

Content-Focused Epistemic Injustice

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There has been extensive discussion of testimonial epistemic injustice, the phenomenon whereby a speaker's testimony is rejected due to prejudice regarding *who they are*. But people also have their testimony rejected or preempted due to prejudice regarding *what they communicate*. Here, the injustice is *content-focused*. We describe several cases of content-focused injustice, and we theoretically interrogate those cases by building up a general framework through which to understand them as a genuine form of epistemic injustice that stands in intertwined relationships to other forms of epistemic injustice.

1 Introduction

HIV posed an enormous threat to public health in the United States in the 1980's and early 1990's, taking tens of thousands of lives. Yet research into its treatment proceeded at a glacially slow pace, and not by accident. The Reagan Administration repeatedly undercut efforts to combat HIV, rejecting clear testimony from numerous public health experts that HIV was an alarming threat that required immediate action. It even flatly refused to approve funding Congress eventually allocated for HIV research, brushing off the disease as if "it was measles and it would go away."¹ Commenting on the matter, Don Francis (an official at the Center for Disease Control) testified to Congress in 1987 that

Much of the HIV/AIDS epidemic was and continues to be preventable. But because of active obstruction of logical policy, active

¹Rimmerman (2001: 88). See also Faderman (2015). It took acts of civil disobedience and activism for this research to receive adequate attention and funding.

resistance to essential funding, and active interference with scientifically designed programs, the executive branch of this country has caused untold hardship, misery, and expense to the American public.²

While one might wonder why anyone would reject expert testimony about a quickly spreading disease, Reagan's officials did not hide their motivations. Referring to HIV as "the gay disease", they overtly construed support for prevention research as support for the gay community.³ This construal was the reason, or at least one of the reasons, why they rejected expert testimony that HIV research was needed in order to protect public health.

By rejecting this testimony, officials in Reagan's administration committed an epistemic injustice. (More on this in §3 and §4.) But this rejection does not fall under either of the two categories of epistemic injustice most commonly discussed: testimonial injustice and hermeneutical injustice. In what has become the canonical (though challenged) explication of these notions, Miranda Fricker writes that "Testimonial injustice occurs when prejudice [regarding a speaker's identity] causes a hearer to give a deflated level of credibility to a speaker's word; hermeneutical injustice occurs at a prior stage, when a gap in collective interpretive resources puts someone at an unfair disadvantage when it comes to making sense of their social experiences."⁴ For example, the first occurs when a police officer refuses to believe someone because they are black, and the second occurs when someone experiences sexual harassment but cannot articulate this experience because they lack a concept of sexual harassment.

The Reagan administration's rejection of expert HIV-related testimony belongs in neither of these categories. The speakers in question were, by and

²Rimmerman (2001: 89).

³Green (2011). Green notes that during a congressional hearing on HIV, "one Republican, Rep. Bill Dannemeyer of California, delivered a speech on the House floor titled 'What Homosexuals Do' and read graphic descriptions of sexual acts into the Congressional Record."

⁴Fricker (2007: 1).

large, heterosexual white men in government and the sciences, making it extremely unlikely that testimonial injustice (in Fricker’s sense) was occurring. And these speakers did not lack any concept critical to expressing their testimony, meaning that no hermeneutical injustice was occurring. We think that the administration’s rejection of expert testimony is best understood as what we will call CONTENT-FOCUSED INJUSTICE or ‘CFI’: epistemic injustice focused not on the identity of a given speaker, but rather on the things that speaker communicates.

That, of course, is a preliminary and unspecific way to put it. We’ll attempt to add more detail, and thus illuminate the phenomenon at hand. The first step will be to describe several actual cases of the phenomenon in addition to the HIV case. We’ll then theorize about these cases by offering up a general model that taxonomizes them (§2). With that much theorizing on the table, we’ll explain why CFI is an epistemic injustice (§3), and we’ll explore its relationships to other forms of epistemic injustice (§4).

A few clarifying remarks before diving into the details. First, we are by no means the first to discuss the phenomenon we call ‘CFI’: other scholars, and especially black feminist and indigenous scholars, have discussed many instances of CFI (although not under that label), as well as its effects.⁵ What we hope to bring to these discussions is a general framework within which to situate these many instantiations of CFI. Second, our framework includes a number of sufficient conditions for CFI, all of which feature prejudice and, in particular, prejudice against *structurally oppressed* groups – that is, groups that are “systematically and unfairly disadvantaged within a social structure.”⁶ Prejudice against non-oppressed groups certainly exists. Perhaps it can even yield cases of a non-systematic sort of CFI. But such cases would not fall under the sufficient

⁵See, e.g., The Combahee River Collective (1979), Rich (1980), Lugones (1987, 2006), and Hill Collins (1991).

⁶Haslanger (2004: 98).

conditions we offer. This is because we think it is centrally important to highlight cases that exist within and perpetuate contexts of oppression. This brings us to our third and final clarifying remark: our comments throughout apply only to the central cases of CFI, the cases that—we will argue—collectively perpetuate contexts of oppression by controlling and preempting knowledge about oppressed groups.

2 Varieties of content-focused injustice

This section delineates, illustrates, and offers up sufficient conditions for some of CFI’s common manifestations.⁷

2.1 Reactive content-focused injustice

We start with Reactive CFI, which features peoples’ reactions to assertions. Sometimes this phenomenon occurs when a hearer is prejudiced against a group (or member of a group) an assertion is *about*. Other times, it occurs when a hearer is prejudiced against a group (or member of a group) they *associate with* things an assertion is about. An example of the first sort – where the prejudice attaches to a group (or member of a group) an assertion is *about* – is found in Oscar Wilde’s classic *The Picture of Dorian Gray*. In the book, Dorian Gray becomes smitten with a young actress. Speaking about her to his friend, Lord Harry Wotton, the following exchange occurs:

“Who are you in love with?” asked Lord Henry...

“Her name is Sibyl Vane.”

“Never heard of her.”

⁷For related work developed contemporaneously with but independently of ours, see Davis (MS), which builds a concept of “Content-based testimonial injustice” and applies it to professional philosophy. While Davis’ content-based testimonial injustice is similar to CFI, there are important differences. Our papers are usefully read in tandem.

“No one has. People will some day, however. She is a genius.”

“My dear boy, no woman is a genius. Women are a decorative sex. They never have anything to say, but they say it charmingly. Women represent the triumph of matter over mind.”⁸

Here, Dorian attempts to communicate some information about Sibyl: she is a genius. Henry prejudicially rejects Dorian’s assertion. However – and this distinguishes the case from the sorts of cases Fricker and others have focused on in their discussions of testimonial injustice – he does *not* reject it because of any prejudice against *the speaker*, Dorian. Rather, he rejects it because of his prejudice involving its content, and more exactly because of his prejudice against a group that Sibyl belongs to – namely, women.⁹ Because Henry prejudicially believes women to be incapable of being geniuses, he rejects Dorian’s (a man’s) assertion that a woman is a genius.

This form of injustice is not restricted to the fictional worlds of literature. Consider the conservative evangelical response to Alfred Kinsey’s pathbreaking 1953 book *Sexual Behavior in the Human Female*. This book revealed that fifty percent of American females reported having sexual intercourse before marriage; within this group, 69% of those who were still unmarried reported having no regret about their premarital experiences, and 77% of those who *were* married reported the same.¹⁰ Conservative religious figures reacted to this book far more ferociously than they had reacted to Kinsey’s earlier book, *Sexual Behavior and the Human Male*, which had revealed similar data about American males. (Shocking, we know.) In an interpretation we find plausible, historian Marie Griffith writes that

[Kinsey’s book had] a graphic focus on the sexual activity of women

⁸Wilde (1908: 65).

⁹Though the ‘decorative’ description reveals that, more specifically, the group in question is *white women*.

¹⁰Griffith (2008: 365).

and girls...the male volume had already proclaimed that men experienced about half their orgasms in situations that most Americans reputedly still reckoned sinful, unlawful, or otherwise objectionable. But when Kinsey claimed to find much the same picture for women, his work threatened to upend ... gendered sexual roles and expectations ... In short, gender figured deeply in the explosive reactions among religious conservatives to Kinsey's publications.¹¹

Such reactions came from (among others) the popular evangelist Billy Graham, who rejected the claim that 'seven out of ten women who had premarital affairs had no regrets'. Calling this claim 'lopsided and unscientific', he assured his listeners that it did not accurately describe the 'born-again Christian women of this country' who 'thank God...still know how to blush'.¹²

Why did Graham reject Kinsey's claims? One likely answer is that he harbored prejudicial attitudes about women, attitudes construing women as (among other things) sexually passive and so not prone to do the things Kinsey described. Notice, though, that Kinsey was not a member of the group at which the operative prejudices were directed; he was not a woman. If this explanation is correct, it remains true that Kinsey's testimony was *not* rejected due to prejudice about the group he was *a member of*. Rather, it was rejected due to prejudice about the group he was talking about. His treatment therefore amounts to a real-life case of Reactive CFI, a case where the operative prejudice was against a group an assertion *was about*.

For a case where the operative prejudice was against a group the hearers *associated with* things the assertion was about, recall the HIV case. In that case, officials in Reagan's administration rejected speakers' testimony that HIV threatened public health. In this case, the testimony was not about the gay com-

¹¹Griffith (2008: 365).

¹²Griffith (2008: 366).

munity, or even about particular gay persons; it was about a quickly spreading disease. Nonetheless, the association between this disease and the gay community triggered officials' anti-gay prejudice, resulting in their rejection of expert testimony.

These cases of Reactive CFI suggest the following sufficient condition:

A hearer (H) has committed a reactive content-focused injustice if H rejects a speaker's assertion at least in part because of H's prejudice involving the assertion's content.

Notice that this condition only concerns rejections of assertions. This is purely for simplicity. We think (but won't argue here) that reactive CFI also occurs in cases of *accepting* or *ignoring* assertions. It also occurs in cases of reacting to speech acts other than assertions (questions for instance), and to items other than speech acts (concepts or physical evidence or as-yet-unasserted theories for instance).¹³ As for what 'assertions' are, we think of them as particular (token) speech acts. The *contents* of assertions are the things people communicate by making those assertions (*propositions*).¹⁴

Also notice that the foregoing condition leaves the word 'involving' open-ended. This is intentional. There are at least two importantly different ways that prejudice can 'involve' the contents of assertions. On the one hand, it can be directed at a group (or a member of a group) the assertion *is about*, as it was in the Kinsey case. On the other hand, it can be directed at a group (or member of a group) the hearer *associates with* the things the assertion is about, as it was in the HIV case.

¹³See Wanderer (2012) on ignoring, Hookway (2010) on questions, Mills (2007) on racist concepts, and Anderson (2017: section 5) on prejudicial reactions to physical evidence.

¹⁴As we use these terms, the contents of assertions are not *what we explicitly say* by making those assertions. Rather, they are *what we communicate* by making those assertions. Not everything communicated is explicitly said.

2.2 Preemptive content-focused injustice

Whereas Reactive CFI features reactions to assertions, *Preemptive CFI* features *preemptions* of assertions, as well as other ways of transmitting knowledge about oppressed groups. These preemptions occur when an agent prevents either themselves or others from encountering this knowledge, and does so on the basis of prejudice. Let's again begin with concrete examples.

One case of Preemptive CFI occurred when, in the 1950's at Oxford, the influential historian Keith Thomas offered a series of lectures on women's history. Students voted against these lectures with their feet: only about a half dozen showed up to them, whereas several hundred showed up to the lectures Thomas offered shortly afterwards on Aristotle, Hobbes, and Rousseau.¹⁵ We take it as a working hypothesis that, in at least some cases, these students declined to attend Thomas' lectures at least partly because they prejudicially believed that women's history was unimportant. Those students committed an act of preemptive CFI – an act through which they prejudicially prevented *themselves* from encountering knowledge about an oppressed group.

In other cases agents preempt, not *their own*, but a third party's exposure to knowledge about an oppressed group. This preemption can be broad, aimed to prevent the party's exposure in every or nearly every context, or may be narrow, aimed to prevent a party's exposure within a particular context or a small range of contexts. For a broad case consider first the Russian 'gay propaganda' law, which criminalizes

the distribution of information aimed at forming non-traditional sexual orientations, the attraction of non-traditional sexual relations, distorted conceptions of the social equality of traditional and non-traditional sexual relations among minors, or imposing information

¹⁵Thomas (1993), and personal communication.

on non-traditional sexual relations which evoke interest in these kinds of relations... [including actions] which are committed with the employment of the media and/or information and telecommunications networks (including Internet sites)... [or] by foreign citizens or stateless persons.¹⁶

In effect, this law is aimed to prevent minors from acquiring *any* knowledge about LGBTQ persons and relationships in *any* context. For a contrasting narrower case, consider a South Carolina law regarding sexual health education classes in public schools:

The program of instruction provided for in this section may not include a discussion of alternate sexual lifestyles from heterosexual relationships including, but not limited to, homosexual relationships except in the context of instruction concerning sexually transmitted diseases.¹⁷

Both laws aim to prevent minors from acquiring knowledge about LGBTQ persons and relationships. But while the Russian law effectively applies in all contexts, the South Carolina law applies only in the context of the sexual health education classroom.

Preemptive CFI, like Reactive CFI, can feature prejudice that involves content in two importantly different ways. As before, the prejudice at work can be directed at the groups (or group members) the relevant claims are about, or at the groups (or group members) the hearer associates with the things the claims are about. While the cases of Keith Thomas and Russia and South Carolina provide examples the former sort, the HIV case provides an example of the latter sort. In that case, not only did the Reagan's administration com-

¹⁶Russian Federal Law #135-FZ. In Decker & Wilson (2013).

¹⁷S.C. Stat. 59-32-30(5).

mit Reactive CFI by rejecting scientists' testimony regarding AIDS, they also committed Preemptive CFI. By refusing to direct funding to this research, they effectively prevented persons such as scientists in government-funded labs and public health workers from exposure to new information about AIDS. Moreover, they did this not only because this information was in part *about* gay persons, but also because information about AIDS was, to them, *associated* with gay persons. This cases shows that Preemptive and Reactive CFI are not mutually exclusive: they can occur simultaneously.

These cases of Preemptive CFI suggest the following sufficient condition:

A hearer (H) has committed a preemptive content-focused injustice if H *prevents themselves or others from encountering* a speaker's assertion (in a context) at least in part because of H's prejudice involving the assertion's content.^{18,19}

3 What makes CFI an epistemic injustice?

3.1 CFI and malignant misrecognition

Return to our HIV case, where officials rejected scientists' testimony on the basis of anti-gay prejudice involving its content. There is room to doubt whether this case features epistemic injustice. After all, the people whose assertions are rejected are not themselves targets of prejudice, and the people who are targets of prejudice (gay men) may not seem to be victims of any particularly *epistemic*

¹⁸Preemptive CFI is similar to what Pohlhaus (2012) calls 'willful hermeneutical ignorance'. However, there are multiple important differences. For one, willful hermeneutical ignorance, on Pohlhaus's account, is always self-directed, while preemptive CFI includes other-directed cases. In addition, Pohlhaus focuses on cases in which agents refuse to use a marginalized group's epistemic resources, rendering that group's assertions unintelligible or twisted in meaning. This is not a feature of preemptive CFI, which often occurs while the hearer knows full well what the speaker is trying to communicate.

¹⁹We take it that 'white ignorance' (see e.g. Mills (2007) and Medina (2012)) often features preemptive CFI. See section 3.2.

harms. Rather, one might think, they only are harmed in more obvious, socio-political ways as a result of lawmakers' rejection of scientific testimony. Where, then, is the epistemic injustice?

The normative terrain here is complex. We think that close examination of it reveals ways in which, when CFI occurs, the targets of prejudice *are* targets of epistemic harms. Before bringing those harms out, we should note that much of the literature on epistemic injustice has focused on what might be called 'deflationary' and 'hermeneutical' epistemic injustices. Deflationary epistemic injustices occur when a speaker's credibility is deflated due to their social identity or identities, paradigmatically in cases of testimonial injustice. Hermeneutical epistemic injustices, by contrast, occur when someone is – to quote Fricker – put at an “unfair disadvantage” with respect to understanding their social experience.²⁰

No doubt, acts of CFI often cause or sustain *other* things that constitute deflationary or hermeneutical injustices. These causal relationships are undeniably important (see §4). But we do not think acts of CFI *always* cause or sustain those kinds of injustices. Moreover, we think CFI is an epistemic injustice independently of whether it causes or sustains deflationary or hermeneutical injustices. In thinking this, we diverge from José Medina (2018), who locates the main injustice of cases that we would consider cases of CFI in their causal contributions to testimonial and hermeneutical injustice.²¹ On our view, CFI is an epistemic injustice even when it doesn't cause or sustain deflationary or hermeneutical injustices. This is because systemic rejection and preemption of knowledge about marginalized groups is a form of *malignant misrecognition* that is itself a form of epistemic injustice.²²

²⁰Of course, many authors have complicated Fricker's picture of hermeneutical injustice, e.g. Pohlhaus (2012) and Medina (2012).

²¹Medina (2018: 2): “[C]ertain dysfunctional patterns of recognition result in pathologies of public discourse that undermine the intelligibility and credibility of marginalized groups.”

²²For other approaches that connect epistemic injustice to misrecognition, see Special Issue

We take the notion of *misrecognition* from political philosophy, where it has been discussed in a variety of ways. According to one important tradition, recognition is a positive acknowledgement of one’s status as free and equal; and misrecognition – that is, the lack this acknowledgement – is bad due to its *psychological effects*. These effects consist in distorted and devalued relationships to oneself via which, in some cases, one does not even recognize one’s own status as a free and equal person. This way of thinking about misrecognition has been used, for instance, to describe psychological harms suffered by slaves and by indigenous persons oppressed under colonial rule.²³

These psychological harms are no doubt real and important, sometimes are properly “epistemic”, and sometimes are the result of CFI. However, we locate the key epistemic-injustice-relevant feature of misrecognition a step back, in the distribution and accessibility of relevant, accurate, and sufficient knowledge about social groups and their members. Misrecognition, we think, occurs when knowledge or belief about groups is systematically and unfairly distorted, rejected, or unavailable. This understanding of misrecognition is broad: in this broad sense, all or nearly all social groups – including dominant groups – face some degree of misrecognition. In some cases, in fact, misrecognition of dominant groups functions to *sustain* their social power, as in the case of systematic distortion, rejection, or unavailability regarding the history of white supremacy – a misrecognition that perpetuates current forms of white supremacy.

Misrecognition of a group, then, is not enough to show that the group in question suffers an epistemic injustice. But with this broad understanding of misrecognition in place, we follow Nancy Fraser in holding that social justice

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²³Helpful work on this tradition includes Taylor (1994), which traces it from contemporary identity politics back through Fanon to Hegel and in some ways Rousseau; Cudd (2006), which argues that it does not yield an adequate theory of oppression; and Congdon (2018), which focuses on its current standard-bearer Axel Honneth.

requires that people and groups have fair access to “parity of participation”, or conditions in which they interact as peers on equal footing.²⁴ Misrecognition, she argues, can undermine this access. It happens to an individual or group when “institutionalized patterns of interpretation and evaluation unjustly deny them... equal respect and/or equal opportunity for achieving social esteem.”²⁵

Call misrecognition that has these effects *malignant misrecognition*. Patterns of malignant misrecognition feature numerous phenomena ranging from laws against gay marriage to demeaning stereotypical depictions of a racial group in the media. Importantly for our purposes, though, the core feature of malignant misrecognition is that it either burdens persons with “excessive ascribed ‘difference’ from others” or it unfairly fails to “acknowledge their distinctiveness.”²⁶ That is, malignant misrecognition functions to unfairly diminish a group’s access to participatory parity through either *error* characterizing them as more different from others than they really are, or *ignorance* rendering their distinctive features not sufficiently characterized (erroneously or otherwise). Malignant misrecognition, then, unfairly diminishes access to participatory parity. It unfairly reduces the access of oppressed groups to interact with others as peers on equal footing. This reduced access is unjust.

We’ll now argue that CFI generates malignant misrecognition – or, more carefully, that whenever our sufficient conditions for CFI are met there is also malignant misrecognition. We begin this argument with an illustration, drawn from Marilyn Frye. Imagine a bird in a cage. Each wire of the cage, in and of itself, is only a minor inconvenience to the bird; it blocks only one very particular route of escape. And yet, taken together, the wires form a system the parts of

²⁴Fraser’s works on misrecognition diverge from the tradition (whose members are Honneth and others) discussed above. While those works have been well and widely received, no one (that we know of) has yet connected them to *epistemic* injustice. We think that this is an oversight, and that remedying it illuminates why CFI is an epistemic injustice. We take on many of Fraser’s views here, but not all of them; see the footnotes below.

²⁵Fraser (1998: 36).

²⁶Fraser (1998: 54-55).

which jointly limit the bird in ways that are profound, pervasive, and resilient. The bird's limitations are profound: they diminish its well-being in ways not trivial but enormously important. They also are pervasive: they apply, not in a way that is restricted to just a few parts of its life (however important those parts might be), but instead across a wide range of activities from its eating to its sleeping to its attempts to find other birds in the wild. And they are resilient: they are apt to endure attempts at resistance, because the elements of the cage work to reinforce one another. If you try to push a vertical wire out of place, the horizontal wires (to which it is welded) resist the force you apply. At the same time, those resistant horizontal wires get *their own* reinforcement from each of the vertical wires, welded as they are to each of the horizontals. Many small barriers, each of them but a minor inconvenience on its own, mutually reinforce one another. The net result is a profound, pervasive, and resilient system of barriers:

As the cageness of the bird cage is a macroscopic phenomenon, the oppressiveness of the situations in which women live our various and different lives is a macroscopic phenomenon. Neither can be *seen* from a microscopic perspective. But when you look macroscopically you can see it – a network of forces and barriers which are systematically related and which conspire to the immobilization, reduction, and molding of women and the lives we live... if one wants to determine whether a particular suffering, harm, or limitation is part of someone's being oppressed, one has to look at it *in context* in order to tell whether it is an element in an oppressive structure: one has to see if it is part of an enclosing structure of forces and barriers which tends to the immobilization and reduction of a group or category of people. One has to look at how the barrier or force fits with

others...²⁷

With Frye's cage analogy in mind, return to our examples of CFI, for instance the examples involving gender and sexual minority groups: the rejection of HIV testimony, the Russian anti-gay propaganda law and the South Carolina sex-education law, and the rejection of Kinsey's work on sex (which, we should add, revealed not only widespread non-passive heterosexual activity by women, but also widespread queer activity). Each of these acts, taken in isolation, is worrisome. But to grasp their injustice, we must view them macroscopically as a whole. Together (along with many other things), they result in widespread ignorance and error about queer and trans persons. This widespread ignorance and error is not morally inert. Rather, it unfairly diminishes the participatory parity of the queer and trans persons who are its target. For instance, the medical community has been, and continues to be, less knowledgeable about the lives and needs of trans persons than about the lives and needs of non-trans persons. As a result the medical community has treated and continues to treat trans persons using pathologizing, inaccurate understandings of them.²⁸ Similar treatment occurs in many other contexts as well. To point out just one of them, consider the context of incarceration.²⁹ Due to widespread error and ignorance about trans persons, trans women and men frequently face mistreatment when incarcerated, mistreatment ranging from being placed in incorrect facilities, to not having access to necessary medical care, to constant misgendering and harassment. The misinformation and ignorances at work here traces back to (among other things) many acts of CFI working in tandem – acts frequently motivated by anti-trans and anti-queer prejudices.

The lesson is that, much like particular wires jointly limit the bird by en-

²⁷Frye (1983: 10-11).

²⁸See Heyes and Latham (2018).

²⁹Spade (2015).

closing it in a small space, particular acts of CFI jointly limit oppressed people by collectively creating misrecognition through which their participatory parity is unfairly diminished – i.e., by collectively creating malignant misrecognition. And the point surely generalizes to other cases of CFI as well, for instance cases involving women or racial minorities. Particular acts of CFI amount to injustices, not in virtue of what they cause individually, but rather in virtue of their networked relationships to other acts taken macroscopically as a whole. Working in concert, the relevant acts unfairly diminish oppressed groups’ access to participatory parity. That is why they are injustices.

But why are these injustices *epistemic*, and not merely social or political? The answer is: because they are knowledge-directed; and they are knowledge-directed because to be subjected to CFI is to have knowledge involving oneself (or one’s social group) systematically preempted or erased or distorted. It is, in short, to be harmed as a thing known. When this variety of harm happens, one is harmed in one’s capacity as an object of knowledge. And one can be harmed as an object of knowledge because, in order to be treated justly, one must not be unfairly blocked off *from being known about* in ways that are required for one to be treated equally as compared to one’s peers. It is because CFI features this sort of harm, that it amounts to an epistemic injustice and not merely a social or political one.³⁰

³⁰Here, so far as we know, our view diverges from other extant attempts to explicitly connect epistemic injustice and misrecognition, which take epistemic injustice to involve harming people *as knowers* but don’t broach the topic of harming people *as things known*. It also diverges from the literature on epistemic injustice in general, which as far as we know has not broached the idea of harm as a thing known. Consider the following passage from Pohlhaus (2017: 13-14), a passage we think nicely captures the zeitgeist: “Epistemic injustices can therefore be understood as epistemic in at least three senses. First, they harm particular knowers as knowers. Second, they cause epistemic dysfunction, for example by distorting understanding or stymieing inquiry. Third they accomplish the aforementioned two harms from within, and sometimes through the use of, our epistemic practices and institutions, for example, when school curricula and academic disciplines are structured in ways that systematically ignore, distort, and/or discredit particular intellectual traditions... Consequently, an epistemic injustice not only harms a knower as a knower, but also is a harm that a knower perpetrates *as a knower* and that an epistemic institution causes *in its capacity as an epistemic institution*.” Harm *as a thing known* does not fit into any of these categories.

Of course, CFI also involves many other harms. For instance, it also involves harms people as *knowers*. These people can be third parties (such as medical doctors treating trans persons) who lack relevant knowledge. They can also be the would-be objects of knowledge themselves (such as queer persons first coming to understand their sexualities, who are in the process hindered by widespread ignorance and misinformation). But they are not *always* the would-be objects of knowledge themselves. And when they are third parties, they may be personally untargeted by the oppression at work (as a doctor might be). In these latter cases, where the harmed-as-knower parties are personally untargeted by the oppression at work, is not clear that the relevant harms are properly classified as epistemic injustices.³¹ This means that CFI doesn't always, or at least doesn't always clearly, count as an epistemic injustice *in virtue of* its involving harm to people or groups as *knowers*. But it *does* always count as an epistemic injustice. This is because it always generates harm via malignant misrecognition to people or groups as *things known*.

To be clear, these points apply only to the *central cases* of CFI (to which our discussion is restricted), that is to say the cases which perpetuate contexts of oppression. An instance of malignant misrecognition cannot be identified in isolation; it must be a part of larger cultural patterns of interpreting and evaluating information. When it fits into these larger patterns, CFI can be understood as an epistemic injustice.³²

³¹For relevant discussion see Beeby 2011.

³²Thus we reject as a false dichotomy the binary between structural bases of injustice such as social norms, and psychological bases of injustice such as identity prejudice. The latter is both psychological (because a mental state) and structural (because, in the ways we argue below, it functions *systematically* to underwrite oppression). In rejecting this binary we part ways with many theorists including Fraser (2008: 86), who writes that "...misrecognition is not purveyed primarily through prejudice... Rather, it is relayed through institutions and practices that regulate social interaction according to norms that impede parity". While prejudice may not be the primary purveyor of malignant misrecognition, we think (and will argue below) that it *systematically* underwrites oppression in the same ways institutions, practices, and norms do. This shared systematicity undermines the psychological/structural binary.

3.2 An application: epistemic injustice and white ignorance

The connections between CFI and malignant misrecognition illuminate the relationships between epistemic injustice and the epistemology of ignorance, including white ignorance.³³ To start showing how, we turn again to José Medina, who in his work on white ignorance has suggested that in cases of white ignorance where epistemic harm is intimately connected to social injustice, the people who are *directly* epistemically harmed are not the victims of injustices. Medina writes:

The hermeneutical disadvantages inscribed in white ignorance are not only harmful, but wrongful, although the harm is committed against someone else: *interestingly and crucially, the hermeneutical harms are wrongful for others, not for those upon whom the epistemic harms are directly inflicted...* In fact, in white ignorance the primary [hermeneutical] and secondary [psychological, economic, political] harms diverge so radically that those who are unable to make sense of part of their identity and experience—the white subjects—at the same time enjoy practical benefits and ways to hold on to their privileges thanks to their hermeneutical disadvantages... The privileged white subjects’ inability to understand... is part of a pattern of injustice not against them, but against those who suffer the consequences of white privilege.³⁴

We agree with Medina that what renders white ignorance unjust is *not* its epistemic harms to its white subjects. Even though the white subjects experience misrecognition (they are “unable to make sense of part of their identity

³³White ignorance has been characterized in a variety of ways, most influentially by Mills (2007) as a broad range of types of ignorance rooted in systems of white privilege.

³⁴Medina (2012: 214); emphasis added. Also see Mason (2011).

and experience”), this misrecognition is not malignant, and in fact reinforces these subjects’ social privilege. We also agree that white ignorance has caused downstream harms to those who suffer the consequences of white privilege. But leaving it at that would suggest that white ignorance is not – or at least is not clearly – an *epistemic* injustice. For its status as unjust would appear to be independent of its direct epistemic harms. Adding *malignant misrecognition* to the taxonomy of epistemic injustices, however, allows us to capture why white ignorance *is* an epistemic injustice. It is an epistemic injustice because it features malignant misrecognition of persons of color: misrecognition that unfairly diminishes their access to participatory parity.

With these points laid out we can now describe, in more detail, how CFI relates to the forms of epistemic injustice discussed by Fricker and others.

4 CFI and Its cousins: wires in a cage

Having illustrated CFI with numerous real-life cases, laid down some sufficient conditions for it, and argued that it constitutes an epistemic injustice, we now move on to explore its relationships to other forms of epistemic injustice. Since limits of space preclude us from exploring *all* such connections, we will focus on only a few: those to epistemic oppression of the sort discussed by Dotson, and those to testimonial and hermeneutical injustice of the sort discussed by Fricker and other theorists.

4.1 CFI and epistemic oppression

In the large literature on epistemic injustice, many authors occasionally use the term “oppression”. As far as we know, though, only one of those authors takes it as their central term of criticism. This author is Kristie Dotson, who has theorized at length about “epistemic oppression”, a phenomenon she characterizes

in terms of *exclusion*:

Epistemic oppression... is primarily characterized by detrimental exclusions from epistemic affairs. Whether concerning hermeneutical resources or discourse on an important matter of social policy, epistemic oppression concerns routine and harmful exclusions from some domain of knowledge production. All the forms of epistemic injustice introduced here involve some form of pervasive, harmful epistemic exclusion. As such, they are all species of epistemic oppression.³⁵

The “species” Dotson references here are (what she calls) first order, second order, and third order epistemic oppression. To understand them, start with the notion of “epistemic resources”: items we use to produce knowledge, for instance concepts or belief-forming mechanisms. Epistemic oppression counts as *first order* when it can be ameliorated simply by better utilizing the epistemic resources we already possess. For instance, consider the jury’s rejection of Tom Robinson’s testimony in *To Kill A Mockingbird*.³⁶ This act of rejection counts as first order epistemic oppression because, by better utilizing our epistemic resource *evaluating testimony in unbiased ways*, it could be ameliorated. Epistemic oppression counts as *second order* when its amelioration requires that we construct new epistemic resources. Some second order oppression may have been ameliorated when, for instance, Simone de Beauvoir invented the concept of gender as distinct from the concept of sex. Finally, epistemic oppression counts as *third order* when its amelioration requires that we alter epistemic resources we already possess. Some third-order oppression might have been ameliorated when, for instance, Judith Butler successfully urged many theorists to alter the Beauvoirian concept of sex in such a way that sex is in some sense culturally

³⁵Dotson (2012: 34). Also see Dotson (2014).

³⁶This case has been widely discussed by Fricker (2007) and others.

constructed.³⁷

Dotson conceives of epistemic oppression as pervasive and harmful exclusion from epistemic affairs, where this exclusion comes in several forms depending on what is required for its amelioration. Since CFI is (or so we've claimed) an epistemic injustice on account of its role in systems of oppression (through malignant misrecognition), it is important to consider how CFI relates to the phenomena Dotson theorizes. Is CFI a species of Dotsonian epistemic oppression? Are they freestanding phenomena neither of which subsumes the other as a species? Are they intertwined in various non-freestanding (perhaps causal) ways *without* either being a species of the other?

These issues turn on what counts as "exclusion from epistemic affairs". There are two ways in which a person or group might be thus "excluded". First, they might be excluded from being *subjects* of knowledge: from being the producers and spreaders of knowledge. Second, they might be excluded from being *objects* of knowledge: from being involved with the content of the knowledge produced and spread. A *wide* conception of epistemic exclusion would subsume both of these phenomena. A *narrow* conception of it would subsume only the first. We aren't sure whether Dotson's conception of epistemic exclusion is wide or narrow in these senses. But we can say this much: on the wide conception of epistemic exclusion, CFI amounts to a species of Dotsonian epistemic oppression. It excludes the oppressed from being objects of knowledge, because it keeps certain content involving them from playing its proper role in the knowledge economy. On the narrow conception of epistemic exclusion, though, CFI is not a species of Dotsonian epistemic oppression. This is because it does not, at least not in and of itself, block or frustrate the oppressed from producing or spreading knowledge: it frustrates their role, not as knowers, but as things

³⁷Butler (1999: 9-10): "...perhaps this construct called "sex" is as culturally constructed as gender; indeed, perhaps it was always already gender..."

known.

This is not to say that on the narrow conception of epistemic exclusion, Dotsonian epistemic oppression is unrelated to CFI. On the contrary, the two phenomena are (on that conception) related in important ways: the same ways in which CFI, testimonial injustice, and hermeneutical injustice are related. To these relations we now turn.

4.2 CFI and testimonial injustice

Is CFI a species of testimonial injustice? Already in Fricker's framework, content plays a role. Recall Tom Robinson. While the jury rejected Tom's testimony that he was innocent, they did not reject *all* of his testimony. For example, when he told them that he often helped his alleged victim with house chores, they believed him without question. We see in this example, then, that prejudicial rejection of testimony, due to the hearer's stereotyping of the speaker, does not typically apply wholesale across contents. Rather, it applies in a more targeted way.³⁸ Rape testimony is rejected; testimony about chores is not. What happens here is not exactly *that prejudiced hearers don't believe those speakers*. Rather, it is *that prejudiced hearers don't believe those speakers when they say that thing*. Women aren't believed when they say they want to prioritize their careers; disabled persons aren't believed when they say they have a high quality of life; black persons aren't believed when they say they are innocent of crimes.

Indeed, before Fricker, this feature of testimonial injustice was observed by Patricia Hill Collins, who cites South African businesswoman Danisa Baloyi as saying, "As a student doing research in the United States, I was amazed by the [small] amount of information on Black South African women, and shocked that

³⁸Fricker (2007: 131) is explicit on this point. She writes: "...Tom Robinson might have been relied on and trusted epistemically on certain matters even by the more thoroughly racist white citizens of Maycomb County - matters relating to his daily work, no doubt, and indeed many everyday matters of practical import, so long as there was... nothing about the subject matter that might be seen to imply that this Negro was getting above himself".

only a minuscule amount was actually written by Black women themselves.”³⁹ Baloyi here observes a result of CFI – a dearth of information about Black South African women – as well as a compounding testimonial injustice: Black South African women’s voices were excluded from this body of information. No doubt, much of the testimonial injustice was simultaneously CFI: Black South African women were not trusted as experts on their own lives and experiences both because of their identities and because of racist and xenophobic prejudices involving the contents of their would-be contributions.

Although CFI and testimonial injustice often occur simultaneously, we think there are good reasons to distinguish them from one another. First, testimonial injustice – as described by Fricker – has distinct manifestation conditions from CFI. In cases of testimonial injustice, prejudice regarding *the speaker* is always present. But many cases of CFI don’t feature prejudice regarding the speaker. Prejudice about the speaker is thus essential to testimonial injustice, but inessential to CFI. This difference in manifestation conditions gives rise to a second difference between the CFI and testimonial injustice, namely a difference in kind among the harms associated with the two phenomena. Whenever a hearer commits a testimonial injustice against a speaker, the hearer insults that speaker in particular by impugning that speaker’s identity. This personalized insult constitutes a harm and, at least in the cases where the identity at issue is itself subjected to oppression, this personalized insult is an injustice. Such insults need not be made in cases of CFI, where the speaker’s identity need not be impugned.

For these reasons, we reserve the phrase “testimonial injustice” for the phenomenon which Fricker points out via that label and which many others have discussed – that is, the phenomenon occurring when, due to prejudice regarding *a speaker*, a hearer rejects that speaker’s testimony. CFI is not a species of

³⁹Hill Collins (1991), 3, citing Baloyi (1995), 41.

this phenomenon. Nonetheless, CFI and testimonial injustice do not stand free of one another. Rather, they are importantly related *causally*, in at least two ways.

First, testimonial injustice and content-focused injustice can *overlap*. Suppose a hearer has some prejudice involving the content of some testimony, but not enough to make them reject that testimony. And suppose the same hearer also has some prejudice about the identity of the speaker of that very same testimony, but again not enough to make them reject the testimony. These two vectors of prejudice might jointly determine the rejection of an item of testimony even though neither of them is strong enough to do the trick on its own. For example, a Black male speaker might say “women are on average paid less than men for the same work” to a hearer who harbors some (but not very much) anti-black prejudice and some (but not very much) anti-woman prejudice. Here, the two vectors of prejudice might jointly result in the hearer rejecting the testimony, even though neither of them is strong enough to bring about that result on its own. (And, of course, multiple vectors of prejudice might jointly result in testimony rejection while each of them *is* strong enough on its own to do the trick, so that they “overdetermine” the outcome.)

Second, content-focused injustice and testimonial injustice *reinforce* one another in the sense that each of them blocks certain paths to the removal of the other. To illustrate this, consider a scenario in which CFI operates and then testimonial injustice subsequently operates as well. Suppose, for instance, that a male worker in an office tells his male boss that women frequently have good ideas. Further suppose that the boss stereotypes women as being incapable of having good ideas, and because of this rejects his male worker’s assertion, thereby committing an act of CFI. Finally, suppose that at a later point, Susan (another worker in the office) comes to the boss with an idea, and that the boss

rejects Susan's idea in an act of testimonial injustice. Now, the following judgement about such a case seems correct: if the boss had believed his male worker, he would have been more likely to believe Susan as well. After all, the male worker's assertion – "Women frequently have good ideas" – challenges the boss's anti-woman stereotypes. By accepting such an assertion, the boss would begin, if only in a small way, to stop stereotyping women as being incapable of having good ideas. And, should the boss thus begin to stop stereotyping, he would become more likely to accept women's ideas – such as Susan's idea. The key point to notice, though, is that CFI stops this process in its tracks: by prejudicially rejecting his male worker's assertion in an act of CFI, the boss stops a process that would render him less likely to commit future acts of testimonial injustice. The scenario thus illustrates an important (and we think common) causal interaction between CFI and testimonial injustice. In this causal interaction, CFI reinforces testimonial injustice by blocking a path to its removal.⁴⁰

The reinforcement works in the opposite direction as well, with testimonial injustice reinforcing CFI. To illustrate this, suppose that the acts in our scenario happen in a different order. Suppose, in particular, that the first thing to happen is that Susan goes to the boss with an idea which he rejects in an act of testimonial injustice; and that subsequently, the male worker asserts to the boss that women frequently have good ideas - and that the boss rejects this assertion, in an act of CFI. Here, it seems correct to judge that, had the boss believed Susan's assertion in the first place, he would have been more likely to believe his male worker's assertion later as well. After all, believing a woman's assertion renders one more receptive to the thought that women have good ideas

⁴⁰Young (1990: 65): "The cultural imperialism in which white men make stereotypical assumptions about... Blacks or women, for example, contributes to the marginalization and powerlessness many Blacks and women suffer". The patterns of reinforcement we've broached here begin to fill in the details about how this "contribution" proceeds. As Sonny Kim also pointed out to us, CFI can lead to the creation of certain identities – e.g., sexist men labeling another man as a 'feminist' – that then result in testimonial injustice.

(at least if the woman’s assertion later bears fruit in practice). In our newly rearranged version of the story, then, the boss would have been more inclined to believe his male worker, had he (earlier on) believed his female worker. The key point to notice, though, is that testimonial injustice stops this process in its tracks: by prejudicially rejecting his female worker’s assertion in an act of testimonial injustice, the boss stops a process that would render him less likely to commit future acts of CFI. This version of our scenario illustrates the point that testimonial injustice causally reinforces CFI by blocking paths to its removal.

In sum, CFI and testimonial injustice are mutually reinforcing in the sense that each of them blocks certain paths to the removal of the other. In this way they resemble wires in a cage. Try to push a given wire aside, and the other wires reinforce it; try to push those reinforcing wires aside, and the original wire reinforces *them*. Similarly with testimonial injustice and CFI: try to reduce testimonial injustice by teaching people about oppressed groups, and CFI resists those efforts; try to reduce this resistant CFI, and testimonial injustice resists *those* efforts. In this way testimonial injustice and CFI do not stand free but instead prop one another up. They are not isolated wrongs, but elements of a *structure* or *system* which can only be seen macroscopically: a birdcage.

4.3 CFI and hermeneutical injustice

Hermeneutical injustice, also connects to CFI in important ways. Hermeneutical injustice happens when people can’t understand their own experience because, due to unequal social power relations, they lack the necessary tools (e.g., concepts).⁴¹ Such a person, in Fricker’s terminology, is “hermeneutically marginalized”. This form of injustice both causally reinforces, and is causally reinforced by, CFI; the two forms of injustice also sometimes overlap.

⁴¹See e.g. Fricker (2007: 147-161) and Medina (2013).

In bringing out these causal connections, we follow Fricker in using the concept of ‘sexual harassment’ as our central example. Before the development and dissemination of this concept, women widely faced a similar set of negative experiences that they found hard to understand or articulately explain. The concept of sexual harassment served to delineate these particular experiences, giving women the ability to understand them and articulately explain them. The lack of this concept, before its development and dissemination, gave rise to an important instance of hermeneutical injustice.

Using this example of hermeneutical injustice, we can ask about connections between CFI and hermeneutical injustice. We propose that CFI is a causal mechanism that reinforces – or even establishes – hermeneutical injustice. This can occur in at least two ways. The first concerns the development of a concept. The development of a concept like “sexual harassment” typically occurs through persons having a conversation about and realization of their shared experiences. This process is depicted in a first-person account from Susan Brownmiller’s memoir of the US women’s liberation movement (cited by Fricker):

We realized that to a person, every one of us...had had an experience like this at some point, you know? And none of us had ever told anyone before. It was one of those click, aha! moments, a profound revelation.... Eight of us were sitting in an office of Human Affairs... brainstorming about what we were going to write on the posters for our speak-out... We wanted something that embraced a whole range of subtle and unsubtle persistent behaviors. Somebody came up with “harassment.” *Sexual harassment!* Instantly we agreed. That’s what it was.⁴²

One way CFI can reinforce hermeneutical injustice is by preventing or de-

⁴²Fricker (2007: 150).

laying interactions necessary for developing a particular concept. For example, suppose that male colleagues of women being harassed had gone to administrators to report the mistreatment of their female colleagues, and administrators dismissed their testimony due to prejudicial views about women (for example, as being ‘too sensitive’). In such a scenario, CFI would reinforce hermeneutical injustice: by failing to take men’s reports of harassment seriously, administrators would not facilitate the discussions necessary for developing a concept of sexual harassment.

A second way that CFI can reinforce hermeneutical injustice concerns access to already-developed concepts. In the previous example, hermeneutical injustice arose because the concept of sexual harassment had not yet been developed. But hermeneutical injustice can occur even when a relevant concept exists. So long as someone does not have access to the needed concept, they will be unable to fully understand or articulate their experience. Lauren Zuniga illustrates hermeneutical injustice in her poem “Confessions of an Uneducated Queer”. There, she writes, “This is for the first time I ever heard the term ‘heteronormative’ and felt like I was handed a corkscrew after years of opening the bottle with my teeth.”⁴³ Zuniga here describes the profound effect of gaining, with a term and concept, the ability to understand her experience of heteronormativity. Yet the hermeneutical injustice she suffered was due, not to the *non-existence* of a concept of heteronormativity, but rather to Zuniga’s *lack of access* to this concept.

CFI can result in someone’s being cut off from or delayed from accessing concepts required to understand significant experiences. To see how, it is important to first notice that access to concepts is cut off or delayed when concepts do not have *uptake*: that is, when they are not taken seriously, adopted, or spread within one’s community. Failure of uptake is sometimes due to CFI: a concept

⁴³Zuniga (2012).

needed to describe a marginalized group's experience is developed, but those outside of the group reject or ignore testimony deploying that concept due to their prejudice, effectively preventing the spread of this concept.⁴⁴ One example of this phenomenon comes from right-wing TV personality Bill O'Reilly. When O'Reilly received reports that many Harvard students were upset by the heteronormative remarks of a visiting speaker, he began a segment on the event as follows:

Another controversy at Harvard, this one over something called "heteronormative" remarks made by actress Jada Pinkett Smith... We'll define heteronormative in a moment. I can hardly say it. But, apparently Ms. Smith received an award from Harvard and then told the crowd that women in America can have it all, a good career, family, devoted husband, things like that. According to the Harvard "Crimson" newspaper, some gays objected to Ms. Smith's remarks because they were directed at heterosexuals exclusively, thus [motioning scare-quotes] "heteronormative".⁴⁵

In this monologue, O'Reilly mocks the concept of heteronormativity. Moreover, he seemingly does so because he associates this concept with gay persons and harbors prejudice against this group. In mocking the concept, O'Reilly effectively characterizes it as an absurdity that his listeners should not employ or take seriously. Given the predictable result that his listeners then do not deploy this concept, it is more likely that persons in their social circles fail to be exposed to this concept. The ensuing conceptual lacuna creates hermeneutical injustice. O'Reilly's act of CFI blocks a path by which people might gain access to the concept of heteronormativity. In this way, CFI causally reinforces

⁴⁴This is one of the themes of Pohlhaus (2012) and Medina (2013).

⁴⁵See "Were Jada Pinkett Smith's Recent Comments at Harvard Too 'Heteronormative'?" Fox News, March 9, 2005.

hermeneutical injustice.⁴⁶

Plausibly, the reinforcement runs in the other direction too, with hermeneutical injustice causally reinforcing CFI. Rather than illustrate this point, though, we will move on to a new one. In particular, we move on to the point that these two forms of injustice can causally overlap. To see how this might happen, suppose that hermeneutical injustice makes it difficult to articulately describe the experience of interacting with police while being a black person in contemporary America. Such a supposition would be true if, as is wholly possible, we have not yet zeroed in on concepts adequate to the experience in question, concepts standing to that experience as the concept of heteronormativity stood to Lauren Zuniga's experience. Further suppose that a white person tries to explain to another white person the experience black persons face when interacting with police. In this case, the speaker may only be able to describe the relevant experience inarticulately. Now suppose that, in a certain case, this inarticulateness is not quite enough on its own to keep the hearer from believing the speaker. In such a case, if the hearer *also* harbors prejudice against black persons, this prejudice might, in combination with the relevant inarticulateness, bring the hearer to reject the speaker's testimony. In such a case, which seems possible to us, hermeneutical injustice and CFI causally overlap; they jointly determine an unjust rejection of testimony (and, of course, similar cases might feature *overdetermination*).

Testimonial injustice, hermeneutical injustice, and content-focused injustice form a network of mutually reinforcing injustices. They block paths to the removal of one another and also causally overlap. And so it happens that even when particular acts of the relevant sorts seem like minor inconveniences in

⁴⁶Another case: during a rally for his 2016 presidential campaign, Donald Trump "made thinly veiled jokes about the lack of sexual attractiveness of the female protesters and the lack of hetero-normative manliness of the males" (Kurtz 2016). Here again, preemptive CFI occurs when a speaker mocks the concept of heteronormativity.

and of themselves, those acts jointly constitute a harmful structure which is profound, pervasive, and resilient. They constitute a birdcage.⁴⁷

5 Conclusion

There is a rich and complicated network of epistemic (and social and political) injustices, a network featuring many different phenomena that interact in mutually reinforcing ways. While some of these phenomena feature prejudice against *the speaker* who makes an assertion, others feature prejudice involving *the content* of the assertion a speaker makes. Our aim here has been to bring the latter kinds of epistemic injustice to light, theorizing about their nature and their relationships to other kinds of epistemic injustice.

For the sake of simplicity we've restricted our analysis to only two kinds of actions: rejections of assertions and preemptions of assertions. Further work on CFI might proceed by removing various aspects of this simplification. For instance, CFI can no doubt occur when a person *ignores, accepts, makes, or encourages* assertions at least in part because of prejudice involving their content. Similarly, it can no doubt occur when a speaker, recognizing that a hearer's prejudice involving an assertion's content will keep that hearer from accepting that assertion, *refrains* from making that assertion.⁴⁸ Other instances of CFI might happen when people reject (and preempt and so on), not assertions, but other speech acts such as questions. Presumably, instances of CFI can involve *any* speech act. For that matter, they can presumably involve things *other than*

⁴⁷To see some of the further wires in the cage, think about cases where someone is taken to be authoritative about a marginalized group precisely because they do *not* belong to it (e.g., heterosexuals about LGBTQ persons, men about women). Such authority often is fragile, and depends in particular on the non-member's claims aligning with dominant, prejudiced beliefs about that group. That is, credibility excess does often attach to people because of their identity, but in many cases, it is contingent on the *content* of their claims matching up with prejudiced views about the groups being reported-on; the credibility excesses at issue can be lost when the reporter contradicts or questions these prejudicial views. In this type of scenario, again, we see that testimonial injustice and CFI work in tandem.

⁴⁸Compare "testimonial smothering" from Dotson (2011).

speech acts. For instance, people might prejudicially interpret or ignore or reject *concepts* or *physical evidence* or *as-yet-unasserted theories*.⁴⁹ Moreover, we see no reason to believe that *prejudice* must be involved in every case of CFI. While prejudice does function systematically (in the ways we have tried to illuminate) to lead to malignant misrecognition and (thereby) epistemic injustice, there is no reason to think it is *required* for this systematic functioning. CFI without prejudice is a live possibility; similarly for CFI without assertion and CFI without speech acts. These further varieties of CFI, far from undermining our analysis, show how that analysis fruitfully suggests new directions for further research, in particular research attempting to remove our initial simplifications by exploring the ways in which the many forms of CFI relate to each other, to other forms of epistemic injustice, and to systematic socio-political oppression.⁵⁰

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⁴⁹Examples of people doing these things can be found in Anderson (2017, section 5), Appiah (1994), and Sullivan and Tuana (2007).

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