

PREJUDICE, HARMING KNOWERS, AND TESTIMONIAL INJUSTICE

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ABSTRACT: Fricker's *Epistemic Injustice* discusses the idea of testimonial injustice, specifically, being harmed in one's capacity as a knower. Fricker's own theory of testimonial injustice emphasizes the role of prejudice. She argues that prejudice is necessary for testimonial injustice and that when hearers use a prejudice to give a deficit to the credibility of speakers hearers intrinsically harm speakers in their capacity as a knower. This paper rethinks the connections between prejudice and testimonial injustice. I argue that many cases of prejudicial credibility deficits do not intrinsically harm speakers. Further, I suggest that prejudice is not necessary for harming speakers. I provide my own proposal on which testimonial injustice occurs when speaker's capacity as a giver of knowledge is interfered with in important ways. My proposal does not give prejudice any essential role.

KEYWORDS: epistemic injustice, testimonial injustice, prejudicial deficits; Miranda Fricker

As thousands of citations attest, Fricker's *Epistemic Injustice* is a landmark contribution to ethics and epistemology. She highlights a phenomenon of "epistemic injustice" where people are harmed in their capacity as knowers. She focuses mostly on a particular kind of epistemic injustice—testimonial injustice, where people are harmed in their capacity as givers of knowledge.

On her theory of testimonial injustice, morally objectionable attitudes—specifically prejudices—are necessary and perhaps even constitutive of harms in cases of testimonial injustice. Indeed, for her, the central cases of testimonial injustice are cases of "identity prejudicial credibility deficits." Roughly, these are cases where hearers' prejudice against a social identity of speakers causes the hearers to give less credibility to speakers. She claims that these prejudices are necessary for harming speakers. And she later develops this idea by claiming that such hearers treat speakers as mere sources of information, thereby epistemically objectifying them. Fricker's theory thus sees important connections between morally problematic attitudes and harming speakers

This paper rethinks those connections. Specifically, I argue that morally problematic attitudes, such as prejudices, are neither necessary nor constitutive for harming people in their capacity as givers of knowledge. Rather, I propose, people

Timothy Perrine

are harmed in their capacity as givers of knowledge when that capacity is interfered with in important ways. While prejudice can cause such interference, so can other things as well.

In sections I-IV, I critically examine Fricker's theory about the harms of testimonial injustice. In section I, I provide Fricker's basic theory, which I criticize in section II. In section III, I provide Fricker's more developed theory involving claims about epistemic objectification, which I criticize in section IV. In section V, I suggest, *contra* Fricker and others, that morally problematic attitudes such as prejudice are neither necessary nor constitutive of harming people in their capacity as givers of knowledge. Finally, in section VI, I propose a theory on which being harmed in one's capacity as a giver of knowledge occurs when that capacity is interfered with in important ways. I develop this proposal before showing ways in which it differs from Fricker's theory.

I. Fricker On Testimonial Injustice

Fricker's book produced a groundswell of work.¹ In it, she focuses on a kind of injustice that she regards as distinctively epistemic (Fricker 2007, 1). Fricker understands injustice through the concept of harm as opposed to other potential concepts (e.g. fairness, rights, hypothetical agreements, etc.); I'll follow her lead here. Consequentially, Fricker and others suppose that *epistemic* justice is being harmed in one's capacity *as a knower*. She focuses on "testimonial injustice," a type of epistemic injustice where one is harmed in one's capacity as a *giver* of knowledge. Here I will focus on this type of injustice.²

Fricker describes the "central case" of testimonial injustice as cases of "*identity-prejudicial credibility deficit*" (Fricker 2007, 4, 28), hereafter cases of IPCDs. She characterizes these as cases where a speaker "receives a credibility deficit owing to identity prejudice in the hearer" (Fricker 2007, 28; 2012b, 292-3;

¹ While Fricker's work is well-known, others have also discussed the phenomenon of epistemic injustice. For a discussion of other authors that discuss similar topics, sometimes predating Fricker, see Ivy (2016, 438-9) and Pohlhaus (2017). Other recent relevant discussions include Medina (2013), Kidd, Medina, & Pohlhaus (2017), Sherman (2019). Fricker latter labels this type of injustice "discriminatory" as opposed to "distributive" (Fricker 2013; 2017b). I won't use this label because it is unnecessary here—I won't be discussing distributive injustice, but only a type of discriminatory epistemic injustice, testimonial injustice.

² It is not clear that what matters is being harmed as a knower *per se* as opposed to other things closely associated with knowledge. (For instance, almost all of the cases people discuss could be subsumed under the less pithy category 'being harmed in a capacity as a reliable belief former and/or testifier') But I set this issue aside here. For a discussion that assume it is knowledge *per se* that matters, see Luzzi (2016).

2013, 1319; 2017, 161; 2017b, 53-4). Let's unpack this characterization. A credibility deficit is where a hearer attributes less credibility to a speaker than is warranted by the evidence the hearer has. A prejudicial credibility deficit is a credibility deficit caused by a prejudice (Fricker 2007, 17). Prejudices for Fricker are stereotypes where a person has some resistance to counter-evidence (Fricker 2007, 35); stereotypes themselves being "widely held associations between a given social group and one or more attributes" (Fricker 2007, 30). Finally, an identity prejudice is a prejudice against a person in virtue of one of their social identities (Fricker 2007, 4, 27) Thus, we can unpack this characterization as: in the central cases of testimonial injustice, a hearer has a prejudice against a social identity of a speaker which causes the hearer to judge the credibility of the speaker less than the hearer would have if the hearer lacked the prejudice.

Fricker focuses on cases of IPCDs because, as she argues (Fricker 2007, 41-3), testimonial injustice only occurs if hearers bear problematic attitudes—specifically prejudices—towards speakers. As she memorably puts it, "the ethical poison of testimonial injustice must derive from some ethical poison in the judgment of the hearer, ... The proposal I am heading for is that the ethical poison in question is that of *prejudice*" (Fricker 2007, 22). I'll call this claim:

Hearer's Attitudes, Speaker's Harms. A person commits testimonial injustice towards another—harms that person in their capacity as a giver of knowledge—only if the former bears morally problematic attitudes towards the later.

Fricker identifies the problematic attitude as prejudice, but cases of IPCD may also include other problematic attitudes, as we'll see in sections III and V below.

Turning to harm, Fricker distinguishes between two types of harm in cases of testimonial injustice, a "primary" and a "secondary." The main difference is whether the harm is intrinsic and essential to the testimonial exchange or extrinsic and contingent. She writes (Fricker 2007 44):

The harm that concerns us here is ... the immediate wrong that the hearer does to the speaker who is on the receiving end of a testimonial injustice.

We should distinguish a primary from a secondary aspect of the harm. The primary harm is a form of the essential harm that is definitive of epistemic injustice in the broad. In all such injustices the subject is wronged in her capacity as a knower... When one is undermined or otherwise wronged in a capacity essential to human value, one suffers an intrinsic injustice. The form that this intrinsic injustice takes specifically in the case of testimonial injustice that the subject is wronged in her capacity as a giver of knowledge...

She elaborates on secondary harms (Fricker 2007, 46):

Turning now to the secondary aspect of the harm, we see that it is composed of a

Timothy Perrine

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.

Secondary harms might include things like loss of personal or professional opportunity or even loss of life, as in one of Fricker's chief examples, Tom Robinson in *To Kill a Mockingbird*.

Fricker understands these primary harms in a non-aggregative way (cf. (Fricker 2007, 20-21)). Each occasion harms the speaker on its own. It might also be that a sufficient number of IPCDs will also have an aggregating or cumulative effect. But Fricker sees that as a distinct phenomenon from the primary harms that occur at each IPCDs on their own.

Thus, Fricker's theory of testimonial injustice endorses:

Intrinsic Harm: In cases of IPCDs, there is a harm that is intrinsic and essential to the case.

Capacity Harm: In cases of IPCDs, hearers are harmed in their capacity as knowers, specifically, as givers of knowledge.

These claims are proposed as true of the primary harms, but not necessarily true of secondary harms. Indeed, the term 'primary harm' could just be defined as those harms, whatever they are, that both *Intrinsic Harm* and *Capacity Harm* are true of.

II. Intrinsic Harm and Capacity Harm

Initially Fricker does not analyze *Capacity Harm*, instead relying on intuitions about being harmed in a capacity as a giver of knowledge. However, in (Fricker 2007, chp. 5), she develops an analysis of that harm in terms of epistemic objectification. This section examines the intuitiveness of *Capacity Harm*, while section IV will examine her developed analysis. My argumentative strategy in this section is to provide a range of types of cases of IPCDs. Relying on intuition, I'll suggest that these types of cases do not essentially and intrinsically harm speakers. That is, *Intrinsic Harm* and *Capacity Harm* are not both true.³

Case Type 1. A hearer gives an IPCD to a speaker. But the deficit is not great. As a result, the hearer does end up believing what the speaker says, though they would have believed more readily if the hearer lacked their prejudice.

Case Type 2. A hearer gives an IPCD and, as a result, the hearer does not believe the speaker. But the speaker does not know any of this. (Perhaps the hearer

³ I assume in all cases of IPCDs hearer see speakers as engaging in speech acts like saying, asserting, reporting, etc. For hearers are making attributions of credibility. So I won't consider cases where the hearer fails to identify the correct illocutionary act that speakers are in engaged in. That is an important, but distinct, phenomenon.

merely nods along as if they believe or quickly changes the subject.)

Case Type 3. A hearer gives an IPCD and, as a result, the hearer does not believe the speaker. The speaker knows that the hearers does not believe the speaker, but not that the reason for this is an identity prejudice. (Perhaps the speaker thinks the hearer is merely not convinced by the evidence she adduced or is just being odd.)

Case Type 4. A hearer gives an IPCD and, as a result, the hearer does not believe the speaker. The speaker knows the hearer does not believe the speaker and this is because of an identity prejudice or stereotype. Nonetheless, the speaker does not take this exchange to question her own competency. (One can imagine a possible speaker in such cases responding, “You don’t believe me because I’m a such-and-such; ha, I always thought you were a bastard!”)

Case Type 5. A hearer gives an IPCD and, as a result, the hearer does not believe the speaker. The speaker knows the hearer does not believe the speaker and this is because of an identity prejudice or stereotype. As a result of the exchange, the speaker questions her own competency either on the subject matter or more generally.

In each case, hearers give IPCDs. Thus, given *Intrinsic Harm* and *Capacity Harm*, in each of these types of cases, speakers are harmed in their capacity as givers of knowledge. However, my own intuition is that such a result is not uniformly plausible. Specifically, it is not plausible at all in *Case Type 1* and is much more plausible for *Case Type 5*. My intuitions about being harmed in a capacity as a giver of knowledge do not track cases of IPCDs. To be sure, any of these cases might also have extrinsic “secondary” harms. And it might be that if we focus on an aggregation of these cases there is also some sort of harm. But *Intrinsic Harm* and *Capacity Harm* imply that there is a further harm from any of those.⁴

Maitra also argues that not all cases of IPCDs harm speakers (Maitra 2010, 197-9). However, my argument may avoid some complex issues that her argument may get embroiled in. Her arguments are based on a variety of cases, but her chief case involves a person, Zara, who has a stereotype that members of the “tea party” are ill-informed, despite not knowing much about them. On the basis of this stereotype, Zara dismisses a piece of news written by a “committed tea-partier.”

⁴ There’s a tension in Fricker’s writing. At one point, Fricker claims that the harms of testimonial injustice might be “very little” even “trivial” (Fricker 2007, 43). On the next page, she describes these harms using harsh language like “degrading.” I find it hard to reconcile these passages. Further, Fricker clearly wants testimonial injustice to constitute a relatively uniform class. But if some harms are trivial while others are deeply degrading, they are not a unified class. So it is not plausible to respond to these cases by claiming that there is a “trivial” harm in each case type.

Timothy Perrine

Maitra claims, plausibly, that Zara does not harm the writer. This case is purportedly inconsistent with *Intrinsic Harm*.

While I am sympathetic with Maitra's conclusion, her argument may get embroiled in disputes about proper regard for evidence. Specifically, some philosophers draw a sharp distinction between evidence agents have and evidence agents could have; they further argue that agent's epistemic obligations are determined only by the former, not the latter (see, e.g., (Feldman 2000, 688-70)). Given such views, Zara is not showing improper regard for the evidence; she merely does not have much evidence. Thus, Zara lacks a prejudice and this is not a case of an IPCD. However, Maitra might reject this position (cf. Maitra 2010, 200)) and others have argued against it (e.g. Kornblith 1983; Goldberg 2017; Weiland 2017). On an alternative position, since Zara does not acquire readily available evidence, she does have a prejudice and thus this is a case of an IPCD. Thus, whether Maitra's counterexample succeeds may depend upon antecedent views about proper regard for evidence and prejudice. My objection side steps these issues by merely *stipulating* that these cases involving IPCDs.

III. Fricker on Primary Harm as Objectification

In (Fricker 2007, chp. 5), Fricker develops *Capacity Harm*. Her development of this claim makes *Intrinsic Harm* true, because on the developed theory the harm is intrinsic to the prejudice of the hearer. The way she develops *Capacity Harm* has two parts. First, utilizing a distinction from Edward Craig—between informants and sources of information—she claims hearers treat speakers as mere sources of information in cases of IPCDs. Second, drawing on Kant and Nussbaum, she claims treating someone as a mere source of information is a kind of morally problematic objectification.

Fricker utilizes Craig's distinction between an "informant" and a "source of information." She writes, "Broadly speaking, 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, 132). She then suggests that in cases of testimonial injustice people are not treated as informants or sources of information but rather *mere* sources of information (Fricker 2007, 132). As she writes (Fricker 2007, 132-3):

The moment of testimonial injustice wrongfully denies someone their capacity as an informant, and in confining them to their entirely passive capacity as a source of information, it relegates them to the same epistemic status as a felled tree whose age one might glean from the number of rings.

Let's call this idea:

Prejudice, Harming Knowers, and Testimonial Injustice

Mere Source of Information: In cases of IPCDs, hearers treat speakers as mere sources of information.

Additionally, treating someone as a mere source of information is a kind of “objectification” (Fricker 2007, 133):

...testimonial injustice demotes the speaker from informant to source of information, from subject to object. This reveals the intrinsic harm of testimonial injustice as *epistemic objectification*: when a hearer undermines a speaker in her capacity as a giver of knowledge, the speaker is epistemically objectified.

So when a hearer treats a speaker as a mere source of information, she epistemically objectifies the hearer.

She develops this idea by utilizing the work of Nussbaum and Kant (Fricker 2007, 133-5). Just as Nussbaum claims there’s no problem with treating a person as an object—people are objects!—so too treating someone as a source of information isn’t problematic—people are sources of information! The problem is treating someone as a *mere* source of information. Just as Kant claims that treating someone as a mere means is problematic because it is inconsistent with treating them as an end in themselves, so too treating a person as a mere source of information is problematic because it is inconsistent with treating them as a subject of knowledge, a knower. I’ll distill these points as:

Epistemic Objectifying Claim: In cases of IPCDs, the speaker is epistemically objectified, that is, the speaker is denied a general status as knower by the hearer.⁵

It is unclear how Fricker sees the relationship between the prejudice hearers have and their epistemically objectifying speakers. Presumably these are additional, further attitudes that are caused by the prejudice, but technically speaking distinct from it. This level of subtlety will not matter for my objections.

IV. Sources of Information and Epistemic Objectification

In this section I object to Fricker’s way of developing *Capacity Harm*. In short, cases of ICPDs neither essentially involve treating speakers as mere sources of information (contra *Mere Source of Information*) nor essentially involve denying speakers a general status as a knower (contra *Epistemic Objectifying Claim*).

A. Credibility Deficits and Mere Sources of Information

⁵ At one point, Fricker claims that a hearer’s prejudice will rarely have them claim that speakers are not knowers at all (Fricker 2007, 134-5). She then shifts to talking about speaker’s “general status” as a knower being denied. Fricker does not explain the distinction between a “status as a knower” and “general status as a knower.”

Timothy Perrine

Mere Source of Information is false. First, recall instances of *Case Type 1*. In these cases, a hearer believes what a speaker asserts because the speaker asserts it. To be sure, they also have an IPCD that deflates the speaker's credibility, but not to a sufficient degree to disbelieve them. Clearly, in this case the speaker is being treated as an informant. So not all cases of IPCDs are cases of a hearer treating a speaker as a mere source of information.

Let's turn to any case from *Case Type 2-5*. In each, a hearer has an IPCD and, as a result of this, does not believe the speaker. But in these cases the hearer is *not* treating the speaker as a source of information—merely or otherwise. For the hearer does not believe what the speaker says!

The way we normally respond to the content of assertions does not allow for a response where we treat the content of people's assertions as a mere source of information. For we normally respond to the content of an assertion by either believing it or not. But if we believe the content of a speaker's assertion, then we are treating them as an informant. And if we do not believe the content of a speaker's assertion, then we normally do not form any belief on the basis of what they say and are thus not treating them as a source of information—merely or otherwise.

To be clear, hearers *could* treat speakers' assertions as a source of information. However, such cases are rarer and unlike cases of IPCDs. To see this, it is useful to recall why Craig thought this distinction was important. As he saw it, informants are more *useful* than sources of information (Craig 1990, 36-7). For gleaning information for sources of information may require some additional beliefs or specialized knowledge (Craig 1990, 36). For instance, one can glean information from the fact that a red litmus paper turned blue—but only if one has additional beliefs about that fact.⁶

It is possible to use the content of a speaker's assertion as a mere source of information, but this requires some further belief about the connection between their assertion and some other fact. To give some illustrations, perhaps I utter a certain sentence in Chinese using the universal measure word instead of a more specific one that fits the noun. A native speaker might glean from my choice of measure word that I am not fluent in Chinese (or my relative fluency). Or perhaps there is a well-known "pickup artist" in my extended friend group. One night at the bar, he sidles up to me and says some coy and flattering things about me. I

⁶ Craig indicates a second reason based on the idea of "the special psychology of team-work in a community," but he regards this reason as "more questionable" and "far harder to pin down" and is uncomfortable with resting the distinction just on it (Craig 1990, 36). Interestingly, in her discussion of Craig, Fricker emphasizes this feature (Fricker 2007, 131; 2012: 252ff.).

won't believe what he says, and he is thus not an informant for me, but I can glean information about his intentions given facts about what he said. In these cases, hearers have a further belief that they use to glean information from facts about the content of speaker's assertions. But these kinds of cases are not only rarer but quite different from standard cases of IPCDs.

In criticizing *Mere Source of Information*, I have focused on whether or not hearers treat speaker's *assertions* as a mere source of information. However, obviously we can treat other features of an agent as a source of information. Seeing a person soaked in water can tell me that it is raining outside. Likewise, what a person is carrying or wearing can also be used as a source of information so that I can reasonably infer other things about them. However, treating these other features of a person as a source of information are independent of testimonial exchanges and IPCDs. That is, one can treat these other features of person as a source of information, even if there is no testimonial exchange. And one can treat these other features of a person as a source of information, regardless of whether one gives an IPCD. Thus, in criticizing *Mere Sources of Information* I have focused on responding to the assertion or its content as opposed to these other features.

My criticisms are similar to Pohlhaus' criticisms (Pohlhaus 2014, 103-4). She claims that when we glean information from states of affairs, they are "objects" that make demands on us which we cannot resist. When I see a person come in from the rain, there is a demand to believe that it is raining that I cannot normally resist. But in cases of testimonial injustice hearers *do* resist what they are being told. Additionally, cases of testimonial injustice occur when "engaging in ordinary epistemic practices for ascertaining truth from another epistemic agent based on testimony" (Pohlhaus 2014, 103); but we do not try to elicit information from objects. In this way, cases of IPCDs are unlike cases where we treat something as an object to glean information from it.

Pohlhaus and I agree that cases of IPCDs are not always or necessarily cases of treating a person as a mere source of information; that is, *Mere Sources of Information* is false. However, Pohlhaus is arguing that if *Mere Sources of Information* is true, then in cases of IPCDs, hearers treat speakers as objects, and she rejects that claim. By contrast, I object that when we attend to the distinction between informant/source of information and how we normally react to assertions, it is implausible to think that speakers are treated as mere sources of information in cases of IPCDs.

Timothy Perrine

B. Mere Sources of Information and Epistemic Objectification

Fricker also defends *Epistemic Objectifying Claim*: that cases of IPCDs are cases where hearers deny speaker's general status as a subject of knowledge (recall, "it relegates them to the same epistemic status as a felled tree whose age one might glean from the number of rings"). Additionally, she believes that hearers deny speaker's general status as a subject of knowledge *because* hearers treat speakers as mere sources of information. However, neither this explanatory claim nor *Epistemic Objectifying Claim* are plausible for all cases of IPCDs.

Epistemic Objectifying Claim is not plausible, as can be seen by revisiting the standard reading of Kant. On that reading, when one treats a person as a mere means, one is treating them in a way that is inconsistent with them being an "end in themselves." Analogously, for Fricker, when one treats a person as a mere source of information, one is treating them in a way that is inconsistent with them being a "subject of knowledge" (Fricker 2007, 135). However, the analogy breaks down. A singular action that treats a person as a mere means is sufficient for not treating that person as an end in themselves. By contrast, treating a person with a singular IPCD is *not* sufficient for denying that person general status as a subject of knowledge.

An example. Suppose I frequently take my car to the repair shop. But my mechanic—who only has a high school diploma—frequently wants to talk about the stock market. Perhaps on the basis of a prejudicial stereotype about people with a high school diploma, I routinely give a credibility deficit to what my car mechanic says about the stock market. Here I give a persistent IPCD to my car mechanic. Nonetheless, I see him as a knower in general. Indeed, when it comes to the workings of my car, I see him as the expert and much more knowledgeable than I. So treating someone with a IPCD—even a persistent one—is consistent with also treating them as a subject of knowledge in general.⁷

Additionally, and for essentially the same reason, the explanatory claim is not true: treating someone as a mere source of information need not be inconsistent with treating them as a general subject of knowledge. For instance, Craig gives an example of a person who is "systematically wrong about what day of the week it is: he is always a day behind" (Craig 1990, 37) Craig notes one could use their assertions to figure out what day it is by asking them and adding a day. Such a person is not an informant—they don't know and one doesn't believe what they say. But there's no trace of denying the person's general status as a knower. In

⁷ Congdon (2017, 247) gives a similar kind of example, though more extreme than mine. I hope my example indicate how to identify additional cases beyond the ones I or Congdon give.

short, cases of IPCDs don't essentially involve treating speakers as mere sources of information or as mere objects, lacking a general status as knowers.

V. Hearer's Attitudes and Speaker's Harms

I have argued that cases of IPCD do not intrinsically or essentially harm speakers. Specifically, if being harmed implies being treated as a mere source of information or being denied a general status as a knower, then cases of IPCD do not intrinsically or essentially harm speakers. Some might think that Fricker's specific proposals are wrong and what we need is just some "fine-tuning." In this section, I identify a deeper disagreement over IPCDs and harm.

While others have criticized *Epistemic Objectifying Claim*, I take their objections to be of the "fine-tuning" kind. They *agree* that IPCDs contain morally problematic attitudes that harm speakers; they merely maintain that Fricker has identified the wrong attitudes. Some illustrations. Pohlhaus claims that in cases of IPCDs people are not treated as objects. Rather, they are treated as truncated subjects who have knowledge but in a derivatized way (Pohlhaus 2014, 105ff.). Those are morally problematic attitudes to adopt towards speakers. Similarly, Davis criticizes Fricker for claiming that cases of identity prejudicial credibility excesses cannot harm speakers. She follows Pohlhaus' alternative model, but extends it to cover cases of credibility excess (Davis 2016). McGlynn also objects to *Epistemic Objectifying Claim*, but in a different way. McGlynn retains the idea that cases of testimonial injustice involve epistemic objectification but rejects the idea that epistemic objectification should be understood as exclusively denying someone's general status as a subject of knowledge. Rather, McGlynn—following Nussbaum—suggests that there are different ways we can objectify a person, with denial of knowledge or agency being just one among many (McGlynn 2021, 169ff.).

While these authors are not explicit on this point, I see them as agreeing with Fricker in accepting:

Hearer's Attitudes, Speaker's Harms. A speaker commits testimonial injustice towards a hearer—harms that hearer in their capacity as a giver of knowledge—only if the speaker bears morally problematic attitudes towards the speaker.

The dispute between them is primarily over the nature and content of these morally problematic attitudes.

While *Hearer's Attitudes, Speaker's Harm* only states a necessary condition between attitudes and harm, some may desire a stronger condition. Specifically, one might claim that the hearer's attitude partly *constitutes* the harm to the speaker. Indeed, one might claim that the "primary harm" of testimonial injustice *just is* the hearer's problematic attitude towards the speaker. Fricker herself never

makes these stronger constitutive claims. But they do naturally fit with the way she develops her theory of testimonial injustice. Further, they would also explain the appeal of *Intrinsic Harm*: of course there is a harm that is intrinsic to cases of IPCDs, the prejudice (or negative attitude more generally) *itself* constitutes a harm.

However, I reject *Hearer's Attitudes, Speaker's Harms* for a simple reason. In general, in order to harm others, one does not need to have morally problematic attitudes towards them, prejudicial or otherwise. A doctor harms a person by accidentally giving them medicine they are allergic to, even if the doctor lacks any morally problematic attitudes about them. A company may dump chemicals at the federally required level and, as a result, cause infertility in a nearby population. The company harms the nearby population, even if it bears no morally problematic attitudes towards them. So I reject *Hearer's Attitudes, Speaker's Harms* because it is not true, in general, that a person is harmed by another only if the former bears a morally problematic attitude towards the latter.

I am also skeptical of the constitutive claim. For the harm under discussion is being harmed in one's capacity as a giver of knowledge. But a hearer's attitude *by itself* need not have any causal influence on a speaker's capacity as a giver of knowledge. But if the hearer's attitude *by itself* has no influence on a speaker's capacity as a giver of knowledge, I am unsure how it can *constitute* harming a speaker's capacity as a giver of knowledge. To be sure, having a prejudicial—or otherwise morally problematic—attitude towards another can be a bad thing. But I am unsure how such an attitude on its own, independent of its causal influence on the world, harms another.

Thus, the deeper disagreement I have with these authors is over whether morally problematic attitudes, including prejudices, are necessary or constitutive of harming people in their capacity as knowers. Thus, I doubt that the right way to analyze testimonial injustice is in terms of such attitudes. And while I cannot claim to have refuted such views, I hope to have motivated interest in an alternative proposal, which I'll provide in the next section.⁸

VI. Harming Speakers—An Alternative Account

This section provides an alternative proposal for testimonial injustice. It retains the idea that testimonial injustice harms others in their capacity as givers of knowledge. But I propose that one is harmed in one's capacity as a giver of knowledge when that capacity is interfered with in important ways. I begin by

⁸ Li argues that prejudice is not necessary for testimonial injustice in cases involving testifiers with cognitive or psychological impairments (Li 2016). I think Li is correct—but that there is no reason to restrict to cases involving testifiers with cognitive or psychological impairments.

describing the idea of being harmed in a capacity, before turning to being harmed in a capacity as a giver of knowledge, and ending on some differences between my proposal and Fricker's.

A. Being Harmed in a Capacity

The guiding idea of my proposal is this:

Harmed in a Capacity. A person is harmed in a capacity, when their ability to utilize that capacity is interfered with in important ways.

Let me say a little bit more about utilizing, interference, and importance.⁹

Utilizing. A simple way to utilize a capacity is to *manifest* or *use* it. Capacities are clusters of dispositions and we can use them when we manifest them. Some capacities have a discrete effect—like how, for most people, hitting their knee patella results in their leg extending. But many capacities have more open-ended effects. For instance, people have a capacity to hit a home run, write a philosophical paper, sing a song, paint in watercolor, and give birth to a child.

Capacities can be used by developing them or modifying them over time. A person may start with a capacity to run a kilometer. But they can develop that capacity to run faster, with better form. A person can develop their capacity to paint with watercolor by doing it more. Other capacities can be utilized primarily by manifesting them without modifying them very much. For instance, most people have the capacity to be in ketosis—a state where their bodies are creating more ketone bodies as a result of low bioavailability of glucose. But this is a “hard wired” capacity that can only be utilized by manifesting it (by, e.g., going on a diet restricting glucose availability).

Interference. A person's capacity can be interfered with. It is useful to divide the interference into two types. First, a person's capacity can be interfered with by modifying the capacity. An extreme form of modifying the capacity is removing it altogether. For instance, some criminals and mental health patients were forced into sterilization in the late 19th, early 20th century in the US (see (Largent 2008)). Their reproductive capacities were removed altogether. But a person's capacity might not be permitted to develop or positively worsen. Intentionally depriving a child of adequate nutrition is a serious offense for exactly this reason. Second, a person's capacity can be interfered with, not by modifying the capacity, but by

⁹ Understanding justice and injustice in terms of interfering with capacities is not new to me. It is the cornerstone of approaches to welfare pioneered by Amartya Sen and Martha Nussbaum (Sen 1987, 2009; Nussbaum 2000, 2006). However, my proposal here is independent of the political aspirations of their approaches.

Timothy Perrine

keeping people from utilizing that capacity. For instance, prior to 1947, many African American baseball players were not admitted into the Major Baseball League. Many African American players had the capacities to play baseball well at that level—they simply were not allowed to utilize those capacities in the Major Baseball League.

Importance. People can have their capacities interfered with, but not in important ways. Unfortunately, I have no criteria for what constitutes important and unimportant ways. However, some capacities might be more important than others. For instance, developing and manifesting some capacities may be important for one's own well-being, maintaining practical identities, or bringing about the good. All else being equal, interfering with those capacities may be more important than other capacities.

Whether an interference is important may depend upon the availability of utilizing that capacity on other occasions. To illustrate, if the library is closing, this interferes with my ability to finish the book I am reading. But I have many other opportunities to finish reading that book by returning on some other day. Thus, the library closing right now is not an important interference. By contrast, if I am barred from the library in virtue of my political or ethnic status, such barring would constitute an important interference. Indeed, it may be that normally *sequences* or *sets* of interferences constitute an important interference.

B. Being Harmed in a Capacity as a Giver of Knowledge

Testimonial injustice harms someone as a giver of knowledge. A giver of knowledge is not only someone who knows something—has information—but someone who has the capacity to *give* that information, normally in an intentional act of communication. Given *Harmed in a Capacity*, my proposal is this:

Interfering Harm: One experiences testimonial injustice when one's capacity to give knowledge is interfered with in an important way.

I will briefly describe ways this capacity can be interfered with. As we'll see, this proposal will subsume a number of cases others have discussed.

One's capacity can be interfered with by either modifying the capacity or by keeping people from utilizing the capacity. First, let us focus on being interfered with in utilizing that capacity. That interference can be either internal or external. For instance, an external interference of manifesting that capacity includes situations where people are not asked to testify or are barred or otherwise prevented from testifying. To illustrate, consider countries that have laws barring literacy for certain groups—effectively keeping them from testifying through a primary method of testimony, writing. Or consider medical care providers who

either interrupt patients who are testifying or simply don't request information from them, assuming that they won't have anything medically relevant to say (cf. (Kidd & Carel 2017)). Or, lastly, consider government censorship of individual citizens—like, for instance, when the government removes posts by individuals describing their experiences on social media and scrubs any mentions of those posts. Here, as well, there is an external interference of manifesting a capacity.

Interference with utilizing a capacity may come through internal means. Specifically, speakers might silence themselves because of poor track records of testimonial exchanges involving themselves or those similar to them. If there is a track record of the speaker not being believed, the speaker may not see the point in testifying, in manifesting their capacity as a giver of knowledge. Dotson calls this “testimony smothering,” as speakers smother their own testimony (Dotson 2011, 244). Fricker describes a woman who stops proposing things in meetings, and simply passes her ideas to a male coworker for him to propose because she was rarely believed in the past (Fricker 2007, 47). Another way this interference may occur is if a person internalizes a social norm to *not* testify because doing so is not appropriate for someone with one of their social identities. Nussbaum describes an Indian mother who was highly critical of male authority with her daughter privately, not publicly, yet nevertheless taught her daughter to be “submissive, silent, and innocent” (Nussbaum 2000, 42)¹⁰

One's capacity can be interfered with by having the capacity itself be modified. The capacity to be a giver of knowledge requires two parts. First, it requires having knowledge, relevant information. Second, it requires the ability to *provide* or *give* that information, primarily though not exhaustively through written or spoken word. For most adults, having knowledge is normally sufficient for having a capacity to give that knowledge. Thus, if one's capacity to give knowledge is interfered with by modifying that capacity, this would normally be by interfering with the capacity to know itself, and not necessarily the second capacity to provide or give that information. At the very least, I will focus on the first capacity here.¹¹

¹⁰ See also Lee (2021a, b), who describes cases of “anticipatory epistemic injustice.” I'm not sure what Lee describes is distinct from testimonial smothering (compare (García 2021)). But, unlike Lee, I would categorize the cases she describes as cases of testimonial injustice, since they involve interfering with the capacity to give knowledge.

¹¹ One important exception may be people and communities who do not primarily use spoken word to communicate. For instance, those who primarily use a signed language to communicate may have their ability to give knowledge interfered with in important ways even if their ability to know is not at the same time interfered with. Thus, governments may be obligated to provide signed language interpreters in various contexts—to not interfere with the manifesting of those

Once again, we can distinguish between external and internal interference. A person can be interfered with in developing their capacity to know through external sources. For instance, denial to education is one such way. Such cases will *ipso facto* also be cases where agents are interfered with in developing their capacity as givers of knowledge (cf. Anderson 2012, 169ff.). Similarly, a parent who is unable to do the research they intend to do because of inadequate access to childcare is having their capacity to know interfered with through external sources (cf. Hookway 2010, 154). However, agents can also fail to develop their capacity to know, and thus be a giver of knowledge, through internal means. Specifically, if agents acquire sufficient cases where they are not believed in testimony, they may come to doubt their own intellectual abilities. That is, they might *internalize* the doubt and lack of trusts others have. In such a case, this internalization will interfere with them developing their capacity to know and be a giver of knowledge. (Cf. Fricker 2007, 47-51, where she describes cases like this.)

I have highlighted four ways that speakers can be interfered with in their capacity as knowers. They can be interfered with internally or externally in giving information—in testifying. Additionally, they can be interfered with internally or externally in gaining knowledge and information—knowing. However, I have said little about the role of hearer’s *disbelief* in interfering. If a hearer does not believe what a speaker says, does this disbelief constitute an interference of the speaker’s capacity as a giver of knowledge? No. Giving knowledge is fundamentally a matter of having information and being able to intentionally communicate that information. It is not normally a requirement of having information or intentionally communicating that information that others receive that information. To be clear, a lot of really important activities require that hearers listen to speakers. But when hearers do not listen to speakers, we should not classify this as a failure on the part of the hearer to manifest a capacity.

These interferences must also be *important* interferences. As I said, I lack a good method for sorting which kinds of interferences are important or not. However, presumably some rules of thumb are correct. Systematic and persistent interferences are more likely to reduce the number of occasions for utilizing a capacity than localized and non-persistent interferences. Interferences regarding issues of one’s self-identity or well-being might be more important than some that are not.

capacities to give knowledge. This is a rich and important topic I cannot hope to adequately explore here.

C. Departures from Fricker's View

As a way of further developing my proposal *Interfering Harm*, I will briefly highlight and defend some further departures from Fricker's theory. I do take my theory here to conflict with Fricker's, for I take us to both be describing the same issue: being harmed in one's capacity as a giver of knowledge. Further, as indicated above, both of theories agree on a range of cases that they are cases of testimonial injustice. Thus, a concluding comparison may help see where our two theories diverge.¹²

First, and most obviously, it is not part of *Interfering Harm* that testimonial injustice occurs only in cases of IPCDs. In fact, they might not occur in testimonial exchanges at all. Being barred from educational opportunities is a kind of testimonial injustice on my proposal because it interferes with one's capacity to know and thus, *ipso facto*, be a giver of knowledge. But such barring is not a testimonial exchange.

Nonetheless, cases of IPCDs can cause and exasperate testimonial injustice. Specifically, testimonial injustice can be caused in cases where speakers are aware that the credibility deficit they receive is because of their social identity (*Case 4* and *Case 5* from above). For when speakers are aware that they are not believed because of their social identity, this *external* fact can cause an *internal* response whereby the speaker interferes with his own capacity as a giver of knowledge.

Second, and relatedly, given *Interfering Harm*, the claim *Hearer's Attitudes, Speaker's Harm* is false. Otherwise put, people can harm speakers even if they do not bear any negative attitudes—like prejudice, objectifying, etc.—to speakers. For one's capacity as a giver of knowledge can be interfered with even if speakers do not harbor negative attitudes. As noted above, Fricker rejects this. I will briefly consider her reason.

Fricker claims that if prejudice is not required for testimonial injustice than it would be “too easy” to harm others (Fricker 2007, 42; 2012b, 290-1). Specifically,

¹² Dotson suggests that there cannot be a “catch-all” theory of epistemic injustice, and this may lead one to think that Fricker and I are merely talking past each other and offering theories that could stand side-by-side (Dotson 2012, 41). However, as I see it, Dotson is led to this conclusion by claiming—correctly—that addressing different types of epistemic injustice require different solutions (Dotson 2012, 41, 36; 2014, 117). But I don't see how it would follow from the fact that there are distinct responses to distinct types of epistemic injustice that there could be no common or unifying feature. Further, my discussion here is focused on a particular type of epistemic injustice—testimonial injustice—so I am doubtful that types of considerations Dotson raises for epistemic injustice *in general* would indicate that Fricker and I are giving theories of distinct things *in a particular case*.

Timothy Perrine

her worry is that people might use non-prejudicial reliable stereotypes to give credibility deficits that harm. She gives an example of people being skeptical of a used-cars salesman. Her thought is when we use a reliable, non-prejudicial stereotype to give a credibility deficit to him, this should not count as a case of testimonial injustice. One proposal that excludes this as a case of testimonial injustice is *Hearer's Attitudes, Speaker's Harm*.¹³

However, credibility deficits—and hearers' attitudes more generally—do not essentially interfere with speaker's capacity as a giver of knowledge. Thus, on *Interfering Harm*, credibility deficits are not essentially cases of testimonial injustice. And, indeed, in most cases where one is skeptical of a cars salesman because he is a car salesman, this does not interfere with his capacity as a giver of knowledge.

Third, Fricker claims that testimonial injustice only occurs in cases of credibility *deficits* not *excesses*. Several authors have criticized this claim (e.g., Davis 2016; Medina 2013, chp. 2). Davis gives an example of an Asian-American high school student who is enlisted by peers to help with a math problem in virtue of a stereotype that Asian-Americans are especially good at math. We can easily imagine a version of this case that is included under my proposal. For instance, suppose the student is *not* especially good at math and thus his attempt to aid his peers with math problems frequently fails. Having failed to reach the lofty social standards set for him, this student may simply despair that he has any great competence here at all. In such a case, the credibility *excess* sets standards too high for the student and when he fails them he *internalizes* doubts about his own capacities for knowledge in this area. He is thereby harmed in a capacity for knowledge in virtue of a credibility excess.

Fourth, Fricker uses the term 'primary harm' to refer to harms that are intrinsic and essential to cases of IPCDs and 'secondary harms' to refer to harms that are extrinsic. Suppose we take these usages as a stipulative definition. Given *Interfering Harm*, plausibly, there are no primary harms. Cases of IPCDs do not *essentially* interfere with speaker's capacity as a giver of knowledge—even if some, or even most, do. Given *Interfering Harm*, there are only so-called 'secondary harms.'

Finally, and as a way of summing up, we might put the differences between my approach and others like this. What makes testimonial injustice *testimonial* injustice? For Fricker and others, testimonial injustice is testimonial partly because of where the harm occurs—in the testimonial exchange itself because of the

¹³ Fricker develops her ideas of testimonial injustice using some of Nussbaum's work on capacities; but she still sees prejudice as central to testimonial injustice (Fricker 2015, 79).

attitudes of speakers.¹⁴ However, on my proposal testimonial injustice is *testimonial* partly because of its effects—what it interferes with—namely, the practice of testimony. Indeed, as Fricker and others have pointed out, testimonial injustice can have entirely deleterious effects in the lives of peoples and communities. My proposal accepts, and underscores, this point.¹⁵

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¹⁴ Pynn (2021) provides an account of the harm of testimonial injustice in terms of degradation. However, the harm of degradation still occurs in the testimonial exchange—when a person publicly does not accept the testimony of a knower. (Though, note, Pynn doesn’t think that degradation requires prejudice (Pynn 2021, 166).)

¹⁵ This paper was written during my course on Contemporary Philosophical Issue: Epistemic Injustice. Thanks to my students from their participation and lively discussion. For helpful feedback on the paper, I thank Ben Cross, Harrison Waldo, Steve Wykstra, and an anonymous reviewer.

Timothy Perrine

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