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Dismissive Incomprehension Revisited: Testimonial Injustice, Saving Face, and Silence

Matthew Cull, University of Sheffield, [mcull117@gmail.com](mailto:mcull117@gmail.com)

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<https://wp.me/p1Bfg0-4QE>.

Manuel Padilla Cruz has written an excellent response piece (Padilla Cruz 2019) to my initial article (Cull 2019) on dismissive incomprehension, where he raises a number of interesting issues and has put forward a number of excellent ideas for avenues for further research. Here I seek to deepen our understanding of the phenomenon by developing some responses that have come forward in thinking about and discussing dismissive incomprehension, especially in reference to what Padilla Cruz has said. Hopefully this adds to his analysis and helps to provoke the further research we are both interested in seeing.

In my original article, I set out to provide an analysis of what I took to be a widespread and often pernicious feature of social life: dismissive incomprehension. I defined dismissive incomprehension as follows:

Some speech act by some person B that suggests ignorance on the part of B with regards to the meaning of utterances by some other speaker A. Such a speech act has the intended perlocutionary effect of dismissing some utterances of A as meaningless in order to dismiss A more generally in the eyes of some audience C (Cull 2019, 264).

I take some of the important features of the above definition for this paper to be as follows: first, that dismissive incomprehension is a particular type of speech (broadly construed), second, that this type of speech can have powerful and potentially pernicious effects, and third, that the utterances by B need not have a close temporal or spatial connection to the utterances by A. I'll return to these features in what follows.

### **The Identity Prejudice Constraint on Epistemic Injustice**

My first point may be thought to be a minor one, but I suggest that underlying my concerns here is an important methodological issue. Padilla Cruz has suggested a modification to our understanding of *testimonial injustice* (see Fricker 2007):

Perhaps the contribution of dismissive incomprehension to testimonial injustice might be reconsidered if the definition of this unfairness was loosened and slightly modified. Was it deprived of the requisite pertaining to identity prejudice, testimonial injustice could be broadly understood as an unfairness sustained against an epistemic agent as a result of deficiencies perceived in their testimony (Padilla Cruz 2019, 43).

Such a modification raises a couple of issues: First, it might look as if the reasons offered in my original paper for keeping dismissive incomprehension and testimonial injustice conceptually separated are undermined. Second, which understanding of testimonial injustice should be preferred? Fricker's original definition that incorporates identity prejudice, or Padilla Cruz's new definition that does not incorporate identity prejudice? I'll suggest that even if one adopts Padilla Cruz's new definition of testimonial injustice, one still has good reason to think that testimonial injustice and dismissive incomprehension are importantly

distinct. Moreover, I'll suggest that there are good reasons to stick with the original definition.

In my initial paper, I suggested that testimonial injustice should be understood as a conceptually distinct phenomenon from dismissive incomprehension. That is, even if an act of dismissive incomprehension might cause or be caused by a testimonial injustice, or exploit an underlying testimonial injustice, dismissive incomprehension should not be conflated with testimonial injustice. The reasons given there for maintaining that conceptual separation were twofold: First, that testimonial injustice requires that identity prejudice be the reason for an unjust distribution of credibility, whereas in a felicitous act of dismissive incomprehension the reason for any reduction in credibility is the way that A's utterance is represented by B—a representation that may not rely on any identity prejudice (Cull 2019, 266). Second, I suggested that there may be times when an act of dismissive incomprehension might be just, or at least not unjust—something that, by definition, cannot be the case for testimonial *injustice* (Cull 2019, 267).

However, if one adopts Padilla Cruz's proposed modification to testimonial injustice, one might think that such reasons are undermined. After all, if testimonial injustice no longer requires identity prejudice, then it looks as if the first justification for keeping the phenomena separate is a non-starter in its current form, as it relies on testimonial injustice featuring identity prejudice. What about the second justification? Well, it depends on whether one thinks the "unfairness to an agent" mentioned in Padilla Cruz's new definition is always an injustice. I won't take a stand on that here, but one might think that unfairness alone is not enough for injustice.

Take, for instance, the case of a traveller who, not tired at the beginning of their journey, carefully listens and believes those who give the traveller directions. However, towards the end of their journey, the traveller, being tired, cranky, and anxious to reach their hotel before check-in closes, brushes off those who offer directions, not believing their direction on the basis of their testimony, but rather double-checking using a map. Here we might think that the traveller is being unfair to the later guides, by not listening and assigning lower credibility, but that nonetheless it is a stretch to call this unfairness an *injustice*. If one is persuaded by such examples, one might therefore think that just acts of dismissive incomprehension would (paradoxically) count as testimonial injustice on Padilla Cruz's account thereof. As such, those justifications (at least as stated in Cull 2019) will not be enough to establish a conceptual distinction between dismissive incomprehension and testimonial injustice (when the latter is understood in the way that Padilla Cruz suggests).<sup>1</sup>

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<sup>1</sup> One might suggest that the second justification for a conceptual distinction between testimonial injustice and dismissive incomprehension is good, once modified, as there may well be *fair* instances of dismissive incomprehension. I can imagine a case wherein someone who has a credibility excess is targeted for dismissive incomprehension in order to reduce their inflated credibility to a fair level. Thus modified, the second justification is enough to establish a distinction between testimonial injustice as unfairness to an agent, and dismissive incomprehension.

I think that nonetheless there is a more obvious reason for maintaining a distinction between dismissive incomprehension and testimonial injustice, unmentioned in my original paper: that to conflate the phenomena would be to commit a category error. Why so? Well, dismissive incomprehension is a type of speech act; it is like assertion, questions, or greetings. Meanwhile, testimonial injustice is not a speech act. It's not an act at all, but rather a particular state of affairs—that of credibility deficit. Of course, a number of acts might be performed that indicate that such a state of affairs obtains, or that serve to maintain such a state, including acts of dismissive incomprehension, but one should not confuse these with testimonial injustice itself. Thus to conflate the two phenomena is to commit a category error, treating a state of affairs as an action, or an action as a state of affairs. As such, even on Padilla Cruz's understanding of testimonial injustice, one can maintain a distinction between dismissive incomprehension and testimonial injustice.

The distinction between dismissive incomprehension and testimonial injustice maintained, we are still left with a question: what understanding of testimonial injustice should be adopted? This is a question of *conceptual engineering* (see Burgess and Plunkett 2013a and 2013b). To paraphrase Sally Haslanger (2000): What is testimonial injustice? What do we want it to be? Answering such a question involves looking at our desiderata or purposes for such a concept and adopting the version of that concept that best fulfils those desiderata or purposes.

What are our goals? What do we want from this concept? Some suggestions might be found in the work of Rudolf Carnap, who suggests the following, where an explicandum is a pretheoretical understanding or concept of some phenomenon, and the explicatum is the target, or new concept developed:

*Similarity*: “in most cases in which the explicandum has so far been used, the explicatum can be used; however, close similarity is not required”.

*Exactness*: “the rule of its use (for instance in the form of a definition), is to be given in an exact form, so as to introduce the explicatum into a well-connected system of scientific concepts”.

*Simplicity*: “measured, in the first place, by the simplicity of the form of its definition and, second, by the simplicity of the forms of the laws connecting it with other concepts”.

*Fruitfulness*: the explicatum must be “useful for the formulation of many universal statements (empirical laws in the case of a nonlogical concept, logical theorems in the case of a logical concept)” (Carnap 1962, 7).

Whilst one might think that the precise explication of these desiderata might need updating, given that, for instance, contemporary philosophers tend not to share Carnap's enthusiasm for precise and comprehensive formal systems of scientific concepts, *similarity*, *exactness*, *simplicity*, and *fruitfulness* do, when broadly construed, seem to be reasonable desiderata for

any new concept developed by philosophers. That said, however, these Carnapian desiderata cannot be the whole story. Both myself and Fricker, who developed her notion of epistemic injustice as a part of the feminist tradition, are *feminist* philosophers. As a feminist philosopher, I have additional purposes or desiderata to take into consideration when engineering a concept. For instance, I take it that the concepts that one produces as a part of feminist philosophy should be helpful in both *identifying* and *fighting against* injustices.<sup>2</sup> Such desiderata fall naturally out of feminist political commitments.

So how do these accounts stack up by the proposed desiderata? Well, by the lights of the Carnapian needs, Fricker's concept of testimonial injustice seems to come out on top, at least for the moment. Whilst evaluation according to *simplicity* and *similarity* seem to be a wash between the proposed concepts, Fricker's concept is more *exact*, having been thoroughly developed in her work, and it looks as if Fricker's definition has been incredibly *fruitful*. Since 2007 we have seen a blossoming research program into testimonial injustice, and nearby phenomena, not least Dotson (2012), Anderson (2017), and the wide-ranging Kidd, Medina, and Pohlhaus, Jr. (2015).<sup>3</sup> The questions one might ask of this alternate definition are therefore: How is it to be spelled out exactly? And in what way is it supposed to be more fruitful? Whilst I suspect that an answer might be offered to the former question, I am not sure that an answer can be supplied to the second.

What about the feminist desiderata? By way of answering, let us note that Fricker considers something like the Padilla Cruz definition of testimonial injustice as 'incidental testimonial injustice' (Fricker 2007, 27-29 and especially 54). Incidental testimonial injustice covers a broad range of phenomena, but Fricker argues that incidental testimonial injustice of the type motioned to by Padilla Cruz (lacking identity prejudice) is different from testimonial injustice proper because those cases that involve identity prejudice are systemic, and doubly harmful:

Not only does it undermine him in a capacity (the capacity for knowledge) that is essential to his value as a human being, it does so on grounds that discriminate against him in respect of some essential feature of him as a social being (Fricker 2007, 54).

I think that this points to why Fricker's definition is to be preferred with respect to *identifying* injustices. Fricker's account of testimonial injustice helps to pick out just what is so (doubly) bad about epistemic injustice—that it is a wrong to a person as a knower *on the grounds of*

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<sup>2</sup> See Haslanger (2000, 35-37) for a related set of feminist (and antiracist) desiderata for engineering gender and race.

<sup>3</sup> However, while this might be a reason to stick with Fricker's account, one might suggest that such a research program was already underway, with work on what would become known as epistemic injustice already taking place in the black feminist tradition (see for instance Hill Collins 2000) which did not use the precise definition offered by Fricker. One might also offer a counterfactual—if in 2007 Fricker had produced a concept of testimonial injustice that looked more like Padilla Cruz's proposed revision, lacking a connection to identity prejudice, do we really think that the research program would have been less fruitful? That said, I find this counterfactual unpersuasive—we simply have no way of knowing whether the modified concept would have produced such a fruitful research program.

some aspect of their social identity.<sup>4</sup> Moreover, with respect to *fighting against* injustices, I suggest that Fricker’s definition is to be preferred precisely because it foregrounds how identity plays into practices of epistemic injustice. This foregrounding makes it especially amenable to usage by activist movements that are (at least notionally) based on particular social identities, whether feminist, anti-racist, Marxist or otherwise, who can point to testimonial injustice as a particular wrong towards say, women or proletarians, as a way of helping to build solidarity and class-consciousness. Further, one should not underestimate the rhetorical weight of using ‘testimonial injustice’ only to refer to cases where identity prejudice is involved. If we are feminists then, we seem to have good reason to prefer Fricker’s account of testimonial injustice to that suggested by Padilla Cruz.

The broader methodological point here is this—the particular desiderata I offered for a concept of epistemic injustice depended on us being feminist social epistemologists. I see social epistemology as helping to serve feminist goals of ending gender-based (and other forms of) oppression, and as such want to ensure our concepts best help achieve those ends. Of course, others might reject such a role for social epistemology, but I maintain that social epistemology should be political, it should be feminist, it should be anti-racist, and should be anti-capitalist, aiding in the fight against all forms of oppression.

### **Saving Face? Conflict and Public Status**

Padilla Cruz suggests that the harms of dismissive incomprehension can be understood through the lens of Helen Spencer-Oatey’s work on *face*. Spencer-Oatey develops the twin notions of “quality face” and “identity face”: the former “is concerned with the value that we effectively claim for ourselves in terms of such personal qualities as [competence, abilities and appearance], and so is closely associated with our sense of personal self-esteem”, whilst the latter “is concerned with the value that we effectively claim for ourselves in terms of social or group roles, and so is closely associated with our sense of public worth” (Spencer-Oatey 2000, 14). According to Padilla-Cruz:

Accordingly, by claiming the unintelligibility or absurdity of information, epistemic authorities dismiss informers’ knowledge and question their knowledgeability about the issue or domain in question, thus challenging their competence therein. Ultimately, what they threaten is their epistemic personhood and, hence, their quality face as epistemic sources or knowers. (Padilla Cruz 2019, 46).

I think that in many cases this is absolutely right. For instance, the notions of identity and quality face are very useful in thinking through the case of the ‘snooty analytic philosopher’ or SAP (see Cull 2019, 262). In the case of the SAP, we have a senior figure in a position of

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<sup>4</sup> Moreover, think of the cranky traveller example above. Fricker’s account excludes such cases from the category of testimonial injustice, whereas we might worry that Padilla Cruz’s account includes them. If we are concerned with picking out injustices, and systematic injustices in particular, it would seem that we should prefer the account which does not conflate traveller cases with cases like (for instance) those of ill persons in healthcare settings having their testimony doubted (see Carel and Kidd 2014).

epistemic and institutional privilege performing an act of dismissive incomprehension in a seminar in order to dismiss a (less privileged) visiting speaker who has just given a talk on an under-represented area of philosophy. The SAP, in performing this act, and assuming that it gets uptake from the visiting speaker, thereby damages the visiting speaker's self-image. How? The speaker may feel shame, and feel rejected from the institution that the SAP has power within. Moreover, the visiting speaker may worry that they lacked the competence to effectively develop and present ideas to such an audience.<sup>5</sup> Here we have a clear example of both the identity and quality faces being damaged. The visiting speaker's sense of their own competence and sense of public worth as a part of the philosophical community are both undermined by the SAP's dismissive incomprehension. The uses of face go further: they may sometimes help to explain *why* someone performs an act of dismissive incomprehension. It is not implausible to think, for instance, that the SAP's actions can be explained by a need to protect their own identity face: their sense of their own reputation and status within their department can be secured by undermining any putative intellectual challenger in this manner.

However, we should not think that face is the whole story when it comes to dismissive incomprehension. After all, face is *self*-image, and acts of dismissive incomprehension need not affect self-image in order to be felicitous. Indeed, it is built into the definition that I offered that the speaker A need not ever encounter B's act of incomprehension. B's ends may well be met without A ever knowing that B had spoken about their speech at all. B's utterance might be out of earshot of A, a 'subtweet',<sup>6</sup> or by some other mechanism or chance never come to A's attention. What matters is that audience C does hear B. To take an extreme case, A may be long dead. For example, suppose a SCP (snooty continental philosopher) is teaching a class on twentieth century philosophy, and during one seminar a student asks why the syllabus excludes certain figures:

Student: "Why aren't we studying Ruth Barcan Marcus?"

SCP: "Because I simply cannot understand her writing. For example, at one point she says 'Encounterability by the mind's eye is not generally counted in the spirit of nominalism.' What does that even mean?"<sup>7</sup>

We take it that such an act of dismissive incomprehension can be successful, and indeed perhaps pernicious, even though Barcan Marcus's self-image is unaffected by such an utterance, as she is dead.<sup>8</sup> What matters to the success of dismissive incomprehension is that

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<sup>5</sup> One might think that this could plausibly be a cause of any future cases of imposter syndrome felt by the visiting speaker.

<sup>6</sup> See *Merriam Webster* 2020.

<sup>7</sup> The quotation is taken from Barcan Marcus (1995, 112), and (I should add) makes a great deal of sense in context.

<sup>8</sup> There might be other ways that A's face might be unharmed even if A hears B's act of dismissive incomprehension. Take the above case of the SAP, but modified such that the visiting speaker has been warned that the SAP would make such an obnoxious comment. Appropriately warned, the visiting speaker does not feel undermined, but simply rolls their eyes and ignores the comment from the SAP. Thus even if the speech act gets uptake with the audience, the visiting speaker's face is, we might think, unaffected.

the audience C, in this case the SCP's students, dismiss Barcan Marcus. Of course, this might still be harmful, even if Barcan Marcus herself is not harmed. The students might, for instance, encounter a hermeneutical lacuna in the future that could have been filled by Barcan Marcus's work. Or perhaps this dismissal turns out to be ampliative of an identity prejudice that the students have against women philosophers. As such, the harms perpetuated by dismissive incomprehension cannot *just* be those to do with damage to the face.<sup>9</sup> More work, especially empirical work, is required to fully spell out what additional harms may be perpetuated.

A further note: with this in mind, we should be careful in thinking of acts of dismissive incomprehension as conflictive acts. A conflictive act is one in which "politeness is out of the question" (Leech 1983, 105). That is, it is an insult, curse, reprimand, or accusation. As Padilla Cruz rightly points out, dismissive incomprehension fits the bill here: "it deliberately sullies, besmirches or slights its target by portraying them as a misinformed, unreliable, deceitful or unskilled informer" (Padilla Cruz 2019, 44). However, despite being *conflictive* such an act will not always spark off, revive, or fuel an ongoing *conflict*—after all, sometimes the target doesn't hear, and sometimes the target is dead.

### **Shh! Silence as Preferred Reaction**

I also think that Padilla Cruz's suggestion for further research on preferred and dispreferred conversational reactions to acts of dismissive incomprehension is an excellent one. Whilst I don't have the space and resources in this piece to do such research, there are a couple of observations that one can make, from the armchair, about the distinctions that this research must be careful in making, and, drawing on some instances of dismissive incomprehension, the kinds of preferred (or expected) and dispreferred (or unexpected) reactions I think will be commonplace.

I suggest that any such research must be careful in distinguishing between B's expectations for reactions from C, and B's expectations for reactions from A. To take an extreme case, that of the SCP above, the SCP may have a number of preferred and dispreferred reactions from C, their students. Perhaps the SCP expects and prefers the students to silently accept and not challenge their judgment of Barcan Marcus, or perhaps the SCP is more open to being challenged on their assertions in class, and one of the preferred responses is another student offering a counter-argument to their claims. Of course this latter reaction might instead be a dispreferred reaction, depending on the SCP's character, and the norms of the classroom that have been established. However, for obvious reasons, the SCP has no preferred reaction from Barcan Marcus. In this case, B has no preferred or dispreferred

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<sup>9</sup> Further, whilst face may sometimes be the motive for some act of dismissive incomprehension, it seems implausible to think that *every* such act is so motivated. Think, for instance, of someone who performs an action of dismissive incomprehension because they think (rightly or wrongly) that some other speaker's utterances are politically or intellectually dangerous. It would be disingenuous to claim that such a person acts purely out of concern for their face.

reactions from A because there is no way that A could have heard or responded to B's utterance.<sup>10</sup>

In the case of online discourse, especially on twitter, I suspect that this distinction is especially useful. Suppose that Bob is a twitter user, and, despite a reasonably-sized following, is not followed by his acquaintance, a writer named Alice. Suppose then that Bob takes a screenshot of something Alice has written, and tweets it out with an accompanying commentary, perhaps "What tosh from Alice. What on earth does this mean? It makes no sense to me." Here, Bob's preferred reactions from his audience of twitter followers will mostly be that of silent approval. After all, he will not expect responses to his utterance from each of his twitter followers to his utterance. However, he will also expect and prefer likes, retweets,<sup>11</sup> and even some tweets of agreement and tweets offering other putative examples of Alice uttering nonsense. Meanwhile, dispreferred reactions will include tweets offering obviously interpretable translations of Alice's writing, criticisms and insults suggesting that he should understand Alice's writing, and examples of his own writing that are difficult to understand. Meanwhile, having not had Alice as a member of C, as she does not follow him, Bob has no preferred reactions from her.

Suppose instead that Bob knows that Alice will likely see the tweet. Perhaps, in this altered version of the case, Alice does in fact follow Bob on twitter.<sup>12</sup> Here, Bob's preferred and dispreferred reactions from his (non-Alice) audience remain pretty much the same. However, from Alice, Bob is likely to prefer that she react by not reacting: that she silently accept the epistemic damage that Bob wants to inflict and not challenge Bob's dismissal of her in the eyes of the rest of his audience. I take it that a lot of the time dismissive incomprehension is partly aimed at just *shutting people up*. Of course, Bob's motives might be such that he would prefer Alice to rise to the insult and respond in anger such that he can use this response to undermine her further, i.e. Bob might be 'trolling' (see McCosker 2013). Here, Padilla Cruz's suggestion of looking at conflict and face really comes into its own. However, in the non-trolling case I suggest that the preferred reaction from A is generally going to be silence. That said, more empirical work needs to be done to confirm this suspicion.

## Conclusion

In conclusion, I would like to second Padilla Cruz's own conclusion, that dismissive incomprehension and similar phenomena offer an excellent site for interdisciplinary work. Moreover, whilst there is much empirical work to be done here, I hope to have shown that

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<sup>10</sup> I leave aside the possibility that the SCP has a dispreferred reaction from Barcan Marcus that she rises from the grave as a zombie to enact her vengeance on dismissive continental philosophers.

<sup>11</sup> There's an interesting question lurking in the background here: are likes and retweets speech acts? I'm not sure of the answer to this question but on retweeting, see Rini 2017 and Marsili Unpublished.

<sup>12</sup> Or perhaps he is well-aware of the danger of someone 'snitch-tagging' Alice into the replies of his tweet (see Ritzen 2019).

epistemologists can nonetheless help to guide such research via conceptual engineering and analysis.<sup>13</sup>

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*M. Cull*

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