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Giving, Receiving, and the Virtue of Testimonial Justice

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In “Silencing by Not Telling: Testimonial Void as a New Kind of Testimonial Injustice” (2021) Carla Carmona claims to have identified a new kind of testimonial injustice. The newly identified injustice is called *testimonial void*. Testimonial void occurs when a speaker-to-be withholds epistemic materials from a hearer-to-be on the basis of an ethically pernicious and faulty assumption that the hearer-to-be can’t do anything relevant with them.

Here are some examples of testimonial void:

- During the Franco regime in Spain, education was segregated by sex. On the assumption that women were less intellectual able than men, girls were not taught the same things as their male counterparts.
- In *The Godfather*, women are not told about the family business.
- In Anthony Minghella’s screenplay of *The Talented Mr. Ripley*, Greenleaf and Ripley agree not to tell Marge unpleasant facts about her fiancée’s life, on the assumption that Marge needs protecting from “the truths of men.”

Following Miranda Fricker’s (2007) original articulation of it, much of the literature on testimonial injustice has focused on the ways in which knowers are harmed in their capacity to *give* epistemic resources. In contrast, Carmona’s discussion of testimonial void homes in on the ways in which we can be harmed as *receivers* of knowledge. Testimonial void, moreover, is not merely a kind of testimonial injustice, but is said to expand the very category of testimonial injustice.

Carmona is right to emphasize that we are sometimes owed information, not necessarily because that information is especially relevant to us *in particular* but because receiving information is an element of what Fricker (2015, 87) calls “epistemic relational equality.” Like Carmona, I am concerned about the harm that can accrue when one does not receive the information that they are owed. I am also convinced that testimonial void is, in particular, a real and damaging form of epistemic injustice.

Here, my aim is to clarify the similarities and differences between testimonial injustice and testimonial void in order to bring to the fore two important aspects of the latter that go unnoticed by Carmona: its especially pernicious character, and its implications for thinking about the virtue of testimonial justice. I’ll also take the opportunity to address Carmona’s distinction between testimonial void and epistemic neglect (Brick 2020).

1. Expanding the Umbrella

As indicated, testimonial void is not merely a kind of testimonial injustice, it is also supposed to expand the category of testimonial injustice. Why is this? Well, on the one hand, victims are wronged in their capacity as knowers in *testimonial exchanges*. This makes testimonial void a form of testimonial injustice. On the other hand, however, victims of testimonial void don’t receive a deficit in *credibility* because of prejudice. In this way, the standing articulation of

testimonial injustice's basic structure doesn't capture testimonial void. Let's take a closer look at each of these aspects.

1.a. (Counterfactual) Testimonial Exchanges

To repeat, testimonial void is supposed to take place in testimonial exchanges. A testimonial exchange is a transaction between two or more people. Now, in some of Carmona's examples, the testimonial void can be easily located in a testimonial transaction. For instance, Carmona describes how, during her childhood and adolescence, her male classmates would stop talking or change subjects when their female fellows tried to join the conversation. In this kind of case, the exchange that is the site of injustice is easy to identify; the girls walk up to the boys and try to join the conversation but are immediately shut down. However, in many other instances of testimonial void, it's much more difficult to identify the testimonial transaction that is the supposed location of the injustice.

Consider the following example:

Suppose I'm walking to the buy a sandwich from the corner store, and I notice on my way that a new nail salon has opened on my block. I take an interest in this development—my block already has a nail salon, whose owner is a notoriously good business woman. I start wondering how the competition between the two businesses will play out and begin to look forward to telling someone in the neighbourhood about the new store, and so discussing the likelihood of its sticking around for more than a few months. When I get to the store, I place my order with the teenager who is working at the register. I don't say anything about the nail salon to the teenager's dad (and storeowner) who proceeds to makes my sandwich behind the counter. I don't say anything to the boy's dad because I assume that, being from the Middle East, he wouldn't have anything interesting to say on the matter.

The above is clearly an instance of testimonial void. I withhold information from the store owner because I harbor an ethically pernicious assumption that he won't be able to do anything epistemically relevant with it. However, if I don't actually talk with the store owner—if we exchange *no* words at all—then no testimonial transaction has occurred. The lack of testimonial transaction thus makes it difficult to locate the site of the purported injustice.

If such cases instantiate testimonial void, therefore, it must be because testimonial void has a potentially counterfactual condition. Accordingly, we ought to say that there is testimonial void whenever it is the case that, *but for* the ethically pernicious assumption on the part of the speaker, an individual would have been given some piece of information.

The foregoing makes a difference to how we construe the harms of testimonial void. Carmona says that testimonial void shares testimonial injustice's harms. However, in her discussion of these harms, she makes no mention of what Fricker emphasizes is the primary harm of testimonial injustice—the experience of being insulted when a central aspect of one's capacity as an epistemic agent is undermined (Fricker 2007, 44). Now, if the experience of being insulted in this way were *not* the main harm of testimonial void, then it would be quite different from testimonial injustice. Yet, despite what Carmona's omission might imply, I think we should accord the notion of insult a central place in our picture of

testimonial void. After all, *if* the store owner knew that you didn't tell him about the nail salon simply because he is Middle Eastern, he would have reason to be insulted. As such, we should say that, in the same way as testimonial void can be grounded in a merely counterfactual truth, the experience of insult can be counterfactual too. After all, in the case of the store owner, there is a clear sense in which he has been wronged, whether or not he ever knows it.

All this is worth make explicit for another, even more important reason. In virtue of the fact that the primary harm of testimonial void may be merely counterfactual, testimonial void can be particularly difficult to detect. Consider, by way of contrast, what it's like to be a victim of testimonial injustice. Provided your epistemic confidence hasn't already been eroded by past testimonial injustices, it is easy to know you've been wrongly disregarded as not creditable if you say something to someone and are subsequently ignored. That you've been wronged is registered by your experience of insult—an experience that, as Fricker says, “can cut deep” (Fricker 2007, 44). On the other hand, you can't always tell when you've been denied certain information on the basis of prejudice. Indeed, you probably won't be able to discern this if, like the store owner, you have no interaction whatsoever with the person who wrongs you. What this means is that it is highly plausible that victims of testimonial void will, at least sometimes, be unaware of the fact that they've been wronged. Accordingly, it's going to be much more difficult to track testimonial void than it is to track testimonial injustice, and this makes the former especially pernicious.

1.b. Aptness, Not Credibility

So much for the purported commonality between testimonial injustice and testimonial void. What about their purported difference? According to Fricker, what unifies different instances of testimonial injustice is that their basic form is prejudicial credibility deficit (Fricker 2010, 175). According to Carmona, however, the concept of credibility is not capacious enough to accommodate what the victim of testimonial void is receiving less than their fair share of. Rather than credibility, in testimonial void it is a hearer-to-be's “epistemic aptness” (Carmona 2021, 6) that is assessed in a biased manner. Epistemic aptness is a broad and inclusive category—one that includes both credibility, as well as the kinds of epistemic capabilities that make one up to the task of properly hearing what another person has to say (c/f Dotson 2011; Kotzee 2017).

I agree that it sounds strained to say that, when I don't tell the store owner about the new nail salon in the neighbourhood, I grant him a deficit in credibility. Even so, in many cases of purported testimonial void—including my example of the store owner—it's not obviously false that credibility is what the hearer-to-be is being denied. After all, we very often share information with other people because we want to gauge their reactions or learn their opinion of it. In other words, we very often tell people things with the aim of consulting them, where consultation involves inviting the other person to tell you things, in turn. Accordingly, a key reason why I might decide not to consult another person, and so not share certain information with them, is that I take them to be *so* incompetent in the relevant domain as to be unable to say anything credible about it.

All this is to say that it is often going to be unclear whether a given injustice is an instance of testimonial void or pre-emptive testimonial injustice. At certain times, a biased assessment of the hearer-to-be's credibility may be to blame. At others times, a biased assessment of their capacity to really hear and process what you're saying may be more explanatorily salient. In most cases, however, I think it is fair to say that a biased assessment of both the capacity to receive and give knowledge explains why someone has been wrongly withhold information. If this is right, then the boundary between pre-emptive testimonial injustice and testimonial void may not just be difficult to discern—it might also just be genuinely blurry.

Leaving aside questions about the difference between biased credibility deficits, and biased assessments of an agent's capacity to hear, an increased emphasis on latter has an important positive upshot. The upshot is that it draws our attention to the fact that fostering the virtue of testimonial justice is not solely a matter of better *listening*—it also requires better *sharing*. For instance, a teacher seeking to ensure she avoids testimonial injustice must, therefore, not only work to accord all her students the appropriate level of credibility. She must also make sure she gives them all the information they deserve to receive.

More generally, however, Carmona's spotlighting of testimonial void draws out attention to the active dimension of testimonial justice. Despite what the literature on testimonial injustice and its correctives might suggest, developing the virtue of testimonial justice demands not just that we are good receivers of knowledge—it demands not, in other words, that we work on our more passive epistemic capacities, but that we are properly attentive to the way prejudice distorts the way we engage actively with others too.

2. Epistemic Neglect

Like epistemic neglect (Brick 2020), testimonial void involves a prejudicial assessment of another's epistemic potential. Epistemic potential, as Carmona (2020, 10) conceives of it, refers to the latent epistemic qualities and abilities that might be exercised and developed. In my discussion of epistemic neglect, I homed in on the importance of extending young children a trust on the basis of their epistemic potential. By extending trust on this basis, I argued, educators (or anyone else who has a positive educative duty towards young people) enable children to develop their potential. A wrongful denial of such trust, moreover, amounts to a distinct form of epistemic injustice.

As Carmona points out, epistemic neglect and testimonial void differ in the following sense: in epistemic neglect, the victim's potential is not yet developed. In testimonial void, the victim's potential is developed, but may not be manifest. This makes the primary harms different. Testimonial void's primary harm is to be wronged as a subject of knowledge with respect to *existing* epistemic capacities.

Having established the difference between epistemic neglect and testimonial void, however, Carmona's decision to emphasize the education of girls in Franco's Spain as a purported-example of testimonial void is curious. Certainly, the education of girls in Franco's Spain was carried out on the basis of a prejudicial assessment of women's epistemic capacities. Yet, if young children are denied a particular kind of education, it is not because their extant competence is being denied. It is because their potential competence is being denied.

Regardless of how we classify the injustice, Carmona's discussion of this example is independently important. In an early discussion of testimonial injustice, Fricker discusses the systematic denial of education as an example of a distinctly distributive form of injustice, rather than a discriminatory injustice. Fricker, of course, is interested in moving away from a strictly distributive model of justice and injustice. For her, a focus on discriminatory injustice, unlike distributive injustice, means foregrounding the experience of insult on the part of the victim, whose humanity is insufficiently recognized. Now, that education has been withheld from members of certain social groups on the basis of prejudicial assessments of their epistemic potential—as the Franco example (amongst numerous potential others, I am sure) evidences—then the distinction between discriminatory and distributive injustice is not a sharp one.

Interestingly too, it is as an attempt to move away from the distributive paradigm of injustice that we ought to understand the emphasis Fricker places, in her discussion of testimonial injustice, on the importance of giving epistemic materials, as opposed to receiving them. Indeed, in a paper Carmona sites, Fricker (2015, 76) acknowledges that epistemic relational equality involves both the giving and the receiving of epistemic materials. However, Fricker also notes that standard liberal conceptions of well-being, influenced as they are by the distributive paradigm of justice, conceive of the individual as a receiver of goods, rather than a giver of them too. It is as an attempt to foreground a dimension of well-being that she sees as having been neglected—the giving as opposed to the merely receiving dimension—that we can understand Fricker's emphasis on testimonial injustice as a prejudicial distortion of an agent's capacity to *give* knowledge. Rather than as a corrective to Fricker's original analysis, then, we should read Carmona's important discussion of testimonial void as a reminder to the rest of us that achieving testimonial justice and, by extension, epistemic relational equality, requires being attentive to the important human capacities of both giving *and* receiving epistemic material.

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