



Paper II

Miranda Fricker develops in her book, *Epistemic Injustice: Power and the Ethics of Knowing* a form of "distinctively epistemic" injustice, which she labels testimonial injustice. Testimonial injustice, she says, occurs when a hearer erroneously evaluates a speaker's testimony such that they interpret it to be less credible than it actually is (1). Some cases of testimonial injustice are more consequential than others, Fricker thinks, so she "home[s] in on" what she takes to be the "central case," i.e., that which is most "connected with other forms of injustice" (4). She describes this central case as an *identity-prejudicial credibility deficit* (ibid).

topic

key definitions

Fricker excludes from central case-testimonial injustice erroneous forms of credibility attribution besides deflation -- namely, inflation (i.e., credibility excesses). My thesis is that Fricker is wrong to make this exclusion because credibility excesses can give rise to distinctively epistemic yet ethically consequential injustice (i.e., the central case). In making my argument, I first outline Fricker's. Then, I object to her reasons for establishing credibility deflation as the singular way credibility is involved in central case-testimonial injustice by analyzing a real-life example that suggests otherwise.

thesis

Roadmap

In reconstructing Fricker's argument, let us begin where she does: with the *credibility deficit* component. To the extent that any testimonial interchange, whether just or unjust, involves an "attribution of credibility" by the hearer to the speaker, credibility is at play in all cases of testimonial injustice (18). Indeed, Fricker thinks that in all information-based settings, a

exposition
begins

hearer has an "epistemic duty" to tie the credibility of a given testimony to how suggestive the relevant evidence is that the testifier -- and, by association, their testimony -- is trustworthy.

Instances of testimonial injustice, then, involve a hearer *not* fulfilling their epistemic duty; in the central case specifically, a hearer determines the speaker to be less credible than the evidence suggests, thereby generating a credibility deficit.

To establish that deflation is the only means by which credibility factors into testimonial injustice, Fricker analyzes a plausible example that, at first blush, suggests otherwise. She supposes a scenario where a general medicine doctor's patients ask him questions, the answers to which require domain-specific expertise he knows he lacks. The speaker (the doctor) does incur an "ethical burden" -- that is, he will do a disservice to his patients if he does not answer their questions, but likewise if he does, since he is not equipped with the requisite expertise to provide them accurate information (18). In this way, the credibility attributed to him, while excessive rather than deficient, has the proper ethical implications to make for a central case of testimonial injustice. Moreover, his patients perceive him "*qua* subject of (medical) knowledge" when they make the credibility attribution that gives rise to his ethical burden, and this seems to make his case distinctively epistemic (20, *parentheticals mine*).

example
to illustrate

However, Fricker points out, the hearer (collectively the patients) do not "withhold ... respect [from] the speaker," but rather confer it upon him (*ibid*). This seems to rule out the possibility that the disadvantage generated by the credibility excess in question does constitute testimonial injustice, insofar as the doctor experiences an "over estim[ation]," rather than an "undermin[ing]," of his credibility (*ibid*). Moreover, Fricker says, credibility itself would have to be conceived of as a scarce good acquired by people through the doling out of its shares for the above scenario, or any involving credibility inflation, to engender testimonial injustice. Fricker

paraphrasing
in own words

thinks credibility does not work like this; it has no place within "the distributive model of justice" (19). If a credibility excess in this way cannot factor into testimonial injustice, it is thereby excluded from having a place in the central case.

Having thus established the central case of testimonial injustice as constituted in part by a credibility deficit, Fricker proceeds to discuss its other elements, addressing *prejudiciality* next.

signpost
(where in paper
are we?)

Prejudiciality is the presence of prejudice in a hearer that moves them to deflate a testifier's credibility. Put differently, prejudice "deliver[s]" to a hearer "automatic distrust" of the speaker such that they judge them to be a less credible testifier than they actually are (25). In catalyzing a credibility deflation, prejudiciality amounts to an ethical lapse, such that when it is implicated in an unjust epistemic practice (such as the central case), that practice becomes a link between epistemic injustice and social injustice more broadly.

While the next element of the central case, *systematicity*, does not appear in the definitional label *identity-prejudicial credibility deficit*, it nevertheless plays a crucial role in distinguishing the central case from other peripheral cases of testimonial injustice. A case of testimonial injustice is systematic if the prejudice underlying it "track[s]" the testifier into "dimensions of social activity" beyond those which are information-based (27). Put differently, a case of testimonial injustice is central if the prejudice at play is boundless (i.e., subjects experience it throughout social spheres, consequently giving rise to injustices beyond the epistemic kind). In this way, the central case's systematicity component distills its connectedness with "other types of injustice," a connection foundational to its being the central case (ibid).

The above-mentioned boundlessness of prejudice that gives rise to the systematic component of the central case alludes to its final component. For Fricker, such boundless prejudices are so in virtue of the "broad" identity groupings, such as race and gender, on which

they are based (29). Accordingly, *identity-basedness* is the central case's final component. And, like its others, it factors into its quality of centrality (i.e., its connectedness with injustice more broadly), insofar as broad identity groupings occasion epistemic and non-epistemic injustice.

I think Fricker is right to characterize the central case of testimonial injustice as prejudicial, systematic, and identity-based, but I take issue with the reasons she gives for establishing that, with respect to credibility, *only* deficits are at play in the central case. My objection is not to say that credibility deficits are never implicated in the central case, but rather that credibility excesses can be, too; i.e., in conjunction with the other components, inflating a testifier's credibility can bring about an instance of testimonial injustice's central case.

signpost / re-statement
of thesis

Recall that Fricker thinks for a credibility excess to function as a component of the central case, credibility itself would have to constitute a distributive good, but she claims it does not. I disagree; I think credibility sometimes must operate this way. Moreover, to the extent that credibility can function according to a distributive model, credibility excesses can, contra Fricker's assertion, "do one harm of a sort that merits the label 'testimonial injustice'" (20).

To illustrate, I will cite an example: the testimony given in the 2018 Senate Judiciary Committee hearings held in response to allegations of sexual assault made by Dr. Christine Blasey Ford against then-Supreme Court Justice nominee Brett Kavanaugh. In contrast to Fricker's examples, this scenario involves two speakers, each of whose testimony counters the other's: Dr. Ford testified to the truth of an accusation that Kavanaugh claimed was false. The epistemic duty of the Committee members (the hearers), then, was to assess the credibility of two contrasting testimonies.

new example

(Note: you don't have
to
agree with the politics
to see the conceptual
point)

This example challenges Fricker's grounds for excluding credibility inflation from the central case in that it demonstrates credibility can be and is "dealt with along distributive lines"

(19). I.e., the episode shows that, in situations where two pieces of testimony make opposite assertions, when we deem one credible, we deprive ourselves of the ability to deem the other credible. When a committee member deems credible Kavanaugh's assertion that he is innocent of the allegation, they afford him a credibility share and withhold one from Ford; indeed they must, lest they make a blatantly contradictory judgment (that is, that Ford's accusation is just as credible as Kavanaugh's denial of it).

In asserting that credibility would have to operate as a distributive good for an excess of it to be at play in a central case of testimonial injustice, it seems that, provided Fricker finds plausible our argument that credibility can and sometimes does operate according to a distributive model, we can further argue that it is theoretically and actually possible for credibility excesses to be implicated in testimonial injustice without warranting an objection from Fricker. That is, we could 1) assert that Kavanaugh receives more than his fair share of credibility, and that this amounts to the type of distinctively epistemic injustice at play in testimonial injustice and 2) find Fricker agreeable to this assertion.

clear statement of
argument

However, supposing Fricker accepts our claim that credibility can operate according to a distributive model, she could still reject that a testifier receiving more than their fair share of credibility constitutes testimonial injustice. She might reply that testimonial injustice consists *by definition* in "undermin[ing], insult[ing], or otherwise withhold[ing] a proper respect for the speaker," and in having credibility doled out to him, Kavanaugh (or any other subject of a credibility excess) experiences the opposite (20). Where the testimonial injustice *really* lies, she might continue, is in the deflation of Ford's testimony; accordingly, the Kavanaugh hearings demonstrate the opposite of what we claim (i.e., that credibility deficits are uniquely integral to testimonial injustice's central case).

objection from
Fricker

This, I think, would be a strong response, but it still falls short of substantiating Fricker's initial claim that credibility excesses do not factor into testimonial injustice. If credibility can operate like a scarce good, as we have already established, then it seems the deflation of one testifier's credibility necessarily follows from the inflation of another's contrasting testimony. It is possible that to this Fricker could say: even if credibility functions according to a distributive model and a credibility excess afforded one testifier therefore might contribute to the credibility deficit afforded another, it would still be the deficit that factors into any testimonial injustice that arises.

[reply to objection](#)

Yet Fricker's (hypothetical) point here would seem to weigh *against* her initial proposal -- that is, altogether excluding credibility inflation's involvement from testimonial injustice -- insofar as it acknowledges how inflating the credibility of one testifier can be a means by which to generate a credibility deficit with respect to another's contrasting testimony. Still, she might only partially concede, agreeing with the point that credibility excesses can bring about testimonial injustice in scenarios involving multiple speakers whose testimonies make opposite assertions, but that such scenarios simply do not amount to the central case she is endeavoring to home in on.

[another objection](#)

To this, I would object on normative grounds: I would reply that Fricker *ought* to consider the Kavanaugh hearings and scenarios like it as instances of testimonial injustice's central case. Identity-based, systematic prejudices -- i.e., the other elements of the central case -- certainly seem to be at play (e.g., judgments about truths of the matter are best left up to educated white men, and women sexual assault complainants are motivated by a desire for revenge or publicity). Moreover, given the ethical significance of the hearings' consequences (namely, the installation of an alleged sexual predator to the United States' supreme tribunal),

[another reply](#)

they arguably amount to a form of injustice that is distinctively epistemic but also ethically consequential, which Fricker says makes central cases central.

In conclusion, Fricker is right to implicate prejudiciality, systematicity, identity-basedness, and erroneous credibility attribution in central case-testimonial injustice. However, she is wrong to say that erroneous credibility attribution in the form of deflation (i.e., a credibility deficit) is uniquely necessary for an instance of testimonial injustice to be a central case. I.e., it is not the case that erroneous credibility attribution is a contributing factor to the central case only if it takes a credibility deficit form.

conclusion