Book Symposium:
Miranda Fricker's *Epistemic Injustice: Power and the Ethics of Knowing*

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Epistemic Identities

ABSTRACT

This paper explores the significant strengths of Fricker's account, and then develops the following questions. Can volitional epistemic practice correct for non-volitional prejudices? How can we address the structural causes of credibility-deflation? Are the motivations behind identity prejudice mostly other-directed or self-directed? And does Fricker aim for neutrality vis-à-vis identity, in which case her account conflicts with standpoint theory?

In the movie *The Talented Mr. Ripley*, a young man's fiancée has good reason, as we the viewers know, to suspect foul play when he turns up missing. Yet his father, a Mr. Greenleaf, repudiates the young woman's suspicions with a peremptory dismissal of "female intuition" as being contrary to a clear assessment of "the facts." Greenleaf casts Marge, his son's fiancée, as having an overly emotional reaction to the disappearance, incapable of objective assessments, and, as a result, unworthy of testimonial credibility, although as the father, he too has a strong emotional attachment to the missing young man. With this example, Miranda Fricker opens up an analysis of testimonial injustice.

In this splendid book, Fricker offers a comprehensive account of testimonial injustice, which she defines primarily in relation to an arbitrary deflation of credibility accorded a speaker on the basis of systematic identity prejudice, such as the sexism Marge experiences at the hands of Mr. Greenleaf. She provides helpful terms and distinctions to clarify when the withholding of credibility constitutes injustice, how it operates systematically through identity prejudice, and how it adversely affects knowers – both as hearers and as speakers – as well as the general development of human knowledge. On her account, speakers who are wrongly denied credibility are adversely affected in a very significant way because the practice of speaking truthfully and authoritatively is a central feature of communal recognition, but hearers are also adversely affected by having a foreshortened

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capacity to gain knowledge. Given how much of our knowledge is gained from testimony in one form or another, and given that our capacity as reliable knowers is a central feature of our status as human beings, injustice in the arena of testimony is far-reaching indeed, retarding the values of equality and inclusiveness as well as the capacity to develop reliably the effective skills of knowing. In fact, testimonial injustice inflicts an interesting kind of hybrid harm, Fricker argues, with both ethical and epistemic elements and ill effects.

Fricker develops the account of testimonial injustice in six chapters, and then usefully develops the beginnings of an account of hermeneutical injustice in the seventh chapter, defining the latter as occurring when persons or groups are unable to participate in the formulation and construction of meanings. This suggests that hermeneutic injustice actually occurs at a prior stage to testimonial injustice: whereas testimonial injustice wrongly responds to speech, hermeneutical injustice preempts speaking. Testimonial and hermeneutic injustice are in this way distinct on her view, though they can be mutually supportive.

I admire this book tremendously, and will shortly explain some of its strengths, but I will also raise some questions about assumptions built into Fricker's account of testimonial injustice that are passed over without enough exploration, and that might open up new lines of inquiry. Then I will end with some comments on her account of hermeneutic injustice. I begin with the overview.

Epistemologies of testimony fall into two broad groups: inferential and non-inferential. The inferential camp takes testimony to be the grounds for an inference one can make to justify one's beliefs, thus providing indirect support. The non-inferential camp takes testimony to confer justification directly. Strong inferential accounts of testimony vastly reduce the scope of testimony's role in the production and circulation of knowledge since the hearer must find independent corroboration before the testimony can contribute to justification. In essence, Fricker points out, this asks for too much from hearers, as if we must establish independent reasons for every claim we encounter through testimony before the testimony is itself accepted. On the other hand, non-inferential accounts ask for too little from hearers, as if we would be epistemically non-culpable if we were to take at face value every claim we hear.

Fricker counters both of these positions and develops a third alternative through making use of a phenomenological description of human communication. We do not in general experience communication as a two-step process in which we consciously filter and interpret every claim we hear; rather, she points out, we generally communicate with others in a way that feels immediate and direct. However, we can quickly shift from this default mode of relaxed receptiveness to a doubtful, cautious attitude when some reason for doubt presents itself. This indicates that what initially feels to be a direct and guileless importation of claims is in fact a process in which low-level critical faculties remain operative and ready to be operationalized if perception warrants it. Fricker quotes Coady on this point: "reception is normally unreflective but is not thereby uncritical." (2007, 70) In most

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instances, reception becomes critical on the basis of how we size up the *person* who is communicating with us; this is the source of our confidence in the testimony, and it can become grounds for doubt.

Thus, the reception of testimony is something like a theory-laden perception, or essentially an interpretation. It may indeed not feel like an interpretation simply because some theories are so conventional and common that what we are doing feels like simple perception. But theories are implicitly operating in reception, and theories, as we know, are fallible. Fricker resists the idea that the theories operative in reception can be rendered via a set of rules, or an algorithm; rather, it is like, she says, a "sensibility" that is too complex with too many variable contexts for coding into rules. However, one's testimonial sensibility is rational, or potentially rational, even when it is largely unreflective. Because it is the product of training through experience, it can be retrained, and thus improved.

Given this general approach to testimony, Fricker introduces her specific account of testimonial injustice. The withholding of credibility in and of itself is not necessarily unjust, of course. Rather, injustice occurs when the credibility we accord a speaker is deflated for specious reasons having to do with identity. Fricker introduces two concepts having to do with identity to help flesh this out: identity power and identity prejudice. She explains that "whenever there is an operation of power that depends in some significant degree upon such shared imaginative conceptions of social identity, then identity power is at work." (14) Identity power is the effect of the conceptualizations of certain identities, as well as the effect of the social location, status, and position of certain identities. Identity power can be used actively, for instance, to reject someone's testimony and rely exclusively on our own judgment, as Mr. Greenleaf does with Marge, or identity power can operate passively without conscious agency, just by the fact that one's identity mobilizes the common social imaginary in certain ways. Fricker thus argues that "identity power is an integral part of the mechanism of testimonial exchange, because of the need for hearers to use social stereotypes as heuristics in their spontaneous assessments of their interlocutor's credibility." (16–7) She wants to maintain a neutral meaning for the concept of "stereotype," so that it means merely something like a generalization or a heuristic that can be innocuous, at least in some cases. The term "identity prejudice" is what she uses to refer to negative, unfounded assessments that are not only incorrect but resistant to counterevidence. And systematic identity prejudices are those negative assessments that track given subjects through many dimensions of their social activity and interaction, from economic contexts to educational, political, and legal ones, which in turn renders subjects who experience such systematic prejudice "susceptible to other forms of injustice besides testimonial." (155)

Fricker then discusses the idea of credibility deficits and credibility excesses, which may be either individual or collective, and she discusses the ways in which having a credibility excess may be a burden in some cases, not simply an advantage. She argues mainly, however, that experiencing constant credibility deficits harms

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persons as knowers, in so far as they are recognized as having a basic capacity to know, and since one's status as knower is a "defining human capacity, an essential attribute of personhood," (59) credibility deficits disrespect the person as a human being. This puts them, in effect, into a sub-category by excluding them from the possibility of trustworthy conversation.

Such exclusions have cumulative effects: being denied credibility means that one is precluded from developing one's intellectual abilities. Doubt from others often leads to self-doubt, hesitation, reticence to speak, and thus an inability to formulate clearly one's thoughts. Marge, in the example from *The Talented Mr. Ripley*, becomes almost hysterical after her claims about her fiancé's murder are persistently ignored, thus confirming Mr. Greenleaf's a priori judgment of her in the beginning. And what he of course does not recognize is the role he himself has played in producing her hysteria through his belittlement of her basic epistemic capacities with regard to the most serious matter of his son's disappearance.

Fricker points out that such situations in which a person's capacities are debilitated through constant interactions involving identity prejudice occur in contexts of "everyday practices of well-intentioned hearers operating in a social-imaginative atmosphere of residual prejudice." (58) Thus Fricker intends to convince us that we are likely harming others much more frequently than we might imagine. In some cases, we may take a person's word, but in an objectifying manner, treating them as a source of raw information rather than a rational informant capable of reasoned analysis (ch. 6). For example, we might trust them to tell us what they can see from the top of the ladder, but not to interpret what it means. In such cases we are treating the person as little more than an object-like measuring instrument, without the rational capacity of interpretation and judgment that is generally accorded to subjects. A lifetime of such treatment is debilitating indeed. Testimonial injustice, she concludes, is a "form of injustice that can cause deep and wide harm to a person's psychology and practical life, and it is too often passed over in silence." (145) Her goal is not simply to make it more visible, but also to develop an expanded account of the epistemic virtues that would counteract testimonial injustice.

Most of the existing accounts of relational epistemic virtues, such as one can find in Bernard Williams's and Edward Craig's work, center on virtues that speakers should have, such as the virtues of accuracy and sincerity. And Williams in particular gives a naturalistic motivation for the development of such virtues given the critical need for human groups to have a division of epistemic labor, which requires an extensive reliance on testimony. The need for speakers to deliver testimony with sincerity and accuracy is required for survival on such naturalistic accounts. But that same division of epistemic labor also requires the development of virtues for the hearer of testimony. Given that testimonial injustice most adversely affects speakers, to the point of debilitating their capacities, then what needs development is an account of the virtue of hearers. To counteract testimonial injustice, we need to develop virtues that would develop our reflexivity

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about identity power and identity prejudice, and we need to create mechanisms by which we can neutralize the impact of prejudice in credibility judgments either through correcting a deficit, maintaining neutrality when we would otherwise be skeptical, or recognizing, and making adjustments for, the challenges some persons may be facing when they are trying to articulate their claims.

These are all volitional practices, or ones we might *consciously* cultivate and practice. And this raises the first question I would direct to Fricker's account: if identity prejudice operates via a collective imaginary, as she suggests, through associated images and relatively unconscious connotations, can a successful antidote operate entirely as a conscious practice? Will volitional reflexivity, in other words, be sufficient to counteract a non-volitional prejudice?

Theory-laden perception, of the sort Fricker blames for identity prejudice, operates much of the time below the level of conscious awareness, as the Implicit Association Test and a host of other recent social psychology experiments have demonstrated.[1] Prejudice can operate quite effectively even when it runs counter to a person's own consciously held values and commitments, a fact that the IA test brings home most forcefully by revealing the latent anti-black prejudices of many black people who take the test. This suggests that developing a virtue approach that operates in the volitional, conscious sphere will only be able to provide a very partial antidote to testimonial injustice. We must be willing to explore more mechanisms for redress, such as extensive educational reform, more serious projects of affirmative action, and curricular mandates that would help to correct the identity prejudices built up out of faulty narratives of history. We also need to ask whether identity prejudice is merely the result of ignorance or a deficient rationality, or whether there are non-rational processes at work as well.

Related to this point, we need to ask how much responsibility we can accord to identity prejudice itself for credibility deflation. The withholding of credibility is indeed a systematic trend in market-based societies where there is an encroachment of advertising culture – a culture that is structurally incapable of being sincere, accurate, or truthful – in the public sphere. Fricker discusses a case of an exchange with an atypically honest used car salesman, raising the question of whether he has been wronged by his hearer when his atypically honest pitch is discredited. Fricker concludes, plausibly, that the salesman has not been wronged, because the conventions of the trade rightfully dissuade hearers from conferring credibility. In effect, Fricker allows that structural background conditions generally preclude either honesty or gullibility in such exchanges, circumventing the possibility of authentic communication. But this invites more analysis because the form of communicative practice one adopts in such encounters is far from atypical in modern societies: it is not merely the purchase of a second-hand car that requires skepticism as a matter of course, but every mercantile exchange of any sort in any store or any encounter that involves communications sponsored by advertising with the aim of sales, since such communication is often then edited for content

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by the needs of the larger pecuniary project. Sophisticated consumers, who increasingly make up the general public, are becoming increasingly cynical toward communication of all sorts, which also has infected political exchange in the public sphere to such an extent that a voter who believes what a candidate or public office holder says at face value is held up to ridicule for extreme naïveté.

Arguably, the normativity of strategic speech dominates most organizations (educational or otherwise) in which we all work, resulting in a cautious attitude toward the daily stream of communication by our co-workers, employees, or bosses, who we know may be advancing a personal agenda, a departmental agenda, or just socialized by the conventions of corporate-speak to frame events in certain ways, edit their assessments, or retreat from critical assessment altogether. University leaders who espouse new programs for the good of the students or the faculty are rarely believed. Workspaces in general, as well as the socializing activities connected to them, are spheres of communication in which strategic aims and structural background conditions, often related to our economic livelihood, routinely infect the exchange of thoughts and ideas.

My point here is not that Fricker should become Habermas, but that the excellent work on testimony beginning to develop in analytic philosophy runs the risk of irrelevance to real social life once again unless we find ways to address the majority of communicative interactions in which sincerity and trustworthiness are affected by the strategic designs of speech and overdetermined by economic necessities. I don't believe that academic philosophy, small as it is, provides a refuge from these structural effects, since even in philosophy (especially in such contexts as the panels at the Eastern APA where so many jobs are being pursued), papers, commentaries, and question and answer sessions can become aggressive and competitive displays of competence where livelihoods are at stake. Relying on the identity prejudices of one's audience can become an effective route to persuasion, and thus career enhancement. Disassociating oneself from feminist philosophy may, for example, have an important though perhaps unconscious effect on search committee attitudes.[2]

In terms of psychological mechanisms that may inhibit communication, Fricker rejects the concept of the social imaginary because she says it is too wedded to psychoanalysis. This despite the fact that she, too, wants to move away from a hyper-rationalist model that would disallow subliminal motivations to serve as causes, if not reasons, for our attitudes toward others. I share her concern with getting caught in the snares of psychoanalysis, which can become a closed set of theoretical options and tends toward a pessimistic determinism. But there are more mid-level models she might use that retain the possibility of conscious intervention. One such example developed by a philosopher is Michèle LeDoeuff's notion of the social imaginary (1989, 2007). In LeDoeuff's account, the social imaginary operates in the public sphere, rather than locked away in an unreachable unconscious, and it motivates questions as well as the interpretation of evidence and the acceptance of hypotheses. LeDoeuff considers in some detail the reasons why assessments

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of women's deficient reasoning and moral capacities were accepted throughout the history of western philosophy by men who in regard to most other topics held much better standards of empirical and analytical reasoning than those they displayed in regard to the topic of women. She argues that the testimonial injustice they displayed to the women in their lives was motivated not simply by their faulty regard toward others but also by their overarching regard for themselves and their social position. The desire to remain in a dominant position over others often requires maintaining the illusion that our social or career success is totally meritorious. The point is that self-perception, and not just other-perception, needs to be involved in the account of how identity prejudices come to exist, and we need to make use of concepts of the imagined self, or habit-body. I thought of this especially in connection to the example of Mr. Greenleaf. Wouldn't Mr. Greenleaf, the father of the missing young man, have every reason in the world to seek out the truth about his son's disappearance? Well, not necessarily, if such a pursuit could compromise his own inflated sense of himself and his superiority over most others in his world. Mr. Greenleaf might well be motivated to avoid looking too closely into his son's disappearance if he fears, for example, that it might lead to a disclosure of homosexuality or some other revelation that would affect his own identity in the world. The *epistemic* motivations to correct for testimonial injustice, of which Fricker adumbrates in convincing detail, do not, alas, trump all others. I suspect that Fricker would agree with all the points I have raised, since these really call for an expansion of her account and the need for other related work on the topic rather than a disagreement with her claims.

A last point I want to raise in relation to testimonial injustice (before I turn to hermeneutic injustice) concerns the ways that Fricker addresses identity in her account. Identity figures in this book's consideration of testimonial injustice as either the ground of unearned privilege or the basis of undeserved demerit. What drives her notion of justice and virtue in regard to identity considerations is the aim of neutrality, that is, the aim of becoming inured to either unearned privilege or undeserved demerit, where one might learn to correctly and fairly assess when identity is truly relevant (because it confers a likely knowledge to the speaker), and to ignore it in all other cases. The kinds of cases Fricker explores in which identity merit might be earned is restricted to experience fairly narrowly conceived. Social position in and of itself on her account does not provide general epistemic resources of any sort. But what if identity is not merely the source of unearned merit or undeserved demerit, but a general epistemic resource – not simply because one is in a *momentary* position to see something I cannot, but because one is structurally positioned in society to *tend* to see what I cannot? I am thinking of the kinds of arguments that have been made that those low down in social status may have some resources useful for a critique of social conventions, or those engaged in physical labor may have resources for understanding the real cost of various social projects, such as war or capital accumulation, or that women and/or minority groups may have insight into the *how* of identity-based oppression, or the cost of it, even

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if they don't necessarily know the *why* of it, etc.[3] If we accept these sorts of claims, then this makes a big policy difference on the solution side: if neutrality is the aim, then diversifying the pool of knowers or researchers or "deciders" is not a project with epistemic motivation. We could theoretically avoid testimonial injustice and achieve neutrality with an all-white Congress. Whereas if social identities across socially hierarchical and diverse societies carry potential epistemic resources for various knowledge projects, then promoting diversity rather than (or alongside) maximizing neutrality would be the goal. I wonder what Fricker thinks about this idea.

Finally, let me turn to her last chapter on hermeneutic injustice. Hermeneutic marginalization is distinct from testimonial injustice because it is related to one's inability to participate in the construction of new meanings and new languages, and because this results in an interpretive incapacity to render one's experiences intelligible to others. To be marginalized from the construction of meanings and terms can produce what Fricker calls a "hermeneutic gap" of intelligibility, and she notes that this can affect content – the absence of available terms – as well as style – the manner in which we communicate. As in the case of testimonial injustice, the adverse effects here tend to amalgamate and feed on each other, such as in the case she discusses of a woman who is sexually harassed before the second wave of the feminist movement invented this concept: she is unable to name her problem or its source in a way that will be understood correctly and taken seriously, and then is further cut off from social participation because she quits her job, cannot obtain unemployment benefits since she quit rather than was fired and cannot name the cause, and continues to fall in a spiraling effect. Post-second-wave feminism, I think we continue to see such spiraling effects resulting from the stereotyping of women who claim sexual harassment as angry feminists, then young women not wanting to appear as angry feminists and therefore undesirable, and so inhibited from naming their problem, and the cycle continues. The end result is a deflation of the very hermeneutic community that might be engaged in the work of developing new meanings and terms as well as manners of redress.

Fricker's account of hermeneutical injustice and marginalization is quite on target in recognizing the creative and variable nature of language. It is a short step from her account to see natural languages as constituted in no small measure by power relations, in which case we would need to think in a more radical way about how to make the development of meanings more inclusive and representative of multiple experiences. There is a lot of work of various sorts on the role of power in the rhetorics of meaning, from George Lakoff's analyses of political speech to Catherine MacKinnon's, Rae Langton's, Ishani Maitra's, and other feminists' work on the way we talk about sex and violence. What I liked especially about Fricker's approach is that she emphasizes the need to be concerned not only about rhetorical strategy or the effects on speakers but also about preempting truth.[4] I very much agree with her that what is at stake here is not simply social justice or the efficacy of human communication but a very arbitrary circumscription of knowledge.

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This raises a question for me, however, about Fricker's account of hermeneutic injustice, especially when she says things like "hermeneutical lacunas are like holes in the ozone." (161) I wonder if this implies a realist account of meaning as reference to already existing, fully formed objects, objects existing, like global warming, whether they are acknowledged by this season's political administration or not. Language is rather more complicated, I think, especially in regard to the sensitive political interactions Fricker is so often concerned with. That is, our ability to name experiences can in some cases change their shape and their affective texture. Consider again the case of sexual harassment, in which the term we use to classify the experience changes it from amorphous or generic aggravation to a specific and remediable injustice, or from 'women's lot in life' to communally sanctioned harm. There is a rather sensitive relationship between the way life appears and feels, and the conceptual repertoire we have available to us to describe it. And changes in the terms by which we bring experiences under a description can affect the actual things themselves – especially in so far as these are experiences – that are referred to by the terms. So in cases where hermeneutic empowerment, so to speak, leads to new terms and new experiences, we may be subject to complaints of fomenting meanings out of whole cloth unless we can account for this feedback loop. This goes, in my view, even to the construction of many of the objects of which we speak, as Foucault put it and as Ian Hacking has developed it. In regard to objects of inquiry that emerge in societies at a specific historical juncture, such as stable sexual orientations, these 'objects' begin to speak, act, and take on a life of their own with experiences affected by the available meanings in their milieu. So I think the idea of hermeneutic marginalization needs to address the messy, circular ways in which language and human experience is linked, and the ways in which hermeneutic democracy might yield new worlds, and not merely new words.

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NOTES

1 See https://implicit.harvard.edu/implicit/. See also Amodio (2008), Trawalter et al. (2008), Trawalter and Richeson (2006), Hirschfeld (1996), MacDonald (2006–7), Steele (1997), Gladwell (2005), and Steele and Aronson (1995).

2 See, e.g., Haslanger (2008).

3 See, e.g., Alcoff (2007), Harding (1986), and Harding (2004).

4 This is a concern generally shared by the philosophers working on these topics but less so by the sociologists of language.

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