Testimonial Injustice and the Nature of Epistemic Injustice

Emily Colleen McWilliams

1. Fricker's Concept and its Applications

1.1. Fricker's Concept

Testimonial injustice (*TI*) is the name given by Miranda Fricker (2007) to a phenomenon that she identifies as the primary form of *epistemic injustice* – injustice done to one in their capacity as a knower.[1] TI happens when, in attempting to convey knowledge through testimony, a person is subject to an *identity-prejudicial credibility deficit*. For Fricker, instances of TI are both epistemically and ethically culpable.

We can understand TI by taking stock of relevant features of the social conditions under which agents share knowledge via testimony. Receivers of testimony must judge whether a speaker is *credible* – whether they are sincere, and competent to convey the knowledge they purport to convey. Fricker points out that in cases where we do not know the speaker well, we must rely on social generalizations to make spontaneous credibility judgments. We must make use of stereotypes as heuristics in our credibility judgments. Stereotypes, for Fricker, are widely held associations between a given social group and one or more attributes. There is not necessarily anything ethically or epistemically culpable about relying on them.

Epistemic culpability comes in with stereotypes that are *prejudicial* in the sense that they involve a pre-judgment that is "made or maintained without proper regard to the evidence (2007, p.33)." Prejudices, for Fricker, are judgments that display resistance to counter-evidence. Absent mitigating circumstances, she says, resistance to counterevidence makes such judgments epistemically culpable.

Ethical culpability attends the sub-category of prejudicial stereotypes that Fricker labels *negative identity prejudices*, in which the resistance to counterevidence is, "…always generated by some ethically bad affective investment (p.35)." Putting this together, a *negative identity-prejudicial stereotype* is: "*A widely held disparaging association between a social group and one or more attributes, where this association embodies a generalization that displays some (typically, epistemically culpable) resistance to counter-evidence owing to an ethically bad affective investment* (Ibid., italics original)."

Fricker focuses on cases of credibility deficit resulting from negative identity prejudices, since they are "…central from the point of view of a guiding interest in how epistemic injustice fits into the broader pattern of social injustice (p.27)." She distinguishes *incidental* from *systematic* testimonial injustices, where *incidental* cases are those in which the speaker's testimony receives a prejudicial credibility deficit, but in a localized context. She illustrates this with a case where a journal's referees are prejudiced against a certain research method. Authors who use this method might be subject to a prejudicial credibility deficit, but its effect is highly localized. By contrast, systematic testimonial injustices "…are produced not by prejudice simpliciter, but specifically by those prejudices that track the subject through different dimensions of social activity – economic, educational, professional, sexual, legal, political, religious, and so on (p.27)." This type of 'tracker' prejudice is identity prejudice. While both incidental and systematic testimonial injustices can cause serious harm, systematic cases are central from the point of view of

understanding broad patterns of social justice. Such cases occur when (and only when) a speaker sustains an identity-prejudicial credibility deficit, causing her testimony to receive less credibility than it would otherwise, and indeed, less credibility than she deserves.

One of Fricker's canonical examples is drawn from Anthony Minghella's 'The Talented Mr. Ripley', in which the character Herbert Greenleaf subjects Marge Sherwood to TI when he silences her suspicion that Ripley is guilty of Dickie's murder, saying "Marge, there's female intuition, and then there are facts."[2] He undermines her credibility by invoking an identity-prejudicial stereotype that women are highly emotional, and insufficiently rational. TI can also occur *pre-emptively*, when a potential speaker's testimony is never solicited in the first place.[3]

1.2. Applications

Fricker's book initiated a robust discussion along many dimensions, one of which concerns the victims of TI. Fricker focused primarily on identity prejudices based on race and gender.[4] Subsequent authors have argued that victims of systematic TI are wide-ranging, and sometimes surprising. For instance, Burroughs and Tollefsen (2016) argue that there is widespread TI against children.[5]

Kidd and Carel (2014, 2017, 2018) have argued extensively that TI shows up in healthcare, because ill persons are subject to a range of negative stereotypes implicating their cognitive capacity and psychological stability. These stereotypes, they argue, are generated by structural features of healthcare practices. Others have argued that TI victimizes patients in a variety of medical contexts, including treatment for chronic pain (Goldberg, Ho, and Buchman, 2017), disabled patients seeking treatment for conditions both related and unrelated to their disability (Peña-Guzmán and Reynolds, 2019), and psychiatric patients undergoing classification, diagnosis, and treatment (Bueter, 2019).

Fricker's concept also helps us better understand a range of contemporary and historical injustices. For instance, Song (2021) shows that TI – among other epistemic injustices – shows up in denials of Japan's military sexual slavery. And Altanian (2021a, 2021b) shows that TI is among the kinds of epistemic injustice and oppression that are operative in genocide denial.[6]

2. The Dangers of Definition

Kristie Dotson cautions that "when addressing and identifying forms of epistemic oppression one needs to endeavor not to perpetuate epistemic oppression (2012, p.24)." It is a difficult task, as, "…we simply do not have the capacity to track all the implications of our positions on any given issue… (p.24-5)." We would be remiss not to explore the dangers she and others have flagged, which certainly attend the present project of describing the literature on TI.

2.1. Rhetoric of Beginnings

First, we should avoid framing Fricker's (2007) discussion of TI using the hermeneutic lens described as a *rhetoric of beginnings* by Dotson (2014). She points out that framing the issue's contents as a 'beginning' of women of color feminist philosophy would be to disappear the work that precedes it. Similarly, Fricker's theory of TI ought not be taken as the 'beginning' of work on the topic. Gaile Pohlhaus Jr (2017) points out multiple ways in which presenting it as such perpetuates harm, and risks perpetuating epistemic oppression: it maintains ignorance of the work of those who have historically experienced and called attention to such injustices; it thereby encourages exploitation of others' epistemic labor by perpetuating habits that deflect attention from the interdependence of knowers; and it encourages us to view related phenomena through the lens of a single, definitive account of epistemic (here, testimonial) injustice.[7]

Fricker, of course, is not the first to describe and theorize the ways that marginalized speakers are silenced as a result of unjust power relations when they attempt to convey knowledge and participate in inquiry. Feminists and critical race theorists – particularly women of color – have long discussed these topics. The following are just a few examples.[8]

Sojourner Truth, speaking in 1867, aims to break the silence surrounding black women's rights, following the 15th Amendment to the U.S. Constitution: "There is a great stir about colored men getting their rights, but not a word about the colored women (Truth 1995, p.37)." As Vivian May (2014) points out, Truth observes that this silence results in part from the way in which white men, and potentially black men, appear unable to hear women – particularly Black women: "I was amused how men speak up for one another. They cannot bear that a woman should say anything about the man, but they will stand here and take up the time in man's cause (Truth 1995, p.38)." Relatedly, Anna Julia Cooper describes how Black women are silenced by the intersecting marginalizations of race and class: "One muffled strain in the Silent South, a jarring chord and a vague and uncomprehended cadenza has been and still is the Negro. And of that muffled chord, the one mute and voiceless note has been the sadly expectant Black Woman (Cooper 1892/2017, p.1)." More recently, Hill Collins (2000) explains that Black women's testimony is often rejected owing to controlling images that affect perceptions of their credibility. And Mills (2007) describes how testimonial practices shape and maintain *white ignorance*.

TI is also described in literature on colonialism. Michelle Cliff (1978/2021) explains how the inability of marginalized groups to share knowledge is a key mechanism for maintaining the unjust relations of social power that are partly constitutive of colonialism: "It is important to realize the alliance of speechlessness and powerlessness; that the former maintains the latter; that the powerful are dedicated to the investiture of speechlessness on the powerless (p.121)."[9] She describes the roles of speechlessness in her experiences of cultural and identity fragmentation under colonialism, recounting how speechlessness leaves her at further remove from the possibility of self-understanding, both as a Jamaican and as a lesbian: "I can't pass myself off as straight, because I can't speak their language. But by remaining silent and denying myself any real knowledge, I am forced…to devour myself…Unknown even to myself. Speechless about myself (p.125)." Relatedly, Arteaga (1996) describes how the relation of colonizer to colonized is maintained in part by using *monologism* to silence opposition, preventing colonized persons from expressing themselves as autonomous epistemic subjects: "Being 'chicano' is…a discursive process that is always negotiated within the context of the circumscribing discursive practices of the United States… The colonizer's language and discourse are elevated to the status of arbiter of truth and reality… (p.16)." Like Cliff, Arteaga describes the way in which internalization of the dominant discourse prevents self-knowledge. Gayatri Spivak (1998) also uses the term *epistemic violence* to describe the ways in which subaltern persons are silenced when colonialism precludes them from expressing knowledge and speaking for themselves.

Others have also discussed the importance of resistance to TI and related forms of silencing. Audre Lorde (1984) describes the risk of having one's words "bruised or misunderstood" when speaking from a marginalized position. She describes the choice to absorb this risk, to avoid betraying oneself, and because "…it is necessary to teach by living and speaking those truths which we believe and know beyond understanding. Because in this way alone we can survive, by taking part in a process of life that is creative and continuing, that is growth (p.38)." And Lugones (2006) focuses on ameliorating the complex ways in which unjust distributions of social power affect communication and coalition within feminist spaces. She explains the need to develop what she calls *complex communication* to hear and understand the most marginalized knowers.

2.2. Conceptual Structure

A related danger attends the theoretical move of circumscribing our working conception of TI too tightly. Dotson (2012) points out that in using what she calls a *closed conceptual structure* to identify epistemic injustice, one risks foreclosing the possibility of alternative forms, thereby perpetuating epistemic oppression. She argues that Fricker inadvertently does so, since: "By narrowing epistemic injustice to acceptable permutations of the forms she outlines, Fricker creates a conceptual frame that, if taken seriously, would serve to exclude pervasive forms of epistemic injustice (p.41)." Dotson therefore thinks that we should resist the temptation to expand or contract Fricker's forms of epistemic injustice to engineer a catchall category of epistemic injustice because, "A catchall theory of epistemic injustice is an unrealistic expectation. Epistemic oppression is simply too pervasive… The call for open conceptual structures is a call for an active realization of this reality that is built into the very structure of our inquiries (p.41)."

Fricker signals openness to broader conceptions of epistemic injustice in more recent work.[10] In a recent chapter, she says: "The use-driven evolution of the concepts will I hope continue to be fueled by these sorts of real interests in explaining the experiences of those on the less powerful end of various relationships (2017, p.59)." We might therefore think of Fricker's initial work as theorizing a broad structure within which to elaborate various types of epistemic injustice – a structure that is itself open to revision. I turn now to these ontological matters in the following section.

3. Related Phenomena and Ontological Questions

Since the publication of Fricker's initial work on TI, many philosophers have described nearby phenomena that they argue give us reason to either expand her definition, or depart from it. This raises important questions about how we should understand the ontology of TI. I will not argue for a particular answer, but will address the range of phenomena that have been theorized, taking stock of how far they depart from Fricker's conception of TI.

Most critical responses to Fricker have accused her of omission, rather than commission. They suggest expanding her conception of TI to capture related phenomena. But some have theorized phenomena that they argue we should want to understand as TI, despite the fact that doing so eschews one or more key elements of Fricker's conception. There is, of course, space for reasonable disagreement about where the line between broadening a concept and changing the subject is.

3.1. Omission

Speech Injustices, Beyond Assertion. A number of authors have argued that since our epistemic engagement with others is not exhausted by asserting propositional knowledge, something like TI can occur when marginalized speakers attempt to perform speech acts beyond assertion. Hookway (2010) points out that participating in goal-directed social epistemic activity can also involve "asking questions, floating ideas, considering alternative possibilities, and so on (p.156)." Joint epistemic activity requires that we take one another to be competent to offer these contributions. He therefore argues that we can suffer epistemic injustice when identity-based prejudice prevents us from being taken seriously in our exercise of these capacities. Fricker (2010) responds with agreement, arguing that such cases should be brought under the general heading of TI, by stretching our notion of *testimony*, because these phenomena are also caused by prejudicial credibility deficits, and the practice of passing on knowledge grounds the larger category of practices. Fricker (2015) solidifies this expanded definition: "…the label 'testimonial injustice' is intended to cover more than strictly testimonial speech acts (p.79)."

Medina (2013) argues that a speaker can be subject to epistemic injustice when she is undermined in her capacity not as an *informant* who expresses knowledge, but as an *inquirer* "who asks questions and issues

interpretations and evaluations of knowledge and opinions (p.92)." He points out that the activities involved in inquiry are often more sophisticated and happen at a higher level of abstraction.

Kukla (2014) argues that social marginalization can make it difficult or impossible for one to produce certain speech acts, and can "result in their actually producing a different kind of speech act that further weakens or problematizes their social position (p.441)." An example is when a female boss intends to *order* her male employees to do something, but her speech act receives uptake as a mere *request* that they can permissibly ignore. They label this phenomenon *discursive injustice*.

Peet (2017) distinguishes the role prejudicial stereotypes play in our epistemic *assessments* of communicative actions from the role they play in our *interpretations* of such actions. He argues that our interpretations of the content of utterances are often infected by prejudice, citing empirical evidence that social identity judgments affect semantic processing. He uses the label *interpretive injustice* to describe cases in which prejudice causes the content a speaker intended to communicate to be misinterpreted. This differs from Kukla's discursive injustice since it focuses on content, rather than on speech acts.[11]

Spewak (2021) argues that most speech acts require that speakers possess epistemic authority, and that when this is systematically misevaluated, speakers suffer *conversational epistemic injustices*, which "occur when hearers systematically misevaluate speakers' conversational competence (p.594)." He distinguishes *linguistic harms*, in which speakers are unjustly prevented from fulfilling their communicative intentions, from *epistemic harms*, in which they are unjustly prevented from using their epistemic capacities. He argues that Peet (2017) and Kukla (2014) do not say enough to justify bringing the phenomena they identify under the TI umbrella, since their discussions focus on linguistic, rather than epistemic harms. But his picture of the epistemic is narrow. In each of his examples, a hearer explicitly questions whether a speaker has the knowledge their speech act presumes. For the reasons Dotson articulates, we may be better served by a broader notion of the ways in which one's status as an epistemic agent can be unjustly undermined, even when a speech act succeeds.[12]

Content of Speech. Some argue that TI can happen when prejudice attaches not to the speaker's social identity, but to the *content* of their speech. As Davis (2021) puts it, *content-based testimonial injustice* occurs when: "prejudice or other unjust assessments regarding *social identity-coded content*…of a contributor's contribution influence an audience's evaluation of the contributor's epistemic standing (e.g., credibility, competence, value, etc.), compromising the audience's willingness to consider or fairly engage the contributor and contribution (p.219, emphasis original)." Similarly, Dembroff and Whitcomb (2023) define a notion of *content-focused injustice* that focuses not on the speaker's identity speaker, but on what they communicate. They argue that content-focused injustice causes distinct harms by systematically preempting, erasing, and distorting knowledge about marginalized groups.[13]

Severity and Systematicity. Dotson (2011) and Altanian (2021) call attention to testimonial wrongs that are unique in both their severity and their systematicity. Dotson's (2011) discussion of *epistemic violence* focuses on what she calls *practices of silencing*, which are based in a reliable ignorance, in which a person "possesses an insensitivity to, or abject failure to detect, truth with respect to some domain of knowledge (p.241)." Where this causes harm, it constitutes *pernicious ignorance*. Epistemic violence, then, "is a failure of an audience to communicatively reciprocate, either intentionally or unintentionally, in linguistic exchanges owing to pernicious ignorance (p.242)." Famously, Dotson identifies two kinds of practices of silencing: *testimonial quieting*, in which an audience fails to identify a speaker as a knower at all (rather than failing to give them due credibility), and *testimonial smothering*, in which a speaker truncates her own testimony to ensure that it only contains content for which the audience demonstrates testimonial competence.

Altanian (2021) argues that testimonial smothering is one form of what she calls *testimonial oppression*, which she understands as "unjustified epistemic coercion through (institutional) practices that bring about distinctly epistemic and other harms insofar as testifiers occupy a specific…status of a knower (or an epistemic agent more generally) (p.134)." Her analysis focuses on how genocide denialism institutes a practice of silencing.

3.2. Commission

3.2.1. Structural TI and Absence of Prejudice

Anderson (2012) criticizes Fricker (2007) for scant attention to the category of structural TI, in addition to transactional TI.[14] She argues that because structural injustices require structural remedies, "…we need to get past the prejudice model of testimonial injustice (p.169)." Let us say that structural TI occurs when the cause of one's testimony being silenced or receiving an unjust credibility deficit does not depend on individual ethical or epistemic faults or wrongs on the hearer's part.[15]

Fricker (2017) agrees that there may be structural forms of TI, but says that, "…any such structural testimonial injustice would have to be pre-emptive, for as soon as anyone actually said anything…it would become transactional…since there would be a speaker whose word was prejudicially received by another party (p.56-7)." To that degree, Fricker's definition continues to centralize the role of individual prejudice. Presumably, this is because she is concerned to distinguish innocent errors from those involving moral vice. Recall that she understands negative identity-prejudicial stereotypes as those involving resistance to counterevidence owing to an ethically bad affective investment.

But could there be cases of structural TI that result in a wrong to the speaker without being culpable? I will consider two purported types of structural causes of TI: those that operate via mechanisms that shape the hearer's evidence, and those that do not.

Evidential Mechanisms. Anderson (2012) identifies three structural causes of group-based credibility deficits. I will focus on the third since, as Bueter (2021) notes, Fricker's (2017) reply does not seem to deal adequately with this type, which need not be pre-emptive. It occurs when a credibility deficit is caused by a *shared reality bias*, wherein individuals who interact frequently converge in their worldviews. Anderson argues that although this bias is innocent vis-à-vis transactional justice, it tends to insulate members of advantaged groups from perspectives of the systematically disadvantaged, such that, "From the perspective of the advantaged, what the disadvantaged are saying may make no sense (2012, p.170)." In some cases, the incomprehension results from *hermeneutical injustice*.[16] But in other cases, it may result from structural features shaping the hearer's evidence such that it is evidentially rational for them to assign the hearer less credibility than she deserves, given that she is speaking from knowledge.

Goldberg (2022) argues against the view he attributes to Fricker, on which we owe it to speakers to accept their testimony when and only when doing so is sanctioned by the standards of epistemology. He argues that such epistemic views of the assessment that a hearer morally owes to a speaker fail, because there are cases in which a hearer reacts in an epistemically appropriate way to their total evidence, *but* "…the body of evidence one has was itself shaped by the distorting factors of racism or sexism (or some other pernicious -ism prevalent in one's community) (p.387)," and one is not in a position to rationally discern this.[17] Importantly, prejudice is not operative in such cases. Rather, for structural reasons, the hearer has misleading background evidence that makes it evidentially rational to doubt the speaker. Goldberg argues that one wrongs a speaker when one rejects, ignores, or downgrades the credibility of her testimony on this basis. So, there are justice-based constraints on the acceptance of testimony, which come apart from epistemic ones. This is an argument for structural TI. There is no epistemic fault, and the injustice to the speaker is not caused by an ethical fault in the hearer.[18]

Fricker might accommodate such cases by re-defining her notion of prejudice, so that it is not necessarily generated by an ethically bad individual affective investment. If the above is correct, then it is possible to unfairly but rationally *pre-judge* an individual's credibility owing to structural factors that have shaped one's background evidence. Indeed, Begby (2013) argues that the insidiousness of prejudice lies in the fact that once some initial evidence is internalized as a background belief, it controls one's rational assessment of new evidence. This locates the ethical badness of prejudice in the social system that contaminates our evidence, rather than in individuals' affective investments.[19]

Non-Evidential Mechanisms. Ayala (2016) argues that speakers can be unjustly undermined for structural reasons, by unjust discursive conventions that determine what she calls *speech affordances*, rather than by individual prejudices. In Ayala-López (2018), she proposes a structural explanation for discursive injustice.

3.2.2. Absence of Prejudice and Credibility Deficit

Steers-McCrum (2020) argues that a phenomenon he calls *self-appointed speaking-for* motivates a re-definition of TI, as requiring neither prejudice nor credibility deficit. It occurs when one speaks on behalf of or in place of another individual or group without authorization. He argues that this is a central case of TI, because it demeans epistemic agents as givers of knowledge in a way that is ethically and epistemically culpable: when one is spoken for, "one is prevented from making their own contributions in their own way (p.243)." This does not require prejudice, nor any ethically or epistemically bad proximate cause. Steers-McCrum argues that the act *itself* is epistemically and ethically bad practice.[20]

4. Primary Harm

Fricker (2007) distinguishes primary from secondary harms of TI, where the primary harm is inherent, rather than contingent. She identifies the primary harm as one of *epistemic objectification*. She appeals to Craig's (1990) distinction between *informants*, and *sources of information*, on which "informants are epistemic agents who convey information, whereas sources of information are states of affairs from which the inquirer may be in a position to glean information (Fricker 2007, p.132)." Fricker argues that to treat another as an informant in an epistemic exchange is to treat them as another subject with a common purpose, whereas to treat them as a *mere* source of information objectifies them, denying their status as a subject of knowledge, and treating them as an inert object from which knowledge might be gleaned.[21] Fricker's argument draws inspiration from Nussbaum's (1995) account of sexual objectification, on which inertness is one of seven ways of treating a person as an object.

Others have objected both that Fricker's account does not cover all cases of TI, and that alternative accounts better explain some core cases. There have been three types of proposals: (1) proposals to supplement Fricker's account of epistemic objectification to handle difficult cases; (2) arguments that the primary harm of TI is a kind of epistemic othering that is best explained as a failure of recognition; and, (3) arguments that it is a kind of epistemic othering that is best explained as epistemic derivatization.

(1) Objectification. McGlynn (2020, 2021) argues that the primary harm of TI can be explained by a more robust account of objectification. He argues that Fricker's account is too narrow, focusing only on inertness, since we can objectify someone while recognizing their agency and autonomy. He develops an enriched account of epistemic objectification to capture this, by theorizing epistemic analogues of some of Nussbaum's (1995) other ways of treating a person as object-like, such as instrumentality, fungibility, and violability.[22]

(2) Othering/Failure of Recognition. The below accounts draw from Honneth (1995), developing an epistemic analogue of his account of othering as a failure of recognition. For Honneth, interpersonal recognition is necessary for self-realization and practical identity-formation in the forms of self-confidence, self-respect, and self-esteem.

Fricker (2018) finds promise in the proposal that these ideas be extended to apply to our epistemic agency and selfhood, to better understand epistemic injustice. Indeed, such an extension would plausibly support her (2015) idea that epistemic contribution is a central human capacity.[23]

Congdon (2017) and Giladi (2018) develop the idea in more detail. Similar to McGlynn (2021), Congdon (2017) points out that cases of TI in which one is charged with lying do not treat them as inert; they depend on the speaker's subjectivity. He argues that an understanding of the wrong of TI as involving failure of epistemic recognition is better suited to the broader range of cases. He proposes that, "…epistemic-injustice-as-recognition-failure may be understood as a withholding or denial of forms of social validation that are necessary for the development and maintenance of the specific relation-to-self involved in regarding oneself as a knower (p.248)." Giladi (2018) argues that the indignity of TI is best understood as a failure of recognition because TI creates an asymmetrical cognitive environment, robbing its victims of the status of a conversational peer, and a rational inquirer.[24]

(3) Othering/Derivatization. These proposals draw inspiration from Cahill's (2011) account of a kind of othering she calls *derivatization*. While objectification implies de-subjectification (Cusick, 2019), derivatization is consistent with treating another as a partial subject – to derivatize another is to treat them as if their subjecthood were derivative of one's own.[25] For instance, Pohlhaus (2014) argues that this better explains Fricker's Sherwood case (see §1.1). Greenleaf believes many of the things Sherwood reports, but fails to believe her claim that Ripley is suspect worthy. Pohlhaus argues that Greenleaf must see Sherwood as a kind of semi-subject, with the capacity to deceive, rather than as an object, in order to use her for his own epistemic ends in the way that he does. She therefore makes the case that TI does not render its victim object-like; it treats victims instead as truncated subjects. Victims of TI are treated as if their sole purpose is to help "maintain epistemic practices that make sense of the world as experienced from dominant subjectivities (p.105)." Building on Cahill (2011), she develops an account on which: "…the primary harm of testimonial injustice is defined as: *being relegated to the role of epistemic other, being treated as though the range of one's subject capacities is merely derivative of another's* (p.107, emphasis original)."

Davis (2016) argues that one can be subject to a kind of TI she calls *prejudicial credibility excess* (*PCE*) wherein they receive excess credibility on the basis of prejudicial stereotypes associated with their social identity. Since targets of PCE are not treated as mere sources of information or excluded from epistemic participation, she develops an alternative account of TI's primary harm as an epistemic othering, "through which the capacities of a speaker are prejudicially assessed in such a way that bypasses or circumscribes the speaker's subjectivity (p.490)."

Cusick (2019) argues that the derivatization model, "helps to reveal and reinforce the significance of both mutual partners, speaker and listener, in a testimonial exchange (p.116)," by highlighting how, "…the listener implicitly dictates the terms of communication of the very stuff they do not themselves know (p.117)." She says the model better explains Fricker's own examples, and that while epistemic objectification is sometimes morally acceptable, derivatization is not. Ultimately, the discussion of how to best understand the primary harm of TI must be answered in concert with the questions about its ontology.

5. Amelioration

Given our understanding of TI, how might we overcome it? Fricker (2007) argues that one way to avoid TI is to develop the corrective virtue of *testimonial justice*, whose "possession requires the hearer to reliably neutralize prejudice in her judgments of credibility (p.92)." This suggestion faces two main types of criticism. First, many authors argue that it is too individualistic a solution for a systemic problem.[26] Relatedly, Pohlhaus (2020) argues that solutions oriented toward those in a position to perpetuate epistemic injustice are ill-suited to disrupt the systems that maintain it. These points are apt, but note that nothing in Fricker's individual virtue approach asserts that it is sufficient. Indeed, Fricker (2019) says that "There is…no exclusive philosophical choice to make between individual, collective, and structural analysis, for these things are thoroughly interdependent (p.304)." Even so, we should be mindful of Davidson's (2019) point that where we focus ameliorative attention matters because it has the potential to distract us from changes needed to mitigate recalcitrant *third-order epistemic exclusion* (see §5.2 below).

A second cluster of criticisms arises from skepticism about the virtue approach in general. For instance, Sherman (2015) uses *situationist* critiques of epistemic virtue to argue that it is not clear that there is such a thing as the virtue of testimonial justice, and that if there is, Fricker has not given us good guidance for achieving it. Others have pushed back, arguing that a virtue approach is still useful (McWilliams, 2019), or even inevitable (Madva, 2019) in the project of overcoming TI.

Others have enlisted further tools from ethics and political philosophy to inform approaches to amelioration. For instance, Almassi (2018) draws on work on moral repair and reparative justice to conceive a relational-reparative approach to amelioration as restorative, rather than merely as improvement.[27]

6. Situating Testimonial Injustice

I close by surveying some of the umbrella categories that frame this literature, as a means of situating TI in the context of larger conversations. Our understanding of these categories will no doubt continue to evolve as we better understand the breath, depth, and internal diversity of these phenomena.

6.1. Epistemic Injustice

Fricker (2007) characterizes epistemic injustice as wrong done to one specifically in their capacity as a knower – that is, as someone who has the capacity to acquire and share knowledge. Fricker (2013) distinguishes *distributive epistemic injustice* (the unfair distribution of epistemic goods) from *discriminatory epistemic injustice*, in which a person is discriminated against as an epistemic agent because of their membership in a social group. TI is a discriminatory injustice, which she identifies as the primary form of epistemic injustice.

6.2. Epistemic Oppression

Kristie Dotson's (2012, 2014) conception of *epistemic oppression* focuses on the ways in which systems can hinder and undermine epistemic agency. For Dotson, "Epistemic oppression refers to persistent epistemic exclusion that hinders one's contribution to knowledge production (2014, p.115)." *Epistemic exclusion* "…refers to anything that unwarrantedly hinders one's ability to utilize persuasively collective epistemic resources in order to participate in knowledge production and, if required, the revision of those same resources (p.119)."[28] This expansive conception allows for and anticipates forms of epistemic exclusion that we have not yet conceptualized.[29]

Dotson (2014) introduces three types of epistemic oppression, distinguished by the kinds of change required to redress them. *First-order epistemic exclusions* result from the incompetent functioning of a shared epistemic resource with respect to a goal or value. They do not indicate anything wrong with the

system itself; remedy simply requires utilizing the system more proficiently. TI is a first-order epistemic exclusion, since repairing it would not require removing the shared value of credibility assessments from our epistemic system, but redistributing credibility to redress the epistemic exclusion.

Second-order epistemic exclusions result from *insufficiencies* in shared epistemic resources. The problem is not the system itself, but its underdevelopment – more specifically, its development in response to the needs of dominant agents, rather than marginalized ones.[30] *Third-order epistemic exclusions* occur when the dominant epistemic system *itself* is inadequate to the epistemic needs of marginalized agents. These exclusions cannot be explained or repaired from within the existing system, because, as Bailey (2014) puts it: "our shared epistemic resources are themselves *inadequate* for understanding their inadequacy (p.66, emphasis original)." They are more difficult to repair because systems are resilient, so "even the most thoughtful revelations and strategic moves are readily absorbed into an epistemological system in ways that leave little or no trace of their impact (Ibid.)."[31]

To my mind, Dotson's account of second and third-order epistemic exclusion inspires a modification of her definition of epistemic oppression. Like Fricker's account of epistemic injustice, Dotson's (2012, 2014) account of epistemic oppression centers *knowers*. She defines it as a hindrance with respect to *knowledge*, and to agents as *knowers*.[32] To best serve her aims, we might replace *knowers* with the more expansive notion of *epistemic agents*. Given the centrality of s-knows-that-p analyses of knowledge in 20th-century Anglo-American epistemology, and Dotson's (2019) own metaphilosophical divergence from the ways this system restricts the range of epistemic concerns, the more expansive notion may better serve her aims. Centering *knowledge* may direct attention towards epistemic oppressions that undermine agents in attempts to acquire or share propositional knowledge, and away from those that center the wider range of epistemic processes and desiderata that are obscured by the dominant Anglo-American theoretical system. As Pohlhaus (2020) puts it in her description of third-order epistemic exclusion, it may sometimes direct attention "in the wrong way or on the wrong sorts of things with respect to particular epistemic interests (p.236)." Using the broader notion is a step towards a more open conceptual structure that avoids re-entrenching an epistemic system that is inadequate to the needs of marginalized agents. These concerns also motivate a broader definition of epistemic injustice.[33]

6.3. Epistemic Violence

Preceding Dotson's (2011) account of *epistemic violence* (see §3.1), Gayatri Spivak (1998) used the term to pick out a means of silencing marginalized and colonized groups – one that we might also recognize as a kind of third-order epistemic exclusion. Her view is grounded in deconstruction and postcolonial theory. On it, subaltern groups are silenced because their speech is only possible insofar as it is filtered through and assimilated to the conceptual and epistemic schemes and worldviews of the European colonizer. The result, as De Schryver (2021) has recently put it, is that "By inscribing the alterity of the colonized into the proprium of a European metaphysics of subjectivity, other epistemic systems that might work to puncture the reality of the European colonizer are effectively neutralized (p.110, emphasis original)."

Bibliography

Aargon, Corwin. "Global Gender Justice and Epistemic Oppression: A Response to An Epistemic Dilemma." *Feminist Philosophy Quarterly*, 5, no. 2 (2019): Article 3.

Almassi, Ben. "Epistemic Injustice and its Amelioration: Toward Restorative Epistemic Injustice." *Social Philosophy Today*, (2018), doi: 10. 5840/socphiltoday201862154.

Altanian, Melanie. "Remembrance and Denial of Genocide: On the Interrelations of Testimonial and Hermeneutical Injustice." *International Journal of Philosophical Studies*, 29, no. 4 (2021a): 595-612.

_____. "Genocide Denial as Testimonial Oppression." *Social Epistemology*, 35, no. 2 (2021b): 133-146.
Anderson, Elizabeth. "Epistemic Justice as a Virtue of Social Institutions." *Social Epistemology*, 26, no. 2 (2012): 163-173.
Arteaga, Alfred. *An other tongue*. Durham, NC: Duke University Press, 1996.
Ayala, Saray. "Speech Affordances: A Structural Take on How Much We Can Do with Our Words. " *European Journal of Philosophy*, 24, no. 4 (2016): 879-891.
Ayala-López, Saray. "A Structural Explanation of Injustice in Conversations: It's About Norms." *Pacific Philosophical Quarterly*, 99, no. 4 (2018): 726-748.
Bailey, Alison. "The Unlevel Knowing Field: An Engagement with Kristie Dotson's Third-Order Epistemic Oppression." *Social Epistemology Review and Reply Collective*, 3, no. 10 (2014): 62-68.
Bartlett, G. "Children and Testimonial Injustice: A Response to Burroughs and Tollefsen." *Episteme*, 17, no. 2 (2020): 178-194.
Begby, Endre. "The Epistemology of Prejudice." *Thought: A Journal of Philosophy*, 2, no. 1 (2013): 90-99.
Berenstain, Nora. "Epistemic Exploitation." *Ergo*, 3 (2016): 569-590.
Bueter, A. "Epistemic Injustice and Psychiatric Classification." *Philosophy of Science*, 86, no. 5 (2019): 1064-1074.
_____. "Diagnostic Overshadowing in Psychiatric-Somatic Comorbidity: A Case for Structural Testimonial Injustice." *Erkenntnis* (2021): 1-21.
Burroughs, Michael D., and Deborah Tollefsen. "Learning to Listen: Epistemic Injustice and the Child." *Episteme*, 13, no. 3 (2016): 359-377.
Cahill, Ann J. *Overcoming Objectification: A Carnal Ethics*. New York: Routledge, 2011.
Carel, Havi, and Ian James Kidd. "Epistemic Injustice in Healthcare: A Philosophical Analysis." *Medicine, Health Care, and Philosophy*, 17 (2014): 529-540.
Carmona, Carla. "Silencing by Not Telling: Testimonial Void as a New Kind of Testimonial Injustice." *Social Epistemology*, 35, no. 6 (2021): 577-592.
Cliff, Michelle. "Notes on Speechlessness." In *Mouths of Rain: An Anthology of Black Lesbian Thought*, edited by Briona Simone Jones, 121-126. New York: The New Press, 2021.
Collins, Patricia Hill. Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment. New York: Routledge, 2000.
_____. "Intersectionality and Epistemic Injustice." In *Routledge Handbook of Epistemic Injustice*, edited by Ian James Kidd, José Medina, and Gaile Pohlhaus, Jr., 115-124. New York NY: Routledge, 2017.
Congdon, Matthew. "What's Wrong with Epistemic Injustice?" In *Routledge Handbook of Epistemic Injustice*, edited by Ian James Kidd, José Medina, and Gaile Pohlhaus, Jr., 243-253. New York NY: Routledge, 2017.
Cooper, Anna J. *A Voice from the South By a Black Woman of the South*. The University of North Carolina at Chapel Hill Library, 1892/2017.
Craig, Edward. *Knowledge and the State of Nature: An Essay in Conceptual Synthesis*. Oxford: Clarendon Press, 1990.'
Cudd, Ann E. *Analyzing Oppression*. Oxford: Oxford University Press, 2006.
Cusick, Carolyn M. "Testifying Bodies: Testimonial Injustice as Derivatization." *Social Epistemology*, 33, no. 2 (2019): 111-123.
Davidson, Lacey J. "When Testimony Isn't Enough: Implicit Bias Research as Epistemic Exclusion." In *Overcoming Epistemic Injustice: Social and Psychological Perspectives*, edited by Benjamin R. Sherman and Stacey Goguen, 269-284. Rowman and Littlefield, 2019.
Davis, Emmalon. "Typecasts, Tokens, and Spokespersons: A Case for Credibility Excess as Testimonial Injustice." *Hypatia*, 31, no. 3 (2016): 485-501.

_____. "A Tale of Two Injustices: Epistemic Injustice in Philosophy." In *Applied Epistemology*, edited by Jennifer Lackey, 215-250. Oxford: Oxford University Press, 2021.
De Schryver, Carmen. "Deconstruction and Epistemic Violence." *Southern Journal of Philosophy*, 59, no. 2 (2021): 100-121.
Dembroff, Robin, and Dennis Whitcomb. "Content Focused Epistemic Injustice." *Oxford Studies in Epistemology*, no. 7 (2023): 48-70.
Dotson, Kristie. "Tracking Epistemic Violence, Tracking Practices of Silencing." *Hypatia*, 26, no. 2 (2011): 236-257.
_____. "A cautionary tale: On limiting epistemic oppression." *Frontiers: A Journal of Women Studies*, 33, no. 1 (2012): 24-47.
_____. "'Thinking Familiar with the Interstitial': An Introduction." *Hypatia*, 29, no. 1 (2014): 1-17.
_____. "Tales from an apostate*" *Philosophical Issues*, 29 (2019): 69-83.
Fricker, Miranda. "Epistemic Injustice and A Role for Virtue in the Politics of Knowing." *Metaphilosophy*, 34, Nos. 1/2 (2003): 154-173.
_____. *Epistemic Injustice: Power and the Ethics of Knowing*. Oxford University Press, 2007.
_____. "Replies to Alcoff, Goldberg, and Hookway on Epistemic Injustice." *Episteme*, 7, no. 2 (2010): 164-178.
_____. "Epistemic Justice as a Condition of Political Freedom?" *Synthese*, 190, no. 7 (2013): 1317-1332.
_____. "Epistemic Contribution as a Central Human Capability." In *The Equal Society: Essays on Equality in Theory and Practice*, edited be George Hull, 73-90. Lexington Books, 2015.
_____. "Evolving Concepts of Epistemic Injustice." In *Routledge Handbook of Epistemic Injustice*, edited by Ian James Kidd, José Medina, and Gaile Pohlhaus, Jr., 53-60. New York NY: Routledge, 2017.
_____. "Epistemic injustice and recognition theory: a new conversation – afterword." *Feminist Philosophy Quarterly*, 4, no. 4 (2018).
_____. "Afterword." In *Overcoming Epistemic Injustice: Social and Psychological Perspectives*, edited by Benjamin R. Sherman and Stacey Goguen, 303-306. Rowman and Littlefield, 2019.
Gerken, Mikkel. "Pragmatic Encroachment and the Challenge from Epistemic Injustice." *Philosophers' Imprint*, 19, no. 5 (2019).
Giladi, Paul. "Epistemic injustice: A role for recognition?" *Philosophy and Social Criticism*, 44, no. 2 (2018): 141-158.
Goldberg, Daniel, Anita Ho, and Daniel Buchman. "Investigating Trust, Expertise, and Epistemic Injustice in Chronic Pain" *Journal of Bioethical Inquiry*, 14, no. 1 (2017): 31-42.
Goldberg, Sanford C. "What is a speaker owed?" *Philosophy & Public Affairs*, 50, no. 3 (2022): 375-407.
Haslanger, Sally. "Objectivity, Epistemic Objectification, and Oppression." In *Routledge Handbook of Epistemic Injustice*, edited by Ian James Kidd, José Medina, and Gaile Pohlhaus, Jr., 279-290. New York NY: Routledge, 2017.
Honneth, Axel. *The Struggle for Recognition: The Moral Grammar of Social Conflicts*. Cambridge and Oxford: Polity Press, 1995.
Hookway, Christopher. "Some Varieties of Epistemic Injustice: Reflections on Fricker." *Episteme*, 7, no. 2 (2010): 151-163.
Ichikawa, Jonathan Jenkins. "Contextual Injustice." *Kennedy Institute of Ethical Journal*, 30, no. 1 (2020): 1-30.
Kidd, Ian James, and Havi Carel. "Epistemic Injustice in Healthcare: A Philosophical Analysis." *Medicine, Health Care and Philosophy*, 17, no. 4 (2014): 529-540.
_____. "Epistemic Injustice and Illness" *Journal of Applied Philosophy*, 34, no. 2 (2017): 172-190.
_____. "Healthcare Practice, Epistemic Injustice, and Naturalism." *Royal Institute of Philosophy Supplement*, 84 (2018): 1-23.

Knowles, Charlotte. "Articulating Understanding: A Phenomenological Approach to Testimony on Gendered Violence." *International Journal of Philosophical Studies*, 29, no. 4 (2021): 448-472.
Kukla, Quill. "Performative Force, Convention, and Discursive Injustice." *Hypatia*, 29, no. 2 (2014): 440-457.
Li, Yi. "Testimonial Injustice Without Prejudice: Considering Cases of Cognitive or Psychological Impairment." *Journal of Social Philosophy*, 47, no. 4 (2016): 457-469.
Lorde, Audre. *Sister outsider: Essays and speeches*. Trumansburg, N. Y. : Crossing Press, 1984.
Lugones, Maria. "On Complex Communication." *Hypatia*, 21, no. 3 (2006): 75-85.
Madva, Alex. "The Inevitability of Aiming for Virtue." In *Overcoming Epistemic Injustice: Social and Psychological Perspectives*, edited by Benjamin R. Sherman and Stacey Goguen, 85-99. Rowman and Littlefield, 2019.
Mason, Rebecca. "Two Kinds of Unknowing." *Hypatia*, 26, no. 2 (2011): 10-20.
May, Vivian M. "Speaking into the Void? Intersectionality Critiques and Epistemic Backlash" *Hypatia*, 29, no. 1 (2014): 94-112.
McConkey, Jane. "Knowledge and Acknowledgment: 'Epistemic Injustice' as a Problem of Recognition." *Politics*, 24, no. 3 (2004): 198-205.
McGlynn, Aidan. "Objects or Others? Epistemic Agency and the Primary Harm of Testimonial Injustice." *Ethical Theory and Moral Practice*, 23. No. 5 (2020): 831-845.
_____. "Epistemic Objectification as the Primary Harm of Testimonial Injustice." *Episteme*, 18, no. 2 (2021): 160-176.
McWilliams, Emily. "Can Epistemic Virtues Help Combat Epistemologies of Ignorance?" In *Overcoming Epistemic Injustice: Social and Psychological Perspectives*, edited by Benjamin R. Sherman and Stacey Goguen, 101-118. Rowman and Littlefield, 2019.
Medina, José. *The Epistemology of Resistance: Gender and Racial Oppression, Epistemic Injustice, and Resistant Imaginations*. Oxford: Oxford University Press, 2013.
Mills, Charles. "White Ignorance." In *Race and Epistemologies of Ignorance*, edited by Shannon Sullivan and Nancy Tuana. Albany: SUNY Press, 2007.
Minghella, Anthony, and Patricia Highsmith. *The Talented Mr. Ripley*. London: Methuen, 2000.
Nussbaum, Martha C. "Objectification." *Philosophy & Public Affairs*, 24, no. 4 (1995): 249-291.
Peet, Andrew. "Epistemic injustice in utterance interpretation. " *Synthese*, 194 (2017): 3421-3443.
Pohlhaus Jr., Gaile. "Discerning the Primary Epistemic Harm in Cases of Testimonial Injustice." *Social Epistemology*, 28, no. 8 (2014): 99-114.
_____. "Varieties of Epistemic Injustice." In *Routledge Handbook of Epistemic Injustice*, edited by Ian James Kidd, José Medina, and Gaile Pohlhaus, Jr., 13-22. New York NY: Routledge, 2017.
_____. "Epistemic Agency Under Oppression." Philosophical *Papers*, 49, no. 2 (2020): 233-251.
Sherman, Benjamin R. "There's No (Testimonial) Justice: Why Pursuit of a Virtue is Not the Solution to Epistemic Injustice. " *Social Epistemology*, 30, no. 3 (2016): 229-250.
Sherman, Benjamin R. , & Stacey Goguen, eds. *Overcoming Epistemic Injustice: Social and Psychological Perspectives*. Rowman & Littlefield International, 2019.
Song, Seunghyun. "Denial of Japan's Military Sexual Slavery and Responsibility for Epistemic Amends" *Social Epistemology*, 35, no. 2 (2021): 160-172.
Spewak Jr, David C. "Conversational Epistemic Injustice: Extending the Insight from Testimonial Injustice to Speech Acts beyond Assertion." *Social Epistemology*, 35, no. 6 (2021): 593-607.
Spivak, Gayatri. "Can the subaltern speak?" In *Marxism and the interpretation of culture*, edited by Cary Nelson and Lawrence Grossberg. Urbana: University of Illinois Press. (1998): 271-313.
Steers-McCrum, Alex R. "Don't Put Words in My Mouth: Self-appointed Speaking-for Is Testimonial Injustice Without Prejudice." *Social Epistemology*, 34, no. 3 (2020): 241-252.
Toole, Briana. "Demarginalizing Standpoint Epistemology." *Episteme*, 19, no. 1 (2022): 47-65.
Truth, Sojourner. "When Women Gets Her Rights Man Will Be Right." In Words of Fire: *An Anthology of African-American Feminist Thought*, edited by Beverly Guy-Sheftall, 37-38. New York: New Press.

Wanderer, Jeremy. "Addressing Testimonial Injustice: Being Ignored and Being Rejected." *Philosophical Quarterly*, 62, no. 246 (2012): 148-169.

Notes

---

[1] See Fricker (2003) for an earlier formulation.
[2] Minghella and Highsmith (2000, p.130), cited in Fricker (2007, p.9).
[3] See Fricker (2007, p.130-131), and Li (2016).
[4] This is not to say that Fricker's analysis foreclosed the possibility of other examples. On the contrary, her aim was to give a theoretical analysis of TI. Establishing that it occurs in a particular context requires detailed empirical knowledge. It is fitting that subsequent authors have used their expertise to make these empirically-situated arguments.
[5] Bartlett (2020) argues that their interpretation of the relevant empirical work results in their exaggeration of both the extent and severity of TI against children.
[6] Altanian (2021a) examines Turkey's denial of Armenian genocide, revealing how *hermeneutical* and testimonial injustice are interrelated. And Altanian (2021b) argues that cases of systematic and persistent genocide denialism manifest *testimonial oppression*.
For further case studies of TI, see Part 5 of Kidd, Medina, and Pohlhaus Jr (2017).
[7] Relatedly, see Collins (2017) on the dangers of *coinage*.
[8] The list that follows is not comprehensive; it simply gives the reader a sense of the range of discussions that preceded Fricker's.
[9] More broadly, Cliff's "Notes on Speechlessness" is a powerful description of the interrelations between testimonial and hermeneutical injustice.
[10] See Fricker (2010), (2013), (2017).
[11] Further theorizing is needed to determine whether all discursive injustices could be explained as downgrades in a broadened notion of 'credibility'.
[12] For further discussions of speech injustices and their causes, see e.g., Dotson 2011; Wanderer 2012; Berenstain 2016; Knowles 2021.
[13] For related discussions that privilege the role of content, see e.g., Dotson 2011; Carmona 2021
[14] Anderson (2012) grants that Fricker's *pre-emptive TI* is a structural injustice, but argues that this is an exception: Fricker's primary account is transactional.
[15] This is my characterization, not Anderson's. For Fricker, epistemic and ethical culpability are required for TI.
[16] For more on this, see Mason (2011).
[17] Goldberg draws extensively on Mills (2007) to defend this empirical claim.
[18] For more on how socially unjust environments can shape one's evidence in pernicious ways, see e.g., Begby 2013; Bueter 2021, Carel and Kidd 2014, Collins 2000, Li 2016, Mills 2007, Toole 2022.
[19] I suspect that in practice, there is often bad faith and willful ignorance in play, but this does not undermine the present point.
[20] Marusic and White (2018) also argue that TI can occur without credibility deficit.
[21] The distinction between treating one as an object vs. a *mere* object is important, for reasons that Fricker borrows from Kant.
[22] See Haslanger (2017) for a different account of *epistemic objectification.* While it is a form of TI, she does not argue that it captures TI's primary harm.
[23] Fricker attributes the first appearance of the idea that epistemic injustice involves epistemic misrecognition to McConkey (2004).
[24] For related discussions, see Wanderer (2012), and Marusic and White (2018).
[25] See Medina (2012) for related discussion. He argues that cases where one is treated as informant but not an inquirer count as a kind of TI, and that in these cases, "The epistemic agency of an informant *qua informant* is limited and subordinated to that of the inquirer's (p.204, italics original)."
[26] See e.g., Anderson 2012, Medina 2013, Ayala-López 2018, Pohlhaus 2020, and Dotson 2014 on the need for third-order changes.
[27] See Sherman & Goguen (2019) for further work on amelioration.
[28] See also Dotson 2012, p.24.

[29] Aargon (2019) takes a different approach to theorizing epistemic oppression, offering necessary and jointly sufficient social conditions for an epistemic process to be oppressive, by developing epistemic analogues of Ann Cudd's (2006) conditions for classifying a structure as oppressive.
[30] Dotson explains that Fricker's hermeneutical injustice is an example of second-order epistemic exclusion.
[31] In practice, there may be no clear line between overhauling parts of an existing system, and replacing it with a new one. These sorts of changes may instead exist on a continuum.
[32] Thanks to Aidan McGlynn for pointing out that this may be in part because Dotson's notion of *testimonial quieting* develops themes from Collins (2000: chapter 11), who writes about black women's knowledge claims being dismissed.
[33] See Gerken (2019), who also suggests this. Fricker's more recent work (e.g., 2013, 2017) expresses openness to broader notions of epistemic injustice. See Pohlhaus (2017) for another suggestion about how to broaden our notion of epistemic injustice.