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Testimonial injustice and prescriptive credibility deficits

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ABSTRACT

In light of recent social psychological literature, I expand Miranda Fricker's important notion of testimonial injustice. A fair portion of Fricker's account rests on an older paradigm of stereotype and prejudice. Given recent empirical work, I argue for what I dub prescriptive credibility deficits in which a backlash effect leads to the assignment of a diminished level of credibility to persons who act in counter-stereotypic manners, thereby flouting prescriptive stereotypes. The notion of a prescriptive credibility deficit is not merely an interesting conceptual addendum that can be appended to Fricker's theory without need for further emendation. I develop the wider implications of prescriptive credibility deficits and argue that they pose a challenge to Fricker's conception of (1) the function of credibility assignments in conversational exchange and (2) how a virtuous listener should respond to the potential threat of a prejudicial stereotype affecting her credibility assignments.

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1. Introduction

In her recent monograph, Fricker (2007) analyzes a pernicious form of injustice underrepresented in the literature, namely epistemic injustice, or an injustice one incurs when wronged specifically qua knower. Fricker focuses on two subtypes of epistemic injustice dubbed testimonial and hermeneutical. I will be concerned with the former, which (at first blush) can be characterized as the assignment of a diminished level of credibility to a speaker in virtue of a prejudicial stereotype, thereby harming the speaker in her ability to transmit knowledge.¹

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I will look to elucidate and expand Fricker's account by addressing an issue which results in the disregard of clear cases of testimonial injustice, namely, Fricker relies on an outmoded analysis of stereotype and prejudice that should be updated in light of recent social psychological literature.² More specifically, her reliance on an older paradigm will cause her account to miss instances of testimonial injustice perpetrated in virtue of prescriptive stereotypes in which a speaker is assigned a credibility deficit as a consequence of acting in a counter-stereotypic manner.

Given that a fair portion of Fricker's account rests on an older paradigm of stereotype and prejudice, there are quite a few avenues through which to develop her conception of epistemic injustice. The possibility of a credibility deficit assigned in virtue of a prescriptive stereotype represents just one potential extension. In turn, Fricker's deft analysis of the moral harm incurred in cases of epistemic injustice can and should influence relevant thinking and research paradigms in social psychology. Though I cannot exhaustively explore the multitude of ways in which philosophical and psychological thinking can inform one another with respect to epistemic injustice, my hope is that an exchange can prove beneficial for both disciplines.

After providing a brief exegesis of Fricker's account in section two, I will offer a charitable interpretation of her analysis that is largely commensurate with a more contemporary picture of prejudice and stereotype in section three. Following this, I will argue that work on prescriptive stereotypes demonstrates Fricker's analysis should be expanded. A new category of testimonial injustice, which I will dub prescriptive credibility deficits, will be explored. The notion of a prescriptive credibility deficit is not merely an interesting conceptual addendum that can be appended to Fricker's theory without need for further emendation. In section five, I will develop the wider implications of prescriptive credibility deficits and argue that they pose a challenge to Fricker's conception of (1) the function of credibility assignments in a conversational exchange and (2) how a virtuous listener should respond to the potential threat of a prejudicial stereotype affecting her credibility assignments.

2. Fricker's account

As briefly stated in the opening paragraph, testimonial injustice harms a speaker in her capacity as knower, and more specifically as transmitter of knowledge. When a speaker incurs a testimonial injustice, she is given a credibility deficit by the hearer(s), meaning her words or testimony are perceived as less credible than they ought to be. To be wronged in this manner is to be harmed in a capacity essential to human value and therefore, according to Fricker, to incur an intrinsic injustice. In expanding Fricker's account, it will be important to develop a working model of the class of prejudice and stereotype she takes to characterize central cases of testimonial injustice.

2.1. Central cases

For Fricker, central cases of testimonial injustice are marked by a 'structural social significance' (Fricker 2007, 27), embodied in their systematic and persistent nature. Testimonial injustices are systematic if, 'they are connected, via a common prejudice, with other types of injustice' (27). These prejudices will track a speaker through various social realms, e.g. the political, economic, sexual, legal, etc. Testimonial injustices are persistent in so far as the prejudices responsible are, 'enduring features of the social imagination' (29). The systematic and persistent features of these central cases are the synchronic and diachronic aspects, respectively, of this especially pernicious form of epistemic injustice.

By way of elucidation, Fricker provides examples to give the reader a clear picture of her focus. One such example is the trial of Tom Robinson in Harper Lee's *To Kill a Mockingbird*. Though the evidence is clearly in favor of acquitting Robinson of any charges, he is nonetheless found guilty due to the jury's (mis)perception of his testimony. Robinson's words on his own behalf are not given the credibility they deserve in virtue of prejudicial stereotypes that unjustly characterize black males as untrustworthy, sexually aggressive, etc. The prejudices working against Robinson will track him through various social spheres, meaning the biased and unjust stereotypes of black males will negatively affect Robinson in the myriad contexts in which he interacts with whites. Also, the prejudices represent deeply ingrained views of the social imagination (especially in the American South where the book takes place). So, what we categorize as a central case will depend on our theory of the types of prejudices that (1) can track a speaker through various social contexts, (2) are deep-seated in the social imagination, and (3) are connected with other types of injustice outside of the epistemic.

2.2. Prejudices

We can think of prejudices broadly as, 'judgments, which may have a positive or a negative valence, and which display some (typically, epistemically culpable) resistance to counter-evidence owing to an affective investment on the part of the subject' (Fricker 2007, 35). But Fricker believes the prejudices relevant to the central cases of testimonial injustice must be of a negative valence. Also, importantly, these prejudices must arise from an ethically bad form of motivated cognition, meaning the cause of one's resistance to counter-evidence must be ethically noxious. As Fricker states, 'we have a special interest in negative identity prejudices, and these are, I take it, always generated by some ethically bad affective investment' (35).

Fricker does not spend much time developing what it is for the affective investment that generates the prejudice, and thereby the resistance to counter-evidence, to be ethically noxious, but examples she cites are suggestive. Fricker

borrowing a thought experiment from Nomy Arpaly involving a young boy, Solomon, from a poor country living in an isolated farming community. Solomon is taught that women are inferior with respect to abstract thinking (Arpaly 2003, 103). Arpaly suggests that Solomon is not guilty of any irrationality if he believes the dominant view of his community—Solomon is merely epistemically unlucky to occupy a region in which such a falsehood is disseminated as a well-confirmed truth. We are asked to imagine further that Solomon attends university where he studies alongside women who are adept abstract thinkers. If Solomon continues in his false belief that women are inferior abstract thinkers, this would expose his belief as a prejudice, as his judgment persists despite adequate reason to think otherwise. Fricker comments that the relevant ethical flaw in Solomon's judgment,

stems from the fact that Solomon's maintaining his belief in the face of counter-evidence would be not just a piece of irrationality but a piece of motivated irrationality, where the motivation (presumably some sort of contempt for women) is ethically noxious. (Fricker 2007, 34)

It seems Fricker takes the situation to be similar with respect to the white jury and Tom Robinson. The jury's prejudice—the reason they persist in their negative judgments about black males—is grounded in an ethically noxious contempt for certain racial groups. In sum, the type of prejudice relevant for testimonial injustice must (1) have a negative valence with respect to the object of the judgment, and (2) the judgment must be resistant to counter-evidence in virtue of an ethically virulent motivation. We can summarize Fricker's notion, which she dubs negative identity prejudice, as follows:

NP: Prejudices with a negative valence stemming from some ethically bad affective investment held against people qua members of some social type. (34)

2.3. Stereotypes

Fricker draws on evidence from the work of Daniel Kahneman and Amos Tversky to argue that in everyday exchanges in which one determines how far to trust a speaker, one will rely on stereotypes used as heuristics.³ Stereotypes are roughly analyzable as associations of a social group with a set of descriptive attributes. The class of stereotypes relevant to the central cases of testimonial injustice must be, according to Fricker's account, unreliable, and the attributes ascribed to members of the social group must be 'disparaging.'⁴ Combining this notion of stereotype with NP, we get negative identity-prejudicial stereotypes:

NPS: A widely held disparaging association between a social group and one or more attributes, where this association embodies a generalization that displays some (typically, epistemically culpable) resistance to counter-evidence owing to an ethically bad affective investment. (35)

On Fricker's account, central cases of testimonial injustice will involve a hearer perceiving the testimony of a speaker as less credible than deserved in virtue

of the effects of an NPS. As I will argue, there are clear cases of testimonial injustice that exhibit persistence and systematicity and are certainly central from the point of view of an interest in the broad pattern of social justice, but do not arise from an NPS.

3. Against prejudice as antipathy and stereotypes as disparaging

Before proceeding to discuss prescriptive stereotypes it will be important to say a bit more about what it is for an NPS to (1) possess a negative valence and (2) to be resistant to counter-evidence in virtue of an ethically virulent motivation to persist in advocating or utilizing the stereotype. I will argue that the valence of an NPS should be assessed relative to the context of inquiry, meaning the valence need be negative or disparaging only in the context in which the NPS leads to the assignment of a credibility deficit. Furthermore, I will argue that the motivation to persist in believing or utilizing an NPS does not have to be of a negative valence. Certain forms of prejudice can stem from a positive affective state yet still lead to testimonial injustice and other forms of discrimination.

At points, Fricker suggests that NP and NPS must be unqualifiedly negative, both in terms of the valence and in one's affective investment in persisting in a commitment to the prejudicial stereotype. This causes Fricker's notions of NP and NPS to echo the seminal work of Gordon Allport and older paradigms of social psychological research. Allport, for example, defines prejudice as, 'an antipathy based on a faulty and inflexible generalization' (Allport 1954, 9).⁵ Recent social psychological literature challenges Allport's claim that, to have wide reaching and detrimental effects for certain social groups, prejudice must be characterized by antipathy. Allport's theory largely ignores the workings of gender prejudice, and in turn Fricker's characterization risks proving too narrow to capture how more paternalistic forms of prejudice like benevolent sexism can perpetrate testimonial injustice. In the literature, the terms 'benevolent sexism' and 'hostile sexism' designate forms of prejudice that are distinguished by the associated affective states directed toward women qua social group. Hostile sexism is affiliated with open antipathy whereas benevolent sexism is characterized by paternalistic, positive emotional responses that lead to discrimination.⁶ As Glick et al. (2000, 763) remark, within social psychology, the analysis of prejudice as antipathy (or possessing a negative valence), 'is the bedrock on which virtually all prejudice theories are built. This assumption has blinded social psychologists to the true nature of sexism.'⁷

In this section, I will look to the work of Alice Eagly and Antonio Mladinic on benevolent sexism and literature inspired by their research to provide a framework through which to elucidate the conditions a prejudicial stereotype must meet to qualify as an NPS. Eagly and Mladinic envision their work as running counter to the assumption that discrimination against women and their disadvantaged position in society must be explained in virtue of resounding

negative attitudes and stereotypes (Eagly and Mladinic 1989, 1994; Eagly, Mladinic, and Otto 1991). The researchers (1994) provide evidence for what they call the ‘women are wonderful’ effect, which is characterized by positive attitudes grounded in an association of communal attributes (e.g. warmth, empathy, and nurturing) with woman qua social group as opposed to more agentic attributes (e.g. ambition, self-confidence, and independence) associated with men qua social group.⁸

As Eagly and Mladinic claim, ‘positive attitudes toward women should not be assumed to reflect liberal views about women’s position in society’ (1994, 6). Harmful effects can arise from the association of women with communal attributes to the exclusion of agentic (a form of benevolent sexism). The more communal attributes stereotypically affiliated with women are certainly not disparaging but are also not typically associated with economic, political, or broadly social positions of power. The agentic attributes stereotypically associated with men are more notably prized with respect to holding high status, social positions.

Eagly and Mladinic are not arguing that hostile sexism no longer exists. Instead, the researchers maintain that benevolent sexism is a quite prevalent and virulent phenomenon, and discrimination against women observable in contemporary society can arise from prejudices and stereotypes that are positively valenced. Other researchers such as Peter Glick and Susan T. Fiske, influenced by the empirical findings of Eagly and Mladinic, have argued for a picture of attitudes toward women as ambivalent—a mixture of both hostility and benevolence.⁹ The work of Glick and Fiske has revealed numerous informative correlations between benevolent sexism, hostile sexism, and treatment of women. The important aspect of Glick and Fiske’s research for our purposes is that, akin to Eagly and Mladinic, they argue more paternalistic forms of prejudice like benevolent sexism, ‘challenge the assumption that prejudice is an antipathy’ (Glick and Fiske 2001, 117).

A quote from Glick and Fiske highlights what may seem an issue with Fricker’s account of NP and NPS:

BS [Benevolent Sexism¹⁰] does not represent sympathy for the underdog stemming from a contemporary sense of fair play. Rather it is a fundamentally antiegalitarian, gender-traditional attitude. Yet it is not only positively valenced, but intensely so (Glick and Fiske 2011, 533)

Benevolent sexism can be equally deleterious as more openly hostile forms of sexism and (as will be demonstrated) can lead to epistemic injustice in a way that is part and parcel of the phenomena Fricker is trying to capture.

Though there are several theoretical frameworks which can integrate the data of Eagly and Mladinic, the favored approach of the two researchers is role congruity theory, or the view that, ‘prejudice exists when social perceivers hold a stereotype about a social group that is inconsistent with the attributes that

are believed to be required for success in certain classes of social roles' (Eagly and Karau 2002, 23).¹¹ Under this picture, benevolent sexism can lead to the exclusion of women from positions of social power in virtue of common views that traits stereotypically associated with women are irrelevant or inconsistent with attributes thought to be important for such positions. Analogous to the role congruity picture of prejudice, it will be fruitful to adopt an epistemic congruity picture of testimonial injustice in which the threat of testimonial injustice arises when the traits stereotypically associated with a social group are thought to be irrelevant or inconsistent in the context of inquiry. For example, imagine a woman, Sally, who is quite a savvy businessperson. Sally's credibility in the context of a business meeting may be unduly devalued when her peers underrate her suggestions for company policy due to common conceptions of feminine stereotypes as incongruent with the set of attributes thought to be relevant for the successful businessperson. It need not be the case that Sally is thought to be incompetent or that her male peers have negative affective states directed toward women (as already mentioned, the benevolent sexist will respond quite positively to women qua social group); it need merely be the case that Sally's supposed caring and nurturing dispositions, attributed to her on the basis of social group membership, are thought incompatible with the more agentic traits considered important in the context of formulating effective economic strategy or policy.¹²

When discussing stereotypes more broadly (not merely focusing on NPS), Fricker claims that the valence of stereotypes can be positive, negative, or somewhere in between—there is nothing in the nature of stereotypes that requires them to be of a particular valence. It could be argued that the communal attributes traditionally associated with women have a positive valence relative to certain contexts but a negative valence in the context of the boardroom. Claiming a businessperson is empathetic or kind and warm, for example, could be seen as a barb—such qualities aren't fit for the cutthroat world of capitalistic ventures. But in discussing NPS, Fricker claims the associated valence must be negative, which would exclude NPS from having either a positive or a context sensitive valence. If this is the right way to read Fricker, cases like Sally's and others involving something akin to benevolent sexism will not qualify as central, as they do not involve prejudicial stereotypes with a definitively negative valence.

Despite some ambiguity in her discussion of valence and stereotypes, I suggest we read Fricker such that when she claims that NP and NPS are disparaging or of a negative valence we take these proclamations to involve an implicit qualifier, namely, 'in the context of inquiry.' The relevant stereotype of women applicable in Sally's case is arguably an NPS if we take it to be a disparaging attribution of a set of qualities relative to the context of the business world. Again, the communal attributes involved in benevolent sexism that are stereotypically associated with women are far from disparaging in some

universal sense but can be seen as negative in certain contexts which can lead to testimonial injustice. If we read Fricker's definition of NP and NPS as involving the 'in the context of inquiry' qualifier then no serious emendation to Fricker's account will be needed to accommodate the affective competent of more paternalistic forms of prejudice.

It proves harder to save Fricker's claim that NP and NPS must arise from an ethically noxious form of motivated cognition. Fricker assumes that her central cases involve individuals who persist in their prejudices, despite ample reason to think otherwise, in virtue of malice directed at certain social groups. As already argued, benevolent sexism is rooted in positively valenced affective states but can lead to testimonial injustice in a manner consistent with Fricker's central cases. Regardless, it may be claimed that the motivated cognition involved in the perpetuation of benevolent sexism is still ethically deplorable, even if the affective investment is not negative. For example, the benevolent sexist might persist in accepting a certain stereotypical picture of women, despite ample counter-evidence, in virtue of a desire to remain in a position of social dominance. This motivation does not take the form of negative affect directed at a social group, but it still qualifies as ethically toxic. The issue with this move is that any proclamation about the motivational states associated with the persistence of stereotypes is largely an empirical claim, and it's far from clear that the relevant literature vindicates a view of stereotype maintenance as grounded in ethically noxious forms of motivated cognition. A mature theory of the motivation that commonly undergirds the resistance of stereotypes to counter-evidence will depend on a host of controversial views regarding the psychological role of stereotypes. There are several, larger theoretical frameworks like terror management theory (Pyszczynski, Solomon, and Greenberg 2015), system justification theory (Jost, Banaji, and Nosek 2004), and the meaning maintenance model (Heine, Proulx, and Vohs 2006) that could be used to explain stereotype maintenance. But a detailed discussion of current theory regarding the motivated persistence of stereotypes is beyond the scope of this paper, and any conclusions drawn would be speculative at best.

It's not clear what role ethically deplorable motivation plays in Fricker's framework. Fricker may require that an NPS arises from an ethically noxious form of motivated cognition as she is intentionally focusing her account on the most pernicious forms of credibility deficit. A stereotype maintained in virtue of contempt as opposed to some more innocuous affective investment bespeaks a greater moral flaw. The trouble is that requiring an NPS be maintained in virtue of certain affective states or types of motivation risks making NPS uncommon, if the empirical literature does not vindicate these motivations playing a seminal role in stereotype maintenance. Part of the importance of bringing testimonial injustice to light is the ubiquity of the phenomenon and the fact that it can help explain and elucidate certain contemporary injustices. A conception of NPS that proves overly narrow would strip Fricker's account of a significant theoretical

virtue. Little is lost by dropping any specification of the type of motivation or affective investment involved in stereotype maintenance and leaving the analysis as an open question for further psychological work.

4. Descriptive and prescriptive stereotypes

Traditionally, stereotypes have been characterized in purely descriptive terms, but in light of recent literature a prescriptive aspect to stereotypes has been theorized to play an important role in attitudes toward women and other social groups.¹³ Individuals who act in a counter-stereotypic manner risk backlash—a robust phenomenon demonstrated in a large body of literature in which people respond negatively to those who flout relevant stereotypes—hence, some stereotypes are thought to embody not merely generalizations about how certain social groups are but views about how members of those social groups should be.¹⁴ Fricker's notion of NPS deals exclusively with the descriptive component of stereotypes, and as such, her account will miss testimonial injustices perpetrated in virtue of the prescriptive. Important for our current purposes, 'the processes by which the descriptive and prescriptive components of gender stereotypes theoretically lead to discrimination are different' (Burgess and Borgida 1999, 666). Given this difference in process, I will argue that testimonial injustice should be split into two subtypes, differentiated by the various means that lead to the assignment of a credibility deficit.

Whereas discrimination based on the descriptive aspect of stereotypes is more likely to result in the negative evaluation of a woman's competence (or related attributes) and doesn't have to derive from a negative affective state, as argued previously, 'discrimination based on the prescriptive component is most likely to derive from...negative affect directed toward women who violate gender role prescriptions' (680). Women who act in counter-stereotypic ways may be 'punished, either through hostile environment harassment or through the devaluation of their performance' (667). A stark and heavily publicized example of backlash can be seen in the case of Ann Hopkins, a talented accountant at Price Waterhouse (now PricewaterhouseCoopers) who, in 1982, was denied partnership despite her credentials and performance at the firm. Discrimination against Hopkins did not take the form of a negative evaluation of her work in virtue of a descriptive stereotype—she outperformed colleagues on several metrics—instead, she was punished and censured in virtue of her counter-stereotypic behavior. Hopkins was told on multiple occasions that she needed to be more feminine and was given advice with regards to her appearance and mannerisms as opposed to suggestions relevant to job performance; 'a woman who is perceived as equally competent as her male colleague but less interpersonally skilled may well be the loser in terms of promotion or merit raises' (676). Hopkins sued the firm, and the case was eventually heard by the Supreme Court, which sided in her favor.¹⁵

As I will argue, the assignment of a credibility deficit can function as backlash. An interlocutor may diminish the justified force of a speaker's words as a form of punishment for counter-stereotypic behavior that violates the normative component of a stereotype. These prescriptive credibility deficits, as I will call them, are assigned independent of assessments of the speaker's competence or likelihood of asserting a truth in a given context and mainly fulfill an ego defensive, as opposed to epistemic, function. To establish that a credibility deficit can operate as a form of backlash, I will look to the literature on gender disparity in social influence and persuasiveness. First, I will argue that this literature bears directly on Fricker's analysis of testimonial injustice. I will then argue that the social persuasion literature provides us with clear cases of prescriptive credibility deficits.

4.1. Social influence and prescriptive credibility deficits

Though there is a robust body of literature on social influence, which I take to be directly relevant to Fricker's account, there is little attempt to provide an analysis of the central concept of social influence. There are several research paradigms that are traditionally taken to fall under the heading of 'social influence' and, presumably, each address an aspect of the concept as it is employed in social psychology. For our purposes, two of these paradigms are of special interest, namely, persuasion research and research involving the use of information in a group setting. In a persuasion paradigm, a speaker gives an argument for some position, *p*, and study subjects are asked to indicate their level of agreement with *p* in light of the speaker's argument. The influence of the speaker is operationalized as the change in the subject's stance with regards to *p* after hearing the argument. Various trials can involve speakers of different social groups who nonetheless keep the wording and presentation style of the argument identical to test the effects of a speaker's perceived group membership on the ability of that speaker to persuade. In a group paradigm, several subjects are tasked with collectively generating a solution to a problem. Subjects are each given a different set of information relevant to solving the problem prior to the group discussion stage. Researchers then observe whose proposed information and suggestions are subsequently utilized in group deliberation. In a group paradigm, a speaker's level of social influence will be related to the perceived relevance or force of the information she offers the group.

Though gender differences in social influence are mediated by various context sensitive variables, it is safe to claim that, in general, arguments or attempts to persuade are more likely to be ignored if the arguer is a women, and contributions by men in a group setting are more likely to influence group decision and factor into group deliberation (Carli 2001). For example, in a study performed by Propp (1995), mixed-sexed groups were more likely to utilize certain information in group deliberation if the individual who presented the

information was male. As Propp was able to demonstrate, gender, 'biases the use of information; a male's relatively high source credibility increases the perceived validity of the information he introduces' (453). In her review of the social influence literature, Linda Carli claims,

people typically perceive men to have higher levels of competence than women have, unless there is very clear evidence of female superiority. As a result, gender differences in social influence occur even when there are no objective differences in the behaviors or performance of male and female influence agents. (2001, 734)

Research involving persuasion and group paradigms provides a rather straightforward empirical demonstration of the phenomena Fricker is trying to capture. The gender disparity in persuasion and information use is partially mediated by assessments of competence. In virtue of a prejudicial stereotype that characterizes women as less competent than men with respect to a range of domains, individuals assign women less credibility, which in turn leads study participants to view arguments offered by women as less persuasive and information offered as less relevant. This decrease in the 'perceived validity' of information or arguments presented can be straightforwardly analyzed in terms of unjustly low credibility being assigned to female speakers.

Though I have presented the social influence literature as straightforwardly applicable to Fricker's work, the relevance of the literature may be challenged on several grounds. (1) It could be objected that neither the persuasion nor group research paradigms, strictly speaking, address gender differences in a speaker's ability to transmit information through testimony. The paradigm case of testimony involves a speaker telling or asserting some proposition, *p*, and a hearer coming to believe *p* on the basis of perceiving and understanding the speaker's assertion (E. Fricker 2004). Neither arguing for *p* nor mentioning *p* as relevant in a group problem-solving context qualifies as a bald assertion or an instance of a telling. To empirically verify the existence of testimonial injustice involving gender stereotypes we would need to examine the variable willingness of subjects to believe some proposition, *p*, on the bases of various speakers baldly asserting that *p*. (2) Alternatively, one might argue that it is not clear from the experimental design whether female speakers are given a credibility deficit or whether males are assigned a credibility excess. Given that, under Fricker's account, testimonial injustice must involve the administration of a credibility deficit, we would need to establish that the social influence literature clearly involves credibility deficits before taking the literature to vindicate Fricker's account.

I take both of these objections to largely be a cavil for several reasons. It's not clear that Fricker's central cases of testimonial injustice, like the exchange between Marge Sherwood and Herbert Greenleaf in *The Talented Mr. Ripley*, deal solely in testimony, excluding other speech acts such as providing evidence for previous claims. Nor is it clear that driving a hard conceptual boundary

between testimonial injustice and injustice with respect to other speech acts would prove fecund, as it is doubtful that significantly different ethical issues would arise surrounding testimony, arguments, suggestions, musings, etc., or that a relevantly different psychological process would govern the interaction of credibility assignments versus various other speech acts.¹⁶ With respect to the second objection, the issue of determining whether a case involves a credibility excess assigned to one party or a credibility deficit assigned another will arise for any potential case of testimonial injustice, so I don't take this issue to be a serious objection.¹⁷

Though the work on gender disparities in social influence provides solid empirical evidence for Fricker's claims, assessments of competence are not the only mediating factor that affects the perceived strength of an argument or the perceived relevance of information. The likeability of a speaker also has an effect on social influence and isn't reducible to assessments of speaker competence or sincerity. In turn, the presentation style and nonverbal behavior of a speaker can affect her perceived likability. Women (but not men) risk backlash in the form of decreased credibility assignments when overtly displaying assertiveness or competence; 'women who attempt to assert authority outside of traditionally female contexts, particularly over men, encounter a resistive, "backlash" reaction that reduces their ability to achieve influence over others' (Ridgeway 2001, 649).

A bevy of studies demonstrate that women can prove more influential and persuasive to men (and thereby be assigned a higher level of credibility) when utilizing a more tentative style of communication, even if such will hurt evaluations of competence.¹⁸ For example, in a persuasion paradigm study performed by Carli, LaFleur, and Loeber (1995), women who demonstrated a more task-oriented manner of nonverbal communication (e.g. rapid speech, taunt posture, firm voice, etc.) as opposed to a social style (e.g. leaning toward the listener, friendly facial expression, etc.) were found to be less influential by men than male speakers who were similarly task oriented. Female and male speakers who exhibited a task-oriented style were not necessarily judged to be differing in competence, but women who displayed this more 'traditionally masculine' manner of communication, thereby flouting prescriptive stereotypes, were found to be more threatening and, in turn, proved less influential. The prescriptive aspect of stereotypes that dictate women should exhibit communal characteristics can affect how one perceives the credibility of a female speaker. As Carli, LaFleur, and Loeber found, 'with male audiences, likableness is a more important determinant of influence for female speakers than male speakers. For women, being merely competent is not enough' (1995, 1038).

Further studies have shown the effects of nonverbal communication to be sensitive to the perceived salience of gender in a given context (Reid et al. 2009). When, through some means, gender is made salient, female speakers will tend to prove more influential with male listeners if they utilize a tentative style of presentation. On the other hand, if certain other qualities are made salient, such

as one's educational history, female speakers will tend to prove more influential relative to male listeners if they utilize a more assertive presentation style.

Returning to the example of Sally, her suggestions for company policy may be unduly devalued in virtue of her more assertive, 'masculine' presentation style in a situation in which her gender as opposed to business credentials is made salient. Sally, like Hopkins, doesn't have to be stereotyped as having qualities thought to be incompatible or unfit for the male dominated business world. In fact, Sally may be judged as equivalent (or superior) in competence, assertiveness, independence, etc., to her male peers, but her words can nonetheless be devalued because her counter-stereotypic behavior is perceived as threatening or a ploy for power by her male counterparts. Sally is assigned a credibility deficit for acting in a counter-stereotypic manner and thus punished and censured for her behavior as opposed to having her competence (or competence related attributes) devalued.

Sally's case aligns with the spirit of what Fricker is trying to capture, as Sally is being harmed qua knower in virtue of flouting a (prescriptive) stereotype that tracks her through various social realms and represents deeply ingrained views about how women should behave. Sally's case is rooted in negative affective states in response to women who act in counter-stereotypic ways, but her peers misperceive her level of credibility in virtue of stereotypes about how women *should be* as opposed to how women *are*. The case of Sally doesn't fit the picture of NPS Fricker takes to characterize central cases of testimonial injustice. The prescriptive component of stereotypes deserves separate mention in our account of testimonial injustice—otherwise, it will prove too narrow to capture cases like Sally's.

I propose splitting testimonial injustice into two further categories, namely, descriptive credibility deficits and prescriptive credibility deficits. Descriptive credibility deficits will operate on the basis of NPS as Fricker describes. As in the first case involving Sally, her male business partners attribute communal traits to her in virtue of her perceived gender, which conflict with the more agentic qualities thought to be important for effective business strategizing. This attribution causes Sally's business partners to misperceive her level of credibility in the context of the business meeting. On the other hand, prescriptive credibility deficits arise from a backlash effect in which the speaker is punished by being assigned a lower level of credibility than deserved in virtue of flouting a relevant prescriptive stereotype. As in the second case involving Sally, her male business partners react negatively to Sally's more task-oriented or assertive communication style, which is incommensurate with how women should act according to the relevant prescriptive stereotype. This negative affective response can manifest as an assignment of a lower level of credibility than deserved—in effect, a punishment for acting in a counter-stereotypic manner. Both credibility assignments involve a misperception of the credibility of a speaker, but these misperceptions arise by different means and therefore are worthy of conceptual distinction.

5. Prescriptive credibility deficits and credibility judgments

As claimed in the introduction, the notion of a prescriptive credibility deficit is not merely an innocuous addition to Fricker's account that requires no further changes to the theory. Prescriptive credibility deficits raise issues with respect to (1) Fricker's account of the 'perceptual capacity' that governs initial credibility judgments and (2) her analysis of the virtue of testimonial justice and the requirements on a virtuous listener in a testimonial exchange. In the following, I will address each of these problems in turn.

5.1. *Credibility perceptual capacity*

In an average conversational exchange, our initial credibility judgment of a speaker will be, according to Fricker, formed by a credibility perceptual capacity (CPC). A CPC is a nonconscious, non-deliberative mental process that presents a speaker in 'epistemic colour'—to use Fricker's turn of phrase. In normal conversation, we do not consciously reflect on body language, vocal intonation, social group membership, or other cues in service of deliberating about the credibility of a given speaker—these cues are processed subpersonally with the result that a speaker will appear to have a certain level of credibility.¹⁹ This epistemic, perceptual capacity, according to Fricker, is informed by a background 'theory' consisting of a body of generalizations including (1) stereotypes associated with certain social groups, (2) assessments of potential motivations of the interlocutor, and (3) estimates of the likelihood that such an individual will tell the truth in a given context. Of course we can proceed to alter our initial credibility judgments through deliberation and conscious reflection on relevant evidence, but these initial credibility assignments will be made automatically and subpersonally.

Fricker treats CPC as nigh exclusively truth directed. Under Fricker's characterization, CPC is purely a function of seemingly relevant information at one's disposal that bears directly on the credibility that should be assigned a speaker (assuming the information is accurate). But we do not use assignments of credibility solely for the end of assessing the likelihood that a speaker is telling the truth. Of course counter-veridical motives can affect our treatment of evidence, regardless of whether that evidence is testimonial in nature or derived from another source. There is a large body of empirical work that demonstrates our proclivity to formulate self-serving beliefs.²⁰ But prescriptive credibility deficits are not merely further instances of motivated cognition. In a case involving a prescriptive credibility deficit, the relevant evidence is not simply reinterpreted to support a favored hypothesis or ignored to prevent an undesired conclusion. The evidence is manipulated as a means of punishment for the source, namely, the counter-stereotypic individual whose actions or behavior presents some perceived psychological threat. Prescriptive credibility

assignments can serve an ego defensive role by silencing counter-stereotypic individuals. As Schimel et al. (1999, 907) claim, 'by derogating those who are different, the individual deflects any threat posed by this deviance.'

Extending the point, there is evidence that physical attraction can boost one's perceived credibility and can enhance an interlocutor's chance of persuading a listener (Horai, Naccari, and Fatoullah 1974). In a study performed by Matschiner and Murnen (1999), the researchers found that male participants tended to judge one and the same female speaker to be more physically attractive when she exhibited an exaggerated, 'feminine' style of communication, which in turn boosted the likelihood of persuading her male audience. Physical attraction runs orthogonal to competence and expertise—it's not the case that the increased social influence afforded the attractive is due to people judging comely individuals as more intellectually capable or sincere. The effect of something like physical attraction on credibility proves hard for Fricker's framework to integrate. Physical attraction alters credibility assignments independently of any generalizations about levels of competence, expertise, likelihood of telling the truth, or other epistemically relevant associations. This boost in credibility is arguably a form of praise, just as prescriptive credibility deficits are a form of punishment. More forcefully put, prescriptive credibility assignments can be used to punish those we find threatening and, in turn, bolster those we favor. Punishment and reward are non-epistemic functions of credibility assignments that will go overlooked if we characterize CPC as determined exclusively by background information concerning the likelihood that an interlocutor will assert a truth in a given context.

5.2. *The responsibilities of a virtuous listener*

The responsible listener doesn't passively accept whatever testimony comes her way. This doesn't mean the responsible listener consciously moves through a chain of inference, given her evidence in the testimonial context, to the conclusion that she should either believe or withhold assent in what has been testified to.²¹ Instead, as Fricker claims, 'without actively assessing or reflecting on how trustworthy our interlocutor is, the responsible hearer none the less remains unreflectively alert to the plethora of signs, prompts, and cues that bear on how far she should trust' (2007, 66). The responsible hearer is unreflectively yet critically engaged when receiving testimony—she remains vigilant for any potential indicators of the speaker's level of competence and sincerity and to any distorting effects of an NPS.

Competence and sincerity do seem, normatively, to be the correct dimensions along which to assess a speaker, but they do not exhaust the dimensions that factor into assessments of speaker credibility. As I've argued, the perceived likeability of a speaker, as assessed by a listener, is an independent dimension that affects credibility judgments. In turn, if the responsible hearer must remain

unreflectively aware of how an NPS may affect her assessments of competence and sincerity, she must also remain vigilant for how the perceived likeability of a speaker may lead to backlash in the form of a credibility deficit. With a more nuanced, descriptive understanding of the ways our credibility judgments can go systematically awry we gain a subtler, normative understanding of what the virtuous listener must do to avoid perpetrating testimonial injustice.

This expanded notion of what a responsible listener needs to monitor leads to a potential critique of Fricker's account that mirrors recent criticisms of what Henderson (2008) dubs an acceptance with monitoring (AM) analysis of justified, testimonial belief.²² AM views like that of Elizabeth Fricker's (e.g. 1995, 2004) hold that one is justified in accepting the testimony of a speaker only if one's acceptance is grounded (at least partially) in monitoring (though not necessarily reflectively or consciously) for cues diagnostic of the trustworthiness of the speaker. Drawing on social psychological research in deception detection, Shieber (2012) and Michaelian (2010) argue that, though we do typically monitor for deception, we aren't particularly reliable in determining speaker sincerity.²³ If we aren't reliable at detecting mendacity, then monitoring for deception shouldn't be required for the justified acceptance of testimony, *pace* E. Fricker.

An analogous objection may be raised against Fricker's account of how the virtuous listener should compensate for the potential deleterious effects of NPS and backlash. In the case of a prescriptive credibility deficit in which one's credibility assignment acts as a way to suppress the threat of a counter-stereotypic speaker, it is unlikely that there will be some internal cue or phenomenological marker one could reliably detect, even with training, that would indicate whether one's credibility assignments are being negatively affected by counter-veridical motives. The motivated cognition involved in something like backlash operates at a subpersonal level outside of one's conscious awareness. Fricker's suggestion that one might be able to be, 'reflectively aware at the time that prejudice is shaping one's perception of an interlocutor,' (2007, 97) and proceed to alter the judgment accordingly, isn't likely. Just as cues for deception remain hard to monitor and recalcitrant to detection training, cues that one is using one's credibility assignment as punishment for a counter-stereotypic interlocutor will be equally hard to expose.

Alcoff (2010) makes a somewhat similar argument (though not with respect to backlash effects), questioning the effectiveness of attempting to bring prejudice and stereotype that operate at a nonconscious level under volitional control. In response, Fricker (2010) cites two papers, including a series of four studies performed by Monteith et al. (2002) that attempts to elucidate how 'automatic processes can be controlled and changed in the context of stereotyping' (1029). Though there is some empirical support for Fricker's claims, there is as yet no univocal account of how to combat prejudice, and there has been little if any work that directly deals with combating backlash as a defensive psychological response (Rudman and Fairchild 2004; Rudman et al. 2012). Also, many of the

suggestions for counteracting prejudice, such as fostering egalitarian attitudes or promoting opportunities for emotional bonding with those of other social groups, aren't the type of things that one can employ in the context of a testimonial exchange—it's not as if the virtuous listener can spontaneously grow an emotional attachment to her interlocutor, for example. But, importantly, in Fricker's response to Alcoff she claims,

It is entirely possible that the lesson of critical reflection in some range of cases might be that one would do better to stop reflecting on one's likely prejudices and instead go in for some sort of unreflective psychological work-out involving anti-prejudicial priming techniques...We should do whatever works, within the bounds of practicality. (2010, 165–166)

As this passage shows, Fricker is not restricting her analysis of the virtue of testimonial justice to certain moves one should make in the testimonial context. The virtuous listener is prepared to engage in whatever psychological exercises could lead to a reduction of prejudice, within the bounds of practicality. Fricker's virtue of testimonial justice differs from a more strict AM position where the focus is on what one does or monitors for in the testimonial exchange, and, therefore, Fricker's account may escape worries about the effectiveness of a requirement that one remain alert for signs of backlash or counter-veridical motives.

The virtuous listener should certainly be aware of contemporary and future social psychological work on potential ways to combat prejudice and backlash, but this still leaves us with the question of what we should actually do in the context of receiving testimony. Again, there is little if any literature that deals with methods of effectively combating the possibility of assigning a prescriptive credibility deficit as a form of backlash, and prior to the discovery of some definitive, behavioral protocol we can employ to (at least partially) neutralize the possibility of backlash, it is still an open question as to what the virtuous listener should do in a context where testimonial injustice may occur. Neither requiring that we monitor for cues of prejudice and backlash nor requiring that we follow whatever procedure is best supported by our empirical evidence, currently gives us a clear and useful policy to utilize when receiving testimony.

Of course it's not as if we have, or could even hope to possess, some definitive set of information (e.g. precise estimates of the base rate of false testimony, precise estimates of the likelihood that we will incorrectly perceive a speaker's credibility in a given context, etc.) that could be used to calculate how to adjust our credibility assignments. Instead, we have a vast body of psychological literature that supports the claim that we may mishandle the words of our conspecifics in virtue of the irrational effects of deep-seated prejudice and defensive psychological responses. A rigorous analysis of the literature will fail to produce any type of precise suggestion in terms of how to alter our credibility assignments in a context in which an NPS or backlash may infect our epistemic perception. Fricker's best proposal for how the virtuous listener

should respond to the threat of prejudice might very well be that, 'all we are able to do is to render our judgment more vague and more tentative' (2007, 92). There is certainly more philosophical and psychological work to be done, but it isn't clear just how definite of a set of suggestions for combating something like backlash we can hope to generate or what shape these suggestions will take with further research. In turn, we need to be careful to make sure that our theory about how the virtuous listener operates and what we require of the virtuous listener is both psychologically feasible and compatible with the relevant empirical literature.

6. Conclusion

I've argued that Fricker's analysis of central cases of testimonial injustice can be fruitfully expanded and revised by looking to more contemporary work on prejudice and stereotype in the field of social psychology. I contend that the notion of testimonial injustice should be split into descriptive and prescriptive credibility deficits and that, as it stands, Fricker's account addresses only the descriptive. The proposed refinement of the category of testimonial injustice is grounded in both a noted difference in the processes that lead to the attribution of a credibility deficit and the fact that prescriptive credibility deficits can serve a function beyond the epistemic.

Further research may reveal additional ways in which the social psychological literature can help to elucidate and expand our understanding of epistemic injustice and surrounding issues. There is also ample philosophical work to be done in terms of analyzing how one should respond to the potential deleterious effects of NPS and backlash on our perception of others' testimony.

Notes

1. I will talk of speakers as incurring testimonial injustices, but this should be read as a shorthand for the myriad ways in which one can transmit knowledge to another, e.g. speaking, signing, writing, semaphoring, etc.
2. In drawing on social psychological literature, I do not commit myself to any particular philosophical thesis. Work in social psychology has been used in quite disparate philosophical projects like Darwall's (2002) analysis of the relation of personal welfare and rational care, Mele's (1987, 2001) informative analysis of self-deception, and Harman's (1999) and Doris' (1998) Situationist Challenge to virtue ethics. Work on prejudice and stereotype is one of the most prominent research programs within social psychology and, as will become clear, can only help to strengthen our analysis of epistemic injustice.
3. See Kahneman, Slovic, and Tversky (1982) for a good overview of some of their work. Psychological work on heuristics and biases has been used in other realms of philosophy as well, for example, Stich's (1990) analysis of what distinguishes good from bad reasoning.

4. Fricker draws comparison between the notion of stereotype as relevant to central cases of testimonial injustice and Blum's (2004) conception of stereotype as, 'false and negative associations between a group and an attribute' (Fricker 2007, 31).
5. Also, importantly, Fricker and Allport both highlight the affective nature of prejudice and stereotypes. As Allport claims, 'defeated intellectually, prejudice lingers emotionally' (1954, 328). Similarly, Fricker develops a notion of residual prejudice that can persist in affecting one's actions even when the prejudice is consciously disavowed. For a retrospective on Allport's work and its influence on the field see Dovidio, Glick, and Rudman (2005).
6. These terms can be misleading, as it could well be argued that benevolent sexism is hostile in the everyday sense of 'hostile' as antagonistic—but this does not blur the lines between hostile and benevolent sexism, as the distinction between the two is grounded in the affective states that characterize the prejudices and not in how antagonistic the prejudices can be.
7. It is important to note that the reference class of 'all prejudice theories' here is restricted to social psychology. The history of feminist theory can provide examples of thinking outside of the framework of sexism simply as antipathy. Simone de Beauvoir, to take just one instance, was well aware of the ambivalent nature of sexism. In different contexts, various sexist attitudes toward women with a range of positive and negative valences can come to light,

When he [man] is in a co-operative and benevolent relation with woman, his theme is the principle of abstract equality, and he does not base his attitude upon such inequality as may exist. But when he is in conflict with her, the situation is reversed: his theme will be the existing inequality, and he will even take it as justification for denying abstract equality. (De Beauvoir 1952, 24)

In their own research, Glick and Fiske focus on the ambivalent nature of sexism (a point I will touch on later in this section), but the insight underpinning their empirical work existed in publication for quite some time.

8. A range of studies has demonstrated that the majority of views people possess about the differences between the sexes can be informatively analyzed through talk of communal and agentic attributes. See Eagly (1987, 15–17) for a brief discussion.
9. Glick and Fiske's work is inspired by advancements in corresponding research on the structure of more contemporary forms of racial prejudice in North America post Civil Rights Movement. See Glick and Fiske (2011) for a brief intellectual biography explaining the climate which gave rise to their joint research.
10. The fact that 'benevolent sexism' most naturally and hilariously yields 'BS' as an acronym is not lost on Glick and Fiske.
11. For an example of role congruity theory applied outside of gender prejudice see Diekman and Hirnisey (2007) for a discussion of bias in hiring practices of the elderly.
12. The case of Sally may be more complicated than presented. As Brewer, Dull, and Lui (1981, 657) argue, some research,

suggests that the rather broad social categories, such as sex and race, that have been the subject of most research on stereotyping may be too large and amorphous to capture adequately the nature of social perception. Instead, these broad categories appear to be differentiated into meaningful subgroupings characterized by quite different perceived attributes.

It could be argued that it's more plausible for Sally's peers to be relying on a subgroup of women (something like the subgroup *businesswomen*) as opposed to a broad stereotype of women qua social group in their credibility assignments. There is evidence to suggest that there are several primary subgroups of women used in stereotypic judgments, e.g. the traditional women (housewife), the non-traditional women (careerist), etc. (see Burgess and Borgida 1997 for a discussion). Regardless, the case of Sally can be tweaked to accommodate this literature. If Sally is a mother of three, her associates may perceive her through the subgroup of traditional women (as opposed to the careerist), which is associated with the positive communal attributes discussed (e.g. nurturing, caring, etc.).

13. There are several explanations in the literature for the generation of the prescriptive aspect of stereotypes. It may be that prescriptive stereotypes are the result of a naturalistic fallacy in which people reason from how things are perceived to be, descriptively, to how things should be. It may also be the case that prescriptive stereotypes emanate from a vested interest of a dominant social group to maintain its status by, again, reasoning from how things are to how things should be. See Glick and Fiske (1999) for a discussion.
14. For example, see Eagly, Makhijani, and Klonsky (1992) for a meta-analysis of studies on the disparate treatment of women in leadership roles.
15. See Price Waterhouse v. Hopkins (1989). Also, see the amicus brief released by the American Psychological Association which cites quite a bit of literature on prescriptive stereotypes (American Psychological Association 1991).
16. Although, Bondy (2010) offers an interesting discussion of argumentative injustice or the, 'phenomenon of attaching reduced or excessive credibility to the premises of an argument, or to the strength with which an argument's premises support its conclusion, due to an identity prejudice attaching to the arguer, in the minds of the audience'(263).
17. Further problems arise with Fricker's insistence that testimonial injustice must involve a credibility deficit, especially in light of more contemporary theories of prejudice as the differential favoring (as opposed to outright derogation) of certain social groups over others (e.g. Greenwald and Pettigrew 2014). There are several informative discussions in the philosophical literature focusing on the limitation of requiring testimonial injustice to be the assignment of an abated level of credibility in a conversational exchange (e.g. Medina 2011; Anderson 2012).
18. See Reid et al. (2009) for a brief discussion of some of these studies.
19. The cues I mention are not necessarily diagnostic of a speaker's trustworthiness. The social group membership of a speaker, for example, may have little to no relevance pertaining to the speaker's credibility, but this doesn't mean we don't use social group membership as a cue and that the workings of an NPS may cause us to misperceive the credibility of a speaker.
20. There are quite a few studies that confirm the phenomenon coyly dubbed the 'Lake Wobegon Effect'—people tend to believe they instantiate certain desirable qualities that, statistically, it is unlikely they possess (Gilovich 1991, 77). Garrison Keillor's fictional town of Lake Wobegon is a place where, 'the women are strong, the men are good-looking, and all the children are above average.'
21. For a dissenting view see the work of Gilbert (1991) and Gilbert, Tafarodi, and Malone (1993) and the defense of Gilbert's work offered by Mandelbaum (2010, 2014). Both Gilbert and Mandelbaum argue that we automatically believe (or at least adopt a belief-like state with respect to) any proposition we entertain—we can't withhold assent in a proposition while weighing the evidence in its

favor. This is not to say that we can't overturn our automatic acceptance of a proposition, but we also can't help encoding whatever information is presented to us as true. If Gilbert and Mandelbaum are correct, there will certainly be interesting implications for the epistemology of testimony.

22. I am grateful to an anonymous reviewer for bringing this parallel to my attention.
23. Though a full account of why we struggle to reliably detect deceit is beyond the scope of this paper, roughly, (1) our folk psychological theory of the behavioral cues that reliably indicate deception (e.g. shifty eyes, general nervousness) aren't particularly diagnostic and (2) cues that do reliably indicate the insincerity of a speaker (e.g. higher vocal pitch, less gesticulation when speaking) are quite hard to detect, aren't present in all cases of deception, can differ from person to person, and training to descry these cues produces little improvement (Vrij 2004).

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