

Handout: Testimonial (In)Justice and Hermeneutical Injustice

Epistemic Resources

An **epistemic resource** consists of the concepts, ideas, metaphors and shared social imaginations that individuals draw on in order to **interpret and make sense** of their lived experiences, and to render them **intelligible** to others.

A **shared social imagination**, in our context, is a collectively shared idea about what it means to be of a certain **social identity**.

1) Consider these ideas about what it means to be transgender:

- Non-confirming gender expression
- Grappling with body dysphoria, "being in the wrong body"
- Facing hardships (socially, medically, legally, economically)
- Living out one's true identity as a source of relief and joy

2) Now consider these transphobic ideas and right-wing talking points:

- "Trans men are just confused women"
- "Trans women are just men dressed up as women, who are trying to infiltrate women's spaces with the goal of (sexually) harassing them"
- "Non-binary kids these days are all confused and are uncritically following trends ('trans-trender')"

In 1) we have fairly neutral ideas about the experiences of transgender individuals. These ideas help us to quickly categorise a person and give us a general, superficial understanding of "who the other is" and what social group they belong to with regards to their gender identity. **Stereotypes** like these help us quickly filter and assess the myriad impressions we have of others.

In 2) we are dealing with **biased stereotypes** that negatively generalize and objectify a group of people, transgender individuals in our case.

It is these **biased stereotypes** that lie not only at the heart of **social discrimination**, but they are also crucial for our understanding of **epistemic injustice**.

Testimonial Injustice

One variety of epistemic injustice, **testimonial injustice** can occur in situations in which an individual wants to communicate their knowledge through **testimony**. We speak of an injustice when the hearer (the person receiving the testimony) assigns **less credibility** to the speaker (the person testifying) based *solely* on the hearer's **biased conception of the speaker's social identity**.

Example: A trans woman wants to report on the harassment she faces to the police. A transphobic police officer assigns less credibility to her due to his biased ideas about transgender individuals (see 2) above). He thinks that a trans woman cannot possibly be the victim of harassment, she must be the perpetrator and now lies and victimizes herself in order to get access to vulnerable women, with the intention of harming them. Consequently, he doesn't believe her and sends her away. The woman receives neither justice nor protection. She remains vulnerable to transphobic violence and after having (yet again?) made the experience that she is not being believed, she starts doubting her ability to properly make sense and interpret her experiences.

Recall our discussion of **defeaters** in our classes on learning from others. Having the impression that a person is not being truthful or outright lying to you functioned as a reason not to believe them. Assigning someone less credibility was justified if the person e.g. trapped themselves in contradictions, a fairly reliable indicator that someone is lying to you. In our example on the other hand, the trans woman is assigned less credibility *solely* based on the fact that she is a trans woman.¹

There is no causal connection between someone's social identity and their truthfulness, so assuming that there is one is not only epistemically bad, but also morally wrong. The epistemic harm that testimonial injustice entails consists in the hearer

¹ Consider: If the police officer could not tell that she is a trans woman, he most likely would have believed her.

missing out on knowledge and the speaker unjustly not being believed. The moral harm consists in the continued exclusion of social groups if they are being denied full participation in social and epistemic practices, as knowers.

Hermeneutical Injustice

Hermeneutics is the area of study concerned with **interpretation**. Stemming from the interpretation of the bible, hermeneutics also finds application in the interpretation of other sacred texts, legal texts and medicine, among other areas. The adjective *hermeneutical* thus indicates a concern for the proper interpretation of something.

In order to interpret our experiences, we draw on **epistemic resources**. Despite being fairly persistent, epistemic resources are **not fixed and unchanging**. People in socially dominant positions with lots of social power have an unfair advantage in shaping epistemic resources. People with less social power oftentimes find themselves excluded from the practices that influence epistemic resources.

To a certain extent, the experiences we make depend on our social positionality. Now, if some social groups are by default **excluded** from the practices that shape epistemic resources, we end up with a body of **ideas, concepts and social imaginations that doesn't properly fit the experiences of those excluded groups**. The bias and prejudice that underlies their initial exclusion then gets incorporated into epistemic resources themselves, rendering them **structurally biased**.

In the example of Carmita Woods that we encountered in Fricker (2007), Woods was not able to name her experiences as sexual harassment, since the concept was **missing** from the shared epistemic resources. This, again, had both **epistemic and moral consequences**: Epistemically speaking, she was **unable to properly interpret** and make sense of her experiences. Where the concept of sexual harassment was supposed to be, we had the alternative idea of "harmless flirting" in its place. On the moral level, this alternative concept **obscured the harm** that she was subjected to. Further, because sexual harassment was not a recognized concept on the institutional level, her case could only be treated as a "personal issue", hence disqualifying her from receiving social support in the wake of her getting fired due to the harassment.

Now, the injustice of hermeneutical injustice consists in the fact that despite certain concepts like sexual harassment missing for **all** individuals, **only** less socially powerful groups are **negatively affected** by it. For the sake of the argument we grant that the alternative concept of harmless flirting does not negatively affect men the same way it does women, but actually works in their favour. But even if hermeneutical injustice doesn't constitute a moral harm for socially dominant groups, they are nonetheless **equally missing out** on getting a full, multifaceted interpretation of the world and their social experiences as long as the interpretative means (epistemic resources) they draw on remain **one-sided and structurally exclude valuable perspectives**.

Further Questions:

What is the relationship between testimonial injustice and hermeneutical injustice?

How can hermeneutical injustice be overcome?

Who is responsible for hermeneutical injustice?

Now that we learned about how epistemic resources can be structurally biased, what are the implications for our philosophical practice? Are we at the risk that the epistemic resources we draw on in order to create and shape our concepts are one-sided and structurally biased? Does that mean that despite philosophy's aim to come up with general/universal/objective concepts, we might have only generalized specific perspectives and afterwards proclaimed them as universal truths?

What can the philosopher do to overcome hermeneutical injustice within philosophy?