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Discerning the Primary Epistemic Harm in Cases of Testimonial Injustice

Gaile Pohlhaus, Jr.

This article examines the primary epistemic harm of testimonial injustice, or, as defined by Miranda Fricker, the injustice of perceiving another epistemic agent as less credible due to an identity prejudice. I first analyze Fricker's account of the harm, which she posits in terms of a subject/object relation as "epistemic objectification." My analysis, however, shows that (1) testimonial injustice does not render its victim to an object-like status and (2) testimonial injustice necessarily treats its victim as a subject, albeit a truncated subject. Drawing on the work of Ann Cahill and Simone de Beauvoir, I demonstrate that the primary harm of testimonial injustice is more aptly described in terms of a subject/other relation, or a relation that circumscribes the subjectivity of its victim within the confines of the perpetrator's subjectivity. Using these conceptual resources to examine the primary epistemic harm of testimonial injustice not only avoids the problems I raise with the notion of epistemic objectification, but also greatly enhances our understanding of testimonial injustice, and consequently of what more epistemically just relations look like.

Keywords: Epistemic Justice; Testimonial Injustice; Epistemic Agency; Epistemic Autonomy; Miranda Fricker

In her recent book, *Epistemic Injustice*, Miranda Fricker argues that there are some kinds of injustices that are distinctly epistemic. Mapping the contours of epistemic injustice can help to reveal previously uncharted relations among knowers insofar as becoming clear on what happens when we fail in our epistemic relations makes more evident what we are doing when we navigate them successfully. With this aim in mind, I examine an idea that Fricker calls "epistemic objectification" and that she uses to characterize the intrinsic harm of the kind of epistemic injustice

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she calls "testimonial injustice." Ultimately, however, I will conclude that the idea of epistemic objectification raises philosophical quandaries that appear to mischaracterize our epistemic relations. Supplementing Fricker's work with a richer understanding of subjective possibilities as can be found in the work of Simone de Beauvoir, I propose that the intrinsic epistemic harm of testimonial injustice is more aptly described in terms of a subject/other relation rather than the subject/object relation proposed by Fricker. Describing testimonial injustice in terms of a subject/other——as opposed to a subject/object——relation not only alleviates the problems I examine in the concept of epistemic objectification, but also expands our understanding of the social dimensions of knowing. My aim is not to suggest that we abandon the work Fricker has begun, but rather to extend and enrich it by developing a more adequate description of the intrinsic epistemic harm of testimonial injustice and by spelling out the implications of this type of harm through the frame of a subject/other relation.

Analysis and Diagnosis of the "Objectification" Model

One of the advantages of Fricker's notion of epistemic injustice is that it helps us to think about the sociality of knowing without losing sight of the individual knower and her relations with other knowers. Epistemic injustice, as Fricker conceives it, wrongs a person, "*specifically in her capacity as a knower*" (2007, italics in original, 20). The concept, therefore, implies that there are certain things to which knowers have a right (or at the very least can reasonably expect) in relation to other knowers. Moreover, Fricker notes that while epistemic injustice is a wrong that happens to an individual——and one that can be perpetrated by an individual——it nevertheless happens within the context of socially situated capacities (4) and displays, "a moment of dysfunction in the overall epistemic … system" (43). Under this general account, knowers are not solitary individuals but rather agents within a larger community whose interdependency with one another as knowers requires something of them *in relation* to one another. Fricker's path for remedying epistemic injustice also implies a view of knowing that sees our epistemic lives as interdependent. Epistemic justice, she argues, requires knowers to develop particular virtues that facilitate our relations with one another, as well as our ability to perceive and respond to one another in particular ways. But what exactly is it that knowers owe one another in light of Fricker's account? And why? In order to examine these questions, I first spell out some of the details regarding the type of epistemic injustice that Fricker calls "testimonial injustice."

Testimonial injustice, Fricker writes, "occurs when prejudice causes a hearer to give a deflated level of credibility to a speaker's word" (1). To illustrate testimonial injustice and what it does, Fricker offers her readers two primary examples: the case of Marge Sherwood, drawn from the film based on Patricia Highsmith's novel *The Talented Mr. Ripley*, and the trial of Tom Robinson, drawn from Harper Lee's *To Kill a Mockingbird*. In the first example, Marge Sherwood and her potential father-in-law, Herbert Greenleaf, are investigating the disappearance of Dickie,

who is Sherwood's fiancée and Greenleaf's son. When Sherwood comes to suspect that Dickie's recent acquaintance, Tom Ripley, may have had a hand in the disappearance, she brings her suspicions to the attention of Greenleaf. Despite good reason to trust Sherwood and very little reason to trust Ripley, Greenleaf summarily dismisses Sherwood, saying "Marge, there's female intuition, and then there are facts" (as quoted by Fricker, 9). In Fricker's second example, Tom Robinson, a black man in 1930s Alabama, is tried and convicted for a crime of rape he did not commit. On Fricker's reading, despite more than sufficient evidence to acquit, members of the all-white jury for the trial cannot bring themselves to believe significant portions of Robinson's testimony due to the fact that he is black (25–26) and so find him guilty. A significant feature of both accounts is that Fricker reads them as *failures* to believe (as opposed to choices to disregard information) in cases where one ought to believe.

In both cases, hearers do not believe the testimony of a speaker whom they would otherwise have believed had the speaker not been a member of a particular social group (female in the case of Sherwood and black in the case of Robinson). In both cases, prejudice against the social identity of the speaker causes the hearer to perceive the speaker as less credible. This deflation of credibility prevents the speakers from transferring knowledge to those whom they wish to give it, leading to a number of secondary harms of an epistemic and nonepistemic sort (since, in both cases, speakers stand to lose a great deal if they are not believed). However, for the purposes of this paper, it is the primary epistemic harm that requires further clarification if we are to understand more fully what is intrinsically *epistemically* unjust in cases where one knower fails to believe another without proper warrant. The difficulty of detailing testimonial injustice as an intrinsic epistemic harm lies in the fact that if we take away all of the secondary harms that may happen to someone who is not believed when she ought to be and we look at the situation strictly from an epistemic point of view, we are left with at least one person who remains ignorant of some piece of information and another person who has the information that the first one lacks. So wherein lay the intrinsic *epistemic* harm to this second person, to the one who knows?

To answer this question, Fricker draws upon Bernard Williams and Edward Craig to argue that the pooling of knowledge is a basic necessity of any epistemic community conceived under the conditions of an imaginary "State of Nature" (Fricker, 110). In other words, consideration of a minimal human society reveals that the sharing or pooling of information is a basic epistemic requirement arising from the need to possess enough truths about the world to facilitate survival. Insofar, as testimonial injustice unfairly excludes particular epistemic agents from participating fully in this most basic of social epistemic practices based on an unwarranted, but widely held, identity prejudice, we can see that it constitutes an epistemic wrong on both a communal and an individual level. On a communal epistemic level, it is harmful because it forestalls conditions that are maximally truth-conducive for the epistemic community; it prevents the transmission of potential knowledge from one agent to another and, in preventing that

transmission, it prevents any knowledge that might have arisen from the effect this piece of potential knowledge might have had on other beliefs held by the community (as when a justified true belief adds support for or counteracts other held beliefs). On an individual level, it is harmful because it unfairly excludes the victim of testimonial injustice from a basic epistemic practice and so treats that victim as less than a full epistemic subject.

Elaborating on the latter wrong, Fricker compares testimonial injustice to sexual objectification as treated by Martha Nussbaum and Catharine MacKinnon, since both kinds of harm (epistemic and sexual) seem to deny the status of subject to one who ought to be treated as a subject. To further this comparison, Fricker draws upon Craig's distinction between a "source of information," from which one gleans knowledge as from an object, and an "informant," who actively conveys information as a subject. This distinction allows Fricker to account for cases, where victims of testimonial injustice are not entirely excluded from the pooling of information altogether, while bolstering her claim that the victim of testimonial injustice is being demoted to a sort of object. Making use of this distinction, Fricker notes that people are sometimes unproblematically used as sources of information in the way that objects are, "as when the fact that one's guest arrives bedraggled and shaking her umbrella may allow one to infer that it has been raining" (132). Like Nussbaum in the case of sexual objectification, Fricker contends that the wrong of epistemic objectification lies in treating another *solely* as an object in a manner that does not recognize her as a subject capable of being an informant. This type of treatment, Fricker contends, is exactly what is happening in cases of testimonial injustice. In this comparison, it is the attribution of passivity to epistemic objects that allows Fricker to characterize testimonial injustice as epistemic objectification, for in the case of testimonial injustice, the determining factors as to whether information is transferred seem to reside solely with the hearer.[1] Rather than giving testimony as an informant, which is then received by the listener if properly delivered, the speaker must instead wait to see whether the hearer believes her this time or not. In a certain sense then the speaker is not an active[2] participant in the epistemic transaction who might herself have an effect on the listener. Fricker concludes that the victim of testimonial injustice, "is thus demoted from subject to object, relegated from the role of active epistemic agent, and confined to the role of passive states of affairs from which knowledge might be gleaned … [revealing] 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" (132–133).

While the idea that testimonial injustice treats an epistemic agent as less than a full epistemic subject seems correct, there is something odd about characterizing this mistreatment as treating someone like an object. We can begin to notice this oddity if we consider Fricker's own (and only) examples of "sources of information" or states of affairs from which information can be gathered: a felled tree and a woman shaking rain off of her umbrella. When I count the rings on a felled tree, I cannot plausibly deny that it has the number of rings that I have just counted.

When I see a woman shaking rain off her umbrella, I cannot reasonably fail to believe that her umbrella is wet. Moreover, if I cannot bring myself to believe these things, others may rightly question my judgment and call me irrational. Furthermore, if I am not irrational, in the face of my inability to believe that the tree has the number of rings I have counted or that the umbrella is wet, I might wish to seek professional help concerning my cognitive state. Indeed, certain forms of agnosia present us with exactly the kind of case where there is no sensory impairment but a person cannot bring himself to believe what he ought to infer from his senses——for example, that this is his very own leg or that is his very own child. And yet, in cases of testimonial injustice, it is precisely this kind of inability to believe that becomes viable. Epistemic objects, in this sense, make a kind of claim on the knower that is denied to the victim of testimonial injustice.[3] In other words, while it might be said that I can reasonably regard objects in a nonepistemic sense with a wide range of attitudes (some of which are utterly inappropriate for regarding subjects, for example, as disposable), the same cannot be said in the epistemic sense and it is the epistemic sense with which we are concerned. A failure to believe when one ought is an epistemic failure regardless of whether the failure is in relation to a source of information or an informant. While Fricker herself describes what it means to gather information from an object using only examples of knowledge derived from common inferences based on straightforward sensory perception, this problem still arises in more complicated cases (e.g. where one must make several complex inferences and/or use scientific instruments). In such cases, when one engages in practices that are designed to ascertain the truth about a state of affairs, one cannot simply claim the results to be unreliable if one fails to believe the outcome when one ought.[4] Moreover, even in cases when typical procedures and/or rules of epistemic practices are abandoned to be replaced by other ways of perceiving or organizing data, there must be some *reason* that can be shared with and followed by others for doing so (e.g. the new way is more coherent, or makes sense of more facets of the data). In other words, when a person follows a procedure for ascertaining the truth from a particular state of affairs but then flat out fails to believe what the results of those procedures indicate with no reasonable grounds for doubting, one is rightly recognized as being irrational (or incompetent in some way). And yet, in cases of testimonial injustice, it becomes viable to act in exactly this way without sanction: one hears and understands another's words, perhaps even after one has asked a question in search of an answer (as in the case of Tom Robinson), and yet one fails to believe what the speaker has said without any grounds for doubt (except simply that the speaker is not trustworthy with no rational basis for maintaining such distrust). Following Fricker, we must remember that the case of testimonial injustice is not a case of discarding information or even of refusing to interact with another epistemic agent. Instead, testimonial injustice occurs when, engaging in ordinary epistemic practices for ascertaining truth from another epistemic agent based on testimony, the hearer fails in one aspect of that practice: perceiving the speaker as trustworthy

when he ought to. In this manner, the relation between perpetrator and victim is quite unlike that between an epistemic subject and an epistemic object.

Still, it is clearly the case that testimonial injustice treats another as less than a full epistemic subject. Might we not say then at least this much: that the victim of testimonial injustice is treated like an object, insofar as both are not treated *as* subjects? If we examine the two primary examples that Fricker offers as paradigmatic cases of testimonial injustice, the answer is: no. For it is precisely because Sherwood and Robinson *are perceived as subjects* that makes it possible for hearers in both cases to avert the kind of claim their testimony ought rightly to make upon hearers and to do so without the hearers risking the charge of irrationality. In other words, it is precisely because both speakers are seen as epistemically unreliable *subjects*, with the capacity to deceive and/or to be deceived by a variety of sources, that allows perpetrators to perceive their testimony as not credible. Moreover, it is because Sherwood and Robinson are seen as semi-subjects that allows perpetrators of testimonial injustice to use them to their own epistemic ends. In other words, neither Sherwood nor Robinson are perceived as wholly outside the epistemic economy governing epistemic subjects;[5] both persons are regarded as *subject to* the normative force of (and so sanctionable in accordance with) epistemic practices, even while they are not permitted to draw upon that same normative force in relation to their perpetrators. This aspect of their treatment is obscured by the subject/object lens employed by Fricker, but wholly consonant with her treatment of social power as governing our epistemic relations in ways that can be vicious or virtuous.

If the victim of testimonial injustice is treated in a way that is distinct from the way that both objects *and* full subjects are treated, how exactly ought we to characterize her treatment? Moreover, how might characterizing her treatment more adequately give us further insight into the primary epistemic wrong of testimonial injustice? Furthermore, how might understanding the predicament of the victim of testimonial injustice who is treated as a semi-subject, but not as an object, help to clarify what it means to know well when testimonial injustice is not operative?

An Alternate Model: "Derivatized" Subjects

Within the context of sexual assault and mistreatment, Ann Cahill has argued that the notion of "objectification" misidentifies what is wrong in cases where women are not treated as full subjects and, in part, for reasons similar to those I am using to argue against using the idea of objectification in the epistemic context: there is an element of subjectivity (even while less than full) required on the part of the victim in both contexts.[6] While I do not have space to elaborate on Cahill's critique, her remedy for this mischaracterization is helpful within the epistemic context, since she, too, seeks to describe more clearly what it means to treat someone as a partial subject. While drawing primarily on the work of Luce Irigaray, Cahill's characterization of the treatment of women as less than full subjects has its roots in the work of Simone de Beauvoir.[7] The status of the "other" within *The Second*

Sex (and the line of feminist thought developed in its wake since its publication in 1949) is not only distinct from the status of an object, but also plays a crucial role in the formation of subjects within masculine dominated, or phallocentric regimes. Beauvoir notes, in relation to man as subject, woman as other, "is the perfect intermediary between nature that is foreign to man and the peer who is too identical to him [pitting] neither the hostile silence of nature nor the hard demand of reciprocal recognition against him" (160). Here, Beauvoir focuses our attention on the important yet precarious role that subjects play in relation to one another: that of recognition. It is not possible for objects to fill this role. However, the "hard demand of reciprocal recognition," or a truly *inter*subjective relation with other subjects, requires one to negotiate one's understanding of the world with others who may experience it differently (due, for example, to different interests or different habits of attention). As Beauvoir carefully delineates throughout the entirety of *The Second Sex*, one way of alleviating the vulnerability that can arise due to our need for recognition from others is to define one class of persons as "other" or semi-subjects whose sole purpose is to recognize the class of persons deemed fully as subjects. Applying this idea to the epistemic context, we might say that the sole purpose of the epistemic other is to provide epistemic support for navigating the experienced world of those deemed subjects. In this relation, those persons treated as "other" serve to recognize and maintain epistemic practices that make sense of the world as experienced from dominant subjectivities, but do not receive the same epistemic support with regard to their distinct lived experiences in the world. In the subject/other relation, recognition is monodirectional as opposed to intersubjective. This type of relation is not one in which objects are capable of participating; it is also a kind of relation that Beauvoir judges to be fundamentally unethical, since it denies a person's full status as a free subject capable of experiencing and giving significance to the world uniquely.

In light of this aspect of the subject/other relation, Cahill recommends that we replace the notion of objectification with that of "derivatization," since, as she argues, what we normally identify as sexual objectification is characterized by attributing a truncated or circumscribed subjectivity to its victim. As opposed to treating another as an object, when one "derivatizes" another,

> (t)he derivatized subject becomes reducible in all relevant ways to the derivatizing subject's existence——other elements of her… being or subjectivity are disregarded, ignored, or undervalued. Should the derivatized subject dare to demonstrate aspects of her subjectivity that fall outside of the derivatizer's being——assuming such a demonstration can even be perceived (it may well be so incomprehensible so as to be beyond the perceptual range of the derivatizer)——she will be perceived as arrogant, treasonous, and dangerously rebellious. (Cahill, 32)

In such cases, the other's capacities as a subject are reduced to attending only to that which stems from the perpetrator's subjectivity, so that anything the victim might try to express that exceeds the range of the perpetrator's subjectivity is actively prohibited and/or left unrecognized by the perpetrator, even while he

recognizes the victim as capable of having experiences, interests, and desires. Epistemically speaking, we might say that the derivatizer treats the derivatized as though she has nothing unique to contribute to the intersubjective relations that maintain epistemic practices, even while he does recognize her as capable of some sorts of epistemic labor. In other words, she is treated as if her own lived experience from which she draws in order to add to the communal knowledge pool is simply a mirror (or perhaps shadow) of his own, but certainly not capable of contributing to our understanding of the world beyond (and in ways that might change the shape of) the scope of the derivatizer's experienced world.

When examining the harm of testimonial injustice, replacing the subject/object relation with that of the subject/other relation obviates the problems I have raised with the notion of epistemic objectification. First, it does not depend on any particular view of the relation between epistemic subjects and epistemic objects. Second, it does not deny the fact that the victim of testimonial injustice is seen as a type of subject. Moreover, characterizing the harm of testimonial injustice as instituting a subject/other relation has the further advantage of foregrounding the degree to which epistemic agency cannot be divorced from structural issues.

To begin, recognition plays a very important role among epistemic subjects. Consider, for example, the kind of instability experienced by the main character of George Orwell's *1984*; in a world where what one experiences is systematically not recognized, one can lose one's sense of what is real and what is not. In mutually recognizing the experienced world with rules governing our epistemic practices, epistemic agents provide for one another both epistemic stability (making it possible to know) and potential sources of confirmation for what one believes to be true (making that belief more or less certain). At the same time, as already noted, recognition (when reciprocal) places epistemic subjects in a relation of vulnerability[8] to one another: in recognizing another, I place myself in a position in which that other has a form of power over me. Consider, for example, what follows from my recognizing another as an epistemic authority. When she makes claims within the bounds of her authority, so long as I recognize her as an authority of this sort, I *ought* to believe her (or give some sort of reasonable justification for my disbelief).[9] A general kind of epistemic authority concerning matters of perception and nonspecialized experiencing of the world, mutually conferred, allows epistemic subjects to know basic features of the world and to work together in the world with a greater deal of stability and certainty. However, this epistemic gain is at the cost of having to answer to the world as *mutually* experienced.

When one views this type of relation at the level of epistemic communities, one sees that it is beneficial because it is truth conducive for the community as a whole. An individual epistemic agent can only approach the world from a finite space within it, but a group of such agents working in coordination with one another, attuned to multiple loci of experience via which they can constrain one another to avoid error, have a much greater chance at getting things right about the world. Important to this kind of cognitive coordinating is each individual agent's ability (1) to call others' attention to aspects of the world that those others

do not notice and (2) to identify when particular individuals are not following the general rules (where appropriate responses depend upon the reason for breaking the rule). From the level of the individual, however, things look a bit different. The cognitive coordinating that increases truth conduciveness on a communal level, places a set of constraints on the individual knower that may focus one's epistemic attention and cognitive labor in directions that do not begin from one's own subjectivity. This situation may pull one's cognitive labor away from that which one wants to know. Alternately, it may focus one's cognitive attention toward matters concerning which it is in one's interest to keep unknown (to oneself *and* others).[10] Epistemic agents standing in such a relation, while given greater capacity to know, are constrained by and with one another even though practically speaking they may not share mutual interest in cognitively attending to the same aspects of the world.

Given the need for epistemic coordination and diverging social interests, treating another as one whose subject capacities exist solely in support of and never in tension with my own describes precisely the way in which an epistemic agent (or a set of epistemic agents) with social power might come to regard and treat other epistemic agents with less social power. This treatment is precisely the kind of treatment that perceives the epistemic agent as somewhere between an epistemic subject and object. As a subject, she is able to engage in epistemic practices that support the epistemic community;[11] consequently individual members of that community benefit epistemically (at least in part) from her role as an epistemic subject. Moreover, she is *subject to* the rules of epistemic practices and faces sanction for their violation. However, unlike a subject (and more like an object), she is not seen as capable of contributing to epistemic practices *uniquely*, that is, from her own distinct lived experience in the world. Consequently, her epistemic labor contributes to the community via which epistemic interests are pursued, but she is not permitted to contribute in ways that would redirect epistemic practices toward those parts of her experienced world that extend beyond or trouble the veracity of the dominantly experienced world. Any contribution that might do so is summarily denied epistemic support and uptake by dominant members of the community (and perhaps even other marginalized members). Being treated as though one's subjectivity is merely derivative of another's, capable of performing epistemic labor but not of negotiating the direction of that labor, seems a more likely candidate for describing the primary epistemic harm encountered in cases of testimonial injustice. Under this model, the primary harm of testimonial injustice is defined as: *being relegated to the role of epistemic other, being treated as though the range of one's subject capacities is merely derivative of another's.*

Advantages of the Subject/Other Lens for Analyzing Testimonial Injustice

While alleviating the issues I have raised with regard to the notion of epistemic objectification, a description of the primary harm of testimonial injustice that highlights the truncated form of subjectivity found in the subject/other relation

has four additional advantages over the subject/object model. First, it has more explanatory power with regard to the phenomenon of denying another's credibility in some cases but not others. Second, it highlights simultaneously the agential and structural aspects of testimonial injustice, something Fricker has been criticized for not recognizing (Alcoff 2010; Langton 2010; Maitra 2010). Third, in highlighting simultaneously the agential and structural aspects at play in testimonial injustice, the subject/other frame illuminates important aspects of epistemic agency. Finally, those aspects of epistemic agency brought to the fore when viewing testimonial injustice from the subject/other lens make evident not only the oppressive aspects of testimonial injustice, but also possibilities for resistance.

While Fricker notes that testimonial injustice is often not a wholesale exclusion of an epistemic agent from being believed (130–131), her characterization of this partial exclusion as being treated like an object gives us no understanding as to what alters perception across different cases. Since the subject/object description functions to highlight and relies upon a distinction between the perpetrator as active and the victim as passive, it leaves the impression that the mechanism whereby one is sometimes believed and sometimes not believed lies with the will or choice of the perpetrator. However, Fricker is very clear that testimonial injustice is a failure of perception and not a choice to disregard information (25); in fact, this is part of what makes the act an *epistemic* wrong and not just a moral wrong. To return to the case of Highsmith's Sherwood, Greenleaf believes many things that Sherwood reports, for example, at what time Dickie was last seen, that Ripley is someone with whom Dickie had recently become friends, etc. But he does not simply choose to disregard Sherwood's claim that Ripley is suspect worthy; he *fails* to believe it. Likewise, in the case of Tom Robinson, the jurors have no doubt that Robinson is who he says he is, that he accurately reports many aspects of the day under investigation; it is his report that he helped a white woman out of kindness and that he did her no harm that they *fail* to believe. In both cases, hearers do not fail to believe mere pieces of information that would simply add to what it is they know, but rather they fail to believe precisely the kind of information that would significantly move the hearers' epistemic attention beyond the parts of the world in which those hearers have a social investment. In other words, hearers perceive the speaker as credible only when the speaker's testimony does not trouble the scope of the hearers' subjectivity. The effect is to rule out the possibility that there might be aspects of the world that go beyond the experiences and interests of those with social power.

For example, if Greenleaf were to take Sherwood's testimony as credible, he would be forced to shift his entire investigation in another direction, one that Alcoff (2010) notes, "could compromise his own sense of himself" (134) and that "might lead to a disclosure of homosexuality or some other revelation that would affect his own identity in the world" (134). Indeed to allow himself to be moved in an unexpected direction by the word of a woman would go against Greenleaf's fundamental belief in male superiority and the affinity he thinks is shared among men, exemplified when he says to Sherwood that there is a clear difference

between, "what a man may say to his sweetheart and what he'll admit to another fellow" (as quoted by Fricker, 87).[12] Importantly, Sherwood's insight is not the kind of information that could have initiated from Greenleaf and it does not fill in gaps that are sensed from Greenleaf's epistemic position (in the way that Sherwood's prior information does and which Greenleaf thus perceives as credible). Sherwood's later insight provides the kind of information that requires Greenleaf to alter his own attention in ways that would allow him to see the set of patterns that indicate that Ripley is a suspicious character. In other words, if Greenleaf were to accept the information Sherwood forwards as even potentially viable, he would have to shift his manner of viewing the situation based on the subjective experiences of Sherwood. However, Greenleaf, as a dominantly situated subject, is not disposed to seeing the world from the eyes of nondominantly situated subjects in ways that displace the centrality of his own subjective experiencing of the world.

In the case of Robinson, if the white jurors were to believe those parts of Robinson's testimony that they do not, specifically his testimony concerning his relationship to the woman he is accused of raping, the jurors would need to call into question some of their beliefs concerning race *and* gender relations. Calling these beliefs into question would require the jury to shift their cognitive attention beyond their own interests and experiences as white men in a white supremacist society. In contrast, the jury perceives as perfectly credible the quite *incredible* testimony of Mayella Ewell, the impoverished white woman Robinson is accused of raping and who is also likely to be the victim of testimonial injustice in other situations. Ewell's testimony in this instance is perceived as credible precisely because her testimony does not disrupt, but rather reinforces, beliefs that stem from a white supremacist and patriarchal subjectivity (Medina 2011, 26). Defining the primary epistemic harm of testimonial injustice as using another's subject capacities in such a way that circumscribes those capacities to the range of the perpetrator's subjectivity gives us a plausible way of understanding the mechanism that functions to alter perception of credibility in these cases.

This further reveals that testimonial injustice does not just prevent information from being circulated, but rather it prevents a particular kind of information from being circulated: that which moves epistemic attention beyond the immediate experiences, desires, and interests of dominant knowers and toward those of nondominant knowers. Identifying the kind of information stymied in testimonial injustice allows us to highlight the structural aspects of testimonial injustice without losing sight of the fact that it is an *injustice*, something that Fricker herself claims that her model cannot do. Fricker notes that we can look at these examples from both an agential and a structural viewpoint, but she insists that she focuses on the agential view because her aim, "is to highlight the injustice that is occurring, and the sense in which the hearers are preventing the speakers from conveying knowledge" (90). Because Fricker sees the primary harm of testimonial injustice in terms of a subject/object relation, she has not identified the specific *kind* of information that speakers are prevented from conveying in cases of testimonial injustice. As a result, she notes that the structural aspects of the

situation, "effectively control … Greenleaf and Marge [Sherwood], jurors and Tom Robinson alike" (90). However, the structural aspects of the situation *do not* control each party in the same way, since the kind of information stymied by testimonial injustice is exactly the kind that would redirect epistemic agents toward that which stems uniquely from the subjectivity of nondominantly situated agents.

Examining Fricker's examples through the subject/other lens not only allows us to see the way in which the structural and agential aspects of testimonial injustice work in tandem to prevent a particular kind of information from being known, but also brings to the fore the degree to which epistemic agency,[13] one's ability to pursue epistemic projects, and epistemic autonomy, one's ability to pursue epistemic projects that stem specifically from one's distinct lived experience, are interdependent with other epistemic agents. Moreover, it highlights the manner in which testimonial injustice can significantly impair one's epistemic agency and epistemic autonomy. The intrinsic harm done in such cases is not just mere (even if deep) disrespect. If we regard cases of testimonial injustice in terms of a subject/object relation imposed on its victims, we can miss the degree to which knowers, and dominantly situated knowers, in particular, rely on the epistemic labor of other knowers. Moreover, we fail to recognize the degree to which epistemic agency is intersubjectively maintained. Imagine, for example, that a person fails to believe me when I say that there is no Santa Claus, or alternately that the world is more than 7000 years old, and suppose he disbelieves me because he holds a prejudice against non-Christians. Have I really suffered an injustice? In the former case, it seems clear that I have not. Moreover, it seems that the extent to which the latter case might be considered a form of epistemic injustice depends on the degree to which our shared epistemic communities regard me as irrational for making such a claim and not my disbeliever for disbelieving it. When intersubjective epistemic support is altogether removed, one suffers curtailment of one's epistemic agency and autonomy.

If cases of testimonial injustice are examined solely on the agential level, we fail to recognize how this kind of epistemic injustice prevents the development of information in a manner that systematically and asymmetrically disadvantages the pursuits of particular epistemic agents. Examining testimonial injustice with both agential *and* structural features in focus as the subject/other model allows us to do, we can see the ways in which testimonial injustice infringes upon epistemic agency and autonomy. In Sherwood's case, Greenleaf's failure to believe that Ripley might be suspect thwarts Sherwood's epistemic efforts considerably. If Greenleaf were to take Sherwood seriously, he would either have to follow the lead, admit that he does not really desire to find his son, or give some reason for not following the lead that would enlighten Sherwood in her epistemic pursuits.[14] However, because Greenleaf fails to believe her due to unwarranted prejudice, and because he is supported in this failure by a communally shared stereotype, Sherwood is denied the opportunity to have her knowledge developed further by and with another who, given his stated commitments, *ought* to help her. While Sherwood could certainly follow up on the lead herself, in order to do so, there are a number of avenues for

investigation that, practically speaking, require more than one person: multiple locations may need to be visited and visited simultaneously so as to ascertain Ripley's location, police records might need to be accessed, phone calls made, etc. all within a short amount of time. Without the cooperation of others (which could be heightened by Greenleaf's resources and connections), Sherwood is unlikely to be able to know more than she does at the moment she suspects Ripley. Clearly, this is a matter about which Sherwood strongly desires to know more. One might even say, given that her suspicion is not unreasonable and given that Greenleaf also claims to care about what has happened to his son, Sherwood has a *right* not only to Greenleaf's trust in her but also to his epistemic help in following this lead. If Greenleaf is unwilling to give it, he ought to deny that he cares about his son or be deemed unreasonable, in which case Sherwood would have more leverage for garnering the support of others to lend their cognitive abilities toward her epistemic pursuits.

In the case of Robinson, we have an epistemic agent whose own ability to know is not stymied, perhaps because, unlike Sherwood, he has an alternate epistemic community in which to develop his epistemic pursuits (i.e. the black community in which he lives). Nonetheless, his epistemic agency, in the sense of his ability to contribute information that would move the epistemic attention of the community of knowers, to whom he has been tied through the court proceeding, is significantly thwarted. Moreover, his agency here is specifically thwarted with regard to those aspects of the world that stem from his own lived experience and history. The type of information Robinson attempts to convey is of a wholly unfamiliar sort to the jury.[15] Because Robinson is viewed as an epistemic subject, he must submit to the rules of epistemic practice, but because he is viewed as an epistemic subject whose subjectivity is derivative of dominantly situated subjects, he is perceived as a vicious epistemic subject when his information moves beyond the scope of the world experienced from dominant subject positions.[16]

While the subject/other lens foregrounds the ways in which epistemic agency and epistemic autonomy are stymied by testimonial injustice, it simultaneously reveals places of epistemic resistance in ways that the subject/object model does not. Since the subject/object model emphasizes passivity on the side of the victim and does not distinguish which kind of information is likely to trigger a perception of less credibility, the subject/object lens offers no insight into possibilities for epistemic resistance to testimonial injustice. While it is certainly the case that testimonial injustice stymies agency, the transmission of testimony depends not only on the listener to receive it, but also on the speaker to offer it. Stressing passivity on the side of the speaker in relation to the perpetrator, the subject/object frame obscures the fact that nondominantly situated subjects can actively withhold information as well as present information selectively.[17,18] Moreover, because the subject/object model does not distinguish the kind of information that is likely to be believed from that kind of information that is not, it offers no insight into the ways in which epistemic subjects who are not dominantly situated can and often

do aptly negotiate instances of testimonial injustice. The subject/other model, however, does offer this kind of insight, since it highlights the ways in which epistemic agency may still be operative within specifically delineated regions of the experienced world, even while it may be stymied in others. When one is aware of one's status in the community as a truncated subject, one can have a sense of the regions of one's experienced world about which one can offer information without risking unwarranted loss of credibility and how far one can pull the epistemic attention of dominantly situated agents, both generally speaking and with regard to particular individuals with whom one has had a history of epistemic interactions.

Conclusion

Understanding the primary harm of testimonial injustice as derivatization, characteristic of the subject/other relation, elucidates the sociality of knowing and helps us to see more clearly the larger context that surrounds testimonial injustice. Epistemic relations with other knowers allow the individual knower to verify and coordinate with others' experiences in ways that facilitate reliability about what is true and what is false concerning the experienced world. Moreover, individual knowing depends on the individual's relations with other knowers[19] via epistemic practices that are not changeable at will, providing a normative dimension to those relations. This interdependency makes knowledge of the world possible, but also leaves epistemic agents vulnerable in relation to one another. Ultimately, the vulnerability in interdependency that makes knowing possible is also what leaves open the possibility of testimonial injustice and so the possibility of communal and individual epistemic harm.

Notes

[1] I say "seem" because, as Fricker herself notes, identity power plays an important role in such cases. While Fricker places emphasis on identity power in the form of prejudice toward the victim of testimonial injustice, it is worth noting that lack of social sanction for what otherwise ought to be seen as irrational, or at the very least, epistemically suspect, behavior allows the perpetrator to proceed without much friction in cases of testimonial injustice. In this sense, the perpetrator's ability to commit testimonial injustice is aided greatly by a social context that maintains her sense that her mistrust is warranted when in fact it is not.

[2] While activity on the part of the victim is not seen when viewing the situation strictly in terms of injustice or oppression, quite a bit of activity may very well be present if the situation is viewed in terms of resistance to injustice. For example, one might know what kind of information will be found credible by dominant knowers and what kind will not. Moreover, one can certainly *withhold* information regardless of whether one is afforded less credibility than one ought to be. These points will become important later in the paper.

[3] One might even go further to argue that Fricker's characterization of objects as lacking any sort of agency is misguided. To do so here would go beyond the scope of this paper, insofar, as it is the focus of this essay to examine relations among epistemic subjects.

For arguments concerning the possible agency of epistemic objects, see e.g. Barad (2007) and Hekman (2010).

[4] Note that this is not a stricture on declaring results to be unreliable or on failing to believe what particular results indicate when there are grounds for doubt, but rather, following Fricker's definition of the conditions of testimonial injustice, failing to believe where one ought. The point here is that epistemic practices put constraints on our relations with epistemic objects.

[5] There is at least one type of case distinct from those of Sherwood and Robinson for which we might reserve the term "epistemic objectification": cases where one perceives another as wholly outside the epistemic economy, for example, as an animal not subject to the rules governing epistemic practices as in the conquest of the Americas by Europe and in US slavery. I owe thanks to Naomi Scheman and to one of my anonymous reviewers for reminding me that these kinds of cases have existed and continue to exist. These cases deserve fuller treatment of their own and reveal that there are significantly distinct ways in which one might be excluded from the social pooling of information. For the purposes of this paper, I limit myself to the kind of case Fricker offers in her account so as to elucidate the ways in which the subject/object lens can miss important aspects of at least one kind of testimonial injustice.

[6] See Cahill (2011).

[7] Cahill herself finds fault with the way Beauvoir seems to regard the body as immanent and to favor subjectivity as capable of transcendence from the body (Cahill, 2–4). Nonetheless, the relation *between subjectivities* found in Beauvoir's Subject/Other relation is the basis for Irigaray's work from which Cahill develops the notion of derivatization.

[8] Gilson (2011) has recently argued that vulnerability is a kind of ability that is fundamental to knowing insofar as learning requires one to affect and be affected by others and the world.

[9] Even in cases where one cannot quite formulate the reason behind one's disbelief, one generally acknowledges that other epistemic agents will find this odd, unreasonable, or unacceptable. One says, for example, "I know that you claim x is true, but I just cannot get myself to believe it. There is something about x that is very counterintuitive to me——let me mull over it for a while. It might just be me."

[10] For example, if one is systematically advantaged in one's society, it might be in one's interest not to know that this is the case (to maintain a sense of one's own self-worth as deserved through merit) and it might be in one's interest that others not know so as well (to maintain one's advantage over others and the illusion that one's good fortune is deserved).

[11] I have in mind a wide range of practices from simply perceiving and responding to one's environment——which can offer others confirmation of what they, too, perceive——to answering questions posed by other subjects when asked. The latter, which seems uncontroversially labeled as an "epistemic practice," is certainly operative in both of the main examples treated by Fricker.

[12] While it might be argued that Greenleaf's failure to believe runs counter to his expressed interest to find his son, this interest stands in tension with Greenleaf's firm belief that Sherwood, a woman, could not possibly have an insight that goes beyond his own estimation of the situation. I think it is reasonable to surmise that, in this case, Greenleaf's investment and trust in his own lived experience of the world (perhaps unconsciously) overrides his desire to find his son.

[13] For a longer treatment of epistemic agency and the harm done to one whose testimony is not believed that is consonant with my account, see Townley (2003).

[14] While it is possible that Sherwood could fail to be enlightened by a good reason against her own suspicions, the fault would then lie with her and not Greenleaf.

[15] In fact, Robinson's case requires the jurors not only to shift their epistemic attention beyond their immediately experienced world, but also to acquire epistemic tools that have been developed specifically in relation to the experienced world of marginalized subjects, revealing this particular case to be one of *willful hermeneutical ignorance* (see Pohlhaus 2012).

[16] It is worth noting that perceiving another in this manner bears a strong resemblance to, if it is not in fact an instance of, what Frye (1983) calls "arrogant perception."

[17] While I am emphasizing the resistant agency that can be seen in the withholding of information, it is important also to note the oppressive conditions that lead one to withhold information in various contexts and the distinct epistemic harm that such withholding indicates is present. For a detailed account of these aspects of such situations, see Dotson (2011), especially her notion of "testimonial smothering" (244–251).

[18] For a more detailed account of ways in which resistance may come in the form of withholding information and transferring information in ways that are unrecognizable to dominantly situated subjects, see Bailey (2007).

[19] For a well-developed notion of the epistemic agent as an "individual-in-community" compatible with my understanding of testimonial injustice, see Grasswick (2004).

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