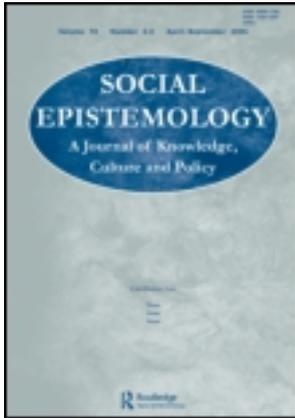


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Publisher: Routledge

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## Social Epistemology

Publication details, including instructions for authors and subscription information:

<http://www.tandfonline.com/loi/tsep20>

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Available online: 15 Dec 2010

To cite this article: José Medina (2011): The Relevance of Credibility Excess in a Proportional View of Epistemic Injustice: Differential Epistemic Authority and the Social Imaginary, *Social Epistemology*, 25:1, 15-35

To link to this article: <http://dx.doi.org/10.1080/02691728.2010.534568>

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# The Relevance of Credibility Excess in a Proportional View of Epistemic Injustice: Differential Epistemic Authority and the Social Imaginary

José Medina

*This paper defends a contextualist approach to epistemic injustice according to which instances of such injustice should be looked at as temporally extended phenomena (having developmental and historical trajectories) and socially extended phenomena (being rooted in patterns of social relations). Within this contextualist framework, credibility excesses appear as a form of undeserved epistemic privilege that is crucially relevant for matters of testimonial justice. While drawing on Miranda Fricker's proportional view of epistemic justice, I take issue with its lack of attention to the role that credibility excesses play in testimonial injustices. I depart from Fricker's view of the relation between credibility excesses and credibility deficits, and I offer an alternative account of the contributions that undeserved epistemic privileges make to epistemic injustices. Then, through the detailed analysis of *To kill a mockingbird*, I elucidate the crucial role played by the social imaginary in creating and sustaining epistemic injustices, developing an analysis of the kind of social blindness produced by an oppressive social imaginary that establishes unjust patterns of credibility excesses and deficits.*

*Keywords:* Authority; Credibility; Epistemic Justice; Hermeneutical Justice; Social Imagination; Testimonial Knowledge

## Introduction

Miranda Fricker (2007) has analyzed better than anyone the relationship between credibility appraisals and epistemic justice, providing an account of how inadequate credibility judgments can stem from and at the same time contribute to structural

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epistemic injustices. As Fricker shows, assignments of epistemic authority and credibility assessments can be inadequate for all sorts of reasons, some spurious and accidental, others recalcitrant and systematic. Fricker is particularly interested in the link between unfairly biased credibility judgments and identity prejudices. The negative prejudices about a particular group circulating in a culture can denigrate the epistemic character of the members of that group, affecting how they are perceived. Subjects stigmatized by negative identity prejudices may not be regarded as normal epistemic subjects, as reliable conveyers of information, and therefore they will not receive proper recognition in testimonial exchanges and will be unfairly treated. Interestingly, Fricker argues that identity-prejudicial epistemic injustices have to be related to those inadequate assessments of epistemic authority that institute undeserved credibility deficits, but not to those that institute undeserved credibility excesses: “The primary characterization of testimonial injustice [...] remains such that it is a matter of credibility deficit and not credibility excess” (2007, 21). She offers two arguments for this claim: in the first place, she contends that a credibility excess does no immediate harm, even if it can have a cumulative unfair effect; and, in the second place, she argues that a credibility excess on someone’s part cannot be automatically correlated with a credibility deficit in someone else’s part, for credibility is not a scarce good of which we have a finite and limited amount and, therefore, distributive fairness (i.e. getting an equal share) does not apply to this epistemic quality. I will look in more detail into these arguments in order to paint a broader picture of epistemic injustices.

Fricker asks whether there could be “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’” (2007, 20). She acknowledges that when one tends to receive a credibility excess from most interlocutors (as members of a ruling elite might), one is likely “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” (Fricker 2007, 20). So, Fricker asks, is the subject in this case not wronged in his capacity as a knower in and through these excessive attributions of credibility? Yes and no. Fricker insists that it is only through the cumulative effect of these inadequate attributions that an epistemic wrong occurs:

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. (Fricker 2007, 21)

But the fact that no epistemic harm can be detected in this immediate way only shows the short-sightedness of an analysis that focuses exclusively on the individual moments of testimonial exchanges among particular subjects. It should not be surprising that there is no immediate harm that can be detected at the very moment of a credibility assessment, as a direct and immediate consequence of it. For, after all, epistemic injustices are not always direct and immediate harms; they tend to have temporal trajectories and to reverberate across a multiplicity of contexts and social interactions. This is particularly true of those injustices that have to do with the development of epistemic characters and the agency subjects acquire or lose as they participate in testimonial

exchanges over time and across interactions. Epistemic injustices of this sort are temporally and socially extended. Epistemic injustices (as well as the forms of justice that contrast with them) are created and maintained through a sustained effort over time and across interactions, and cannot, therefore, be confined to a single moment of testimonial exchange. The proper analysis of a testimonial exchange requires looking into what happens before and after the exchange, looking into what happens in other exchanges and in society as a whole. We have to follow the trajectories that intersect at (converging in and diverging from) the moment of the exchange. We have to pay attention to the social trends that may affect in direct or indirect ways what happens in the particular interaction and how participants perceive and appraise each other. To the extent that an excessive attribution of credibility belongs to a chain of attributions that promotes epistemic vices, that attribution contributes to epistemic injustice. But we can only appreciate the unfair character of that attribution, its contribution to an epistemic injustice, if we put it in a broader context: a context in which the attribution can be perceived as a component part of a complex process—a temporally and socially extended process—that vitiates epistemic exchanges and the epistemic tendencies and characters of those involved. The harms that excessive attributions of credibility can inflict will indeed not be perceived in an immediate and direct way, given the holistic aspect of injustice. Epistemic injustices have robust temporal and social dimensions, which involve complex histories and chains of social interactions that go beyond particular pairs and clusters of subjects. And these thick historicity and sociality are lost if our analysis is restricted to particular interactions between individuals at particular moments. Because epistemic injustices are a holistic matter, their analysis too must be holistic. Because epistemic injustices are temporally and socially extended, they call for a sociohistorical analysis that contextualizes and connects sustained chains of interactions, being able to uncover how contributions to justice and injustice appear and develop in and across concrete sociohistorical contexts.

### **Epistemic Justice as Interactive, Comparative and Contrastive**

From the holistic (i.e. sociohistorical and contextualist) approach to epistemic injustice I am developing, Fricker's thesis that credibility excesses can only qualify as a special case of cumulative injustice, but not as a regular case of testimonial injustice, is unconvincing. On the one hand, Fricker's claim that a credibility excess does not handicap the speaker in the course of the exchange in the same way that a credibility deficit does is dubious. Some of what Fricker calls long-term effects of credibility excess can actually appear in the course of a testimonial exchange if this exchange is complex enough and goes for long enough: we can perceive the speaker becoming arrogant and dogmatic as a result—at least in part—of the disproportionate authority he has been given by the interlocutors; he can be perceived to be unmoved by dissent and impervious to criticism; he can be perceived to become a bully in the very course of the interaction. On the other hand, we can also perceive pernicious effects on the interlocutors (including even those who have indulged in the excessive attribution of credibility): they may feel intimidated by the speaker's authoritative voice, inhibited to express

dissent or to raise objections, and so forth. This raises a crucial point: when Fricker claims that a credibility excess does no immediate harm, she clearly means that no harm is done (directly and immediately) to its recipient; but the epistemic harms that excessive attributions of credibility can do go well beyond the speaker being epistemically appraised from a second-person perspective. It is very telling that Fricker's analysis has an almost exclusive focus on the speaker who is the target of a credibility assessment. The underlying assumption of Fricker's normative analysis is that hearers can commit injustices mainly because they can do harm to the speakers whose credibility they assess. But the analysis does not take into account that hearers can contribute to the formation and perpetuation of injustices in many other ways. For example, I, as a hearer, can wrong myself by attributing a credibility excess to all those who are different from me and thus, comparatively, an implicit credibility deficit to those who are like me. This pattern is grounded in, but also perpetuates an inferiority complex. My excessive attributions to those who are different from me in particular respects (e.g. Anglos or heterosexuals) can have the effect of my voice feeling inhibited, my becoming vulnerable to gullibility, my self-trust being shaken or fading in comparison to the disproportionate epistemic trust given to the speaker, and so forth. I can also wrong other interlocutors of the speaker I am assessing with the disproportionate epistemic trust attributed to him, by implicitly encouraging/echoing/backing up his authority in an arbitrary way while at the same time (at least indirectly) undermining and creating obstacles for dissenting voices.

Credibility judgments have effects (both proximal and distal) not only on their recipients, but also on others involved in the interaction as well as others indirectly related to it (predecessors and successors of the exchange). As we have seen, the immediate and long-term effects of credibility judgments are interrelated and are not always easily distinguishable or extricable from each other; and, moreover, there is also a middle level of consequences that are not immediate but are quite proximal, not too far removed from the interaction. Also, the effects that credibility judgments have for different subjects (speaker, hearer-attributor, other interlocutors, and the various groups to which they belong) are not wholly independent and easily extricable from each other either, but are in fact intimately related. Like many other epistemic qualities, credibility has an *interactive* nature; and its proper or improper attribution reflects that essential interactive aspect in being *comparative or contrastive*: implicitly, being judged credible to some degree is being regarded as more credible than others, less credible than others, and equally credible as others. Credibility never applies to subjects individually and in isolation from others, but always affects clusters of subjects in particular social networks and environments. So it should not be surprising that, in the case of excessive attributions of credibility, the disproportionate epistemic trust given to the speaker affects everybody involved in the interaction and not just the speaker, for it affects the very dynamic that unfolds in the interaction. By assigning a level of credibility that is not proportionate to the epistemic credentials shown by the speaker, the excessive attribution does a disservice to everybody involved: to the speaker by letting him get away with things; and to everybody else by leaving out of the interaction a crucial aspect of the process of knowledge acquisition: namely, opposing critical

resistance and not giving credibility or epistemic authority that has not been earned. In so far as the transmission of knowledge is affected, there is an epistemic harm that affects all involved in the testimonial exchange—speaker, hearer-attributor, and other interlocutors included. Fricker acknowledges that a credibility excess can be disadvantageous,<sup>1</sup> but, on her view, this does not necessarily amount to an epistemic injustice. There is indeed a distinction between mere disadvantage and wrongful disadvantage, for not every epistemic obstacle is part of a pattern of wrongful differential treatment. But I will argue that the pattern of social perceptions within which credibility excesses are typically assigned involve a wrongful differential treatment of epistemic subjects with different characteristic and different social affiliations.

Fricker rejects the implication I have drawn from the comparative and contrastive dimension of credibility judgments for epistemic justice; namely, that excessive attributions of credibility constitute an epistemic injustice because not only their recipients but also others are wronged and mistreated by apportioning inadequate levels of epistemic trust and authority in the relevant community (or communities) and social network(s). According to Fricker, by judging some subjects and groups of subjects as disproportionately trustworthy, we are not also indirectly judging other subjects unfairly—that is, as disproportionately untrustworthy or at least reaching a differential level of trust under the same conditions and with the same merits and credentials. Fricker resists this strong link between credibility excesses and credibility deficits in her account of epistemic injustice because she thinks that this would be to rely on a distributive conception of justice that is not applicable to epistemic goods such as credibility. As she puts it:

credibility is not a good that belongs with the distributive model of justice. [...] those goods best suited to the distributive model are so suited principally because they are finite and at least potentially in short supply. [...] Such goods are those for which there is, or may soon be, a certain competition [...]. By contrast, credibility is not generally finite in this way, and so there is no analogous competitive demand to invite the distributive treatment. (Fricker 2007, 19–20)

I can give maximal (perhaps even limitless, in the case of total gullibility) credibility to all my interlocutors (and even to myself) at the same time! On Fricker's view, giving a particular degree of credibility affects not at all my other attributions of credibility to other speakers. Well, this is in a sense true, but it is also misleading. Credibility is indeed not a finite good that can be in danger of becoming scarce in the same way that food and water can (although the social conditions can be such that a good case can be made—even if figuratively—for credibility becoming a rare commodity in short supply and obtainable only through competition). But I have suggested that we should conceive of credibility as interactive and as involving implicit comparisons and contrasts (potential comparison and contrast classes that operate counterfactually). A comparative and contrastive quality is not the same thing as a distributive good. In particular, it does not need to be a finite and scarce good that requires equal distribution. And, therefore, I fully agree with Fricker that the distributive model of justice does not apply here. Accepting that credibility has no distributive nature, there is nonetheless an intimate relation between credibility excesses and credibility deficits. This intimate

relation is particularly clear in situations of oppression where there are social disparities that affect the differential levels of recognition given to different groups and where there are, as a result, all sorts of disproportions, including epistemic ones. In situations of oppression, members of some groups get disproportionately more credibility and others disproportionately less; in other words, their epistemic authority is not proportionate to their epistemic capacities and assets. And note that, on my view, it is an issue of proportionality and not of equal distribution. We have to aspire to making our credibility judgments as proportionate to epistemic deserts and credentials as possible, avoiding disproportions that reflect and are grounded in (positive and negative) prejudices that involve the differential treatments of members of different groups. I fully agree with Fricker that the value that guides epistemic justice is not equal distribution but proportionality—that is what fairness means in this case. But it is precisely within this proportional view of epistemic justice that I share with Fricker that credibility excesses—as well as deficits—should be considered indicative of testimonial injustice.

Let me lay out more clearly why credibility judgments are implicitly comparative and contrastive, and should be guided by the value of fair proportionality in order to avoid epistemic injustices and move towards epistemic justice. Credibility is not assessed one person at a time in complete isolation from all other subjects and their social affiliations. Credibility is not assessed in the abstract, independently of social positionality and judgments of normalcy, but rather, in a comparative and contrastive way—that is, by comparison with what is considered extraordinary, normal and abnormal. So, those who have an undeserved (or arbitrarily given) credibility excess are judged comparatively more worthy of epistemic trust than other subjects, all things being equal; and this is unfair, not only to them but also to others who do not receive this privileged treatment, not because of a failure in equal distribution but because of a failure in proportionality, for the degrees of credibility given to subjects have to be proportional to their epistemic merits and the presumptions that apply to subjects in their situation. A credibility excess constitutes an epistemic injustice when and because it involves the undeserved treatment of an epistemic subject who receives comparatively more trust than other subjects would under the same conditions. The credibility excess assigned to some can be correlated to the credibility deficits assigned to others not because credibility is a scarce good (as the distributive model wrongly assumes), but because credibility is a comparative and contrastive quality, and an excessive attribution of it involves the privileged epistemic treatment of some (the members of the comparison class, i.e. those like the recipient) and the underprivileged epistemic treatment of others (the members of the contrast class, i.e. those unlike the recipient). An excessive attribution of credibility indirectly affects others who are, implicitly, unfairly treated as enjoying comparatively less epistemic trust. In my view, this is due to a disproportion in credibility and authority assigned to members of different groups. Credibility is not a scarce good that should be distributed with equal shares, but excesses and deficits are to be assessed by comparison with what is deemed a normal epistemic subject. Although I am identifying a crucial role for credibility excesses in patterns of epistemic injustice, I remain in full agreement with Fricker's proportional view: the epistemic injustices concerning credibility and epistemic authority are not to

be thought of as resulting from “misdistribution,” but rather from disproportion—lack of proportionality—or undeserved disparity in the epistemic reputability of social groups.

Fricker does admit that when testimonial exchanges are affected by identity prejudices, credibility excesses can be part of a broad pattern of credibility assignments that lack proportionality, so that the attribution of excessive credibility to some is part of a practice that divests others of deserved credibility. However, Fricker does not think that there is always this correlation between excesses and deficits. For one thing, she thinks that there are many other kinds of prejudices (such as, for example, methodological biases in scientific practices) that do not function like identity prejudices in marginalizing and oppressing social groups. And she also seems to allow for the possibility of a credibility excess that does not involve any general form of bias or prejudice, affecting only its recipient. It is very hard to come up with unproblematic examples of such isolated excessive assignments of credibility that are not part of larger patterns and do not involve—not even counterfactually—comparison and contrast classes, so that the attributor of credibility would assign more credibility than deserved to similar speakers and less credibility than deserved to dissimilar speakers. Could the recipient of an excess of credibility be such that, as far as its attributor was concerned, there was nobody like or unlike him/her? Could a speaker be perceived as a singular class all to himself/herself, without any social categorization attached, without any implicit comparison or contrast class? The excessive attribution of credibility to one’s teacher, to one’s father or mother, to one’s lover, for example, could be thought of as problematic credibility assessment that can get one in trouble, but without involving extended patterns of credibility excess and deficit and without amounting to epistemic injustice. This may be so—although psychoanalysts as well as some social psychologists would disagree. It is indeed an empirical matter, as Fricker seems to think. But my point is that, because of the comparative and contrastive nature of credibility assignments, when we find a credibility excess that breaches the proportionality with epistemic merits—just as when we find a deficit—we have a good indication that there can be an unfair pattern of credibility attributions. It is, of course, an empirical question whether or not there is in fact such a pattern, but my claim is that the presumption should be that there can be one: there are reasonable grounds to think that there can be an epistemic injustice, and we should feel responsible to look for the ramifications of the epistemic disproportion. Moreover, if there is independent evidence that the social environment in which credibility is assigned includes systematic biases and prejudices, then there is a stronger presumption (namely, that it is likely that any excess or deficit of credibility is part of an unjust pattern of attributions).

Epistemic injustices are produced as much by lack of epistemic recognition (the credibility deficits of some) as they are produced by epistemic privilege (the credibility excesses of others). And, in fact, these two sources of epistemic injustice do not function independently, but are intimately interrelated. It is not at all an accident that some groups are viewed as more credible and others as less credible because credibility is a comparative matter, and because perceptions of credibility and authority are forms of social recognition that are bound to be affected by the cultural habits of recognition

available for differently positioned subjects with respect to different social groups. The excess of epistemic authority of some constitutes an injustice that is directly related to the credibility deficits of others. For example, as many social scientific studies have shown, students in American universities, from day one when they enter the classroom, tend to give more authority and credibility to male teachers than to female teachers, to white teachers than to non-white teachers, to native speakers of English than to those who speak with a foreign accent, to those perceived as heterosexual than to those perceived as non-heterosexual. All things being equal, apparently male, heterosexual, white teachers who are native speakers of English command an automatic authority among the students that teachers who are not perceived to fall into these identity categories do not enjoy. And of course the credibility excess given to teachers who are perceived to be male, heterosexual, white, and native speakers of English is not unrelated to the credibility deficits that teachers who are perceived as members of other groups tend to accrue. For indeed American students tend to assign (at least initially) differential levels of credibility to members of different groups when they occupy a position of intellectual authority.<sup>2</sup>

### Differential Authority, Systematic Injustice, and the Social Imaginary

Under conditions of oppression, social disparities often result in differential presumptions of epistemic authority and credibility. For Fricker, the paradigmatic cases of testimonial injustice involve credibility deficits resulting from negative prejudices and not credibility excesses resulting from positive prejudices. Her examples are supposed to illustrate this. However, I will use Fricker's most central example to show that credibility excesses are also crucially involved in cases of testimonial injustice. The example is Harper Lee's (2002 [1960]) novel *To kill a mockingbird*. The part of the story of interest for our purposes goes as follows: in 1935 Alabama, a young black man, Tom Robinson, is accused of raping Mayella Ewell, a poor white girl who lives in the borderlands that separate blacks and whites. As Fricker puts it:

the trial proceedings enact what is in one sense a straightforward struggle between the power of evidence and the power of racial prejudice [...]. 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. (2007, 23)

Tom Robinson's lawyer, Atticus Finch, proves that the defendant could not have beaten Mayella Ewell because she sustained injuries inflicted by a left fist and Tom Robinson's left arm is disabled. But nonetheless this is not enough to invalidate the charge and exculpate the defendant. The fact that Tom ran away from the Ewell house is taken to imply culpability; and Tom's testimony is undermined by the prosecutor to the point of depicting him as completely untrustworthy. A turning point in the prosecutor's interrogation is when Tom is asked why he stopped by at the Ewell house regularly and helped Mayella with her chores. He answers "I felt right sorry for her." "*You* felt sorry for *her*, you felt *sorry* for her," the prosecutor replies (Lee 2002 [1960], 224). As Fricker emphasizes, the prosecutor can ridicule a black man's pity for a white

woman and use it to damage fatally whatever epistemic trust the all-white jury had given to the witness because, in the context of a racist ideology, the sympathy of a black person for a white person is a taboo sentiment:

a black man is not allowed to have feelings that imply a position of any sort of advantage relative to any white person [...]. 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. (Fricker 2007, 24–25)

I agree with Fricker's illuminating reflections on the trial proceedings of *To kill a mockingbird*, but I want to introduce a crucial addition that puts the analysis of this case in quite a different light: I want to show the crucial role that credibility excesses play in the testimonial dynamics of this case. After this addition, I will elucidate the contributions that the social imaginary makes to the epistemic injustice committed, exploring the complex relation between testimonial and hermeneutical injustices. To begin with, although Fricker's analysis of the novel's court proceedings is masterful, it is nonetheless limited because she analyzes the epistemic injustice being committed only in terms of the credibility deficit assigned to Tom Robinson by the prosecutor, by most members of the white audience, and especially—ultimately and fatally—by the all-white jury. This is indeed one of the salient features of the case; but there are also credibility excesses (even if they often remain in the background) that give essential support to the epistemic disparities at play and the biased testimonial dynamic that leads to the injustice. There is clearly an unfair differential treatment of the witnesses. And it is noteworthy that Fricker does not analyze Atticus Finch's interrogation of Mayella Ewell and how she is perceived by the jury, which is indeed a crucial part of the proceedings and an essential element in the production of the epistemic injustice. The depiction of Tom Robinson as a presumptuous, lying Negro is not only created and maintained during his interrogation, but also in and through everything else that happens at the trial. Such depiction becomes successful not exclusively because of what happens in Tom's interrogation, but also, in part, thanks to the credibility excess antecedently given to his accusers, Bob and Mayella Ewell, as members of a privileged racial group (despite their economic underprivileged status). Such credibility differentials were already in place even before the defendant and his accusers walked into the witness stand; and, in the eyes of the jury, they were corroborated and augmented in their testimonies. In fact, I would say that in the trial proceedings of *To kill a mockingbird* there is an entire hierarchy of credibility presumptions at play: white women are more credible than Negroes; and white men are more credible than white women: both Finch and the prosecutor are depicted as speaking for Mayella in a more credible voice than she can muster. The comparative and contrastive character of credibility assessments can also be appreciated in the audience's perceptions of the defendant and his interrogator as they interact, for their authority and credibility shrink and grow simultaneously and in tandem as they go back and forth. Tom's credibility is ruined because it diminishes to the point of disappearance when his claim about pity is encountered with an ironic resistance voiced by a far more credible white man who echoes the white social imaginary in such a powerful and authoritative way that the plausibility of Tom's claim

becomes almost unimaginable to the white audience. The discrediting of Tom's testimony does not happen in a vacuum; his credibility is not undermined independently of the credibility of those around him, but in fact the diminishing of his testimonial authority is achieved through the epistemic authority implicitly given to his questioner: the prosecutor is assumed to be a better evaluator of sentiments and their plausibility than the witness. On my view, the novel illustrates how a credibility excess—that of whites, and more specifically that of Mayella's testimony and that of the prosecutor's questioning—constitutes a *misplaced trust* that can easily harm others and contribute to the perpetuation of social injustices. Interestingly, although Fricker ignores the crucial relation between credibility deficits and excesses in her analysis, she nonetheless implicitly acknowledges this relation in passing when she says "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" (2007, 25). This illustrates well how a testimonial injustice is socially and temporally extended and can only be properly understood when put in a much broader sociohistorical context of unfair relations.

Credibility deficits and excesses clearly go together in this case. This is not surprising since we are dealing with an epistemic injustice that is grounded in a *comparative* social injustice: the unfair differential agency given to members of different racial groups, whites and non-whites; and the epistemic aspects of that agency will also be attributed differentially, giving more to some and less to others. As the social advantages and disadvantages produced by racism go together, so do the epistemic advantages and disadvantages produced by racism. The comparative and contrastive character of the epistemic disparities in this case tracks (and results from) the comparative and contrastive character of the social disparities on which they are built and to which they give support. For the epistemic injustices we are examining have a *systematic* character: they are produced by—and are at the same time productive within—a complex *system* of social relations and practices in which unfair disparities among groups are maintained. As Fricker puts it, "systematic testimonial injustices [...] 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" (2007, 27). And this is true whether the prejudices in question are positive or negative; that is, whether they assign an excess of credibility and authority that "tracks" a privileged position in social activities (economic, legal, educational, professional, etc.), or a deficit in credibility and authority that "tracks" an underprivileged position in those activities.

My contextualist view suggests that the epistemic injustices committed by particular individuals against other particular individuals in concrete interactions—such as testimonial exchanges—have to be put in a broader sociohistorical context and have to be understood as part of larger patterns of injustice that typically remain in the background and go beyond the testimonial. Durable epistemic injustices are kept in place thanks to social and cultural support that spans across generations. I am particularly interested in exploring here one aspect of this transgenerational social and cultural support: I am interested in elucidating the role of *the social imaginary* in establishing and sustaining epistemic injustices. In order to illustrate this sociocultural dimension

of epistemic injustices through our example, it is necessary to go beyond the individual voices that participate in the testimonial exchanges of Tom Robinson's trial by putting them in a broader context and in relation to social trends and social limitations that create epistemic obstacles. In this sense, I submit that what stands in the way to the achievement of justice in this case goes beyond testimonial credibility: Tom Robinson's testimonial authority is discredited because certain affects and relations have been rendered incredible (in fact, almost unintelligible) in that culture; and achieving justice becomes practically impossible in that culture until those affects and relations become imaginable, until they can be thought meaningfully, and those who lay claim to them do not become discredited by their very claims. In other words, the key to understand what goes wrong in the interrogation of Tom Robinson has to be found in the relation between the epistemic attitudes and reactions depicted and the workings of the social imaginary.<sup>3</sup> The interrogation stumbles upon something that falls outside the social imaginary: a Negro feeling sorry for a white girl. What lacks all credibility is not simply Tom Robinson as a knower and informer in general, but the idea of black pity for white subjects in Jim Crow Alabama. Similarly, in the interrogation of Mayella Ewell, another *incredible* proposition surfaces: Atticus Finch's insinuation that it was Mayella who made sexual advances on Tom. Here we find another taboo idea, something that the social imaginary of white Southerners at the time had condemned. It is not so much Mayella's hysterical denial of the insinuation that makes it incredible in the jury's eyes, or any amount of credibility given to her—in fact, she is depicted as commanding little authority and, if anything, her hysterical reactions seem to confirm Atticus's insinuation. It is, rather, that the proposition goes against all the guiding principles and underlying assumptions that regulated at the time the gender and racial relations of the South; and hence the proposition appears as incredible. Here the epistemic obstacle is the unimaginability of a white girl coming on to a Negro. In his address to the jury, this is how Atticus describes Mayella (instead of Tom) as the initiator and active agent of the sexual advances: "She has merely broken a rigid and time-honored code of our society [...] She was white, and she tempted a Negro. She did something that in our society is unspeakable: she kissed a black man" (Lee 2002 [1960], 231). Atticus is asking the jury to ascribe an incredible sort of sexual agency to a white woman (the agency to initiate sexual activity!) and a misplaced object of desire (a Negro!). And there is yet another hard-to-swallow proposition in the mix: that if Mayella had not been brutally abused by Tom, then she must have been physically abused by her own father. The jury is faced with the choice between an easily imaginable, ready-made scenario (a white girl being raped by a Negro), and something unimaginable coupled with something imaginable but shattering (the white girl desiring a Negro and being physically abused by her own father<sup>4</sup>). The jury is epistemically lazy, shares the arrogance and closed-mindedness of the dominant racial ideology of the time, and finds Tom guilty.

I want to emphasize that in this case the resistance to know (to open one's mind to alternative possibilities and to ponder the available evidence fairly) comes from *the social imaginary* (or from limitations therein). It is the dominant social imaginary that is behind the vicious pattern of credibility excesses and deficits that operate in this case. It is this social imaginary that breeds and supports the epistemic arrogance of those who

speak from a standpoint that has already accrued credibility excess, and the epistemic laziness of those who listen without feeling the need or the obligation to contemplate alternatives to that unquestioned way of thinking embodied in the social imaginary. As Atticus puts it in his address to the jury, “a quiet, respectable, humble Negro who had the unmitigated temerity to ‘feel sorry’ for a white woman has had to put his word against two white people’s,” and these two witnesses for the state spoke with “the cynical confidence that their testimony would not be doubted” (Lee 2002 [1960], 232). The novel illustrates how the exposure to a racist social imaginary can vitiating people’s aptitude for virtuous listening across racial lines. Atticus contrasts this inaptitude produced by a racist social imaginary with the epistemic innocence of his children who were, comparatively, more virtuous listeners than the adult white audience and the white jurors. As he puts it, talking to his son after the guilty verdict is known:

If you had been on that jury, son, and eleven other boys like you, Tom would be a free man [...] So far nothing in your life has interfere with your reasoning process. Those were twelve reasonable men in everyday life, Tom’s jury, but you saw something come between them and reason. (Lee 2002 [1960], 251)

What interfered with the jurors’ rational capacities and precluded their virtuous listening were the racist prejudices they had absorbed from the social imaginary that permeated their social milieu. That social imaginary produced *active ignorance*<sup>5</sup> by circulating distorted scripts about sexual desire according to which Negroes have a sexual agency out of control whereas white women lack sexual agency.<sup>6</sup> Those under the sway of this social imaginary—that is, those who have been raised under the influence of these imaginings and the cultural representations they produced—are likely to develop epistemic habits that protect established cultural expectations and make them relatively blind and deaf to those things that seem to defy those expectations. In the first place, they will lack the motivation and intellectual curiosity to probe the evidence more fully, to ask about alternative explanations and to find out more. In other words, the social imaginary produces a strong form of epistemic laziness that blocks evidentiary explorations. This laziness becomes an epistemic obstacle in the pursuit of knowledge that can easily lead to epistemic injustices. In the second place, the strongly biased social imaginary that was dominant at the time produced closed-mindedness: a strong resistance to look at things from another angle. No matter how implausible things may initially look from other, unfamiliar angles, it is epistemically beneficial to consider things from multiple angles, to use a kaleidoscopic vision on the events, and to compare and contrast as many perspectives as possible. It would have been beneficial to take seriously Tom’s perspective as a sexually uninterested passer-by who feels pity for a woman and tries to help her. It would also have been beneficial to take seriously Mayella’s perspective as a victim of domestic abuse and as a woman pursuing a man she desires (a perspective that she herself has a strong resistance to admit and articulate, feeling ashamed, rejected, and socially encouraged to pose as a victim of racial violence and not as a victim of domestic violence). Finally, and most importantly for my argument, it is clear that the view of the events stemming from the prevailing racist ideology was epistemically arrogant; and, as suggested above, the arrogance of the dominant

perspective and the arrogance of particular subjects who give voice to that perspective can be understood in terms of the credibility excesses assigned to certain ideas and certain voices.

In my elucidation of the testimonial dynamics in Tom Robinson's trial, I have identified two interrelated but distinct roles that the social imaginary can play. In the first place, the social imaginary can make some things (i.e. some experiences, phenomena, scripts, etc.) highly visible and plausible while at the same time making others highly implausible and nearly invisible and unintelligible. In the second place, the social imaginary can also invest certain voices and perspectives with excessive authority and credibility while at the same time divesting other voices and perspectives of the credibility and authority that they deserve. The first role is hermeneutical, for it concerns the social imaginary's role in shaping people's capacities for interpreting and understanding things (opening their eyes and ears to certain things and not to others), whereas the second role is specifically testimonial since it concerns the social imaginary's role in shaping people's capacities for listening properly and for assigning adequate levels of credibility and authority. The fact that the social imaginary into which people are born affects both their hermeneutical and their testimonial capacities simultaneously should be taken as evidence of how closely related hermeneutical justice and testimonial justice tend to be. In fact, I would suggest that there cannot be testimonial justice without hermeneutical justice. Hearers cannot listen to a speaker fairly if there is a hermeneutical gap that prevents them from understanding and interpreting that speaker. As Fricker puts it, a *hermeneutical injustice*<sup>7</sup> takes place when and because "a collective hermeneutical gap prevents members of a group from making sense of an experience that is in their interest to render intelligible" (2007, 7). As a result of their incapacity to make sense of their life-experiences and predicaments, hermeneutically marginalized subjects enter communicative interactions in a disadvantaged position, for they are conceptually ill-equipped to make sense of certain things and they are disproportionately more likely to be ill-understood. This is exactly the unfair hermeneutical situation that Tom Robinson finds himself in, and this is the nature of the epistemic injustice committed against him: the wrong done against him as a witness, the testimonial injustice, is only an effect of a broader and deeper epistemic injustice he has to endure as a communicator and epistemic subject for occupying a certain social location; that is, in virtue of belonging to a social group—black men—who cannot talk about certain things—such as feeling pity for a white person or being the object of sexual desire of a white woman—without his intelligibility being called into question. Hermeneutical injustices of this sort result from obstacles and limitations in the social imaginary that produce the inability to see and hear certain things, social forms of blindness and deafness that limit the communicative and epistemic capacities of members of certain groups and preclude a genuine understanding of their experiences, problems, and situations. This is brilliantly illustrated by Tom Robinson's trial in *To kill a mockingbird*: there is testimonial injustice in the forefront, but the deeper epistemic injustice in question—the one rooted in the cultural oppression inscribed in a biased social imaginary—is a hermeneutical injustice. Tom belonged to a hermeneutically marginalized group whose voices and perspectives were unfairly treated by

mainstream audiences at the time because they were subject to specific hermeneutical disadvantages. And without hermeneutical justice there cannot be testimonial justice. However, hermeneutical justice does not guarantee testimonial justice, for there can be cases in which, without any antecedent hermeneutical gap getting in the way of adequate understanding and interpretation, hearers may nonetheless fail to assign appropriate levels of credibility and to listen properly. In other words, hermeneutical justice is a necessary but not a sufficient condition for testimonial justice. Although not all testimonial injustices have a hermeneutical root, some do—for when hermeneutical justice fails, testimonial injustices follow. And, as I have suggested, this is exactly what happens in our fictional example. Tom Robinson's trial illustrates that the testimonial injustice that takes place among particular individuals occurs precisely because of the antecedent hermeneutical injustice already in place at a larger social and cultural level.

### Active Ignorance, Meta-blindness, and Epistemic Friction

As suggested in the previous section, the white jury members who convicted Tom Robinson can be said to have suffered from an active ignorance that prevented them from recognizing the intelligibility and validity of Tom's perspective and from listening to his testimony fairly. In this section I will argue that this form of active ignorance operates at a meta-level and should be understood as grounded in a *meta-blindness*. Besides the particular things the jurors in Tom's trial could not see and hear, their epistemic habits had created also a blindspot at a meta-level. They failed to recognize that there were things they could not recognize: they were blind to their inability to understand certain things; they were unable to acknowledge that they were ill-equipped to understand certain sentiments and reactions. In other words, they were blind to their own blindness, insensitive to their own insensitivity. Had they not been so, they would have been less comfortable in keeping things out of the bounds of intelligibility; and they would have been more attentive to the silences, the gaps, the cryptic remarks and inchoate allusions to what cannot be said, the evasive responses, the highly emotional reactions to certain questions and insinuations. By contrast, the black people sitting in the atrium of the courtroom constituted a better audience for Tom Robinson's testimony than the whites sitting below; they proved to be better listeners in the relevant respects, less blind and deaf in their reception of the evidence presented. The hermeneutically disadvantaged listeners, thanks to their special sensitivity to insensitivity—their painful awareness of the prevailing blindness—could understand why certain things were not said, why others were only half-said, and why others appeared laughable or illogical even though they could very well be real. The hermeneutically privileged audience members did not have this capacity to understand (or to acknowledge that there is more to understand) readily available; and in fact, because they were not only blind but meta-blind, because they were insensitive to their own insensitivity, they faced serious obstacles against becoming good listeners, against acquiring or developing the capacity to understand what is difficult to understand. So the segregated courtroom contained two hermeneutical levels, two ways of listening and interpreting the testimonial exchanges. We have here a hermeneutically mixed audience, with two distinct groups. As a result,

the testimonial exchanges acquired dual meanings, two distinct semantic layers. But although there are interpretative splits and we could talk about two audiences, it would be a mistake to overstate the differences of these two groups of listeners and to segregate them radically, as a matter of principle, and not as a matter of contingent (and reversible) historical and psychological facts, as if the spatial segregation of the courtroom established something *de jure*. It is important to note that there is no radical separation between the two groups; there are interpenetrations and traffic between the two audiences and the two hermeneutical levels.

To begin with, some among the white listeners can “see in black” (as Atticus Finch can); and some among the black listeners may very well be listening “in white.” But also, and more importantly, we need to recognize here the artificiality of this way of speaking: “seeing (and listening) in black and white.” We have here a very strong and distorting polarization of viewpoints, of alternative ways of perceiving that are construed as mutually exclusive and as exhaustive, as if people had to choose between perceiving things in one way or in another—without combining them or looking for other alternative ways of seeing and hearing—between belonging to one audience or another (without there being a third or a mixed one), between going upstairs or downstairs in the courtroom. “This or that, and nothing more.” This “nothing more” is a way of expressing or performing meta-blindness, a particularly recalcitrant kind of ignorance about the cognitive and affective limitations of one’s perspective. As an antidote to this meta-blindness, we need to seek epistemic friction: that is, to actively search for more alternatives than those noticed, to acknowledge them (or their possibility), and to attempt to engage with them whenever possible. It is crucial to have more than one form of receptivity culturally available; but it is also important to have the ability to move back and forth among alternative sensibilities, to look at the world from more than one perspective, to hold different viewpoints simultaneously so that they can be compared and contrasted, corrected by each other, and combined when possible. It is important to entertain different perspectives without polarizing them, dichotomizing them, and presenting them as exhaustive. When we think of the strong limitations of the dominant Southern white culture of the 1930s, we have to think of resources within and without in order to look for ways of fighting those limitations and their consequences: we have to look at the vibrant Negro culture(s)<sup>8</sup> available as well as the different subcultures that existed within the white and the black world. Besides the mainstream racist imaginary, there were alternative (even if marginalized) social imaginaries that could provide ways of escaping the dominant social ideology.<sup>9</sup> Besides the dominant testimonial sensibility that was strongly prejudicial in racial and sexual matters, there were also alternative (even if marginalized) ways of speaking and listening, alternative standpoints to occupy in testimonial exchanges. Alternative social imaginaries can serve as correctives of each other, epistemic counterpoints that enable people to see limitations of each viewpoint, creating beneficial epistemic friction. Alternative testimonial sensibilities can also serve as correctives of each other when they are objectively compared and contrasted, or when they are given a sufficiently unbiased space to engage with each other, yielding beneficial epistemic friction. Epistemic friction can meliorate people’s capacities to see and hear, and it can facilitate the devel-

opment of virtues that improve epistemic interactions and, in particular, testimonial exchanges.

It is important to note that the epistemic virtues that could have enabled the jury members in our example to see and hear things differently cannot develop until their meta-blindness is corrected. In the dynamics of the case it is, therefore, their meta-blindness that is the ultimate source of the hermeneutical and testimonial injustice committed. The jurors' ignorance of their own prejudices—more than the absence of any particular virtue—is what got in the way of epistemic justice. The jurors failed their epistemic responsibilities as fair listeners because of the arrogance of a viewpoint that does not recognize its own biases and limitations, a viewpoint that appears to itself as exclusive and exhaustive without admitting alternatives that can offer critical resistance or epistemic friction to it. Many epistemic virtues could have helped the jurors to fulfill their epistemic duties and to prevent the injustice. For example, more epistemic humility could have enabled them to detect the flaws of the dominant perspective; more intellectual curiosity and diligence could have led them to ask questions, draw implications, and pursue evidentiary searches further. But these virtues cannot appear in this case unless and until the listeners in question become sensitive to the blindspots and limitations of their own perspectives. One can start to develop that sensitivity and to overcome his/her meta-blindness by actively seeking epistemic friction with other perspectives. One actively seeks epistemic friction by searching for alternative viewpoints, by considering epistemic counterpoints, by establishing comparisons and contrasts among perspectives, by looking at things from various angles and formulating points in alternative vocabularies. These activities that produce epistemic friction and can serve to undermine epistemic arrogance and meta-blindness can take place in the testimonial exchanges themselves (in the cross-examination of witnesses from different angles, for example), but they can also take place in the deliberation over testimonial evidence. Unfortunately, Harper Lee's novel does not give the reader access to the deliberations of the jury and it is not possible to determine whether epistemic friction of any kind was present or absent. In this respect, Reginald Rose's play *Twelve Angry Men* would be a more appropriate illustration, since it depicts the deliberative space that can produce the epistemic friction needed to overcome deep-seated prejudices that can lead to testimonial injustices.<sup>10</sup>

Tom Robinson did not stand a chance. Given the racist social imaginary that was dominant at the time among whites in Southern rural Alabama, he was doomed to appear to mainstream white jurors as a deficient witness who lacked the ability to report on his own experiences and perceptions. What would it have taken for these jurors to overcome their racism in the testimonial interaction and to perceive Tom in a just epistemic color, to borrow Fricker's expression?<sup>11</sup> We have already pointed out one of the crucial obstacles that factor into these listeners' inability to see things aright: the limitations of the social imaginary that colors their perception. So, in that sense, in order to address the injustice we have to go well beyond the individuals involved in the exchange: we have to go to the social roots of the problem. But there is more. The failure to have the requisite kind of critical openness<sup>12</sup> as a listener in testimonial exchanges involves the failure to establish the right personal connection with one's

interlocutor. The problem is both social and personal. And the personal failure is both—and simultaneously—cognitive and emotive: it involves the inability to see the relevant epistemic saliences and also the inability to *feel* the interpersonal relation of *trust* required for the transmission of knowledge. Trust can be characterized as a relation that has both a cognitive and an affective dimension. As Karen Jones (1996) has argued, trust requires the capacity to have certain affects, in particular, *empathy*. We can describe virtuous listeners as those who are exceptionally empathetic (or at least more empathetic than the rest of us), being able to see things from the speaker's perspective and being able to hear things as the speaker would have us hear them. Empathy makes people better listeners; it enables them to calibrate the degrees of trustworthiness that can and should be assigned to their interlocutors. For example, as Fricker explains, the hearer's perception of her interlocutor's sincerity or insincerity involves an "emotional engagement": "she must empathize sufficiently with him to be in a position to judge, and empathy typically carries some emotional charge" (Fricker 2007, 79). What is required for interlocutors to become more virtuous hearers is to learn to develop proper relations of trust, that is, to bestow adequate degrees of trustworthiness on their interlocutors and to proceed in the testimonial exchanges accordingly. And this is both a cognitive and an affective achievement. As Fricker puts it: "When the virtuous hearer perceives his interlocutor as trustworthy in this or that degree, this cognitive achievement is inevitably partly composed of an emotion: a feeling of trust" (2007, 79). A cognitive-affective sensibility that includes empathy is indeed a crucial ingredient to virtuous listening. But how can we expect people who have been raised in a racist, segregated society to have the affective habits and structures that enable them to empathize with people of a different race? Worse yet, we are not just talking about a regular lack of empathy, but an antipathy that protects itself in such a way that it does not appear to the subject or to the group as a lack of sensibility of any sort. In other words, we are not just talking about any kind of insensitivity, but a particularly recalcitrant one: insensitivity to insensitivity, an emotional meta-blindness. The problem of meta-blindness is not only a cognitive problem, but also an emotional problem: it involves the failure to relate to others affectively—a problem created by rigid and impoverished affective structures. Therefore it calls for both cognitive and affective restructuring.

The epistemic injustice committed against Tom has to be understood as part and parcel of a systematic sociopolitical injustice against a group; and this epistemic injustice is perpetrated thanks to a social imaginary and the vitiated cognitive and affective habits that it has fostered among the members of the jury. In this fictional case the social imaginary acts in such a way that, despite the available evidence, it becomes difficult for the jury to see Tom as anything other than a guilty Negro who gave in to his sexually aggressive instincts, and as a lying Negro who escapes the scene of the crime and makes up extremely implausible (to the point of unimaginability) excuses to cover up the results of his sexually aggressive nature, which is assumed to be there despite all appearances in Tom's behavior, attitudes, and history. The blindness and deafness to the overwhelming evidentiary elements in the trial proceedings that points in another direction are fostered by culturally powerful and socially reputable scripts

of black men attacking vulnerable and defenseless white women—for example, the so-called *Myth of the black rapist*.<sup>13</sup> Over generations and through the confluence of different forms of exclusion and stigmatization, the social imaginary has created the active ignorance that operates here: namely, the blindness and deafness to evidence suggesting that a white woman may desire and pursue a black man, and that a black man may feel sorry for a white person he finds desperate and helpless and may try to assist her without an ulterior motive. Moreover, another blindspot in the social imaginary converges here by obscuring the possibility of an alternative explanation for the brutal aggression. For, if Tom was not the perpetrator, then who? An alternative explanation seems lacking because another form of active ignorance makes it hard to imagine: the (relative) cultural blindness and deafness with respect to domestic abuse and gender violence. Properly addressing these instances of active ignorance—these forms of blindness and deafness—requires deep transformations of the social imaginary and the cognitive and emotive restructuring of attitudes and habits, so that epistemic vices (such as arrogance, laziness, and closed-mindedness) are eliminated and the cultivation of epistemic virtues becomes possible. As Fricker has suggested, the epistemic justice we should aspire to in interactions such as court proceedings must include not only testimonial fairness but also hermeneutical fairness. And the latter demands that listeners become sensitive and alert to hermeneutical gaps and cultivate the interpretive capacities required to overcome hermeneutical obstacles. As Fricker puts it, the goal of understanding in testimonial interactions demands that the “virtue of *hermeneutical justice* [be] incorporated into the hearer’s testimonial sensibility. This virtue is such that the hearer exercises a reflexive critical sensitivity to any reduced intelligibility incurred by the speaker owing to a gap in collective hermeneutical resources” (2007, 7).

## Conclusion

In this paper I have tried to articulate and defend a contextualist expansion of the notion of epistemic injustice as a temporally and socially extended phenomenon. I have defended a proportional view of epistemic justice that avoids the pitfalls of a distributive view while emphasizing the interactive nature of epistemic qualities and the comparative and contrastive aspects of their attribution. On the one hand, *pace* Fricker, I have argued that epistemic injustices are produced as much by epistemic privilege as they are produced by lack of epistemic recognition. In the case of testimonial injustice, I have argued, *pace* Fricker, that credibility excesses are as important as (and, in fact, intimately connected with) credibility deficits. On the other hand, building on Fricker’s views and suggestions, I have also argued that the social imaginary plays a crucial role in instituting and maintaining epistemic injustices and that, even at the individual level (in the one-on-one interactional dynamics of testimonial exchanges), these injustices can only be repaired through radical transformations of the social imaginary and through the creation of a fertile social soil for the cultivation of epistemic virtues.

## Acknowledgements

The author is deeply grateful to the insightful critical comments received from two anonymous reviewers of *Social Epistemology*. The author is also deeply indebted to Miranda Fricker not only for her pioneering work, which inspired this essay, but also for her detailed comments on an earlier version of this essay. Both the anonymous reviewers and Professor Fricker have helped tremendously to improve the argument of this paper. Professors Carlos Thiebaut and Fernando Broncano also gave extremely valuable feedback on an earlier version of this paper delivered at the Carlos III University in Madrid (Spain) in April 2010.

## Notes

- [1] See especially her example in Fricker (2007, 18–19).
- [2] See Andersen and Miller (1997), Basow (1995), Burns-Glover and Veith (1995), Centra and Gaubatz (2000), and Miller and Chamberlin (2000). For a rich discussion of these pedagogical issues in the context of feminist and race theory, see the essays in Crabtree, Sapp, and Licona (2009). See also Giroux and Giroux (2004) and Bell hooks (2003).
- [3] For the notion of the social imaginary, I rely heavily on the works of Castoriadis (1997a, 1997b, 1998, 2007), Gatens (1995), and Gatens and Lloyd (1999). The social imaginary should be understood as a repository of images and scripts that become collectively shared. This symbolic repository provides the representational background against which people tend to share their thoughts and listen to each other in a culture.
- [4] There is also in the novel the very subtle insinuation of a possible sexual abuse of Mayella by her father. The key textual evidence for that insinuation comes in Tom's testimony when he says: "She reached up an' kissed me 'side of th' face. She says she never kissed a grown man before an' she might as well kiss a nigger. She says *what her papa do to her don't count*. She says, 'Kiss me back, nigger'" (Lee 2002 [1960], 221; emphasis added). The allusion to "what her papa do to her" in the context of trying to convince Tom to kiss her certainly invites the reader to entertain the possibility that Mayella's father may have been not only physically abusive to her, but sexually abusive as well. This subtle insinuation is reinforced by the picture painted of Mayella's situation at home where the danger of abuses of all sorts seems to be there for her, as the young female in the house who has to endure the excesses of her father when he comes drunk at the end of the day. There is also a veil of ambiguity in this respect in Atticus Finch's interrogation of Mayella: "'Do you love your father, Miss Mayella?' [...] 'Love him, whatcha mean?' 'I mean, is he good to you, is he easy to get along with?' 'He does tollable, 'cept when—' [...] 'Does he ever go after you?' 'How do you mean?'" (Lee 2002 [1960], 208–209). Atticus goes on to talk about physical abuse from that point onwards, but although he never comes out and says anything explicit about possible sexual aggressions and he never questions Tom on what Mayella could have meant by "what papa do to her," the insinuation is subtly there, touching on a very difficult social silence, another social taboo that is hard to break (perhaps harder than the one about interracial relations).
- [5] I have defined *active ignorance* elsewhere as the kind of recalcitrant, self-protecting ignorance that builds around itself an entire system of resistances (see Medina forthcoming). This active ignorance is to be contrasted with the mere absence of belief or the mere presence of false beliefs, for it has deep roots in systematic distortions and in hard-to-eradicate forms of blindness and deafness. For analyses in the recent literature in the epistemology of ignorance, see especially Sullivan and Tuana (2007) and Tuana (2004, 2006).
- [6] In recent years there have been numerous studies of the racial and gender aspects of cultural representations of sexuality, exposing the myths and social distortions that have pervaded the

- sexual imagination of our culture. For a particularly detailed and influential study of this kind, see Patricia Hill Collins (1990).
- [7] Fricker (2007, 174–175) devotes the last chapter of her book to hermeneutical justice, but she distinguishes it from testimonial justice from the beginning of the book. For Fricker, testimonial and hermeneutical fairness are two separate—although not unrelated—species of epistemic justice.
- [8] The Harlem renaissance had taken place in the 1920s and it had echoed pre-existing, vibrant and subversive black cultural movements in the South as well as in many other places in the African diaspora. See Locke (1992 [1925]).
- [9] Of course, alternative social imaginaries are not sealed off from each other and they have noticeable influences upon one another, typically with those more mainstream and socially empowered exerting a more pervasive and hard-to-escape influence. As a result, there are often assumptions and limitations that all the closely related social imaginaries will share; and even the most marginal standpoint and the most eccentric alternative way of imagining social reality may reproduce important aspects of the mainstream. An account of this can be found in Bourdieu's discussions of generational conflicts. See Bourdieu (1984, 1991).
- [10] I owe this suggestion to an anonymous reviewer of *Social Epistemology*.
- [11] Fricker argues that testimonial epistemic virtue is a socially trained perceptual capacity: namely, the capacity for social perception that enables the subject to “see his interlocutors in epistemic colour” (2007, 71). As Fricker summarizes it, “the main idea is that where a hearer gives a suitably critical reception to an interlocutor's word without making any inference, she does so in virtue of the perceptual deliverances of a well-trained testimonial sensibility” (2007, 71). Epistemic perceptions and judgments—deliverances of epistemic sensitivity—are not a matter of applying pre-set principles. Rather, the subject ““just sees” her interlocutor in a certain light, and responds to his word accordingly” (Fricker 2007, 76).
- [12] According to Fricker, “critical openness” is what is most characteristic of the responsible hearer's stance. Following McDowell (1998), she defines critical openness as “a rational sensitivity such that the hearer may critically filter what she is told without active reflection or inference of any kind” (Fricker 2007, 69).
- [13] For critical analyses of this social script, its use for motivating and justifying lynching, and its legacy, see Davis (1983) and Hill Collins (1990).

## References

- Andersen, K., and E. D. Miller. 1997. Gender and student evaluations of teaching. *Political Science & Politics* 30 (2): 216–19.
- Basow, S. A. 1995. Student evaluations of college professors: When gender matters. *Journal of Educational Psychology* 87 (4): 656–65.
- Bourdieu, P. 1984. *Distinction*. Cambridge, MA: Harvard University Press.
- Bourdieu, P. 1991. *Language and symbolic power*. Cambridge, MA: Harvard University Press.
- Burns-Glover, A. L., and D. J. Veith. 1995. Revisiting gender and teaching evaluations: Sex still makes a difference. *Journal of Social Behaviour & Personality: Special Issue: Gender in the Workplace* 10 (6): 69–80.
- Castoriadis, C. 1997a. *World in fragments: Writings on politics, psychoanalysis and the imagination*. Palo Alto, CA: Stanford University Press.
- Castoriadis, C. 1997b. *The Castoriadis reader*. Oxford: Blackwell.
- Castoriadis, C. 1998. *The imaginary institution of society*. Cambridge, MA: MIT Press.
- Castoriadis, C. 2007. *Figures of the unthinkable*. Palo Alto, CA: Stanford University Press.
- Centra, J. A., and N. B. Gaubatz. 2000. Is there gender bias in student evaluations of teaching? *Journal of Higher Education* 71 (1): 17–33.

- Crabtree, R., D. A. Sapp, and A. C. Licona, eds. 2009. *Feminist pedagogy: Looking back to move forward*. Baltimore, MD: The Johns Hopkins University Press.
- Davis, A. 1983. *Women, race, & class*. New York: Vintage.
- Fricke, M. 2007. *Epistemic injustice: Power and the ethics of knowing*. Oxford: Oxford University Press.
- Gatens, M. 1995. *Imaginary bodies: Ethics, power and corporeality*. New York: Routledge.
- Gatens, M., and G. Lloyd. 1999. *Collective imaginings: Spinoza, past and present*. New York: Routledge.
- Giroux, H., and S. Giroux. 2004. *Take back higher education: Race, youth, and the crisis of democracy in the post-Civil Rights era*. New York: Palgrave MacMillan.
- hooks, b. 2003. *Teaching community: A pedagogy of hope*. New York: Routledge.
- Jones, K. 1996. Trust as an affective attitude. *Ethics* 107 (1): 4–25.
- Lee, H. 2002 [1960]. *To kill a mockingbird*. New York: Harper Collins.
- Locke, A., ed. 1992 [1925]. *The new Negro*. New York: Simon & Schuster.
- Hill Collins, P. 1990. *Black feminist thought: Knowledge, consciousness, and the politics of empowerment*. Boston: Unwin Hyman.
- McDowell, J. 1998. *Meaning, knowledge, and reality*. Cambridge, MA: Harvard University Press.
- Medina, J. Forthcoming. *The epistemology of resistance*. Oxford: Oxford University Press.
- Miller, J., and M. Chamberlin. 2000. Women are teachers, men are professors: A study of student perceptions. *Teaching Sociology* 28 (4): 283–98.
- Sullivan, S., and N. Tuana, eds. 2007. *Race and epistemologies of ignorance*. Albany, NY: SUNY Press.
- Tuana, N. 2004. Coming to understand: Orgasm and the epistemology of ignorance. *Hypatia: A Journal of Feminist Philosophy* 19 (1): 194–232.
- Tuana, N. 2006. The speculum of ignorance: The women's health movement and epistemologies of ignorance. *Hypatia: A Journal of Feminist Philosophy* 21 (3): 1–19.