

It Gets Worse Before It Gets Better: Victims' Duties to Resist Injustice

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Ashwini Vasanthakumar, [Epistemic Privilege and Victims' Duties to Resist their Oppression](#), *J. Applied Phil.* (forthcoming).

Victims have recently assumed a privileged place within criminal justice policy. The criminal justice system has sought to promote victims' rights, to provide the victims of crime meaningful opportunities to participate in the prosecution of cases. But in promoting victims' rights, the criminal justice system sometimes loses track of victim's *duties*. In seeking to shield victims from further physical or psychological harm from the criminal injuries visited upon them, we sometimes fail to press victims to step forward to resist those who would wrong them. That, at any rate, is the important argument advanced by [Ashwini Vasanthakumar](#). Vasanthakumar builds upon other accounts of victim's duties to argue that victims have a duty to resist their abusers. More powerfully, that duty to resist becomes, on occasion, a duty to assist *other* victims.

It's worth putting Vasanthakumar in conversation with another scholar of victimhood—[Michelle Dempsey](#)—to elucidate the novelty of her position. Victims' duties are not simply the mirror image of their rights. Victims may have a right to *participate* in prosecuting some criminal wrongdoer. But the *duty* to participate is one shared by all witnesses to injustice, whether victims or mere bystanders. (So argues Dempsey in her book [Prosecuting Domestic Violence: A Philosophical Argument](#).) Vasanthakumar recognizes that one sort of victim duty is a dignity based one: by resisting her abuser, a victim restores her sense of self-worth. This type of resistance *does* belong to the victim in her role as victim: as Dempsey argues, “[b]y standing up for herself against...violence and abuse, [a victim] realizes a value which no one else can realize: a value grounded in self-respect, courage, selfmastery, refusal to be dominated, etc.” Other members of the community could choose to identify with the victim in accusing the abuser. But they cannot restore the victim's dignity on her behalf. She must assert herself—even if it is with the community's help—to realize the dignitarian values that come with the duty to resist.

Vasanthakumar focuses on this communal move. But for Vasanthakumar, the relevant community is not all of us—the community in general—but rather a specific community, the community of fellow victims. She argues from the general duty to assist those who are at risk or in danger, to suggest that certain types of wrongdoing place victims in a unique position. Some wrongs are particularly capable of repetition: institutional wrongs, Vasanthakumar argues, have this function. Institutional injustice is typically capable of repetition and directed against a group. If there is an institutional culture that tolerates or encourages institutional agents in doing wrong—institutionalized sexism or racism or violence—then there will be not one victim, but many. That's the Black Lives Matter argument (but not only their argument) about police violence against minorities. It is not one or two bad apples; it is not an isolated affair. It is a feature of police culture regularly repeated across the disparate, independent police departments across the nation.

Vasanthakumar's account of victim's duties is both broader and narrower than Dempsey's. It is broader because it includes injustice outside the criminal justice context. One of Vasanthakumar's core examples is of a corporation's tolerance for sexist mansplaining in the workplace. But it is also narrower, because it is focused on *repeated* offenses, rather than one-off instances of wrongdoing.

The repeatable nature of institutional wrongdoing, Vasanthakumar argues, places victims in an oddly privileged position. Having experienced the wrong, they may be better placed to know that wrongdoing is afoot and to understand its psychological or physical or social consequences. That is the epistemic part of her argument. Ignorance is bliss. We

may all be under a duty to help. But because victims know that a wrong has been committed when the rest of us may not, victims of wrongdoing are closer to the action and so in a better position to help others should the wrong be repeated. By virtue of this unfortunately privileged position victims are under a duty to assist others. These epistemic reasons go beyond individualized dignitary reasons for victims to resist injustice. These individualizing reasons only require victims to assert themselves; they do not require the victim to reach out to others and form associations of assertion and resistance.

Dignitary reasons are not just individualized; they can be individualizing as well. So long as victims are able to assert themselves, the dignitary reasons are satisfied. So long as we join the victim in condemning the offender, perhaps through criminal prosecution, then that may be enough to satisfy dignitarian concerns. But focusing on victims and offenders one by one does not challenge the institutionalized, systemic factors that create widespread, repeated injustices.

Vasanthakumar goes beyond the individualizing strain she detects in the dignitarian model of victimhood. Her associational, communal focus addresses a very contemporary fear some people have about political associations like Black Lives Matter, which are destabilizing of the current status quo. Vasanthakumar suggests that this is all wrong: it is not the victim-resistance move that is destabilizing; *injustice* is destabilizing. We have strong reasons not to tolerate injustice, reasons for ourselves and based in what we owe to others that override the reasons we may have for preserving institutional arrangements that empower ourselves at the cost of others.

These reasons are particularly pressing for victims. Where injustice is institutionalized and directed towards groups of people, then the victims of injustice have a duty to associate with each other to challenge the injustice. Instead of taking the status quo for granted, and asking how to ameliorate conditions within the usual ordering of society, Vasanthakumar explains how victims duty to resist demands that victims agitate for, and non-victims help to create, a space for challenge, uptake, and change.

In the context of Black Lives Matter, for instance, the claim is not that these activists have only a *right* to agitate for change. They have a *duty* to do so. And all of us, including the police, have knock-on duties to listen and understand these claims. If we exhibit virtues of “conscientiousness, open-mindedness, perception, honesty, transparency...and critical reflectiveness” we can engage with and verify victim’s claims about wrongdoing. Having learned that the claims are trustworthy, now we are in a position to help. And being in a position to help, Vasanthakumar argues, is often enough to put us under a duty to do so.

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