

# ON METHODOLOGIES OF RESISTING TESTIMONIAL INJUSTICE

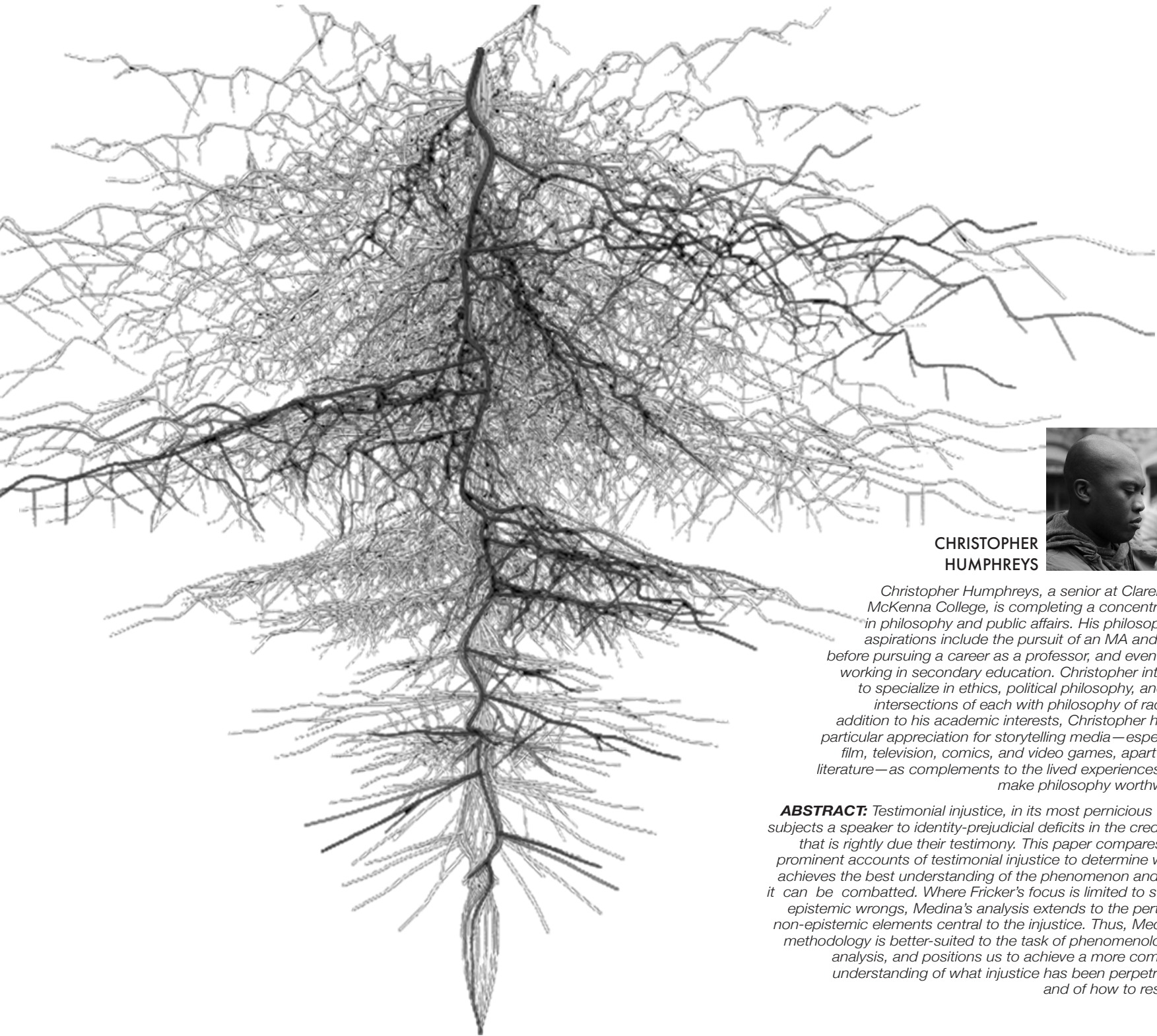
A COMPARATIVE ANALYSIS OF FRICKER AND MEDINA



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**ABSTRACT:** *Testimonial injustice, in its most pernicious form, subjects a speaker to identity-prejudicial deficits in the credibility that is rightly due their testimony. This paper compares two prominent accounts of testimonial injustice to determine which achieves the best understanding of the phenomenon and how it can be combatted. Where Fricker's focus is limited to strictly epistemic wrongs, Medina's analysis extends to the pertinent non-epistemic elements central to the injustice. Thus, Medina's methodology is better-suited to the task of phenomenological analysis, and positions us to achieve a more complete understanding of what injustice has been perpetrated, and of how to resist it.*



# ON METHODOLOGIES OF RESISTING TESTIMONIAL INJUSTICE

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## INTRODUCTION

Testimonial injustice is a species of epistemic wrongdoing characterized by inaccurate assessments of a speaker's credibility. Our analysis of the concept provides the criteria for evaluating particular instances of the phenomenon and dictates how these instances ought to be addressed in pursuit of achieving justice. In particular, we tend to be concerned with the kind of injustice that systematically underestimates the credibility of certain peoples based on identity prejudices (e.g. racism, sexism). Interestingly, comparing the account of testimonial injustice presented in José Medina's *The Epistemology of Resistance* with the version presented in Miranda Fricker's *Epistemic Injustice* yields two substantially different analyses.<sup>1</sup> Where Fricker's treatment of testimonial injustice is concerned primarily with the wrong that is done to the speaker *qua* knower, Medina's incorporates within it an assessment of the social and political structures under which testimonial injustices—under the umbrella of injustice, more generally—are perpetrated. Although Medina offers his theory as a sort of expansion of Fricker's account, it does not seem that he has simply taken up her view and built upon it or introduced nonessential alterations. In fact, it seems that the differences between these two theories of testimonial injustice are due fundamentally to a methodological disagreement. Fricker's approach is strictly epistemological insofar as her analysis is centered on and predominantly limited to the wrongs that pertain to the development and sharing of knowledge, whereas Medina's project engages in a sort of social epistemology with a broader concern for the non-epistemic phenomena that are connected to individual perpetrations of testimonial injustice. A detailed evaluation of these different methodologies reveals that Medina's account is better suited to giving a full analysis of testimonial injustice because it is truer to the phenomenon

**1** José Medina, *The Epistemology of Resistance: Gender and Racial Oppression, Epistemic Injustice, and Resistant Imaginations* (New York: Oxford University Press, 2013); Miranda Fricker, *Epistemic Injustice: Power & the Ethics of Knowing* (New York: Oxford University Press, 2007).

**2** Fricker, *Epistemic Injustice*, 44.

**3** Here we might think of harms done to the interpersonal and/or group dynamics that pertain to the epistemic engagement between the subject and the perpetrator or perhaps of those done to the relevant epistemic system in a more general sense. Fricker alludes to the value of such considerations but affirms that her pursuit is concerned with “a focus specifically on the ethical.” Fricker, *Epistemic Injustice*, 43-44.

**4** Fricker, *Epistemic Injustice*, 46.

**5** Fricker, *Epistemic Injustice*, 44.

**6** Fricker, *Epistemic Injustice*, 46.

and offers a more complete prescription for what action is required to achieve justice.

## FRICKER'S ACCOUNT OF TESTIMONIAL INJUSTICE

Fricker's account of the wrong of testimonial injustice principally concerns us with the *intrinsic* wrong of its perpetration and maintains that there is then a set of *extrinsic* harms by which the speaker suffers. The wrong that is intrinsic to testimonial injustice is the act of wronging the speaker *in her capacity as a knower*.<sup>2</sup> Importantly for Fricker, the intrinsic wrong of testimonial injustice is valuationally primary to any other wrongs—such as those we might describe as being extrinsic, circumstantial, or consequential—done by the injustice.<sup>3</sup> The central logic behind Fricker's claim to the primacy of testimonial injustice's intrinsic harm holds that the degradation of a subject *qua* knower symbolically degrades them *qua* human, and that subjects who suffer the especially pernicious sort of testimonial injustices with which Fricker is most concerned (i.e. identity-prejudicial credibility deficits) are dishonored in some essential way.<sup>4</sup> That is to say that because the intrinsic wrong of testimonial injustice wrongs a subject as a knower, that subject is “wronged in a capacity essential to human value,” and thus Fricker takes this wrong to be the most deeply concerning element of this epistemic phenomenon. Indeed, for Fricker, the perpetration of such a testimonial injustice is one of the gravest injustices one can commit.<sup>5</sup>

Secondary to Fricker's conception of the intrinsic wrong is the extrinsic harm of testimonial injustice, which

is composed of a range of possible follow-on disadvantages, extrinsic to the primary injustice in that they are caused by it rather than being a proper part of it. They seem to fall into two broad categories distinguishing a practical and an epistemic dimension of harm.<sup>6</sup>

The practical dimension of the extrinsic harms of testimonial injustice includes things ranging from fines to, in cases like those of two women Fricker uses as examples, having to relay one's testimony through another speaker who is not subjected to the same identity-prejudicial

credibility deficits. The more strictly epistemic dimension of extrinsic harm includes failure to satisfy the conditions for knowledge in instances of “one-off testimonial injustice,” and, in the case of a subject who persistently faces the pernicious kind of testimonial injustice Fricker analyzes, such a subject “may lose confidence in her general intellectual abilities to such an extent that she is genuinely hindered in her educational or other intellectual development.”<sup>7</sup> Per Fricker’s account, the wrongs of persistent testimonial injustice motivated by identity prejudice appear to amount to a significant hindrance to the subject’s capacity to form and fully realize her identity with the focus of that analysis remaining on the intrinsic, more strictly epistemological wrong.<sup>8</sup>

## MEDINA’S ACCOUNT OF TESTIMONIAL INJUSTICE

In Medina’s theory, the social context within which an instance of testimonial injustice takes place is held to be fundamentally important to the wrong of that injustice in a way that it is not in Fricker’s theory. For Medina, the epistemic vices behind perpetrations of the pernicious sort of testimonial injustices we have identified “are not exclusively cognitive and are intimately related to *social injustices*,” because they involve both a lack of self-awareness and a simultaneous “deficit in the knowledge of others with whom one is epistemically related” on the part of privileged subjects.<sup>9</sup> Thus, Medina’s account not only *recognizes* a connection between testimonial and social injustices, but also takes it up as a central element of his highly context-sensitive analysis. Accordingly, Medina asserts that epistemic appraisals always have a sociopolitical element “because they operate against the background of a system of relations, and they involve interpersonal perceptions that are mediated by the social imagination.”<sup>10</sup> That is to say that the structures which produce the amalgam of epistemic vices behind a privileged subject’s identity prejudices are themselves social and political.

To substantiate his claim to the importance of context, Medina picks up Fricker’s case study of Tom Robinson’s judgment in Harper Lee’s *To Kill a Mockingbird*, addressing the roles that credibility excesses

**7** Fricker, *Epistemic Injustice*, 47.

**8** Fricker suggests that identity-re-alization is a continuation of her analysis of intrinsic wrong. This seems counterintuitive as the development and actualization of identity would be *extrinsic* to testimonial injustice according to her definition. Representing her analysis, however, is best served by glossing over this issue, it is not truly essential to her argument. Fricker, *Epistemic Injustice*, 51-57.

**9** Medina, *Epistemology of Resistance*, 57.

**10** Medina, *Epistemology of Resistance*, 24.

**11** Medina, *Epistemology of Resistance*, 65.

**12** Medina, *Epistemology of Resistance*, 66-67.

**13** Medina, *Epistemology of Resistance*, 67.

and features of the social imagination play in that perpetration of epistemic injustice. In the first place, Medina holds that testimonial injustice involves a lack of proportionality, such that the credibility deficit is complemented by credibility excesses “that give essential support to the epistemic disparities at play and the biased testimonial dynamic that leads to the injustice.”<sup>11</sup> Not only is it the case, then, that Tom’s testimony was hindered by a credibility deficit, but also that the mere whiteness of Mayella, and most especially the male prosecutor, afforded them each a relative excess of credibility in their testimonies.

In my view, the novel illustrates how a credibility excess—that of whites, and more specifically that of Mayella’s testimony and that of the prosecutor’s questioning—constitutes a misplaced trust that can easily lead to possible harm to others . . . As the social advantages and disadvantages produced by racism go together, so do the epistemic advantages and disadvantages produced by racism. The comparative and contrastive character of the epistemic disparities in this case tracks (and results from) the comparative and contrastive character of the social disparities on which they are built and to which they give support.<sup>12</sup>

Thus, Medina’s analysis of testimonial injustice requires that we give serious consideration to the credibility excesses of the different counterparts to subjects who face identity-prejudicial credibility deficits.

In the second place, Medina holds that testimonial injustice is properly understood and contextualized

by going beyond individual voices in testimonial exchanges and their authority and credibility, or rather, by putting them in a broader context and in relation to social trends and social limitations that create and sustain epistemic injustices.<sup>13</sup>

This is where we find Medina’s articulation of how it is that the social imaginary produces the kinds of epistemic vices that facilitate the persistence of injustices akin to the above example. In turn, understanding this phenomenon positions us to resist those vices and combat the social and political structures which cultivate them. In the *Mockingbird* example, Medina works to contextualize the injustice by asserting,

the central problem is not that Tom Robinson's testimonial authority is discredited, but rather, that certain affects and relations have been rendered incredible (in fact, almost unintelligible) in that culture; and achieving justice becomes practically impossible in that culture until those affects and relations become imaginable, until they can be thought meaningfully and those who lay claim to them do not become discredited by their very claims. In other words, the key to understanding what goes wrong in the interrogation of Tom Robinson has to be found in the relation between the epistemic attitudes and reactions depicted and the workings of the social imagination.<sup>14</sup>

The ideological movements that Medina makes here might initially be somewhat disorienting, but when attached to the particular features of the case, they are quite illuminating. In essence, Medina's argument is that the injustice perpetrated against Tom—which, importantly, includes the complementary credibility excesses involved—was facilitated by the particular limits of the social imagination shared by the jury members. For the white citizenry of Alabama, the notion that a black man such as Tom could, as he claimed, feel pity for a white woman was quite literally incredible. Similarly, to take the word of a black person over that of a white man was a course of action essentially inaccessible to these subjects. Clearly, this does not justify their actions or judgments; rather, Medina's aim is to point out that fully understanding this instance of testimonial injustice requires an understanding of how the relevant sociopolitical conditions produced the epistemically vicious characteristics—what Medina calls active ignorances—of the privileged subjects on the jury.<sup>15</sup>

## DIFFERENCES IN THE METHODOLOGICAL FRAMEWORKS

Although it is not the case that the two accounts are fit for a direct, one-to-one comparison, they are still fundamentally comparable as analyses of testimonial injustice for the purpose of *understanding* the phenomenon and prescribing means to *resist* and *combat* it. With this in

14 Medina,  
*Epistemology of  
Resistance*, 67.

15 Medina,  
*Epistemology of  
Resistance*, 39.

16 Medina,  
*Epistemology of  
Resistance*, 69.

mind, it is evident that Medina's contextualism offers a number of distinctive analytical benefits. Principally, the contextualist approach takes a broader-ranging survey of the sociopolitical context in which instances of testimonial injustice take place and holds the characteristics of that context to be seriously important and informative for analyzing (1) what exactly is happening both inside and outside of the epistemic realm, (2) what allows for the injustice to be perpetrated in its specific context, and (3) how the injustice can be resisted in order to ameliorate the epistemic system and sociopolitical context in question. Fricker does indeed recognize that there is some causal relationship between the social context (that is, its general faults and, more specifically, the epistemic failures of the social imaginary) and instances of testimonial injustice, but seems to consider it important only insofar as particular features of the social imaginary contribute to the epistemic undermining of subjects who suffer testimonial injustice. In contrast, from Medina's assertion that it is necessary for us to consider the broader social context, understand its history and character, and recognize how differently situated subjects relate to one another within it, we are left to conclude

the epistemic injustice committed against Tom has to be understood as part and parcel of a systematic sociopolitical injustice against a group; and this epistemic injustice is perpetrated thanks to a social imaginary and the vitiated epistemic habits that it has fostered among members of the jury.<sup>16</sup>

Thus, what we gain from Medina's account is an analytical method for concurrently ascertaining both the sociopolitical relevance of a given instance of testimonial injustice, *and* the structural wrongs of the social scheme that underwrite it. Since this methodology takes both of these understandings to be fundamentally significant in understanding and combatting the injustice at hand, the sociopolitical character of Medina's theory of testimonial injustice maintains a two-fold superiority over Fricker's account.

Firstly, Medina's contextualism allows for an understanding that is truer to the phenomenon insofar as its concern with the background features and generative factors of an instance of testimonial injustice provides for a more complete knowledge of individual perpetrations

and of collections of the phenomena that relate to each other. Medina's theory enables us to understand what led up to the relevant instance of injustice, to recognize how it connects to other instances and fits into a larger pattern of systematic injustice, and to fully appreciate why the injustice is important—including a recognition of the significance of the practical consequences. Secondly, that the contextualism of Medina's theory points to the social and political significances of a given individual perpetration—and to its relation to other, seemingly discrete perpetrations—makes the theory more readily mobilized to substantively resist particular epistemic injustices and injustice more broadly. It is important to note that it is not the case that Fricker simply does a bad job of analyzing testimonial injustice; rather, Fricker sets out to capture the strictly epistemic goings on and to combat the injustice on that level. In contrast, for attempting to connect the more purely epistemic with the social and political, Medina's project offers a more robust analysis, which undoubtedly is valuable on its own, but also proves to be the more valuable analysis in comparison to Fricker's. This claim does not suggest that Fricker held the same goal as Medina and failed to reach it successfully, but rather that the two attempted to do different things with their analyses of testimonial injustice, and that Medina's project is more worthwhile.

## A. A CONTRAST IN THE ASSESSMENTS OF PERSISTENT INJUSTICE

Regarding how completely each analysis understands the *persistence* of testimonial injustice, the political considerations Medina offers are not simply a more thorough-going additional feature, but are actually integral to the task. When Fricker addresses the persistence and “systemicity” of testimonial injustice, she seems to concern herself, above all, with the simple fact that the phenomenon occurs over and over again.<sup>17</sup> Her considerations of *why* it occurs persistently (e.g. the vices of the relevant epistemic system) are incorporated into her theory as background information that is nonessential to the most important wrongs done by testimonial injustice, either with respect to an individual perpetration or even to the chain of persistent perpetrations. If we were to set for ourselves more traditionally epistemic analytical limits,

<sup>17</sup> Fricker, *Epistemic Injustice*, 43, 58-59.

<sup>18</sup> Medina, *Epistemology of Resistance*, 27-30.

<sup>19</sup> Fricker, *Epistemic Injustice*, 58-59.

<sup>20</sup> Fricker, *Epistemic Injustice*, 43-44.

a contextualist approach would still give us the benefit of addressing the conditions that developed the epistemically vicious characters that enable persistent perpetrations of testimonial injustice, specifically as a function of working against that injustice. That is, the contextualist approach would have us understand how the epistemic character traits of differently situated subjects were produced by their sociopolitical positions *as a central component* to a perpetration of testimonial injustice. Applied to the *Mockingbird* example, this would mean assessing how it is that the jury members came to be of such epistemic viciousness that a black man's testimony would be almost entirely unbelievable against the word of a white prosecutor. For as much as this truly is an epistemic question, its answer is, at least in part, undeniably political. Medina's analysis recognizes that the reinforcement of particular epistemic attitudes cannot be understood as merely incidental to a subject's sociopolitical position.<sup>18</sup> Thus, any question of the persistence of testimonial injustice must involve consideration of how subjects with differing identity components are socially situated in order to yield a complete analysis of the phenomenon, and Medina's contextualist, social-epistemological methodology is better-suited to this task than Fricker's more traditional epistemology.

## B. A CONTRAST IN APPRECIATION OF THE POLITICAL

It is worthwhile, of course, to recognize that Fricker's account is not entirely removed from the sociopolitical features and consequences of testimonial injustice. Fricker does address the potential significance of the extrinsic wrong of testimonial injustice but still fails to promote that wrong to the appropriate level of import. Instead, she focuses on how the societal perpetration of testimonial injustice relates back to its intrinsic wrong and the offense against the subject's personhood in relation to epistemic engagement, which she says are “grimly augmented” by the force of the extrinsic harms.<sup>19</sup> In fact, even the socially broader epistemic view that Fricker nods to when articulating the scope of her analysis would be too narrowly concerned because it still treats the epistemic system as being insular from the sociopolitical context, both in analysis and in its importance.<sup>20</sup> Critically,

Medina's more sociopolitically motivated methodology surpasses that pitfall. Including the sociopolitical context as an important part of the injustice itself—and our analysis thereof—requires that we take seriously the “extrinsic” wrongs and harms of testimonial injustice because those wrongs are determined and characterized by the sociopolitical context in which the injustice is perpetrated. So, where Fricker's theory lists the practical consequences of persistent testimonial injustice—among which *imprisonment* is explicitly included as an example—as secondary to the fact of a subject's being wronged qua knower, Medina's contextualist methodology maintains that such consequences are integral to the wrong of an instance of testimonial injustice.<sup>21</sup> The inability to separate the epistemic from the social and the political in our analysis means that those “extrinsic” elements are similarly integral to our efforts to combat the relevant injustices.

### C. DIFFERENT NOTIONS OF RESPONSIBILITY

Importantly, the work that Medina's methodology does to address the extrinsic harms of testimonial injustice helps us to deal with the question of responsibility and the task of making substantial individual and societal improvements. Because Fricker's theory, like Medina's, is nonideal, it does indeed work to address the phenomenological perpetrations of epistemic injustice as they actually occur—even if she is more concerned with the strictly epistemic than with the practical elements involved—including questions of who ought to be held responsible and in which ways. However, Medina's theory still exceeds Fricker's in this regard. This is not for it somehow being “*more nonideal*” but instead because it features an explicit commitment to melioration as a central component, which means that the inability to achieve perfection does not excuse us—neither dominantly nor nondominantly situated subjects—from our responsibilities to continually improve. With respect to testimonial injustice, this is a responsibility on the part of each subject “to know oneself and to know others with whom one's life and identity are bound up.”<sup>22</sup> In a practical example, this would mean that a Christian student on the campus of a university with a significant Jewish student population is responsible for

<sup>21</sup> Fricker, *Epistemic Injustice*, 46-47.

<sup>22</sup> Medina, *Epistemology of Resistance*, 54-55.

<sup>23</sup> Medina makes an example of regrettable events played out on Vanderbilt University's campus in 2005 to illustrate the requirements of such a conception of responsibility imposes on individual subjects, according to their identity and the features of the social context. Medina, *Epistemology of Resistance*, 133-50.

<sup>24</sup> For Fricker's account of responsibility that is less active in these ways, see *Epistemic Injustice*, 98-108.

at least a minimal knowledge of the Jewish faith and of the historical relations between Christians and Jews.<sup>23</sup> If we return to the Tom Robinson case, this conception of responsibility exhibits the virtue of revealing a connection between the epistemic and the moral failures of the jury members, which not only gives a satisfying analysis of the various epistemic and social factors at play but also offers a viable prescription for melioration.<sup>24</sup>

Hence, Medina's conception of responsibility is so valuable not because it accurately assigns epistemic blame, but because it works to identify past failures and to correspondingly prescribe ameliorative obligations for the future. This is true not only for the individuals who perpetrate particular instances of testimonial injustice (e.g. the jury members in the *Mockingbird* case) but also for other agents who share the context within which the injustice was committed. Medina suggests that responsibility for the condition of the social scheme and the character of the epistemic system is shared among all the members of communities and their subgroups. This conception of responsibility allows for our analysis to acknowledge the failures of the agents and institutions who share the relevant social context, with the intention of determining which features of the social scheme need to be addressed to improve the epistemic characters (and even the moral characters, given the social significance of our epistemic interactions) of all those involved. This methodology helps us to remedy the epistemic inadequacies that produce testimonial injustice *and* helps us strive to achieve justice in particular sociopolitical contexts.

### CONCLUSION

From these considerations, we can conclude that Medina's methodology stands out as the more powerful tool for analyzing testimonial injustice and for actively resisting the perpetuation of further wrongdoing through epistemic and non-epistemic phenomena alike. The strengths of Fricker's account of testimonial injustice are exceeded by the capacity of Medina's theory to successfully analyze the injustice without limiting itself to the strictly epistemic elements at the expense of other serious wrongs. In essence, Medina's sociopolitically contextualized analysis, and the methodological aim that guides it, does more and better work than what Fricker's

theory offers. The different methodologies in Fricker's and Medina's theories might be helpfully characterized for comparison by the analogy of different attempts at picking weeds; where Fricker is concerned with plucking out an individual dandelion, Medina's methodology works to unearth the entire root network. Although Fricker's theory acknowledges the limits of its methodology, it fundamentally misplaces the paradigmatic focus on the purely epistemic elements of individual perpetrations of testimonial injustice. Medina's theory is not preferable simply because it is concerned with outcomes more than with the traditionally epistemic phenomena. The true strength of his contextualist, social-epistemological methodology is its analysis of the non-epistemic in connection with the epistemic features of testimonial injustice. By appropriately taking each of those elements into consideration, Medina's theory is better suited to the task of phenomenological analysis and to that of offering positively prescriptive considerations of achieving justice. Thus, using the methodology of analyzing testimonial injustice that is presented in *The Epistemology of Resistance* puts us in the best position to achieve the most complete understanding of what injustice has been perpetrated and how its persistence can be resisted.