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On Anticipatory-Epistemic Injustice and the Distinctness of Epistemic-Injustice Phenomena

Eric Bayruns García, California State University, San Bernardino,
e.bayruns.garcia@gmail.com

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The phenomena that compose the epistemic-injustice literature have rapidly proliferated since Miranda Fricker's *Epistemic Injustice* was published in 2007. The epistemic-oriented approach to analyzing systemic-identity-based injustice that feminist epistemologists and critical race theorists developed (Alcoff 1999; Code 1991; Collins 1990; Du Bois 1903; Harding 1992; Hartsock 1998; Mills 1997, 2007), which Fricker further developed, proved not only valuable but also popular because it put epistemologists in a position to notice that typical targets of epistemological inquiry such as knowledge, justified belief and testimony importantly relate to phenomena that have typically fallen outside of its scope such as racial and gender injustice.

This literature has grown in significant measure not only through work that shows how epistemic-injustice phenomena are distinct from testimonial injustice and hermeneutical injustice but also work that clarifies paradigmatic phenomena already identified. Those working in this literature largely accept that a phenomenon counts as epistemic injustice if it picks out some way that a subject is wrongfully “undermined in her capacity as a knower” (Fricker 2007, 17).

Epistemologists in this area of inquiry are not only motivated to identify phenomena and concepts that provide theorists with explanatory purchase of how systemic injustice epistemically undermines non-dominant-group subjects but they are also motivated to identify phenomena and concepts that allow theorists to develop normative theses, prescriptions and remedies for these epistemic injustices. Good prescription depends on good description. So, carving up these phenomena matters.

J. Y. Lee (2021) identifies an epistemic injustice phenomenon, *anticipatory-epistemic injustice*. Anticipatory-epistemic injustice obtains if a subject suppresses her own testimony because she anticipates that she will face challenges conveying this testimony due to her membership in a marginalized group. Lee presents three cases of anticipatory-epistemic injustice.

In the first case, an individual who has a religious experience refrains from sharing testimony of this experience because she anticipates that she will suffer from societal stigma against persons who report such experiences if she reports the experience.

In the second case, an LGBTQIA+ person avoids coming out to their social peers because either they anticipate experiencing the self-regarding attitude of shame upon sharing this testimony or they anticipate that they will experience social stigma. That they perceive the likelihood of some negative state that they would be in due to coming out explains why they avoid coming out.

In the third case, a subject, in an interview, blames herself for being sexually assaulted “rather than to (rightly) fault the outside world for their trauma—perhaps as a ‘way of making sense of the world and reasserting a degree of control’” (Lee 2021, 3). This subject amends the content of her testimony because she fears “losing control over [her] life story”(3).

I will present distinctness conditions that an epistemic-injustice phenomenon should meet to count as distinct from other such phenomena and I will use these conditions to evaluate anticipatory-epistemic injustice's distinctness in relation to testimonial smothering. Even though I argue that the phenomenon that Lee helpfully describes may not be distinct from testimonial smothering, I argue that the notion of distinctness itself should not be the primary or most important criterion that epistemic-injustice theorists use to determine whether such phenomena should feature in the literature. This implies that anticipatory-epistemic injustice and other phenomena like it should indeed feature in the epistemic-injustice literature because they promote epistemic-injustice theorists' development of remedies and prescriptive theses in relation to epistemic injustice.

In the following evaluation and analysis, I will not take the first case of anticipatory-epistemic injustice that involves a subject who refrains from sharing their religious experience as paradigmatic of anticipatory-epistemic injustice. Even though this case helps clarify the phenomenon, I will not take it as such because this case does not involve the kind of systematic identity-based injustice that accrues to racial, gender and sexual orientation-based identities that has been the explanatory target of epistemic-injustice theorists. Instead, the evaluation and analysis will take the cases of anticipatory-epistemic injustice that involve LGBTQIA+ and woman identity as paradigmatic cases of the phenomenon that Lee presents.

Distinctness Conditions and Epistemic Injustice-Phenomena

Epistemic-injustice phenomena admit of a basic distinction between structurally-caused phenomena and agent-caused phenomena even though there are borderline phenomena such as expression-style exclusion and epistemic appropriation (Bayruns García 2019; Davis, 2018). If an epistemic-injustice theorist distinguishes one epistemic-injustice phenomenon from another in terms of whether it is structurally or agentially-caused, then she distinguishes them in terms of their differing causal stories. As a consequence, 'causal story' is a condition that one can use to evaluate such phenomena's distinctness from other epistemic-injustice phenomena. I assume that an epistemic-injustice phenomenon is structurally caused if the phenomenon is a result of how society is organized. And I assume that an epistemic-injustice phenomenon is agentially-caused if an epistemic-injustice phenomenon is a result **an** individual's actions, beliefs or utterances.

In addition to the causal-story-distinctness condition, 'epistemic consequence' is a condition that one can use to evaluate an epistemic-injustice phenomenon's distinctness from other such phenomena. That a subject loses confidence in her epistemic or intellectual abilities because she suffers testimonial quieting or testimonial injustice is an example of such an epistemic consequence (Dotson 2011; Fricker 2007). That a subject is undermined in their capacity to be justified in an inference in the domain of race-and-racial injustice because of white supremacy's effect on news sources is another example of an epistemic consequence (Bayruns García 2020).

Even though these two distinctness-conditions do not exhaust the conditions that one can use to distinguish between epistemic-injustice phenomena, I will use them to distinguish between such phenomena because these conditions matter in terms of developing prescriptive theses and remedies of epistemic injustice. I assume that if one phenomenon's

causal story importantly differs from another, then its prescriptive theses and remedies will tend to differ between these two phenomena. I assume that if one phenomenon's epistemic consequences importantly differs from another, then its prescriptive theses and remedies will tend to differ between them. And I take it that if both the causal story and epistemic consequence of such a phenomenon importantly differ from another such phenomenon, then the likelihood that its prescriptive theses and remedies will tend to differ will be elevated in comparison to a case where two such phenomenon only differ on one theses scores.

Structural and Content Similarity

Lee argues that anticipatory-epistemic injustice differs from testimonial smothering in terms of their causal stories. Lee assumes that if she distinguishes anticipatory-epistemic injustice from testimonial smothering, then she has shown that anticipatory-epistemic injustice is a “*distinct type* of epistemic injustice worthy of recognition and consideration” (2021, 11; my emphasis). I will now present some consideration that tell against their distinctness.

For Dotson (2011), a Black-woman subject suffers testimonial smothering if she truncates her testimony because her audience signals testimonial incompetence regarding the content of her testimony due to pernicious prejudice. An important feature of the causal story here is that this speaker *anticipates* that her audience is testimonially incompetent where issuing untruncated testimony poses a risk to her. In other words, this subject's anticipatory attitude results in her smothering her testimony.

Dotson presents the following case of testimonial smothering. In a library, a White woman asks a Black woman what she is researching. The Black woman responds that she is researching the topic of raising Black sons in the US. The White woman replies by skeptically questioning how raising Black sons differs from raising White sons. This White woman signals that she is testimonially incompetent regarding the issue of how, in point of fact, raising Black sons importantly differs from White sons in the US.

For Lee, a subject suffers anticipatory injustice if she suppresses her testimony *because of* challenges she will face due to her non-dominant-group membership. Suppression can consist in either a subject refraining from issuing testimony or a subject presenting her testimony's content differently (2021, 4). An important feature of the causal story here is that a speaker anticipates that issuing testimony will result in some bad state of affair.

In both testimonial smothering and anticipatory-epistemic injustice, society's structure depresses the likelihood that these non-dominant subjects' audiences will properly receive their testimony. Call this *structural similarity* between these two phenomena.

A further similarity is that both of these phenomena involve that a subject either refrains from issuing testimony or truncates the content of her testimony. Call this *content similarity* between these two phenomena.

I submit that these are two ways that testimonial smothering and anticipatory-epistemic injustice are indistinct in terms of the causal-story-distinctness condition. But if these two phenomena are similar in terms of content similarity, then they will not only be similar in terms of the causal-story-distinctness condition but also the epistemic-consequence condition. That a subject refrains from conveying testimony, or curtails their testimony, is a feature of how they are undermined at the point of sharing information and thus as an epistemic agent. And beyond the epistemic consequence for the subject, there is also an epistemic consequence not only for their audience but also importantly for their community because the community loses out on information about injustice.

Whether structural similarity obtains will turn on how a subject causally relates to her audience. And whether content similarity obtains will depend on how testimony truncation and testimony framing are understood.

The case of testimonial smothering that Dotson presents involves a White-woman hearer who signals testimonial incompetence which is itself due to pernicious ignorance. This signal partly *causes* the Black-woman speaker to truncate her testimony. But I submit that this case does not exhaust the scenarios in which such signals can cause a non-dominant-group speaker to smother their own testimony.

Suppose that a similar testimonial-smothering case occurs in the deep southern US, say, Birmingham, Alabama. If a White-woman speaker asks a Black-woman speaker what she is researching in this context, then I take it that a Black-woman speaker might avoid even answering that she is researching how to raise a Black son in the US. She would avoid this because in such a context, the Black-woman speaker could rationally infer that this White-woman speaker is not testimonially competent vis-à-vis this content. This change of context results in a case of smothering where: (i) an audience member's racial-identity; and (ii) her context *together* constitute evidence for this Black-woman speaker to judge that she ought to truncate her own testimony.

A relevant feature of this case is that testimonial smothering obtains even though this speaker's audience has not signaled her testimonial incompetence through speech or an utterance. This speaker smothers her testimony because she anticipates that her audience may not be testimonially competent. In other words, she accurately perceives the significant likelihood that her audience is not testimonially competent. So, even if, in point of fact, this particular White-woman speaker in Birmingham does not harbor pernicious ignorance which would result in her testimonial incompetence, this Black-woman speaker still accurately infers the significant likelihood that this White-woman audience member is testimonially incompetent.

For Lee, a subject suffers anticipatory injustice if she suppresses her testimony because of challenges she may face due to her non-dominant-group membership. Lee points to audience features in cases of anticipatory-epistemic injustice to distinguish it from testimonial smothering. On this she says that the cases of anticipatory-epistemic injustice that she presents “distinctly lack the testimonial incompetence from hearers that would be necessary for Dotson's account of testimonial smothering” (2021, 5). Here Lee denies that structural similarity obtains. But if the case of testimonial smothering, in Birmingham, that I have presented is plausible, then structural similarity does actually obtain.

According to Lee's construal of testimonial smothering, testimonial incompetence's presence determines whether testimonial smothering obtains. But on Dotson's construal, a hearer must merely signal their incompetence for testimonial smothering to obtain. Here Dotson leaves open that such a signal is defeasible. In other words, Dotson's construal allows that such a signal does not guarantee that a subject's hearer is testimonially incompetent even though the signal rationally justifies a subject's belief that the hearer is testimonially incompetent.

This distinction between whether a signal of a hearer's testimonial incompetence is defeasible matters regarding whether structural similarity obtains because non-dominant subject's beliefs about whether they will suffer some epistemic injustice or negative consequence as a result of their testimony is an important feature in the causal story of both testimonial smothering and anticipatory-epistemic injustice. If such a signal of testimonial incompetence is defeasible, then structural similarity obtains because both phenomena can obtain without the presence of testimonial incompetence or a similar negative disposition in the hearer.

On the other hand, if such a signal of testimonial incompetence is indefeasible, then structural similarity does not obtain in testimonial smothering cases because testimonial smothering cases must feature a hearer's actual testimonial incompetence.

I now consider whether content similarity obtains between testimonial smothering and anticipatory-epistemic injustice.

For Lee, anticipatory-epistemic injustice can involve that a subject changes the way they present their testimony such that the content of the testimony differs where that the subject anticipates some negative consequence due to injustice motivates how they present the testimony. Here a subject's testimony involves content that differs because she anticipates some negative consequence due to injustice.

That anticipatory-epistemic injustice can result in content that differs matters regarding its distinctness from testimonial smothering because if testimonial smothering does not result in content that differs, then this will count as a reason in favor of the view that anticipatory-epistemic injustice is indistinct from testimonial smothering.

Testimonial smothering involves that a subject truncates her testimony. In the case that Dotson presents, the Black-woman speaker pretends that she no longer has time to continue the conversation so that she can avoid providing a risky response to this White-woman hearer's skeptical question. This speaker has truncated her testimony.

For Dotson, in cases of testimonial smothering, a subject truncates her testimony "to insure that the testimony *contains only content* for which one's audience demonstrates testimonial competence" (Dotson 2011, 244; my emphasis). On this construal of testimonial smothering, a subject changes the content of her testimony according to her audience's testimonial competence. This can range from presenting no content to one's audience,

presenting some content, or most of the content that one would have presented had the audience signaled maximal testimonial competence. But the takeaway here is that if by truncating her testimony a subject also changes the content of this testimony, then content similarity obtains because both testimonial smothering and anticipatory-epistemic injustice both can result in a subject that amends her testimony's content.

Causal Story and Epistemic Consequence

I now consider whether anticipatory-epistemic injustice and testimonial smothering are distinct in terms of their causal stories and epistemic consequences.

I have shown that structural similarity obtains between anticipatory-epistemic injustice and testimonial smothering. structural similarity obtains if society's structure depresses the likelihood that non-dominant subjects' audiences will properly receive their testimony. That this likelihood obtains at least partly causes both anticipatory-epistemic injustice and testimonial smothering because a non-dominant-subject's belief that 'she may face some challenge if she conveys testimony with certain content' is what she bases her action on of amending or refraining from conveying this testimony. So, these two phenomena have similar causal stories because society's structure plays a similar causal role creating this likelihood.

Society's structure plays a similar role in creating this likelihood because systemic injustices such as white supremacy shape society's structure such that dominant-group subjects and even some non-dominant-identity group subjects will tend to bear negative attitudes towards both non-dominant speakers and accurate information about these systemic injustices (Alcoff 2015; Mills 2007; Omi and Winant 1994; Taylor 2013). Here systemic injustices shape subjects attitudes which in turn result in this likelihood.

Society's structure also creates this likelihood through its effect on the information and concepts that subjects have. Take the testimonial smothering case in Birmingham, Alabama. Society's structure explains why the average-White hearer in this context lacks background information and concepts such that they would be testimonially incompetent vis-à-vis testimony regarding how raising Black sons in the US differs from raising White sons. The average-White hearer in this context lacks the relevant information and concepts because her schools, sources of news and interlocutors failed to provide her with these bits information and concepts (Fricker 2007; Mills 2007). Her society, community and the individuals that compose them bear some causal responsibility even though she bears some too (Medina 2013). So, both anticipatory-epistemic injustice and testimonial smothering have a similar causal story up to and including the point where a subject forms the belief that they will likely suffer a negative consequence if they share some content through testimony.

These two phenomena share a similar causal story past the point of the belief they formed regarding the likelihood that they will suffer some negative consequence due to sharing testimony with the relevant content. They share a similar causal story because both phenomena involve a subject that either amends her testimonial content or refrains from offering her testimony. That is, both phenomena result in a similar outcome, the amending or complete smothering of their testimonial content.

But these outcomes can be cashed out not only causal terms, but also in epistemic terms because here both phenomena involve an epistemic outcome explained by systemic injustice. Anticipatory-epistemic injustice and testimonial smothering both involve the epistemic consequence that they refrain from sharing testimony that they would otherwise share.

Content similarity obtains between anticipatory-epistemic injustice and testimonial smothering and thus they share epistemic consequences such as losing confidence in one's intellectual abilities, losing knowledge, elevated cognitive load and the loss of information contribution to the communally shared pool of knowledge. Here the similar epistemic or testimonial output in both phenomena both result in similar epistemic consequences.

If a subject regularly refrains from testifying or curtails her testimony because of systemic injustice, then she will tend to lose confidence in her intellectual abilities to reason and convey information. This alone is a bad epistemic consequence because as a result such subjects will tend to use these abilities less often which in turn will tend to degrade these abilities. But this loss in confidence can at least partly undermine the justification that a subject has in cognitive commitments that are properly evaluated as knowledge. That is, that one's intellectual abilities are good is itself a justificatory basis for holding a belief which if undermined can lead to a subject's belief's epistemic status reverting from knowledge to, say, mere true belief.

If a non-dominant-group subject must refrain or curtail her testimony regularly, then she will tend to monitor to whom she conveys information more than dominant-group subjects because dominant-group subjects need not worry about similar negative consequences when they convey information (Bayruns Garcia 2019). If non-dominant-group speakers tend to monitor their audiences' reactions to and reception of their testimony more often than dominant-group subjects, then they will tend to have an elevated cognitive load in comparison to dominant-group subjects (Bayruns Garcia 2019). That a subject's cognitive load is elevated will tend to depress the clarity with which they convey information (Hendriks et al. 2014; Vogels et al. 2015). For example, elevated cognitive load covaries with subjects using pronoun phrases more often noun phrases and this depresses clarity because noun phrases convey more explicit information than pronoun phrases (Vogels et al. 2015).

On the Value of Distinctness of Epistemic-Injustice Phenomena

So far, I have pressed Lee's argument that anticipatory-epistemic injustice is distinct from testimonial smothering and thus whether it is distinct enough to be worthy of inclusion in the epistemic-injustice literature. But I now want to push back against the notion of distinctness as *the* criterion of inclusion to this literature. I push back against this to motivate the view that even if distinctness is an important criterion, I submit that it is not *the only or most important* criterion because properly describing the features of species of testimonial injustice (Munroe 2016) or hermeneutical injustice (Crerar 2016) can not only promote understanding of epistemic injustice but also promote the development of remedies and prescriptive theses that aim to ameliorate it.

An idea that motivates a great deal of work in the epistemic-injustice literature is that describing an epistemic-injustice phenomenon is “worthy of consideration and recognition” in the epistemic injustice literature only if such a phenomenon is *distinct* from paradigmatic phenomena such as testimonial quieting, testimonial injustice and hermeneutical injustice (Lee 2021, 11). That is, many epistemic theorists assume that distinctness is the criterion that a phenomenon must satisfy to count as worthy enough to be included in the literature. I will now present two reasons that motivate this idea and I will submit an objection to this view that distinctness is the criterion of worthiness in relation to what can be included in the epistemic-injustice literature.

Two reasons that motivate this idea are: (1) parsimony of description; and (2) distinctness’s connection to prescriptive theses and remedies. The basic idea that parsimony of description involves is that epistemic-injustice theorists should postulate as few such phenomena as they can because this will allow them to explain epistemic injustice by referring to fewer phenomena (Kwong 2015). The background motivation for this is that theorists should prefer explanations that involve fewer explanans relative to a target explanandum over explanations that involve more explanans. Theorists should so prefer these explanations because they allow them to make better predictions. Put simply, simple explanations are preferable to more complex explanations because they allow for more ease in prediction (Kuhn 2012).

Feminist epistemologists have pushed back against this kind preference in explanation because: (1) it not only presupposes that the world tends to be simple rather than complex but also; (2) that the distinction between cognitive and non-cognitive values obtains (Alcoff and Potter 1992; Lloyd 2005; Longino 1990; Nelson 1990; Potter 2006). I will assume that these two considerations tell in some measure against the parsimony of description reason in favor of the notion that distinctness is *the* proper criterion for inclusion in the epistemic-injustice literature.

That distinctness as a criterion promotes developing remedies and prescriptive theses for epistemic-injustice phenomena is a reason to believe this criterion should play its current role as a criterion of inclusion in the epistemic-injustice literature. The idea that motivates this is that the epistemic-injustice literature should primarily feature phenomena that contribute to theorists’ goal of developing prescriptive theses and remedies for epistemic injustice.

On this view, anticipatory-epistemic injustice should only feature in the literature if it promotes the development of epistemic-injustice remedies. The idea is that if distinguishing, say, testimonial smothering from anticipatory-epistemic injustice does not aid in developing distinct remedies or prescriptive theses, then this counts in favor of the view that anticipatory-epistemic injustice should not feature in the literature because it does not promote remedies or prescriptive theses.

But this view does not account for the fact that pointing to sub-kinds of epistemic-injustice phenomena such as prescriptive-testimonial injustice aids theorists in developing remedies and prescriptive theses. Pointing to such sub-kinds of epistemic-injustice phenomena aids such development because the phenomena that epistemic-injustice theorists take as paradigmatic are quite broad phenomena and thus quantify over lots of nuances and complexities that these paradigmatic phenomena involve. For example, prescriptive

testimonial injustice obtains if a non-dominant-group member suffers epistemic injustice because she does not accord with some ‘positive’ stereotype (Munroe 2016). If one aims to remedy this sub-kind of epistemic injustice, then she will have to depend on descriptions that reflect the nuances that this sub-kind of phenomenon involves.

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