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Epistemic Injustice as Distributive Injustice

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Is epistemic injustice a form of distributive injustice? In her early, profoundly influential work on epistemic injustice Miranda Fricker makes it clear that she does not think it is. In a recent article, however, she has expanded her conception of epistemic injustice to include something she calls distributive epistemic injustice, which she characterizes as “the unfair distribution of epistemic goods such as education or information” (Fricker 2013: 1318). She contrasts this with her earlier, narrower, conception of the subject, which she now prefers to call discriminatory epistemic injustice. In what follows I will challenge Fricker’s distinction between discriminatory and distributive epistemic injustice; each of the forms of epistemic injustice that Fricker describes is a form of distributive injustice (or at any rate can be fruitfully treated as such) and that considerable insight into the nature of these injustices, and into the interrelations between them, can be gained from recognizing this fact.

Epistemic injustice in the original, and still most widely used, sense of the term is divided by Fricker into two categories: testimonial injustice and hermeneutic injustice. I will consider them separately.

**Testimonial injustice**

Testimonial injustice “occurs when prejudice on the part of the hearer leads to the speaker receiving less credibility than he or she deserves” (Fricker 2003: 154). The most obvious case of this would be when the prejudice in question leads the hearer to disbelieve the speaker, even though the speaker deserves to be believed. However Fricker makes it clear that this is only the limiting case of a broader phenomenon, which would include situations in which there is an unjust reduction in credibility, even if it doesn’t actually result in disbelief. Now, as Fricker notes, it is tempting to think of testimonial injustice as a form of distributive injustice, a concept that will be familiar to anyone with a passing acquaintance with recent Anglo-American political philosophy. If we think of credibility as a good (like wealth, healthcare, education or information), then it is natural to think that testimonial injustice consists in an unjust (or unfair) distribution of this good and that there is a philosophical problem of specifying what a just distribution of credibility would be.
Fricker has two arguments against this idea. The first of which is in the following passage:

Credibility is not a good that belongs with the distributive model of justice. Unlike those goods that are fruitfully dealt with along distributive lines (such as wealth or health care), there is no puzzle about the fair distribution of credibility, for credibility is a concept that wears its proper distribution on its sleeve. Epistemological nuance aside, the hearer’s obligation is obvious: she must match the level of credibility she attributes to her interlocutor to the evidence that he is offering the truth.

(Fricker 2007: 19)

Like Fricker, I will put aside epistemological nuance and agree, at least for the sake of argument, with her “obvious” principle governing the obligations of hearers. Nonetheless this principle does not take us very far. Suppose, by way of analogy, that someone were to say that there is no puzzle about the fair distribution of wealth, since it is obvious that everyone should receive the wealth that he or she deserves. The correct response to this principle, I suggest, is to accept it but point out that it leaves the real issue, namely how much wealth people deserve, unanswered. Do they deserve equal wealth or do they deserve wealth in proportion to the hours they have worked, their intelligence, their moral virtue, their good luck or are all attempts to achieve such patterns of distribution themselves unjust?

In a similar way, I suggest that Fricker’s principle in the above passage does not address the most important questions about the just distribution of credibility, questions about the nature of the hearer’s obligations to seek out and interpret evidence that a speaker is offering the truth, especially in situations in which the speaker has less social power than the hearer. Fricker herself has had much to say about these issues, and I don’t think I can add anything worthwhile to her discussion of them here. It is enough to note that this argument does not establish a disanalogy between credibility on the one hand, and goods such as wealth and healthcare, etc., such that the latter, but not the former, are suited to the distributive model of injustice.

Fricker’s second argument for the same conclusion occurs in the following passage:

Goods best suited to the distributive model are so suited principally because they are finite and at least potentially in short supply [. . .] Such goods are those for which there is, or may soon be, a certain competition and that is what gives rise to the ethical puzzle about the justice of this or that particular distribution. By contrast, credibility is not generally finite in this way, and there is no analogous competitive demand to invite the distributive treatment.

(Fricker 2007: 19–20)

But this seems to be clearly wrong. Credibility is finite. It would clearly be irrational (and probably psychologically impossible) to believe every piece of testimony one comes across, still less, as José Medina notes (2012: 62), to assign them all maximum credibility. Furthermore credibility is, unfortunately, often in short supply, and, as a result, there is often competition for it. Indeed the two main examples of testimonial injustice that Fricker discusses illustrate this point very clearly. One of these examples comes from Harper Lee’s novel, To Kill a Mockingbird. The all-white jury in that novel commit a testimonial injustice against Tom Robinson when they fail to believe his testimony because he is black. Fricker’s discussion of this case is subtle and illuminating, but it largely ignores the fact that the unjustifiably low credibility that the jurors assign to Tom Robinson’s testimony is inextricably linked to the unjustifiably high credibility they assign to the testimony of his accusers, especially Mayella and Bob Ewell. The trial of Tom Robinson, like
most trials, especially in the adversarial Anglo-American legal system is, to a very great extent, a competition over credibility. Indeed this is a point Fricker herself seems to acknowledge in the following passage:

The trial is a zero-sum contest between the word of a black man against that of a white girl... and there are those on the jury for whom the idea that the black man is to be epistemically trusted and the white girl distrusted is virtually a psychological impossibility.

(Fricker 2007: 25)

None of this should be taken to imply that the business of assigning credibility is always a zero-sum game; it is sometimes possible for one person or group of people to gain credibility without a corresponding loss of credibility for anyone else. But this is also true of wealth; sometimes it is possible for one group of people to become wealthier at no cost to anyone else, but this fact is not normally taken to imply that questions about economic injustice should not be thought of in distributive terms. There is no disanalogy between credibility and wealth here. Nor does there seem to be any disanalogy here between credibility and healthcare, education or information, all of which are goods that Fricker does think are suited to the distributive model of injustice.

Fricker's other main example of testimonial injustice, drawn from Anthony Minghella's screenplay of *The Talented Mr. Ripley*, in which Herbert Greenleaf refuses to take seriously Marge Sherwood's suspicions that Tom Ripley has murdered his son because he has internalized certain prejudicial stereotypes against women, illustrates the same point. Fricker's otherwise admirable discussion of this example strikingly neglects the fact that Greenleaf gives too little credibility to Sherwood, to a large extent, because he gives too much credibility to Ripley. His undervaluing of the testimony of women (at least in certain contexts) is inextricably linked with his overvaluing the testimony of men, just as the jury's undervaluing of the testimony of black people in *To Kill a Mockingbird* is inextricably linked with their overvaluing of the testimony of white people.

To summarize, competition for credibility is a pervasive feature of much of our social and political life. The unjustifiably low credibility often assigned to the testimony of oppressed groups, which Fricker rightly emphasizes, is inextricably linked with the unjustifiably high credibility that privileged groups often enjoy. Fricker's attempt to distinguish between “distributive goods” such as wealth and healthcare on the one hand and credibility on the other hand, on the grounds that the latter “is not generally finite” (i.e. it is generally infinite), is mistaken.

Fricker's view that testimonial injustice should not be thought of in distributive terms is built into her definition of the phenomenon, according to which it consists in a speaker receiving less credibility than he or she deserves. We can see the limitations of this account if we compare testimonial injustice with economic injustice. Suppose someone were to claim that economic injustice consists in someone getting less wealth than he or she deserves. That is certainly part of the story, but it doesn’t really get to the heart of the matter. It would be better to characterize it as someone getting less wealth than he or she deserves as a result (at least partially) of others getting more wealth than they deserve. It seems to me that testimonial injustice parallels economic injustice in having this kind of relational, and more specifically causal, structure. In neither case is it a simple one way causal relation. Rather, it is true, in both cases, that some have less than they deserve of the good in question because others have more of it than they deserve, and it is also true that some have more than they deserve because others have less than they deserve. In short, in both cases there is a relation of mutual reinforcement between deficits of a certain good and excesses of it.
Fricker does consider broadening the concept of testimonial injustice to include credibility excesses as well as credibility deficits. A person whose testimony is routinely given too much credence may, she reasons, be wronged by being rendered incapable of developing certain intellectual virtues, such as open-mindedness. In the end, however, she decides that the concept of testimonial injustice should not be extended to such cases:

I do not think it would be right to characterise any of the individual moments of credibility excess that such a person receives as in itself an instance of testimonial injustice, since none of them wrongs him sufficiently in itself.

(Fricker 2007: 21)

There is surely something to this. We may grant that such a person has, in some sense, been wronged, but it would be deeply misguided to characterise him as a victim of injustice (or, at any rate, as a victim of the same kind of injustice as a person who suffers from an unjust credibility deficit). Fricker is right about this. But she is wrong to leave credibility excesses out of her analysis altogether. This is not, or at least not primarily, because individual instances of credibility excess can be unjust as well as individual moments of credibility deficit. Rather it is because, as José Medina says, any analysis which “focuses exclusively on the individual moments of testimonial exchanges among particular subjects” (2012: 59) is inevitably short-sighted. I would add that the reason it is short-sighted is that it fails to do justice to the fact that testimonial injustice is fundamentally a form of distributive injustice. It is an injustice in the distribution of a particular good: credibility.

Hermeneutical injustice

Fricker does not explicitly argue that hermeneutical injustice should not be understood in distributive terms; nonetheless, as we have seen, it is classified by her, along with testimonial injustice, as a form of discriminatory epistemic injustice, which is explicitly contrasted with distributive epistemic injustice. I will argue that hermeneutical injustice, like testimonial injustice, should be conceived, at least partially, in distributive terms. Indeed, I will argue that a particular substantive principle of just distribution is implicit in her account of the phenomenon.

Fricker says that hermeneutical injustice, unlike testimonial injustice, occurs “prior to communicative activity”. She defines it as “the injustice of having some significant area of one’s social experience obscured from collective understanding owing to hermeneutic marginalization” (2006: 99). The concept of hermeneutic marginalization in turn is explained as a matter of belonging “to a group which does not have access to equal participation in the generation of social meanings” (Fricker 2013: 1319).

What is it to be denied access to equal participation in the generation of social meanings? I cannot hope to do justice to Fricker’s subtle discussion of this matter, but some of her examples give a rough idea of the kind of thing she has in mind. One is that of “a woman suffering from sexual harassment prior to the time when we had this concept and word to name the experience” (Fricker 2007: 151). Another is that of a homosexual man who is unable, because of a lack of collective conceptual and linguistic resources, to understand or explain his sexual experiences in positive terms (Fricker 2006: 105–7). These examples make it clear that the generation of social meaning includes (though it may not be limited to) both the coining of words and phrases to explain one’s social experiences and the practices that give words and phrases the public meaning that they have. Certain social groups (e.g. journalists, academics, politicians, men, white people, heterosexuals) are in a better position to generate these meanings than others, and as such, they have greater hermeneutical
power. Other social groups, those with less hermeneutical power, have their social experience misunderstood (sometimes, but not always, by themselves and/or other members of their social group) to one degree or another, and are unjustly harmed as a result.

In what follows, I will argue that Fricker’s account of hermeneutical injustice in terms of hermeneutical marginalization is (at least implicitly) a principle of distributive justice: the egalitarian principle according to which it is a requirement of justice that everyone should have equal access to participation in the generation of social meanings. That is, everyone should have equal hermeneutical power. To be marginalized with respect to a certain good is just to have less than an equal share of it. We may call the distributive principle that everyone should have equal hermeneutical power “hermeneutic egalitarianism.” Fricker’s examples of hermeneutical injustice encourage us to think that hermeneutic egalitarianism is obviously correct. It is because women have not had equal hermeneutical power that the kinds of encounters we now recognize as sexual harassment were (and often still are) dismissed as harmless flirting. Likewise, it is because homosexual men have not had equal hermeneutical power that they have often been (and in some cases still are) unable to understand or explain their sexual experiences in positive terms.

These examples may make it seem that hermeneutic egalitarianism is obviously correct and hence that there is no puzzle about the correct distribution of hermeneutical power, just as Fricker argued there is no puzzle about the correct distribution of credibility. However, the analogy with credibility should give us pause. Fricker, quite rightly, does not countenance any form of credibility egalitarianism. There is nothing unjust about distributing credibility unequally. On the contrary, justice requires credibility to be distributed unequally.13 Something similar may be true of hermeneutic power.

This seems to be more than a hypothetical possibility. Take neo-Nazis, for example. They appear to be a hermeneutically marginalized social group. They have very little impact on the generation of social meanings. They understand the words “Jew” and “Muslim” quite differently from the wider society in which they live, and their attempts to popularize certain expressions, such as “Jewish conspiracy” and “Islamization”, to explain their social experiences have been largely unsuccessful. It seems in short that they are victims of hermeneutical injustice, on Fricker’s definition, because they have had some significant areas of their “social experience obscured from collective understanding owing to hermeneutic marginalization” (Fricker 2006: 99). If I am right, hermeneutic marginalization in this case is not an injustice. It is a good thing. Even if I am wrong, and it is not true that neo-Nazis have been hermeneutically marginalized, there seems to be a very good case that they should be. Some groups of people, I suggest, do not deserve to have as much hermeneutic power as others.

Neo-Nazis are, of course, a very extreme case, so I will consider another example, which makes the same point in a somewhat different way. In the past, proponents of same-sex marriage were hermeneutically marginalized. They were members of a group that did not have equal access to the generation of social meaning. In particular, they did not have an equal say in the social (and, more specifically, legal) meaning of the word “marriage.” But increasingly the tables are turning, with large majorities in most Western countries in favour of marriage equality and more and more countries legislating to keep pace with public opinion. What are we to make of this? Certainly opponents of same-sex marriage have lost their hermeneutic monopoly, but more than this, it seems clear that they have themselves become hermeneutically marginalized (at least in Western countries). Their claims and arguments are (rightly, in my opinion) given scant consideration in the public domain, and, as a result, they are often not heard and have little or no influence on the social meaning of “marriage.” If hermeneutic egalitarianism were correct, their hermeneutic marginalization would constitute an injustice. But it seems to me that this is not an injustice. There is an egalitarian principle that is relevant here: that gays and lesbians should have the same
rights and privileges (including marriage) as everyone else. But it seems to me that this example makes it clear that there is no right to equal hermeneutic power. Those who insist that the traditional definition of “marriage” is the right one are just wrong, and they were wrong all along.

This example also makes it clear that hermeneutic power, like credibility, is a finite resource and, as a result, there can be competition for it. The political and social struggle over the meaning of the word “marriage” is a zero-sum game. To the extent that one party wins, the other party loses. Hence, hermeneutic power seems to be the kind of good which, on Fricker’s own account, raises a problem of distributive justice.

I have argued that hermeneutical injustice can be fruitfully treated as a form of injustice in the distribution of a certain good: namely hermeneutic power. I have also argued against the idea, implicit in Fricker’s work, that justice requires this good to be distributed equally. Unfortunately, I don’t have a plausible alternative principle governing its just distribution to offer in its place.

It could be argued that some neo-Nazis and some proponents of traditional marriage are victims of an injustice of the kind Fricker now calls “distributive epistemic injustice,” i.e. injustice in the distribution of education and information. After all, many of them do appear to be under-educated and ill-informed. Hence some of these people may be victims of a form of injustice that is, in a sense, epistemic, but they are not victims of hermeneutic injustice.

Conclusion

There are people who have no time for the concepts of distributive justice and injustice at all. Robert Nozick, for example, has argued that these concepts imply “a central distributing authority” (1974: 149), and that any such person or entity is inherently unjust. I don’t intend to go into the details of Nozick’s position here; however, it does suggest a disanalogy between credibility and hermeneutic power on the one hand, and goods that are standardly thought of as raising problems of distributive justice and injustice on the other. A lot of people are, I think rightly, undisturbed by the idea of a central distributing authority for some of these goods (healthcare, for example), but would baulk at the idea of a central distributing authority for either credibility or hermeneutic power. The idea of such an authority for credibility conjures up Orwellian visions of thought crime. It is surely not the State’s business to tell us whom we should believe, nor, more generally, how much credibility we should give to people’s testimony. Similarly, though perhaps not so obviously, it is not the State’s job to distribute hermeneutic power. In both cases it seems that any attempt by the State to impose a just distribution of the good in question would itself be unjust. So if you think of distributive justice, as some people do, as presupposing some kind of State-imposed distribution, then you may think that Fricker is right (albeit for the wrong reasons) not to treat testimonial and hermeneutical injustice as examples of distributive injustice after all.

Having said that, I don’t think we should think of distributive justice and injustice as necessarily involving a centralized distributor. It is perfectly possible to think that the distribution of a certain good is unjust, but also to think that any attempt by the State to impose a more just distribution of it would be undesirable either because it would itself be unjust or because it is objectionable in some other way which in this case trumps considerations of justice. All that is needed for a good to raise a problem of distributive justice is that it be limited and, as a result, for there to be at least the possibility of competition over it. I have argued that credibility and hermeneutic power are both goods of this kind, and hence that testimonial injustice and hermeneutical injustice can fruitfully be treated as forms of distributive injustice. What principles would govern the just distribution of these goods is a further question.

Related chapters: 1, 2, 3, 4, 8
Epistemic distributive injustice

Notes

1. I would like to thank Ian James Kidd, José Medina and C.A.J. Coady for their helpful comments on an earlier draft.
2. I have argued elsewhere (Coady 2010) that these two concepts of epistemic injustice are interrelated in important ways.
3. Some people (e.g. Nozick 1974) argue that the distributive model of justice (and injustice) should be rejected altogether. I will return to this position later. For now, I am considering only whether there is a good reason for accepting it in the case of certain goods, such as wealth, education, etc., while rejecting it in the case of credibility.
4. José Medina (2011 and 2012) also emphasizes the phenomenon of competition for credibility; however he does not argue, as I do, that we should think of testimonial injustice as a form of distributive injustice.
5. Medina (2012: 63–4) argues that credibility judgements are always comparative and contrastive. I think they often are, but not always.
6. Probably the best known example of a distributive principle of justice, John Rawls’ Difference Principle (1972), is explicitly motivated by the idea that the accumulation of “primary social goods” such as wealth, is sometimes, but not always, a zero-sum game.
7. According to Fricker, not all cases of speakers receiving less credibility than they deserve are cases of testimonial injustice. The credibility deficit must be a result of an identity prejudice, rather than (say) bad luck.
8. Economic injustice and testimonial injustice are closely related in more ways than one. They are not only structurally similar, they are also themselves in a relation of mutual reinforcement. To a great extent, testimonial injustice is caused by economic injustice, and economic injustice is caused by testimonial injustice.
9. Fricker seems to take the contemporary view that open-mindedness is an intellectual (or epistemic) virtue for granted. I’m not so sure. I tend to agree with G.K. Chesterton that an open mind, like an open mouth, is really a mark of foolishness, and that the purpose of opening one’s mind, like that of opening one’s mouth, is to close it on something solid (Chesterton 1937: 223–4).
10. Once again the economic analogy seems good. Someone who is unjustly wealthy may as a result be unable to develop a range of moral and epistemic virtues, but it would be somewhat perverse to characterize such a person as a victim of economic injustice.
11. I am only considering Fricker’s definition of “hermeneutic marginalization” here. Havi Carel and Ian James Kidd (2017) write that hermeneutic marginalization should be understood to include not only unequal participation in the generation of social meanings, but also unequal participation in authoritative practices by which social meanings are legitimated. I believe that my argument would be largely unaffected if we were to broaden the concept of hermeneutic marginalization in this way.
12. It is worth emphasizing that “meaning” should be understood very broadly here. It is certainly not restricted to the extensions of words and phrases; it also includes their connotations, whether positive or negative.
13. Justice requires us (at least presumptively) to distribute credibility in accordance with the available evidence (see Fricker 2007: 25). This entails that an equal distribution would be unjust.
15. This will depend of course on the reasons for their lack of education and/or information.

References


