

Perfectioning trust, reinforcing testimony*

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ABSTRACT: Miranda Fricker characterizes the most basic or primary form of epistemic, testimonial injustice by way of a set of negative delimitations. In this paper I raise some doubts about how these delimitations are drawn, about the wrongful harms and disadvantages the testimonial injustice is supposed to entail and produce, and about the way Miranda Fricker clarifies the perfectionist character of the corrective virtue on the part of hearers, the ethical and intellectual virtue of testimonial justice.

Keywords: epistemic injustice, Miranda Fricker, Kant, testimony, trust.

The reading of *Epistemic Injustice: Power and the Ethics of Knowing* (Fricker 2007) has brought me much intellectual enjoyment and an appreciation of the wide-ranging implications of the topics under discussion. The questions I will raise to Miranda Fricker (MF) try to get a better understanding of some points of this excellent and exciting book.

MF distinguishes two distinctively epistemic kinds of injustice, testimonial and hermeneutical injustice. By situating them in the framework of a conception of the (identity) social power, she identifies a series of wrongs related to these kinds of injustice. And by elaborating them in the framework of virtue epistemology, she identifies the hybrid virtues that prevent or mitigate these injustices, namely testimonial and hermeneutical justice. Both kinds of epistemic injustice have in common that a wrongful action harms someone in her capacity as knower because of a pervasive prejudice. Both kinds of virtues of justice have in common a similar structure that makes compatible their respective immediate ends with the ultimate ends of justice and/or truth.

I will focus on the testimonial injustice (TI), on the wrongful harms and disadvantages it entails, carries and produces, and on the corrective virtue on the part of hearers, the ethical and intellectual virtue of testimonial justice. TI occurs when prejudice enters into a hearer's judgement of a speaker's credibility so that the level of credibility is unduly deflated. The harms can touch intrinsically, or independently of context, the very core of the rationality of the person; or they can affect, as a set of consequences, the epistemic capacities and intellectual character, the practical performances or even the very identity of this person as a concrete other. The virtue of testimonial justice is considered in turn not yet as a general virtue, in fact a "whole complex of intellectual virtues pertinent to a hearer's reception of another's word" (Fricker 2007, p. 92), but rather as a specific virtue consisting in "neutralizing negative identity prejudice in one's credibility judgements" (Fricker 2007, p. 99).

MF clarifies the most basic or primary form of epistemic injustice by way of a set of negative delimitations. First, she defines the relevant problem as one of epistemic

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injustice that cannot be modelled by the redistribution criteria of social justice. Second, she restricts the relevant phenomena to the wrongful harms or disadvantages in economy of credibility and conceptualizes the later only in terms of deficit in the attribution of credibility. Third, she takes the identity-prejudice, not other forms of prejudice or non-prejudicial factors, as the genuine poison causing the undue lack in credibility. Finally, she identifies the systematicity, in contrast to the incidental occurrences, as the *differentia specifica* for the central case of 'TI.

In what follows I raise some doubts about how these delimitations are drawn.

(1) MF focuses on a kind of distinctively epistemic injustice as a complex phenomenon that cannot be merely reduced to the notion of distributive unfairness. Within the distributive model of social justice, goods as education and information can only be characterized as epistemic goods in an incidental way. The distributive model applies suitably to goods such as wealth and healthcare, that is, to finite goods that are susceptible of competition and can be allocated in accordance with criteria of social fairness. According to MF, the epistemic good at stake in the cases of 'TI cannot be dealt with along distributive lines, because credibility is not finite in the same way and “wears its proper distribution on its sleeve” (Fricker 2007, p. 19). She refers briefly to Hume’s genealogy of justice: the circumstances of justice emerge when there is a need to regulate conflicts between particulars around the redistribution of finite goods. But, in a sense, credibility is a relational notion that admits more or less degrees and certain forms of competition and rivalry. Is it not possible to consider the distributive treatment in some cases of intersubjective conflicts around credibility?

(2) MF claims that “for something to be an injustice it must be harmful in some degree but also in some way wrongful, whether because discriminatory or otherwise unfair” (Fricker 2007, p. 151). But the credibility economy only contemplates wrongful harms and disadvantages caused by credibility deficit (or by an accumulation of credibility excess that can disturb an intellectual character in the long run). MF’s incomplete reference to Hume points in this direction: there is no place for the artificiality of justice in a situation of plenty of credibility. However, Hume also circumscribes the circumstances of justice according to the dark scenario of absolute scarcity and poverty.

Of course, independently of any analogy with the distributive model, the absolute lack in credibility can imply the need of justice. The wrongful harms and disadvantages owing to this lack ought to mobilize the search and the struggle for recognition. But I don’t see why the credibility excess cannot be a central case of TI or why it has to be less relevant in questions of epistemic injustice. Or are we not just and virtuous knowers when we correct or neutralize our undue attributions of excess credibility?

(3) Pivotal in the TI is the identity-prejudice. It is not merely that a speaker suffers a TI if the hearer gives her less credibility than she otherwise would have. “The basic idea is that a speaker suffers a testimonial injustice just if prejudice on the hearer’s part causes him to give the speaker less credibility than he would otherwise have given” (Fricker 2007, p. 4). And the central case of TI is then defined more precisely as “identity-prejudicial credibility deficit”, as an undue deflated credibility because of an

identity prejudice. In the contexts of epistemic injustice “the subject suffers from one or another sort of prejudice against them *qua* social type” (Fricker 2007, p. 155).

MF doesn’t deny that the TI can occur without an identity-prejudice, but she defines the TI “as necessarily involving prejudice, with the central case involving identity prejudice” (Fricker 2007, p. 41). However, not only circumstantial epistemic bad luck, but a variety of other factors, such as animosities, envies, passions, desires and so on take part in ordinary face-to-face testimonial exchanges. Is it solely (whatever kind of) prejudice that determines the unjust result of the epistemic testimonial practices? And is it not the guiding perspective of social justice that is prejudicing against the possibility of taking those other variants of TI without identity-prejudice as being so central as the culpable injustice caused by identity prejudice?

(4) The pervasiveness of the identity-prejudices as tracker prejudices goes beyond the TI, because it reaches systematically other kinds of injustice. MF writes that “an injustice was systematic only if the identity prejudice causing it tracked the subject through different spheres of social activity, rendering them susceptible to other forms of injustice besides testimonial” (Fricker 2007, p. 155). TI is then systematically connected up with other kinds of injustice. In fact, the centrality of the systematic case of the *identity-prejudicial credibility deficit* comes “from the point of view of a guiding interest in how epistemic injustice fits into the broader pattern of social justice” (Fricker 2007, p. 27).

MF offers suggestive insights about the connections between the distinctively epistemic, non-distributive, TI and the social justice as such. Given that different kinds of injustice can be systematically entangled through identity loaded preconceptions, does MF think that the model of recognition deserves priority over the model of redistribution in questions of social justice? Or is she rather in favour of combining elements of both models into an expanded paradigm of social justice?

I have one last question concerning the corrective nature of testimonial justice. MF analyzes subtly various passages of Harper Lee’s novel *To Kill a Mockingbird*. This *Bildungsroman* contains a genuine dissection of prejudice and also of the capability of learning both to detect it and to overcome it. The corrective operation against prejudice (and hence against epistemic injustice) is a kind of sympathetic enlargement of mind. Atticus Finch says to her daughter Scout that she’ll never really understand someone until she looks around in his shoes. “Before you judge someone, you must first walk in their shoes”. When Atticus Finch says in his summing-up, “... In the name of God, Do your duty”, isn’t he trying to put the jury members and the town’s people in Tom Robinson’s shoes? Isn’t it part of the duty to believe Tom Robinson the duty to step in his shoes and walk around in them for awhile?

In his doctrine of *sensus communis*, Kant offered a philosophical formulation of this operation of situating oneself in the place of others. The three maxims of *sensus communis* form together a normative conception of the use of our mundane reason. In a recent article, Axel Gelfert analyses how they and the discussion of communicability as a touchstone of truth bring out the importance of epistemic interdependence (and of testimony in particular) to Kant’s thought (Gelfert 2006). The first maxim is both the maxim of the autonomy and the enlightened maxim. “To think for oneself” de-

mands the proper exercise of our own rational capacity and it aims at eliminating prejudices, especially the prejudice of the unduly credibility excess. The second maxim, “to think in the position of everyone else”, indicates the corrective of being prejudiced, especially in relation to the unduly credibility deficit. Together with the demand of consistence (“Always to think in accord with oneself”), which implies the continuity of the personal identity, these maxims help to clarify why Kant both defended the rational duty of a presumptive acceptance of the testimony, provided this reliance is not “uncritical”, and thought that devaluating another person’s word for no good reason violates the epistemic equity and indicates a lack of moral character.

The epistemic attitude accorded with these three maxims leads to a kind of critical reflection for neutralizing the prejudice that MF identifies as the immediate end of the virtue of testimonial justice. She notes that it is not enough for identifying the relevant harms done to the speaker (Fricker 2007, p. 43, n. 13), but she also applies the Kantian distinction between treating someone as a means and as a *mere* means to characterize the ethically wronged epistemic objectification of another person (Fricker 2007, p. 134-6). I only want to ask her, in conclusion: what do you think about the Kantian way of integrating the epistemic autonomy and the acceptance of testimony?

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