

of the working classes' of 'impudence', or 'insolence', or 'cheek', if he spoke to him in a familiar 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 rundown 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

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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

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 judge the defendant guilty, for he is aware that their prejudice goes psychologically deeper than that, all the way to the jurors'

¹⁶ Harper Lee, *To Kill a Mockingbird* (London: William Heinemann, 1960), 202.

¹⁷ Ibid. 201.

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.

unevenly informed by the experiences of different social groups. In the next and final chapter, I shall try to develop the idea that some groups can suffer an unfair disadvantage in making sense of their own social experience. Thus we encounter our second distinctive form of epistemic injustice: *hermeneutical injustice*.

Hermeneutical Injustice

7.1 THE CENTRAL CASE OF HERMENEUTICAL INJUSTICE

Feminism has long been concerned with the way in which relations of power can constrain women's ability to understand their own experience. This feminist concern found its early expression in Marxist terms, so we see an articulation of it in the original and explicitly historical materialist form of feminist standpoint theory: 'The dominated live in a world structured by others for their purposes—purposes that at the very least are not our own and that are in various degrees inimical to our development and even existence.'¹ In this quotation from Nancy Hartsock, the word 'structured' has three significances. All three are pertinent to the historical materialist context, though only one is centrally relevant here. Hartsock's remark may be read materially, so as to imply that social institutions and practices favour the powerful; or it may be read ontologically, so as to imply that the powerful somehow constitute the social world; or again it may be read from an epistemological point of view, as the suggestion that the powerful have an unfair advantage in structuring collective social understandings. Our interest in forms of epistemic injustice naturally directs us to the epistemological reading. However, we shall never be far from related material and ontological questions, for it is obvious that certain material advantages will generate the envisaged epistemological advantage—if you have material power, then you will tend to have an influence in those practices by which social meanings are generated. And in the hermeneutical context of social understanding, it is also clear that, at least sometimes, if understandings are structured a certain way, then so are the social facts—we have already encountered cases of causal

¹ Nancy Hartsock, *The Feminist Standpoint Revisited and Other Essays* (Boulder, Colo.: Westview Press, 1998), 241.

and constitutive construction of social identity in the discussion of testimonial injustice, and we shall meet similar cases in connection with hermeneutical injustice. In hermeneutical contexts such as our knowledge of the social world, material and ontological questions naturally cluster around the epistemology, but it is our epistemic practices and their ethics that will remain our primary focus.

One way of taking the epistemological suggestion that social power has an unfair impact on collective forms of social understanding is to think of our shared understandings as reflecting the perspectives of different social groups, and to entertain the idea that relations of unequal power can skew shared hermeneutical resources so that the powerful tend to have appropriate understandings of their experiences ready to draw on as they make sense of their social experiences, whereas the powerless are more likely to find themselves having some social experiences through a glass darkly, with at best ill-fitting meanings to draw on in the effort to render them intelligible. If we look at the history of the women's movement, we see that the method of consciousness raising through 'speak-outs' and the sharing of scantily understood, barely articulate experiences was a direct response to the fact that so much of women's experience was obscure, even unspeakable, for the isolated individual, whereas the process of sharing these half-formed understandings awakened hitherto dormant resources for social meaning that brought clarity, cognitive confidence, and increased communicative facility. To put it in the terms introduced in relation to ethical relativism in Chapter 4, we can say that women were collectively able to overcome extant *routine* social interpretive habits and arrive at *exceptional* interpretations of some of their formerly occluded experiences; together they were able to realize resources for meaning that were as yet only implicit in the social interpretive practices of the time. From a hermeneutical position of relative comfort, one can forget quite how astonishing and life-changing a cognitive achievement of this sort can be; so let us first briefly revisit one woman's account in the late Sixties of a university workshop on women's medical and sexual issues, as relayed by Susan Brownmiller in her memoir of the US women's liberation movement:

Wendy Sanford, born into an upper-class Republican family, was battling depression after the birth of her son. Her friend Esther Rome, a follower of Jewish Orthodox traditions, dragged her to the second MIT session. Wendy had kept her distance from political groups. 'I walked into the lounge,' she recalls, 'and they were talking about masturbation. I didn't say a word. I was shocked, I was fascinated. At a later session someone gave a breast-feeding demonstration.

That didn't shock me, but then we broke down into small groups. I had never 'broken down into a small group' in my life. In my group people started talking about postpartum depression. In that one forty-five-minute period I realized that what I'd been blaming myself for, and what my husband had blamed me for, wasn't my personal deficiency. It was a combination of physiological things and a real societal thing, isolation. That realization was one of those moments that makes you a feminist forever.²

Here is a story of revelation concerning an experience of female depression, previously ill-understood by the subject herself, because collectively ill-understood. No doubt there is a range of historical-cultural factors that might help explain this particular lack of understanding—a general lack of frankness about the normality of depression, for instance—but in so far as significant among these explanatory factors is some sort of social unfairness, such as a structural inequality of power between men and women, then Wendy Sanford's moment of truth seems to be not simply a hermeneutical breakthrough for her and for the other women present, but also a moment in which some kind of epistemic injustice is overcome. The guiding intuition here is that as these women groped for a proper understanding of what we may now so easily name as post-natal depression, the hermeneutical darkness that suddenly lifted from Wendy Sandford's mind had been wrongfully preventing her from understanding a significant area of her social experience, thus depriving her of an important patch of self-understanding. If we can substantiate this intuition, then we shall see that the area of hermeneutical gloom with which she had lived up until that life-changing forty-five minutes constituted a wrong done to her in her capacity as a knower, and was thus a specific sort of epistemic injustice—a hermeneutical injustice.

Let us pursue the intuition. To see better what the contours of such an injustice might be, let us look at another example drawn from Brownmiller's memoir, which concerns the experience of what we are these days in a position to name sexual harassment:

One afternoon a former university employee sought out Lin Farley to ask for her help. Carmita Wood, age forty-four, born and raised in the apple orchard region of Lake Cayuga, and the sole support of two of her children, had worked for eight years in Cornell's department of nuclear physics, advancing from lab assistant to a desk job handling administrative chores. Wood did not know

² Susan Brownmiller, *In Our Time: Memoir of a Revolution* (New York: Dial Press, 1990), 182.

why she had been singled out, or indeed if she had been singled out, but a distinguished professor seemed unable to keep his hands off her.

As Wood told the story, the eminent man would jiggle his crotch when he stood near her desk and looked at his mail, or he'd deliberately brush against her breasts while reaching for some papers. One night as the lab workers were leaving their annual Christmas party, he cornered her in the elevator and planted some unwanted kisses on her mouth. After the Christmas party incident, Carmita Wood went out of her way to use the stairs in the lab building in order to avoid a repeat encounter, but the stress of the furtive molestations and her efforts to keep the scientist at a distance while maintaining cordial relations with his wife, whom she liked, brought on a host of physical symptoms. Wood developed chronic back and neck pains. Her right thumb tingled and grew numb. She requested a transfer to another department, and when it didn't come through, she quit. She walked out the door and went to Florida for some rest and recuperation. Upon her return she applied for unemployment insurance. When the claims investigator asked why she had left her job after eight years, Wood was at a loss to describe the hateful episodes. She was ashamed and embarrassed. Under prodding—the blank on the form needed to be filled in—she answered that her reasons had been personal. Her claim for unemployment benefits was denied.

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

The women had their issue. Meyer located two feminist lawyers in Syracuse, Susan Horn and Maurie Heins, to take on Carmita Wood's unemployment insurance appeal. 'And then ...,' Sauvigne reports, 'we decided that we also had to hold a speak-out in order to break the silence about this.'

The 'this' they were going to break the silence about had no name. 'Eight of us were sitting in an office of Human Affairs,' Sauvigne remembers, 'brainstorming about what we were going to write on the posters for our speak-out. We were referring to it as "sexual intimidation," "sexual coercion," "sexual exploitation on the job." None of those names seemed quite right. We wanted something that embraced a whole range of subtle and unsubtle persistent behaviors. Somebody came up with "harassment." *Sexual harassment!* Instantly we agreed. That's what it was.'³

Here is a story about how extant collective hermeneutical resources can have a lacuna where the name of a distinctive social experience

³ Brownmiller, *In Our Time*, 280–1.

should be. So described, we can see that women such as Carmita Wood suffered (among other things) an acute cognitive disadvantage from a gap in the collective hermeneutical resource. But this description does not quite capture it, for if the epistemic wrong done to Carmita Wood were construed simply as a matter of plain cognitive disadvantage, then it is unclear why the epistemic wrong is suffered only by her and not also by her harasser. For the lack of proper understanding of women's experience of sexual harassment was a collective disadvantage more or less shared by all. Prior to the collective appreciation of sexual harassment as such, the absence of a proper understanding of what men were doing to women when they treated them like that was *ex hypothesi* quite general. Different groups can be hermeneutically disadvantaged for all sorts of reasons, as the changing social world frequently generates new sorts of experience of which our understanding may dawn only gradually; but only some of these cognitive disadvantages will strike one as unjust. For something to be an injustice, it must be harmful but also wrongful, whether because discriminatory or because otherwise unfair. In the present example, harasser and harassee alike are cognitively handicapped by the hermeneutical lacuna—neither has a proper understanding of how he is treating her—but the harasser's cognitive disablement is not a significant disadvantage to him. Indeed, there is an obvious sense in which it suits his purpose. (Or at least it suits his immediate purpose, in that it leaves his conduct unchallenged. This is not to deny that if he is a decent person underneath, so that a better understanding of the seriousness of his bad behaviour would have led him to refrain, then the hermeneutical lacuna is for him a source of epistemic and moral bad luck.) By contrast, the harassee's cognitive disablement is seriously disadvantageous to her. The cognitive disablement prevents her from understanding a significant patch of her own experience: that is, a patch of experience which it is strongly in her interests to understand, for without that understanding she is left deeply troubled, confused, and isolated, not to mention vulnerable to continued harassment. Her hermeneutical disadvantage renders her unable to make sense of her ongoing mistreatment, and this in turn prevents her from protesting it, let alone securing effective measures to stop it.

The fact that the hermeneutical lacuna creates such an asymmetrical disadvantage for the harassee already fuels the idea that there is something wrongful about her cognitive disadvantage in particular. We would not describe her as suffering an injustice if it were not significantly disadvantageous for *her in particular*. But there is more than this to

be said about the wrong that she sustains. We need to find the deeper source of the intuition that she incurs an epistemic injustice. We can easily imagine, after all, similarly serious hermeneutical disadvantages that do not inflict any epistemic injustice. If, for instance, someone has a medical condition affecting their social behaviour at a historical moment at which that condition is still misunderstood and largely undiagnosed, then they may suffer a hermeneutical disadvantage that is, while collective, especially damaging to them in particular. They are unable to render their experiences intelligible by reference to the idea that they have a disorder, and so they are personally in the dark, and may also suffer seriously negative consequences from others' non-comprehension of their condition. But they are not subject to hermeneutical injustice; rather, theirs is a poignant case of circumstantial epistemic bad luck. In order to find the deeper source of the intuition that there is an epistemic injustice at stake in the examples from Brownmiller, we should focus on the background social conditions that were conducive to the relevant hermeneutical lacuna. Women's position at the time of second wave feminism was still one of marked social powerlessness in relation to men; and, specifically, the unequal relations of power prevented women from participating on equal terms with men in those practices by which collective social meanings are generated. Most obvious among such practices are those sustained by professions such as journalism, politics, academia, and law—it is no accident that Brownmiller's memoir recounts so much pioneering feminist activity in and around these professional spheres and their institutions. Women's powerlessness meant that their social position was one of unequal hermeneutical participation, and something like this sort of inequality provides the crucial background condition for hermeneutical injustice.

7.2 HERMENEUTICAL MARGINALIZATION

Hermeneutical inequality is inevitably hard to detect. Our interpretive efforts are naturally geared to interests, as we try hardest to understand those things it serves us to understand. Consequently, a group's unequal hermeneutical participation will tend to show up in a localized manner in hermeneutical hotspots—locations in social life where the powerful have no interest in achieving a proper interpretation, perhaps indeed where they have a positive interest in sustaining the extant misinterpretation (such as that repeated sexual propositions in the workplace are never

anything more than a form of 'flirting', and their uneasy rejection by the recipient only ever a matter of her 'lacking a sense of humour'). But then in such a hotspot as this, the unequal hermeneutical participation remains positively disguised by the existing meaning attributed to the behaviour ('flirting'), and so it is all the more difficult to detect. No wonder that moments of its revelation can come as a life-changing flash of enlightenment. Unlike our example of a person with a condition that medical science cannot yet diagnose, what women like Carmita Wood had to contend with at work was no plain epistemic bad luck, for it was no accident that their experience had been falling down the hermeneutical cracks. As they struggled in isolation to make proper sense of their various experiences of harassment, the whole engine of collective social meaning was effectively geared to keeping these obscured experiences out of sight. Her unequal hermeneutical participation is the deeper reason why Carmita Wood's cognitive disablement constitutes an injustice.

Let us say that when there is unequal hermeneutical participation with respect to some significant area(s) of social experience, members of the disadvantaged group are *hermeneutically marginalized*. The notion of marginalization is a moral-political one indicating subordination and exclusion from some practice that would have value for the participant. Obviously there can be more and less persistent and/or wide-ranging cases of hermeneutical marginalization. Although the term will be most at home in cases where the subject is persistently denied full hermeneutical participation in respect of a wide range of social experiences, none the less we can apply the term in slighter cases. Thus someone might be hermeneutically marginalized only fleetingly, and/or only in respect of a highly localized patch of their social experience. But hermeneutical marginalization is always socially coerced. If you simply opt out of full participation in hermeneutical practices as a matter of choice (perhaps, fed up with it all, you become a modern hermit), then you do not count as hermeneutically marginalized—you've opted out, but you could have opted in. Hermeneutical marginalization is always a form of powerlessness, whether structural or one-off.

Social subjects of course have more or less complex social identities, and so one might be marginalized in a context where one aspect of one's identity is to the fore ('woman') but not in other contexts where other aspects of one's identity are determining one's level of participation ('middle-class'). The net result is that while a hermeneutically marginalized subject is prevented from generating meanings pertaining to some

areas of the social world, she might well maintain a fuller participation as regards others. If she has a well-paid job in a large corporation with a macho work ethic, she may be entirely unable to frame meanings, even to herself, relating to the need for family-friendly working conditions (such sentiments can only signal a lack of professionalism, a failure of ambition, a half-hearted commitment to the job), and yet she may be in a hermeneutically luxurious position as regards her ability to make sense of other, less gendered areas of her work experience. Thus the complexity of social identity means that hermeneutical marginalization afflicts individuals in a differentiated manner; that is, it may afflict them *qua* one social type, but not another.

Sometimes a person's marginalization will be an effect of material power, so that their socio-economic background has put the kinds of job that make for full hermeneutical participation largely out of their reach. Sometimes it will be an effect of identity power, so that part of the explanation why they do not have those jobs is that there are prejudicial stereotypes in the social atmosphere that represent them as unsuitable, and which negatively influence the judgements of employers. Or, most likely, it may be a mixture of the two. If identity power is at work, it may be working purely structurally, in so far as there may be no social agent (individual or institutional) identifiable as responsible for the marginalization. Alternatively, it may make sense to hold some party responsible, as when, for example, ageist stereotypes of the slow senior worker who lacks ambition are irresponsibly peddled by employers to explain why they do not employ people over 50. In an example such as this, identity power is being used by employers against the older population in a way that threatens (among other things) to hermeneutically marginalize them by excluding them from the sorts of jobs that make for fuller hermeneutical participation. Hermeneutical marginalization need not be the result of identity power as well as plain material power, but it often will be.

We can now define hermeneutical injustice of the sort suffered by women like Carmita Wood. It is:

the injustice of having some significant area of one's social experience obscured from collective understanding owing to persistent and wide-ranging hermeneutical marginalization.

But the latter notion is cumbersome, and we would do well to make our definition slightly more explicit in terms of what is bad about hermeneutical marginalization of the persistent and wide-ranging sort. From the

epistemic point of view, what is bad about this sort of hermeneutical marginalization is that it renders the collective hermeneutical resource *structurally prejudiced*, for it will tend to issue interpretations of that group's social experiences that are biased because insufficiently influenced by the subject group, and therefore unduly influenced by more hermeneutically powerful groups (thus, for instance, sexual harassment as flirting, rape in marriage as non-rape, post-natal depression as hysteria, reluctance to work family-unfriendly hours as unprofessionalism, and so on). Further, it is generally socially powerless groups that suffer hermeneutical marginalization, and so we can say that, from the moral point of view, what is bad about this sort of hermeneutical marginalization is that the structural prejudice it causes in the collective hermeneutical resource is essentially discriminatory: the prejudice affects people in virtue of their membership of a socially powerless group, and thus in virtue of an aspect of their social identity. It is, then, akin to identity prejudice. Let us call it *structural identity prejudice*. With this notion in place, we can now colour our definition slightly differently so that it better conveys the discriminatory nature of hermeneutical injustice. Hermeneutical injustice is:

the injustice of having some significant area of one's social experience obscured from collective understanding owing to a structural identity prejudice in the collective hermeneutical resource.

In bringing out its discriminatory character, this definition highlights the family resemblance to testimonial injustice. In both sorts of epistemic injustice, the subject suffers from one or another sort of prejudice against them *qua* social type.

Our definition has grown out of the effort to identify the sort of hermeneutical injustice suffered by Carmita Wood, and as a result, the definition is not generic. Rather, it specifically captures the central or systematic case of hermeneutical injustice—the case that is most relevant from the general point of view of social justice. Now what exactly does 'systematic' mean in the hermeneutical context? In the context of testimonial injustice, an injustice was systematic only if the identity prejudice causing it tracked the subject through different spheres of social activity, rendering them susceptible to other forms of injustice besides testimonial. Just as identity prejudice may track the subject in this way, so may marginalization. Indeed, for systematic cases, the hermeneutical marginalization *entails* marginalization of a socio-economic sort, since it entails non-participation in professions that

make for significant hermeneutical participation (journalism, politics, law, and so on). Let us say, then, that if marginalization tracks the subject through a range of different social activities besides the hermeneutical, then the hermeneutical injustices to which it gives rise are systematic. Systematic hermeneutical injustices are part of the broad pattern of a social group's general susceptibility to different sorts of injustice. Like systematic testimonial injustices, they bear the aspect of oppression. At root, both kinds of systematic epistemic injustice stem from structural inequalities of power.

We have concentrated so far on the central case of hermeneutical injustice. By contrast, there can be cases of hermeneutical injustice that are not part of the general pattern of social power, and are more of a one-off. They are not systematic but *incidental*. Whereas systematic cases will tend to involve persistent, wide-ranging hermeneutical marginalization, incidental cases will tend to involve hermeneutical marginalization only fleetingly and/or in respect of a highly localized patch of the subject's experience. Incidental hermeneutical injustices, then, stem not from any structural inequality of power, but rather from a more one-off moment of powerlessness. What might an incidental case of hermeneutical injustice look like? In Ian McEwan's novel *Enduring Love* the main protagonist, Joe, is stalked by a young man called Jed Parry, a religious fanatic with delusions of love between him and Joe. When Joe tells his partner, Clarissa, about it, he meets first affectionate derision and then, later—although she accepts the basics of what he is telling her—her reaction is more one of concerned reserve about his state of mind. When, subsequently, he calls the police, Joe finds that the form of stalking he is enduring does not make the legal grade and is represented as trivial:

'Are you the person being harassed?'

'Yes. I've been ...'

'And is the person causing the nuisance with you now?'

'He's standing outside my place this very minute.'

'Has he inflicted any physical harm on you?'

'No, but he ...'

'Has he threatened you with harm?'

'No.' I understood that my grievance would have to be poured into the available bureaucratic mould. There was no facility refined enough to process every private narrative. Denied the release of complaint, I tried to take comfort in having my story assimilated into a recognisable public form. Parry's behaviour had to be generalised into a crime.

'Has he made threats against your property?'

'No.'

'Or against third parties?'

'No.'

'Is he trying to blackmail you?'

'No.'

'Do you think you could prove that he intends to cause you distress?'

'Er, no.'

... 'Can you tell me what he's doing then?'

'He phones me at all hours. He talks to me in the ...'

The voice was quick to move back to his default position, the interrogative flow chart. 'Is he using obscene or insulting behaviour?'

'No. Look, officer. Why don't you let me explain. He's a crank. He won't let me alone.'

'Are you aware of what he actually wants? ...'

'He wants to save me.'

'Save you?'

'You know, convert me. He's obsessed. He simply won't leave me alone.'

The voice cut in, impatience taking hold at last. 'I'm sorry caller. This is not a police matter. Unless he harms you, or your property, or threatens the same he's committing no offence. Trying to convert you is not against the law.' Then he terminated our emergency conversation with his own little stricture. 'We do have religious freedom in this country.'⁴

Joe's own understanding of his experience of being stalked is only slightly hindered by the lack of hermeneutical reciprocation by partner and police, but still a collective hermeneutical lacuna is preventing him from rendering his experience communicatively intelligible. It is very much in his interests to share his experience with certain others from the start; but he cannot, for the true nature of his experience of being stalked by Jed Parry is obscured by two misfit interpretations that trivialize it in different ways. According to one, he seems to be failing to see the funny side and becoming worryingly obsessed; according to another he is exaggerating the level of threat and even cramping someone else's religious freedom into the bargain. But if the obscurity of Joe's experience constitutes a kind of hermeneutical injustice, this has nothing to do with any general social powerlessness or any general subordination as a generator of social meaning, for his social identity is that of the proverbial white, educated, straight man. Still, he is none the less up against a one-off moment of hermeneutical marginalization. The competing and trivializing interpretations coming from Clarissa

⁴ Ian McEwan, *Enduring Love* (London: Vintage, 1998), 73–4.

and the police respectively mean that Joe's hermeneutical participation is hindered in respect of a significant, if highly localized, patch of his social experience, and for this reason his case qualifies as a hermeneutical injustice. The injustice does not stem from any structural identity prejudice—on the contrary, he suffers the injustice not because of, but rather in spite of, the social type he is. Clearly Joe's hermeneutical injustice is not a systematic case; it is incidental.

Awareness of such cases motivates a more generic definition of hermeneutical injustice than those so far given, which were designed to capture what we can now more clearly see to be the distinctively systematic case. The generic definition now called for captures hermeneutical injustice *per se* as

the injustice of having some significant area of one's social experience obscured from collective understanding owing to hermeneutical marginalization.

This definition simply omits what is special to the systematic case: namely, that the hermeneutical marginalization is 'persistent and wide-ranging', or, equivalently, that there is a 'structural prejudice in the collective hermeneutical resource'. This generic definition, then, covers both the systematic case and the incidental case. As ever, the systematic case is central from our point of view. But in parallel with our discussion of systematic versus incidental cases of testimonial injustice, the fact that a hermeneutical injustice is incidental does not mean that it is not ethically serious. Indeed, it is life-shattering for Joe that his experience is not better understood from the start, since this allows Jed Parry's stalking to escalate to ultimately mortally threatening levels, and it contributes too to the eventual collapse of his long relationship with Clarissa. Incidental hermeneutical injustices, then, can be disastrous in someone's life. What distinguishes systematic cases is, as ever, not the seriousness of the token harm, but something more general: they help reveal the place of hermeneutical injustice in the complex of social injustices.

We have encountered, then, two sorts of hermeneutical injustice: systematic and incidental. If someone is disadvantaged, as for instance Joe is, from having their experience left obscure owing to a lacuna in the collective hermeneutical resource, then that is broadly sufficient for a claim of incidental hermeneutical injustice, even though the hermeneutical marginalization is localized and one-off. By contrast, if someone is disadvantaged, as for instance Carmita Wood is, by

having their experience left obscure owing to a lacuna in the collective hermeneutical resource, where the lacuna is caused and maintained by a wide-ranging and persistent hermeneutical marginalization, then the hermeneutical injustice is systematic. For in such cases the hermeneutical marginalization is part of a more general susceptibility to different forms of social marginalization, so that any given hermeneutical injustice incurred is likewise part of a more general susceptibility to different kinds of injustice. There is, then, a certain structural parallel with the forms of testimonial injustice. In contrast, however, to the case of testimonial injustice, hermeneutical injustice, whether incidental or systematic, involves no culprit. No agent *perpetrates* hermeneutical injustice—it is a purely structural notion. The background condition for hermeneutical injustice is the subject's hermeneutical marginalization. But the moment of hermeneutical injustice comes only when the background condition is realized in a more or less doomed attempt on the part of the subject to render an experience intelligible, either to herself or to an interlocutor. The hermeneutical inequality that exists, dormant, in a situation of hermeneutical marginalization erupts in injustice only when some actual attempt at intelligibility is handicapped by it.

That hermeneutical injustice most typically manifests itself in the speaker struggling to make herself intelligible in a testimonial exchange raises a grim possibility: that hermeneutical injustice might often be compounded by testimonial injustice. This will indeed tend to be the case wherever the hermeneutical injustice is systematic, because members of multiple marginalized groups will tend to be subject to identity prejudice. If they try to articulate a scantily understood experience to an interlocutor, their word already warrants a low *prima facie* credibility judgement owing to its low intelligibility. But if the speaker is also subject to an identity prejudice, then there will be a further deflation. In such a case, the speaker is doubly wronged: once by the structural prejudice in the shared hermeneutical resource, and once by the hearer in making an identity-prejudiced credibility judgement.

Imagine someone in Carmita Wood's position trying to tell her employer about the professor's behaviour. The hermeneutical lacuna where the words 'sexual harassment' should be means that there is already a serious problem about the plausibility of whatever it is she manages to articulate by way of telling her story (perhaps she succeeds in saying that she is 'made uncomfortable' by his persistent 'flirtation'). But then if we add to this some risk of identity prejudice in respect of

gender, and/or ethnicity, and/or class, we see that she is also susceptible to suffering a testimonial injustice. People in her position, then, are susceptible to a double epistemic injustice. Worse still, what we see here are the perfect conditions conducive to a runaway credibility deflation, as the implausibility of what is said creates a lens through which the personal credibility of the speaker may become unduly deflated, which in turn creates a lens through which the credibility of what is said may come to be even more deflated... and so on.⁵ From Brownmiller's story it is plausible that Carmita Wood's attempts to communicate the nature of her experience is likely to have met with just such a runaway deflation of credibility. Such a predicament identifies a worst case scenario for a speaker as regards epistemic injustice.

The observation that hermeneutical injustice will tend to manifest itself in attempts at communication directs our attention to a rather different version of the injustice. We have considered hermeneutical gaps or lacunas only as absences of proper interpretations, blanks where there should be a name for an experience which it is in the interests of the subject to be able to render communicatively intelligible. But we must recognize that a hermeneutical gap might equally concern not (or not only) the content but rather the form of what can be said. Thus the characteristic expressive style of a given social group may be rendered just as much of an unfair hindrance to their communicative efforts as an interpretive absence can be. If, for instance, as has been famously argued by Carol Gilligan, women (at least at one point in history) have 'a different voice' when it comes to ethical judgement, and a voice that is not recognized as rational but is rather marginalized as morally immature, then women's attempts at communicative intelligibility when it comes to moral matters are hindered by a hermeneutical gap of this kind.⁶ And the hindrance to their expressive efforts is unjust in so far as it derives from hermeneutical marginalization—that is, in so far as it derives from the fact that their powerlessness bars them from full participation in those practices whereby social meanings are generated, for these are also the practices whereby certain expressive styles come

⁵ I echo Karen Jones's way of explaining the phenomenon of runaway reductions of credibility; see 'The Politics of Credibility', in Louise M. Antony and Charlotte E. Witt (eds.), *A Mind of One's Own: Feminist Essays on Reason and Objectivity*, 2nd edn. (Boulder, Colo.: Westview Press, 2002).

⁶ Carol Gilligan, *In A Different Voice: Psychological Theory and Women's Development* (Cambridge, Mass.: Harvard University Press, 1982); see also Sara Ruddick, *Maternal Thinking: Towards a Politics of Peace* (London: The Women's Press, 1990).

to be recognized as rational and contextually appropriate. Recall the reception that Herbert Greenleaf gives to Marge Sherwood's attempts to render her suspicions of Ripley communicatively intelligible: 'Marge, there's female intuition, and then there are facts—'. If one lives in a society or a subculture in which the mere fact of an intuitive or an emotional expressive style means that one cannot be heard as fully rational, then one is thereby unjustly afflicted by a hermeneutical gap—one is subject to a hermeneutical injustice.

7.3 THE WRONG OF HERMENEUTICAL INJUSTICE

I have talked in terms of hermeneutical injustice involving an asymmetrical cognitive disadvantage. The general point here is that collective hermeneutical impoverishment impacts on members of different groups in different ways. It did not harm the interests of Carmita Wood's harasser that he (as the example goes) did not have a proper grasp of the nature of his treatment of her; but it harmed Carmita Wood a great deal that she could not make adequate sense of it to herself, let alone to others. The asymmetry arises from the concrete social and practical context in which the collective hermeneutical impoverishment impinges. It is only when the collective impoverishment is concretely situated in specific social situations that it comes to be especially and unjustly disadvantageous to some groups but not others. Hermeneutical lacunas are like holes in the ozone—it's the people who live under them that get burned. Fundamentally, then, hermeneutical injustice is a kind of structural discrimination. Compare a society that has a welfare state providing free healthcare at the point of delivery, but where there is a gap in state provision: no free dental care. Formally speaking, there is nothing intrinsically unjust about there being a general lack of free dental care, for it is the same for everyone—there is, so to speak, a collective lacuna in the welfare system. There is a formal equality, then; but as soon as one looks at how this formal equality plays out in practice in the lived social world, a *situated* inequality quickly reveals itself: people who cannot afford private dental care suffer from the lack of general provision, and people who can afford it do not. In such cases of formal equality but lived inequality, the injustice is a matter of some group(s) being asymmetrically disadvantaged by a blanket collective lack; and so it is, I suggest, in the case of hermeneutical injustice. A hermeneutical