

ADDRESSING TESTIMONIAL INJUSTICE: BEING IGNORED AND BEING REJECTED

BY JEREMY WANDERER

I examine a distinctive kind of injustice which arises when people are maltreated in their capacity as potential conveyors of knowledge. Extant discussions of testimonial injustice usually assume that the injustice occurs when an audience ignores the claims made by a testifier. This assumption obscures the fact that there are occasions where the best framework for thinking about testimonial injustice is that of inappropriately rejecting, not ignoring, those claims; the injustice differs in these two kinds of case. Light is thrown on the injustice involved in inappropriate rejection by examining the epistemic import of the distinctive second-person interrelations in play in such testimonial interactions.

It is an insult and may be an injury not to be believed. At least it is an insult if one is oneself made aware of the refusal, and it may be an injury if others are.

G.E.M. Anscombe, 'What is it to Believe Someone?'

I

This paper is an attempt to provide insight into a distinctive kind of injustice termed 'testimonial injustice'.¹ By this I mean the injustice that arises when people are maltreated in their capacity as potential conveyors of knowledge.

Although this topic has been neglected by epistemologists in the past, there has been some recent work in this area, especially by those theorists who approach epistemic issues with a broader concern for exposing the politics of epistemic practice.² This overtly political strain of work in epistemology has done much to disclose the role played by our key epistemic

¹ I have taken the phrase, and much of the stimulation for what follows, from Miranda Fricker, *Epistemic Injustice: Power and the Ethics of Knowing* (Oxford UP, 2007). Her own view is discussed below.

² In addition to Fricker, I have in mind both theorists working in feminist epistemology and those approaching such issues in the context of post-colonial or race theory, including L. Code, *Ecological Thinking: the Politics of Epistemic Location* (Oxford UP, 2006); K. Jones, 'The Politics of Credibility', in L.M. Antony and C.E. Witt (eds), *A Mind of One's Own: Feminist Essays on Reason and Objectivity* (Boulder: Westview, 2002), pp. 154–76; L. Alcoff, *Real Knowing* (Cornell UP, 2008); and many of the essays in S. Sullivan and N. Tuana (eds), *Race and Epistemologies of Ignorance* (SUNY Press, 2007).

concepts, including knowledge, reasons and rationality, in generating and sustaining norms of authority that may function to delegitimize some agents as contributors to rational discourse. Whilst some philosophers view work in this strain as an attempt to undermine traditional epistemology, by reducing all rational norms to operations of social power, I take it to complement extant epistemic theorizing. As I see it, by forcing epistemologists to concentrate on concrete accounts of our social practices of rational enquiry alongside the abstract conception of the typically solitary epistemic subject found in traditional epistemology, it extends and deepens our overall understanding of rational processes of enquiry, and the dangers associated with them.

Whilst I warmly welcome those epistemic works with politicizing potential, and have learnt much from them, it is worth sounding a note of caution. The reason is that the project of approaching epistemic issues with an overt focus on the political tends to result in philosophical accounts of our social epistemic interactions which are insensitive to aspects central to these interactions. My aim here is to illustrate one example of this insensitivity, by highlighting an important feature of testimonial injustice missing in extant accounts.

The argument in a highly schematic form is this. The dominant way of thinking about testimonial injustice found in extant accounts assumes that the injustice is the result of an audience inappropriately *ignoring* the claims made by a testifier. This obscures the fact that there are occasions where the best framework for thinking about testimonial injustice is that of inappropriate *rejecting*, and not ignoring, those claims, and that the resultant injustices in these cases differ from each other. The remainder of this paper aspires to put some philosophical flesh on these schematic bones, by exploring some differences between inappropriate ignoring and inappropriate rejecting as they feature in everyday epistemic interactions.

II

The following case of testimonial injustice first focused my attention on the subject.

Following a fatal shark attack on a swimmer on a South African beach, discussion in the local media concentrated on the question of why the victim of the attack had ignored a lifeguard's claim that sharks had been spotted in the water that morning. As is usual in contemporary South African discourse, the discussion quickly turned to issues of race. At least, this was the case on one radio phone-in show, following a claim made by a caller to the effect that the white swimmer had failed to consider the lifeguard's

warning seriously, simply because he was coloured.³ The feelings of *Schadenfreude* openly exhibited by subsequent callers to the show revealed the widespread belief that if one accepts this claim, then the unfortunate victim herself was guilty of some interpersonal infraction. Specifically, she had failed, as a result of racial prejudice, to accord sufficient credibility to the say-so of another.

I am not too interested here in whether the caller's claim was true. In fact, I shall assume for the purposes of this paper that it was true, even though the available evidence gives much reason to doubt this.⁴ The readiness of other callers to the show to accept the claim despite the scant evidence suggests that experiences of this type are all too familiar to some, and I propose to use this case as a way of exploring and understanding such experiences of injustice.

As a first stage, I shall reconstruct the alleged interaction between lifeguard and swimmer in overtly epistemic terms. The lifeguard believed, truly as it turned out, that there was a shark in the water which posed a mortal danger to swimmers, and verbally conveyed this belief to the swimmer. In deciding whether to believe him, the swimmer ascribed some degree of credibility to his claim. This degree of credibility was a function of the plausibility of what he said in the light of what else she believed, and of the perceived trustworthiness of the lifeguard on this occasion. (Trustworthiness here included both an assessment of whether he was competent in making such judgements, and whether he was being sincere in his utterance.) The swimmer did not treat the claim as credible, and thus did not come to share the lifeguard's belief. The radio-caller directs us to assume that the primary reason why she did not accept the lifeguard's testimony on this occasion was his race, something she, at some level, deemed relevant to assessing the credibility of this claim. On this reconstruction, it was the swimmer's racist foolishness in erroneously linking race to the credibility of a testifier that led to the perpetration of this testimonial injustice.

What is being reconstructed here is not the thought process of the swimmer as she assesses the testimony of the lifeguard, nor does it imply that she herself could provide such a reconstruction if challenged to defend her beliefs after the event. It merely aims to recast my account of the interaction

³ In the Apartheid system of racial classification, 'coloured' was one of four legally recognized racial groupings – together with 'white', 'Indian' and 'black'. The term 'coloured' is still widely used, although (normally) as a marker of cultural rather than racial identity, and is usually not considered to be offensive. (At least, in one sense – see R. Kozain, 'On being "Coloured"', *Chimurenga*, 1 (2002), pp. 45–7.)

⁴ Acquaintances of the deceased interviewed all point to the swimmer's far longer experience with that part of the coastline as the reason for her judgement. The relatively bare description of the case in the text aims to preserve the anonymity of the people involved.

using terms that bring the epistemic dimension of the encounter to the fore. The lifeguard's testimony strives to rationally motivate acceptance of the claim made, to provide reasons which would both explain and justify the swimmer's coming to form the belief. She should, in normal circumstances, be critically sensitive to the reasons provided through this act of testimony, and it is in the light of these reasons that the justificatory status of her subsequent beliefs is to be assessed.

There is an important sense in which this choice of case is a poor one, since there are distinctive features of cases involving racial prejudice which cannot be generalized to other cases of testimonial injustice, and it is the general category that is my focus here. For example, many discussions of racism have suggested that it would be a mistake, bordering on an act of perpetuation of racism itself, to treat racist encounters such as this along the lines of mistaken beliefs involving race. First, it is unclear that it is appropriate to characterize such racist 'beliefs' as beliefs, since they seem to be far less conscious, less articulate and less determinate in content than the typical beliefs which feature in epistemic reconstructions.⁵ Relatedly, such 'beliefs' are typically culpably resistant to counter-evidence in a manner that suggests some kind of affectively motivated irrationality by the subject.⁶ Further still, it seems impossible to consider such beliefs without at the same time exploring their role in an ideological structure which includes other related 'beliefs', as well as the interplay between these ideological structures and the broader social structures, including social institutions, practices, norms and the like, of which they inextricably form a part, and which they help to create and maintain.⁷

I shall grant that the prejudice in play in the example demands a far more complex account than simply invoking false beliefs involving race, and that this complex account is part of what is alluded to by the cursory comments of the radio-caller. Despite these complexities, I have chosen to consider this politically loaded example here precisely because it is politically loaded, for I intend to look at just those kinds of cases that grab the attention of those epistemologists motivated by a concern for the political, and to show that there are aspects of the injustice involved even in these cases which tend to go

⁵ See S. Haslanger, '“But Mom, Crop-Tops are Cute!”: Social Knowledge, Social Structure and Ideology Critique', *Philosophical Issues*, 17 (2007), pp. 70–91, at p. 76; Fricker, pp. 30–3. Cf. T. Shelby, 'Ideology, Racism and Critical Social Theory', *Philosophical Forum*, 34 (2003), pp. 153–88.

⁶ See K.A. Appiah, 'Racisms', in D.T. Goldberg (ed.), *Anatomy of Racism* (Minnesota UP, 1990), pp. 3–17, at p. 7; Fricker, p. 35. Cf. J.L.A. Garcia, 'Racism and Racial Discourse', *Philosophical Forum*, 32 (2001), pp. 125–45.

⁷ Haslanger, pp. 77–8; Appiah, p. 8; E. Young-Bruhl, *The Anatomy of Prejudices* (Harvard UP, 1998), esp. pp. 191–6. Cf. R. Guess, *The Idea of a Critical Theory: Habermas and the Frankfurt School* (Cambridge UP, 1981), pp. 4–25.

missing in their accounts. Whilst my immediate focus is on a case laden with the complicated intricacies associated with racial prejudice, my discussion extends to all cases of testimonial injustice, even those lacking the generality and persistence of the injustice over time and across social institutions and interactions that characterizes cases with clear political overtones. A more precise sense of this broader notion will emerge in the ensuing discussion.

III

My admittedly shallow reconstruction of the case of the lifeguard and the swimmer has focused primarily on the perpetrator of the injustice and her inappropriate behaviour, and not on the victim of the injustice nor on any resultant harm he may suffer.

It is interesting just how quickly most attempts to consider the harm suffered by the victim of testimonial injustice move away from the contours of this specific interaction between swimmer and lifeguard to focus on repeated and systematic instances of interactions of this type. Focusing on this one occasion, it is hard to see how the lifeguard has been harmed through being ignored by the swimmer. Broaden the focus to include repeated instances of his being ignored, and harms such as loss of confidence in epistemic judgements or concerns about self esteem and the development of his sense of self begin to come into view. Broaden the focus further still to incorporate systematic instances of ignoring individuals of a certain social group in various settings, and one exposes concerns about the systematic exclusion of a certain group of voices from public discourse, and a concomitant deprivation of the prestige associated with being an active knowledge producer for members of that social group.

The broader the view, the less testimonial injustice is about the harm done in the interpersonal encounter between this lifeguard and this swimmer, and more about treating all this as an instance of a broader injustice in which people of a certain social type are systematically harmed by having their claims consistently ignored by members of other social types. For those motivated to concentrate on testimonial injustice by an interest in the politics of epistemic practices, this broadening of the focus away from the peculiarities of the specific interpersonal encounter is to be welcomed. It facilitates policy level interventions into such problematic interactions and ties testimonial injustice to an array of different prejudicially caused injustices operating across different dimensions of social activity (including economic, legal and so on).⁸

⁸ See Jones, p. 155; Fricker, p. 27.

But whilst all of this is to be applauded, one cannot help but wonder whether something central to testimonial injustice has been lost amongst this politically inspired rush to broaden the gaze. I began with a specific case that gives rise to the strong feeling that this swimmer has done something wrong to this lifeguard on this occasion. By inappropriately failing to accept his testimony, *she* has injured and offended *him*. Conversely, it would be appropriate, possibly important, for *him* to experience certain other-directed feelings of resentment, insult and injury towards *her*. What drives feelings of *Schadenfreude* towards her is not just recognition of the fact that through her behaviour to the lifeguard on this occasion she is actively participating in a broader system of racial oppression which, over time and in various ways, deprives coloured people of basic goods; it is because of a judgement that *she* has maltreated *him* on *this* occasion.

Merely italicizing pronouns does not suffice to specify what precisely is missing here, let alone constitute an argument that something important is missing, once spelt out. Much of the remainder of this paper attempts to do just that, although it is important in so doing not to lose sight of this intuitive starting-point. The account here is driven by the need to pay careful attention to the subject's lived experience of testimonial injustice. Some expressions of the perceived injustice, such as those made by callers to the radio station, are replete with such italics. As I understand their point, they function to make explicit a sense in which the lifeguard is not simply a hapless victim of the swimmer's racial prejudice, so that anyone of his social type could take the place of the wronged victim here had circumstances been different. Rather, the encounter on *this* occasion has bound them together so that *she* harmed *him* in a way in which no one else could be substituted into the lifeguard's role. Developing this inchoate idea is a core task of what lies ahead.

IV

A useful first stage is to consider another case with a similar structure, albeit it does not involve the act of testifying. The following much discussed case is to be found in the opening of Du Bois' celebrated 'Souls of Black Folk':

It is in the early days of rollicking boyhood that the revelation first bursts upon one, all in a day, as it were.... I was a little thing, away up in the hills of New England.... In a wee wooden schoolhouse, something put it into the boys' and girls' heads to buy gorgeous visiting-cards – ten cents a package – and exchange. The exchange was merry, till one girl, a tall newcomer, refused my card – refused it peremptorily, with a glance. Then it dawned upon me with a certain suddenness that I was different from

the others; or like, mayhap, in heart and life and longing, but shut out from their world by a vast veil.⁹

Like my previous case, this too is an instance of injustice following a social interaction between two people, where one person inappropriately responds to another person as the result of racial prejudice. Here too one can broaden the gaze, as Du Bois himself does, to view this one interaction as part of a broader pattern of behaviour that creates and sustains systematic social exclusion of certain social types, thereby depriving them of power and privilege. But here, unlike the previous case, it is clearer, I think, that the tall girl is perpetrating a distinct interpersonal injustice towards Du Bois on this occasion in refusing to accept his card, and that this is so even if there were no other people to witness the humiliating spectacle. She is inappropriately rejecting his request, and in so doing *she* insults *him*.

There are two aspects central to interactions of this kind that I shall isolate for the purpose of setting them aside, since they do not play an essential role in the kinds of epistemic interactions that could lead to instances of testimonial injustice.

First, by extending his card to the tall newcomer, Du Bois thereby gives her a reason to accept the card, which was not there prior to his request. The reason created by his extending his hand is directed at the girl – she now has a reason to take Du Bois' card which she did not have before he extended his hand, and it is a reason had by no one else but her. That there is such a reason here is dependent upon, and inextricably linked with, the relationship between Du Bois and the girl on this encounter. I shall call this an *interpersonal reason*.

Unlike the Du Bois case, the testimonial case does not essentially involve interpersonal reasons. That is, the authority of the reasons provided by the lifeguard's testimony is not dependent on the relationship between lifeguard and swimmer in the manner in which the authority of the reasons provided by Du Bois' extending his hand is dependent on the relationship between Du Bois and the girl. In the former case, the authority of the reasons provided derives from, and is answerable to, 'relation-independent facts', as it is not in the latter.¹⁰ This is not to deny that there may be interpersonal reasons in play in the case of lifeguard and swimmer; the point is that these are not essential to the testimonial interaction, so that there can be cases of testimonial interactions and injustices that do not involve the giving and taking of interpersonal reasons.

⁹ W.E.B. Du Bois, *The Souls of Black Folk* [1903] (New York: Dover, 1994), p. 6.

¹⁰ The quoted phrase is from S. Darwall, *The Second-Person Standpoint* (Harvard UP, 2006), p. 56.

Secondly, central to understanding the encounter between Du Bois and the tall newcomer and the subsequent insult is a kind of singular intimacy established between the two of them and no one else, as a result of the immediacy of the face to face encounter. There is in the encounter a shared moment which unites the two directly to each other, and which creates, if not distinct ethical obligations to each other, then at least a certain heightened affective sensitivity to each other's situation. This intimate sensitivity grounds shared expectations which are then abused by the newcomer in inappropriately rejecting the card. I shall call this feature the *shared intimacy* of the encounter.

Unlike the Du Bois case, the testimonial case does not essentially involve shared intimacy. Although it may alter one's conception of the injustice involved here, it does not alter the distinctively testimonial injustice on which I wish to focus if the lifeguard and swimmer never met, or even if the lifeguard had no idea of the existence of this swimmer. Suppose the lifeguard broadcasts over a public address system the claim that there are sharks in the water that pose a mortal threat to swimmers, having no visual contact with any potential swimmers or any awareness that there are swimmers present to hear the address. Rejecting the testimony transmitted via such a public address because of the race of the lifeguard is still a case of testimonial injustice, with all the features highlighted in the previous section: the judgement is that *she* has maltreated *him* on *this* occasion. (Significantly, it does alter the injustice involved if the testimony is delivered via a tape-recorded message delivered over a public address system activated as soon as a person steps onto the beach, for reasons discussed in the next section.)

V

Here is a third feature of the interaction between Du Bois and the tall newcomer that is worth highlighting and *not* setting aside. By extending his card to the newcomer, Du Bois thereby addresses her in a manner that calls on her to recognize the request. I shall call this feature of the interaction a *second-person address*.

Suppose you address me in the second person by requesting me to perform an action ϕ . The request does not merely try to make me ϕ , but additionally, to get the act of ϕ ing to be accompanied with a distinctive recognition of the request from me. It is not good enough for me, in response, to recognize that a request of this kind has been made. *I* must recognize that *you* have made a request to *me* and that *you* are holding *me* responsible for responding to *you*. In other words, the request contains an arc that runs from you (the requester) to me (the requestee) asking for a response from me to

you. Indeed, it is not enough for me to judge that you have made a request to someone and I am that someone, where these are separate judgements.¹¹ It is to recognize that you have addressed me, and in this very recognition I am addressing you in return.

The hallmark of a second-person request is that once you have recognized the address, it is not possible to merely ignore it. In other words, certain other-directed requests have the effect that when the people to whom it is directed recognize a request, they can disengage from it, perhaps by saying that they have no time to respond at the moment; but they are unable simply not to engage with it at all. As a result, staying silent following the recognition of a second-person request is a negative response to the request. One may be tempted to gloss this phenomenon in terms of a socially assumed default: the perceived recognition of an addressed request creates the default presumption that the addressee will respond, so that silence is treated as rejection. This understanding should be resisted. If a missive from the Faculty office tells me to vote by tomorrow or else my silence will be treated as saying nay, my silence also speaks, but in a way different from the silence that follows the recognition of a second-person address. If I am just not interested in the issue and do not care, I may realize that my silence will be treated as a response, but I am not intending to respond: I am opting out of responding either way. My silence speaks, but it is not I who is speaking. In contrast, in the cases in hand, it is not possible to recognize the addressed request but not engage with it, so that when the resultant silence speaks it is always I who speak.¹²

Recognizing second-person address in this manner differs from the recognition of an interpersonal reason. Talk of interpersonal reasons concerns the distinctive kind of reasons involved in this encounter; talk of second-person address concerns the way in which those reasons are presented. If I, as your life guide and guru, request that you put your hands in the air, I have now given you an interpersonal reason for putting your hands in the air. But that is independent of the issue of second-person address, which would simply ensure that you respond in some way (perhaps in raising up your hands), or not.¹³ Similarly, the relationship between me and you created by the recognition of a second-person address is not confined to those involving face to face or even singular encounters, nor bounded by affectations of intimacy. I am tempted to call the distinctive relation forged between you and me as a result of recognition of the I–Thou

¹¹ Cf. S. Rödl, *Self-Consciousness* (Harvard UP, 2007), pp. 186–92.

¹² It should be stressed that this is merely to describe the phenomenon, not to explain it. See J. Wanderer, ‘Brandom’s Challenges’, in B. Weiss and J. Wanderer (eds), *Reading Brandom: On Making It Explicit* (London: Routledge, 2010), pp. 96–114.

¹³ These two are unfortunately coupled together in Darwall, pp. 3–15.

address a logical feature of the encounter. All I intend by this is to point out that the relation is a result of the recognition of the form of the address, and not the result of the actual in-time encounter.¹⁴

Returning to Du Bois, then, his handing the visiting-card to the girl was a second-person request for a particular response, that of accepting the card. It both calls for her recognition of the second-person address, and provides her with good interpersonal reasons for responding as requested. She recognized the address: there was a 'peremptory glance'. The two are caught in this second-person arc; he holds her to responding, and whatever response she gives is thereby directed back at him. However, having recognized the addressed request, the girl, for reasons of prejudice, fails to heed the good interpersonal reasons proffered to her for acting in a certain manner. She thereby declines the request inappropriately, a rebuff that is addressed back to Du Bois himself, leading to feelings of being insulted and injured. There is a clear sense here that as a result of the arc of second-person request and rebuff, Du Bois and the girl are bound in such a way that no one but Du Bois could take the place of the wronged victim here.

The case would be different if, as a newcomer, the tall girl was trying to make herself popular with her new classmates by handing out cards to all and sundry, but failed to hand one to Du Bois, simply because she failed to register his presence as a potential recipient of friendship. Given all that we know about the social milieu in which the girl lived, it is unsurprising that certain features of the shared social environment, 'Black Folk', did not present themselves as salient for receiving tokens of friendship. This too is a case of a prejudicially motivated and ethically culpable failure to heed good reasons for acting in a certain manner, and a justified sense of injustice. But it is not an act directed at Du Bois himself; he may legitimately feel insulted, but she was not insulting *him*.

I used this tactic of italicizing pronouns earlier, and promised clarification. The idea is that the act of second-person address and recognition of the address bind requester and requestee in a relation in which, as a result of the binding, neither of the relata are fungible. Even if other people happen to share all the salient qualities which initially motivated that addresser to issue that address to that addressee, neither requester nor requestee can be exchanged with anyone else, once so bound. In other words, even if any other black child might have taken the place of Du Bois in both versions of the story, had circumstances been different, the effect of the address and its recognition in the actual story serves to bind just those two together. This is not a claim about some hidden, mysterious essence in virtue of which I am

¹⁴ A suggestive attempt at a positive formulation is found in Rödl, pp. 165–97.

more than the sum of my attributes or you of yours, for this assumes that the relata are there waiting to be picked out prior to the establishment of the relation. The sense of the terms 'I' and 'you' as used here are those which are understood in terms of their relation to each other, so that grasping the meaning of one is grasping the other.

The effect of such reciprocal recognition is to bind the two persons concerned together in a normatively significant nexus that provides constraints on either of their other-directed actions.¹⁵ As a result of the nexus, the constraints are correlative, and viewable from the perspective of either party. The parties do not just have obligations that may involve another, but also have obligations *to* another. In the variant case just considered, there was no reciprocal recognition, so whilst the tall girl's snub yielded an injustice, it was not an injustice rooted in her reciprocal relationship with Du Bois in the light of the binding following recognition of the second-person address. In the actual case, there was reciprocal recognition, so that in addition to the wrong just noted, there was also a distinctive injustice rooted in *her* relationship to *him* following the recognition.

VI

I can reformulate the relevant points made in the discussion of the Du Bois case in terms of a distinction between ignoring and rejecting. These terms are deployed here as terms of art, reflecting a difference suggested by their differing etymologies: the Latin root of 'reject' connotes throwing back, a deliberate action with direction between two people, whilst the Latin root of 'ignore' links it with the notion of ignorance, a sense of not knowing or being unaware which has passive connotations.

To reject is to throw back. The image highlights two interrelated features essential to rejection as the term is used here. The first feature is *direction*. To say that something is thrown back is to say that it is a response to something thrown from one person to another, that what has been thrown has been caught by the other and that the response itself travels back to the original person. Since I have been focusing on cases of second-person requests for action, we can say that rejection involves the recognition by the requestee *A* of an addressed request for a particular response directed by the requester *S* to *A*, and an act of response from *A* to *S* that is, *inter alia*, the refusal of the particular response requested. The second feature is *activity*: in rejecting, not

¹⁵ The thoughts expressed in this paragraph (in particular) are heavily indebted to M. Thompson, 'What is it to Wrong Someone? a Puzzle about Justice', in R.J. Wallace *et al.* (eds), *Reason and Value: Themes from the Moral Philosophy of Joseph Raz* (Oxford UP, 2004), pp. 333–84.

merely is the request disregarded, there is a deliberate act of throwing back. Furthermore, I have already suggested that these two features of rejecting – direction and activity – are interlinked: the very recognition of the direction of a request draws the requestee *A* into active engagement with the request, so that any response, even silence, is an active response to the request.

In contrast, ignoring, as used here, lacks both the direction and activity that are characteristic of rejecting. Focusing still on the case of second-person requests for action, to ignore a request is not to catch it; it is a failure to recognize what it is that has been thrown.

Three qualifications are immediately required regarding this use of ‘ignore’. The first is that whilst this use is suggested by part of its historical roots, etymology is not destiny, and I freely concede that my usage here diverges from some everyday usage. For example, there is an everyday use of the term ‘ignoring’ where this describes a deliberate action, such as when a friend chides me via email for not responding to previous missives with the charge ‘You’re ignoring me’. She is not accusing me of a failure to notice her previous emails, but of deliberately not responding when I had noticed them – which is why responding that I never received those emails would count as a refutation of her charge. What I am being accused of is a kind of *faux*-ignoring, a form of rejection by not responding. (Such *faux*-ignoring is comparable to the attempt to prevent the acknowledgement of a request, as in the colloquial expression ‘talk to the hand’ or the gesture of pushing the open palm of a hand towards the face of an interlocutor.) My use of the term ‘ignoring’ here does not extend to such cases of active, directed ignoring.

Secondly, although my interest is in cases where what is ignored are second-person addresses such as requests (thereby creating a parallel with the case of rejection), there is a broader sense in which anything can be ignored, not just addresses. That said, the things said to be ignored tend to be limited to salient features of a situation which are potentially pertinent to the ongoing deliberative process of the ignorer (or sometimes to what should be those deliberative processes). Evidence, for example, is typically said to be ignored, but evidence here is not everything that is the case, but that which would have some bearing on a relevant investigation.

This leads me to the third *caveat*. Although it is possible to ignore something (in my passive sense) in a non-culpable manner, the charge of ignoring typically has an accusatory tone, implying a lack of response due to *failure* to recognize something relevant to one’s theoretical or practical deliberations and/or performances.

Being rejected can be hard to take. So too can being ignored. A central reason for this is that both being rejected and being ignored typically involve

frustration of intent and feelings of disappointment. On some occasions, however, what is hard to take is not merely the resultant heart-break or the bruising of one's ego, but the perceived inappropriateness of the rejecting or ignoring that caused those feelings. In the former case, sensible friends no doubt offer the wise counsel to grin and bear it, however difficult that may be. In the latter case, the appropriate response includes feelings of grievance and resentment, and, depending on the context, protest at the unfair treatment. If 'injustice' includes those instances of maltreatment of persons against which protest of some form is appropriate, then it is possible for both rejecting and ignoring to be unjust.

The kinds of injustice that could result from rejection and ignoring are, however, very different, rooted as they are in very different orders of relations between people. Rejection has its home in the reciprocal relationship between me and you, so that in rejecting inappropriately, *I* am causing harm to *you*, and to no one else. Inappropriate rejection, that is, involves a recognition of the address, so that the subsequent inappropriate response may be a violation directed at you (and you and you ...), something done actively, and something that is an injustice on every instance of occurrence. The inappropriateness of ignoring forms a part of my engagement with reasons in the context of theoretical and practical deliberation, which may have unjust implications for certain people, one of whom may be you.

VII

The preceding discussion of the role played by the second-person address in the Du Bois case, leading to the distinction between the injustice perpetrated in some cases of inappropriate ignoring and that perpetrated in some cases of inappropriate rejecting, places me in a position to return to the case of testimonial injustice, such as that purportedly perpetrated by the unfortunate swimmer.

A key preliminary question: should the lifeguard's act of testifying be treated as a second-person address? To answer affirmatively is to claim that when the lifeguard is putting forward a claim, he is not merely thinking out loud or putting forward his belief to operate as evidence in public space, as doxastic fodder available for anyone to swallow. Rather, the lifeguard is addressing an interlocutor, in such a way that the very recognition of this address binds them in a distinctive second-person relation, as a result of which the interlocutor cannot merely ignore the claim made.

It should come as no surprise to even the relatively inattentive reader that I think an affirmative answer ought to be returned to this question, since so

doing would allow me to treat testimonial injustice in terms of the framework of rejecting as well as ignoring – the opening conjecture of this paper. Providing a full defence of the claim that testifying addresses in the second person requires engaging in a number of intricate issues at the confluence of philosophy of language and epistemology, which are beyond my scope here. An affirmative response to this question is not novel, however, and the broad contours of the proposal can be clarified by contrasting it with other recent accounts with which it has strong affinities.

Anyone familiar with the burgeoning literature on the epistemology of testimony will know that one such account is a position in the literature which has become known as ‘the assurance view’.¹⁶ According to this view, telling someone something provides the intended audience with an assurance that the belief is true. A good way to think of this position is through a parallel between the act of telling (or testifying – I use the terms interchangeably) and the act of promising, where telling is seen as a kind of promising that the belief is true. In telling, the lifeguard gives the swimmer his word that the claim is true; in recognizing the assurance and taking it up, the swimmer believes the claim on the teller’s say-so, even when she has no other reason for believing it.

The basic insight relied on by proponents of this assurance view is the thought that there is a difference between believing what someone says and believing a person who is saying something. In both cases one believes what is said, although in the latter the primary object of belief is the person speaking, and belief in the proposition asserted follows from this. In believing a speaker *S*, and not just what *S* says, *S* and hearer *A* stand in a particular interpersonal relationship, as a result of which *A* cedes to *S* epistemic authority for the belief. In coming to believe what someone says, in contrast, no such authority is ceded; *A* comes to believe what *S* believes, for reasons available to *A*, even if these differ from those available to *S*. The basic insight that there is a difference between believing people and believing what they say is attractive, since, amongst other things, it conforms to features characteristic of moral-psychological interactions with others through conversation. My reflections on testimonial injustice provide a good example, for I have claimed that there is a distinct sense of injustice perpetrated when someone inappropriately rejects a claim made. On the assurance view, this is a case in which the testifier is slighted, because the proffered assurance is not accepted.

One difficulty facing those wishing to develop the assurance approach is to turn this insight about interpersonal relations between people into

¹⁶ Especially that found in R. Moran, ‘Getting Told and Being Believed’, *Philosophers’ Imprint*, 5 (2005), pp. 1–29, <http://www.philosophersimprint.org/005005>.

something that has epistemic significance. If *S* promises *A* to buy lunch, then *S*'s act of promising gives *A* a reason to act in ways that depend on *S*'s buying lunch. On one plausible understanding, promising creates a reason for *A*'s subsequent actions precisely because the existence of the reason for acting depends on something under *S*'s control, *S*'s will. According to the parallel, if *S* tells *A* that there are sharks in the water then *S*'s act of telling gives *A* a reason to act in ways consonant with that claim. But here the parallel seems to break down, for it is hard to see how telling could create reasons for so acting, since whether or not there is such a reason is something outside *S*'s control.¹⁷

However, respecting the basic insight does not need the problematic notion of assurance, but the sparer notion of second-person address. Suppose, that is, one treats the speech-act of telling as a second-person address in the specific sense outlined here. The relationship between teller *S* and tellee *A* forged through the recognition of second-person address is significant in holding a person to respond in the second person to the reasons provided. This thought preserves a core distinction between believing what someone says, and believing a person who is saying something. In recognizing the address, *A* does not regard *S* as a source of information, but as an informant, and the response is directed back at *S*. It too captures core features of moral-psychological interactions with others through conversation, including the sense that in not accepting the lifeguard's word, the swimmer is rejecting *him* and not merely ignoring what he has to say. But since this notion of second-person address does not provide any reasons for accepting a belief over and above the evidence provided by the claim itself, one need not worry about the manner in which an assurance can provide a reason for believing.

VIII

Much more needs to be said in order to turn these cursory comments into a full blown account of the epistemology of testimony, something beyond my current ambitions. What does fall squarely within my scope is to justify the undertaking, by showing the promise of this interpersonal account of testimony in shedding insight into certain cases of testimonial injustice.

I approach this by considering Anscombe's characteristically terse but rich observation which forms the epigraph of this paper. The observation points to a distinctive sense of insult and possible injury which is

¹⁷ I do not mean to imply any originality in raising this problem; see, e.g., G. Watson, 'Asserting and Promising', *Philosophical Studies*, 117 (2004), pp. 57–77.

characteristic of certain experiences of testimonial injustice, considered from a first-person point of view. It seems plausible that the kind of insult Anscombe is pointing to is one associated with being rejected and not being ignored.¹⁸ (In part-defence: the phrase ‘not being believed’ used in the first sentence of the epigraph is glossed as ‘being refused’ in the second, a gloss which accords the response just the direction and activity I have associated with the act of rejecting.) One key question concerns the occasion of insults of this sort, i.e., under what circumstances would I experience this sense of being insulted following an act of testifying that *p*?

A perfunctory rendition of Anscombe’s observation returns the following answer: every instance of not being believed following an act of testimony leads to feelings of being insulted.¹⁹ This answer, however, is far too strong, since there are numerous instances regarding matters of fact where we easily tolerate views dissenting from those to which we have testified without the accompanying feeling of being insulted which is characteristic of inappropriate testimonial rejection. First, you may well have other beliefs, for example, regarding the veracity of the proposition, or regarding my trustworthiness, which provide good reason for not coming to believe that *p*. Secondly, you may have reasons for not engaging with my testimony, perhaps those regarding the priority of other more pressing tasks at that moment or a sheer lack of interest in the matter. In the former case, you engage with my testimony that *p* and respond by not accepting it. In the latter case, you make a reasoned decision to disengage from my claim. In both cases, if I am aware of the availability of this kind of exculpation, then I typically do not have the kind of experience of being insulted to which Anscombe alludes.

According to the perfunctory reading, I experience testimonial insult whenever the product of another’s doxastic deliberation differs from the input to the process provided by my act of testimony. An alternative suggestion is that I experience testimonial insult when I perceive that your deliberation following my testimony reveals that you did not treat that act as a genuine input to the deliberative process. In the extreme, testimonial insult is experienced in cases where my act of testifying that *p* is perceived to have no discernible effect on your subsequent deliberations whatsoever. Less extreme cases of the experience of testimonial insult include those where my

¹⁸ These comments are not intended as an effort at Anscombe exegesis, beyond treating her as having isolated a distinctive sense of testimonial injustice not captured within the framework of ignoring. Cf. the discussion of Anscombe in Moran, ‘Getting Told and Being Believed’.

¹⁹ Anscombe herself modifies the claim somewhat in her ensuing discussion, for instance, by noting that ‘falshood lets one off all hooks’: ‘What Is It To Believe Someone?’, in C.F. Delaney (ed.), *Rationality and Religious Belief* (Notre Dame UP, 1979), pp. 141–51, at p. 151.

act of testifying appears to have been accorded insufficient weight in your deliberations, and where no exculpation of the sort just invoked is available to me to account for this.

My previous discussion allows a distinction between two different ways in which *A* could be perceived as not having treated *S*'s testifying that *p* as a genuine input to *A*'s deliberative process: the testimony of *S* could have been ignored, or it could have been rejected. My discussion of the difference between these suggests that the natures of the insult and possible injury in these cases differ.

As I have said, the harm in the case of ignoring comes into view by broadening the gaze to see this epistemic failing as part of a systematic and repeated failure to recognize the performances of this person as the testimonial acts they are, in a way that thereby deprives the testifier of an active voice in public discourse. Fricker (pp. 132–3) captures the nature of this kind of injustice well by calling it a form of epistemic objectification in which

The subject is ... ousted from the role of participant in the co-operative exercise of the capacity for knowledge and recast in the role of passive bystander.... The moment of epistemic injustice wrongfully denies someone their capacity as an informant and by confining them to their entirely passive capacity as a source of information it relegates them to the same epistemic status as a felled tree whose age an observer might glean from the number of rings.

Further, since Fricker treats the notion of being a good informant as the core of what it is to be a knower at all, she concludes (p. 145) that

When someone is excluded from the relations of epistemic trust that are at work in a co-operative practice of pooling information, they are wrongfully excluded from participation in the practice that defines the core of the very concept of knowledge.

The injustice in the case of rejecting too can be captured by talk of epistemic objectification, although this label has to be developed in a more variegated manner than Fricker permits. For Fricker, epistemic objectification is a form of objectification in which a person is treated as merely a source of information and not as an informant. 'Treating' here, however, can take one of two different forms.²⁰ One involves ignoring the person's status as a testifier on an occasion, a form of *objectification-as-non-attribution* of testifier-status. Another involves rejecting the person's status as testifier on an occasion, a form of *objectification-as-violation* of testifier-status. These are not the same thing. Critically, objectification-as-violation requires (whereas objectification-as-non-attribution precludes) the attribution of status as testifier, an attribution which is violated on this occasion.

²⁰ The distinction is due to R. Langton, *Sexual Solipsism* (Oxford UP, 2009), pp. 228–9, although placed here in a different framework.

In this case of epistemic objectification-as-violation there is the non-fungibility of the victim mentioned earlier: *she* is violating *him* on this occasion. Relatedly, it is natural to talk of the violation as an act of the violator, as something the latter does actively, though it is not incoherent to talk of the harm caused in treating someone as an object through non-attribution of testimonial status without accusing the agent of actively perpetrating the injustice. Further, one's response to non-attribution and violation is likely to differ, for it is only in response to the former that it makes sense to yell louder or increase visibility in an effort to establish salience.

Earlier I rejected a perfunctory rendition of Anscombe's comments on the occasion in which a person experiences a sense of testimonial injustice. The rendition was perfunctory in that it ignored the broader context of the essay from which the quotation is taken, *viz* the distinction between believing people and merely believing what they say. Viewed in context, Anscombe is highlighting the distinct sense of injustice experienced when another person does not believe you, as opposed to not coming to share the beliefs you have expressed. In my terms, this is a case in which another person inappropriately rejects your act of testifying, a form of objectification-as-violation of testifier status. The experience of being insulted which Anscombe notes is not a mere 'sentiment of injustice' which operates as some optional but common accompaniment to cases of this kind of testimonial injustice, but one which captures the distinctive form of this type of objectification. Whilst onlookers may feel a sense of outrage and offence on behalf of the one so violated, the victim experiences a distinct other-directed sense of being insulted which is rooted in the second-person address and rebuff essential to this type of testimonial injustice.

IX

It is widely assumed that there are certain norms governing doxastic deliberation to which any thinker *qua* thinker is beholden, and which are such that failure to live up to them is a defect in deliberation. Although one could argue over its precise formulation and the extent of possible exclusions, one such norm involves matching one's belief that *p* to the available evidence regarding the truth of the claim. In cases of testimonial injustice, the credibility afforded a testifier falls short of the evidence available to the deliberator that the testifier is telling the truth. This is an epistemic defect, and may, as in the case of the swimmer with which I began, be harmful to the deliberator.

Under certain further conditions, the epistemically inappropriate performance of the deliberator results in harm to the testifier. Not all such harms are epistemic in nature, as in cases where it is central to the well-being of the testifier that the testimony should be accepted. In this paper I have focused on a harm that is distinctively epistemic. More specifically, I have concentrated on one variety of epistemic injustice termed ‘testimonial injustice’, where testifiers are harmed in their capacity as potential conveyors of knowledge. I have argued that such testimonial injustice comes in two distinct forms. One form of testimonial injustice occurs when people are accorded insufficient credibility as testifiers through having their testimony ignored, a form of objectification-as-non-attribution of full status as testifier. Not every failure to match judgements of credibility to evidence results in the perpetration of such injustice. The wrongdoing and the harm come into view by broadening the gaze to see this interaction as an instance of a pattern of such interactions, typically between politically significant social types, which has deleterious epistemic effects, especially for members of that social class of testifier as potential contributors to reasoned discourse. Another form of testimonial injustice occurs when people are accorded insufficient credibility as testifiers through having their testimony rejected, a form of objectification-as-violation of full status as testifier. Here the injustice is firmly rooted in a normatively significant second-person relation between two people, in which deliberators do an injustice *to testifiers* in rejecting them. Many experiences of testimonial injustice have this interpersonal form; they involve a type of epistemic wrong done *to another*. I have argued that making sense of this interpersonal form requires us to treat the speech-act of testifying as a second-person address. In the absence of such an address, any possible injustice arises out of violations of epistemic norms which are not owed *to* another, even though their violation may have a deleterious effect *on* another.

To bring this out more clearly, I shall, by way of conclusion, briefly contrast this discussion of testimonial injustice with that found in Miranda Fricker’s *Epistemic Injustice*, her pathbreaking work in this area. For Fricker, the ‘central case’ of testimonial injustice occurs when a testifier is the subject of an identity-prejudicial credibility deficit (p. 28). Prejudices are ‘judgements which ... display some culpable resistance to counter-evidence owing to some affective investment on the part of a subject’ (p. 35); an identity-prejudice is one that is held against a person *qua* social type (p. 28); and a credibility deficit occurs when the testifier is accorded less credibility than the evidence provides (p. 19). Fricker concedes that there may be rare cases of testimonial injustice involving credibility excess as well as deficit, but these are ‘special cases’ coming together in a ‘semi-fanciful manner’, and thus

constitute a 'variant strain' of testimonial injustice rather than the central category (p. 21). Further, she suggests that the central category of testimonial injustice should be limited to cases of systematic, as opposed to incidental, identity prejudice, i.e., limited to cases where the prejudice 'tracks the subject through different dimensions of social activity', making one susceptible to 'a gamut of different injustices' as well (p. 27). This focus on the systematic is not because cases of incidental identity prejudice are inconsequential for the testifier – indeed, if persistent, it 'may ruin their life' (p. 29), but is due to the fact that such cases are 'not central from the point of view of an interest in the broad pattern of social justice' (*ibid.*).

It is worth noting the peculiarity of Fricker's main example of testimonial injustice in the light of this general definition. The main example she provides is the jury's failure to believe Tom Robinson's professions of innocence at his trial in Harper Lee's celebrated novel *To Kill a Mockingbird*. I grant that this is a case of identity-prejudicial credibility deficit in the precise sense noted above, and, since the issue turns on race (white jury, black testifier), it is a systematic prejudice. But there are features of this case that serve to separate it from other examples of testimonial injustice in the formal sense defined. First, the members of the jury are not mere regular epistemic deliberators, but in virtue of their position on a jury have specific duties of deliberation owed to the defendant. Secondly, the non-epistemic harm to Robinson of not being believed is transparent in such a case. Thirdly, this is a direct face to face testimonial encounter, which at the minimum adds a visceral poignancy to the sense of injustice which is lacking in other cases. There is little doubt that this is a striking example of testimonial injustice; it is less clear whether it is these special features that make it so. An example which lacks such features – perhaps a case in which one has stumbled across and read in a hurried manner a blog entry on a trivial matter, and accords it little credibility as a result of an identity prejudice based on the blogger's name – is a far less clear case of testimonial injustice, even though repeated treatment of this kind by readers may have significantly harmful epistemic effects on the blogger.²¹

Fricker cannot let these additional factors play a central role in her account of testimonial injustice unless she accords them an epistemic role, for this would undermine the claim that the injustice involved is a 'distinctively epistemic kind of injustice' (p. 1), as opposed to another kind of injustice which has epistemic implications. Yet she provides little explicit reflection on the epistemic role played by factors such as face to face

²¹ It has been drawn to my attention that a similar concern (and example) is raised in I. Maitra, 'The Nature of Epistemic Injustice', *Philosophical Books*, 51 (2010), pp. 195–211, at pp. 198–9.

encounters, or the responsibilities stemming from social roles in such cases. In the light of my discussion, there does appear to be one epistemically significant factor which is not addressed by Fricker, but which makes an important difference in cases such as Robinson's, the presence of a second-person speech-act. As a result of recognizing his address to them, the members of the jury are now bound to respond to Robinson, and any response is directed back to him. The possibility of engaging another by means of such an address is epistemically significant, since this ability is central to full participation in the interpersonal give and take of reasons, of challenging and being challenged in the claims we make, and it is full participation in this co-operative practice that, as Fricker herself demonstrates, defines the 'very concept of knowledge' itself (p. 145).

Seen from this perspective, Fricker's formal definition of testimonial injustice best captures cases of inappropriate ignoring. Since the harm in such cases comes into view when one broadens the gaze to repeated instances, this provides a principled reason for the focus on the systematic and not the incidental in such cases. Further, it facilitates easy incorporation into the model of those cases where an epistemic harm is caused by inappropriately according the testifier a credibility excess, despite the peculiarity of circumstances necessary for this to occur. In contrast, the case of Tom Robinson is best thought of as primarily an instance of inappropriate rejection: his status as testifier is violated by the epistemically inappropriate deliberations of the jury in Maycomb County, derisively rejecting Robinson's lawyer's desperate plea 'In the name of God, believe him' (cited in Fricker, p. 25). (Fricker's insightful analysis at pp. 23–7 of the complex psychological interplay between defendant, lawyer and jury brings out this interpersonal dimension all too vividly.) Whilst this case does have the systematicity across social spheres, this is not central to the form of injustice in cases of rejection, as my discussion of Anscombe's comment reveals. One experiences the insult associated with testimonial rejection when it is perceived that one's claim has not been taken seriously as an input to another's deliberations. Further, since this is a specific kind of credibility deficit, there is a principled reason for excluding instances of excess in cases of rejecting.

The central thrust of this paper has been to distinguish in thinking about testimonial injustice between the framework of ignoring and the framework of rejecting. The point is to give reason for supplementing the understanding of testimonial injustice in terms of ignoring with the notion of rejecting, not to advocate replacement of the former by the latter. For all that has been said here, there may be good reasons for one motivated by political concerns, in the conventional sense of an interest in those social structures, relations and institutions involving power or authority within

which we social beings operate, to concentrate on the injustice associated with having one's testimony ignored and not rejected. Disagreement with ignoring-based accounts only rises if these accounts claim to capture all there is to be said about testimonial injustice or, more broadly, claim to limit the notion of injustice to that which features when thinking about aspects of the political so conceived. Anscombe's comment, as interpreted here, serves to highlight a genuine sense of testimonial injustice that is not captured by the framework of ignoring, and for which one needs to think of injustice as arising in the context of the second-personal interrelations, and not just as pertaining to the political institutions under which we fall.²¹

University of Cape Town

²² An early draft was written while I was a Fellow at the DuBois Institute, Harvard University, in 2008, and presented at the Institute's Colloquium. Subsequent versions were presented at the annual conference of Israeli Philosophical Association and at a colloquium at Georgetown University, as well as to the philosophy departments at UMass-Boston, the University of Witwatersrand, and the University of Cape Town. I am indebted to members of the audience on each of these occasions for their feedback, and to the DuBois Institute for initial support and encouragement. In addition, I have greatly benefited from discussion with Hagit Benbaji, Matt Boyle, Catherine Elgin, Miranda Fricker, Sam Guttenplan, Rebecca Kukla, Mark Lance, MaryKate McGowan, Thad Metz, Richard Moran, Tommie Shelby, Levi Spectre and Lynne Tirrell.