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# The Expansionist View of Systematic Testimonial Injustice: South Asian Context<sup>1</sup>

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**Abstract:** In this paper, I offer an expansionist view of the Frickerian central case of testimonial injustice, citing examples from the South Asian context. To defend this expansionist position, I provide an argument in three parts. First, I argue that credibility deficit and credibility excess are entangled with each other in such a way that often, one produces the other. Secondly, I contend that we should not say that systematic testimonial injustice is a consequence of credibility deficit only because of the entanglement between them. I also contend that for being the central case of testimonial injustice, identity prejudice should not be necessarily negative; it can be positive as well. Propounding a twofold condition of the status of a knower, the last part claims that testimonial injustice occurs when one of the two conditions remains unmet.

**Keywords:** credibility, epistemic injustice, injustice, social epistemology, South Asia, testimonial injustice.

## Introduction

Miranda Fricker, in her ground-breaking book *Epistemic Injustice: Power and the Ethics of Knowing* (2007), expounds the notion of testimonial injustice, which she believes a hearer perpetrates if he wrongs a speaker *qua* subject of knowledge. In this paper, citing some examples from South Asia, I will present her account of testimonial injustice and argue that it is at least incomplete, if not actually mistaken. The main purpose of choosing South Asian examples is to make explicit the fact that testimonial injustice is a global phenomenon which is possibly one of the most significant contributions of this paper to the literature of epistemic injustice.

To this end, I will argue that the Frickerian central case of testimonial injustice should incorporate both credibility excess and credibility deficit because both can produce systematic testimonial injustice. My argument will be divided into three parts. Firstly, I will show how credibility excess and credibility deficit are so entangled with each other that their separate causal effects cannot easily be distinguished. Secondly, citing an example from a South Asian country, I will show that credibility excess can generate systematic testimonial injustice via

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identity-prejudice. Lastly, referring to that same case, I will argue that a knower is wronged if a twofold condition of the status of a knower – responsibility of showing reasons and rights to unprejudicial credibility – is not fulfilled.

### **Fricker on Systematic Testimonial Injustice**

According to Fricker, “Testimonial injustice occurs when prejudice causes a hearer to give a deflated level of credibility to a speaker’s word.” (2007, 01) So, the primary characterization of testimonial injustice is that “it is a matter of credibility deficit and not credibility excess.” (2007, 21) Fricker also thinks that not all credibility deficit caused by prejudices can produce systematic testimonial injustice because some testimonial injustices are highly localized or incidental. Hence, they do not have any structural social significance. In other words, “the prejudice in question [...] does not render the subject vulnerable to any other kinds of injustice (legal, economic, political).” (2007, 27) In contrast to incidental testimonial injustice, Fricker mentions systematic testimonial injustices that are connected with other sorts of injustice through negative identity prejudice. Systematic testimonial injustices are produced only by *tracker* prejudices. Fricker defines the latter as “those prejudices that ‘track’ the subject through different dimensions of social activity – economic, educational, professional, sexual, legal, political, religious, and so on.” (2007, 27) Tracker prejudices have the power to lead one to testimonial injustice as well as other forms of injustice. Fricker says,

Being subject to a tracker prejudice renders one susceptible not only to testimonial injustice but to a gamut of different injustices, and so when such a prejudice generates a testimonial injustice, that injustice is systematically connected with other kinds of actual or potential injustice. (2007, 27)

Though identity prejudice can be positive or negative, Fricker is concerned merely with negative identity prejudice since she is interested in credibility deficit. So, she maintains that the central case of testimonial injustice – that is, systematic testimonial injustice – is produced only by negative identity-prejudicial credibility deficit. Fricker thinks that though credibility excess has some disadvantages which can generate testimonial harm, it is not the kind of systematic testimonial injustice with which she is concerned. She argues that credibility excess does not produce the sort of testimonial injustice that is related to other forms of injustices via identity prejudice. She says,

[Testimonial injustice is generated when a speaker] is *wronged specifically in her capacity as a knower*. Clearly credibility deficit can constitute such a wrong, but while credibility excess may (unusually) be disadvantageous in various ways, it does not undermine, insult, or otherwise withhold a proper respect for the speaker *qua* subject of knowledge; so in itself it does her no epistemic injustice, and *a fortiori* no testimonial injustice. (2007, 20; original emphasis)

### **The Entanglement between Credibility Excess and Credibility Deficit**

An action can have both short-term and long-term effects. I, therefore, argue, contra Fricker, that credibility excess in itself can constitute systematic testimonial injustice. When X gives excessive credibility to Y, the immediate effect could be that Y is emboldened to become an arrogant person, becomes impervious to criticism, and so on. This is what happens in Fricker's example of the ruling elite member (2007, 20-21).<sup>2</sup> Y may also become to some extent confused, as Fricker's example of the general physician (GP) illustrates (2007, 18-19).<sup>3</sup> These are immediate effects. But as time passes, if excessive credibility is given to Y repeatedly by X or many other people, Y may become negatively prejudiced and start to give credibility deficit to others by insulting them, including those, such as X, who gave him excessive credibility. This is an outcome of multifaceted and complex interactions typical of our social lives.<sup>4</sup> This is what happens to the jurors of Harper Lee's *To Kill a Mockingbird* as interpreted by Fricker (2007, 23-29).<sup>5</sup> So, one of the remote effects of credibility excess is credibility deficit. It shows that credibility excess may lead to credibility deficit. Thus, credibility excess and credibility deficit are entangled with each other.

The entanglement between credibility excess and credibility deficit can be described as a two-way process as well. I have already shown that credibility excess can lead to credibility deficit. But the process of how credibility excess is an upshot of credibility deficit is not simple. In many cases, many people who get credibility deficit consequently tend to attribute more credibility to the people from whom they get less credibility.

Consider the following practice often seen in South Asia. In South Asian countries, it is often seen that a male marries a female from a poor background so that he can dominate her. In many such cases, if the wife has a conflict with the extended family of the husband, he does not believe her testimony. Rather, his parents' and siblings' words are given more credibility. The husband's belief that his parents or siblings would not lie is responsible for such attribution of

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<sup>2</sup> A member of the ruling elite is surrounded by other people who always give him credibility excess. As a result, he becomes "close-minded, dogmatic, blithely impervious to criticism." (Fricker 2007, 20) Fricker mentions this case as an instance of testimonial injustice, which resulted from cumulative exercise of credibility excess. But she thinks that every moment of credibility excess cannot be shown as an instance where "a person receives as in itself an instance of testimonial injustice." (Fricker 2007, 21)

<sup>3</sup> A GP is asked by a patient a medical question about an area of which he is not an expert. The GP feels ambivalent. If he answers, there is a chance of providing a misleading answer. On the other hand, if he does not answer, the doctor-patient relationship would be damaged by lowering the patient's confidence.

<sup>4</sup> Medina (2011) has something to say about it. Against Fricker, he argues that since credibility deficit and credibility excess are intimately interrelated, we cannot say that credibility excess does not play any role in the formation of testimonial injustices. He, therefore, offers a view that defends the interactive, comparative, and contrastive nature of epistemic justice.

<sup>5</sup> I will examine this case more carefully later.

credibility deficit to his wife. The prejudice involved here originates from the husband's financially rich background and male chauvinism. Interestingly, his credibility deficit contributes to his wife's attribution of credibility excess to him. The wife's attribution of credibility excess to her husband is an attempt to smooth the situation and to win his heart. Traditionally it is seen in that part of the world that many women often view that their husbands are superior to them. So, they excuse many sins committed by their husbands. The thought that men are superior is intense and deeply ingrained in the minds of many women. So, many of them cannot think of the fact that many times they are ill-treated, and their words are not given deserving credibility by their husbands due to identity prejudices. We see that the husband's attribution of credibility deficit to his wife can cause the wife's attribution of credibility excess to her husband.

The case I just described shows how a husband's attribution of credibility deficit to his wife makes her give more credibility to him. In this case, credibility deficit leads to credibility excess. Here, the husband's social identity plays a role in attributing credibility deficit to his wife, who is from a lower social class. Her class identity creates a kind of insecurity or inferiority in her mind which makes her give prejudicially more credibility to her husband. Hence, it is possible that identity-prejudicial credibility deficit can lead to identity-prejudicial credibility excess. The husband's attribution of credibility deficit to his wife creates in her a feeling of insecurity about losing him. The wife who is from a poor socioeconomic background thinks that if she is abandoned by her husband, it will be very difficult for her to survive. Her parents cannot afford to help her. As a result, she starts to believe what her husband says. This attribution of more credibility to her husband is a result of her poor social identity, and thus, it is prejudicial. It is also an upshot of the husband's attribution of less credibility to her. This example, I believe, shows how complicated the relationship between credibility excess and credibility deficit is.<sup>6</sup>

### **Testimonial Injustice as a Consequence of Identity Prejudice**

In this section, I will argue that excessive credibility may not be merely *cumulative*, *incidental* or *highly localized*. Rather, it may be very *systematic*. I will also argue that imbalance in credibility attribution can be due to both positive

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<sup>6</sup> This point is also suggested by Medina to depict his disagreement with Fricker. He points out, "Epistemic injustices have robust temporal and social dimensions, which involve complex histories and chains of social interactions that go beyond particular pairs and clusters of subjects. And these thick historicity and sociality are lost if our analysis is restricted to particular interactions between individuals at particular moments. Because epistemic injustices are a holistic matter, their analysis too must be holistic. Because epistemic injustices are temporally and socially extended, they call for a sociohistorical analysis that contextualizes and connects sustained chains of interactions, being able to uncover how contributions to justice and injustice appear and develop in and across concrete sociohistorical contexts." (2011, 17)

and negative identity-prejudicial via which testimonial injustice is related to other kinds of injustice.

Consider the following example, which is based on a true story that took place in one of the South Asian countries.<sup>7</sup> Shilpi (28), who is three-months pregnant, visits a nearby hospital for treatment. A doctor named Bakul (51) rapes her after injecting a narcotic into her body in the name of treatment. Shilpi understands what has happened to her when she gets her senses back. She returns home and informs her husband and other family members about what Bakul has done.

Politically, Bakul is a very influential person in the village, whereas Shilpi is a housewife, and her husband is a poor farmer who earns less than two dollars a day working others' land. Moreover, Bakul is a member of a religious group which is the majority in the country, whereas Shilpi belongs to the religious minority. So, they are afraid of taking any legal measure against Bakul, but in the end, they complain about the incident to a very powerful political leader of the ruling party.

The leader arranges arbitration<sup>8</sup> at the premises of his home and hands over the responsibility of being the arbiters to some other influential members of the village, who are all men who belong to the religious majority of the country. Thus, the arbitration sets the power of evidence against the power of class, religious and gender prejudices. Since Bakul is very powerful, the arbiters believe whatever he says, and that encourages Bakul to tell even more lies. He is believed automatically because the arbiters find an affinity with Bakul, given his class, religion, gender, and political affiliation. They see him sympathetically. Bakul is smart enough to capitalize on the opportunity by uttering lie after lie without providing any independent evidence in his favor. At a crucial moment of the arbitration, Bakul claims that he did not intentionally do anything wrong to Shilpi. Rather, Shilpi blackmailed him by saying that she would shout out that he was trying to rape her if he did not meet her sexual advances. He then goes from lying about the case itself to lobbing baseless accusations against Shilpi, in order to embarrass her and her husband. He even suggests that he is the real victim.

Bakul succeeds: his words are considered believable, and the cries of the victim remain unheard, even though Shilpi manages to present some substantial evidence in her favor. In this way, the arbitration has become a zero-sum competition between the word of a poor person and that of a well-off, between the word of a powerful political person and that of an ordinary person, between the word of a male and that of a female, and between the word of a religious majority and that of a minority.

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<sup>7</sup> In describing the story, I will use pseudonyms of the characters. To avoid the risk of belittling any religion, I will camouflage their religious identity by choosing such names that are common among the followers of all major religions in South Asia. For the same kind of reason, I will also refrain from mentioning the name of the country where this incident happened.

<sup>8</sup> This sort of informal legal procedure is very common in the rural areas of South Asia.

Apparently, it is seen in the process of the trial that the arbiters give more epistemic trust to the well-off and to the male which is often seen in the informal legal practice in rural areas of South Asia. Trusting a female in such cases is a sort of psychological impossibility for many, and hence, they assume that the female is the culprit. The arbiters adjudicate that Bakul is innocent and Shilpi should sign a paper that she will not take the case to the formal legal procedure. If she takes the case to the formal legal system, she will be socially ostracized. On that very night, Shilpi commits suicide, hanging herself from the ceiling fan, using her scarf.

In order to see if credibility excess given to Bakul is a systematic testimonial injustice, we have to know whether the resulting injustice in the arbitration is localized. We also need to know if the concerned testimonial injustice is connected with other dimensions of injustice through a common prejudice. Then we need to know whether the given credibility is caused by the negative identity-prejudicial only or if it can be due to positive identity-prejudicial as well.

The testimonial injustice involved here is not localized or incidental. To understand it, we need to know the connection between credibility excess and credibility deficit. Here, I want to add to what has already been said in the previous section: we can think of the credibility deficit given to Shilpi as due to the credibility excess given to Bakul, and vice versa. My point is that we give credibility deficit to one because we want to give credibility excess to another, and vice versa. In the given arbitration, the primary target of the arbiters is to save Bakul.

The testimonial injustice involved here is not localized or incidental, but it is different from Fricker's example of Robinson. The Robinson's case is a story interpreted by Fricker, one that she borrowed from Harper Lee's *To Kill a Mockingbird*. It is the story of a 1935 courtroom in Maycomb County, Alabama. The defendant is Tom Robinson, who is a young black man. He is charged with raping a white woman, Mayella Ewell. Though Robinson is completely innocent, he is treated prejudicially by the jurors, who undermine him as a speaker. Thus, he is not able to communicate all the things he knows. Even what he says is not believed and is viewed suspiciously. Robinson is the subject of testimonial injustice as a result of credibility deficit. He is vulnerable to other forms of injustice too, via prejudice. But in my example, the concerned testimonial injustice does not make Bakul susceptible to other injustices; it makes Shilpi vulnerable to them. I think this is one of the main differences between testimonial injustice produced by credibility excess and testimonial injustice produced by credibility deficit. In the case of testimonial injustice produced by credibility deficit, the person who is a victim of other forms of injustice is the very person to whom credibility deficit is attributed. But in the case of testimonial injustice produced by credibility excess, the person who is a victim of other injustices is not the person to whom credibility excess is attributed.

Though in both cases, testimonial injustice takes place, testimonial injustice produced by credibility excess does not make Bakul-like people victims of other injustices, and testimonial injustice generated by credibility deficit does so to people like Shilpi. But it is not to say that testimonial injustice produced by credibility excess is localized in the similar sense Fricker uses in the example of science conferences (Fricker 2007, 28-29).<sup>9</sup> The testimonial injustice generated by credibility excess attributed to Bakul produces other injustices of which Shilpi is a victim. It is also true in Fricker's example of Robinson. To save the white woman, the jurors give credibility deficit to Robinson and credibility excess to the white woman. It is tough to say which one comes first. The fact is that there is a prejudicial attitude for which we see maldistribution<sup>10</sup> of credibility that results in testimonial injustice, which is connected with other forms of injustices. Since credibility excess and credibility deficit are so entangled that we cannot separate them from each other<sup>11</sup>, and also often we cannot tell which one of them comes first, we cannot conclude that testimonial injustice as connected with other injustices is a consequence of credibility deficit only. In the Bakul case, Shilpi is given credibility deficit because the arbiters attribute credibility excess to Bakul. We can interpret the same case by saying that Bakul is given more credibility because the arbiters attribute less credibility to Shilpi. The same thing can be said about Fricker's example of Robinson. Thus, it is arbitrary to insist that credibility deficit always precedes credibility excess. But whichever comes first, it is true that testimonial injustice along with other injustices always takes place in such cases. My point, therefore, is that an interpretation is possible according to which credibility deficit is an outcome of credibility excess, and vice versa.<sup>12</sup> So,

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<sup>9</sup> At international science conferences, the presence of philosophers of science is minimal. Fricker thinks that the greater scientists' community's intellectual disdain for the philosophers of science is responsible for that. Though this is a good example of identity-prejudicial credibility deficit, Fricker argues that "it does not concern the kind of broad identity category that makes for a tracker prejudice; on the contrary, its social significance is highly localized to the specific conference context described. It therefore produces only an incidental testimonial injustice." (2007, 29)

<sup>10</sup> I understand that Medina would not like the use of the term 'mal-distribution' in this regard. He says, "Although I am identifying a crucial role for credibility excesses in patterns of epistemic injustice, I remain in full agreement with Fricker's proportional view: the epistemic injustices concerning credibility and epistemic authority are not to be thought of as resulting from 'misdistribution,' but rather from disproportion – lack of proportionality – or undeserved disparity in the epistemic reputability of social groups." (Medina 2011, 20-21) Though I do not have much to say to Medina's view of comparative and contrastive nature of credibility, I think the idea of fairness of distribution of credibility, i.e., distributive model of justice in credibility is possible. If this is possible, then the application of the difference principle of Rawls (1999), in the cases of epistemic resources like credibility, will also be possible. This is my primary proposal, which needs the detailed explanation that I hope I can offer in near future. See also Anderson (2012).

<sup>11</sup> It is discussed in the first part of the argument.

<sup>12</sup> It is discussed in the first part of the argument.



the testimonial injustice generated by credibility deficit may also be interpreted as the testimonial injustice generated by credibility excess.

The Bakul case shows that it is immaterial whether testimonial injustice is generated by credibility excess or credibility deficit in determining whether testimonial injustice is systematic. Testimonial injustice perpetrated in the Bakul case is a result of what Fricker calls identity prejudice. Through this prejudicial identity, testimonial injustice is systematically connected with other injustices like economic, political, gender, religious and so on.

Fricker's central case of testimonial injustice is interested in negative identity prejudice which works against "people owing to some feature of their social identity." (Fricker 2007, 28) Since I have shown how testimonial injustice generated by credibility excess is systematic in many cases, I am also interested in positive identity prejudice, which works for "people owing to some feature of their social identity." (Fricker 2007, 28) The positive prejudicial outlook of the arbiters works for Bakul since he has a favorable social status.<sup>13</sup> It shows that for being the central case of testimonial injustice, identity prejudice should not be necessarily negative; it can be positive as well. So, I want to say that Fricker's refined characterization of the central case of testimonial injustice as negative identity-prejudicial credibility does not grasp the full picture. My standing is that to know whether an occurrence of testimonial injustice is central or not, it is enough to know whether it has identity-prejudicial credibility. Systematic testimonial injustice can be generated by both credibility excess and credibility deficit.

### **How is the Speaker *qua* Subject of Knowledge Wronged?**

A close examination of the Bakul case mentioned in the last section will show that giving more credibility to Bakul helps him get away with his crime, and thus, Bakul is wronged in his capacity as a knower. It is important to understand how Bakul is wronged in his capacity as a knower. So, let me shed some light on this point.

The status of a knower depends on the fulfillment of two conditions: responsibility of showing reasons, and rights to unprejudicial credibility.<sup>14</sup> The

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<sup>13</sup> About the case of Robinson, Riggs (2012) argues that convicting Robinson can be motivated also by community solidarity, loyalty to friends and family etc. which are not ethically problematic *per se*. My position goes beyond Riggs in the sense that I want to add credibility excess as the *affective investment* too. Credibility excess is an affective investment in the sense that it motivates the jurors of Robinson's trial and the arbiters of Bakul's trial to favor or to give more credibility to the white woman and Bakul, for white class solidarity and religious and economic-political solidarity, respectively.

<sup>14</sup> The issue of responsibility is so complex that it deserves a separate discussion. However, this paper assumes epistemic conditions as necessary for being morally responsible. Epistemic conditions include access to knowledge, ability to know, responsibility of showing reasons,

absence of one of them will nullify one's capacity as a subject of knowledge because it will wrong the speaker *qua* subject of knowledge. After setting these two conditions up, I will show how credibility excess does epistemic injustice (here, testimonial injustice) to the speaker like Bakul.

If one claims that he knows something, it implies that he has a responsibility to provide reasons for his assertion if asked. If he cannot show any reason, it will undermine his status as a knower. Moreover, if he is not asked by anyone else to provide reasons, it does not mean that he does not need to have reasons at all in his repertoire. Rather, a speaker's status as a knower depends on the responsibility of providing reasons for his claims to himself and others.<sup>15</sup>

The condition of the rights to unprejudicial credibility is more extensive than the first condition, in the sense that the involvement of others is essential to recognizing one's rights. But in the first condition, such involvement is not necessary because one can even be responsible to oneself in the absence of anybody else to ask for reasons. The rights to unprejudicial credibility can mean that if one can defend one's claims with proper reasons, one earns the right to be believed impartially. In this sense, the right to unprejudicial credibility can also mean that one's testimony will not be discounted without substantial countervailing evidence. This condition involves a kind of empathy from the hearer. The hearer should not be skeptical from the very beginning. The hearer needs to try to understand what the speaker claims and what reasons he provides. Then he should try to evaluate the connection between claims and reasons. If the reasons are credible, then the speaker earns the rights to unprejudicial credibility. The rights to unprejudicial credibility never ask to believe someone unreasonably. Rather, it asks to behave impartially and to give deserving credibility to anybody in question. The hearer should listen very carefully and with empathy so that the speaker gets no feeling of fear and can say everything that is needed to be said. And this is what I mean by rights to unprejudicial credibility condition.<sup>16</sup>

Now, I will explain how Bakul is wronged as a knower on the basis of the two conditions of the status of a knower. Bakul has a responsibility to provide reasons for his claims or beliefs if he wants to be considered as a subject of

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and so on. To substantiate my position, I will develop some further arguments in a separate paper.

<sup>15</sup> It is pertinent here to mention what Williams says, "To be an epistemic subject just is to be accountable (responsible) *for* what one believes, in the way that to be a responsible agent is to be accountable for what one does. This involves being accountable *to* ourselves and others." (2015, 257-258; original emphasis) About epistemic responsibility, Origgi also points out, "If I take the time to ask myself: 'Why should people trust what I say?' I take responsibility of my epistemic practices." (2012, 227) This idea is more originally found in Brandom (1983).

<sup>16</sup> In this connection, it is relevant to mention Gerald Marsh, who argues, "We have a moral responsibility to avoid making prejudicially diminished assessments of our fellows' credibility. This means we have a moral duty to refrain from withholding trust on prejudicial grounds. If this is right, we have a duty to avoid committing trust injustices." (2011, 285)

knowledge. Though he knows what he did, he claims the opposite in front of the arbiters. So, as a knower, he fails to behave responsibly. He fails to be responsible to himself. On the other hand, the arbiters do not ask Bakul to provide evidence to support his claims because they give him excessive credibility. So, they believe whatever he says. That encourages Bakul not to behave responsibly. Indeed, the arbiters wrong Bakul as a knower by not asking him to act responsibly to himself and to them.

On the other hand, as a result of over-empathetic outlook to Bakul, he enjoys prejudicial credibility. His enjoyment of credibility is endless because he is given an environment of free license about credibility from the start of the play. The arbiters silently provide more credibility to Bakul in an atmosphere the motto of which for Bakul and the arbiters is 'You say, we believe.' The credibility given to Bakul is too empathetic to work properly. The attitude towards him shows partiality; Bakul is protected and mollycoddled. Thus, he is epistemically wronged as a knower. He is wronged in his capacity as a subject of knowledge because he is given unlimited rights to the credibility that he enjoys due to too empathetic and partial attitude of the arbiters. This clearly shows that the arbiters' behavior was not impartial (hence, not just) in this regard.

Bakul's status as a knower is undermined because he is not asked to show epistemically responsible behavior by providing (proper) evidence and by not giving the kind of rights to the credibility that is appropriate. Thus, he is a victim of testimonial injustice, which is produced by credibility excess (in itself).

## Conclusion

This paper is not intended to refute the account of testimonial injustice offered by Fricker. My intention is to modify her view so that I can form a more proper account of testimonial injustice. I have argued that the expansion of Fricker's central case of testimonial injustice is possible because both identity-prejudicial credibility excess and credibility deficit produce systematic testimonial injustice. I have done so by borrowing examples from the South Asian context, the implicit reason for which is to make the readers aware of the fact that testimonial injustice is a global phenomenon, which should be read as one of the most significant contributions of this paper to the literature of epistemic injustice.

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