between persons: giving weight to a person's interests in one's deliberation about what to do. Once we draw the connection between understanding and giving weight, we get two things at once. First, we get a substantive implication of equal weight to interests that cuts across different specifications of interests, importance, and civic deliberation: the principle of equal intelligibility. Second, we get normative grounds for unjust hermeneutical inequality that go deeper than an appeal to the importance of understanding itself.¹³

Let me conclude by returning to the suggestion with which this paper began. Williams thought that "human understanding" is part of the ideal of respect for persons. Now let us suppose that respecting a person entails treating that person *as* a person—whatever this turns out to mean, and whatever this turns out to require. It is difficult to treat a person as a person if one does not *perceive* the person as a person. Conversely, once we do not perceive a person as a person—once we perceive him as a thing, or an animal far down the phylogenetic tree—then it is more difficult to treat him as a person. It is no accident that most genocides in the 20th century were preceded by sustained campaigns of dehumanization. If this is right, then we should ask in what ways understanding a person is connected with perceiving her as a person. And here the connection seems quite close. Those whom we understand best are those whose humanity is most vivid to us. And for most of us at least, the better we understand someone, the harder it is to perceive her as other than another person. There is a hope in that.

NOTES

1. Thanks to participants at the Yale Global Justice Working Group (September 29, 2014), the Conference on Social Equality at the University of Cape Town (August 15–17, 2014), the Conference on Understanding Epistemic Injustice at the University of Bristol (June 25–27, 2014), and the Graduate Conference in Political Theory at Sciences Po, Paris (June 19–20, 2014). I'm also grateful to Stephen Darwall, Miranda Fricker, George Hull, Matthew Lindauer, Andrei Poama, Thomas Pogge, and Martin Putnam for written comments.

2. And it is worth noting that *Epistemic Injustice* is not explicitly framed as a contribution to the liberal egalitarian literature—though equality does figure in the normative principles that Fricker defends.

3. For a critical discussion of the distributive paradigm, see Young 1990.

4. Under EDC, it is permissible for a given decision to accord more weight to some people's interests, relative to the equally important interests of others, provided that some other decision(s) accord more weight to the latter group's interests. In that sense, EDC is understood diachronically rather than synchronically (Ibid: 26).

5. It is also plausible that deliberating with someone is *per force* relating to that person. Thanks to Stephen Darwall for this point.

6. Waldron makes this point in defense of his principle that citizens ought to give “proper weight” to one another's interests. See Waldron (2000).

7. In particular, I remain neutral with respect to the question of whether the relevant notion of well-being should be specified in terms of utility, social primary goods, capabilities, brute luck, or some other metric. I also remain neutral with respect to a more foundational question, namely whether well-being should be construed in terms of what is *in* a person's interest or in terms of what a person *takes* an interest in. (See Darwall 2004, Chapter 1, for a discussion of this distinction.)

8. Even if, as in this case, the satisfaction-conditions are defined negatively: conditions in which the concept of sexual harassment does *not* apply.

9. Among others. Giving weight is also a practical orientation towards factual beliefs about who has the relevant interests. One way someone can fail to give weight to an interest is if she understands it but believes that only a subset of those who have it have it. For example, someone could understand the interest in not being made to suffer pain, but have false beliefs about what sentient beings have it. So understanding is necessary, but not sufficient, for having true beliefs about the facts towards which giving weight is a practical orientation.

10. An interest whose importance for well-being is correctly understood but whose satisfaction-conditions are not will not exert weight in proportion to importance in all relevant conditions. So over time, it will not exert weight in proportion to importance.

11. A useful point of departure for exploring this question would be David Velleman's *How We Get Along* (Velleman 2009). More generally, a question for further research is how understanding interests is related to folk-psychological understanding of action.

12. I'm grateful to Stephen Darwall for discussion on this point.

13. Which is not to deny that equal understanding between persons is intrinsically important.

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