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Book Section:

Fricker, M. (2017) *Evolving concepts of epistemic injustice*. In: Kidd, I.J., Medina, J. and Pohlhaus Jr, G., (eds.) *Routledge Handbook of Epistemic Injustice*. Routledge Handbooks in Philosophy . Routledge , pp. 53-60. ISBN 9781138828254

This is an Accepted Manuscript of a book chapter published by Routledge in The Routledge Handbook of Epistemic Injustice on 29/03/2017, available online:
<http://www.routledge.com/9781138828254>

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Evolving Concepts of Epistemic Injustice

What does the concept of epistemic injustice do for us? What should we want it to do? If meaning is use, then there is no point trying to put precise boundaries on the concept in advance; indeed its use has already evolved, spreading slightly more widely than originally intended, and for good reason. My chief purpose in invoking the label was to delineate a distinctive class of wrongs, namely those in which someone is ingenuously downgraded and/or disadvantaged in respect of their status as an epistemic subject. A first point to make is that this kind of epistemic injustice is fundamentally a form of (direct or indirect) discrimination. The cause of testimonial injustice is a prejudice through which the speaker is misjudged and perceived as epistemically lesser (a direct discrimination). This will tend to have negative effects on how they are perceived and treated non-epistemically too—secondary aspects of the intrinsic wrong. The cause of a hermeneutical injustice is a background inequality of hermeneutical opportunity—specifically, hermeneutical marginalisation in relation to some area of social experience. This puts them at an unfair disadvantage in comprehending and/or getting others to comprehend an experience of that kind (a somewhat indirect discrimination). It might therefore be a good idea to explicitly label both these phenomena as forms of ‘discriminatory epistemic injustice’; for as David Coady (2010; and this volume) has rightly emphasized, we should leave room for something called ‘epistemic injustice’ that is primarily a distributive injustice—someone’s receiving less than their fair share of an epistemic good, such as education, or access to expert advice or information.¹ In this kind of epistemic injustice too, after

¹ The distinction between ‘discriminatory’ and ‘distributive’ is not intended as a deep and/or exclusive demarcation of course, since most cases of one will have aspects of

all, someone is indeed wronged in their capacity as an epistemic subject and so it fits the generic definition originally given (Fricker 2007).

But following on the heels of this welcome broadening of the remit of ‘epistemic injustice’ in general, I would like to advocate continued strictness with regard to the remit of (what I am now labelling) ‘discriminatory epistemic injustice’, for I believe the category will only be useful if it remains bounded and specific, not relaxing outwards to embrace the generality of unfair interpersonal manipulations or, again, systemic riggings of the epistemic economy. The many and various forms of these things will tend to merit their own classifications, and that is how we will best continue the business of bringing to light the different ethical and political dimensions of our epistemic lives.²

Theorising the Unintended

Strictness in what respect? Essentially I have in mind the question of intention, or rather its absence. In testimonial injustice the absence of deliberate, conscious manipulation is definitive, at least in my conception. I was trying to bring out a phenomenon that is easy to miss, and in need of a name. In this kind of epistemic injustice, the hearer makes a special kind of misjudgement of the speaker’s credibility—one actually clouded by prejudice. And this is importantly different from

the other. Not getting your fair share of a good will often be the cause and/or the result of discrimination of some kind.

² See, for instance, Fricker (2016) ‘Epistemic Injustice and the Preservation of Ignorance’, in which I argue that for the most part Charles Mills’ category ‘white ignorance’ is I believe designed to distinguish an importantly different category from ‘hermeneutical injustice’; though I also argue that the two phenomena overlap wherever white ignorance comes in the form of a poverty of shared concepts or social meanings, as opposed to non-sharedness of beliefs and priorities of epistemic attention. I take both to be important phenomena meriting their own categorisation.

any deliberate misrepresentation of someone's true or reasonable beliefs as false or rationally unfounded, for when that happens the perpetrator herself need not misjudge the other's epistemic status at all. Precisely not—rather she sees that he knows, or has reasons, but she intends to cause others to doubt these things, and to downgrade his epistemic status in their eyes. Testimonial injustice by contrast happens by way of a discriminatory but ingenuous misjudgement; and it will, I believe, be useful to continue keeping this separate from the closely related kind of injustice that involves the deliberate manipulation of others' judgements of credibility.

This is in no measure to downplay the importance of deliberate interpersonal manipulations of credibility relations. On the contrary, it is a pervasive epistemic, ethical, and political phenomenon—political not only with a small 'p' but with a capital too, for manipulating credibility relations is the stock in trade of professional political campaigns, in which one side will try to get the electorate to think the other side doesn't have a clue, or cannot be trusted, or both. Furthermore, such deliberate manipulations of credibility relations will often be causally connected with the mechanism of a testimonial injustice. Looking to the movie of *The Talented Mr Ripley*, for example, if we consider again for a moment the testimonial injustice which I argued (Fricker 2007) Greenleaf senior does to Marge Sherwood in misperceiving her as a hysterical lovelorn woman whose 'female intuition' that Ripley is Dickie's killer is evidentially unfounded, then we confront a telling example. Here Ripley has deliberately manipulated the sexist prejudices of the day in order to induce in Greenleaf a certain misperception of Marge and her suspicions, and the result is that Ripley successfully causes Greenleaf to do Marge a grave testimonial injustice. Thus we see that the deliberate manipulation of others' prejudices is likely to be an

effective way of producing an authentic testimonial injustice—a way of inducing in another a prejudiced judgement of credibility in respect of a speaker. Ripley’s repeated dismissive or faux sympathetic remarks to Greenleaf about Marge do the trick very nicely, and they are deliberately designed to cause Greenleaf to be impervious to the rationality of Marge’s suspicions, thereby doing her a testimonial injustice. But we don’t want our concept of testimonial injustice to blur what Ripley does and what Greenleaf does, because the point of the concept was to bring into focus a certain class of epistemic misjudgements, and Ripley does not epistemically misjudge Marge at all. For this reason I would advocate continued strictness about ‘testimonial injustices’ being unintentional: a species of ingenuous epistemic misjudgement. (We perhaps need another label for Ripley’s wicked puppetry—a third-personal intentional gaslighting.³)

Second, and in the case of hermeneutical injustice now, the hearer who cannot understand because she lacks sufficiently shared concepts with the speaker might be trying in earnest to understand, but is unable because of an objective difficulty. She is not deliberately manipulating, concealing, or blanking anything. Again, I think it is worth emphasising this, simply because otherwise one walks away with the impression that so long as we all make reasonable efforts and avoid bad faith no one will suffer a hermeneutical injustice. Not so, for the cause of the injustice is structural—the background hermeneutical marginalization—and so the injustice will tend to persist regardless of individual efforts. Hermeneutical injustice is the actualization of unequal hermeneutical opportunity, which can be somewhat mitigated

³ In this connection, see Rachel McKinnon (this volume), who shows how there can also be gaslighting that is unintentional, even specifically well-meaning, and which can constitute a form of testimonial injustice.

by especially virtuous epistemic and communicative conduct on the part of any individual hearer. Any such virtuous listening will somewhat erode hermeneutical marginalisation, because the more actively a hearer listens the more the speaker's hermeneutical marginalization is thereby eroded—they are thereby enabled to contribute more than before to the shared hermeneutical resource. But insofar as hermeneutical marginalisation is a product of social powerlessness (and is a form of it), the actual eradication of this kind of injustice will require significantly more than such slight interpersonal hermeneutical empowerments; it will require sufficient social equality in general, to ensure that new areas of hermeneutical marginalization do not keep re-emerging with new patterns of unequal power.

Quick on the heels of emphasizing the non-deliberate nature of both these kinds of epistemic injustice, however, I would also like to join others in emphasizing the importance of recognizing the role of our agency in sustaining them, and to point out that non-deliberateness does not entail non-culpability. (On the contrary, in connection with testimonial injustice I assume prejudiced thinking is almost always culpable in some degree—it's just also very ordinary.) And there are many intriguing interim cases where it is unclear, even indeterminate, how far the hearer in a moment of either testimonial or hermeneutical injustice may be colluding with the forces of prejudice or of hermeneutical marginalization to prevent the speaker's word being properly received. The slippery slope to bad faith and self-interested or plain lazy denial is an ever-present factor in situations where the nascent content of the attempted communication is potentially challenging to the hearer's status or, for whatever other reason, outside of their epistemic comfort zone. A number of authors have rightly emphasized and explored this point in illuminating ways (Medina 2012

and 2013, Pohlhaus 2012, Dotson 2012, Mason 2011). But I trust it is compatible with their developments of this aspect that discriminatory epistemic injustice might remain a normative concept that carves out a space in which people are wronged in their status as a knower without that ever being a wrong done simply on purpose. The interesting thing about denial, or other kinds of motivated or wilful ignorance or non-knowing is of course that it is not quite on purpose, or not in the normal conscious way. If, on the other hand, a hearer really does straightforwardly dissemble, pretending not to understand when in fact she understands perfectly well, then that is a closely related but distinct injustice from hermeneutical injustice.

In thinking about the point of the concepts of epistemic injustice, it might help to glance briefly back to the aetiology of the concepts of testimonial and hermeneutical injustice: what were these categories a response to? Through the nineties feminist philosophy was a developing field of energised contention between two intellectual inheritances. The first was Marxism—much of feminist consciousness and the women’s movement, after all, had grown out of class consciousness and socialist politics.⁴ This critical theoretical store supplied invaluable bold abstractions such as ideology, false consciousness, and particularly the concept (from Lukàcs 1971⁵) of a standpoint (of the proletariat) which was epistemically privileged—this standpoint being a position or role in the relations of production which made available, false consciousness notwithstanding, an epistemically privileged viewpoint on the social world. The general idea was that the more hands-on involvement someone had in the

⁴ With reference to the UK women’s movement and its roots in socialism, see Sheila Rowbotham, *Woman’s Consciousness, Man’s World* (London: Pelican, 1973).

⁵ See the section entitled ‘The Standpoint of the Proletariat’ in Lukàcs 1971; pp. 149-209.

close-to-nature processes of production that are necessary for keeping society going, the more they are in a position to see social reality in its true colours.

The second intellectual inheritance, in sharp contrast, was not from the past but was very much present in the burgeoning academic and cultural zeitgeist. Postmodernism was taking hold in the humanities, and many feminist theorists saw in it an ally. The philosophical aspects of this culture-wide movement originated in various sources, and took different forms, but its philosophical notes included most sonorously Foucault's refusal to separate power and truth, the exhilarating ring of which harmonised with Lyotard's (1984) definitive postmodernist claim that 'grand narratives' had had their day, so that projects of 'legitimation' were over and there was consequently now only de facto legitimation of knowledge. Rorty's special brand of pragmatism with its air of dismissive scepticism about the truth as nothing more than 'what people around here think' also made a powerful philosophical presence felt (Rorty 1990). Here and there philosophers with an interest in these cultural currents and 'endist' themes debated how far epistemology was 'dead'.⁶

Against this backdrop, what I hoped for from the concept of epistemic injustice and its cognates was to mark out a delimited space in which to observe some key intersections of knowledge and power at one remove from the long shadows of both Marx and Foucault, by forging an on-the-ground tool of critical understanding that was called for in everyday lived experiences of injustice—experiences that sometimes might be inconsequential, or sometimes by contrast a matter of life and death—and which would rely neither on any metaphysically burdened theoretical narrative of an

⁶ For a compelling contemporary feminist philosophical response to these complex issues see Sabina Lovibond 1989.

epistemically well-placed sex-class, nor on any risky flirtation with a reduction of truth or knowledge to de facto social power. As regards Marxism, for my purposes the monolithic social ontology of class—or its gender or race counterparts—remained at that time riskily insensitive to other dimensions of difference, even if it was recognized to be an abstraction rather than an empirical generalization.⁷ And as regards Foucault, on whose conception of power I explicitly drew, the reductionist drift that inevitably attends any view characterised by a refusal to separate truth from power (though I would not read Foucault as positively committed to any bald reductionism on this score), made it unhelpfully provocative in its rhetoric: if there is no separation between truth and power, then it at least sounds like you are saying there is nothing more to knowledge than having the power to count as having knowledge; but if that were so then there could never be any injustice in being deemed not to know. On such a reductionist view there could be no distinctively epistemic injustice, for there could be no contrast between the way power deems things to be and how they are. (On Foucault's actual view see Allen this volume). Somehow the reductionist challenge, essentially frivolous though it always was, had established itself as a benchmark of politically conscious intellectual activity, its bogus radical rhetoric enjoying some considerable sway at the time.

What was needed, I believed, was something much more easily recognisable as making sense of the lived experience of injustice in how a person's beliefs, reasons and social interpretations were received by others, even conscientious well-meaning others. And although feminist standpoint theory at the time remained too beholden to

⁷ Subsequently, however, it has been re-developed in new ways—for an overview of various forms of standpoint theory and their relation to feminist empiricism see Kristen Intemann (2010).

the sweeping abstractions of Marxism to be viable, it contained a lasting methodological insight that was usefully sloganized by Sandra Harding (1991): ‘start thought from marginalized lives’. Start with the experience of powerlessness and show that it raises philosophical questions. That was the primary phenomenological drive behind the notion of epistemic injustice, and it is why I continue to think it important in any broadly social philosophy to build up slowly from an account of what goes on at the interpersonal level.⁸ In this sense the interpersonal is political.

All this, moreover, is entirely compatible with the thought that there might be forms of testimonial injustice that are not interpersonal—not, as Elizabeth Anderson has helpfully labelled it, ‘transactional’—but rather ‘structural’ (Anderson 2012). In making the distinction between transactional and structural testimonial injustice Anderson elaborates the following imagined example of structural testimonial injustice. We imagine a list of expert witnesses that no one has refreshed for a good while, so that (through no one’s fault, let us add) the same old white male witnesses tend to be drawn on time and time again, and all those whose names would have made it onto the list if any official had been keeping more of a vigilant eye on updating it are effectively silenced. They are, perhaps unwittingly, on the receiving end of what I call ‘pre-emptive testimonial injustice’ (Fricker 2007, ch. 6). Their views are not sought, and this is owing to a structural prejudice (the un-refreshed list). It is worth noting that any such structural testimonial injustice would have to be pre-emptive, for as soon as anyone actually said anything (perhaps they speak uninvited and formally out of turn in the courtroom), it would become transactional as well as structural, since there would be a speaker whose word was prejudicially received by another

⁸ See Jeremy Wanderer (this volume).

party. We cannot really get a grip on the phenomenon of testimonial injustice without anchoring it in transactional possibilities; but the extension of the idea of testimonial injustice to structural forms is very helpful.

The Interpersonal Is Political

There are two immediate upshots of starting one's philosophical thinking from the (partly imagined) experience of marginalization or powerlessness. The first is that the initial focus is bound to be interpersonal, or transactional. The experiences in question are concrete, tending to involve individuals reacting to one another, standing in relations of power to one another. To focus on such experiences is to bring into view all the micro aggressions and injustices that instantiate and indicate more structural, macro formations of power. The second is that the initial focus is also bound to be on dysfunction rather than well-functioning, failures of justice or of reason rather than successes.

Taking the first upshot first, around the same time that Foucault was writing about micro power, feminists were declaring 'the personal is political'. They were both right. If you want to identify the operations of power in, say, practices through which people attempt to put their beliefs, knowledge, opinions, and interpretations into the shared pool of ideas, then you should look to the micro, the transactional. The interpersonal pushes and pulls in daily life encode the larger social structures one hopes to understand, and while I would not commit to the (perhaps Foucauldian) idea that the micro is always prior, certainly it can be. In any case, the micro is generally a good place to start, for one does not really understand the structural or know how to

combat it unless one also understands a good deal about how it is played out at the micro level. Start thought from marginalized lives.

Taking the second upshot second, the idea that it might be philosophically fruitful to focus on dysfunction rather than well-functioning has become increasingly popular, especially with the help of the independent and more general notion of non-ideal theory. Sometimes, as back-up to the general idea that the dysfunctional is interesting, instructive, and ripe for theorising, authors offer the well-known, striking opening sentence of Tolstoy's *Anna Karenina*: 'All happy families are alike; each unhappy family is unhappy in its own way'. But I believe the real lesson from starting philosophy with the dysfunctional is precisely not that the functional forms of institutions, practices, or experiences, or indeed families, are blandly the same as one another. Quite the opposite. The lesson, rather, is that the functional forms of things need to be seen as successfully staving off or coping with endemic problems and difficulties. The real difference between a happy family and an unhappy one is that the happy family has found a way to cope with its tensions and difficulties, at least not letting them eclipse family life, whereas the unhappy one has not. And the difference between a functional epistemic practice and a dysfunctional one is that the functional practice contains certain counter-pressures or mechanisms by which to stave off anti-veridical forces of various kinds, such as prejudice, for example. The interest in the dysfunctional and the non-ideal need not stem from an intrinsic interest in these things (though they are indeed interesting); rather it may stem simply from a realistic interest in how to achieve functionality in any given practice. Thus a philosopher who only aimed to understand and represent epistemic practices in their most functional forms, perhaps even in some notionally ideal form, would still need to do so by looking first

at what potential collapses into dysfunctionality are being perpetually staved off, and by what mechanisms.

Starting philosophical theorising from (real or imagined) experiences of powerlessness, then, tends to encourage a focus on interpersonal dysfunctions, and possibilities for correcting for them. This I believe can be philosophically fruitful, though I would never pretend it delivers all the answers, or makes other perspectives redundant. Rather it represents a historically situated commitment to a certain set of philosophical priorities, and a certain set of hopes for what philosophy may yet become—a more humanistic⁹, more socially enlivened, and above all more interesting version of itself.

New Terrains of Social Experience

The measure of the slogan ‘start thought from marginalized lives’ (and it is strictly as an enlivening methodological slogan that I believe in it; not as part of any general theory of what kinds of social experience may or may not systematically produce any epistemically privileged perspectives) must be in the philosophy that it produces. A new area in which this can be seen is in the philosophy of healthcare.

When a doctor talks to a patient, asking questions about his symptoms or his preferences regarding alternative forms of treatment, things can easily go awry. Pressures of time, the high stakes and burden of responsibility, plus the need for technical or otherwise professional language, all conspire to make it all too easy for a doctor to either fail to solicit her patient’s relevant epistemic input (his relevant beliefs and experiences regarding his own illness) and instead she may inadvertently

⁹ See Bernard Williams’ essay, ‘Philosophy as a Humanistic Discipline’ (Williams, 2009).

end up talking down to her patient, or giving short shrift to legitimate questions and concerns, and so on. Havi Carel and Ian James Kidd (2016) have written about the way negative stereotypes of ill persons can lead to epistemic injustices of various kinds, including the testimonial injustice of finding that their relative expertise in the matter of their lived experience of illness is not recognised or utilised adequately by healthcare professionals. Their aim is to open up ‘an epistemic space for the lived experience of illness’ (Carel & Kidd 2016; p. 16. (See also the contribution to this volume by Carel & Kidd, and by Anastasia Scrutton who explores this issue in relation specifically to mental illness.)

In the domain of psychiatry recent work by two psychiatrists, Michaelis Kyratsous and Abdi Sanati, reveals the applicability of concepts of epistemic injustice to the diagnostic moment. In ‘Epistemic Injustice in Assessment of Delusions’ (Kyratsous & Sanati 2015) they argue that sometimes in diagnosing a patient as delusional, a prejudicial stereotype of delusional persons as generally irrational can lead to an over-generalisation. In effect their delusionality is seen as affecting all their cognitive behaviour rather than just affecting more local regions of it. By way of two case studies they show that this all-too-easy prejudicial over-generalisation can lead to secondary concrete unfair disadvantages for the person diagnosed, such as being ‘treated in a coercive manner’ (p. 5). Thus the effect of the prejudicial over-generalisation fits exactly the theoretical structure of testimonial injustice: the intrinsic injustice of being judged as epistemically lesser owing to prejudice, plus a secondary associated disadvantage.

As regards hermeneutical injustice in the healthcare context, Carel and Kidd have argued that:

In the case of illness, hermeneutical injustice arises because the resources required for the understanding of the social experiences of ill persons are not accepted as part of the dominant hermeneutical resources. Most ill persons are capable of describing their experiences in non-expert terms, but such experiences are (a) largely considered inappropriate for public discussion and (b) play little or no role in clinical decision making (Carel & Kidd 2015; p. 13).

So ill people tend to be hermeneutically marginalised in the sense that the non-expert terms in which they naturally and effectively understand their experiences of illness are not sufficiently shared across social space as regards the decision-making of the professionals whose judgements they rely on. When a resultant failure of shared intelligibility takes place, a hermeneutical injustice occurs and the patient's perspective goes missing from the process of care itself. (See also Carel & Kidd this volume.)

These new applications of the concepts of testimonial and hermeneutical injustice exemplify the ground-up energies that will no doubt somewhat evolve the concepts themselves, perhaps ultimately broadening them out in unforeseen ways. The use-driven evolution of the concepts will I hope continue to be fuelled by these sorts of real interests in explaining the experiences of those on the less powerful end of various relationships. If so, that will reflect a widening commitment to the usefulness of starting philosophical thinking from experiences of powerlessness, chiefly because that is a good way to arrive ultimately at a philosophical account of how things should

be, even ideally. Such developments would also encourage a continued hope that philosophy really is gradually becoming a more humanly intelligent and more socially inflected discipline.¹⁰

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¹⁰ I am grateful to the editors of this volume for very helpful comments on an earlier draft of this paper; and to the Leverhulme Trust for its support of this work as part of a Major Research Fellowship.

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