30.5: Epistemic Injustice

The concept of epistemic injustice, coined by Miranda Fricker, is the particular form of injustice that occurs with regard to people in their capacity as knowers. Since a great deal of this book has focuses on knowledge – how we know things, what we think we know when in fact we don’t, and barriers that keep us from knowing – it’s not surprising that much of what we learn can be applied directly to this relatively new area of philosophical thought. Epistemic injustice can be broken down into two subcategories, testimonial injustice and hermeneutical injustice, each of which we will discuss in turn.

Testimonial Injustice

Testimonial injustice occurs when someone’s testimony is rejected, or not taken seriously, in the absence of sufficient reason for doing so. This occurs most commonly with respect to members of historically marginalized groups, but a role-based version is also quite common.

With regard to members of marginalized groups, this can be understood in terms of harmful stereotypes and biases about those groups. Women are irrational and hysterical, so Wilma’s version of events cannot be accurate. Immigrants are not to be trusted, so Alejandro must be lying about what happened. Oscar is in his 80’s so he must not know what he’s talking about. Out-group homogeneity bias can lead entire demographics of individuals to be lumped into a single, inaccurate category, their testimony discredited. This is extremely common – and high stakes – in matters involving criminal investigations. When the testimony of people of color is seen as lacking credibility, it is extremely unlikely that their treatment by the criminal justice system will be fair.

The reverse of this phenomena can also occur. In-group preference can grant an individual unmerited epistemic privilege when their testimony is being considered by another member of their group. We see this tendency exhibited strongly when parents refuse to belief copious testimony from others over the testimony of their child, regarding that...
Role-based testimonial injustice occurs when a person is discredited due to the role that they hold in a situation. This typically occurs when there is a power differential between the individuals whose testimony is in question. This can happen in testimonial disputes between teachers and students, adults and children, supervisors and employees, and police officers and community members.

Physicians are granted significant power and authority in our society, and thus have a great deal of testimonial privilege. Patients are in a vulnerable, subordinate position relative to their physicians. Thus, health care is an area where testimonial injustice runs rampant. Physicians, over-confident in their medical judgments, may refuse to believe the testimony of their patients regarding their own experience of pain, or their insistence that something is very wrong with their bodies, when the physician can find no cause. This literally costs people their lives in cases where, if their testimony had been taken seriously, the cause could have been discovered and treated before it was too late.

Remembering the *halo effect* can help us out, here. Certainly, physicians are experts on particular matters of medicine, and their medical knowledge far outranks their patients. But no one is more of an authority on a particular patient’s body than the owner of that body. So, we should take care not to extend the physician’s halo beyond where it actually belongs, and both patient and physician should recognize that they are both *experts* in the physician-patient relationship, rather than either of them assuming one of them knows more than they do.

**Hermeneutical Injustice**

Hermeneutical injustice occurs when someone is unable to understand their own experience – or the experience of others – because they lack the concepts that would allow them to understand and process that data. Because our dictionaries and textbooks are written by the people in power – white men – the concepts that we are taught and that are culturally accepted by society are going to be ones that come from – and advantage – that perspective.

Think about the concept of rape. For the concept of rape to exist within a society, there must also be the concepts of consent and bodily autonomy. Without these concepts integrated into our *schemas*, there’s no way to understand rape as anything other than a particular flavor of sex. Thus, women in societies that have not had these concepts were unable to conceptualize their own experiences of sexual assault. It is only in gaining the conceptual framework that we’re able to recognize what is happening. In putting words to it, we can understand it, talk about it, and fight it.

Similar hermeneutical progress has been made just within the authors’ lifetimes regarding the concepts of marital rape and date rape. It wasn’t until the 1970s that a wife could bring a charge of rape against her husband. Even in 1993, when Lorena Bobbitt famously relieved her husband of his penis with a kitchen knife after he had repeatedly sexually assaulted her, there was a great deal of skepticism that she could have minded so much, given this was a person with whom she had had consensual sex many times.

When society tells a woman there is no language to capture what her husband is doing to her, she has no frame in which to process it as abuse and get out. Even today, when it is widely accepted that marital rape is a crime, it can be hard for a woman to find her way to understanding an experience that could look very different from the *schema* for rape that she’s internalized from the media, in which rapists are masked men in alleys, not the father of your children.

The concept of hermeneutical injustice also lets us see some problems we discussed in this class in a new light.
Hermeneutical injustice can lead to wildly inaccurate statistical analysis. Think about what sexual assault statistics looked like prior to our concept of marital rape, or assault statistics before the concept of domestic violence was realized. We had inaccurate data because we had inaccurate conceptual frameworks. It can also lead us to interpret and apply data incorrectly. There isn’t really any hope that the availability or representative heuristics are accurate when applied to schemas that fail to recognize important factors. Similarly, we can end up understanding base-rates incorrectly because they aren’t accurately capturing what is going on.

It can be really hard to combat this issue. One thing we can do is allow members of marginalized groups to share and name their experiences. The resistance to this, as with testimonial injustice, has a lot to do with the status quo bias. If you’re not a member of the group being assaulted, you might see little need to try to conceptualize the experience, and your allegiance to your in-group might prompt you to actively oppose changes in understanding that could mean members of your group might be deprived of some of the privileges they’ve long enjoyed.