

Seeking Epistemic Justice in the Work of Theology

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In this paper I employ Rahner's concept of "witness" and recent philosophical work in epistemic injustice to provide a theology of testimony. In particular I develop the concept of "theological harm" to speak precisely about both the epistemic and spiritual harm that is done when a person's testimony is not received by her community; and to name the loss for the community, who misses out on her theological wisdom.

In the early 1970s at Cornell University, Carmita Wood's boss – nuclear physicist and director of the Laboratory of Nuclear Science, Boyce McDaniel – repeatedly leered at her, groped her, and jiggled his crotch when she was nearby. After developing anxiety and a pain disorder, and with her request to be transferred denied, Wood eventually quit her job of eight years.¹ She filed for unemployment benefits, but was unsuccessful. According to Susan Brownmiller, who chronicles the event in her book *In Our Time*:

When the claims investigator asked why she had left her job after eight years, Wood was at a loss to describe the hateful episodes. She was ashamed and embarrassed. Under prodding – the blank on the form needed to be filled in – she answered that her reasons had been personal. Her claim for unemployment benefits was denied.²

The concept of sexual harassment did not yet exist.

Wood reached out to other women at Cornell, including journalist Lin Farley who was then leading a seminar called "Women and Work" through the Human Affairs Program (HAP). According to her coworker, Karen Sauvigne,

"Lin's students had been talking in her seminar about the unwanted sexual advances they'd encountered on their summer jobs," Sauvigne relates. "And then Carmita Wood comes in and tells Lin *her* story. We realized that to a person, every one of us – the women on the staff, Carmita, the students – had had an experience like this at some point, you know? And none of us had ever told anyone before. It was one of those *click, aha!* moments. A profound revelation."³

The women at HAP, which included Susan Meyer as well as Sauvigne and Farley, were trained labor organizers and radical feminists, and so in addition to promising to help Wood with her appeal they planned a speak – out in order to, according to Sauvigne, "break the silence about this." But "the 'this' they were going to break the silence about had no name."⁴ In a brainstorming session about what to put on the flyers, the women arrived at the term "sexual

¹ The primary account of this story is the chapter "Its Name Is Sexual Harassment" in Susan Brownmiller, *In Our Time: Memoir of a Revolution* (New York: Dell Publishing, 1999). See also Glenn C. Altschuler and Isaac Kramnick, *Cornell: A History, 1940–2015* (Ithaca: Cornell, 2014), 145–6 which contextualizes the story within broader cultural shifts at the institution; Carrie N. Baker, *The Movement against Sexual Harassment* (New York: Cambridge, 2008), ##; and Nina Renata Aron, "Groping in the Ivy League Led to the First Sexual Harassment Suit – and Nothing Happened to the Man," *Timeline* (October 20, 2017), accessed at timeline.com on April 26, 2021.

² Brownmiller, *In Our Time*, ##.

³ Brownmiller, *In Our Time*, ##.

⁴ Brownmiller, *In Our Time*, ##.

harassment.”⁵ In addition to naming the behavior they named themselves “Working Women United” – they did not dare to name the professor.

In advance of the rally, Farley testified before the New York City’s Commissioner on Human Rights, Eleanor Holmes Norton. Reflecting back on her experience of using the phrase in her testimony, Farley writes of the power of being able to give a name to the horrific experience Wood and so many others suffered:

Now women could share stories and strategies. They understood that they weren’t alone, that millions of working women shared their experience. It was as if a light had been turned on in a dark room. The solidarity that women felt for one another was contagious; sisterhood in the workplace suddenly seemed doable.⁶

Enid Nemy, who was reporting on the hearing,⁷ would then attend the rally and in August publish an article in the New York Times introducing the world to the term with the heading: “Women Begin to Speak Out Against Sexual Harassment at Work.”⁸

And while Wood lost her appeal, the concept would be developed further by Farley in *Sexual Shakedown: The Sexual Harassment of Women on the Job*; picked up by Catharine MacKinnon in her *Sexual Harassment of Working Women*; and be used in litigation in the late 1970s, some of which would be spearheaded by Sauvigne and Meyer after they moved Working Women United to Manhattan.⁹ Summarizing the impact of this work, Brownmiller writes:

Giving a name to sexual harassment, as the women in Ithaca did when they took up the case of Carmita Wood in 1975, put into bold relief a pernicious form of job discrimination that previously had been laughed at, trivialized, and ignored. In the process, the women set in motion a new understanding in business corporations, in the halls of Congress, in the military, in the school systems, and in courts of law.¹⁰

Epistemic Injustice

Carmita Wood’s inability to name her experience to an unemployment benefits officer is an example of what Miranda Fricker refers to as *hermeneutic injustice*, when the collective

⁵ This is where the historical record breaks down a bit – Sauvigne and Farley recall it being a group effort, whereas Farley continues to identify herself as the person who invented the term. See Brownmiller, *In Our Time*, ##, and Lin Farley, “I Coined the Term ‘Sexual Harassment.’ Corporations Stole It,” *The New York Times* (October 18, 2017) accessed at nytimes.com on April 26, 2021. Similarly, Farley recounts the “*click, aha!*” moment Sauvigne describes collectively in the quote above as her realization, see Aron, “Groping in the Ivy League.”

⁶ Farley, “I Coined the Term ‘Sexual Harassment.’”

⁷ Interestingly, Brownmiller reports that Nemy – a family/style writer – was on the beat due to the perception that labor justice was a “soft” issue.

⁸ Enid Nemy, “Women Begin to Speak Out against Sexual Harassment at Work,” *The New York Times* (August 19, 1975) digitized version accessed at nytimes.com on April 26, 2021. See Brownmiller and Baker for more on the event.

⁹ Brownmiller, *In Our Time*, ##.

¹⁰ Brownmiller, *In Our Time*, ##.

hermeneutical resources are skewed against someone as a result of prejudice.¹¹ In her book, *Epistemic Injustice*, Fricker devotes an entire chapter to feminist consciousness raising from the last century, particularly as told by Brownmiller. According to Fricker:

If we look at the history of the women’s movement, we see that the method of consciousness raising through ‘speak – outs’ and the sharing of scantily understood, barely articulate experiences was a direct response to the fact that so much of women’s experience was obscure, even unspeakable, for the isolated individual, whereas the process of sharing these half – formed understandings awakened hitherto dormant resources for social meaning that brought clarity, cognitive confidence, and increased communicative facility.¹²

The need for and success of this kind of activism demonstrates the profound ways in which women, under sexism, are separated from the resources to understand their own experiences.

According to Fricker, such separation occurs as a result of operations of social power:

the powerful tend to have appropriate understandings of their experiences ready to draw on as they make sense of their social experiences, whereas the powerless are more likely to find themselves having some social experiences through a glass darkly, with at best ill–fitting meanings to draw on in the effort to render them intelligible.¹³

While there are all sorts of reasons why someone might not be able to understand their experiences, Fricker argues this failure rises to an injustice only when it is a result of prejudice. Explaining this with respect to Wood, Fricker note that both she and her harasser Boyce McDaniel lack the concept of “sexual harassment” to understand McDaniel’s behavior – but this lack only harms Wood, and indeed benefits McDaniel.¹⁴ And this harm is possible women were unable to participate equally in the creation of shared social meanings to begin with. Patriarchal power is sustained by the hermeneutic marginalization of women¹⁵ (and, we can add, other gender and sexual minorities).

Hermeneutic injustice is one of two kinds of a broader category Fricker defines as *epistemic injustice*, which occurs whenever someone is “wronged specifically in her capacity as a knower” (20). The second is *testimonial injustice*, when one is not believed as a result of prejudice against their identity; her go – to example here is the rejection of Tom Robinson’s testimony in *To Kill a Mockingbird*.¹⁶ In testimonial injustice, hearers “undermine, insult, or otherwise withhold a proper respect for the speaker *qua* subject of knowledge” (20). Epistemic injustice can cause or otherwise intersect and exacerbate other forms of injustice, but Fricker’s most original point is that it constitutes a form of harm in itself.

In this paper I want to attend to epistemic injustice in the work of theology: tracking both epistemic dysfunction in the discourse of theology under current labor conditions *and* building

¹¹ A full definition and explanation of terms is in Fricker, *Epistemic Injustice*, 153–6.

¹² Fricker, *Epistemic Injustice*, 148.

¹³ Fricker, *Epistemic Injustice*, 148.

¹⁴ Fricker, *Epistemic Injustice*, 151.

¹⁵ Fricker, *Epistemic Injustice*, 152–3.

¹⁶ Definition and discussion of terms is offered in Fricker, *Epistemic Injustice*, 9–29.

on Fricker's work to speak of a harm that is not merely epistemic but theological. It is in this latter task that the work of Karl Rahner becomes critical, particularly his understanding of bearing witness.

Rahner's Account of Witness

Rahner develops his account of witness in his essay "Theological Observations on the Concept of Witness," where he develops it as part of his broader theology of freedom.¹⁷ To bear witness is to communicate one's decision about oneself in such a way that elicits a similar decision from the other:

"It is true that 'witness' is a term which involves an intrinsic reference to someone else. Manifestly, however, it is also a term signifying not the imparting of some other *thing*, but rather that in which someone communicates himself, and, moreover, by the most intense use of his own freedom in so disposing of himself that thereby a corresponding decision is evoked in some other person too."¹⁸

Bearing witness is no mere add-on to the making of that decision – because human subjectivity is always and already *inter-subjectivity*, this communication is instead the concrete form of one's decision:

"In witness man exercises his freedom at the most ultimate level of which he is capable of directing himself...if subjectivity essentially consists in intercommunication, then in the last analysis witness is not a *subsequent* declaration of a basic decision which the subject has previously taken about himself, but rather is in itself the concrete form of this decision."¹⁹

As Marie Baird explains "witness understood theologically participates in and is an a posteriori expression of an individual's fundamental, a priori openness to mystery" (Baird 412).

Whenever someone does really so communicate their self-disposal to another – regardless of whether their testimony is *about* religion or their religious self-understanding – Rahner tells us that this dedication to truth, this self-disposal in freedom is always, even implicitly, "an act of self-transcendence in which the subject reaches up to the unsurpassable and sovereign Mystery which we call God"²⁰ – whether or not it includes speech about God.²¹ Thus one can speak of an anonymous witness: for example, "a commitment to sheer self-sacrifice for

¹⁷ In a prefatory methodological discussion, Rahner defends his decision to begin with a philosophical analysis of the concept because all human self-reflection is doubly theological – as both the thinker and the object of thought are graced (TI 13:154–5). While the argument seems motivated to explain why he didn't proceed with some biblical account of witness, the comments do well to link this topic to Rahner's broader comments about the relationship between experience of self and experience of God, providing grounds to argue that all testimony about the truth of oneself is also theological, and complicating debates about his alleged foundationalism. All beyond the scope for now.

¹⁸ TI 13:153.

¹⁹ TI 13:155.

²⁰ TI 13:155–6.

²¹ TI 13:157.

the sake of social justice; the unreserved championing of truth and one's own genuine personal conviction."²²

Readers of Rahner will find the contours of his argument familiar. Indeed one can in many places replace "effect a fundamental option" "dispose of oneself in freedom" "make of one's life a yes" and so on in his work and the secondary literature with "bearing witness," which offers a fuller depiction of what discipleship looks like. The category is an especially nice one for connecting the different ends in Rahner's theology – "witness" makes more obvious the connection between his emphases on symbol and self-expression on the one hand (both in terms of God's self-communication and his ontology of the human person), and (through martyrdom) death on the other. And it more easily corrects against (what I think are mis-) readings of Rahner that are too individualistic.²³ Witness always involves another, is always public, is always social and political, and the root metaphor and source, that we are witnesses primarily to the *resurrection*, is a reminder that our bearing witness is dependent on the activity of Christ. So I rather prefer it to the cumbersome "effect a fundamental option."

Rahner is not eager to speak precisely here of the complications regarding how we bear witness – he explicitly punts the question a few times²⁴ – but it's worth noting that in his final analysis Rahner argues that witness is always imperfect,²⁵ done in hope that it may lay claim to the witness of the only one who acted autonomously, that it is but by the grace of God and wholly unmerited,²⁶ and can even ultimately be described as God bearing witness to Godself.²⁷ So I think there's good reason not to equate in a simplistic way the capacity to bear witness and having the psychological or intellectual ability or hermeneutical resources to perfectly

²² TI 13:158. Not only does the testimony not have to be explicitly religious, it can be explicitly atheistic. Rahner writes that even when the testimony denounces the possibility of transcendence, it can still be an act of self-transcendence, in which case the testimony is "merely the mistaken objectification of an original act of self-interpretation which, ultimately speaking and in its innermost depths, is, nevertheless, successful. In other words precisely in it there can be a witness for one who can distinguish between the witness itself and him who bears it" (TI 13:157).

²³ See also Nancy A. Dallavalle, "Feminist Theologies," *The Cambridge Companion to Karl Rahner*, 274.

²⁴ TI 13:153–4

²⁵ TI 13: 162, 164–5

²⁶ "Man can make this hope his own, and for this he finds within himself an inner power and (albeit never as something which he can fully reflect upon or realize) an enlightenment (called the grace of faith), and he seizes upon that in which this hope is actually fulfilled in exemplary form in the historical experience of Jesus of Nazareth. The experience of the Christ event in Jesus may or may not be achieved at a fully conscious level. But in any case it remains true that where the transcendental movement of the Spirit is unreservedly accepted it constitutes (according to the Christian interpretation of it) a movement sustained by God himself outwards towards the immediacy of God, because it de facto and inescapably has as its intrinsic principle God himself. And this remains true even as we recognize that this state of being sustained, this openness of human transcendence to the immediacy of the absolute Mystery, is to be interpreted as (supernatural) 'grace' and as 'unmerited'. In those cases, therefore, in which 'witness' is achieved in the sense indicated in our provisional description (and so as an act of self-determination in which man positively and unconditionally accepts that which is within himself), there also takes place invariably and in all cases so far as Christianity is concerned the event of grace, the acceptance of this grace, the movement outwards towards the immediacy of God regardless of whether this is explicitly reflected upon or not." TI 13: 156–7

²⁷ TI 13: 167–8.

understand and articulate oneself.²⁸ When we are culpable for separating someone from understanding their own experience we aren't culpable from separating them from *God* – because no one can.

But if we look at all the conditions of witness Rahner provides (in a hurried list he actually brackets for his discussion on witness, saying he will leave the details up to the philosophers), they include precisely those capacities that epistemic injustice threatens:

a man endowed with freedom and having power over his own self; the possibility of disposing of himself in an ultimate and 'absolute' sense so far as the concrete conditions of human life are concerned (or at least the power to attempt this in the hope that at any rate within the course of a lifetime the man concerned will actually succeed in achieving it); an ultimate understanding of himself in freedom for some other man as well; the possibility of so using this power of self-determination as to achieve contact with another, to make himself 'intelligible'; the character which such communication has as a summons or appeal; the understanding of such communication by the other leading to a state in which each party is orientated towards the other, a state which must ultimately be called love.²⁹

So I think we can use Rahner's theology to highlight just how central the work of understanding, speaking, and being heard are to one's relationship with God, and how seriously we should take threats to it. While we cannot separate each other from the love of God, we can frustrate each other's ability to bear witness in the here-and-now. Fricker's point is that epistemic injustice harms someone in their capacity as a knower. Rahner's understanding of witness allows us to add to this – it harms them as a lover of God and disciple of Christ.³⁰

Naming Theological Harm

There is therefore a distinctively spiritual and theological element to epistemic injustice. I think Nancy Dallavalle and Elizabeth Johnson are right that, within Rahner's framework, feminist conversion experiences are always and already movements closer to God³¹ – naming and resisting sexual harassment seems an exemplary form of "anonymous witness."³² It takes a

²⁸ On this topic regarding the way that trauma effects testimony, see Marie Baird, "Death Camp Survival and the Possibility of Hope: A Dialogue with Karl Rahner," *Philosophy & Theology* 10: 2 (1997): 385–419 and Erin Kidd, "The Violation of God in the Body of the World: A Rahnerian Response to Trauma," *Modern Theology* 35:4 (October 2019): 663–82. See also Heidi Russell, "Efficacious and Sufficient Grace: God's One Offer of Self-Communicatio as Accepted or Rejected" which helpfully offers "non-rejection" as a way of bringing Rahner's writings on freedom and on grace together. *Philosophy & Theology* 22 (2010): 353-372.

²⁹ TI 13:153–4.

³⁰ Those who benefit from epistemic injustice are also theologically disadvantaged, in their inability to be authentic hearers of the word – though I'm not convinced harm is the right word for this.

³¹ Elizabeth Johnson, "Chapter 4: Women's Interpreted Experience," *She Who Is* particularly the section "Experience of Self, Experience of God," 65–7 and Nancy Dallavalle, "Gender Issues in the Light of Rahner's Theological Perspective," *Philosophy & Theology* 26: 2 (2014): 365–82, particularly 375–80

³² Mary Daly describes this dynamic well: "Seeing means that everything changes: the old identifications and the old securities are gone. Therefore the ethic emerging in the women's movement is not an ethic of prudence but one whose dominant theme is existential courage. This is the courage to *see* and to *be* in the face of the nameless anxieties that surface when a woman begins to see through the masks of sexist society and to confront the horrifying

click! aha! moment though because the general hermeneutical resources are skewed against such activity. Thus the hermeneutical marginalization women experience under sexism is not just an epistemic or political matter, but a deeply theological one. To frustrate an individual's ability to bear witness is to diminish their capacity to make their life a "yes" to God.

This is even more so the case when the testimony in question concerns the individual's ability to reflect explicitly on her own faith. This I want to name *theological harm*.³³ In other words, epistemic injustice is theological injustice. A lack of hermeneutical resources that frustrates the ability for folks to name their experiences (hermeneutical injustice) and a credibility economy in which folks' testimony is not received are forms of harm not only to the individuals in question but also to the theological community as a whole, who misses out on their wisdom. Barriers to theological participation are impediments to both individual flourishing and to the collective theological project.

Here we must wrestle with our past, present, and future. Both current and historic exclusion from the work of creating social meaning – such as that experienced by many folks minoritized in the church and/or academy – matters, because theological frameworks have afterlives. Citation practices are political.³⁴ Increasing adjunctification and encroaching neoliberalism in the academy continues to marginalize those who lack the family wealth and freedom from caretaking to move across the country from VAP to VAP or to cobble together 6 classes a semester for a living wage. As the time and resources to do academic theology increasingly become a luxury, we must recognize that it is not just recent grad students who will suffer under market conditions – our theology will be impoverished, and with it, so many whose lives and experiences will not be named or recognized in the theology that continues to be done.

To be clear I think the most pressing issue of our current crisis in academic theology are the individual human beings crushed underneath it. I do not wish to say that the "real" problem is

fact of her own alienation from her authentic self," 4; "my purpose is to show that the women's revolution, insofar as it is true to its own essential dynamics, is an ontological, spiritual revolution, pointing beyond the idolatries of sexist society and sparking creative action in and toward transcendence. The becoming of women implies universal human becoming. It has everything to do with the search for ultimate meaning and reality, which some would call God" 6; "it is necessary to grasp the fundamental fact that women have had the power of *naming* stolen from us. We have not been free to use our own power to name ourselves, the world, or God," 8 and "To exist humanly is to name the self, the world, and God. The 'method' of the evolving spiritual consciousness of women is nothing less than this beginning to speak humanly – a reclaiming of the right to name. The liberation of language is rooted in the liberation of ourselves," 8 in *Beyond God the Father: Toward a Philosophy of Women's Liberation* (Boston: Beacon Press, 1985).

³³ I first developed this concept in thinking about the epistemic injustice experienced by survivors of clergy sex abuse, but am hoping to develop it further in dialogue with Rahner's theology and a broader sense of testimony, see Erin Kidd, "Theology in the Wake of Testimony: Epistemic Injustice and Clergy Sex Abuse," *Journal of Religion & Society: Special Issue in Religion and Justice* (2020): 161–77. In doing so, I am indebted to Theresa Tobin's work on *spiritual violence* and Michelle Panchuk's work on *spiritual harm*: see Tobin "Spiritual Violence, Gender and Sexuality: Implications for Seeking and Dwelling among Some Catholic Women and LGBT Catholics," *Seekers and Dwellers: Plurality and Wholeness in a Time of Secularity*, ed. Philip J. Rossi (Washington, DC: The Council for Research in Values and Philosophy, 2016); "Religious Faith in the Unjust Meantime: The Spiritual Violence of Clergy Sexual Abuse," *Feminist Philosophical Quarterly* 5:2 art. 5 (2019); Panchuk, "Distorting Concepts, Obscured Experiences: Hermeneutical Injustice in Religious Trauma and Spiritual Violence," *Hypatia* 35: 4 (2020): 607–26.

³⁴ For more on this, see Kidd, "Theology in the Wake of Survivor Testimony," citing and building on the work of Panchuk, "Distorting Concepts"

the quality of articles being published. But I write not as an ethicist or with particular competency in issues related to labor justice, but because I think we have not realized the extent of this crisis if we think it only affects those who are pushed out of academic theology, but that those of us who have managed a space upon the boat can operate as normal; and because I think focusing on epistemic dysfunction in theology, and the loss of testimony, allows us to see this not just as a problem within the academy but within the church – this is a problem for the people of God.