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Testimonial Injustice

In Anthony Minghella's screenplay of *The Talented Mr Ripley*, Herbert Greenleaf uses a familiar put-down to silence Marge Sherwood, the young woman who, but for the sinister disappearance of his son, Dickie, was soon to have become his daughter-in-law: 'Marge, there's female intuition, and then there are facts.'[1] Greenleaf is responding to Marge's expressed suspicion that Tom Ripley—a supposed friend of Dickie and Marge, who has curried much favour with Greenleaf senior—is in fact Dickie's murderer. It is easy to see that Greenleaf's silencing of Marge here involves an exercise of power, and of gender power in particular. But what do we mean by power? And how does gender power relate to the general notion of social power? In order to paint a portrait of testimonial injustice and to home in on its distinctive central case, we need to answer these questions about the nature of social power in general and the particular kind of social power (of which gender power is one instance) that I shall call *identity power*.

1.1 POWER

Let us begin from what I take to be the strongly intuitive idea that social power is a capacity we have as social agents to influence how things go in the social world. A first point to make is that power can operate *actively* or *passively*. Consider, for example, the power that a traffic warden has over drivers, which consists in the fact that she can fine them for a parking offence. Sometimes this power operates actively, as it does when she actually imposes a fine. But it is crucial that it also operates passively, as it does whenever her ability to impose such a fine influences a person's parking behaviour. There is a relation of dependence between active and

[1] Anthony Minghella, *The Talented Mr Ripley—Based on Patricia Highsmith's Novel* (London: Methuen, 2000), 130.

passive modes of power, for its passive operation will tend to dwindle with the dwindling of its active operation: unless a certain number of parking fines are actively doled out, the power of traffic wardens passively to influence our parking behaviour will also fade. A second point is that, since power is a capacity, and a capacity persists through periods when it is not being realized, power exists even while it is not being realized in action. Consider our traffic warden again. If a driver, in a crazy state of urban denial, pays no heed one afternoon to what traffic wardens can do, parking wantonly on red lines and double yellow lines entirely without constraint, then we have a situation in which the traffic warden's power is (*pro tem*) quite inoperative—it is idling. But it still exists. This should be an unproblematic metaphysical point, but it is admittedly not without dissenters, for Foucault famously claims that 'Power exists only when it is put into action'.[2] We should, however, reject the claim, because it is incompatible with power's being a capacity, and because even in the context of Foucault's interests, the idea that power is not a capacity but rather pops in and out of existence as and when it is actually operative lacks motivation. The nearby Foucauldian commitment to a metaphysically light conception of power, and the idea that power operates in a socially disseminated, 'net-like' manner do not depend on it, as we shall see.

So far, we have been considering power as a capacity on the part of social agents (individuals, groups, or institutions) exercised in respect of other social agents. This sort of power is often called 'dyadic', because it relates one party who is exercising power to another party whose actions are duly influenced. But since it might equally be pictured as influencing many parties (the traffic warden's power as constraining all drivers in the area), I shall focus on what is essential: namely, that this sort of power is exercised by an agent. So let us call it *agential* power. By contrast, power can also operate *purely structurally*, so that there is no particular agent exercising it. Consider, for instance, the case where a given social group is informally disenfranchised in the sense that, for whatever complex social reasons, they tend not to vote. No social agent or agency in particular is excluding them from the democratic process, yet they are excluded, and their exclusion marks an operation of social power. It seems in such a case that the power influencing their behaviour is so

[2] Michel Foucault, 'How Is Power Exercised?', trans. Leslie Sawyer from Afterword in H. L. Dreyfus and P. Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics* (Hemel Hempstead: Harvester Press, 1982), 219.

thoroughly dispersed through the social system that we should think of it as lacking a subject. Foucault's work presents historical examples of power operating in purely structural mode. When he describes the kind of power at work in historical shifts of institutionalized discursive and imaginative habits—as when a practice of categorizing certain criminals as 'delinquents' emerges as part of a professionalized medical-legal discourse[3]—he illustrates some of the ways in which power can operate purely structurally. These sorts of changes come about as the result of a system of power relations operating holistically, and are not helpfully explained in terms of particular agents' (persons' or institutions') possession or non-possession of power. Further, in purely structural operations of power, it is entirely appropriate to conceive of people as functioning more as the 'vehicles'[4] of power than as its paired subjects and objects, for in such cases the capacity that is social power operates without a subject—the capacity is disseminated throughout the social system. Let us say, then, that there are agential operations of social power exercised (actively or passively) by one or more social agents on one or more other social agents; and there are operations of power that are purely structural and, so to speak, subjectless.

Even in agential operations of power, however, power is already a structural phenomenon, for power is always dependent on practical co-ordination with other social agents. As Thomas Wartenberg has argued, (what he calls) dyadic power relationships are dependent upon co-ordination with 'social others', and are in that sense 'socially situated'.[5] The point that power is socially situated might be made in a quite general way as a matter of the importance of social context taken as a whole: any operation of power is dependent upon the context of a functioning social world—shared institutions, shared meanings, shared

[3] 'Now the "delinquent" makes it possible to join [two figures constructed by the penal system: the moral or political "monster" and the rehabilitated juridical subject] and to constitute under the authority of medicine, psychology or criminology, an individual in whom the offender of the law and the object of scientific technique are superimposed' (Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (London: Penguin Books, 1977), 256; originally published in French as *Naissance de la prison* by Editions Gallimard, 1975).

[4] '[Individuals] are always in the position of simultaneously undergoing and exercising this power. … In other words, individuals are the vehicles of power, not its points of application' (*Michel Foucault, Power/Knowledge: Selected Interviews and Other Writings 1972–1977*, ed. C. Gordon, trans. C. Gordon, L. Marshall, J. Mepham, and K. Soper (Hemel Hempstead: Harvester Wheatsheaf, 1980), 198).

[5] Thomas E. Wartenberg, 'Situated Social Power', in T. Wartenberg (ed.), *Rethinking Power* (Albany, NY: State University of New York Press, 1992), 79–101.

expectations, and so on. But Wartenberg's point is more specific than that, since he argues that any given power relationship will also have a more significant, direct dependence on co-ordination with the actions of some social others in particular. He presents the example of the power that a university teacher has over her students in grading their work. This power is of course broadly dependent upon the whole social context of university institutions and systems of grading, and so on. But it is also more directly dependent upon co-ordination with the actions of a narrow class of social others: for instance, the potential employers who take notice of grades. Without this co-ordination with the actions of a specific group of other social agents, the actions of the teacher would have no influence upon the behaviour of the students, for her gradings would have no bearing on their prospects. Co-ordination of that more specific kind constitutes the requisite social 'alignment' on which any given power relation directly depends. Or rather, the social alignment is partly constitutive of the power relation.

Wartenberg's point is clearly right. It also helps one see what is right about the Foucauldian idea that power is to be understood as a socially disseminated 'net-like organisation'—even while it may equally lead one to reject as a piece of exaggeration his claim that power is 'never in anybody's hands'.[6] The individual teacher indeed possesses the power to grade the student; but her power is directly dependent upon practical co-ordination with a range of social others. She possesses her power, if you like, in virtue of her place in the broader network of power relations. Now, the mere idea of such practical co-ordination is thoroughly generic, applying to the power required to get anything at all done in the social world—my power to cash a cheque is dependent on practical co-ordination with the cashier at the bank and a range of other social agents. But we are trying to establish a conception of something called 'social power', which is on anybody's reckoning more specific than the mere notion of 'social ability' (such as is involved in my cashing a cheque). What, then, is distinctive of social power? The classical response to this question is to say that power involves the thwarting of someone's objective interests.[7] But this seems an unduly narrow and

[6] '[Power] is never localised here or there, never in anybody's hands, never appropriated as a commodity or piece of wealth. Power is employed and exercised through a net-like organisation. And not only do individuals circulate between its threads; they are always in the position of simultaneously undergoing and exercising this power' (Foucault, *Power/Knowledge*, 98).

[7] See Steven Lukes, *Power: A Radical View* (London: Macmillan, 1974).

negative conception of power, for there are many operations of power that do not go against anyone's interests—in grading their work the university teacher need not thwart her students' interests. Wartenberg's response to the question is to say that what makes the teacher's ability to grade her students' work a matter of social power is that the student encounters it 'as having control over certain things that she might either need or desire'.[8]

This way of putting it is appropriate for many agential relations of power; but the present aim is to establish a working conception of social power that is sufficiently broad to cover not only agential but also purely structural operations of power, and Wartenberg's idea of social alignment is not designed to do this. However, I believe that there is such a conception available, and that the notion of control, in slightly more generic guise, remains essential. The fundamental feature of social power that Wartenberg's notion of social alignment reflects is that the point of any operation of social power is *to effect social control*, whether it is a matter of particular agents controlling what other agents do or of people's actions being controlled purely structurally. In agential relations of power, one party controls the actions of another party or parties. In purely structural operations of power, though the power has no subject, it always has an object whose actions are being controlled—the disenfranchised group in our example of informal disenfranchisement, the 'delinquents', of Foucault's *Discipline and Punish*. In such cases there is always a social group that is properly described as being controlled, even while that control has no particular agent behind it, for purely structural operations of power are always such as to create or preserve a given social order. With the birth of the 'delinquent', a certain subject position is created as the subject matter for a certain professionalized theoretical discourse; with the disenfranchisement of a given social group, the interests of that group become politically expendable.

Putting all this together, I propose the following working conception of social power:

a practically socially situated capacity to control others' actions, where this capacity may be exercised (actively or passively) by particular social agents, or alternatively, it may operate purely structurally.

Although we tend to use the notion of social power as a protest concept—on the whole, we cry power only when we want to object—the

[8] Wartenberg, 'Situated Social Power', 89.

proposed conception reflects the fact that the very idea of social power is in itself more neutral than this, though it is never so neutral as the mere idea of social ability. It is right, then, to allow that an exercise of power need not be bad for anyone. On the other hand, placing the notion of control at its centre lends the appropriate critical inflection: wherever power is at work, we should be ready to ask who or what is controlling whom, and why.

1.2 IDENTITY POWER

So far the kind of social co-ordination considered has been a matter of purely practical co-ordination, for it is simply a matter of co-ordination with others' actions. But there is at least one form of social power which requires not only practical social co-ordination but also an *imaginative* social co-ordination. There can be operations of power which are dependent upon agents having shared conceptions of social identity—conceptions alive in the collective social imagination that govern, for instance, what it is or means to be a woman or a man, or what it is or means to be gay or straight, young or old, and so on. Whenever there is an operation of power that depends in some significant degree upon such shared imaginative conceptions of social identity, then *identity power* is at work. Gender is one arena of identity power, and, like social power more generally, identity power can be exercised actively or passively. An exercise of gender identity power is active when, for instance, a man makes (possibly unintended) use of his identity as a man to influence a woman's actions—for example, to make her defer to his word. He might, for instance, patronize her and get away with it in virtue of the fact that he is a man and she is a woman: 'Marge, there's female intuition, and then there are facts'—as Greenleaf says to Marge in *The Talented Mr Ripley*.[9] He silences her suspicions of the murderous Ripley by exercising identity power, the identity power he inevitably has as a man over her as a woman. Even a flagrant active use of identity power such as this can be unwitting—the story is set in the Fifties, and Greenleaf is ingenuously trying to persuade Marge to take what he regards as a more objective view of the situation, a situation which he correctly sees as highly stressful and emotionally charged for her. He may not be aware that he is using gender to silence Marge, and

[9] Minghella, *The Talented Mr Ripley*, 130.

what he does is perhaps well-intentioned and benevolently paternal. But it is no less an exercise of identity power.

Greenleaf's exercise of identity power here is active, in that he performs an action which achieves the thing he has the power to do: silence Marge. He pulls it off by effectively invoking a collective conception of femininity as insufficiently rational because excessively intuitive.[10] But in another social setting a man might not need to *do* anything to silence her. She might already be silenced by the mere fact that he is a man and she a woman. Imagine a social context in which it is part of the construction of gender not merely that women are more intuitive than rational, but, further, that they should never pitch their word against that of a man. In that sort of social situation, a Herbert Greenleaf would have exercised the same power over a Marge—his power as a man to silence her as a woman—but passively. He would have done it, so to speak, just by being a man. Whether an operation of identity power is active or passive, it depends very directly on imaginative social co-ordination: both parties must share in the relevant collective conceptions of what it is to be a man and what it is to be a woman, where such conceptions amount to stereotypes (which may or may not be distorting ones) about men's and women's respective authority on this or that sort of subject matter. Note that the operation of identity power does not require that either party consciously accept the stereotype as truthful. If we were to interpret Marge as thoroughly aware of the distorting nature of the stereotype used to silence her, it would still be no surprise that she should be silenced by it. The conceptions of different social identities that are activated in operations of identity power need not be held at the level of belief in either subject or object, for the primary *modus operandi* of identity power is at the level of the collective social imagination. Consequently, it can control our actions even despite our beliefs.

Identity power typically operates in conjunction with other forms of social power. Consider a social order in which a rigid class system imposes an asymmetrical code of practical and discursive conduct on members of different classes, so that, for instance, once upon a time (not so long ago) an English 'gentleman' might have accused a 'member

[10] For an argument to the effect that intuition is not in general a source of cognitive failing but rather an essential cognitive resource, see my 'Why *Female* Intuition?', *Women: A Cultural Review,* 6, no. 2 (Autumn 1995), 234–48; a shorter version of which appears as 'Intuition and Reason', *Philosophical Quarterly,* 45, no. 179 (Apr. 1995), 181–9, without the discussion of female intuition in particular.

of the working classes' of 'impudence', or 'insolence', or 'cheek', if he spoke to him in a familiar a manner. In such a society the gentleman might exercise a plain material power over the man by, say, having him sacked (maybe he was a tradesman from a company that needed the gentleman's patronage); but this might be backed up and imaginatively justified by the operation of identity power (the social conception of him as a gentleman and the other as a common tradesman is part of what explains his capacity to avenge the other's 'impudence'). The gentleman's identity carries with it a set of assumptions about how gentlemen are to be treated by different social types, and in virtue of these normative trappings the mere identity category 'gentleman' can reinforce the exercise of more material forms of social power. The identity power itself, however, is something non-material—something wholly discursive or imaginative, for it operates at the level of shared conceptions of what it is to be a gentleman and what it is to be a commoner, the level of imagined social identity. Thus identity power is only one facet of social identity categories pertaining to, say, class or gender, since such categories will have material implications as well as imaginative aspects.

Could there be a purely structural operation of identity power? There could; indeed, identity power often takes purely structural form. To take up our disenfranchisement example again, we can imagine an informally disenfranchised group, whose tendency not to vote arises from the fact that their collectively imagined social identity is such that they are not the sort of people who go in for political thinking and discussion. 'People like us aren't political'; and so they do not vote. Conversely, we can imagine that among those groups that do vote, identity power plays its part here too. Part of what encourages many of us to vote is a social self-conception in the collective imagination such that 'People like us are politically engaged'. Identity power, like social power in general, may be agential or purely structural; it may work positively to produce action or negatively to constrain it; and it may work in the interests of the agent whose actions are so controlled, or again it may work against them.

The reason for our particular interest in identity power is that we shall be concerned with how it is involved in the sort of discursive exchange in which knowledge can be imparted from speaker to hearer—in the broadest sense, testimonial exchange. I shall argue that identity power is an integral part of the mechanism of testimonial exchange, because of the need for hearers to use social stereotypes as heuristics in their

spontaneous assessments of their interlocutor's credibility. This use of stereotypes may be entirely proper, or it may be misleading, depending on the stereotype. Notably, if the stereotype embodies a prejudice that works against the speaker, then two things follow: there is an epistemic dysfunction in the exchange—the hearer makes an unduly deflated judgement of the speaker's credibility, perhaps missing out on knowledge as a result; and the hearer does something ethically bad—the speaker is wrongfully undermined in her capacity as a knower. I now turn to the exploration of this dual epistemic and ethical dysfunction. The task is to home in on what is perhaps the most ethically and socially significant moment of identity power's impact on our discursive and epistemic relations, and to paint a portrait of the distinctive injustice that it entails: *testimonial injustice*.

1.3 THE CENTRAL CASE OF TESTIMONIAL INJUSTICE

Broadly speaking, prejudicial dysfunction in testimonial practice can be of two kinds. Either the prejudice results in the speaker's receiving more credibility than she otherwise would have—a *credibility excess*—or it results in her receiving less credibility than she otherwise would have—a *credibility deficit*. Consider the immediate discursive impact of a speaker's accent, for instance. Not only does accent carry a social charge that affects how a hearer perceives a speaker (it may indicate a certain educational/class/regional background), but very often it also carries an epistemic charge. Accent can have a significant impact on how much credibility a hearer affords a speaker, especially in a one-off exchange. I do not mean that someone's accent is especially likely to lead a hearer, even an intensely prejudiced one, automatically to reject outright some manifestly believable assertion or, conversely, to firmly believe some otherwise incredible assertion. No doubt these things are possible, but given that for the most part it is generally in the interests of hearers to believe what is true and not believe what is false, it would be a strong prejudice in an unusual context that would be single-handedly powerful enough to have that sort of effect. The idea is rather that prejudice will tend surreptitiously to inflate or deflate the credibility afforded the speaker, and sometimes this will be sufficient to cross the threshold for belief or acceptance so that the hearer's prejudice causes him to miss out on a piece of knowledge.

In face-to-face testimonial exchanges the hearer must make some attribution of *credibility* regarding the speaker.[11] Such attributions are surely governed by no precise science, but clearly there can be error in the direction of excess or deficit.[12] On the whole, excess will tend to be advantageous, and deficit disadvantageous. As a qualification, however, we should note that in localized contexts excess could bring disadvantage in its wake, and deficit could conceivably bring advantage. With regard to the former, consider an overburdened GP whose patients ask him medical questions that call for a more specialist training. He is not in a position to answer them fully responsibly; yet he must do his best to answer them, since the patients need an answer, and he is the only source they have access to. His patients assume that he is in a position to provide the information they need, and thus they attribute to him an excess of credibility on the matters in question. Let us add that any attempts to disabuse them of their inflated view of his expertise would damage the doctor–patient relationship by unduly undermining their confidence in him. All this is an ethical burden for our GP, because he is aware that his best advice might yet mislead them about an important health issue. For this GP, the credibility excess he receives from his patients brings an unwanted ethical burden, and so we see that credibility excess can be disadvantageous.[13] Alternatively, consider the example of a professor who gives a more junior colleague some work for comments and who is relying on that colleague's critical feedback to get the thing straight before a conference presentation. If the junior colleague is an admirer and gives too much benefit of the doubt, then his comments will be less critical than they might otherwise be, and the professor is effectively let down. Again, the credibility excess she receives on this occasion is only

[11] *Pace* two well-known views in the epistemology of testimony. First is Reid's view according to which we naturally operate counterpart principles of veracity and credulity in our testimonial exchanges (see Thomas Reid, *Inquiry into the Human Mind,* ch. 6, sect. xxiv: 'Of the Analogy between Perception and the Credit We Give to Human Testimony' (first published 1764)). Second is Tyler Burge's view, according to which we have an a priori entitlement for believing what others tell us, other things equal (see his 'Content Preservation', *Philosophical Review*, 102, no. 4 (Oct. 1992), 457–88). I shall discuss these views in Ch. 3, as I situate the phenomenon of testimonial injustice in the epistemology of testimony more generally.

[12] I sympathize with Coady's scepticism about there being any precise science here, any precise 'credibility ratio' to determine what degree of belief the hearer is entitled to (see C. A. J. Coady, *Testimony: A Philosophical Study* (Oxford: Clarendon Press, 1992), 210).

[13] I thank Hugh Mellor for this example, which I have elaborated somewhat.

a disadvantage to her. In such circumstances as these, then, credibility excess can be disadvantageous, though on the whole it is surely more usually an advantage.

What of the possibility that credibility deficit can in unusual circumstances be an advantage? Consider the stuttering Claudius, destined one day to be emperor of Rome, but who repeatedly escapes political murder on the way up owing to the fact that he is generally taken to be a fool. Or alternatively, recall that inimitable character from Seventies TV crime detection, Lieutenant Columbo, whose bumbling and shambolic style lures those he is investigating into a false sense of security and enables him to quiz them off-guard. Credibility deficit, then, in such specific and localized contexts, can be advantageous. In general, however, we shall see that credibility is a good that one needs to get enough of for all manner of well-functioning, and accordingly we should think of its deficit as generally disadvantageous.

On the face of it, one might think that both credibility deficit and credibility excess are cases of testimonial injustice. Certainly there is a sense of 'injustice' that might naturally and quite properly be applied to cases of credibility excess, as when one might complain at the injustice of someone receiving unduly high credibility in what he said just because he spoke with a certain accent.[14] At a stretch, this could be cast as a case of injustice as distributive unfairness—someone has got more than his fair share of a good—but that would be straining the idiom, for credibility is not a good that belongs with the distributive model of justice. Unlike those goods that are fruitfully dealt with along distributive lines (such as wealth or health care), there is no puzzle about the fair distribution of credibility, for credibility is a concept that wears its proper distribution on its sleeve. Epistemological nuance aside, the hearer's obligation is obvious: she must match the level of credibility she attributes to her interlocutor to the evidence that he is offering the truth. Further, those goods best suited to the distributive model are so suited principally because they are finite and at least potentially in short supply. (Recall Hume on the genealogy of justice: a situation of plenty is not one in

[14] In 'Rational Authority and Social Power: Towards a Truly Social Epistemology', *Proceedings of the Aristotelian Society*, 98, no. 2 (1998), 159–77, I wrote as if both deficit and excess were cases of epistemic injustice (the only type of which I considered was what I am here more specifically calling testimonial injustice), but the considerations I present here have changed my mind. I am also using the notion of 'credibility' rather more generically than I did in that paper.

which the distributive concept will naturally arise.[15]) Such goods are those for which there is, or may soon be, a certain competition, and that is what gives rise to the ethical puzzle about the justice of this or that particular distribution. By contrast, credibility is not generally finite in this way, and so there is no analogous competitive demand to invite the distributive treatment.

Accordingly, in cases of credibility deficit, the injustice we are aiming to track down is not to be characterized as non-receipt of one's fair share of a good (credibility), as this would fail to capture the distinctive respect in which the speaker is wronged. The idea is to explore testimonial injustice as a distinctively epistemic injustice, as a kind of injustice in which someone 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. On the contrary, our imagined professor and GP are overly esteemed in their capacity as knowers.

Yet, could it be (we should press the question) that there are some circumstances in which being overly esteemed in one's capacity as a knower would do one harm of a sort that merits the label 'testimonial injustice'? Suppose we imagine someone growing up who, because of various social prejudices overwhelmingly in his favour, is constantly epistemically puffed up by the people around him. Let's say that he is a member of a ruling elite, and that his education and entire upbringing are subtly geared to installing this message firmly in his psychology. Perhaps the pupils who attend his school even wind up with a distinctive accent and certainly a confident air that helps mark them out as epistemically authoritative. No doubt the credibility excess he tends to receive from most interlocutors in his class-ridden society will be advantageous: it is very likely to bring him lucrative employment and a certain automatic high status in many of his discursive exchanges, and so on. But what if all this also causes him to develop such an epistemic arrogance that a range of epistemic virtues are put out of his reach, rendering him closed-minded, dogmatic, blithely impervious to criticism, and so on? Is it not the case that such a person has in some degree quite literally been made a fool of? And if so, is there not something to the idea that

[15] David Hume, *A Treatise of Human Nature*, III. ii. 2, ed. L. A. Selby-Bigge, 3rd edn. (Oxford: Clarendon Press, 1975).

the catalogue of credibility excesses that have malformed his epistemic character amounts to some sort of testimonial injustice? Is he not, after all, precisely wronged in his capacity as a knower? I think the answer is probably Yes, and we are perhaps confronted with an interesting special case of testimonial injustice. Note, however, that it is *cumulative*, whereas our focus has been on token cases of the injustice. I do not think it would be right to characterize any of the individual moments of credibility excess that such a person receives as in itself an instance of testimonial injustice, since none of them wrongs him sufficiently in itself. It is only if enough of them come together in the semi-fanciful manner described that each moment of credibility excess takes on the aspect of something that contributes to the subject's being epistemically wronged over the long term. Consequently, I would suggest that while the example does indicate that some people in a consistently privileged position of social power might be subject to a variant strain of testimonial injustice: namely, testimonial injustice in its strictly cumulative form; none the less it does not show that any token cases of credibility excess constitute a testimonial injustice. The primary characterization of testimonial injustice, then, remains such that it is a matter of credibility deficit and not credibility excess.

Let us begin to home in on the concept of testimonial injustice, now duly conceived as a form of credibility deficit. A first point to notice is that prejudice is not the only thing that can cause credibility deficit, and so not all sorts of credibility deficit are cases of testimonial injustice. A credibility deficit might simply result from *innocent error*: error that is both ethically and epistemically non-culpable. One reason why there will always be cases of innocent error is that human judgement is fallible, and so it is inevitable that even the most skilled and perceptive hearers will on occasion come up with a mistaken judgement of a speaker's credibility. More specifically, a hearer may simply have a false belief about the speaker's level of expertise and/or motives, so that she gives him less credibility than she might otherwise have done. So long as her false belief is itself ethically and epistemically non-culpable (it does not, for example, result from an immoral hatefulness or from epistemic carelessness), there will be nothing culpable in her misjudgement of his credibility. It is simply an unlucky epistemic mistake of one or another familiar kind.

Consider an example in which the hearer—let us say that she is a philosopher, an ethicist—knows that her interlocutor is an academic at a certain institution, and having looked him up on the web she

believes him to be a medic, since his name was listed under medical sciences. When the conversation turns to a certain current debate in the literature pertaining to her own specialism, moral fictionalism, and to her surprise he expresses a forthright critical view on the fictionalist approach, she affords his word a lower credibility than she would if she took him for a fellow ethicist. In fact, however, unbeknownst to her, he *is* an ethicist, with a specialism in medical ethics, employed in a medical department, and so her false belief about his professional identity has put him in credibility deficit for the duration. Yet I would suggest that her misjudgement does him no real testimonial injustice. It is simply an innocent error. An unlucky mistake of this sort, then, can cause a credibility deficit that does not constitute a case of testimonial injustice. At least, I suggest that we circumscribe the concept in this manner. Of course it would not be linguistically outrageous for our imagined hearer, embarrassed on learning the true professional identity of her interlocutor, to say she felt bad for doing him such an 'injustice'. But this would be a very weak sense of injustice; so much so that it is a mere shadow of our ordinary ethical and political sense of the word and lacks the usual implication of moral badness. This is largely a terminological point, so if others disagree, then they can regard cases of innocent error as producing a weak form of testimonial injustice. For my part, however, I shall reserve the term for cases in which there is something ethically bad about the hearer's misjudgement.

What about credibility deficit caused by ethically innocent but epistemically culpable error? If we revisit our example and alter it so that we picture our philosopher making her mistake as the result of a hopelessly careless web search, I suggest that we find that the credibility deficit she assigns her interlocutor still does not amount to a testimonial injustice. Her unduly deflated credibility judgement of him does not insult or undermine him as a knower, for she has simply made a stupid mistake. While her error is epistemically culpable, its ethical non-culpability still seems to prevent the resultant credibility deficit from constituting a testimonial injustice: an ethically non-culpable mistake cannot undermine or otherwise wrong the speaker. It seems that the ethical poison of testimonial injustice must derive from some ethical poison in the judgement of the hearer, and there is none such wherever the hearer's error is ethically non-culpable. The proposal I am heading for is that the ethical poison in question is that of *prejudice*. From different points in history one might draw on many depressing examples

of prejudices obviously relevant to the context of credibility judgement, such as the idea that women are irrational, blacks are intellectually inferior to whites, the working classes are the moral inferiors of the upper classes, Jews are wily, Orientals are sly … and so on in a grim catalogue of clichés more or less likely to insinuate themselves into judgements of credibility at different moments in history. But in order to furnish the philosophical imagination less crudely, let us turn to an example from literature that provides us with a historically truthful fiction.

The example is from Harper Lee's *To Kill a Mockingbird*. The year is 1935, and the scene a courtroom in Maycomb County, Alabama. The defendant is a young black man named Tom Robinson. He is charged with raping a white girl, Mayella Ewell, whose family's run-down house he passes every day on his way to work, situated as it is on the outskirts of town in the borderlands that divide where whites and blacks live. It is obvious to the reader, and to any relatively unprejudiced person in the courtroom, that Tom Robinson is entirely innocent. For Atticus Finch, our politely spoken counsel for the defence, has proved beyond doubt that Robinson could not have beaten the Ewell girl so as to cause the sort of cuts and bruises she sustained that day, since whoever gave her the beating led with his left fist, whereas Tom Robinson's left arm is disabled, having been injured in a machinery accident when he was a boy. The trial proceedings enact what is in one sense a straightforward struggle between the power of evidence and the power of racial prejudice, with the all-white jury's judgement ultimately succumbing to the latter. But the psychology is subtle, and there is a great complexity of social meanings at work in determining the jury's perception of Tom Robinson as a speaker. In a showdown between the word of a black man and that of a poor white girl, the courtroom air is thick with the 'do's and 'don't's of racial politics. Telling the truth here is a minefield for Tom Robinson, since if he casts aspersions on the white girl, he will be perceived as a presumptuous, lying Negro; yet, if he does not publicize Mayella Ewell's attempt to kiss him (which is what really happened), then a guilty verdict is even more nearly assured. This discursive predicament mirrors his practical predicament at the Ewell's house on that fateful day when Mayella grabbed him. If he pushes her away, then he will be found to have assaulted her; yet if he is passive, he will equally be found to have assaulted her. So he does the most neutral thing he can, which is to run, though knowing all the while that this action too will be taken as a sign of guilt. Mr Gilmer's

interrogation of Tom is suffused with the idea that his running away implies culpability:

'… why did you run so fast?'
'I says I was scared, suh.'
'If you had a clear conscience, why were you scared?'[16]

Running away, it seems, is something a black man in Maycomb County cannot do without incriminating himself. Similarly, there are many things he cannot say in court and stand a chance of being heard as truthful. At a pivotal moment during the prosecution's interrogation, for instance, Tom Robinson makes the mistake of being honest about his kindly motivations for stopping off at Mayella Ewell's house as regularly as he did to help her out with odd jobs. The scene, like the whole story, is reported from the point of view of Scout, Atticus Finch's young daughter, who is secretly surveying the proceedings with her brother, Jem, from the 'Negro gallery'. Mr Gilmer, the prosecutor, sets him up:

'Why were you so anxious to do that woman's chores?'
Tom Robinson hesitated, searching for an answer. 'Looked like she didn't have nobody to help her, like I says—'
… Mr Gilmer smiled grimly at the jury. 'You're a mighty good fellow, it seems—did all this for not one penny?'
'Yes suh. I felt right sorry for her, she seemed to try more'n the rest of 'em—'
'*You* felt sorry for *her*, you felt *sorry* for her?' Mr Gilmer seemed ready to rise to the ceiling.
The witness realized his mistake and shifted uncomfortably in the chair. But the damage was done. Below us, nobody liked Tom Robinson's answer. Mr Gilmer paused a long time to let it sink in.[17]

Here the 'damage' in question is done to any epistemic trust that the white jury has so far been human enough to feel towards the black testifier. For *feeling sorry for* someone is a taboo sentiment if you are black and the object of your sympathy is a white person. In the context of a racist ideology structured around dogmas of white superiority, the fundamental ethical sentiment of plain human sympathy becomes disfigured in the eyes of whites so that it appears as little more than an indicator of self-perceived advantage on the part of the black subject. A black man is not allowed to have feelings that imply a position of any

[16] Harper Lee, *To Kill a Mockingbird* (London: William Heinemann, 1960), 202.
[17] Ibid. 201.

sort of advantage relative to any white person, no matter how difficult and lonely her life might be. The fact that Tom Robinson makes the sentiment public raises the stakes in a way that is disastrous for legal justice and for the epistemic justice on which it depends. The trial is a zero-sum contest between the word of a black man against that of a white girl (or perhaps that of her father who has brought the case to court), and there are those on the jury for whom the idea that the black man is to be epistemically trusted and the white girl distrusted is virtually a psychological impossibility—Robinson's expressed sympathy in feeling sorry for a white girl only reinforces that impossibility.

As it turns out, the members of the jury stick with their prejudiced perception of the defendant, formed principally by the racial stereotypes of the day. Atticus Finch challenges them to dispense with these prejudicial stereotypes; to dispense, as he puts it, with the 'assumption—the evil assumption—that *all* Negroes lie, that *all* Negroes are basically immoral beings, that *all* Negro men are not to be trusted around our women'.[18] But when it comes to the verdict, the jurors go along with the automatic distrust delivered by the prejudices that structure their perception of the speaker. They find him guilty. And it is important that we are to interpret the novel so that the jurors really do find him guilty. That is to say, they do not privately find him innocent yet cynically convict him anyway. Even allowing that the psychology here may be to some degree indeterminate, it is crucial that they genuinely fail to do what Atticus Finch in his summing-up describes as their 'duty':

> '… In the name of God, do your duty.'
>
> Atticus's voice had dropped, and as he turned away from the jury he said something I did not catch. He said it more to himself than to the court. I punched Jem.
>
> 'What'd he say?'
>
> '"In the name of God, believe him," I think that's what he said.'[19]

Finch is trying to impress upon the jury that they have a *duty to believe Tom Robinson*, and this supports my interpretation of the jurors' psychology. Finch evidently takes it that what the jury need to be urged to do is to make the right judgement, to do the right epistemic thing. He does not urge them to focus on their moral and legal duty to convict only if they truly judge the defendant guilty, for he is aware that their prejudice goes psychologically deeper than that, all the way to the jurors'

[18] Ibid. 208. [19] Ibid. 210.

very powers of judgement. When they do deliver the guilty verdict, this attests to their failure in their duty to make the proper testimonial judgement, in the light of the evidence. They fail, as Atticus Finch feared, precisely in their duty to believe Tom Robinson. Given the evidence put before them, their immovably prejudiced social perception of Robinson as a speaker leads at once to a gross epistemic failure and an appalling ethical failure of grave practical consequence. As it turns out, Tom Robinson does not survive long enough to go ahead with any appeal, for he is shot in the back as he tries, we hear it said, to escape over the prison fence right in front of the guards.

It is perhaps worth remarking that even the most hateful prejudicial ideologies may be sustained not only by explicitly hateful thought and talk but also by more domestic stereotypical ideas that are almost cosy in comparison. There is a relatively light-hearted theme of epistemic untrustworthiness that runs through the book as a leitmotif, softly echoing the deadly serious racist exclusion from epistemic trust of the sort that leads ultimately to the killing of Tom Robinson. We see this, for instance, when Scout is talking to her family's friend and neighbour, Miss Maudie, about the reclusive and mysterious young Boo Radley (aka Mr Arthur), about whom spooky stories abound and who is an object of unfailing fascination for the children. Scout quizzes Miss Maudie about him:

> 'Do you think they're true, all those things they say about B—Mr Arthur?'
> 'What things?'
> I told her.
> 'That is three-fourths coloured folks and one-fourth Stephanie Crawford,' said Miss Maudie grimly.[20]

Given a culture where it is so utterly natural for white people to associate 'coloured folks' in general with irresponsible gossip (even in a spirit of independent-mindedness, as is the case with Miss Maudie's response to Scout), it is not hard to imagine a relation of support between this comparatively cosy side of the ideology and the far harsher, more squarely unjust associations that work to undermine the epistemic trustworthiness of black people. While there may be nothing hateful in the more light-hearted side of these attitudes, still it may be a significant nutrient to the hateful ideology overall.

Tom Robinson's case represents an extreme example of the sort of testimonial injustice I am aiming to portray philosophically. An initial

[20] Harper Lee, *To Kill a Mockingbird* (London: William Heinemann, 1960), 51.

sketch might lead us to capture it as *prejudicial credibility deficit*. But while this may serve as a general definition of testimonial injustice, it misses a crucial feature of the sort of testimonial injustice that Tom suffers. There are all sorts of prejudices that can cause credibility deficit, yet where the resultant testimonial injustice is highly localized and therefore lacking any of the structural social significance that a case such as Tom Robinson's clearly has. Imagine, for instance (I adapt an example proposed to me by a scientist), a panel of referees on a science journal who have a dogmatic prejudice against a certain research method. It might reasonably be complained by a would-be contributor that authors who present hypotheses on the basis of the disfavoured method receive a prejudicially reduced level of credibility from the panel. Thus the prejudice is such as to generate a genuine testimonial injustice (writing being one medium of testimony). Although such a testimonial injustice may be grievous for the careers of the would-be contributors, and perhaps even for the progress of science, none the less its impact on the subject's life is, let us assume, highly localized. That is to say, the prejudice in question (against a certain scientific method) does not render the subject vulnerable to any other kinds of injustice (legal, economic, political). Let us say that the testimonial injustice produced here is *incidental*.

By contrast, testimonial injustices that are connected, via a common prejudice, with other types of injustice, might appropriately be termed *systematic*. Systematic testimonial injustices, then, are produced not by prejudice *simpliciter*, but specifically by those prejudices that 'track' the subject through different dimensions of social activity—economic, educational, professional, sexual, legal, political, religious, and so on. 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. Clearly the testimonial injustice suffered by Tom Robinson is systematic, for racial prejudice renders him susceptible to a panoply of injustices besides the testimonial kind. Systematic testimonial injustice constitutes our central case—it is central from the point of view of a guiding interest in how epistemic injustice fits into the broader pattern of social justice.

The main type (the only type?) of prejudice that tracks people in this way is prejudice relating to social identity. Let us call this sort of prejudice *identity prejudice*. It can come in positive or negative

form—prejudice for or against people owing to some feature of their social identity—but since our interest is in cases of credibility deficit rather than excess, we shall be concerned only with negative identity prejudice. (Indeed, I shall tend to use 'identity prejudice' as short for 'negative identity prejudice'.) The influence of identity prejudice in a hearer's credibility judgement is an operation of identity power. For in such a case the influence of identity prejudice is a matter of one party or parties effectively controlling what another party does—preventing them, for instance, from conveying knowledge—in a way that depends upon collective conceptions of the social identities in play. In our *Mockingbird* example, racial identity power is exercised in this way by members of the jury as they make their deflated credibility judgements of Tom Robinson, with the result that he is unable to convey to them the knowledge he has of what happened at the Ewells' place. This is the essential exercise of identity power in the courtroom that seals Tom's fate, though of course it is not the whole story, for this operation of identity power is crucially supported by Mr Gilmer's simple but highly effective prosecution strategy, which is to invoke the usual collective negative imaginings of the Negro. Gilmer deliberately controls the jurors, and sure enough the jurors go on to control what Tom Robinson does, preventing him from conveying his knowledge to them.

With the concepts of identity prejudice and systematicity in place, we are now in a position to propose a refined characterization of the central case of testimonial injustice—the systematic case. The speaker sustains such a testimonial injustice if and only if she receives a credibility deficit owing to identity prejudice in the hearer; so the central case of testimonial injustice is *identity-prejudicial credibility deficit*. We should note, however, that there could be exceptions; that is, one can imagine cases of identity-prejudicial credibility deficit that are not cases of systematic testimonial injustice, and so not examples of our central case. Consider the following case (an anecdote recounted to me by a philosopher of science). There is a large international conference dominated by research scientists and some historians of science, with only a smattering of philosophers of science. It becomes clear that the philosophers of science are regarded by the majority of the other delegates as out of touch with the realities of scientific practice, so much so that they are, frankly, held in some intellectual disdain. In this context, it would seem, simply falling into the identity category 'philosopher of science' renders one's word likely to be dismissed as the vain speculations of an out-of-touch academic. Thus there are genuine

cases of identity-prejudicial credibility deficit going on here. These testimonial injustices, however, do not instantiate our central case, for they are not systematic. Despite the prejudice's being an identity prejudice, 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.

To categorize a testimonial injustice as incidental is not to belittle it ethically. Localized prejudices and the injustices they produce may be utterly disastrous for the subject, especially if they are repeated frequently so that the injustice is *persistent*. If, for instance, the practical context in which the injustices occur is that of a project, professional or otherwise, which is crucial to the person's life being worth living, then the accumulation of incidental injustices may ruin their life. The importance of systematicity is simply that if a testimonial injustice is not systematic, then it is not central from the point of view of an interest in the broad pattern of social justice. 'Persistent' labels the diachronic dimension of testimonial injustice's severity and significance, whereas 'systematic' labels the synchronic dimension. The most severe forms of testimonial injustice are both persistent and systematic. Such is the case for Tom Robinson, who lives in a society in which the prejudice that devalues his word also blocks his everyday pursuits repeatedly and in every social direction. By contrast, cases of testimonial injustice that are neither persistent nor systematic are on the whole unlikely to be very disadvantageous. Generally speaking, systematic injustice tends towards persistence, because the imaginative conceptions of social identity that feature in the relevant tracker prejudices are likely to be enduring features of the social imagination.

Now that I have identified our central case as systematic testimonial injustice, let us now inquire further into how identity prejudice enters in to make its impact on the discursive exchange. We must explore the role of stereotypes in hearers' judgements of speakers' credibility.

2

Prejudice in the Credibility Economy

2.1 STEREOTYPES AND PREJUDICIAL STEREOTYPES

What is the basic mechanism in testimonial exchange whereby prejudice corrupts hearers' judgements of speaker credibility? Prejudice can insinuate itself in a number of ways, but I shall pursue the idea that its main point of entry is via stereotypes that we make use of as heuristics in our credibility judgements. I use 'stereotype' in a neutral sense, as before, so that stereotypes may or may not be reliable; and while I shall argue that reliable stereotypes are a proper part of the hearer's rational resources in the making of credibility judgements, the picture I shall build up of our predicament as hearers is such that we are perpetually susceptible to invoking stereotypes that are prejudiced.

Let us begin by clarifying what, more precisely, is meant by 'stereotype' here. The social psychology literature presents an array of varying conceptions.[1] Since I am using the word neutrally, so that there can be empirically reliable stereotypes as well as unreliable and distorting ones, a fairly broad conception is in order. I shall say a little more about the nature of stereotypes later when I consider them as images, but for now let me state that stereotypes are *widely held associations between a given social group and one or more attributes*. This conception is broad in three ways. First, it is neutral with respect to whether the generalization embodied by the stereotype is reliable or not. Second, it allows that stereotypes may be held not only as beliefs but also in other dimensions of cognitive commitment: notably those that may have an

[1] See, e.g., Charles Stangor (ed.) *Stereotypes and Prejudice: Essential Readings* (Philadelphia: Psychology Press, 2000); C. Neil Macrae, Charles Stangor, and Miles Hewstone (eds.) *Stereotypes and Stereotyping* ((New York and London: The Guilford Press, 1996); and Craig McGarty, Vincent Y. Yzerbyt, and Russell Spears (eds.), *Sterotypes as Explanations: The Formation of Meaningful Beliefs about Social Groups* (Cambridge: Cambridge University Press, 2002).

affective aspect such as commitments which derive from the collective imagination and which may permit less transparency than beliefs.[2] And third, it allows that stereotypes may have a positive or negative valence, or indeed neither, depending on whether the attribute is derogatory or complimentary or indifferent, good or bad or neutral.[3] Some stereotypes may resist any definitive categorization because they can carry either a positive or a negative valence, depending on the context. The stereotype of women as intuitive is a case in point. In contexts where it is assumed that 'intuitive' suggests irrationality, the stereotype is derogatory; but in contexts where intuition is regarded as a cognitive asset, the stereotype is complimentary. There may also be contexts in which both the positive and the negative valence are somehow in play—the stereotype might work like a barbed compliment, for instance.

If stereotypes are widely held associations between a group and an attribute, then stereotyping entails a cognitive commitment to some empirical generalization about a given social group ('women are intuitive'). A generalization can of course be more or less strong. Accordingly, in extreme cases someone who stereotypes might be committed to the generalization as a universal ('all women are intuitive'); or, at the other end of the spectrum, one might be committed to it in very dilute form ('many women are intuitive'); or, again, one might be committed to something in between ('most women are intuitive').

The idea that we use stereotypes in our credibility judgements is in line with currents in social psychology:

> The past few decades have witnessed a shift away from a view of judgments as the products of rational, logical decision making marred by the occasional presence of irrational needs and motives toward a view of the person as heuristic user. Empirical work on non-social judgments indicates that the perceiver employs

[2] Compare, e.g., a definition given in doxastic terms by co-authors Jacques-Philippe Leyens, Vincent Y. Yzerbyt, and Georges Schadron: 'shared beliefs about person attributes, usually personality traits, but often also behaviours, of a group of people' (*Stereotypes and Social Cognition* (London: Sage Publications, 1994), 11). Such a purely doxastic conception of what it is to hold a stereotype seems too narrow, certainly for present purposes.

[3] Compare Lawrence Blum's conception of stereotypes as false and negative associations between a group and an attribute. This certainly picks out the most ethically problematic kind of stereotyping, and therefore sits naturally in an analysis of what is morally wrong with stereotyping people; but it would be too narrow for present purposes—what he calls stereotypes I distinguish as negative identity-prejudicial stereotypes. See Blum, 'Stereotypes and Stereotyping: A Moral Analysis', in Ward E. Jones and Thomas Martin (eds.), *Immoral Believing*, Special Issue of *Philosophical Papers*, 33, no. 3 (Nov. 2004), 251–89.

shortcuts or heuristics to free capacity and transmit information as quickly as possible, and recent research in social psychology suggests that these processes also apply to the formation and use of social judgments.[4]

We are picturing hearers as confronted with the immediate task of gauging how likely it is that what a speaker has said is true. Barring a wealth of personal knowledge of the speaker as an individual, such a judgement of credibility must reflect some kind of social generalization about the epistemic trustworthiness—the competence and sincerity—of people of the speaker's social type, so that it is inevitable (and desirable) that the hearer should spontaneously avail himself of the relevant generalizations in the shorthand form of (reliable) stereotypes. Without such a heuristic aid he will not be able to achieve the normal spontaneity of credibility judgement that is characteristic of everyday testimonial exchange. Consider the stereotype of the dependable family doctor. In so far as the association crystallized in this stereotype means that it embodies an empirically reliable generalization about family doctors, it is epistemically desirable that the stereotype should help shape the credibility judgements we make when such doctors give us general medical advice. Much of everyday testimony requires the hearer to engage in a social categorization of speakers, and that is how stereotypes oil the wheels of testimonial exchange.

But what if an identity prejudice is at work in the stereotype? Many of the stereotypes of historically powerless groups such as women, black people, or working-class people variously involve an association with some attribute inversely related to competence or sincerity or both: over-emotionality, illogicality, inferior intelligence, evolutionary inferiority, incontinence, lack of 'breeding', lack of moral fibre, being on the make, etc. A first thing to say about such prejudicial stereotypes is that in so far as the association is false, the stereotype embodies an *un*reliable empirical generalization about the social group in question. But this alone is not sufficient to render a stereotype prejudicial, for a stereotype embodying an unreliable empirical generalization might yet amount to an entirely non-culpable mistake—the result perhaps of a piece of collective epistemic bad luck such as the available evidence being misleading. The idea of a prejudice is most basically that of a

[4] Shelley E. Taylor, 'The Availability Bias in Social Perception and Interaction', in D. Kahneman, P. Slovic, and A. Tversky (eds.), *Judgement under Uncertainty: Heuristics and Biases* (Cambridge: Cambridge University Press, 1982), 190–200, at 198. See also Daniel Kahneman and Amos Tversky, 'On the Psychology of Predication', *Psychological Review*, 80 (1973), 237–51; and Tversky and Kahneman, 'Judgment under Uncertainty: Heuristic and Biases', *Science*, 185 (1974), 1124–31.

pre-judgement, where this is most naturally interpreted in an internalist vein as a judgement made or maintained without proper regard to the evidence, and for this reason we should conceive of prejudice generally as something epistemically culpable.[5] As a qualification, we should note, however, that there might be rare exceptions to this general rule of epistemic culpability. There might, for instance, be mitigating circumstances such as when the subject's patterns of judgement are influenced by the prejudices of his day in a context where it would take a very exceptional epistemic character to overcome those prejudices. These might be circumstances in which it is simply too much to expect the subject to achieve awareness that a certain prejudice is structuring his social consciousness, let alone to realign his habits of credibility judgement accordingly. In such a situation the person making the prejudicial mistake is subject to 'circumstantial' epistemic bad luck—the epistemic counterpart to what Nagel calls 'circumstantial' moral bad luck.[6] We shall consider an example of this sort of exculpating circumstance in Chapter 4 when we revisit Herbert Greenleaf and the testimonial injustice he does Marge Sherwood.

Nomy Arpaly constructs an interesting example intended to illustrate the distinction between a non-culpable mistake (an 'honest mistake') and a prejudice. Consider Solomon. He is 'a boy who lives in a small isolated farming community in a poor country' who 'believes that women are not half as competent as men when it comes to abstract thinking, or at least are not inclined towards such thinking'.[7] He has never met a woman

[5] For an account that defines prejudice independently from the idea that it involves any misjudgement on the part of the subject, see Rupert Brown, *Prejudice: Its Social Psychology* (Oxford: Blackwell, 1995). He defines prejudice as, simply, 'a negative attitude, emotion, or behaviour towards members of a group on account of their membership of that group' (p. 14; see also p. 8). Depending on how one interprets it, the obvious worry with such a broad definition is that it would label a person as prejudiced if she has a negative attitude towards, say, members of a neo-Nazi political party on account of their membership of that group—something most people would not call a prejudice. There may well be methodological considerations in the social psychological setting in favour of adopting such a very broad definition, but philosophically it seems quite wrong to sever the link between prejudice and misjudgement.

[6] See Thomas Nagel, 'Moral Luck', in *Mortal Questions* (Cambridge: Cambridge University Press, 1979). It was a reply to Bernard Williams's paper of the same name—in *Moral Luck: Philosophical Papers 1973–1980* (Cambridge: Cambridge University Press, 1981). Both papers were originally published in *Proceedings of the Aristotelian Society*, supp. vol. 50 (1976). For a discussion of the analogy between moral and epistemic luck, see Daniel Statman, 'Moral and Epistemic Luck', *Ratio*, 4 (Dec. 1991), 146–56.

[7] Nomy Arpaly, *Unprincipled Virtue: An Inquiry into Moral Agency* (Oxford: Oxford University Press, 2003), 103.

who went in for abstract thinking; his local library contains only such books by men, and he has met many men who were abstract thinkers and among these men there seemed to be a consensus that women are not really up to it. So far, Arpaly suggests, Solomon could not be accused of any marked irrationality. But now she asks us to imagine that he goes to university, where he studies alongside able women students. If this counter-evidence to his view shifts the belief, then the belief is revealed as an honest mistake. If it does not shift the belief, however, then the belief is revealed as irrational, and moreover a prejudice: the stubbornness of Solomon's belief in the face of manifest counter-evidence would at once reveal him as both epistemically and ethically flawed. The ethical flaw stems from the fact that Solomon's maintaining his belief in the face of counter-evidence would be not just a piece of irrationality but a piece of motivated irrationality, where the motivation (presumably some sort of contempt for women) is ethically noxious.

Thus far I agree with the intended message, for I take it that Arpaly's example illustrates that a prejudiced judgement is (typically) culpably resistant to the evidence and thus irrational. I agree too that Solomon's envisaged prejudice would reveal him as ethically flawed, and that this ethical flaw consists in the ethically bad motivation behind the irrationality. Arpaly, however, seems to go on to imply that such an ethical flaw on the part of the subject is a definitive feature of prejudice *per se*. I am unsure whether she intends to commit herself on this score, but the point is worth raising in its own right. While it is surely correct to cast Solomon's imagined prejudice as constituting an ethical failing on his part, this is not so of prejudice in general. Not all prejudices involve an ethical flaw on the part of the subject. There are different sorts of prejudice. Solomon's prejudice against women's intellectual abilities is, in my terms, an instance of negative identity prejudice, and that sort of prejudice would indeed tend to have an ethically bad motivation behind it. Negative identity prejudice is certainly the most morally problematic kind of prejudice, and it is the kind we are most interested in (recall the white jurors' identity prejudice against Tom Robinson, behind which there lies one or more ethically noxious motivation, such as racial hatred or contempt). But prejudice taken generally is a broader notion.

It is broader in two respects. First, while prejudice is most certainly an idea of a judgement formed or maintained in a manner resistant to the evidence, and where this resistance is caused by some kind of motivation on the part of the subject, this permits motivations that are not ethically

bad. Recall our example about the imagined science journal and its panel of referees who are prejudiced against a certain scientific method. We do not have to stipulate that the referees are host to an ethically bad motivation in order to represent them as prejudiced. It is sufficient that we cast their judgement about a given submission to the journal as resistant to the evidence because of some countervailing motivational investment—perhaps the panel members are insufficiently sensitive to the benefits of the new scientific method owing to a deep-seated feeling of loyalty to methodological orthodoxy, or perhaps they feel threatened by intellectual innovation. These are not admirable motivations, but nor are they in themselves ethically bad. Second, prejudice is not always *against* someone or something, for there can be prejudice *in favour*. Imagine a different but equally prejudiced panel of referees whose members are not prejudiced against any particular scientific method but prejudiced in favour of one, so that when a submission of that sort comes in, they are spontaneously over-impressed. Prejudice can have a positive valence.

We can summarize the general conception of prejudice that has now emerged as follows:

Prejudices are judgements, which may have a positive or a negative valence, and which display some (typically, epistemically culpable) resistance to counter-evidence owing to some affective investment on the part of the subject.

This affective investment may or may not be ethically bad, but given our central concern with systematic testimonial injustice, we have a special interest in negative identity prejudices, and these are, I take it, always generated by some ethically bad affective investment. Negative identity prejudices are prejudices with a negative valence held against people *qua* social type. Now if we put our conception of negative identity prejudice together with our conception of a stereotype, we can say what a negative identity-prejudicial stereotype is:

A widely held disparaging association between a social group and one or more attributes, where this association embodies a generalization that displays some (typically, epistemically culpable) resistance to counter-evidence owing to an ethically bad affective investment.

This is the sort of prejudice that is at work in systematic testimonial injustice.

We may now probe a little further into the mechanism by which such a prejudicial stereotype actually shapes a hearer's credibility judgement. I have already suggested that the hearer in everyday testimonial exchange

will often make use of stereotypes as heuristics to facilitate his judgement of a speaker's credibility. Hearer and speaker are engaged in a form of social interaction, and they inevitably trade in social perceptions of each other. Anticipating the argument for a perceptual model of credibility judgement that I shall give in the next chapter, let us provisionally countenance the idea that in those everyday testimonial exchanges in which the hearer does not deliberate about how far to trust the speaker, the hearer *perceives* the speaker as trustworthy to this or that degree in what he is telling her. She perceives him in the light of a set of background assumptions about how far people like him are trustworthy about things like this in relation to people like her, and I have suggested that reliable stereotypes have an essential role to play here. This model of the interaction between speaker and hearer helps us to see the mechanism whereby identity prejudice can distort a hearer's credibility judgement: *it distorts the hearer's perception of the speaker*. Applying the perceptual idiom to our chief example, we can say that the judgement of the jurors of Maycomb County is so distorted by prejudicial racial stereotype that they cannot, in that courtroom context, perceive Tom Robinson as anything but a lying Negro. Now in this example the jurors' perceptions are shaped *inter alia* by prejudiced beliefs; the prejudicial racial stereotype determining their credibility judgements is in part doxastically mediated. But our focus will be chiefly on the operation of prejudice at the non-doxastic level; for concentrating on beliefs would lead us to underestimate the incidence of testimonial injustice. I believe that the right vision of epistemic relations is such that testimonial injustice goes on much of the time, and while it may be hard enough to police one's beliefs for prejudice, it is significantly harder reliably to filter out the prejudicial stereotypes that inform one's social perceptions directly, without doxastic mediation. Many instances of testimonial injustice will be importantly unlike Tom Robinson's case, for many cases will be owing not to prejudiced beliefs at all but only to stealthier, residual prejudices, whose content may even be flatly inconsistent with the beliefs actually held by the subject. Certainly we may sometimes perpetrate testimonial injustice because of our beliefs; but the more philosophically intriguing prospect is that we may very frequently do it in spite of them.

In order to clarify the idea that prejudicial stereotypes can sometimes be especially hard to detect because they influence our credibility judgements directly, without doxastic mediation, it might help to remind ourselves of the origin of the idea of a social stereotype. The

political journalist Walter Lippmann is widely cited as popularizing our metaphorical use of 'stereotype' to mean social type.[8] Its literal meaning signifies the mould used in printing, and accordingly Lippmann described social stereotypes as 'pictures in our heads'. This seems as good an off-the-cuff description as any. If we think of a social stereotype as an *image* which expresses an association between a social group and one or more attributes, and which thereby embodies one or more generalizations about that social group, then it becomes clearer how its impact on judgement can be harder to detect than that of a belief with the same content. Images are capable of a visceral impact on judgement, which allows them to condition our judgements without our awareness, whereas it would take an unconscious belief to do so with comparable stealth.

This is most starkly illustrated when the influence of prejudicial images from the social imagination persists in a hearer's patterns of judgement even where their content *conflicts* with the content of her beliefs. Imagine, for example, a woman who has freed herself of sexist beliefs—a card-carrying feminist, as they say—and yet her psychology remains such that in many contexts she is influenced by a stereotype of women as lacking the requisite authority for political office, so that she tends not to take the word of female political candidates as seriously as that of their male counterparts. Such a conflicted figure exemplifies the phenomenon of (what we might call) residual internalization, whereby a member of a subordinated group continues as host to a sort of half-life for the oppressive ideology, even when her beliefs have genuinely moved on. Sometimes this might simply be a matter of the person's affective states lagging behind their beliefs (a lapsed Catholic's guilty conscience, a gay rights activist's feelings of shame). But other times it can be that cognitive commitments held in our imaginations retain their impact on how we perceive the social world even after any correlative beliefs have faded away. These commitments can linger in our psychology in residual form, lagging behind the progress of belief, so that they retain an influence upon our social perception.

Where prejudicial images subsist alongside conflicting beliefs, their influence will tend to be very difficult to identify. Why, after all, should one suspect that, despite everything one believes, one's judgements might in fact be shaped by ideas to the contrary? Imagine that our

[8] Walter Lippmann, *Public Opinion* (New York: Free Press, 1965; first published 1922).

card-carrying feminist came to political consciousness in the 1970s, so that there was a radical shift away from all the gender-related beliefs that first formed her as a girl. Given her newly wrought and strongly held feminist beliefs, why should she suspect that her social perceptions might remain shaped by sexist stereotypes? It takes a special feat of self-consciousness to be alert to this kind of prejudice in one's thinking, let alone to correct it. Perhaps, however, she comes to notice a certain dissonance between her beliefs and her perceptual judgements, and asks herself why it is that she tends not to perceive women political candidates as possessing the requisite gravitas. In a spirit of optimism, let us imagine that she confides her feelings and suspicions to others and gradually arrives at an enhanced self-awareness that helps limit the impact of the prejudicial residue on her credibility judgements. But many prejudices will not be so short-lived. The social imagination is a mighty resource for social change, and this is significantly due to its capacity for informing thought directly, and thus independently of beliefs that may remain tainted with the prejudices of the day. But where it is the images themselves that are tainted by prejudice, the very same capacity to impinge on judgement directly and without the subject's awareness can render the social imagination an ethical and epistemic liability.[9] The collective social imagination inevitably contains all manner of stereotypes, and that is the social atmosphere in which hearers must confront their interlocutors. No wonder the prejudicial elements in the social

[9] It is a merit of the idea of the 'social imaginary' that it explains how we can unintentionally give cognitive sanctuary to conflicting ideas and/or images. Thus, for instance, Moira Gatens: 'there are some … who unreflectively endorse and perpetuate a sexual imaginary in which women embody the paradox of being considered as *both* free and rational members of a democratic political body *and* beings under the "natural" authority of men' (*Imaginary Bodies: Ethics, Power and Corporeality* (London: Routledge, 1996), 141). I do not make use of the idea of the social imaginary, however, since I find that there are real difficulties in attempting to cut it free from its psychoanalytic roots, so that one needs more or less to re-create the concept in order to use it independently from a body of background psychoanalytical theory to which one may not want to be committed. There is interesting work in such re-creation, but for present purposes the less heavily theoretical notion of the social imagination is a more straightforward option. (The idea of the social imaginary originated in the work of Cornelius Castoriadis. See, e.g., *World in Fragments: Writings on Politics, Society, Psychoanalysis, and the Imagination*, ed. and trans. David Ames Curtis (Stanford, Calif.: Stanford University Press, 1997).) For an account of different developments of the notion by feminist writers, see Susan James, 'Freedom and the Imaginary', in Susan James and Stephanie Palmer (eds.), *Visible Women: Essays on Feminist Legal Theory and Political Philosophy* (Oxford and Portland, Ore.: Hart Publishing, 2002), 175–95.

imagination can impinge on our credibility judgements without our say-so.

We can distinguish two ways in which a prejudicial residue from the collective social imagination may subsist in a subject's social consciousness even while it conflicts with her beliefs. We can capture them respectively under a diachronic and a synchronic aspect. The diachronic case is exemplified by our card-carrying feminist. Her beliefs have moved on, but contents carried in her social imagination have not, so they constitute a residual prejudicial force that continues to shape her judgements and motivations—not unconsciously in any strict, psychoanalytical sense, but without any focused awareness and without her permission, as we might put it. And an example of the synchronic case might be a lifelong committed anti-racist whose patterns of social judgement none the less betray a residue from racist elements that are contained in the collective social imagination. In such a case, the individual subject is unable to filter out prejudice in the atmosphere of social judgement wholly efficiently, so that a residue of atmospheric prejudice impinges on his own patterns of judgement, again without his permission. Residual prejudice, whether diachronic or synchronic in form, is the sort of prejudice that will bring about the most surreptitious and psychologically subtle forms of testimonial injustice.

I take it that an awareness of how such prejudice can, despite ourselves, shape our credibility judgements by stealth lends support to the idea that various degrees of testimonial injustice happen all the time. As Judith Shklar points out, the history of philosophy leads us to think falsely of justice as the norm and injustice as the aberration:

> [T]here is a normal way of thinking about justice, which Aristotle did not invent but certainly codified and forever imprinted upon all our minds. This normal model of justice does not ignore injustice but it does tend to reduce it to a prelude to or a rejection and breakdown of justice, as if injustice were a surprising abnormality.[10]

Shklar persuasively develops the point that injustice is in fact a normal social baseline, while active cries of resentment and demands for rectification are the precious exception. I think that testimonial injustice is a normal part of discursive life, even though cries of resentment are relatively few and far between. One might offer various explanations for

[10] Judith Shklar, *The Faces of Injustice* (New Haven and London: Yale University Press, 1990), 17.

this last, including the fact that making the complaint that your boss has not given you your due credibility because, say, you are disabled is unlikely to be readily verifiable and might carry significant social risk (you might get a name as a trouble-maker, they might not want to promote you). But I believe that another reason is that our everyday moral discourse lacks a well-established understanding of the wrong that is done to someone when they are treated in this way. The idea that (what I am calling) testimonial injustice constitutes an ethical wrong that can be non-trivial, indeed profoundly damaging, and even systematically connected with other forms of injustice in society, is not much appreciated. If it were, perhaps we would be more ready to voice our resentments and argue them through to some sort of rectification; and perhaps a social shift would occur towards developing a better vocabulary and forum for airing and responding to such complaints. Perhaps too we would be more ready and able to change our patterns of credibility judgement so as to become less likely to inflict testimonial injustice on others.

In this section I have been arguing that prejudice will tend to go most unchecked when it operates by way of stereotypical images held in the collective social imagination, since images can operate beneath the radar of our ordinary doxastic self-scrutiny, sometimes even despite beliefs to the contrary. Where prejudice does indeed impact directly on hearers' perceptions of speakers, the hope must be that the hearers' beliefs may at some point serve as a corrective force (as in our example of the card-carrying feminist who overcomes her prejudiced perception of female political candidates). I should point out, however, that the converse possibility—of prejudiced beliefs being corrected by unprejudiced social perceptions—is another source of hope, and indeed the general idea that the social imagination can be a powerful positive force for social change depends on it. An example discussed by Arpaly illuminates this possibility. According to Arpaly's reading of Mark Twain's *Huckleberry Finn*, Huckleberry firmly and consistently believes that morality requires him to turn the escaped slave, Jim, over to the authorities in order that he may be returned to his legal owner. But Huckleberry's actions betray the conflict between these beliefs and his perceptual faculty: he crucially fails to turn Jim in when the opportunity arises. Arpaly characterizes Huckleberry as having an unprejudiced moral perception of Jim as a full human being in spite of his conventional but highly racially prejudiced beliefs, and she convincingly argues that he is morally praiseworthy for it. We might say that in not turning Jim in, Huckleberry proves himself

to be perceptually unprejudiced, and indeed morally good, in spite of his genuinely held prejudiced beliefs.

I think this possibility of a subject's unprejudiced perception of another human being winning out against his prejudiced beliefs is crucially important for our understanding of how social change is possible, including the social change involved in reforming our patterns of credibility judgement. Whether, in any given case, hopes for effective self-criticism in a hearer reside in the possibility of her beliefs reforming her perceptions, or her perceptions reforming her beliefs, the more general point is that the possibility of dissonance between the two forms of cognitive commitment is a crucial epistemic and ethical resource for those who aim to reduce prejudice in their judgements of credibility.

2.2 TESTIMONIAL INJUSTICE WITHOUT PREJUDICE?

We have been exploring the nature of prejudice and its influence on credibility judgement because we are committed to a definition of testimonial injustice as necessarily involving prejudice, with the central case involving identity prejudice. But it might be objected that under certain circumstances of epistemic bad luck, a hearer could seemingly perpetrate a testimonial injustice without harbouring any prejudice at all. The sort of epistemic bad luck in play in the following example stems from the fact that even the most reliable, non-prejudicial stereotypes will permit of exceptions. Imagine that a hearer responsibly judges a speaker to be untrustworthy (because insincere) owing to the fact that the speaker avoids looking her in the eye, frequently looks askance, and pauses self-consciously in mid-sentence as if to work out his story.[11] The speaker's behaviour justifies the hearer's judgement inasmuch as it fits an empirically reliable stereotype of insincerity. In fact, however, this individual is speaking entirely ingenuously, and his shifty manner is simply due to the rather idiosyncratic manifestations of his extraordinary personal shyness. This speaker, let us agree, constitutes an exception to an empirically reliable rule, and thus the testimonial injustice he suffers is caused not by prejudice but simply by bad luck. What should be said about such an example?

[11] I thank Penelope Mackie for this example.

If we were to consider this shyness example to be an instance of testimonial injustice, then it would be a case of non-culpable testimonial injustice: clearly the hearer has done nothing for which she is blameworthy, either epistemically or ethically. While it is possible that an exceptionally perceptive hearer might have been able to discern that her interlocutor's idiosyncratic manner was a manifestation of shyness rather than insincerity, we do not hold ordinary hearers to exceptionally high standards any more than in ethical judgements we hold ordinary agents to exceptionally high standards. If a hearer cannot be blamed for the grounds of her flawed credibility judgement (whether these grounds are embodied in a heuristic or a deliberated argument), then she cannot be blamed for the harm that may result. In the present example, the hearer's flawed credibility judgement arises from a piece of circumstantial epistemic bad luck: she invokes a reliable stereotype of insincerity in a circumstance where the stereotype is, unluckily, misleading.

But I am inclined, ultimately, to say that we should not consider this case to be an instance of testimonial injustice. For if the shy person is deemed to have been wronged, it begins to seem that epistemically wronging someone through no fault of one's own is rather too easy to do, and testimonial injustice comes to be a much less clearly specified ethical idea. If we think of our shy person as wronged, then what about an honest second-hand car salesman? Given that he too is an exception to a reliable stereotype, shouldn't we allow that he is likewise wronged by the hearer's suspicion of him? And then, further down the line, consider Matilda, who told such dreadful lies that her reputation justifies the hearer's disbelief when she is exclaiming truthfully from the window that the house is on fire. Is she wronged too, however non-culpably? Clearly not, for it's her own fault that no one believes a word she says; nor is the second-hand car salesman wronged, though his case is less stark because it relies more on bad luck on his part (the bad luck of winding up in that trade, so to speak). Our shy person has even worse luck than the honest second-hand car salesman, given that we generally have little control over how shy we are or the forms that it takes in our behaviour. Still, the continuity with the other two examples should lead us to conclude that in the case of our shy person too there is no testimonial injustice, for what is common to all three cases is that the hearer has not put a foot wrong—she has made a credibility judgement that is in line with the evidence, yet, as bad luck would have it, the case proves an exception to the rule. All three examples are cases of innocent error on the part of the hearer: no epistemic culpability, and

no ethical culpability. There is no testimonial injustice here, and our definition stands.

2.3 THE WRONG OF TESTIMONIAL INJUSTICE

I have here and there urged a picture of human discursive relations such that testimonial injustice is a normal feature of our testimonial practices. Sometimes it may do very little harm—indeed its impact may be trivial—but other times it may be seriously harmful, most of all when it is persistent and systematic. Can we say more about the nature of the harm in question? There is of course a purely epistemic harm done when prejudicial stereotypes distort credibility judgements: knowledge that would be passed on to a hearer is not received. This is an epistemic disadvantage to the individual hearer, and a moment of dysfunction in the overall epistemic practice or system. That testimonial injustice damages the epistemic system is directly relevant to social epistemologies such as Goldman's 'veritism',[12] for prejudice presents an obstacle to truth, either directly by causing the hearer to miss out on a particular truth, or indirectly by creating blockages in the circulation of critical ideas. Further, the fact that prejudice can prevent speakers from successfully putting knowledge into the public domain reveals testimonial injustice as a serious form of unfreedom in our collective speech situation—and on a Kantian conception, the freedom of our speech situation is fundamental to the authority of the polity, even to the authority of reason itself.[13] This is rich territory, and I believe that the concept of testimonial injustice has something to contribute to our understanding of the political importance of just and well-functioning

[12] See Alvin Goldman, *Knowledge in a Social World* (Oxford: Clarendon Press, 1999).

[13] See Onora O'Neill, 'Vindicating Reason', in Paul Guyer (ed.), *The Cambridge Companion to Kant* (Cambridge: Cambridge University Press, 1992), and her *Constructions of Reason: Explorations of Kant's Practical Philosophy* (Cambridge: Cambridge University Press, 1989), chs. 1 and 2. In a recent paper, Axel Gelfert pieces together Kant's view of testimony and its relation to the rule of reason, both conceptually and in our public institutions. Interestingly, it seems that Kant emphasizes a moral dimension to undue incredulity (the primary form of which is embodied in someone who does not want to accept anything as true except on theoretically conclusive grounds), but he identifies this moral dimension not in terms of any harm done to the speaker but rather in terms of the hearer's own loss of dignity in failing to show the proper moral commitment to sustaining those public practices of trust—most obviously promising—that are essential to social life. See Axel Gelfert, 'Kant on Testimony', *British Journal for the History of Philosophy*, 14, no. 4 (2006), 627–52.

practices of epistemic trust. However, present purposes call for a focus specifically on the ethical. The harm that concerns us here is not the epistemic harm incurred by the hearer or the epistemic system, nor any implied damage done to the foundations of the polity and its institutions, but rather the immediate wrong that the hearer does to the speaker who is on the receiving end of a testimonial injustice.

We should distinguish a primary from a secondary aspect of the harm. The primary harm is a form of the essential harm that is definitive of epistemic injustice in the broad. In all such injustices the subject is wronged in her capacity as a knower. To be wronged in one's capacity as a knower is to be wronged in a capacity essential to human value. When one is undermined or otherwise wronged in a capacity essential to human value, one suffers an intrinsic injustice. The form that this intrinsic injustice takes specifically in cases of testimonial injustice is that the subject is wronged in her capacity as a giver of knowledge. The capacity to give knowledge to others is one side of that many-sided capacity so significant in human beings: namely, the capacity for reason. We are long familiar with the idea, played out by the history of philosophy in many variations, that our rationality is what lends humanity its distinctive value. No wonder, then, that being insulted, undermined, or otherwise wronged in one's capacity as a giver of knowledge is something that can cut deep. No wonder too that in contexts of oppression the powerful will be sure to undermine the powerless in just that capacity, for it provides a direct route to undermining them in their very humanity.

The fact that the primary injustice involves insult to someone in respect of a capacity essential to human value lends even its least harmful instances a symbolic power that adds a layer of harm of its own: the epistemic wrong bears a social *meaning* to the effect that the subject is less than fully human. When someone suffers a testimonial injustice, they are degraded *qua* knower, and they are symbolically degraded *qua* human. In all cases of testimonial injustice, what the person suffers from is not simply the epistemic wrong in itself, but also the meaning of being treated like that. Such a dehumanizing meaning, especially if it is expressed before others, may make for a profound humiliation, even in circumstances where the injustice is in other respects fairly minor. But in those cases of testimonial injustice where the driving prejudicial stereotype explicitly involves the idea that the social type in question is humanly lesser (think of the sort of racism heaped upon

Tom Robinson—'*all* Negroes lie'[14]), the dimension of degradation *qua* human being is not simply symbolic; rather, it is a literal part of the core epistemic insult.

Epistemic trustworthiness has two distinct components: competence and sincerity. Now in a case of testimonial injustice it may often be that both components are impugned by the prejudice in the hearer, in which case the experience of the injustice will have a certain composite character. Equally, however, there might be cases in which the prejudice attacks only one of the distinct components, and in such cases the experience of the injustice may have one or another rather different character, depending on whether it is one's competence or one's sincerity that is undermined. Elisabeth Young-Bruehl characterizes three styles of prejudice, two of which are relevant here: the obsessional and the hysterical. The obsessionally prejudiced often construct or imagine their target group 'as descendants of great civilizations of the past—so they are considered highly literate'; and they are constructed as 'both terrifically intellectual … and terrifically materialistic—and there is no felt contradiction here, as they are so totalitarian in their striving for control'. The hysterically prejudiced, by contrast, construct their target group as 'serflike or slavelike by nature and [such that they] can make their livings only from their physical strength. They are artless and unintelligent, without spiritual accomplishments, or with gifts for only nonliterate arts like music.'[15] One can see how these two different prejudicial stereotypes relate specifically to each of the two different components of epistemic trustworthiness: sincerity in the first case, competence in the second.

But despite the possibility that a prejudice might separate the twin components of epistemic trustworthiness, I suggest that the experience of testimonial injustice remains unified enough to warrant a unified ethical characterization in terms of being wronged *qua* giver of knowledge. Since epistemic trustworthiness requires the conjunction of competence and sincerity, a wrongful attack on either component is sufficient for being wronged in that capacity. The harm will take different forms, but they are both cases of identity-prejudicial exclusion from the community of epistemic trust, and so

[14] Harper Lee, *To Kill A Mockingbird* (London: William Heinemann, 1960), 208.

[15] Elisabeth Young-Bruehl, *The Anatomy of Prejudices* (Cambridge, Mass.: Harvard University Press, 1996), 344 and 364.

they both belong to the same category of injustice. (Compare the idea that human rights violations fall under a single ethical category even though they can involve attacks on quite different aspects of human personhood.)

Hobbes was entirely clear that (what I call) credibility judgements involve an assessment of two distinct things: 'in Beleefe are two opinions; one of the saying of the man; the other of his vertue'. Yet we find in his remarks on testimony a mirror-image precedent for the proposed unified conception of the wrong done in a prejudicial deflation of trust. He writes about the *honour* we accord an interlocutor when we believe them:

> When wee believe any saying whatsoever it be, to be true, from arguments taken, not from the thing itselfe, or from the principles of naturall Reason, but from the Authority, and good opinion wee have, of him that hath sayd it; then is the speaker, or person we believe in, or trust in, and whose word we take, the object of our Faith; and the Honour done in Believing, is done to him onely.[16]

When one is wrongfully mistrusted, regardless of whether it is one's competence or one's sincerity that is being impugned, one is *dishonoured*—this would not be an inappropriate term to use in connection with the primary harm of testimonial injustice.

Turning now to the secondary aspect of the harm, we see that it is composed of a range of possible follow-on disadvantages, extrinsic to the primary injustice in that they are caused by it rather than being a proper part of it. They seem to fall into two broad categories distinguishing a *practical* and an *epistemic* dimension of harm. First, practical: if someone is subject to even a one-off testimonial injustice in a courtroom, so that he is found guilty instead of innocent, he may face a fine or worse; or, alternatively, a background experience of persistent testimonial injustice may mean that in someone's working life she comes across as lacking the sure judgement and authority required for a managerial role, and this may make her seem (indeed, in a context where appearances matter, it may truly render her) not management material. I have twice given talks about prejudice and credibility at gatherings of women professionals from a large and male-dominated multinational corporation, and some of the stories they related present examples of considerable professional disadvantage being caused to them by, as I would put it, the everyday

[16] Thomas Hobbes, *Leviathan*, ed. Richard Tuck (Cambridge: Cambridge University Press, 1991), ch. 7; quotations from pp. 48 and 49.

testimonial injustices they put up with in the workplace.[17] One Egyptian woman, working in Cairo, said that when she is at a meeting and wants to make a suggestion about policy, she actually writes down the suggestion on a little piece of paper, surreptitiously passes it to a sympathetic male colleague, has him make the suggestion, watches it be well received, and then joins in the discussion from there. She adopted this policy after mounting frustration at the incredulous reception that her ideas typically got from her male colleagues when she presented them as her own. I think I am right in saying that her attitude was feisty resignation that this was how she got things done, and also perhaps that somewhere in the process she probably got more credit than was allowed to show on the surface. She was clear none the less that she was considerably disadvantaged by the prejudicial attitudes towards her word as a woman.

Another woman, this time working for the company in the USA, told me that she tended not to worry too much about who got the credit for ideas she put forward, so long as the ideas got implemented. If she made a suggestion and it was not taken up until a male team member had verbalized it, never mind. Getting things done is what mattered to her and what gave her job satisfaction. She did note, however, that it had probably been an obstacle to the development of her career, for in her annual performance assessments her manager had on more than one occasion remarked how extraordinarily 'lucky' she had seemed to be in the teams she had been a member of—all so successful! Were it part of the corporate understanding and institutions of equal opportunities that an employee could complain that prejudice in the workplace was causing her to receive less than her due credibility and that this was holding back her career, these women would surely have a good case to make. Their experiences seem to be examples of the practical kind of secondary harm caused by testimonial injustice.

The second category of secondary harm caused by testimonial injustice is (more purely) epistemic harm: the recipient of a one-off testimonial injustice may lose confidence in his belief, or in his justification for it, so that he ceases to satisfy the conditions for knowledge; or, alternatively, someone with a background experience of persistent testimonial injustice may lose confidence in her general intellectual abilities to such an extent that she is genuinely hindered in her educational or other intellectual

[17] The events were put on by the Cambridge Programme for Industry and New Hall, University of Cambridge. I am grateful to Melissa Lane and her co-organizers for the opportunity to participate.

development. A speaker may incur a testimonial injustice in respect of a particular thing they've said, or with respect to their authority in a specific social role, or just generally; but in cases of systematic testimonial injustice, which are driven by an *identity* prejudice, these three forms of attack tend to come together, so that an identity-prejudicial reception of a particular claim made by a speaker represents an attack on the speaker's epistemic authority quite generally. Linda Martín Alcoff recounts a story of an untenured philosophy professor friend, a Chicana who fell prey to undermining complaints from a white male graduate teaching assistant. She believed, and according to the story had good grounds to believe, that his complaints were utterly unfounded; yet Alcoff tells how this young professor received precious little credibility from her colleagues in her account of the matter until a senior white professor suffered the same sort of complaints from the student: 'This senior professor then concluded that the student didn't really have a problem with my friend, but with authority in any form. And the rest of her colleagues then changed their view of her and made an effort to accept her back into the fold .... *She suffered two years of anguish and self-doubt because of this roadblock in her career*.'[18] In this example, as it is recounted, we see how someone might suffer a double testimonial injustice (first from the teaching assistant regarding what she told students about philosophy,[19] and then from her colleagues in respect of her account of the matter), so that she is doubly undermined as a giver of knowledge, and consequently suffers prolonged self-doubt and loss of intellectual confidence.

These examples of the sorts of practical and epistemic secondary disadvantages that may attend testimonial injustice illustrate how being subject to such injustice can have a wide-ranging negative impact on a person's life. But, as I say, the fact that such disadvantages are effects of the intrinsic injustice means that, strictly speaking, they should be understood as extrinsic. (This does not stop any such effects being unjust, as they will typically inherit the status of injustice from their causal origin. They may also constitute another sort of injustice in their own right, as in the Tom Robinson case, in which the practical outcome of the

[18] Linda Martín Alcoff, 'On Judging Epistemic Credibility: Is Social Identity Relevant?', in Naomi Zack (ed.), *Women of Color and Philosophy* (Oxford: Blackwell, 2000), ch. 10; quote on p. 248, italics added.

[19] I am assuming that his unfounded complaints were made ingenuously. Alternatively, if even from his own point of view they were entirely made up, then while he did a serious injustice to this professor, he did not do her a testimonial injustice. Testimonial injustice demands that the hearer genuinely judges the speaker's credibility too low.

testimonial injustice is itself a legal injustice.) Secondary consequences tend to ramify in a person's life, then, so that they are capable of alarming breadth; but they can also run much deeper than one might expect, as we shall see if we pursue the epistemic dimension of harm a little further.

Many definitions and conceptions of knowledge cast some sort of epistemic confidence as a condition of knowledge, whether it comes in as part of the belief condition or as part of a justification condition. If we are to name one seminal epistemological view in this connection, then it must surely be Descartes's idea that a state of absolute confidence in one's belief—a state of certainty—is requisite for knowledge, for the Cartesian internalist assumption has made itself felt in so many conceptions of knowledge subsequently. The significance for the present discussion is that, on any confidence-including conception of knowledge, the implications for someone who meets with persistent testimonial injustice are grim: not only is he repeatedly subject to the intrinsic epistemic insult that is the primary injustice, but where this persistent intellectual undermining causes him to lose confidence in his beliefs and/or his justification for them, he literally *loses knowledge*. Perhaps some piece of knowledge he possesses is washed away in a one-off wave of under-confidence. Or perhaps he suffers a prolonged erosion of epistemic confidence so that he is ongoingly disadvantaged, repeatedly failing to gain items of knowledge he would otherwise have been able to gain.[20]

A less direct way in which someone's general loss of epistemic confidence might result in an ongoing failure to gain knowledge is by preventing him from developing certain intellectual virtues. Most notably, for instance, loss of epistemic confidence is likely to inhibit the development of intellectual courage, the virtue of not backing down in one's convictions too quickly in response to challenge. This is an important feature of intellectual function. James Montmarquet categorizes the epistemic virtues as those of 'impartiality', 'intellectual sobriety', and 'intellectual courage', where this last category includes 'most prominently the willingness to conceive and examine alternatives to popularly held beliefs, perseverance in the face of opposition from others (until one is convinced one is mistaken), and the determination

[20] On a view such as Keith Lehrer's, for instance, which accounts for knowledge in coherentist terms that make it depend upon self-trust on the part of the subject, the connection between erosion of epistemic confidence and the capacity to possess knowledge is starkly direct. (I take it that loss of epistemic confidence is equivalent to, or at least entails, loss of epistemic self-trust.) See Lehrer, *Self-Trust: A Study of Reason, Knowledge, and Autonomy* (Oxford: Clarendon Press, 1997).

required to see such a project through to completion'.[21] These different virtues relating to intellectual courage require epistemic confidence, and are obviously susceptible to erosion by persistent testimonial injustice. So if a history of such injustices gnaws away at a person's intellectual confidence, or never lets it develop in the first place, this damages his epistemic function quite generally. The under-confident subject will tend to back down in the face of challenge, or even at the very prospect of it, and this tendency may well deprive him of knowledge he would otherwise have gained. In such a case there will be a series of specific deprivations of knowledge—beliefs or hypotheses that are given up too quickly—where some of these epistemic deprivations may constitute significant losses. More generally, and quite apart from the obvious fact that feelings of under-confidence are generally unpleasant in themselves, there is also an epistemic loss to the subject in terms of his intellectual character. The value of an intellectual virtue is not reducible to the value of those particular items of knowledge it might bring, but derives also from its place in the harmony of a person's overall intellectual character, a harmony which is spoiled by the loss of intellectual confidence that persistent testimonial injustice can cause.

In some cases it will be hard to say whether a given moment of epistemic under-confidence is one-off, or whether it should rather be seen as part of an ongoing process of erosion. A striking example is found in Simone de Beauvoir's *Memoirs of a Dutiful Daughter*. In it she recounts a philosophical skirmish with her friend and fellow student Jean-Paul, where one cannot help but read between the lines (despite de Beauvoir's uncritical authorial point of view) that he does her a testimonial injustice.[22] There is real pathos in the fact that even the mature de Beauvoir writes in apparent innocence of the wrongfulness of Sartre's undermining treatment of her, not to mention its tiresome bullishness, and she recounts the experience thus:

Day after day, and all day long I measured myself against Sartre, and in our discussions I was simply not in his class. One morning in the Luxembourg

[21] James A. Montmarquet, *Epistemic Virtue and Doxastic Responsibility* (Lanham, Md.: Rowman and Littlefield, 1993), 23.

[22] I use 'testimonial' here in an extended sense to include not only all cases of telling but also cases of the expression to an interlocutor of judgements, views, and opinions. I think that the real place of testimonial injustice in human discourse licenses this extended usage, though its ethical structure, and indeed its epistemology, is best anchored in cases of telling, since the fundamental communicative point of telling is to transmit knowledge.

Gardens, near the Medici fountain, I outlined for him the pluralist morality which I had fashioned to justify the people I liked but did not wish to resemble: he ripped it to shreds. I was attached to it, because it allowed me to take my heart as the arbiter of good and evil; I struggled with him for three hours. In the end I had to admit I was beaten; besides, I had realized, in the course of our discussion, that many of my opinions were based only on prejudice, bad faith or thoughtlessness, that my reasoning was shaky and my ideas confused. '*I'm no longer sure what I think, or even if I think at all*,' I noted, completely thrown.[23]

Here is an (exceptionally successful) student of philosophy apparently feeling utterly flattened by an experience of testimonial injustice—she is rendered unsure whether she even thinks at all. Happily she has the resilience and intellectual discipline to bounce back, though, as it is presented in the memoir at least, the experience marks the turning point in her intellectual development at which she decides that philosophy is not really for her, and that she is destined instead for the life of a writer. This may have been the right decision, all things considered; but if so, it will not have been because her ideas about good and evil 'were based only on prejudice, bad faith, or thoughtlessness', her reasoning 'shaky' and ideas 'confused'.[24] Testimonial injustice, and the attack it makes on intellectual confidence, can change an intellectual trajectory in one fell blow, whether as a single event or, more likely, as the final straw in an ongoing experience of persistent petty intellectual underminings. However we might judge matters, it is clear how the experience at the time may constitute a wrongful epistemic humiliation of considerable personal and professional consequence.

Such are the secondary practical and epistemic effects of testimonial injustice. I have been arguing that these disadvantages can go broad and deep in a person's life. But now I would like to return to the primary aspect of testimonial injustice to see if the experience of being epistemically undermined might have a more profound significance for the subject's psychology than we have so far countenanced. In Bernard Williams's model of the psychological mechanism by which our various mental contents come to be sorted into (roughly) beliefs on the one hand and desires on the other, we find the mind depicted as containing

[23] Simone de Beauvoir, *Memoirs of a Dutiful Daughter* trans. James Kirkup (London: Penguin, 1959), 344, italics added; originally published in French as *Mémoires d'une jeune fille rangée* by Librairie Gallimard, 1958).

[24] I try to say a little more about her reasons in 'Life-Story in Beauvoir's Memoirs', in Claudia Card (ed.), *The Cambridge Companion to Simone de Beauvoir* (Cambridge: Cambridge University Press, 2003).

a stratum of contents that are entertained with no determinate attitude attached: 'wishes'. Wishes are beliefs or desires in waiting, so that any given wish may be on its way to becoming either. And the process by which wishes come to be sorted into one or another category (not a deliberative activity on the part of the subject, needless to say, but rather a process in the subject's psychology) Williams calls 'steadying the mind':

> The basic mechanism depends on the fact that there are others who need to rely on our dispositions, and we want them to be able to rely on our dispositions because we, up to a point, want to rely on theirs. We learn to present ourselves to others, and consequently also to ourselves, as people who have moderately steady outlooks or beliefs.[25]

A mental state cannot count as a belief at all unless it has a reasonable life expectancy. It must be the sort of thing that one is disposed to assert not only now but in the future too. And Williams's proposal is that engagement in mutually reliant, and so mutually trustful, dialogue with others is the chief impetus for this process by which the mind becomes settled. This is because if my interlocutor asks me a question, and given that I come to the exchange in the frame of mind of someone with an interest in ongoing trust with such an interlocutor (in due course she may be able to tell me something I need to know), then her question calls on me to ask myself how the world is in order that I may answer truthfully. This creates a pressure for me to avoid fantasy in my thinking (most specifically to avoid desires slipping through as beliefs to produce wishful thinking), and to tell her something I believe to be true, thus contributing to the steadying of my mind. We might say, then, that trustful conversation with others is the basic mechanism by which the mind steadies itself. Such dialogue pressurizes the subject into having attitudes of belief towards only those propositions that merit it. It draws the subject away from assertoric ~~caprice~~ and towards doxastic stability:

> [The subject] is engaged in trustful conversation with another who relies on him, and the question is whether he can give that person to believe the proposition. In doing that, he may well, in such a case, give himself to believe it as well. It is the presence and needs of others that help us to construct even our factual beliefs.[26]

[25] Bernard Williams, *Truth and Truthfulness: An Essay in Genealogy* (Princeton: Princeton University Press, 2002), 192.

[26] Ibid. 194. Williams continues with the claim that 'similar factors can help us to construct our desires', but I am uncertain what these factors are. There is the general idea that the pressure to have a belief attitude towards only those propositions that merit

But now we must add to this conception of the role of trustful dialogue in our psychological formation something further. Williams suggests that this process of settling the mind is the most basic mechanism whereby we come to be who we are. It settles not only one's mind, but thereby (some basic aspects of) one's identity too. As not only our beliefs and desires but also our opinions and value commitments settle themselves through social dialogue into more or less stable states, so an important dimension of our identity thereby takes shape: 'Drawn to bind myself to the others' shared values, to make my own beliefs and feelings steadier … I become what with increasing steadiness I can sincerely profess; I become what I have sincerely declared to them.'[27] The conception of identity in question concerns the most important part of an individual's social identity: an individual's self-acknowledged affiliation to a group identity (racial, political, sexual, religious), where the affiliation tends, in our culture at least, to be experienced by the individual as essential to who she or he really is. We can come to see that we, or others, have made mistakes about what affiliations these are or should be, and this gives substance to the idea that we not only construct but also discover who we are. The process by which the mind is steadied, then, is also the process by which we may become who we deeply, perhaps essentially, are.

The depth of significance that this picture of our psychology and social identity gives to the phenomenon of testimonial injustice is perhaps now coming into view. Testimonial injustice excludes the subject from trustful conversation. Thus it marginalizes the subject in her participation in the very activity that steadies the mind and forges an essential aspect of

it entails that one should not believe things that merit only an attitude of desire. Thus the fundamental social pressure to avoid fantasy in thinking and to become mentally steady. But if Williams's remark is intended more specifically to concern the very genesis of desires, then perhaps the idea is that the presence and needs of trustful and trusted interlocutors help us construct and stabilize our desires because it gears them to sincerely asserted expressions of those desires.

[27] Ibid. 204. The connection between mental steadiness and others' ability to rely on one for a degree of consistency in one's assertions and actions suggests that there may be an internal relation between becoming a subject of thought and language and becoming an *ethical* subject. Sabina Lovibond explores the idea that there is such an internal relation between meaning what one says and the development of a responsible self. In her account, one learns to be an 'author' of one's words—one learns to be 'serious'—by gaining 'mastery of the social practice of reason giving' (p. 85), where this mastery is conceived as involving the achievement of accountability, so that 'we say only what we are prepared to be called to account for' (p. 84). See her *Ethical Formation* (Cambridge, Mass.: Harvard University Press, 2002), ch. 4.

identity—two processes of fundamental psychological importance for the individual. Further, testimonial injustice is not merely a moment of exclusion from this doubly psychologically valuable activity, it is a prejudicial exclusion. Earlier I made the point that some prejudices are relatively local, giving rise to incidental testimonial injustices, whereas others (identity prejudices) are more socially structural, so that the injustices they give rise to are systematic. But Williams's conception of identity allows us to see how the prejudice working against a speaker in a given discursive exchange may concern a category of social identity (racial, political, sexual, religious) that is *essential* to his identity, essential to who he is. Thus we now understand better how, when this is the case, the injustice cuts him to the quick. 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. Keeping one's dignity in the face of such a double assault on one's personhood can take great courage, especially if the assault is persistent and systematic. A character such as Tom Robinson may only be able to do it owing to the happily fragmentary nature of social identity taken as a whole. His membership of his own racial community means that an essential dimension of his identity will in part be forged through trustful conversation and other activities of reciprocated trust and respect within that community, in which he may find solidarity and shared resources for psychological resistance.

It would be melodramatic to suggest that whenever someone suffers testimonial injustice they are thereby inhibited, at least a tiny bit (whatever that would mean), in the formation of their identity. But I do not think it an exaggeration to suggest that persistent cases of this sort of wrongful epistemic exclusion could, especially if they are also systematic, genuinely inhibit the development of an essential aspect of a person's identity. Somebody subject to this sort of injustice may not *have* the sort of community in which to find resources for resistance, since the formation of such a community is itself a social achievement and not a social given. The mere fact that one might live around other individuals in the same predicament is insufficient for affiliation to a community in the relevant sense. Imagine a nineteenth-century middle-class woman who entertains a keen but frustrated interest in political affairs in a climate in which women lack the vote and are generally considered out of place in public life on the grounds that they are intellectually and temperamentally unsuited to political judgement. If when this woman

expresses her beliefs and opinions around the dinner table she receives a blank wall of incredulity from her hoped-for conversational partners, is she not likely over time to be inhibited precisely in the development of an essential aspect of who she is? Excluded from the trustful conversation of the only people apparently allowed to talk politics, is she not blocked from becoming, in some significant aspect, the person that she is? And unless she takes the risky social leap of becoming a suffragist of one or another stripe, is she not precisely lacking the sort of community that might provide resources for solidarity and resistance? The answer to these questions is surely Yes, and thus the role of trustful conversation in steadying the mind and forging identity helps us to understand just how profoundly the experience of persistent testimonial injustice might penetrate a person's psychology, and just how debilitating it might be in circumstances where psychological resistance would be a social achievement that is more or less out of the subject's reach. Persistent testimonial injustice can indeed inhibit the very formation of self.

A final twist is that, in some contexts, the prejudice operating against the speaker may have a self-fulfilling power, so that the subject of the injustice is socially *constituted* just as the stereotype depicts her (that's what she counts as socially), and/or she may be actually *caused* to resemble the prejudicial stereotype working against her (that's what she comes in some measure to be). When either constitutive or causal construction occurs, we have a case of identity power operating 'productively', as the Foucauldian idiom would term it.[28] The terminology is suggestive, but we will do better not to adopt it for the present case with any real commitment, since it is crucial in the present context that identity power at once constructs and *distorts* who the subject really is, and that is an idea which finds no home in the Foucauldian conception. Take our pre-suffrage, politically minded woman again. Her experience

[28] For Foucault, power is productive in at least two senses. In connection, for instance, with the establishment of psychiatric discourse around the 'delinquent', it is not hard to see how power might be productive rather than merely repressive. Power can be at work, first, in producing the conceptual and discursive innovation itself, so that the idea of a certain social identity is created ('delinquent'); and, secondly, it is at work in categorizing people so that they are constitutively and perhaps even causally constructed as delinquents. Concepts such as 'delinquent' or 'pervert', newly invoked as means of categorization and institutional organization, render a given social scientific discourse—psychology, criminology—its own distinctive subject matter, thus helping that discourse to establish itself as scientific; see Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (London: Penguin Books, 1997), 256. Power, then, can produce changes in conceptual practices; and it can thereby produce new categories of social subject that are fit for a newly created function.

of persistent testimonial injustice in respect of matters political might well, in the absence of community, not only help rigidify what sort of social being she is allowed to count as, but may actually cause her to become something closer to the prejudicial stereotype that is directed against her: a social type intellectually and temperamentally unsuited to political judgement. Thus the construction of gender; thus identity power's ability to shape the people it cramps.[29]

Constitutive construction does not lend itself easily to empirical verification. But there is an empirical literature on the self-fulfilling power of stereotypes that illustrates the causal constructive mechanism. Stereotypes make themselves felt in the form of expectations, and expectations can have a powerful effect on people's performances. Many contexts in which the performance in question is intellectual and discursive are like this. There is evidence from educational studies, for instance, that pupils respond to teachers' expectations of them. In Robert Rosenthal and Lenore Jacobson's much discussed[30] study, they summarize the results of an experiment as follows:

> 20 percent of the children in a certain elementary school were reported to their teachers as showing unusual potential for intellectual growth. The names of these 20 percent of the children were drawn by means of a table of random numbers, which is to say that the names were drawn out of a hat. Eight months later these unusual or 'magic' children showed significantly greater gains in IQ than did the remaining children who had not been singled out for the teachers' attention. The change in the teachers' expectations regarding the intellectual performance of these allegedly 'special' children had led to an actual change in the intellectual performance of these randomly selected children.[31]

[29] For related discussions of social construction, see Rae Langton, 'Subordination, Silence, and Pornography's Authority', in Robert Post (ed.), *Censorship and Silencing: Practices of Cultural Regulation* (Los Angeles: Getty Research Institute for the History of Art and the Humanities, 1998), 261–84; and Sally Haslanger, 'Ontology and Social Construction', in S. Haslanger (ed.), *Philosophical Topics: Feminist Perspectives on Language, Knowledge, and Reality*, 23, no. 2 (1995), 95–125.

[30] It seems that certain aspects of the method used in this study were initially controversial, though later vindicated. For a brief discussion to this effect see Lee Jussim and Christopher Fleming, 'Self-fulfilling Prophecies and the Maintenance of Social Stereotypes: The Role of Dyadic Interactions and Social Forces', in C. Neil Macrae, Charles Stangor, and Miles Hewstone (eds.), *Stereotypes and Stereotyping* (New York and London: The Guilford Press, 1996), 161–92.

[31] Robert Rosenthal and Lenore Jacobson, *Pygmalion in the Classroom: Teacher Expectation and Pupils' Intellectual Development* (New York: Holt, Rinehart and Winston Inc., 1968), pp. vii–viii. See esp. chs. 6–7. Richard Nisbett and Lee Ross also cite later studies which provide 'particularly persuasive evidence of people's tendency to elicit behavior from others according to their initial hypotheses' (*Human Inference: Strategies*

This study was not a study of the influence of prejudicial stereotypes on teacher expectation, for the teachers in question were simply fed pseudo-information about the pupils' relative signs of ability. But it is not hard to imagine how in general prejudicial stereotypes might help determine teacher expectation in a negative and unjust manner (to think otherwise would be to set teachers implausibly apart from the rest of us). If we envisage classroom contexts in which students are asked by teachers for factual answers to questions, for interpretations, for views and opinions, we can well imagine that a negative prejudicial stereotype will tend to do two things. First, it will tend to deflate the credibility judgement that the teacher makes of the pupil's expressed views. So far, so recognizable: prejudicial stereotypes issue in testimonial injustice. But second, the stereotype may actually exert a causal force towards its own fulfilment, as in the experiment recounted above. Just as the quality of our driving, say, might be responsive to a censorious passenger's negative expectations of our performance, so that we are actually caused to drive badly in the company of such a person, it seems entirely plausible that our intellectual performances might take a similar route in educational contexts, not to say quite generally. In other, more recent empirical trials, for example, which were designed to establish whether negative stereotypes of African-Americans in relation to intelligence have a causal impact on their academic performance, it was indeed found that if the test was advertised as a test of academic ability, black students performed worse than white students, whereas this was not the case if it was billed as not designed to test intelligence. This result is taken as demonstrating the 'stereotype threat', according to which a member of a group that is subject to a negative stereotype (what I call a negative identity-prejudicial stereotype) will tend to behave in ways that fulfil that stereotype. 'Stereotype threat' effectively labels a certain social predicament: the predicament of susceptibility to a disadvantageous causal construction.[32]

and Shortcomings of Social Judgement (Englewood Cliffs, NJ: Prentice-Hall, 1980). A particularly relevant study described is M. Snyder, E. D. Tanke, and E. Berscheid, 'Social Perception and Interpersonal Behavior: On the Self-fulfilling Nature of Social Stereotypes', *Journal of Personality and Social Psychology*, 35 (1977), 656–6. For a more recent survey of similar trials demonstrating the power of stereotypes for self-fulfilment, see Jussim and Fleming, 'Self-fulfilling Prophecies and the Maintenance of Social Stereotypes' in Macrae, Stangor, and Hewstone (eds.).

[32] See Claude M. Steele and Joshua Aronson, 'Stereotype Threat and the Intellectual Test Performance of African Americans', in Stangor (ed.), *Stereotypes and Prejudice*, 369–89.

The implication for persistent testimonial injustice is that the subject's intellectual performance may be inhibited long-term, their confidence undermined, and development thwarted. How far this is so, and for whom, are of course empirical questions, but the social psychological research is very suggestive. I offer these thoughts about the self-fulfilling power of prejudicial stereotypes concerning trustworthiness as pregnant speculation as to the ramifications in a person's life, and in a group's social trajectory, of persistent testimonial injustice. Testimonial injustice may, depending on the context, exercise real social constructive power, and where such construction ensues, the primary harm of the injustice is grimly augmented—the epistemic insult is also a moment in a process of social construction that constrains who the person can be. Putting the primary harm together with the extensive secondary harms it can cause, we now have a portrait of an injustice that shows it to be capable of running both deep and wide in a person's psychology and practical life. Where it is not only persistent but also systematic, testimonial injustice presents a face of oppression.

Oppression can be explicitly repressive (as it was for Tom Robinson) or it can be a silent by-product of residual prejudice in a liberal society. Iris Marion Young characterizes the latter as 'the disadvantage and injustice some people suffer not because a tyrannical power intends to keep them down, but because of the everyday practices of a well-intentioned liberal society'.[33] In this chapter it is the everyday practices of well-intentioned hearers, operating in a social-imaginative atmosphere of residual prejudice, that we have been exploring. For this is the social context in which we find the most surreptitious and philosophically complex forms of testimonial injustice. Discussing the nature of oppression, Sandra Lee Bartky quotes Frantz Fanon's idea of 'psychic alienation', where the alienation in question consists in 'the estrangement of separating off a person from some of the essential attributes of personhood'.[34] I think it is obviously an essential attribute of personhood to be able to participate in the spread of knowledge by testimony and to enjoy the respect enshrined in the proper relations of trust that are its prerequisite. A culture in which some groups are separated off from that aspect of personhood by the experience of

[33] Iris Marion Young, 'Five Faces of Oppression', in Thomas E. Wartenberg (ed.), *Rethinking Power* (Albany, NY: State University of New York Press, 1992), 175–6.

[34] Sandra Lee Bartky, 'On Psychological Oppression', in her *Femininity and Domination: Studies in the Phenomenology of Oppression* (New York and London: Routledge, 1990), 30.

repeated exclusions from the spread of knowledge is seriously defective both epistemically and ethically. Knowledge and other rational input they have to offer are missed by others and sometimes literally lost by the subjects themselves; and they suffer a sustained assault in respect of a defining human capacity, an essential attribute of personhood. Such a culture would indeed be one in which a species of epistemic injustice had taken on the proportions of oppression.