

Confucius and Epistemic Injustice

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Abstract

Epistemic injustice theory, introduced by Miranda Fricker (2007) has been a topic of discussion among philosophy scholars. However, the notion of epistemic injustice in relation to virtue in Asian philosophies is left unexplored. In this paper, I attempt to draw attention to a comparative approach between Confucianism and testimonial injustice, a central case of epistemic injustice. By analyzing *The Analects*, I reveal Confucius's opposition to testimonial injustices with *Xiaoren* & *Fake Junzi* being two examples of lacking virtues of testimonial justice. From there, I propose two Confucian virtues for enhancing the reliability of virtues of epistemic injustice: the *Love of Learning* (*hao xue* 好学) and perspective reflection (*si* 思). The *Love of Learning* would enable a hearer to increase the appropriateness in their credibility judgment. While the perspective reflection brings a new dimension to Fricker's notion of reflection. To conclude, I analyze how *Ren* (仁) could be an ideal state of testimonial justice.

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1. Introduction: Fricker's Epistemic Injustice And Confucius

In the book *Epistemic Injustice: Power and the Ethics of Knowing*, Miranda Fricker has attempted to formulate a normativity for epistemic injustice — the unfair distribution of epistemic goods (knowledge or education).² In this paper, we will focus on testimonial injustice as a case of epistemic injustice.³ The existence of *testimonial injustice* is rooted in identity power — the capability of a person to control others' behavior or thought as a result of a shared social conception of identity.⁴ When identity power gets corrupted, it exists in the form of identity prejudices between information-exchange agents.⁵ As identity prejudices influence credibility, Fricker emphasizes identity-prejudicial credibility deficit as the central case of testimonial injustice.⁶ The concept can be defined as a phenomenon when the speaker receives less credibility than he should have due to an identity prejudice of the hearer which eventually hurts both sides' epistemic value.⁷ Overall, the book initiates theorizing on the intersection between social epistemology and the theory of justice.⁸ This social approach to epistemology has been witnessed as a shift in focus of Western scholars and becoming a fertile field.⁹

As part of the shift, Confucian theories — as an Asian philosophy — have potential to contributively enrich and develop the field. Many scholars have attempted to engage Confucianism with the Western concept of (in)justice.¹⁰ However, these

² Fricker, Miranda (2007) *Epistemic injustice power and the ethics of knowing*, Oxford University Press.

³ Testimonial injustice occurs when “prejudice causes a hearer to give a deflated level of credibility to a speaker’s word”, according to Fricker (2007).

⁴ Fricker, 14-16.

⁵ For definition of identity prejudices, see pg4

⁶ For definition of identity-prejudicial credibility deficit, see pg4.

⁷ Fricker, 28-29.

⁸ Anderson, Elizabeth (2012) “Epistemic Justice as a Virtue of Social Institutions”, *Social Epistemology* 26: 163–73. doi:10.1080/02691728.2011.652211.

⁹ Mi, Chienkuo (2017) “Reflective Knowledge: Confucius and Virtue Epistemology”, *Comparative Philosophy* 8. doi:10.31979/2151-6014(2017).080206.

¹⁰ This includes: Cao, Deborah (2018) “Desperately Seeking ‘Justice’ in Classical Chinese: On the Meanings of Yi”, *International Journal for the Semiotics of Law - Revue Internationale De Sémiotique Juridique* 32: 13–28. doi:10.1007/s11196-018-9566-9; Chi-Pin, Chao (1972) “The Origin

scholars have focused on social, distributive (in)justice, leaving epistemic (in)justice (specifically testimonial (in)justice) unexplored. In this particular paper, I attempt to make an analogy between Confucian thought (especially from *The Analects*) and Fricker's testimonial injustice. In section 2, I introduce a widely accepted view of Confucianism as an epistemically unjust philosophy followed by my counter-argument on the lack of evidence for that claim. In section 3, I propose an amending approach in interpreting Confucius's thought which, in contrast to the common view, proves his opposition to testimonial injustice. In section 4, I conclude the paper by drawing attention to Confucius's idea of *Junzi* (君子 — the exemplary man) as a responsible hearer. Through *Junzi*, I examine how Confucius's concept of (1) *Love of Learning*, (2) *Zhi* (知 — Wisdom) through reflection and (3) *Ren* (仁 — humanness, benevolence) could contribute to developing Fricker's virtue of testimonial justice.

2. Confucianism as Testimonial Injustice Philosophy?

Since Classic Confucianism and the concept of testimonial injustice stems from two distinct philosophical backgrounds, I will start the paper with a more common historical counter-argument to bridge the two. According to many scholars, men are not intrinsically equal.¹¹ Classical Confucius society is a society of class and hierarchy:

Ten thousand things come into being from the existence of heaven and earth. After ten thousand things come into being, male and female exist, when male and female come into being, husbands and wives exist. By the time husbands

of Confucius's Ideology of 'Harmony But Not Equality' And the Logical Goal of His Theory of Reconciling Contradictions", *Chinese Studies in Philosophy* 4: 100–164. doi:10.2753/csp1097-1467040102100; Cline, Erin M (2014) "Justice and Confucianism", *Philosophy Compass* 9: 165–75. doi:10.1111/phc3.12108; Duvert, Christophe (2018) "How Is Justice Understood in Classic Confucianism?", *Asian Philosophy* 28: 295–315. doi:10.1080/09552367.2018.1535477; Xiao, Yang (1997) "Trying to Do Justice to the Concept of Justice in Confucian Ethics", *Journal of Chinese Philosophy* 24: 521–51. doi:10.1163/15406253-02404006.

¹¹ Cline (2014); Duvert (2018); Xiao (1997).

and wives come together, fathers and sons exist, with fathers and sons there comes rulers and ministers. When rulers and ministers emerge, hierarchy emerges, after hierarchy emerges, the rules of propriety and righteousness put into practice.¹²

This extract from the I Ching (Book of Change) demonstrates how Confucianism social orders lays its foundation on cosmological orders. The separation of “heaven” and “earth” leads to the separation of social roles: husband and wife, father and son, prince and subject, superior and inferior. As these social relationships naturally come from cosmological hierarchies, each individual within the social bonds, in their essence, also undoubtedly holds a certain power in relation to other individuals. This power relation is emphasized in *Five Cardinal Relations* (五伦 — *wu lun*). It is the five fundamental relationships in Confucianism between: sovereign and subject, father and son, elder and younger brother, husband and wife, and friend and friend. Within that, Mencius — Confucius’s student — emphasizes the first two relationships of the *Five Cardinal Relation*:

If at home, the important rule governing human relations [*lun*] is that between father and son. If not at home, it is between the prince and the minister.¹³

Within these two relationships (father and son, prince and minister), identity power can be identified as father and prince being ones that hold more capability in manipulating the actions and behaviors of the son and the minister. Therefore, they hold more identity power. As this identity power is cosmological and universal, it potentially cause prejudicial credibility deficit when the weaker roles — minister and son — receive less credibility than they should have. In a scenario where the prince is the hearer and the minister is the speaker, the prince has a tendency, according to Confucianism ethics, to be epistemically distorted. This distortion can happen as the prince gives less credibility to the minister’s word than he deserves. Here, we focus on credibility being distorted solely due to the prince’s prior prejudice about

¹² Changsha: Hunan Renmin Chubanshe (1993) “*Book of Changes - Yijing* 易经.”

¹³ Mencius, 2B, 2 (James R. Ware's translation. See *The Sayings of Mencius* [New York: New American Library, 1960], 72

ministers as a social lower class, not due to his analysis and critics of the minister's words. Some can conclude from the above argument that Confucius ethic enables testimonial injustices to emerge.

However, not every idea attributed to Confucianism comes from Confucius himself. Regarding the first cited extract above from I Ching (the book of Change), it originates from the Western Zhou period (1000–750 BC) prior to Confucius (6th–5th century BCE). During that age, class is the central idea with people separated by their origination, the virtue of blood. Within that hierarchy, *Junzi* (the exemplary man) belongs to the aristocratic society and *Xiaoren* (the petty man), in contrast, refers to people outside the aristocratic class, in other words common people.¹⁴ As the Western Zhou age (prior to Confucius age) deteriorated, the aristocracy demonstrated stupidity, ignorance, and a lack of virtue.¹⁵ Therefore, Confucius's idea of class is different. Confucius classified people by their virtue. In *The Analects*, all 15 entries describing the *Junzi* and *Xiaoren* used virtue as the standard.¹⁶ The *Junzi* can be a common person — someone without an aristocratic background. It is one's performance in life, not social class, that defines whether he is a *Junzi*. This proves that Confucianism is not built based on the idea of class and hierarchy.

Moreover, though the *Five Cardinal Relations* are deemed to be a central idea of Confucianism, this idea is in fact, not mentioned by Confucius himself. Confucius did stress on the importance of the relationship between father and son, and ruler and minister.¹⁷ But, he and his students never mentioned those ideas of relations in *The Analects* — the most important text in Confucianism.¹⁸ This proves the weakness

¹⁴ Li, Ling (2010) "Gentlemen and Petty Men", *Contemporary Chinese Thought* 41: 54–65. doi:10.2753/csp10971467410205

¹⁵ Li, Ling (2010) "Gentlemen and Petty Men", *Contemporary Chinese Thought* 41: 54–65. doi:10.2753/csp10971467410205.

¹⁶ Li, 62.

¹⁷ Confucius (孔子) (2003) *Confucius Analects: With Selections from Traditional Commentaries*. Edward Slingerland, trans. Hackett Classics, 12.11

¹⁸ Dau-Lin, Hsü (1970) "The Myth of the 'Five Human Relations' of Confucius", *Monumenta Serica* 29: 27–37. doi:10.1080/02549948.1970.11744983

of the argument that, with Five Cardinal Relations, Confucianism is a hierarchical philosophy. And it is even more problematic to claim that Confucianism is against Fricker's idea of epistemic injustice regarding the above evidence. I would further develop this argument by proving Confucius's acknowledgement of identity prejudice and his opposition toward testimonial injustice in *The Analects*.

3. An Amendment: *Xiaoren* & Fake *Junzi* as Confucius's Opposition against Epistemic Injustice

Testimonial injustice, as discussed by Fricker, is most harmful or noteworthy when it is presented in the form of identity-prejudicial credibility deficit which is defined as:

The injustice that a speaker suffers in receiving deflated credibility from the hearer owing to identity prejudice on the hearer's part.¹⁹

There are two examples from *The Analects* that perform identity-prejudicial credibility deficit: *Xiaoren* and the fake *Junzi*. First is the case of *Xiaoren* (小人 — petty man). According to *The Analects*, when making judgments about individuals, Confucius emphasizes the idea of *Junzi* as the most realistic objective of a virtuous example for his students and everyone.²⁰ In contradiction to the *Junzi* is *Xiaoren* (petty man). *Junzi* and *Xiaoren* are two personal concepts in which Confucius and his students usually mention and draw distinctions. *Xiaoren* is usually used with a culpable sense to better clarify the qualities of the *Junzi* (Pines, 2017).²¹ As Confucius once said to his student, Zi Xia: "Be a scholar after the style of a *Junzi*, and do not be

¹⁹ Fricker, 4.

²⁰ Li, 54.

²¹ Pines, Yuri (2017) "Confucius' Elitism", *A Concise Companion to Confucius* 164–84. doi:10.1002/9781118783863.ch8

a petty scholar".²² Therefore, *Xiaoren* was depicted in Confucius' idea as an ethically negative example.²³

Examining the characteristic that *Xiaoren* holds (mentioned in *The Analects*), we can see many cases of ethical violations which causes Frickers's identity-prejudicial credibility deficit. To Fricker, for someone to fall into identity-prejudicial credibility deficit, he/she needs to: (1) give the speaker T's testimony less credibility on the basis that T belongs to a social group G. This credibility deficit is due to an identity prejudice: (2) a judgment embodies a generalization that displays some resistance to counter-evidence owing to an ethically bad affective investment.

Therefore, for *Xiaoren* to be considered as a case of identity-prejudicial credibility deficit, below statements need to be proven:

1. *Xiaoren* gives the speaker T's testimony less credibility on the basis that T belongs to a social group G.
2. *Xiaoren's* judgment embodies a generalization that displays some resistance to counter-evidence owing to an ethically bad affective investment.

Xiaoren has been consistently depicted with contradictory characteristics to the *Junzi*. In *The Analects*, Confucius said:

The *Junzi* does not esteem a person merely because of his words, nor does he disregard words merely because of the person."²⁴

It can be inferred from this text that *Xiaoren*, in reverse to *Junzi*, is someone who "disregards words merely because of the person". Since the "person" in Confucianism is attached to social class, *Xiaoren*, in a testimonial exchange, will give that speaker less credibility on the basis that T belongs to a social group G. However,

²² *Analects*, 6.13.

²³ All 15 entries that mentioned *Xiaoren* in the *Analects* describe them as people who lack virtue.

²⁴ *Analects*, 15.23.

this is not enough to prove that *Xiaoren* can fall into identity-prejudicial credibility deficit. More evidence showing that *Xiaoren's* credibility judgment is due to ethically bad affective investment leading to resistance to counter-evidence is needed.

In *The Analects*, Confucius depicts *Xiaoren* as “partisan” and “not fair-minded”.²⁵ The text emphasizes “being prejudiced” as a differentiator between *Xiaoren* and *Junzi*. Additionally, Confucius said “What *Junzi* seeks, he seeks in himself. What *Xiaoren* seeks, he seeks in others.”.²⁶ Since *Xiaoren's* judgment of credibility originates from “seek[ing] in others”, instead of “seek[ing] in himself”, it shows a lack of reflection, or in other words, a lack of affective investment. Moreover, Henrique explains *Xiaoren's* vices as a lack of self-critical and rationality.²⁷ He further explains that *Xiaoren* acts without consideration of others but on “basal instincts of directed at envisaging specific outcomes”. In other words, *Xiaoren* is only capable of asking “how will this affect me”, neglecting moral relationship with the surrounding communities and social interactions.

Therefore, *Xiaoren's* credibility judgment, which is prejudiced (resisted to counter-evidence) due to a ethically bad affective investment, causes a case of identity-prejudicial credibility deficit. As Fricker argues that credibility judgement is the association between a social group (an identity) with some attributes. When these associations entail generalization that display resistance to counterevidence owing to ethically bad affective investment, it is prejudiced. These prejudices in credibility judgement will cause misattribution of identity which, in negative cases, engender credibility deficit.²⁸ Since identity-prejudicial credibility deficit is the central case for testimonial injustice, *Xiaoren* is an example of testimonial injustice. Therefore, Confucius's claim of *Xiaoren* as an unethical example can be inferred as his warning against the fallacies of identity-prejudicial credibility deficit.

²⁵ *Analects*, 2.14.

²⁶ *Analects*, 15.21.

²⁷ Schneider, Henrique (2019) “Virtues and the Interested ‘Self’ in Confucius and Adam Smith”, *Humanities Bulletin*, London Academic Publishing.

²⁸ Fricker, 35.

Let's put *Xiaoren* in the context of Harper Lee's *To Kill a Mockingbird*, which was used by Fricker as an example of testimonial injustice. The scene depicts courtroom where Tom Robbison — a young black man — is accused of raping a white girl, Mayella Ewell. The prosecution was corrupted by the advantageous identity power of both the white members of the jury and the white plaintiff over the black defendant. This has caused Tom Robinson, who in an unprejudiced condition at the courtroom would evidently be innocent, is now found guilty and put into jail. This is due the epistemic failure of the jury members in believing in Tom Robinson as a speaker in the courtroom. The failure is a result of racial prejudice, which caused an identity-credibility deficit against Tom Robbison. In this case, the jury members can be considered as *Xiaoren* as they have, according to Confucius, "disregarded the words because of the person". However, some might argue that the jury members' judgment of Tom Robinson's testimony as less credible based on his blackness is justifiable and valid. It is worth noting that the jury members' judgment is not based on past data that indicates black defendants have a tendency to be less credible in his words, but based on a prejudiced association of blackness with dishonesty. As explained above, these association of an identity (blackness) with an attribute (dishonesty) is a generalization that display resistance to counterevidence owing to ethically bad affective investment or, in other words, prejudices. The jury members, though lacking evidence for his credibility judgement, decides to mistrust Tom Robinson's testimony. Being *Xiaoren* is being lack of self-reflection and consideration of others in his/her judgement. Therefore, the jury members are *Xiaoren*, partisan and lack-self-critical people. Since Fricker accuses jury members for causing testimonial injustice, identifying jury members as *Xiaoren* brings Confucius to an agreement with Fricker's accusation.

While all *Xiaoren* are real *Xiaoren*, *Junzi* includes real and fake *Junzi*.²⁹ Fake *Junzi* are those coming from high-end societal backgrounds who could have some virtues and intelligence, but not necessarily so. These are the gentlemen by status. Confucius only directly mentioned this type of *Junzi* twice. Once was to criticize one of his students — Zigong, which is the second example of Confucius regarding testimonial

²⁹ Li, 64.

injustice. Mentioned a lot in *The Analects*, Confucius's perceptions of Zigong are not linear. In general, Zigong is notable as one of the most avid pursuers of refinements and an eager learner of ritual traditions and literature.³⁰ Confucius is also confident in Zigong's capability in undertaking political positions due to his attentiveness.³¹ Amy Olberding also analyzes Zigong as a partial exemplar — one that holds many characteristics of a *Junzi* but missing some of virtues to truly be considered as one.³² One of the main weakness of Zigong is his overconcentration on judging people, ignoring their implicit qualities:

Zigong was given to criticizing others. The Master remarked sarcastically, "What a worthy man that Zigong must be! As for me, I hardly have the time for this."³³

In another text, Confucius urges Zigong to perceive beyond appearances and reputation when evaluating others.³⁴ His characteristic is a consequence of his intrinsic desire for personal success and political positions.³⁵ This desire motivates Zigong to practice rituals and learn literature without cultivating *Shu* (恕 — sympathy) in his practice.³⁶ Zigong ignoring *Shu* in the self-cultivation process is a bad ethical investment. *Shu*, to Amy Olberding, enables people to avoid abrupt and ignorant generalizations when associating people with certain circumstances or features in the process of interacting with others.³⁷ This abrupt generalization of associating people with certain features is defined as prejudices, according to

³⁰ Olberding, Amy (2013) *Moral Exemplars in the Analects: The Good Person Is That*. Routledge.

³¹ *Analects*, 6.8.

³² Olberding, 162.

³³ *Analects*, 14.29.

³⁴ *Analects*, 5.15.

³⁵ *Analects*, 11.10.

³⁶ *Analects* 6.30; 15.3; 5.12.

³⁷ Olberding, 166.

Fricker.³⁸ Therefore, *Shu* is the virtue that prevents people from prejudiced judgments that decrease one's credibility. Zigong's lack of *Shu* and his self-positioning (or at least desire to self-positioning) as a *Junzi* would, in many cases, result in identity-prejudicial credibility deficit for those who speak to him.

I will justify this conclusion with one specific conversation in *The Analects* where Zigong's ethical failure lead to identity prejudice:

Zigong asked, "Guan Zhong was not a benevolent person, was he? When Duke Huan had Prince Jiu murdered, Guan Zhong was not only incapable of dying with his master, he moreover turned around and served his master's murderer as Prime Minister."

The Master replied, "When Guan Zhong served as Duke Huan's Prime Minister, he allowed him to become hegemon over the other feudal lords, uniting and ordering the entire world. To this day, the people continue to enjoy the benefits of his achievements—if it weren't for Guan Zhong, we would all be wearing our hair loose and fastening our garments on the left. How could he be expected to emulate the petty fidelity of a common husband or wife, going off to hang himself and die anonymously in some gully or ditch?"³⁹

Zigong was accusing Guan Zhong — the chancellor and a reformer of the State of Qi during the Spring and Autumn period of Chinese history — for not being a benevolent man, or, in reverse, being a *Xiaoren*. Identifying an individual's benevolence is not purely a personality description, for the man of *Ren* (benevolence) is a class or a systematic societal identity in Confucianism. A man without benevolence is both untrustworthy and incapable of delivering high epistemic value in his words. Zigong justifies his judgment by Guan Zhong's unloyal action of not dying with his master — as he was murdered — and serving his master's murderer

³⁸ Fricker, 35.

³⁹ *Analects*, 14.17.

as Prime minister. Therefore, Zigong associates Guan Zhong with a less credible social group — the non-benevolent man.

Confucius, however, considers Zigong's judgment clumsy and therefore, a generalized association that is epistemically culpable. Though Zigong's thoughts are aligned with the virtue of loyalty (*Zhong*) in which serving two kings and two dynasties is a betrayal associated with a *Xiaoren*, Confucius counters by crediting Guan Zhong for helping Qi unite the Chinese feudal lords and prevent Di barbarians from overrunning China.⁴⁰ Confucius believed that all Chinese owe Guan Zhong a debt. And, therefore Guan Zhong's later achievements can outweigh any potential initial impropriety. As an avid learner of ritual traditions, Zigong must have known about Guan Zhong's contribution to the Qi dynasty.⁴¹ Therefore, Zigong's judgment of Guan Zhong's identity is a lack of holistic consideration — an ethically bad affective investment, rather than a mere lack of knowledge about Guan Zhong. Confucius, who complimented Zigong for his knowledge, must have known that Zigong is aware of Guan Zhong's contribution.⁴² Confucius's protection over Guan Zhong inferred his suggestion that Zigong should have ethically invested more in his attempt to understand Guan Zhong and not fall into judging Guan Zhong as non-benevolent. This is not the only time that Confucius showed a dismayed attitude toward Zigong's judgment of others. Confucius has commented similarly on Zigong's judgment of Yan Hui in another text.⁴³ As Zigong never had the chance to directly converse with Guan Zhong, no testimonial exchange has occurred for testimonial injustice to emerge. However, if that happened, Zigong's misjudgement of Guan Zhong's identity — as a non-benevolent and epistemically untrustworthy man — would likely distort his information-absorbing process by giving him Guan

⁴⁰ Confucius (孔子) (2003) *Confucius Analects: With Selections from Traditional Commentaries*. Edward Slingerland, trans. Hackett Classics, 14.17.

⁴¹ Olberding, 164

⁴² *Analects*, 1.15.

⁴³ *Analects*, 5.9.

Zhong less credibility than he deserves. This might lead to identity-prejudicial credibility deficit.

Confucius's comments on *Xiaoren* and fake *Junzi* have proved his objection to *identity prejudice* — the unholistic association of someone to some attributes due to their identity. Here, some might find it unconvincing to claim that Confucius is opposed to testimonial injustice in Fricker's definition. Since there are no examples in *The Analects* where identity-prejudicial credibility deficit or testimonial injustice is mentioned in a straightforward manner nor is there any concept of Confucius that is a direct equivalent to Fricker's concepts. Such a counter argument, I find, is valid and undebatable. The cultural and time gap between Classical Confucianism and contemporary concepts such as testimonial injustice is so huge that it would be absurd to try and perfectly match or compare the two philosophies. However, both Fricker and Confucius discuss shared ideas of virtues for epistemic justice. Similar to two scholars, Randall Peerenboom and Ruiping Fan, who have proved that some Classic Confucianist ideas have achieved many aims of justice, I will argue in the next section that values of Classic Confucianism can positively contribute to testimonial justice.⁴⁴

4. *Junzi* as a Responsible Hearer

Through proving Confucius's opposition towards testimonial injustices, I find that virtues of Confucianism hold great potential in enhancing the virtues of testimonial justice proposed by Fricker. Fricker calls for attention towards testimonial sensibility as a second-nature epistemic virtue. For Fricker, fighting against testimonial injustice requires a distinct reflexive critical awareness that enables the hearer to neutralize the impact of prejudice in her credibility judgment.⁴⁵ This is a process where the hearer suspects prejudices in her credibility judgments and moves out of the spontaneous, unreflective mode to an active reflective status to navigate the fallacies

⁴⁴Fan, Ruiping (2010) *Reconstructionist Confucianism, Philosophical Studies in Contemporary Culture*; Peerenboom, Randall (1990) "Confucian Justice", *International Philosophical Quarterly* 30: 17–32. doi:10.5840/ipq199030146.

⁴⁵ Fricker, 91-92; 99.

in their credibility judgment. As long as we identify our credibility misjudgment, we render it a neutral state. In the context of human societies where prejudice is ubiquitous and constantly revolving, an ideal virtuous hearer, to Fricker, should both reliably possess a reflexive second nature against familiar prejudice and an active awareness for critical reflection to render less familiar prejudice.

5. Love Of Learning (*Hao Xue* 好学) and Reflection to Achieve Wisdom (*Zhi* 知)

One virtue of Confucius that is epistemically significant is *Zhi*. *Zhi* (知 — wisdom, knowledge) is one of the five virtues of held by the Confucian *Junzi*: benevolence, wisdom, trustworthiness, forthrightness, courage. In *The Analects*, Confucius mentioned *Zhi* as he said “The wise are never perplexed; the humane, never anxious; the brave, never afraid”.⁴⁶ This proves *Zhi*’s significance for Confucius. *Zhi*, in Confucianism, is not only the capability to absorb knowledge, but also the capability to make appropriate judgments and distinguish between right and wrong, acceptable and unacceptable. The most epistemologically significant passage of *Zhi* would be in *The Analects* (2.17) where the term was used six times:

When you know, to know that you know; and when you do not know, to know that you do not know; that is knowledge.⁴⁷

By analyzing the passage with Ernest Sosa’s AAA (Accurate, Adroit, and Apt) model of virtue epistemology, Sosa himself has proposed a disruptive translation of the passage viewed under his tenets of the distinction between animal knowledge and reflective knowledge:

When you have first-order (animal) knowledge, to know (recognize) that you do know; and when you do not have such knowledge, to know (recognize) that you do not know; “that” is (reflective) knowledge (where the reference is to the first order knowledge, which rises to the better, higher level of reflective

⁴⁶ *Analects*, 9.29.

⁴⁷ *Analects*, 2.17.

knowledge, and does so through the proper, “recognitional” second-order endorsement).⁴⁸

Sosa argues that the second-order (reflective) knowledge is what Confucius considers to be *Zhi* (wisdom), distinct from the first-order (animal) knowledge of *Shi* (識 — recognizing, identifying)⁴⁹. Here, we can understand *Shi* as the knowledge gained in Fricker’s “spontaneous, unreflective mode” where no reflection of credibility judgment has been done.⁵⁰ As *Shi* goes through reflective rendering, we achieve a “higher level of reflective knowledge” — *Zhi*.⁵¹ It is the state of “know[ing] that you know, to know that you don’t know”.⁵² Similarly, Fricker has proposed reflexive critical awareness as a process of escaping prejudices in his/her credibility judgments through active reflection to reach the neutral states. Therefore, Fricker’s neutral states might be where people can absorb *Zhi*.

To Fricker, for the virtue of testimonial justice to be established, the reflexive critical awareness needs to also be reliable (through time and across a span of prejudices).⁵³ However, in her book, Fricker has not suggested a solution for this reliability but simply mentioned it.⁵⁴ I would elaborate below that the “*Love of Learning*” and skillful reflection of *Junzi* could bring reliability to testimonial justice.

The *Love of Learning* (*hao xue* 好学) is used to define one’s attention in behavior, carefulness in words, and an aspiration to learn from those who have the *Way* (*dao*)

⁴⁸ Sosa, Ernest (2015) “Confucius on Knowledge”, *Dao* 14: 325–30. doi:10.1007/s11712-015-9450-1.

⁴⁹ Sosa, 2015.

⁵⁰ Fricker, 64.

⁵¹ Sosa, 6.

⁵² *Analects*, 2.17.

⁵³ Fricker, 98.

⁵⁴ Fricker, 98.

to correct himself.⁵⁵ The term specifically means learning to behave appropriately to cultivate and acquire virtues. As an intellectual virtue, the *Love of Learning* does not refer to the love to acquire knowledge, but as focus on orienting behavior to adapt particular circumstances and select what is appropriate (*ze 擇*):⁵⁶

Loving Goodness without balancing it with a *love for learning* will result in the vice of foolishness. Loving wisdom without balancing it with a *love for learning* will result in the vice of deviance. Loving trustworthiness without balancing it with a love for learning will result in the vice of harmful rigidity. Loving uprightness without balancing it with a *love for learning* will result in the vice of intolerance. Loving courage without balancing it with a *love for learning* will result in the vice of unruliness. Loving resoluteness without balancing it with a love for learning will result in the vice of willfulness.⁵⁷

It is clear throughout Confucius's texts that these six virtues are all positive. However, practicing them without the *Love of Learning* brings disastrous results, turning virtues into vices. What makes the *Love of Learning* complementary to these qualities lies in its ability to manifest them in different situations.⁵⁸ For instance, a man can apply *Ren* (humanness) similarly to everyone they encounter, which means that they care for everyone equally regardless of their backgrounds and demands. But this would lead to foolishness as he would disregard the fact that each individual needs a different caring approach. The *Love of Learning* is what keeps one's humanness flexible, for them to care appropriately in different contexts. Therefore, to Confucius, the purpose of learning is to avoid inflexibility.⁵⁹ Li Zehou — a contemporary Chinese scholar — has elaborated this idea as he commented the

⁵⁵ *Analects*, 1.14. According to Graham, the term Way (*dao*) is used in the *Analects* as “only of the proper course of human conduct and of the organisation of government”. Graham, A.C. *Disputers of the Tao: Philosophical Argument in Ancient China*. La Salle, Ill. : Open Court, 1989.

⁵⁶ *Analects*, 7.28.

⁵⁷ *Analects*, 17.8.

⁵⁸ Yong, Huang (2013) “Virtue Ethics and Moral Responsibility: Confucian Conceptions of Moral Praise and Blame”, *Journal of Chinese Philosophy* 40: 381–99. doi:10.1111/1540-6253.12044.

⁵⁹ *Analects*, 1.8.

Confucius purpose of learning is “to grasp the appropriate degree”. More than a preference, keeping the habit of untiring learning as being flexible to situations, according to Confucius, is a necessary discipline in everyday life.⁶⁰ Such discipline is the foundation for moral excellence, and in Fricker’s sense, the foundation for reliability in virtue of testimonial justice as well.⁶¹ Advocating for flexibility in this case does not mean disregarding the existence of a definite epistemic justice or the ultimacy of knowledge, but means putting the flexibility (*Love of Learning*) as a foundation for epistemic and testimonial justice to exist. Then, how can *Learning* (*xue*) help one achieve reliability in virtue of testimonial justice? Confucius’s dual reflection as a form of learning would elaborate this.

Confucius drew a clear distinction between two types of reflection: retrospective reflection (*xing* 省) and perspective reflection (*si* 思). Retrospective reflection, similar to Fricker’s idea of reflection, is to consciously look back at past thoughts and behaviors, drawing lessons in order to make corrections. Perspective reflection, in contrast, has not been mentioned by Fricker. It is a perceptive process of rationally looking ahead to align your thoughts and behavior with certain goals and goods. The below text demonstrate how *Xing* and *Si* could separately contribute to building up one’s virtue of testimonial justice:

The Master said, “When we see men of worth, we should think (*si* 思) of equaling them; when we see men of a contrary character, we should turn inwards and reflect (*xing* 省) on ourselves.”⁶²

As we see an intellectually and morally worthy man, Confucius suggests for us to actively reflect on how we could perform similarly well. That is perspective reflection, consciously thinking of how to direct our thoughts and behavior in the right way. In reverse, as we see a man with less virtue, we should use retrospective

⁶⁰ *Analects*, 1.14.

⁶¹ Kim, Hye-Kyung (2003) “Critical Thinking, Learning and Confucius: A Positive Assessment”, *Journal of Philosophy of Education* 37: 71–87. doi:10.1111/1467-9752.3701005.

⁶² *Analects*, 4.17.

reflection to reexamine our past experience, from there, make adjustments. However, retrospective and perspective reflection does not only happen as we encounter some external phenomena (someone's good or bad behavior), they also occur as we encounter our personal event of performing either good or bad. Fricker also emphasizes on acquiring testimonial sensibility by collecting sufficient active reflection experience. However, she only focuses on corrective experience conducted with retrospective reflection. As the goal of reflection is to neutralize the prejudices in our credible judgments, it is equally important to comprehend the neutral point as it is to make corrections to reach that neutral point. And that is the function of perspective reflection in acquiring testimonial sensibility. It helps us formulate an ideal sense of anti-prejudice and testimonial sensibility by marking and consciously learning from both ours and others good testimonial performance.

To be more specific, the role of retrospective reflection and perspective reflection can be seen as we break down the purpose of reflection toward acquiring virtues of testimonial justice into three: critical alignment, self-awareness, internalization.⁶³ First, perspective reflection would be used to put headers from a passive state into an active reflective status by aligning information received, from there, identifying self-misjudgment in the process. As Confucius claims that his teaching can be strung into a single thread,⁶⁴ he believes that there is ideal knowledge (wisdom), that corresponds with the virtuous state to acquire such knowledge. Therefore, perspective reflection helps us identify the virtuous state by looking at the man of worth, and spot epistemic fallacies happening in a non-virtuous state. Second, retrospective reflection brings us to being self-aware of our limitations in epistemic capabilities creating testimonial injustice. From there, we are motivated to make corrections for our prejudice. To Confucius, it is reflection that allows us to know that you do not know.⁶⁵ Third, both types of reflection would coordinate to help one internalize the virtues of testimonial justice into our second nature. Retrospective reflection, through helping to realize one's limitation, would be the cognitive

⁶³ Kim, 82.

⁶⁴ *Analects*, 4.15.

⁶⁵ *Analects*, 9.29.

foundation for epistemic virtues of humility, open-mindedness, and fairness.⁶⁶ Perspective reflection, through collating and navigating self's judgment with the ideal prejudice-free judgment, helps one to practice performing virtue of testimonial justice.

Let us revise the example of Harper Lee's *To Kill a Mockingbird* to better demonstrate how perspective reflection could be applied in coordination with retrospective reflection. I would develop a scenario when after Tom Robbison's prosecution, a jury member did retrospective reflection about the case and realized that he had made a prejudiced decision influenced by race identity. As soon as he realizes that, he makes an attempt to adjust his prejudice encountering the next case involving black defendant. This process is what Fricker calls reflexive critical awareness.⁶⁷ Meanwhile, perspective reflection enhances the jury member's testimonial sensibility in two ways. First, in order to conclude that he had been influenced by a prejudice regarding races, he himself must have experienced a comparable case (either of himself or of others) where judgments are made prejudicially free to set as a standard. So that perspective reflection on that experience (either consciously or unconsciously) helps him realize his wrong-doing. Second, as he succeeded to be free from racial prejudice in the courtroom next time, he needs to make a perspective reflection to comprehend his success and reinforce the habit of consciously escaping from prejudice until it became a second-nature. Through the example, I argued that combining Confucius retrospective and perspective reflection in the self-rendering process would increase the reliability for credibility judgments.

6. Ren (仁) as the Ideal Virtue of Testimonial Justice

As Fricker emphasizes the action of correcting or rendering to achieve testimonial justice, she implicitly claims the existence of an ideal concept of testimonial justice and its corresponding virtue. She chose to conceptualize the virtue of testimonial

⁶⁶ Kim, 84.

⁶⁷ For definition of reflexive critical awareness, see pg9.

justice as a state of prejudice-free.⁶⁸ While this ideal state of judgment requires a person to hold certain traits, it is too subjective to attempt proposing a universal, one-size-fits-all definition for such a state. However, as we localize the terms to people influenced by certain cultures and ideas, Confucius's idea of *Ren* (仁) (benevolence, humanness) can be a state in which people hold the ideal virtue of testimonial justice.

Ren (仁) is a Chinese character composed of two components: one means 'person' (人), and the other means 'two' (二), which originally means the 'relationships' between dear ones.⁶⁹ Confucius deems *Ren* as an transcendent, higher-order, more central virtue which lays on top of other particular virtues.⁷⁰ As *Ren* was used with different meanings and context throughout *The Analects* and other Confucius texts, there has been many debates on the meaning of *Ren* as scholars refer to it as humanness, benevolent, caring or even sympathy. However, within this paper, I will focus on using *Ren* with the interpretation proposed by George Rudebusch: a priority in one's motive and humane courtesy.⁷¹

As one is fully motivated by *Ren* and keeps *Ren* at the utmost priority in his actions, their actions and behavior would naturally become virtuous.⁷² What does it mean to prioritize the motives of *Ren*? It means to set the utmost priority towards humanity. As a self-treatment approach, it inferred priority in improving the self's human character.⁷³ Confucius describes *Junzi* as one that is concerned about his own ability

⁶⁸ Fricker, 93.

⁶⁹ Tan, Chuanbao (2022) "The Interpretation of Love and Its Educational Realization: A Comparative Analysis of Nel Noddings' Caring and Confucius' Ren", *Educational Philosophy and Theory* 1–7. doi:10.1080/00131857.2022.2075261.

⁷⁰ Luo, Shirong (2012) "Setting the Record Straight: Confucius' Notion of Ren", *Dao-a Journal of Comparative Philosophy* 11: 39–52. doi:10.1007/s11712-011-9256-8.

⁷¹ Rudebusch, George (2013) "Reconsidering Renas Virtue and Benevolence", *Journal of Chinese Philosophy* 40: 456–72. doi:10.1111/1540-6253.12055.

⁷² Rudebusch, 461.

⁷³ Rudebusch, 462.

and seeks for improvement in himself rather than the others.⁷⁴ By developing one's character by practicing the five virtues: respect (*gong* 恭), tolerance (*kuan* 寬), trustworthiness in word (*xin* 信), diligence (*min* 敏), and kindness (*hui* 惠), Confucius believes that one would achieve *Ren*.⁷⁵ *Ren* is not any particular virtue in Confucius, *Ren* is the attitude and the ultimate priority in cultivating all human virtues. For the virtue of testimonial justice to be a humane value, cultivating *Ren* means cultivating the virtue of testimonial justice also. Secondly, in interacting with others, *Ren* is a priority in righteous treatment. It is the treatment navigated by empathy, as Confucius defines *Ren* as treating others the way you want others to treat you.⁷⁶ It is the priority toward "rightness" rather than "profit", "virtues" rather than "physical assets", "harmony" rather than "blind conformation", helping people realize their "good qualities" rather than "their bad".⁷⁷ *Ren* treatments toward others is not any rigid code of conduct, it is the humane interaction rooted from a whole-hearted attitude. As a person holds *Ren*, he would not act in manners against *Ren* even for the cost of his own life.⁷⁸ Encountering tyrants or death, a *Ren* person feels no fear but the fear of losing *Ren*.⁷⁹ Inferring to testimonial justice, we could claim that a man of *Ren* would hold the virtue of testimonial justice in the most stable and ideal form as he cultivates *Ren* motivated by nothing but *Ren* itself and puts it in the top priority outgrow the fear of self-harm or even death. By putting such virtue as an utmost priority, one also needs to prioritize cultivating in himself other particular virtues needed for testimonial justice and strive to treat every human being with testimonial justice.

While *Ren*'s interpretation as a priority brings a sense of direction to the virtue of testimonial justice (a direction toward humanity), the other interpretation of *Ren* as humane courtesy brings a sense of destination to testimonial justice. The word

⁷⁴ *Analects*, 15.21.

⁷⁵ *Analects*, 17.6.

⁷⁶ *Analects*, 12.2.

⁷⁷ *Analects*, 4.16, 4.11, 13.23, 12.16.

⁷⁸ *Analects*, 15.19.

⁷⁹ *Analects*, 7.23, 4.8.

Courtesy is rooted from the word courtly and is derived from the Greek *choros*, χορός: a place for dancing.⁸⁰ This gives a sense of effortlessness (*wuwei* 無為) without desire to strive for anything. *Ren* as humane courtesy does not hold any desire for improvement, but serves as a respect and celebration for humanity's character. This interpretation emphasizes the distinction of value of an action depending on its motivation. As Confucius said "Those who are *Ren* feel at home in *Ren*, whereas those who are clever follow *Ren* because they feel that they will profit from it".⁸¹ *Ren* only exists when humane action is conducted for the sake of celebration for humanness, not for the sake of another result. As *Ren* is an overarching virtue laying under the foundation of all human virtues, the celebration of *Ren* naturally includes the cultivation of the ideal virtue of testimonial justice as a humane value. Combining the two interpretations, *Ren* — as an ideal virtue — can be defined as one's ultimate priority for humanness that only exists as one cultivating and celebrating such humanness for the sake of the humanness itself. As one achieves *Ren* in its fullest sense, he/she would effortlessly hold the ideal virtue of testimonial justice.

7. Conclusion

In an attempt to comprehend the intersection between Western philosophies and classical Asian philosophies, I have depicted for the possibility for some mutual understanding of epistemic injustice between Fricker and Confucius by giving *Xiaoren* and Fake *Junzi* as both ethically and epistemically culpable cases in Fricker's idea of testimonial justice. This point has been reinforced by the proposal to include Confucius's values: "the *Love of Learning*", *Wisdom*, *Reflection* and *Ren* to the development of understanding testimonial justice. As we transcend the barriers of time and school of thought to facilitate communication between philosophies, it enables progress. Since no scholars have studied Confucius in relation to testimonial

⁸⁰ Rudebusch, 465.

⁸¹ *Analects*, 4.2.

(in)justice, this paper calls for attention to possibilities for deeper comparative study between Confucianism and the contemporary concept of testimonial (in)justice.⁸²

⁸² Acknowledgement: I am indebted to Prof. Billy Wheeler for advising and commenting on the drafts of this paper. I am also grateful for the four anonymous referees who have given invaluable feedback for the refinement of the paper.

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