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# Institutional Uptake: Extending Theories of Uptake Beyond the Interpersonal

Heather Marie Stewart

University of Colorado at Boulder, [heather.stewart@colorado.edu](mailto:heather.stewart@colorado.edu)

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INSTITUTIONAL UPTAKE: EXTENDING THEORIES OF UPTAKE BEYOND THE  
INTERPERSONAL

by

HEATHER MARIE STEWART

B.A., Biology, Philosophy; University of Louisville (2015)

Masters Candidate; University of Colorado, Boulder (2017)

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Written by Heather Marie Stewart

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Committee Chair \_\_\_\_\_ Date \_\_\_\_\_

Second Member \_\_\_\_\_ Date \_\_\_\_\_

Third Member \_\_\_\_\_ Date \_\_\_\_\_

The final copy of this thesis has been examined by the signatories, and we find that both the content and the form meet acceptable presentation standards of scholarly work in the above mentioned discipline.

Stewart, Heather Marie (MA Philosophy)

Institutional Uptake: Extending Theories of Uptake Beyond the Interpersonal

A Thesis directed by Professor Alison Jaggar

### Abstract

This project aims to extend philosophical theories of “uptake” beyond their currently limited scope, which tend to analyze uptake as an exclusively interpersonal phenomenon. I draw on two particular theories of uptake, advanced by Nancy Potter (2000, 2002) and Rebecca Kukla (2014) respectively, to take uptake beyond the interpersonal, and to situate uptake within the context of communication at the *institutional* level. In doing so, I reflect on several failures of uptake at the institutional level, and use these examples to motivate the need for an institutional level theory of uptake. Then, I provide such an account, which includes possible *degrees* of institutional uptake, as well as *adequacy conditions* for successful uptake. In other words, I suggest what is required for institutions to consistently give proper uptake to their interlocutors, whether individuals or groups. I conclude with suggested ways to carry this work further in the future.

Dedicated to my Father and my Norman. May you both continue to watch over me.

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Heather Stewart

CU Boulder, 2017.

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## 1. Introduction

To begin, I want to consider the true story of a tragic event that took place last year, which was covered by several media outlets, such as *The New York Times* (Rosenthal 2016), *The Guardian* (Dart 2016), and the *This American Life* podcast (Glass 2016). The story involves Alan Pean, a young Black male who, in the midst of a delusional episode, had the foresight to attempt to drive himself to a nearby Houston hospital. However, in his psychotic state, upon approaching the hospital, he crashed his car into the side of the building. Pean was immediately taken inside to the emergency room to be examined, and treated for minor physical injuries related to the crash.

As Pean was being taken into the emergency room, he attempted to alert the emergency medical professionals of his psychotic state, exclaiming several times, “I am manic! I am manic!” However, despite repeatedly expressing that the reason for his being at the hospital in the first place was to seek help for his manic state, the health care professionals that Pean encountered ignored these claims, focusing exclusively on the less severe physical injuries that resulted from the crash. Pean was never given a psychiatric evaluation despite his repeated requests for one, a psychiatrist never saw him, and, importantly, he was never relocated to the psychiatric floor of the hospital. His claims about his mental state were simply disregarded, or deemed unimportant.

Not only did the hospital fail to take seriously Pean’s *own* claims about his mental state, but the hospital also ignored the claims of Pean’s family members. Pean’s father (himself a medical doctor) and Pean’s brother both called the hospital individually, notifying the hospital of Pean’s history with mental illness and pushing the hospital to give Pean proper psychiatric attention. Like Pean, his family members (who have thick



West Indies accents), were also ignored. The hospital proceeded to treat Pean's car accident-related (physical) injuries exclusively, ignoring his psychological symptoms all together.

The hospital's failure to listen to Pean and his family, and to follow through with the requests made by the Peans, led to several disastrous consequences, which exacerbated the overall harm done to Pean. For example, Pean was given a muscle relaxer for his back pain, a drug that is known to intensify psychotic symptoms. This only exacerbated Pean's manic episode, leading to an altercation with two armed police officers that were doing security on the emergency room floor. Pean's manic symptoms, which had not been acknowledged, taken seriously, or even noted in his chart, were taken by the officers to be threatening (and, of course there were likely racial dimensions to their feeling threatened by Pean, though we can sidestep that discussion for now). The important thing to note is that despite Pean and others' repeated attempts to make his psychological state known and appreciated by the hospital staff that was supposed to be treating him, these symptoms went completely disregarded. So, when Pean was taken to be acting aggressively towards the officers, instead of his behavior being interpreted as symptomatic of his delusional mental state, it was interpreted incorrectly as defiance. Pean was subsequently grabbed, tasered, and ultimately shot in the chest by the officers. The bullet missed his heart by a few centimeters (Glass 2016; Rosenthal 2016).<sup>1</sup>

Taking for granted that few would disagree that this case is indeed tragic, and that *something* went terribly wrong, how are we to analyze this case? In other words, how do

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<sup>1</sup> Freeman and Stewart (in progress) analyze the epistemic dimensions of this case, drawing out what they call the "epistemic microaggressions" directed at Pean, which lead to consequences that are both epistemic and practical (namely, Pean's physical injuries, which could have been avoided had the hospital given adequate credence to Pean and his

we identify exactly *what* went wrong in this case, and what are we to make of it theoretically? What person or entity bears responsibility for the various failures in this case, and most importantly, for the shooting of Alan Pean? Do we blame the security officers who physically harmed him and ultimately pulled the trigger? That seems to miss the fact that if Pean were moved to the psych floor upon his repeated requests, he would not have interacted with armed officers (the psych floor does not have armed security as the general emergency floor does). So, while not letting the officers off the hook for their part in harming Pean, we can recognize that it would be overly simplified to let the responsibility end there. What about the psychiatrists who never came to evaluate Pean? Are they the responsible parties? Probably not. Or, at least not entirely. Perhaps, and quite plausibly, the psychiatrists would have completed a proper evaluation of Pean, had the intake staff, nurses, and others who interacted with Pean directly and heard his claims requested such an evaluation. Clearly, attributions of blame and responsibility are quite complex in this case—there were failures at many levels, which worked together to create and escalate an already traumatic experience for Alan Pean.

I want to suggest that what went wrong in this case was not the matter of any single individual and their isolated interaction with Pean. Rather, I take this case to exemplify a collective failure—*an institutional failure*—, which indeed implicates several individuals who are part of the institution, but goes *beyond* blaming particular individuals. Rather, something went wrong in the functioning of the institution itself, which impeded its ability to perform its institutional goals of providing safe and quality care to all patients.

This is the phenomenon I want to explore—that of institutional failure. More specifically, I want to hone in on a particular type of institutional failure, which I think was at work in the case of Alan Pean. This failure involves the breakdown of communication between Pean (and his family) and the Houston hospital *as an institution*. In other words, Pean was unable to communicate information about his needs and his mental state not to a particular individual, but to the institutional structure that was supposed to be providing him with a particular service. To locate the communicative failure in a particular interaction between Pean and an isolated individual misses the point, and also fails to capture much of the complexity and nuance of this case, and the way communication operated at various, overlapping levels.

Unfortunately, most of the current philosophical literature that deals with these sorts of communicative breakdowns, especially the literature on what has been termed “uptake,” situate the analysis within the scope of interpersonal dialogues. Insofar as we take what went wrong in the Pean case to be failed communication between Pean and the institutional structure of the hospital, the current literature, with its narrow focus on interpersonal analysis, will not be adequately equipped to do justice to all of the complexity and nuance of this case and others like it. We need an account that *can* make sense of what exactly went wrong in this case, and which can subsequently offer practical guidance for avoiding similar failures in the future.

With this project, then, I aim to provide a preliminary account of what I will refer to as “institutional uptake,” as well as motivate the necessity of such an account. While there has been a great deal of important work done on *interpersonal* uptake, this work has not yet been extended in any systematic, comprehensive way to *institutions*. This project,

then, aims to correct for that lacuna in the literature on uptake, and thereby fill an important theoretical gap in understanding how conversations take place between individuals and/or groups and the institutions of which they are a part, and which somehow play an important role in their lives. The work will proceed as follows: first, I will survey the current literature on uptake, which takes interpersonal dialogues as its point of analysis. Then, I will move to a discussion of the importance of effective communication between individuals and/or groups and *institutions*, given the significant (and often unavoidable) role institutions play in structuring members' lives. I will illustrate this importance by way of a series of examples where I take this communication to have failed in some way, and show how this failure is ultimately detrimental to the individual or group attempting to communicate some need or interest to an institution. Finally, I will provide my positive account of *institutional uptake*. I will suggest a normative scale of more and less successful institutional uptake, and propose what I take to be required for institutions to successfully give uptake to members. I will briefly conclude with a few motivating reasons as to why institutions should take giving uptake to be an important institutional aim, and also suggest possibilities for future development of this work.

## 2. Traditional Theories of Uptake & How They Fall Short:

In attempt to extend the idea of philosophical uptake to institutional contexts, it is first necessary to be clear about what is meant by "uptake." To do so, I will first survey the relevant literature, drawing out what I take to be the strengths of what has already been written on this topic. I will suggest that a general shortfall of the available literature

is that it does not adequately engage with uptake beyond the realm of interpersonal exchanges. I will attempt to make this transition beyond the interpersonal to provide an analysis of *institutional uptake*, which adapts and extends key insights from the literature on uptake beyond their currently limited scope. Let us start by considering theories of uptake which are situated within the realm of interpersonal exchanges.

A significant portion of the literature on uptake has J.L Austin at its theoretical center. In his 1975 classic, *How To Do Things With Words*, Austin argued that in some cases, when we use words we are in fact performing actions. Such “performative utterances” not only describe a state of affairs, but also somehow change (or attempt to change) the social reality. Such utterances are not true or false, that is, they are not truth-evaluable. The sorts of utterances Austin is pointing to are those such as the exclamation, “fire!” This utterance constitutes an action. It aims at achieving something, namely, warning others that there is a fire and they should evacuate the area. This utterance on its own cannot be evaluated in terms of truth or falsity, though of course, it may or may not be true that there is in fact a fire somewhere that justifies the particular warning invoked by the performative utterance “fire!” However, whether or not it is factually the case that there is indeed a fire is not the salient feature of the utterance. The utterance is aiming to *do* something, and its success is determined by whether or not it achieves the desired end—not whether or not it points to something that is in fact “true.”

Austin suggested that while historically, philosophers had given a significant degree of attention to the content of utterances themselves (locutionary acts), and some had even paid attention to the way utterances have differing effects (perlocutionary acts), few had analyzed what he referred to as “illocutionary acts,” or, the *actions that are*

*constituted by the utterances.* Actions such as warnings are illocutionary—under certain conditions, utterances such as “look out!” become the act of warning someone of some sort of present or impending danger. Shouting “fire!” or “look out!” is a performative act—shouting these phrases performs the act of issuing a warning, whether or not the desired perlocutionary effects (i.e., having everyone flee the room), are obtained. Thus, for illocutionary acts such as warnings, the action can take place whether or not hearers receive it in the desired way. For example, if I whisper a warning to you, and you don’t hear it, I have still performed the act of issuing a warning, though the desired perlocutionary effects will not be realized.

Other illocutionary acts, however, are not automatically constituted as the intended action, in the way that exclamations such as “look out!” automatically perform a warning (independent of hearer’s response). Rather, some illocutions require being “taken up” in a particular way by the intended audience in order for the intended action to take place. Namely, for certain illocutions to “come off,” hearers must recognize the utterance as a particular sort of action, and respond in the appropriate way. Examples of such illocutionary acts that require hearer response include promising, betting, or apologizing. For example, it can be said that if I attempt to promise you something, and you don’t recognize it as a promise, then I have not actually promised you anything. In order for a promise to have been made, you would need to recognize that I am in fact issuing you a promise, and demonstrate acknowledgement of the promise in some recognizable way. For Austin, then, the illocutionary act of making a promise only takes place if 1) a speaker performed the action of attempting to make a promise, and 2) the attempt to make a promise *secured uptake* from the listener *as a promise*. In other words,

certain illocutions require the listener to “seal” the meaning of the speech acts through the process of giving uptake (Potter 2016, 140). For Austin, then, when hearers receive speaker’s intended speech acts in the conventional and intended way, and demonstrate that recognition with an appropriate response, they have given the speaker uptake (Austin 1975, 571).<sup>2</sup>

Austin applies the notion of “uptake” to relatively uncontroversial cases, such as whether or not one gives uptake to a speaker’s intended action of placing a bet or making a promise. In limiting himself to such cases, Austin allows himself to abstract the process of giving uptake from social relations and power dynamics, and from the particular social identities of the speakers and hearers involved in the linguistic interaction. He takes for granted that whether or not one receives uptake for the exclamation “look out!” or the utterance, “I promise you that...” is a matter of following (and understanding) certain conventions, being in the right context to perform the intended action (i.e., not being an actor on a stage), and so on. He does not consider the ways in which one’s social identity might have an impact on uptake, even in these seemingly benign cases.

Other philosophers (and feminist philosophers in particular), however, have taken Austin’s theory and applied it to the consideration of speech acts and uptake within contexts of diversity and inequality. A well-known example is Jennifer Hornsby and Rae Langton’s (1998) use of Austin’s theory to explain how certain social contexts, such as one where violent and/or degrading pornography is readily available and pervasive, can contribute to silencing certain groups, such as women. Hornsby and Langton are

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<sup>2</sup> Another way of putting this point is that for Austin, uptake is the successful performance of an illocutionary act, indicated by the securement by the listener of the illocutionary act performed (Potter 2016, 138).

particularly interested in how the pervasiveness of pornography has led to an inability for women to perform the speech act of refusing sexual advances. In other words, they are rendered unable to say “no” to sex in contexts where women are routinely sexually objectified (Hornsby and Langton 1998). Langton develops these ideas in more detail in her 2009 book, *Sexual Solipsism: Philosophical Essays on Pornography and Objectification*. Her main project in the book is to show how certain speech acts become “unspeakable” through repeated failures of uptake, thereby systematically silencing women in particular contexts. In these and other works<sup>3</sup> Hornsby and Langton remain generally loyal to Austin’s original theory of speech acts, though they pay heightened attention to how speech and uptake are affected by power relations, and, more specifically, by the systematic social domination of women.

Not all philosophers who have been inspired by Austin remain as faithful to his original presentation of speech act theory, however, and instead depart from Austin in significant ways. One example of someone working on “uptake” in a way that goes beyond Austin is Nancy Potter. In her 2000 article, “Giving Uptake,” and more fully in her book *How Can I Be Trusted?* (2002), Potter examines the moral, political, and legal dimensions of “uptake.” Her analysis seeks to extend the Austinean notion of “uptake” to account for the ways in which speech acts are never disconnected from social and political contexts and relations, but rather are always embedded in power structures, and often-oppressive discursive institutions and practices (Potter 2000, 479; Potter 2002, 149). Additionally, she thinks uptake is more complex than Austin’s original account recognizes, suggesting that when it comes to uptake, “not just any response will do”

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<sup>3</sup> See, for example, Langton (1993), and Hornsby (2011).



(Potter 2000, 480; Potter 2002, 150). That is, on Potter's account, to give uptake is more than to simply hear and respond in just any way that indicates the recognition that a certain sort of act was performed. Rather, she adds a moral dimension to the requirements of successful uptake. Successfully giving uptake, Potter contends, requires that a hearer respond to a speech act *in the spirit in which it is expressed* (Potter 2000, 481). That is, on Potter's view, uptake requires more than the mere recognition and acknowledgement that a certain illocution was performed, but rather demands the recognition of the deeper meaning and/or specific content of the illocution, as well as its potential moral and/or social significance.

Consider the following example, slightly adapted from Potter (2002): a female employee who has been working very hard and performing well at her job asks her boss for "more responsibility" at work. Her male boss responds by deliberately piling on more tedious—though not more intellectually or creatively stimulating—tasks, all of which she will clearly never be able to complete. Potter suggests that on Austin's more narrow understanding of uptake, the crucial issue is whether or not the boss understood the female employee to be making *a request*. Since the female employee genuinely intended to be making a request, and her boss recognized the speech act as such, the female employee secured uptake on Austin's view. Clearly, something about Austin's analysis seems to miss the point in an important way. Sure, the boss recognized the sort of speech act that the female employee was making as *a request*. However, he did not recognize the speech act *in the spirit* that the female employee intended; that is, he did not recognize the specific content of the request, and or its significance for his employee. Rather, it seems as though the boss might even have been *deliberately defying* the intention of the

female employee's locution, despite the fact that her more general speech act of "making a request" was responded to according to convention—her boss responded to her request in a way that recognized that she had indeed made one. This is why, on Potter's view, being the sort of person who gives uptake rightly involves more than being able to identify the sort of illocutionary act that was performed and what the superficially interpreted intention of the speaker was (here being to make a request). Rather, Potter contends, it is also necessary that a hearer take up the speech act in a way that is consistent with the spirit of which it was expressed. This includes, Potter argues, not responding in ways that close off protests by pointing at the intention of the speech act and replying to the effect of "But you said such-and-such, and I responded to you, so what's the problem" (Potter 2002, 150)? In this example, if the female employee were to contest her boss's response, and he responded by saying something like, "But you requested more responsibilities, and I gave you more! What is the problem?" his response might well be antithetical to uptake—at least on Potter's more complex understanding of the term.<sup>4</sup>

Potter also extends Austin's account in a second way. Potter reads Austin as taking for granted that giving uptake is largely (if not entirely) out of the hearer's control

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<sup>4</sup> This example points to an important feature of many speech acts, namely, that they are often doing multiple things at one time. Giving uptake might be complicated by this fact. For example, the employee was in fact performing the act of making a request. But, that request had particular content and motivation—she wanted more and more meaningful responsibilities at work. So, her act might also be doing several things: asserting her position in the company, asserting her worth as an employee, making a claim about her capabilities, and so on. This raises the question, when considering uptake, of how many of these features need to be recognized, understood, or otherwise "taken up" in order for uptake to have been secured. On Potter's more complex view of uptake, it seems as if the hearer would need to have *at least some* appreciation for all of the work the speech act is doing, or, at least the work the speaker intended for it to do.

so long as they understand the relevant linguistic conventions<sup>5</sup> that the particular speech act involves. In other words, hearers who understand the linguistic conventions “cannot help” but give speakers uptake, where uptake is understood in the more narrow sense described above (i.e., as having correctly identified the sort of speech act that was intended to be made). On this view, hearers have little to no control over whether they give uptake or not. Potter thinks this is misguided, and has the consequence of letting hearers off the hook too easily for failures of uptake (and thus, for maintaining unjust linguistic practices and social relations). Drawing on the example above of the boss and his female employee, it seems evident that the boss had *at least* some degree of control over how he “took up” the speech of his employee, and how he chose to respond to her request. But, on Potter’s reading of Austin, Austin’s view has no way to account for the intentions of the hearer. Whether or not the hearer intends to effectively and responsibly understand the speaker’s speech *in the spirit of which it was delivered*, are largely, if not entirely, irrelevant. For Austin, if the boss recognized his employee’s request as that sort of speech act (as a request), uptake was secured. On the more narrow understanding of uptake, the particular response does not matter to whether or not uptake was secured, so long as the speech act is recognized as being a particular sort of act. For example, if someone comes in the room and shouts “fire!” as long as a hearer recognizes the speaker as in fact making a warning, the speaker has secured uptake.<sup>6</sup> What the hearer chooses to

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<sup>5</sup> I will be referring throughout this thesis to “linguistic conventions.” By linguistic conventions, I mean principles or norms that linguistic communities have adopted which dictate the appropriate or accepted ways to use, and therefore the meanings, of specific terms, as well as normalized modes of expressing meaning (See Robinson 2014).

<sup>6</sup> Though, as mentioned above, for the particular illocutionary act of issuing a warning, a warning can be performed whether or not uptake is secured. For other illocutions (making a promise, placing a bet), uptake is required for that action to have taken place. However,

do with the warning (flee the room, stay behind and try to save others, or stay in the burning building) does not matter for the sake of uptake. A warning was issued, a warning was recognized, for Austin, this is the end of the story.

On Potter's theory of uptake, by contrast, some of our understandings of linguistic conventions and how they are deployed *are* usually within our control. For instance, the boss in the example above might have been able to understand his employee's request as more than a request *simpliciter*, but rather as a *request with very particular content*. Given the context and the employee's position in the company, one might even wonder whether the boss in this example deliberately chose to selectively interpret his employee's speech—to understand it simply as *a* request in the superficial sense, as opposed to a *particular* request. If so, it doesn't seem right to say uptake was secured for the employee in this example, and furthermore, the boss seems *responsible* for that failure. This is one illustration of how Potter argues that hearers are often morally responsible for giving uptake rightly.

Additionally, Potter argues, there is another sense in which individuals are responsible for ensuring that uptake is given consistently and responsibly, which has to do with matters of social injustice and power dynamics. Potter argues that since many linguistic conventions are bound up with social conventions and power relations that are themselves morally problematic, it is imperative to be aware of dominant conventions, and the effect they have on linguistic exchanges, especially across power differentials among speakers and hearers. If it is the case that linguistic conventions are raced,

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Austin merely requires a response that acknowledges that sort of act was performed (i.e., the hearer acknowledging that a promise was made). The particular content of that response or acknowledgement does not matter for the securement of uptake.

gendered, or otherwise infused with the mark of social power and dominance which benefit some and burden others in linguistic exchange, challenging these conventions, and aiming to equalize the linguistic playing field by adopting more representative and diverse linguistic conventions, is a matter of moral responsibility.<sup>7</sup>

Finally, a crucial piece of Potter's view is that, as noted above, she takes some failures of uptake to be *willful*. In principle, there could be many motivations for such failures. In some cases, Potter suggests, deliberate failures of uptake are strategic misunderstandings, infused with the desire to maintain social power by keeping speakers in disadvantaged or oppressed social positions. Such willed failures of uptake are aimed at intentionally confusing, misunderstanding, or silencing the speech of speakers whom dominant hearers deem threatening to the prevailing social order. She illustrates this point by drawing on Marilyn Frye's important work on anger, and the systematic failures of

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<sup>7</sup> Potter writes, "Some [linguistic] conventions are bound up with social conventions and power relations that it is imperative to challenge." Part of a commitment to "nonexploitation and nondomination" she contends, involves an "ongoing commitment to attend to-- and sometimes subvert—linguistic conventions that threaten to impeded short-range understanding and long-term justice and equality" (Potter 2002, 151). What I take her to be saying here is that our dominant linguistic conventions, and norms of communication, threaten to maintain and reproduce problematic social relations. She follows this claim with the example of linguistic conventions that dismiss women's anger, or don't interpret the anger as making a moral claim (example drawn from Marilyn Frye, Potter 2002, 151). Part of challenging the moral injustices that women's anger points to involves first challenging the conventions and norms that lead to repeated failed uptake of such anger, and thus a lack of recognition of the moral claims being expressed. This example of women's anger is expanded further below. Potter also seems to be pointing to the ways in which conventional modes of speech might privilege certain discourses, or language conventions (i.e, not using black vernacular in an academic setting could be a raced linguistic convention of the sort which Potter takes to privilege dominant modes of discourse, which can contribute to the reproduction of oppressive social relations).

uptake of women's anger (Frye 1983).<sup>8</sup> Frye contends that anger is sort of speech act, insofar as it has a certain conventional force by which it sets people in a relation to each other, such that for the anger to come off, it has to receive uptake *as anger* (Frye quoted in Potter 2002, 151). Anger, Frye explains, is usually a way of expressing the claim that one has somehow been wronged. To secure uptake, the intended audience would have to recognize that as a valid possibility, and furthermore that the speaking subject(s) are asserting themselves as the sorts of beings that are capable of being wronged, and worthy or respect and reconciliation. However, when women express anger in response to being morally wronged, Frye argues that they are regularly denied uptake of that anger. Instead, women's anger is "minimized, trivialized, pathologized, mocked, and ignored by men" (Frye in Potter 2012, 151). Deprived of appropriate uptake, then, women's anger is reduced to a "burst of expression of individual feeling."<sup>9</sup> As a social act, which is objecting to some sort of moral injustice, it does not come off. Potter suggests that Frye's account of the systematic failure of women's anger to secure uptake represents a "willful misunderstanding" of women's repeated attempts at this speech act [of anger]. The hearer fails to take seriously the character of the particular speech act and the validity of the claim being made, as well as the intention of the speaker. Willfully distorting, misunderstanding, or ignoring the moral claims being expressed by women's anger is a

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<sup>8</sup> For more interesting work on how anger (and, primarily women's anger) is taken up in therapy/psychiatry settings, see Nancy Potter's chapter, "Problem With Too Much Anger: A Philosophical Approach to Understanding Anger in Borderline Personality Disorder," included in *Fact and Value in Emotion*, Louis Charland and Peter Zachar (eds.), 2008. See also the work of Myisha Cherry on the way anger is taken up disproportionately on the basis of gender and/or race (Cherry 2016; Cherry 2017).

<sup>9</sup> A similar point is made by Naomi Scheman, who argues that women's emotional responses are often taken as "irrational or nonrational storms. They sweep over us and are wholly personal, quite possibly hormonal. The emotions... don't, in any event, *mean* anything (Scheman 1993, 24-5).

method of refusing to recognize the moral injustice or wrong that speech is attempting to highlight. It is a way of avoiding having to address what is being claimed, challenged, or requested.

The boss example above is offered in support of Potter's argument that giving uptake is often within our control, and furthermore that choices to give proper uptake or not are often influenced by hierarchical social relations. In light of these claims, Potter provides an account of the moral responsibility to give uptake in a way that is consistent with speakers' intentions and understandings of how they want their speech to be taken up. Drawing on a broadly Aristotelian approach, Potter argues that being the sort of person who gives others appropriate uptake is more than just a vital aspect of good linguistic practice, but rather is part of what is required to be a *morally responsible* interlocutor.<sup>10</sup> Indeed, she claims that "being the sort of person who gives uptake rightly" is a moral virtue. I will return to this point later, to question whether Potter's individualistic, virtue-based approach is useful when considering the sort of uptake that ought to be morally required from institutions. For now, it is useful to consider how one can be a morally responsible interlocutor, with regards to uptake, on Potter's specifically interpersonal view.

On this question of what it means to embody the moral virtue of "giving uptake rightly," Potter writes, "To give uptake rightly, then, is not enough simply to receive another's speech act with the conventional understanding. One must appreciate and

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<sup>10</sup> Though, Potter is actually making a stronger claim, namely that being the sort of person who gives uptake rightly is part of what it means to be a moral person. This is connected to her broader Aristotelian, virtue-theoretical approach. For my purposes, it is sufficient to take the weaker version of the claim, namely that being the sort of person who gives uptake rightly is necessary for being a morally responsible interlocutor.

respond to the spirit in which something is expressed, take seriously what the speaker is trying to say and her reasons for saying it, and have the appropriate emotional and intellectual responses. Furthermore, one must recognize the responsibility attending social and political privilege. Indeed, giving uptake properly is partly constitutive of the kind of person one is—it requires cultivation of a certain kind of character...” (Potter 2001, 482). In the boss example provided and analyzed above, it becomes obvious, in light of this description, that the boss was *not* embodying the moral virtue Potter describes. He did not take up his employee’s speech in the spirit she intended, nor did he respond in the appropriate emotional or intellectual way, with adequate regard for his employee’s intentions. Finally, he did not seem to consider his epistemic or social privilege, and how it affected the situation—her needing to appeal to him for more responsibility, his having the power to grant it or not, and so on. He did not seem to embody the appropriate sort of character required for being a morally responsible boss, that is, he failed to fulfill his particular social role in a morally responsible way, insofar as he failed to give proper uptake and respond appropriately to his employee’s request.

It is important to notice that on Potter’s view, giving ethically responsible uptake does not require that hearers agree with the speakers’ claims, or grant speakers the desired response. Rather, on this view, one can take another seriously, “in the spirit” they intended, and yet disagree nonetheless. Going back to the boss example is useful here. In that particular case, what it means to give uptake rightly is not necessarily that the boss gives his employee what she wants (i.e., more responsibilities within the company, or more intellectually fruitful tasks). He might respond to her request in a way that recognizes that this is indeed what she is requesting, and then respond in a way that



recognizes the spirit of that request, while still rejecting the specific content. In this case, if the boss heard and fairly considered his employee's request, but then gave her a reasoned explanation as to why he cannot grant her more responsibilities at this time (he doesn't have any available duties to give to her that would fulfill her request, her work performance isn't where he would like it to be, or so on) he would have given her appropriate uptake. Denying the conclusion of the request, on this view, is perfectly consistent with acting in a morally responsible way with regards to uptake.

While Potter's view draws on the language of virtue, her view nonetheless meshes well with a more recent account of uptake, put forward by Rebecca Kukla (2014). Like Potter, Kukla is concerned with the social, political, and moral dimensions of uptake. However, Kukla's analysis highlights the ways in which the degree of uptake (or, whether or not uptake is given to speakers at all) corresponds with other social disadvantages and systemic injustices that oppressed groups face in various aspects of their lives. Although she takes this to be true for all systematically oppressed groups, Kukla focuses her analysis on one socially oppressed group in particular, namely, women. With this gendered focus, Kukla asks how and why it might be the case that women can use the identical standard linguistic conventions deployed by men, and yet still receive less (or failed) uptake relative to similarly-positioned men. Further, she argues, systematic failures of uptake have the potential to result in a further detriment to women's already marginal social position (a point that is consistent with Potter's analysis of Marilyn Frye as articulated above). Kukla refers to this as *discursive injustice*.

Kukla's analysis of the way social power operates in shaping linguistic exchanges is connected to the concept of epistemic injustice, and in particular *testimonial injustice*

(Fricker 2007). Brought to major (read: mainstream analytic) philosophical attention by the work of Miranda Fricker, the concept of “epistemic injustice” highlights the injustices and subsequent harms that agents suffer in their capacities as knowers. Epistemic injustices correlate with other social injustices that people in oppressed social positions face, and in that regard are consistent with Kukla’s understanding of the particular targets of “discursive injustice” as being those who are already socially oppressed.

Though Fricker articulates two types of epistemic injustice (testimonial and hermeneutical, respectively) it is, the category of testimonial injustice that is particularly relevant for understanding the process of giving uptake. Fricker takes testimonial injustice to occur when a speaker suffers an undue deflation of their credibility, as a result of prejudicial stereotypes about a social group of which they belong. For instance, a testimonial injustice might occur when a black man’s testimony of police misconduct is dismissed a priori as a result of prejudicial stereotypes about his social group, and more specifically, social conceptions of interactions between black men and police. As in Kukla’s concept of “discursive injustice,” Fricker notes that testimonial injustice can also play a role in keeping already oppressed groups marginalized. That is, testimonial injustice can be both a cause and an effect of oppressive social relations—oppression might cause pervasive testimonial injustice, and reoccurring testimonial injustice might contribute to a groups’ continued oppression. When marginalized speakers’ words are dismissed outright, uptake is necessarily precluded. As such, there can never be an appropriate response to that speech, or the claims that the speech is intending to make. If claims of injustice are never given uptake, systems of oppression are able to continue, uncontested.

So, given that testimonial injustice can play an important role in maintaining systems of oppression through the prevention of uptake of oppressed speakers' speech, what is to be done about testimonial injustice? Miranda Fricker's recommendation for reducing (and, ideally eliminating) testimonial injustice is similar to Nancy Potter's recommendations for overcoming controllable failures of uptake. She too recommends that individuals cultivate a certain epistemic virtue (here, being the virtue of epistemic justice.) Fricker takes epistemic justice to be an "anti-prejudicial intellectual virtue," which helps counteract the tendency to give undue credibility deflations on the basis of prejudicial stereotypes (Fricker 2003). I will return to this idea of "epistemic injustice" in a subsequent section, and consider whether Fricker's notion of the virtue of epistemic justice is useful when considering uptake within the context of institutions.

While Fricker's notion of testimonial injustice is more obviously related to questions of uptake, it is worth noting that her other proposed form of epistemic injustice, namely, hermeneutical injustice, might also be relevant to this issue. Fricker describes hermeneutical injustice as resulting when certain [oppressed] social groups are systematically excluded from processes and institutions of knowledge production, thereby contributing less to the pool of conceptual understandings (and, possibly, linguistic conventions) available in the social imaginary for all to draw from. If it is the case that oppressed groups have been disproportionately and unfairly excluded from knowledge production, and, consequently, deprived of the appropriate conceptual and linguistic tools necessary for expressing themselves or conveying their experiences to others in the conventional (read: dominant) ways, it will be difficult, if not impossible, to be heard and understood in the requisite ways necessary for being given uptake. When

speakers lack language for describing their experiences, or when the available [dominant] conceptual frameworks do not map onto their experiences, they might come off as incoherent, or simply ignorant, to dominant hearers. Or, they might come off as not saying *anything at all*. Either way, the ongoing exclusion of oppressed groups from the creation of shared hermeneutical frameworks and linguistic norms contributes to the systematic disadvantaging of those groups in linguistic exchanges. This is surely important to bear in mind when considering who consistently gets uptake (and who is routinely denied uptake) in circumstances of social diversity and inequality. As such, uptake might require the virtues Fricker (2007) describes, namely, testimonial *and* hermeneutical justice.<sup>11</sup> While Fricker articulates these as virtues of individuals, we can (and will) consider whether it is possible (and, indeed fruitful), to expand these virtues to institutional contexts.

Returning to Kukla's account of uptake, we can see that it meshes well with considerations raised by both Miranda Fricker and Nancy Potter. Kukla's view of uptake is consistent with the existence of epistemic injustice, which diminishes the likelihood of successful uptake before the speaker even attempts to deploy the standard linguistic conventions. Kukla and Fricker's analyses are both very much in the spirit of Potter's aims, insofar as they pay particular attention to the social aspects of uptake, and in particular, how power dynamics influence (or preclude) uptake. However, Kukla goes beyond Potter's analysis by providing a more detailed account of the ways in which

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<sup>11</sup> Fricker (2007) presents these virtues as narrowly individualistic, an aspect of her view which has been complicated by Jose Medina (2012). Medina aims to provide a more holistic picture of epistemic justice. He does so by suggesting that epistemic justice is not an independent virtue, but rather involves the cultivation of several related virtues (epistemic humility, curiosity/diligence, and open-mindedness).

social markers can affect uptake, even when the speaker is in a position to deploy the standard social conventions effectively. She describes this as a distortion in the path from speaking to uptake, which undercuts the social agency of the speaker in ways that are likely to reinforce or enhance existing social disadvantages (Kukla 2014, 440).

Effective communication, Kukla observes, relies heavily on discursive rituals and conventions, which some social groups are not always in the position to deploy in the “standard ways.” In other cases, the members of disadvantaged groups might be well-equipped and suitably positioned to use these conventions, but are socially marked in such a way that leads to conventions not being received or interpreted in the ways they otherwise would be, viz., if the conventions were deployed by a member of the dominant group. This can lead to speech acts of the oppressed failing to become the speech act the speaker intended. In other words, when by virtue of a marked oppressed status, a speaker is unable to successfully deploy the standard linguistic conventions (or have them recognized as such), the resulting speech act might be constituted as something entirely different than the speaker intended.<sup>12</sup> When the speech act that is constituted results in the further disadvantaging of an already oppressed group, Kukla call this is “discursive injustice” (Kukla 2014, 441).

I find Kukla’s account of uptake interesting for its departure from standard accounts of uptake, such as those proffered by Austin and followers in his tradition (Langton, Hornsby). Like Potter (though not necessarily unlike the feminist Austinean writers), Kukla is honing in on the role of social power in discursive interactions.

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<sup>12</sup> Kukla gives the example of a female boss, who attempts to issue “orders” to her employees, but given her gender, they are taken up as “requests,” thus diminishing their force, and the force of the resulting obligations (insofar as requests do not issue as stringent demands as orders do) (Kukla 2014, 446-7).

However, unlike theories of uptake derived from Austin, Kukla conceives of uptake as *a constitutive part of the speech act itself*. Uptake, for Kukla, contributes to the constitution of the speech act—to determining what sort of speech act ultimately results in a linguistic exchange (Kukla 2014, 444).<sup>13</sup> The constitution of the speech act—a joint endeavor between the speaker’s utterances fusing with the uptake provided by the hearer—is significantly influenced by relations of power, which ultimately affects linguistic outcomes.

Note that for Kukla, the role of social inequity in securing uptake is different than the way it has been conceptualized by those in the more directly Austinean tradition. For example, Langton and Hornsby (1998) suggest that women’s lesser social power (or, at minimum, their unequal social status) render women *unable* to perform certain speech acts *at all*, viz., they are silenced outright. The example they work with is the role of the pornography industry in silencing women in the sense that women become unable to perform the speech act of denying unwanted sexual advances. As society, and more specifically the porn industry, perpetuate a “no means yes” ideology, the force of women’s sexual refusals are diminished, until they eventually become inert. Kukla, however, denies that oppressed social groups are silenced in the way Hornsby and Langton suggest. Hornsby and Langton’s view, Kukla contends, presupposes that uptake is something that occurs *after* a speech act concludes, as a second event. So, they see

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<sup>13</sup> Note that this is different than the role uptake plays in Austin’s theory. For Austin, uptake is relevant to success of the speech act, and whether or not it comes off as that act. Take promising, where whether or not the hearer gives uptake is relevant to whether or not the speaker successfully makes a promise. On Kukla’s view, by contrast, uptake plays an integral role in determining what sort of act is generated (i.e., whether a female boss issued a warning or request is partially determined by how her employees take up her speech).

uptake as an event that occurs after, for instance, a woman attempts to refuse an unwanted sexual advance. For Kukla, on the other hand, the process of giving uptake is not a secondary event, which occurs only after the speech act is complete (and determines whether or not the act was successful). Rather, Kukla takes uptake to be a part of the speech act itself, playing a crucial role in the creation of the particular speech act that results. I see this view as taking an important step towards shifting the linguistic burden for producing the speech act off of the speakers alone, and implicates hearers in the success of the speech act's very creation.

Kukla's account is useful for me to draw from moving forward, for the following reasons. First, combining Kukla's account with Potter's situates uptake within contexts of unequal power relations, and provides some resources for understanding how power operates in linguistic exchange and the process of giving uptake. Second, Kukla's account provides a way of thinking about how uptake can itself be *part of the act*. Whether or not one gives uptake, and the type and degree of uptake they give, plays a role in determining what speech act actually results. Finally, Kukla is mindful of the problem of "repeat failures" of uptake, faced by certain oppressed social groups. Repeat failures, or patterned cases of failed uptake, result when the same person or group is repeatedly attempting to make the same claims (or perform a particular speech act), and the party responsible for hearing and responding to that act fails, repeatedly, to give proper uptake. When uptake misfires repeatedly, often for the same person or group, or around the same set of claims, those particular claims are never given their proper due, instead being repeatedly unheard or dismissed. When the claims are offered by those in oppressed positions, a repeat failure to hear and respond to those claims might function to

maintain oppressive power relations, or keep the oppressed group in their marginalized social position. These three features of Kukla's account make her theory of uptake particularly useful to take as a starting point as I attempt to move and expand the theory of uptake from the interpersonal to the institutional realm.

Lastly, as I make this move to the institutional, I would also like to draw on an aspect of Nancy Potter's theory. Potter's work highlights that uptake is not an entirely passive process, and that whether one gives uptake is not entirely out of one's control. This is an important insight, since other theories of uptake seem to assume that uptake is largely out of the hearer's deliberate control. Think, for instance, of the case of women's refusals of sexual advances in a society saturated with pornographic images that glorify and perpetuate an understanding that "no" in fact means "yes," as argued by Hornsby and Langton (1998). On such a view, men in societies where pornography and the ideologies it perpetuates are so deeply entrenched *can't help* but see women's refusals in the way they have been conditioned to. And anyway, if women are effectively silenced, it is as if they aren't making a refusal at all. This, I believe, somehow lets the hearing party—men who are making unwanted sexual advances at women, say—off the hook. Potter's theory rejects this, however, aiming to present a virtue-theoretical picture of responsibility for uptake, which presupposes that we *do* have *at least some* degree of control over the uptake we give speakers. Moreover, at a different level, the social conditions which structure linguistic interactions, systematically affecting the likelihood of uptake for epistemically marginalized groups, are in principle open to change. Given that I want to say that some institutions have a moral responsibility to their members and/or



constituents to give proper uptake,<sup>14</sup> I need a theory of uptake that assumes that the hearing party has at least some degree of control over the process. Through the combination of the work of Potter and Kukla, I have arrived at a plausible version of such an account.

### 3. Thinking Institutionally:

In this section, I intend to define the scope of “institutional uptake” by articulating which sorts of institutions I am suggesting generate a moral responsibility to give successful uptake. The sorts of institutions that I have in mind are those which play an integral role in structuring the lives of their members, often in ways those members cannot avoid. In some cases, members might not have a choice as to whether or not they participate in the given institution. Additionally, ability to communicate effectively with the institutions in question is a central aspect of the service the institutions provide to members.

Some specific examples of institutions that I have in mind are schools, universities, hospitals or other medical centers, law courts, police forces, and so on. I do not intend this to be an exhaustive list, but rather to illustrate some possibilities for institutions that owe uptake to members, and for which giving proper uptake seems to be required in order to perform its institutional function appropriately, and serve members

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<sup>14</sup> I am suggesting a moral responsibility of the sort that Potter is suggesting with her virtue theoretical model, which suggests that giving uptake is part of what is required for being a moral interlocutor. However, there might be other sources of responsibility for institutional uptake, including the proper execution of the institution’s social role or function (i.e, in order for a hospital to fulfill its social function of healing the sick, appropriate uptake might be required in order to execute that function effectively and responsibly).

well. These are the sorts of institutions in which members place trust, and that they expect to provide them with safety, security, and/or respect. Additionally, these institutions are expected to provide their services in fair and equitable ways to those they represent. In other words, it is part of the purpose, mission, or function of the institutions mentioned to perform their function or social role in a way that is fair to, and respectful of, members. Consider schools. Part of the functional role of schools is to provide an education to students in a way that is fair, respectful, and responsive to all students' needs. Similarly, you might think that when police forces are functioning well, they are respectful and fair to *all* members of the community that they serve.

Presumably, all of the mentioned institutions are only able to serve their members and perform their functional role when they listen effectively and give proper uptake to the claims, needs, and interests of their members. For instance, in many cases, hospitals would be completely unable to perform their functional role of providing health care service to patients if they were unable (or unwilling) to hear patients' claims of pain or suffering, and to give uptake to those particular claims or needs. Listening and giving uptake, in this context in particular, are imperative to being able to diagnose and heal patients properly. I am interested, for the sake of analysis, in institutions like this— institutions that rely on the ability to communicate effectively with members in order to perform their primary institutional function. When these sorts of institutions fail to give proper uptake, their goals, missions, or purposes break down—they are unable to successfully provide their service to members, or otherwise perform their functional role.

### 3.1. Failures of Institutional Uptake

In order to illustrate what it might mean for an institution to fail to give due uptake to its members, I will provide several examples of cases in which I take an institution to have failed to give uptake to the speech of its members, and how this failure can lead to a variety of harms for the speakers who did not secure uptake. Through analyzing these examples and providing diagnoses of what went wrong in each case, we can start to develop an understanding of why it is important for institutions to give uptake rightly, motivating the development of the account of institutional uptake that will then follow.

The first case I will consider involves an example of what I take to be a larger problem of the failure of schools and court systems to give proper uptake to members' testimonies of sexual assault. Consider the following (true) story:

In 2008, a male high school athlete in Silsbee, Texas, sexually assaulted a member of the high school's cheerleading squad. At a basketball game following the assault, the cheerleader refused to cheer for the player who had assaulted her. When the assaulter was at the foul line to shoot free throws, the other cheerleaders started a crowd cheer during which they repeatedly chanted his name. Not wanting to cheer for her attacker, or have to repeatedly chant his name, the cheerleader silently stepped back and took a seat on the bench behind her. For this, the cheerleader herself was punished—she was ordered by the high school principal to either cheer for all members of the basketball team, or quit the cheerleading squad.<sup>15</sup> Faced with the choices to give up something she

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<sup>15</sup> While her attacker eventually pled guilty, legally speaking, at the time of the game in question, he was only accused, having been “no billed” by the grand jury (Netter 2010). In the eyes of the school principal, the boy's status was (legally speaking) innocent. However, even if one has not been proved guilty in court, it seems to me as if there should nonetheless be deference given to those who are bringing forth claims of assault

loved, or cheer for her attacker, the cheerleader pushed the high school administrator's to consider her side of the story, and to reconsider punishing *her* instead of the young man who had assaulted her. However, the principal did not let up on his ultimatum.

Subsequently, the cheerleader opted to sue the school for violating her free speech rights. The case eventually made it to the Fifth Circuit Court of Appeals, which ruled that the silence was not covered as protected speech (Netter 2010; Lipari 2014, 185). Like the school, whose responsibility is to listen to and protect their students, the Court also failed to listen appropriately—to understand the significance of her silence and her subsequent testimony. They failed to do her justice, and they failed to give uptake to her silence in (to use Potter's words) the spirit of which she intended it. Her silence, which was making quite a loud statement, was interpreted as an act of defiance—as a refusal to do what she was supposed to do. As such, her act of silence, through the problematic responses of those institutions that were in a position to listen and respond, became an entirely different act—and not the one she intended.

The woman describes feeling repeatedly dismissed in the traumatic aftermath of her assault, and worsening the blow, the failures and dismissals were coming from a place where she was supposed to feel safe—her high school. Then, compounding the injustice she experienced, she was dismissed repeatedly by the Courts, both at the State and federal level. Three federal appellate court judges ruled that she had no basis for a First Amendment complaint, after her silence (her refusal to cheer for her attacker), cost her a spot on the cheerleading squad. Expressing her frustration, the woman remarked

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(against the tide of pervasive doubt and systematic victim blaming). Given that what she aimed to do was of little consequence to anyone (silently stepping back and seating herself on the bench), I take the school's series of failed responses to be problematic.

that all she wanted was to be heard, understood, and for someone to admit that she had been wronged (Netter 2010). She felt as if at all levels, those she had trusted to be accountable for her safety and respect—her high school, her school district, her principal, her superintendent, her cheerleading coach—had repeatedly failed her through their insensitivity, failure to listen to her and attempt to understand her experience, and to respond appropriately and fairly. Instead, she faced a series of disrespects: being berated by the principal, taunted in the hallways and cafeteria, and removed permanently from the cheer team. Her attacker eventually pled guilty, but the institutional failures had already taken a toll on the young woman, and deepened the trauma she had already experienced as a result of her assault. She reports losing a sense of security in a familiar place (her school), as well as having her trust in the justice of her school and the court systems fragmented. Their lack of uptake harmed her in many ways (socially, psychologically), but also damaged her ability to relate to institutions that are/were important to her life.<sup>16</sup>

Another example of a failure of institutional uptake, which compounds the harm of an already traumatic situation, can be found in Kelly Oliver's recent discussion of the difficulties that many refugees experience in trying to be granted political asylum. Being granted asylum, Oliver describes, is reliant on the ability (and often reluctant willingness) to share one's testimony, and have it taken up appropriately by those in the power to

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<sup>16</sup> One might suggest that the principal and the courts did in fact give the cheerleader uptake, despite not granting her the specific content of what she wanted, namely, to be able to sit down when her attacker was at the free throw line, and not have to chant his name. While this might be the case on Austin's more narrow understanding of uptake, on Potter's more nuanced view, I would suggest that uptake failed. Like the boss example from above, it seems as if the principal is deliberately distorting the cheerleader's act of silence—he is interpreting it as disrespect of defiance, while she intends it to be an act of self-preservation, or refusal to support someone who attacked her.

grant asylum. As Oliver describes, the ability to do this is complicated by many features of the contextual circumstances, and in particular the social and political relations and power dynamics at play. The ability for refugees (and refugee women in particular, in Oliver's analysis) to give testimony can be hindered by many practical difficulties, such as translation problems or an inability to conceptualize the traumatic experience in the ways necessary for uptake. Furthermore, the content of the testimony is typically incredibly distressing, and thus difficult for the speaker to share, as well as for the hearer to receive. Finally, Oliver describes how the relevant institutions (receiving nations) to which refugees are appealing for asylum can reject their testimonies of trauma (Oliver 2017). An example is when the particular trauma is dismissed as the result of cultural norms or religious practices. If testimony is unable to go through and be appropriately taken up, refugees are put at increased risk insofar as they might be unable to obtain the asylum they are seeking. This can open up the possibility for a variety of tangible harms, both physical and psychological, as well as damage trust and the potential for future relations with the intended receiving nation.

A familiar example within the context of the United States might be interactions between the Black Lives Matter (BLM) social justice organization, and police and/or the broader criminal justice system. The group "Black Lives Matter" was formed in 2012 in response to the murder of 17-year-old Trayvon Martin at the hands of George Zimmerman, for which Zimmerman was acquitted. The killing was taken as emblematic of the systemic nature of police violence (or failures of police response to crimes against black people) experienced by black communities. Black Lives Matter's creators describe BLM as a "call to action and a response to the virulent anti-black racism that permeates

our society” and “actively resists dehumanization” of black people. BLM, through various forms of performative speech, aims to “broaden the conversation around state violence to include all of the ways in which Black people are left powerless at the hands of the state” and are deprived “basic human rights and dignity” (Black Lives Matter 2017). The platform of BLM is quite broad, attending to issues that affect various intersectional facets of black communities, including but not limited to black queer and trans folks, black disabled folks, and other disenfranchised groups within the already vulnerable black population. They take themselves, generally, to be “working for a world where black lives are no longer systematically and intentionally targeted for demise” (Black Lives Matter 2017).

To advance the stated goals and guiding principles of BLM, including but not limited to diversity, restorative justice, collective value, trans affirmation, and supporting black families, BLM has engaged in countless community dialogues, demonstrations, and conversations with police and the broader criminal justice system. Their platform makes a series of demands to very specific institutions, aimed at the criminal justice system and policing in particular. They have formulated specific policy proposals, aimed at reducing the incarceration of and police violence against black people, as well as increasing community-level control, such as community policing and policy making (The Movement for Black Lives 2017; Chan 2016).

Despite the persistence of BLM’s repeated voicing of their demands, they have received little to no uptake from the institutions with which they are attempting to be in dialogue. In fact, they are often actively dismissed by those very institutions, and police in particular, as not being credible, or not having anything productive to contribute to

conversations about policing or criminal justice. Instead, they are branded as a hate-group, or, more dramatically, a terrorist group, which actively hates (and at times even harms) police officers. A stark example of this came in response to the tragic shooting of three police officers in Baton Rouge, Louisiana in 2016. When the suspect was apprehended, it was unclear whether or not he was actually associated with BLM. Nevertheless, the entire group received backlash and blame, and particularly from those within the criminal justice system itself. For instance, in the aftermath of the shootings, Wisconsin sheriff described BLM as responsible for the shootings, and for perpetuating a “hateful ideology” (Talking Points Memo 2016). Of course, this extremist action need not be representative of BLM as a group, or the principles on which it was founded, just as religious extremists are not necessarily representative of the stated or widely held doctrine of the larger group. However, with BLM, the media takes these tragic events as evidence that the group *itself* is problematic—indeed that it has nothing positive or worthwhile to say. As a result, BLM gets largely dismissed in public and political spheres, preventing the group’s messages from being taken up widely, and thus, precluding them from achieving the aims of their platform. This not only enables the continued prevalence of police misconduct, but it amplifies distrust of police within the black community.

It is important to note that failures of uptake at the institutional level resulted in harm not only to particular individuals but also, through them, to the groups of which they were members. In other words, repeated failures of uptake leveled against individual members of a group become systematic institutional failures, which have the potential to do large-scale harms. The failures of police forces to give uptake to the claims of Black



Lives Matter is an example of this. Black Lives Matter as an organization has made claims of systemic police brutality and unjust treatment of young black men by the criminal justice system, including police. Not only have police forces largely ignored these claims; they often actively resist them, or deny that there is in fact a problem. As a result, the phenomena of unjust treatment of black males by police, including excessive force, brutality and unjust murders, have been able to continue, largely unchecked by police forces' administrations. Few serious, widespread changes (implicit bias trainings, body and cruiser cameras, etc.), have been made that would signal that police forces are indeed hearing and taking seriously the claims of Black Lives Matter, despite the sustained persistence of BLM's claim-making in the form of demonstrations, protests, petitions, and so on. This, in effect, allows pervasive police violence against black communities to continue, resulting in the continued harming of these communities.

My hope is that by considering a variety of cases in which individuals and/or groups were denied uptake in institutional settings, and subsequently harmed in a variety of ways, I have illustrated the importance of developing a theory of how institutions can do better with respect to uptake. Providing such a theory is aimed at offering practical guidance that institutions can follow in order to give uptake more successfully, subsequently helping to mitigate some of the potential harms described.

#### 4. Toward Successful Institutional Uptake:

In this section, I will provide an account of what I take to be required for "institutional uptake." Ideally, this account could serve as a set of practical guidelines for institutions, that if followed, could help them understand how to give uptake to members,

as well as better understand why doing so is of critical importance. First, I will introduce a normative scale, showing how institutions can fall along a spectrum of more and less successful uptake. Then, I will suggest what is required for achieving successful uptake. In particular, I will focus on what virtues institutions can cultivate that will aid in more consistent and effective giving of uptake. I will conclude with some remarks on gaps in this work, and suggest directions that this work could be extended in, in hopes that a more fleshed out theory of institutional uptake will be developed in the future.

Let us begin with a normative scale of uptake. Institutional uptake is not all or nothing. Rather, institutions can give uptake in degrees, that is, more or less successfully. I suggest that we think of institutional uptake as falling somewhere along the following normative scale:

Successful uptake ← moderately successful uptake ← attempted and failed uptake (i.e., missing the point) ← no attempt and no uptake (i.e., blocking, dismissal)

The ideal, of course, is that institutions will work on improving their ability to give uptake until they consistently fall within the category of giving “successful uptake.”

Successful uptake, I contend, requires the following:

- 1) *Effective listening*
- 2) *Responsible epistemic practices (i.e., resisting various forms of epistemic bias)*
- 3) *Giving serious consideration to the speaking group’s claims*
- 4) *Responding to the claims made in a fair way.*

In what follows, I will spell 1-4 out in more detail, in order to provide a more practical guide for how institutions could work on moving toward consistent successful uptake. When institutions fail at some part of 1-4, they fall somewhere below successful uptake. For instance, if an institution acts in epistemically responsible ways, and has listened adequately, but fails to respond appropriately to the claims being made, they might fall within the range of “moderately successful” uptake. If the institution attempts to listen, but misses the point (and thus fails to respond appropriately), it can be said that they have “attempted but failed” to give uptake. Finally, the worst-case scenario is that institutions do not even attempt to give uptake to members’ claims. This might arise when they block the speech altogether, or when they “hear” the speech superficially, but dismiss it before fair consideration is given. In what follows, then, I suggest ways that institutions can attempt to move away from complete failures of uptake, and move steadily towards success.

#### 4.1 A Preliminary of Uptake: On Effective Listening

I have said above that the first step towards achieving successful institutional uptake is the ability to listen effectively. Given that I take responsible and effective listening to be a necessary prerequisite (though not sufficient on its own) for successfully giving uptake, I need to say something about what it means to listen well, or, in other words, for hearers to appropriately listen to speakers.

Lisbeth Lipari has recently provided a sustained treatment of the ethics of listening. In her 2014 book, *Listening, Thinking Being: Toward an Ethics of Attunement*,

Lipari undertakes the project of showing how listening is itself a constitutive part of communicative action, challenging the taken for granted notion that speaking and listening are separate, or separable, acts, with speech being at the core of communication (Lipari 2014, 3-7). Inadequate attention has been paid to ethical listening, Lipari contends, and rarely does listening enjoy the same emphasis and value as speaking (Lipari 2014, 1). This is problematic, she argues, since listening is essential for ethical engagements with others.

What is particularly compelling about Lipari's account and her emphasis on listening is that in effect, her book lays the groundwork for shifting the burden of effective communication from speaker to listener, or, at the very least, it demands that this burden be shared between the two. This account of communication, which emphasizes the integral role of effective listening for successful communication, meshes well with the provided account of uptake. Recall that Rebecca Kukla's (2014) account also centers the listener's response. Kukla contends that giving uptake is not a separate act, which takes place only after a speech act concludes. Rather, Kukla suggests that uptake is in fact a constitutive part of the speech act—uptake impacts the sort of speech act that ultimately results from a communicative act. Thus, Lipari's account of listening, which holds that listening is not a separate event, but rather is inextricably linked to the success of speech (Lipari 2014, 9), fits nicely with the preferred account of uptake.

Putting Lipari's account of listening alongside of Kukla's account of uptake helps underscore the importance of the hearer in a communicative exchange, and in particular, the role hearers play in constituting the speech act that results from a communicative event. When speech is uttered, Lipari contends, it is not final from the speaker's point of

view. Rather, the utterance presupposes a continuation, viz., some sort of response (Lipari 2014, 133). The response (read: the uptake), combines with the speaker's utterance to create the resulting speech act. The way the hearer responds, or the uptake they give, partially dictates the speech act that occurs (Kukla 2014).

Lipari's account of listening holds that ways of listening are shaped by culture and social location (Lipari 2014, 52). That is, who is speaking to whom, and the relative social positions they occupy, are relevant to how, and how successfully, one listens to a given speaker. The identities and social locations of *both* speakers and listeners matter. Lipari describes this insight within the context of a "politics of listening," which relates to "who speaks and who doesn't, what is and is not said, as well as, of course, to whom it is said and what is and is not heard, and *how* what is heard is heard" (Lipari 2014, 53).

Naturally, power dynamics factor into hearers' willingness and/or ability to hear. Those who occupy positions of power or privilege relative to speakers might have a distinct interest in *not hearing* the content of the speakers' words, especially when it somehow challenges or threatens their privilege. Such *refusal to hear* might lend itself to the sort of *willful failure of uptake*, of the sort described in Nancy Potter's analysis of Marilyn Frye's work on anger. That is to say, those in positions of power might be inclined *not to hear* (and thus not to give uptake) when it puts their power or privilege at risk. Thus, part of adopting good listening practices will require a willingness to put one's own privileged status up for challenge or contest by those who occupy less privileged positions.

What I am claiming is that failures to listen to the speech of those in oppressed social positions can serve as an intentional means of protecting privilege, or keeping

those in power comfortable. Lipari describes the tendency for hearers in dominant positions to “turn away from the suffering of others” in order to protect themselves from “witnessing suffering” (Lipari 2014, 178). Failing to open up to hearing, or bearing witness to the suffering of others, Lipari argues, is a way to protect the privileges and status of what those in power already know and understand, and to not have to take responsibility for complicity in that suffering (Lipari 2014, 178). This “turning away” is an irresponsible way for those in dominant positions to respond to the speech of the oppressed. Not only is such “turning away” morally irresponsible, as Lipari suggests, but it is also conducive to what Gemma Corradi Fiumara calls “communicative inefficiency” (Corradi Fiumara 1990, 189). Corradi Fiumara argues that when those in power dismiss as irrelevant anything that does not absolutely concern them, they render communication ineffective—instead of being an equitable and cooperative dialogue, the party with the power to dismiss the other’s claims ends up dominating the communicative interaction, thereby taking epistemic control in a way that is *not* conducive to communicative efficacy, or, as it were, uptake and proper response. Genuine listening, on the other hand, involves the listener being able (and willing) to step back from the dominant position and be open to genuinely listening to the speaker, on equitable terms (Corradi Fiumara 1990, 189).

If we desire to respond appropriately (that is, ethically and effectively) to the suffering of others, we must first learn to listen responsibly. Without responsible listening, Lipari argues, there might be speaking or acting, but there can be no genuinely engaged response (Lipari 2014, 178). So, what does it take to listen responsibly, in the service of responding appropriately?

One aspect of listening appropriately involves bracketing one's own assumptions and the limitations of their prior knowledge, and being open to having their perspectives and ideas challenged and changed by others who might be in a position to know better. Laurence Thomas (1998) has referred to this as "moral deference," or, the attitude that allows individuals to defer to others about injustices of which they have not personally experienced (Thomas 1998, 360). Thomas suggests that there are certain things that one cannot know or understand without having personally experienced that thing first hand. He gives the example of the Holocaust. It would be hubristic and simply inappropriate to assume that any degree of imaginative role-taking could bring one anywhere near being able to grasp what that experience was like for the victims. So, with regards to experiences of what the Holocaust was like—and the severity of the moral wrongs—it makes sense to defer to those who experienced that injustice first hand. To assume that one can know as well as the victims themselves is morally problematic, and precludes important listening (and learning) from taking place. So, part of listening well (and in morally responsible ways) requires deference to victims of injustice.

Another aspect of listening appropriately involves invoking compassion (Lipari 2014, 179). Compassion, Lipari argues, must precede understanding (Lipari 2014, 180). Drawing on the tradition of feminist care ethics, and particularly the work of Nel Noddings (2012), Lipari suggests that compassionate responses are fundamentally receptive, as opposed to projective. The caring response, according to Noddings, involves moral "engrossment," or "feeling with." This engrossment involves setting aside the desire to immediately start responding (often, from the space of one's own limited perspective), and rather allowing ourselves to "feel with" and genuinely connect with

others' needs (Lipari 2014, 181; Noddings 2012). This sort of compassion, rooted in "feeling with," allows for the sort of compassionate openness that helps us listen well, experience concern, and respond from a space where we are on the same level as the person who is confronting us—not from a position of dominant authority. This sort of bracketing one's own perspective, and indeed, one's sense of privilege or epistemic authority, can be threatening to those in power. It is a challenge to the ego, and to the sense of control, often assumed by those in power (Lipari 2014, 184). If Lipari suggests that this sort of letting go of one's ego, or assumed authority, poses a challenge within the context of interpersonal communication, it seems as if it will pose an even more significant challenge when we consider how institutions listen to their members of constituents. In particular, dominant institutions with substantial power or presumed epistemic authority are likely to be reluctant to give that up, even temporarily, to engage in the sort of compassionate listening Lipari is describing. This is one issue that institutions must grapple with in order to learn to listen well—being willing to bracket the assumed, institutionalized epistemic authority, and open up to alternative understandings.

The work of Lisbeth Lipari, Nel Noddings, Laurence Thomas, and others on attentive listening is paradigmatically individualistic. However, I am suggesting that their initial work on effective and morally responsible listening is applicable to institutional forms of listening, and the creation of institutional spaces where members are heard in a way that is ultimately conducive to uptake. Those in the listening positions within institutions (health care providers, university administrators, etc.) can embody these listening strategies, and normalize them within the institutional structure, such that it becomes normal practice to engage in such modes of listening within the institution.



When those in positions of authority within institutions are able to listen effectively to those occupying lower positions or roles within the institution, those who occupy the lower positions will be far more likely to secure uptake. Of course, listening is not by itself sufficient for uptake, and institutional uptake requires more than the adoption of effective listening strategies.

#### 4.2. Responsible Epistemic Practice:

Many of the suggestions for improving uptake and/or being more epistemically responsible at the interpersonal level appeal to the need for individuals to cultivate certain *virtues*<sup>17</sup>, which make them more likely to engage reliably in epistemically fair interactions. In this section, I will consider four possible candidates for virtues that could reliably improve institutional epistemic practices, and the ability of institutions to give proper uptake to members. The virtues I will consider include the virtues of 1) trustworthiness, 2) epistemic justice, 3) humility, and 4) giving uptake rightly.

Before considering each of these four virtues individually, it is worth remarking why I think the move to virtue at the institutional level is justified, and how virtues and vices can be attributed *not only* to individuals, but also to institutions. In a forthcoming chapter, Alison Jaggar and Theresa Tobin claim that “although virtue and vice are typically characterized as features of an individual’s moral psychology, some of these traits can also be manifested by social structures and institutions.” Institutions, they argue, “can be said to have a ‘character’ and to manifest characteristic dispositions and

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<sup>17</sup>I am using “virtue” to refer to an “excellent trait of character” that is dispositional, or deeply entrenched in its possessor, causing them to act in reliable, consistent, or otherwise characteristic ways (Hursthouse 2016).

encourage these in the personalities of the people who populate the institution, and influence the behavior of those individuals” (Jaggar and Tobin, forthcoming). If the institution has a certain way of being, or a set of characteristic attitudes or behaviors, those can come to represent an institutional character, which is likely to influence how individuals within that institution start to act as a result of being in that environment. As a result, it becomes consistent that the institution (and those individuals who make it up), will act in certain ways. The goal, then, is to have institutions develop institutional characters that are good, or virtuous, and which promote attitudes and behaviors that are just and fair. I will examine four candidates for potential institutional virtues, which I suggest can help cultivate an institutional character that is inclined towards giving proper uptake. These virtues are: 1) trustworthiness, 2) epistemic justice, 3) humility, and 4) giving uptake rightly. I will expand upon each of these four virtues, and how I take them to be important to creating the sort of institutional character that is conducive to reliable uptake.

### *1. Trustworthiness:*

Let us begin with “trustworthiness.” In *How Can I Be Trusted?* (2002), Nancy Potter gives a systematic, virtue theoretical account of “trustworthiness,” and closely links the virtue of trustworthiness to another virtue, that of *being the sort of person who gives uptake rightly*.<sup>18</sup> Being a trustworthy person, Potter contends, is an essential part of being the sort of person who reliably and effectively gives uptake to others (Potter 2002, 149). It is hard to imagine someone who can be said to be trustworthy, Potter argues, who

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<sup>18</sup> I will explore her account of this second, related virtue in what follows.

cannot also be said to know how to give uptake well. Being trustworthy might be an important aspect of giving uptake, insofar as someone might only open up to someone (or some institution) that they think they can count on to give appropriate uptake to their speech. But, giving uptake is also necessary for being trustworthy; insofar as individuals won't confide in those who they cannot depend on to reliably give them uptake.

It is important to be able to place trust in the institutions of which we are a part, and which play important roles in structuring our lives and interactions. For instance, when I choose to become a member of a university, I trust that I am receiving reliable knowledge from credible scholars—that they are not simply making things up or providing me with false information. Similarly, when I visit a hospital, I have to trust that institution to provide me with proper care (otherwise, why would I bother?). I have to trust that several people will have their individual tasks coordinated, and that they will all perform their particular specialized functions, which are part of the overall institutional project of promoting my health. When institutions are not trustworthy, they cannot function properly. Institutions such as schools and hospitals require that members place trust in them, especially in a capitalist society where members have to willingly choose to spend their money on the services these institutions (i.e., hospitals or universities) provide. It seems likely that members would not choose to put their financial resources toward an institution that they did not trust to reliably provide them with the desired service.

If being trustworthy is an essential part of the proper functioning of the sorts of institutions I am describing, and if trustworthiness is closely linked to uptake in the ways Potter (2002) suggests, then uptake is particularly important for trust, *and* trustworthiness

is similarly important for uptake. It is unlikely that members will engage with institutions at all if they cannot trust them. Before there is to be uptake, trust is required. It follows, then, that if we are pursuing institutional uptake, we need institutions to cultivate trustworthy atmospheres as part of that goal.

## *2. Epistemic Justice:*

In setting out Rebecca Kukla's theory of uptake above, I made reference to the work of Miranda Fricker (2007) on the problem of epistemic injustice and the harms that it can lead to for individuals. In her work, Fricker suggests that the way to avoid such injustices and the harms that follow from them is to cultivate, at the individual level, the virtue of epistemic justice (testimonial justice and hermeneutical justice more specifically). Epistemic justice is closely linked to uptake. Rachel McKinnon argues that who (individuals or groups) gets uptake is itself a matter of epistemic justice (McKinnon 2016, 438). Thus, it seems that if we are interested in matters of uptake, we must pay attention to the virtue of epistemic justice that Fricker describes. The question is to whom (or what) is this virtue to be applied?

One might question whether, given Fricker's own account of the pervasiveness of prejudicial stereotypes in what she calls "the social imagination," if calling for the cultivation of individual virtue is satisfactory to undermine or eradicate epistemic injustice. Fricker argues throughout her 2007 book that these prejudicial stereotypes, which pervade the collective social imagination, operate in ways that are beyond individual control. In other words, prevalent and pervasive cultural stereotypes about oppressed groups can cause would-be hearers to make unjust (deflated) credibly

assessments about speakers of oppressed groups, even when the hearing party does not explicitly believe or endorse the content of the stereotype. If Fricker goes to such great lengths to argue that we can be implicitly affected by cultural norms and understandings that we do not reflectively endorse, it is unclear why she situates her strategy for correcting the problem of epistemic injustice within isolated individuals. I read Fricker's articulation of the strength of the images and concepts in the social imagination, and their ability to affect even the most well intended individuals, as suggesting the need for more systemic change—change which targets not isolated individuals, but rather the collective social imagination.

Elizabeth Anderson (2012) has advanced this very challenge to Fricker's account. She writes, "while Fricker's focus on individual epistemic virtue is important, we also need to consider what epistemic justice as a virtue of social systems would require" (Anderson 2012). Anderson's aim is to focus in on the cultivation of epistemic justice within the social systems through which we "organize the training of inquirers and the circulation, uptake, and incorporation of individuals' epistemic contributions to the construction of knowledge" in order to ensure that justice is done for each knower, as well as for groups of knowers (Anderson 2012, 165). I take Anderson to be situating the need for epistemic justice in our broader social systems, which have the power to change the shared concepts, understandings, and beliefs available in the collective social imagination. Doing so can make "the social imagination" itself more epistemically just, so that our shared concepts and understandings are not skewed in ways that systematically disadvantage some groups with respect to epistemic practice.

While Fricker is concerned with epistemic justice at the individual level, and Anderson makes the move to larger social systems, I aim to include an analysis of epistemic justice in the space between—namely, the institutional level. Like Anderson, I recognize that in many cases, the individual cultivation of virtue will not be sufficient to eliminate epistemic injustice entirely, especially where institutional epistemic norms are unjust (or, as Anderson claims, the broader social systems which structure our individual lives *and* institutions). Anderson is claiming that while Fricker’s individual-virtue based account can lay the groundwork for a broader account such as the one she herself is advancing, we need to go *beyond* Fricker’s account and apply the virtue model to social systems. Anderson writes, “just as Rawls claimed that justice is a virtue of social institutions, so must we scale up the virtue of epistemic justice to systemic size” (Anderson 2012, 165). I am arguing along with Anderson that we must “scale up” the virtue of epistemic justice, but to institutional size.

One might wonder why not just go all the way towards broader social systems, as Anderson does, given that institutions are indeed part of the overall social systems she is describing. My reason for wanting to locate institutions as sites of virtue and vice is because it might be a more strategic step for promoting epistemic justice (with significant payoff in the short-term), while we aim to reorganize broader social systems (a substantially more difficult task) in the long term. In other words, while I am in complete agreement with Anderson’s project, I also recognize the vast difficulties (both practical and theoretical) of changing entire social systems. And, given that we have already considered several examples where institutional level failures of uptake can cause considerable harm, it seems important to correct for epistemic injustices within

institutional interactions, while ultimately aiming for even broader systemic change in the longer term.

It might be of particular importance to ensure that institutions that are predominately responsible for “meaning making,” or contributing concepts, beliefs, and understandings to the social imagination are epistemically just. Among such institutions we might include, for example, universities, which are largely responsible for knowledge production and dissemination. Promoting the virtue of epistemic justice at the institutional level within universities might affect what sorts of knowledge is produced, appreciated, taught, and integrated into the social imagination through the resources of that institution. This involves diversifying epistemic perspectives and practices in universities, and allowing for different ways of knowing and understanding to take hold. It might also affect *which* ideas get uptake, or indeed, *whose* ideas. If the academy is currently epistemically unjust, in a way that systematically fails to give uptake to the ideas of certain groups of people, promoting epistemic justice in universities would help to ensure that the ideas of groups that have been historically marginalized in the academy are more consistently given uptake, and furthermore, that marginalized groups are given due credit for their ideas which have led to uptake for others of more socially dominant identities.

Consider the following example, which aims to illustrate the systematic inequality in *who* is given uptake for ideas within the academy. Rachel McKinnon (2016) argues that while Miranda Fricker has been given immense [institutional] uptake for her work on epistemic injustice, many of these ideas were articulated prior by groups that are routinely denied uptake, namely, black feminist scholars (McKinnon 2016, 438). When

the ideas were presented as black feminist thought, they did not take off—they failed to secure institutional uptake. However, when a white woman within the mainstream, analytic tradition of philosophy re-articulated many of the same ideas, she was given immense uptake within the discipline. Does this amount to an institutional failure of uptake for black feminist thought, and, consequently, an institutional epistemic injustice? I contend that it does. And, this example in particular illustrates the need for the discipline—particularly those facets of it which are interested in epistemic injustices and epistemic oppressions—to cultivate institutional epistemic justice, which prevents this sort of repeated failed uptake for certain groups.

Moving toward institutional epistemic justice will decrease the prevalence of epistemic injustice being committed by institutions, and thus minimize the variety of harms that epistemic injustices can lead to within those spaces. It would require democratizing knowledge production within institutions, eventually allowing for different ways of knowing to be given uptake within institutions that are now predominately dominated by more narrow epistemes. Insofar as the academy is a major site of knowledge production that disseminates outward into broader society, such changes in this particular institution can contribute to the reshaping of the broader social imagination, which we all collectively draw upon in linguistic exchanges. This, consequently, will have the effect of making even interpersonal epistemic interactions more diverse and representative of various perspectives.

Of course, while a more diverse “social imaginary” which contributes to an increased understanding of oppressed people’s experiences is *necessary* for institutional uptake, it might not be *sufficient*. For instance, Rachel McKinnon (2016) raises the



possibility that oppressed groups might have all the necessary hermeneutical concepts available for them to draw upon to make sense of and convey their experiences, but the hearer (here being a particular institution), might still fail to give them uptake as a matter of intentional refusal to do so (McKinnon 2016, 442).<sup>19</sup> Sometimes, McKinnon argues, the oppressed might have concepts at their disposal to express their experiences to dominant members, but dominant members might refuse to give those concepts uptake—they might willingly remain ignorant to the concepts utilized by the oppressed, or actively deny the legitimacy of the conceptual tools being drawn on to make sense of experiences of oppression. Gaile Pohlhaus Jr. refers to this as *willful hermeneutical injustice*, whereby “dominantly situated knowers refuse to acknowledge the epistemic tools developed from the experienced world of those situated marginally” (Pohlhaus Jr. 2012, 715). Such refusals allow dominantly situated knowers to misunderstand, misinterpret, and/or ignore whole parts of the world, thereby refusing uptake to claims made from marginalized spaces, or which draw on concepts developed at the margins. McKinnon gives the example of the concept of “rape culture” in North America. While this concept might help some (esp. women) make sense of their experiences, many in the dominant group explicitly deny or reject that rape culture exists, and thus refuse to give uptake to claims that rely on deploying the concept (McKinnon 2016, 442).

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<sup>19</sup> McKinnon writes, “In some cases, non-dominant group members even have named concepts — access to important hermeneutical concepts — but dominant groups are resistant to providing uptake” (McKinnon 2016, 442). While she does not provide a specific example here, I imagine she has something like the following in mind: though racial justice groups might have the concept of “white privilege” available to draw upon to make sense of their relationship to whites, the dominant group (here being those raced as white) might refuse to give uptake to the concept.

Such rejection by those in socially dominant positions of certain conceptual tools (namely, those formulated by the oppressed to make sense of experiences of oppression), and the subsequent refusal of uptake for those who rely on the concepts, is very likely intentional. In this way, part of overcoming failures of uptake involves paying attention to the ways in which institutions might *choose* to refuse uptake, and targeting such refusals as part of the project of promoting epistemic justice within institutions. This further illustrates the need to complicate, or extend beyond, Fricker's (2007) more simplistic notion of individualistic, agent-based model of epistemic justice to consider (1) institutional power relations, and (2) intentionality in uptake.<sup>20</sup> While Fricker seems to take for granted that once groups are able to create hermeneutical concepts, and those concepts become integrated in the social imagination, justice is achieved with respect to hermeneutics. The inclusion of the importance of *intentions* complicates that view, suggesting that the widespread availability of hermeneutical concepts is not sufficient. Rather, epistemic justice also requires a willingness on behalf of institutions to accept the concepts that are generated by the oppressed to make sense of *their* experiences.

Lastly, I want to suggest that epistemic justice requires that institutions be the sort of spaces that promote comfortability and safety among members, so that members feel able to speak up when something is wrong, or when they need something from an institution that might be difficult to speak about. When individuals fear that they will not be given uptake when they make certain claims, they might self-silence to avoid the epistemic violence associated with being denied uptake, a phenomenon that Kristie Dotson (2014) has called *testimonial smothering*. In many cases, justice for the oppressed

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<sup>20</sup> Which Potter (2000) added to Austin's account.

might require conveying difficult information to institutions in order to access resources from that institution. However, the fear of being denied uptake might cause one to prevent their own speech, and thus preclude the possibility of gaining needed resources. For example, if a sexual assault survivor feels they will be doubted, disbelieved, or blamed for their attack, they might not go to the institutions that they ought to be able to seek help or resources from (police, hospitals, mental health programs, and so on). Similarly, if a transgender person who desires to medically transition thinks that their identity will be dismissed by medical gatekeepers (psychiatrists, surgeons, etc.), they might avoid communicating their needs to those institutions (psychiatry and medicine respectively), and thus not get the medical resources needed to undergo a surgical transition. This sort of self-silencing very well may be reduced if institutions become better at giving consistent uptake. Insofar as speaking up is required for justice in many cases, part of institutional epistemic justice involves cultivating the sort of epistemic space where the oppressed do not have to feel as if they will be disbelieved or otherwise denied uptake, and where they are comfortable speaking up to institutions which control valuable resources which they may need. Furthermore, when the oppressed *do* speak up, institutional epistemic justice requires that they be taken seriously, and not dismissed outright.

### 3. *Humility:*

Jaggar and Tobin (forthcoming) propose the cultivation of *epistemic humility* as a means of undermining the institutional vice of intellectual arrogance, which they take to be enabled and sustained by hubris (Jaggar and Tobin, forthcoming, 1, 23). They suggest

that it is perfectly reasonable to attribute the virtue and vice of humility and hubris respectively to institutions, examining specifically what they take to be the widespread hubris in the discipline of academic philosophy. Academic philosophy as an institution has an “unjustly inflated sense of itself as a contributor of knowledge (superiority as a knower) that leads the community to disregard others as potential knowers and to treat their participation in relevant epistemic practices with disdain (disregard and disdain for other knowers)” (Jaggar and Tobin, forthcoming, 4). In academic philosophy, this hubris might be exemplified, for instance, by the overestimation of the epistemic value of the privileged methodologies and ways of knowing, at the expense of other possibilities.

While Jaggar and Tobin focus on the institution of academic philosophy as a site of the vice of hubris, and which needs to cultivate the virtue of humility, you can imagine a similar analysis being applied to other institutions as well. Other institutions might be similarly inclined to privilege their own methods and ways of knowing over others. One possible example is Western biomedicine, and its tendency to privilege its reductionist, biomedical thinking over other, alternative ways of understanding the body, health, and illness. Western biomedicine assumes its own “objective” rightness, at the expense (and denigration) of, for instance, indigenous healing practices and interpretations of the meanings of body, health, and illness. A classic example of this can be found in Anne Fadiman’s book, *The Spirit Catches You When You Fall Down: A Hmong Child, Her American Doctors, and the Collision of Two Cultures* (1997). In the piece, we get a tragic tale of a young Hmong’s girl’s epilepsy, and how it is interpreted in two vastly different ways in her parents’ Hmong worldview (which viewed her seizures as the sign of a spiritual gift that would prepare her to be a shaman, and therefore as something that ought

to be embraced) and her doctors' Western biomedical worldview (that seizures are inherently detrimental and need to be controlled, and ideally, eliminated). This clash of worldviews has tangible consequences for the young girl, especially given that the physicians assume, arrogantly, the objective rightness of their way of understanding her illness and how to treat it. The physicians are so steeped in their way of knowing, that they don't take time to listen to and consider the Hmong way of understanding the girl's experience. As a result of the ongoing failures of communication, which are largely the result of the hubris in the Western health care system, the Hmong family comes to increasingly distrust the Western medical establishment, and withdraw from following their advice, at the young girl's expense. The family ends up withdrawing her medical treatment, and the girl has a grand mal seizure, which leaves her without higher brain function. If the girl's physicians would have taken time to listen and give consideration to the Hmong family's cultural interpretation of the illness experience, instead of taking for granted the impossibility of "non-scientific" ways of understanding illness, some of the miscommunication, mistrust, and harm to the young girl likely could have been avoided.

While Fadiman's book provides one example, Western medicine is hubristic in many other ways. We see this when patients claim something is wrong, but physicians instead privilege their own "expert" knowledge over the patient's knowledge of their body. Time and time again this leads to misdiagnoses, which could have been avoided had physicians been willing to consider other, "non-expert" ways of knowing the body, health, and, illness. While this could be interpreted as still within the realm of the interpersonal doctor/patient interaction, I am suggesting that something about the institutional culture makes this sort of hubristic thinking pervasive. Thus, this sort of

arrogance needs to be challenged at the institutional level, so that it is not a pervasive problem within particular interactions that occur within medical institutions.

What these examples suggest is that when there is a pervasive hubristic attitude within an institution (i.e., when institutions systematically reward hubristic behavior on the part of those who make up the institution or discipline), harms can result for the members of that institution who are not in relative positions of authority. Pervasive hubris causes those with authoritative roles within such institutions to assume that they always know best—that their ways of knowing guarantee that they always get it right. However, excluding other ways of knowing cannot only lead to distrust and miscommunication, but also tangible (i.e., physical) harms. Institutions need to pay attention to multiplicitous ways of knowing, so as to not miss out on crucially useful insights that might only be possible to make from within a different worldview. Correcting for hubris by cultivating humility can improve institutions' ability to listen to and consider other possibilities, understanding that their own worldviews are limited, and that they could in fact be wrong. Recognizing the limits of institutional knowledge, or, being humble with regards to the knowledge an institution is able to possess, can promote openness toward other possible ways of knowing. This can contribute positively to the likelihood that those with authority within institutions will give uptake to other understandings and ways of being.

#### *4. Giving uptake rightly:*

Finally, I turn to the virtue of “giving uptake rightly.” Nancy Potter articulates this virtue in her 2000 article, and develops it in her 2002 book, as well as in her most recent book, *The Virtue of Defiance and Psychiatric Engagement* (2016). In the 2016

work, Potter develops the virtue of giving uptake rightly within the context of psychiatric engagement, and more specifically, she calls for psychiatrists to cultivate the virtue of uptake with respect to psychiatric patients' defiance. Her broader project in the work is to show how defiance, which is typically interpreted negatively, can in fact be an appropriate response to oppressive social norms and living under adverse social conditions (Potter 2016, 137).<sup>21</sup> When defiant behavior is expressed under adverse or oppressive conditions, Potter contends that there are appropriate ways for those in power to respond to that defiance, particularly in ways that do not exacerbate the defiant person's distress or struggles. Drawing on the work of Lisa Tessman (2005), Potter suggests that those who are in positions of significant power and authority, whether role authority and/or the authority of political, social, and economic power, need to work on *their* character as well, in order to actively avoid dominion and to work to change unjust structures and disciplines (Potter 2016, 138). One way to do so, she argues, is to cultivate virtues that make those in positions of power or authority more responsive to the claims of the oppressed, especially when the oppressed are attempting to assert their worth, maintain their dignity, or challenge the status quo. The particular virtue she focuses on is that of "giving uptake rightly."

Recall from above that Potter aims to complicate and expand Austin's more simplistic understanding of uptake. First and foremost, she suggests that Austin's understanding of uptake is "too thin" a conception of securing meaning, which applies only to certain performative utterances such as promising, betting, etc., and which

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<sup>21</sup> The idea that defiant behavior can be an appropriate response to conditions of oppression is reminiscent of the previously mentioned idea that women's anger can be an appropriate response to social injustices, which is making a moral claim about some wrong that has been done (see Frye 1983).

requires only a superficial degree of understanding of those utterances on the part of the listener. Secondly, she complicates the underlying assumption in Austin's work that the speech is taking place between speakers and listeners that are broadly speaking equals (that is, that they are of relatively equal social power).

To the first point, Potter questions whether uptake really is secured anytime (superficial) acknowledgement is given. She points to the possibility for superficially acknowledging that a certain sort of act was performed, while missing or failing to acknowledge the deeper meaning or the particular content of the speech act (Potter 2016, 140).<sup>22</sup> Giving uptake *well*, then, requires going beyond a superficial recognition of a particular sort of speech act being performed, to an understanding of the deeper meaning of that act—or, of the specific content engrained in the act. To the second point, Potter points out that while Austin takes for granted the relative equality of those in the linguistic interaction, this is rarely the case. Often, folks are speaking from unequal social positions, and across a variety of linguistic barriers. She gives the example of a patient recently diagnosed with Schizophrenia, and the difficulty this patient has securing uptake from a psychiatrist, who (by virtue of his professional role) possesses heightened epistemic and institutional authority relative to the patient. The speaking and hearing parties are not equals in the linguistic interaction (Potter 2016, 141). In such cases, where people who occupy oppressed social positions, or who are otherwise living in adverse conditions, attempt to speak to those in positions of power or authority, they are likely

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<sup>22</sup> Recall the boss example articulated above. This would be an example where Austin's view would suggest that uptake *was secured*, but Potter would argue that it wasn't—the deeper meaning of the request (i.e., the particular content) was not recognized or acknowledged. The boss refused to interpret his employee's request for more responsibility at work as having a deeper meaning or a particular content.



drawing on different conceptual schemes or linguistic norms to express themselves. This can lead to their being deemed less intelligible, and therefore less credible (Fricker 2007). This increases the likelihood that their speech acts will be discounted, distorted, or even ignored (that is, not counted as speech acts at all). Thus, a second feature of giving uptake *well* is to be attentive to the social positions of those who are speaking, and to take inequalities in social power into account when listening to the speech of others. This is particularly important for those in positions of power or authority, who are receiving the speech of those who are socially oppressed or marginalized, and who might be making claims about injustices that need to be addressed.

Potter takes her expanded understanding of uptake, and develops it into the virtue of *giving uptake rightly*. This involves, she explains, a “dialogical responsiveness and openness in the context of plurality and systemically stratified societies.” Further, it involves “respecting, attending to, and empathizing with another, but is not identical with those ways of relating” (Potter 2016, 143). As a virtue, *giving uptake rightly* is a disposition to attend carefully, actively, and openly to the communication of another. Additionally, as a virtue, *giving uptake rightly* has to be learned, practiced, and developed. Over time, cultivating the virtue of *giving uptake rightly* allows for more rich engagement with others, and more fully grasping their worlds and ways of understanding.

I am suggesting that this virtue can be adopted within institutional communities, as a means of improving epistemic practice and engagement within those communities. Institutions come to represent epistemic communities, which socialize members into a variety of social and epistemic norms and practices. Potter calls this integration of norms and ways of knowing within an epistemic community an “episteme” (Potter 2016, 158).

We can think about how shifting institutional epistemes towards more epistemically just practices can contribute to more fruitful (and fair) epistemic exchanges between differently positioned members. This requires that those with authority in the institution play an active role in reshaping institutional epistemic norms and practices in more just ways, so that the norms and practices within the institution are geared more towards justice. One way to do this is by cultivating a disposition to *give uptake rightly* among those with the power or authority in the institution to make changes to the institutional episteme, such that this virtue gets normalized, and taught/learned by all those who are engaging in the institution. Over time then, it can become part of the institutional episteme to be the sort of institution that consistently gives uptake well, to all those who communicate with or within the institution.

#### 4.3. Giving Consideration and Responding Fairly:

I have suggested above that when institutions cultivate certain virtues, namely trustworthiness, epistemic justice, humility, and giving uptake rightly, they will be in a position to more consistently and reliably give uptake. In other words, institutions, through developing these four virtues, can develop the sort of institutional character that is inclined towards giving proper uptake. The final dimension of successful uptake involves the last step *after* the speaker's speech has been delivered and heard by the hearing party (here, whichever institution the individual or group is speaking to). The final requirement for uptake involves *giving serious consideration to the speaker's words*, and finally, *responding fairly*.

Giving serious consideration means not blocking the speech, or dismissing it *a priori*. It means giving the speaker the benefit of the doubt, or receiving their speech in a charitable way. It then involves thinking through that speech, and trying to make sense of what the speaker is attempting to do or convey with it. It involves thinking through the most reasonable interpretation of the speech. Lastly, it involves taking into adequate consideration how to respond, by weighing options and determining what is most fair, appropriate, and true to the spirit of the speaker's claims.

The last step of uptake involves the hearer's *response*, or what they choose to do with the speech they have received. I want to be clear that on my account of uptake, the hearing institution does not necessarily have to agree with the speaker's claims, or provide the speaker with what they are requesting (if they are making a request). As Potter (2000) points out, one can give fair uptake and adequately consider speakers' claims without ultimately agreeing with them. I take this to be the case at the institutional level, as well as the interpersonal level. What *is* required for proper response is responding in a way that reflects that serious consideration was given, and that the response is responding in the spirit of which the claims, requests, etc. were made. The response ought to indicate that the speaker was in fact heard and understood, and that the hearer considered the speech, weighed possible responses, and chose the one that was most appropriate and/or fair in light of the particular circumstances. If all of these conditions are met, we can say that an institution has responded fairly, even if the speaker does not get what they intended from their speech.

##### 5. Conclusion: On Taking Uptake Further:

I want to take a brief moment to drive home the importance of uptake on behalf of institutions. The ability of institutions to give uptake to members can be important for the maintenance (and reshaping or improvement) of those institutions, which have a variety of impacts on members' lives. Members might have a stake in playing a participatory role in changing the institutions of which they are a part, which can only be possible when they are able to successfully engage in conversation with, or make claims against, the institutions to which they belong, and also have those institutions provide them with proper uptake. If uptake breaks down, however, the sorts of dialogues between members and institutions that are imperative to challenging and changing institutional structures and/or commitments are rendered impossible.

If individuals are unable to communicate their needs, interests, concerns, or desires to the institutions that are important (and ultimately accountable) to them, they might feel alienated, isolated, or excluded from institutions to which they are supposed to be a constitutive part. More precisely, if one feels as if they are unable to make any claims against institutions that they are part of, they might lose their sense of connection to those institutions. If institutions aim to be representative or inclusive of the needs and/or interests of all members, it is critically important that all members feel as if they are in fact a contributing part of that institution. Additionally, to go back to something mentioned previously, it might be an essential requirement for individuals' abilities to place trust in the institutions of which they are a part, or are otherwise somehow bound up with. For instance, if it is the case that Black Lives Matter as an activist group feels unheard or otherwise ignored by police, and thus unable to make the critical changes to the criminal justice system that they deem necessary, they might feel excluded or

alienated from that institution, or like the institution does not represent their needs, interests, or values. For this reason, they might come to increasingly distrust the institution, or aim to separate themselves from it altogether, either by rejecting the legitimacy or authority of the institution, or by trying to somehow dismantle the institution.

In order for institutions to function well, they need to be open to input, especially critical input, from all members. Institutions need to be willing to engage in intergroup dialogues, which might force them to change or develop in light of groups' claims against them. For instance, if a particular social group is being systematically exploited, ignored, or harmed by an institution, the institution needs to be receptive to the claims of that group, and reflect openness to the criticisms of oppressed groups. Doing so might be important to maintaining the integrity and continuation of the institution itself, but also for providing justice (in various forms) to members.

I want to briefly expand upon this idea of the connection between uptake and justice, to truly highlight the importance of what I am calling institutional uptake. I take institutional uptake to be a central aspect of limiting what Kristie Dotson (2012, 2014), expanding upon Fricker (2010), has referred to as "epistemic oppression." Dotson describes epistemic oppression as being the "persistent epistemic exclusion that hinders one's contribution to knowledge production" (Dotson 2014, 115). Epistemic exclusion, Dotson describes as the "unwanted infringement on the epistemic agency of knowers," where epistemic agency is one's "ability to utilize persuasively shared epistemic resources within a given community of knowers in order to participate in knowledge production, and, if necessary, revision of those resources" (Dotson 2014, 115). I take

institutions to be representative of such “communities of knowers,” where it is crucial that members have the sort of epistemic agency required to participate as full members, as well as full knowers, within that institution. Where institutions fail to include all members as knowers with equal standing, they are contributing to the epistemic oppression of certain groups.

I am suggesting, then, that by cultivating the four virtues I have described, institutions can aim at improving institutional uptake, and thus at minimizing their contributions to epistemic oppression. These four virtues, which together improve the quality of uptake between members and institutions, allow for the more full integration of members into the institutions to which they belong, as knowledge produces on equal footing, and as full participants in the institutional community. Doing so not only improves conditions for individual members/groups, but also improves the state of knowledge and shared epistemic resources of the institution at large (Dotson 2012, 24). There is a motivation, then, to improve institutional uptake as a means of pushing back against and preventing epistemic oppression, as well as improving the overall diversity and quality of institutional knowledge.

Before concluding, I want to make a final remark to highlight the importance of a distinctly *institutional* account of uptake, which I take to have importance above and beyond interpersonal uptake, and as such is not merely reducible to a conglomerate of instances of interpersonal uptake. As Jaggar and Tobin (forthcoming) note (and as mentioned above), institutions can begin to reflect certain character traits, which become reliable or consistent within that institution over time. These become characteristic attitudes that the institution perpetuates, and which are often connected to behaviors that

the institution is likely to enact. These attitudes affect how individuals in that institution act, thereby affecting interpersonal interactions as well. But when institutions promote certain stances or attitudes, this is not reducible to any particular set of individuals. Rather, patterns get reflected in the institution itself, which are then embodied in particular, individual interactions.<sup>23</sup>

Secondly, we might think institutions are accountable to their members in ways particular, isolated individuals might not be. Given relations between members and institutions, we might be able to point to specific responsibilities that institutions have with relation to members. Individuals place trust in institutions to provide them with certain services or protections, and this trust is undermined when uptake is systematically denied. Furthermore, given the heightened power institutions often have, and the influence they have on the lives of individuals and groups, we ought to pay particular attention to the normalized (or, at times institutionally mandatory) epistemic practices of institutions with relation to individuals/ groups. Institutions play a substantial role in structuring our individual and communal lives, and thus have a responsibility to be responsive to the claims we make against them.

Just as Anderson (2012) does not take social systems to reduce to individuals, and argues that we need epistemic justice as a feature of the social systems themselves, I too argue that institutions are not to be dissolved into disconnected series of interpersonal interactions. Rather, institutions act as a unit, and need to provide uptake as that

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<sup>23</sup> Recall, above, Potter's analysis of "epistemes" that get developed in epistemological communities. I am applying her notion of an episteme to consider institutional epistemes—the set of norms or ways of knowing which get socialized into members of the institution, and subsequently reproduced.

identifiable unit, which speaks and hears *as an institution*, not merely as a collection of isolated individuals.

With this project, I hope to have motivated the move beyond limiting philosophical theorizing of uptake exclusively to the interpersonal level, or reducing uptake to a feature of interpersonal linguistic exchanges entirely. I hope to have shown that given the importance of institutions in structuring our lives and social interactions in many important ways, we need to give adequate philosophical attention to the epistemic power differentials between individuals/ groups and institutions, and how those power dynamics affect the ability of individuals and/or groups to communicate with institutions. The ability to communicate effectively with institutions is imperative to improving outcomes, especially for oppressed groups. When an institution is failing to serve its members in ways that are equitable, just, and fair, members of that institution ought to be able to challenge that institution, and have the institution hear those challenges, give them proper uptake, and respond appropriately.

While I hope to have set out some preliminary considerations for an understanding of *institutional uptake*, I realize that there are many shortcomings of this work, and ideas that could be expanded or developed in further directions. I want to end with suggestions for alternative directions in which this work could be taken, in hopes that future research will continue to develop a more nuanced theory of institutional uptake, which can ultimately contribute to my mission of lessening the harmful effects—epistemic and otherwise—of institutional failures of uptake.

Future work on institutional uptake will have to address the questions of moral responsibility for failures of institutional uptake, whether or not (and how) to punish or



reprimand such failures, and whether or not (and how) to attribute praise and blame to institutions with respect to uptake. I have suggested (though, admittedly it needs to be fleshed out in much greater detail), that institutions have a moral obligation to provide successful uptake to their members' speech. If it is in fact the case that institutions have such an obligation, there needs to be a corresponding theory of responsibility to help make sense of that obligation—what, more precisely, is required to fulfill that obligation, and, what sanctions, if any, are appropriate when institutions fail in this regard? More precisely, future work will need to develop a more clear theory of how to hold institutions accountable for failures of uptake, and when it is appropriate to do so.

Another possible direction involves expanding the need for uptake *beyond* institutions. I have argued for the need to go beyond interpersonal uptake. However, one could claim that uptake needs to be expanded further yet. For example, as Elizabeth Anderson (2012) expands Fricker's (2007) notion of the virtue of epistemic justice to social systems, it could be convincingly argued that uptake is owed at a level higher than particular, identifiable institutions. One possible example is nation-states—do nations owe uptake to each other in transnational conversations? Are nations unified enough to “speak” to and “hear” each other? Extending further, could it be possible that the “Global North” owes uptake to claims of injustice made by the “Global South”? I am not prepared to take a stance on these questions, though I think they offer potentially interesting things to think about with regards to questions of communication—who/what can count as a speaking body and/or a hearing body? What sorts of hearing bodies owe uptake, and to what entities, in particular, is uptake owed? Figuring out complex, multi-level power

dynamics can provide an interesting entry point for analyses of epistemic power and responsible epistemic communication across various levels of power.

I have suggested possibilities for moving this work forward. I hope that those working at the intersections of social epistemology and ethics will take these questions up, and develop a more comprehensive way of thinking about uptake at various levels of communicative interaction, and across varying degrees of power and oppression.

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