

## Credibility and the Distribution of Epistemic Goods

Jennifer Lackey  
Northwestern University

When someone tells us something, it might involve matters as mundane as how to get to a grocery store or that one owns a cat and as urgent as whether one was assaulted by a co-worker or committed the murder in question. Whether we believe what we are told depends, in large part, on how credible we take the speaker to be. Assessing people's credibility, then, is found in just about every corner of our existence, from navigating the world to making decisions that are quite literally the difference between life and death.

What should guide us in our evaluations of the credibility of others? Otherwise put, what is the norm governing credibility assessments? According to Miranda Fricker, "there is no puzzle about the fair distribution of credibility, for credibility is a concept that wears its proper distribution on its sleeve. Epistemological nuance aside, the hearer's obligation is obvious: she must match the level of credibility she attributes to her interlocutor to the evidence that he is offering the truth" (Fricker 2007, p. 19). More precisely:

*Evidentialist Norm (of Credibility)*<sup>1</sup> [EN]: A hearer, H, should match the credibility judgment of a speaker, S, to the evidence that S is offering the truth.

According to Fricker, then, a broadly evidentialist norm governs our assessments of the credibility of others. In particular, we should match our beliefs about the credibility of other persons to the evidence in the same way that we do with respect to our beliefs about, say, coffee cups and computers.<sup>2</sup>

In this paper, I will show that the "obvious" evidentialist norm found in EN is seriously wanting, both in epistemic and moral ways. In particular, I will identify and develop two kinds of testimonial injustice, which I call *distributive* and *normative*, and argue that the EN is fundamentally incapable of ruling them out. While my discussion focuses on the EN, my main aim here is to

expand the discussion of credibility and its relation to testimonial injustice rather than to challenge Fricker's specific view. Given this, though I will identify the ways in which my arguments directly challenge the EN, my overall goal is to point toward a way of understanding credibility that has not been properly appreciated—one where credibility excesses play a far more central role in testimonial injustice. Finally, I will develop and defend a norm of credibility—what I call the *Wide Norm of Credibility*—that not only avoids the problems afflicting the EN, but also makes vivid the relational and normative dimensions of our credibility assessments, and the extent to which credibility can be a finite epistemic good that can wrong knowers through both deficits and excesses.

### 1. Evidentialist Norm of Credibility

As presented, the EN is a distinctively epistemic norm and, if it is the only norm of this sort governing belief, then a subject is in the epistemic clear, so to speak, when it is followed. But the EN has also been taken to have deep moral significance. According to Fricker, for instance, “[a] speaker sustains...testimonial injustice if and only if she receives a credibility deficit owing to identity prejudice in the hearer; so the central case of testimonial injustice is identity-prejudicial credibility deficit” (Fricker 2007, p. 28). A speaker suffers a credibility deficit when the credibility that she is afforded by a hearer is less than the evidence that she is offering the truth, and a hearer has the relevant kind of identity prejudice when she has a prejudice against the speaker in virtue of the latter's membership in a social group.<sup>3</sup> Prejudice here is being understood in terms of not being properly responsive to evidence. A prejudicial stereotype, for instance, is a generalization about a social group that fails to be sufficiently sensitive to relevant evidence.<sup>4</sup> Where this prejudice “tracks” the subject through different dimensions of social activity—economic, educational, professional, and so on—it is systematic, and the type of prejudice that tracks people in this way is related to social identity, such as racial and gender identity. Fricker argues, then, that when a hearer violates the EN

by giving a speaker a credibility deficit in virtue of, say, her race, the speaker is wronged “in her capacity as a knower,” and is thereby the victim of testimonial injustice. What this means is that a speaker is also in the moral clear when she satisfies the EN, at least with respect to committing an act of, and a hearer suffering an instance of, testimonial injustice.

There are, however, at least two different readings of the EN that should be distinguished. On the one hand, it might be understood *categorically* as follows:

Categorical EN: For every speaker, S, and hearer, H, H should match the credibility judgment of S to the evidence that S is offering the truth.

According to this categorical reading, hearers are required not only to have their credibility judgments of speakers track the available evidence, but also to make such judgments in the first place. The problem, though, is that this demands too much, as there are many instances in which hearers need not have any beliefs at all about the credibility of speakers. As I walk down the street, I have no obligation—epistemic or moral—to judge the credibility of all of the random passersby that I overhear, nor am I required to form beliefs about the reliability of every source on the internet that comes across my computer screen. This is even clearer when one’s attention is better focused on activities of greater epistemic and moral value. A surgeon, for instance, need not assess the credibility of nurses talking about the weather while she is removing her patient’s appendix. In all of these cases, hearers aren’t failing in any of their truth-related aims, nor are they harming speakers by their actions. This shows that an entirely categorical reading of the EN is untenable.

Given this, perhaps it is best to understand the EN *conditionally* in the following way:

Conditional EN: For every speaker, S, and hearer, H, if H makes a credibility assessment of S, then H should match it to the evidence that S is offering the truth.

Unlike the categorical reading, this version requires that credibility assessments of speakers track the available evidence only when hearers form the relevant beliefs, thereby permitting the complete

absence of such assessments in the first place. Otherwise put, it is only when one forms a belief about the reliability of a speaker that one is required to have it match the available evidence. This clearly avoids the objection facing the Categorical EN that it requires too much of hearers. The problem here, however, is that this conditional version of the norm demands too little, as there are many cases in which hearers fail to form beliefs about the credibility of speakers when they ought to—epistemically and/or morally. For instance, suppose that a group of scientists is collaborating on a research project but the men don't form any beliefs at all about the reliability of their women co-workers because they have no intention of relying on their testimony. This is due to a deep-rooted though unconscious sexism to which all of the men subscribe. As a result, they not only miss out on crucial data that would dramatically alter their beliefs about the scientific results, they also harm the women by unjustly blocking their participation in the research. Here, it is clear that the men have failed to fulfill both epistemic and moral obligations, despite their satisfaction of the Conditional EN. In particular, they do not consider evidence that they should have—namely, the testimony of the women scientists—and they fail to regard their co-workers as even possible contributors to the domain of inquiry, which clearly wrongs the women in their capacity as knowers.

Indeed, it is arguable that the most pernicious forms of testimonial injustice result from failures to make credibility assessments in the first place. Suppose that members of a despised racial group are regarded by some as so outside the realm of personhood and agency that they are not even appropriate candidates for such assessments. The problem here is not that they are afforded credibility deficits, even massive ones, but that they are regarded as lying outside the realm of knowers altogether. This shows that an entirely conditional reading of the EN is indefensible.

The upshot of these considerations is that concealed in the EN are two distinct norms, both of which are important. For not only are there epistemic and moral wrongs that come with failing to match our credibility assessments of hearers to the evidence, so, too, are there such wrongs with

failing to make such credibility assessments in the first place. This same point might be expressed in terms of the questions that need to be asked: not only do we need to ask what should ground our judgments of speakers' credibility when we make them, we also need to ask when we are required to make such judgments at all. Thus, a complete account of our obligations as consumers of testimony, and the corresponding injustices that follow with our flouting them, needs to flesh out both the categorical and the conditional readings of the EN.

For our purposes here, however, I will restrict my attention to the Conditional EN, according to which hearers ought to make credibility judgments of speakers that match the available evidence, should they make such judgments.<sup>5</sup> Assuming that a hearer satisfies both the antecedent and consequent of this norm, it purportedly follows that (i) the hearer is not subject to epistemic criticism, (ii) the hearer is not wronging the speaker in her capacity as a knower, and (iii) the speaker thereby does not sustain testimonial injustice. Let us now turn to whether this is correct.

## 2. Hearer-Excess Testimonial Injustice

To begin, consider, again, a group of scientists collaborating on a research project, though instead of the men failing to form any relevant beliefs about the reliability of their women co-workers, suppose they appropriately judge them in accordance with the evidence. Since the evidence indicates that all of the women are highly credible in the domain in question, the men form the corresponding beliefs that they are reliable sources.

Despite this, suppose that the men do not accept any of the testimony offered by their female co-workers. This is because while they take the women to be reliable with respect to what they are reporting, the men are sexists and, as a result, always illegitimately take themselves to be *more* reliable than women. More precisely, while the men give the women the right level of credibility—that is, the amount that they are due, given the evidence—they invariably give

themselves a *credibility excess* relative to women, despite there being no evidence to support this. There are at least two different ways in which this credibility excess might affect the men's beliefs, despite their appropriate credibility judgments. First, while they might take the women to be reliable in the domain in question<sup>6</sup> and they might have no beliefs to the contrary, their inflated senses of self might make them regard it as outrageous that the women could know something that they don't.<sup>7</sup> Second, the men might take the women to be reliable in the domain in question, but they might be antecedently committed for no good reason to a belief that conflicts with what the women report. Given that the men are ignoring relevant evidence in the formation of their beliefs, they clearly are violating an epistemic norm. Moreover, since the women are not believed when offering testimony because of the men's sexist attitudes, they are wronged by the men in their capacity as knowers and are thereby the victims of testimonial injustice. While the men undeniably satisfy the EN, then, (i)-(iii) are nonetheless false. This shows that the satisfaction of this norm is clearly inadequate at rendering hearers in the epistemic and moral clear when it comes to testimonial injustice.

It is worth pausing here to reflect on the notion of credibility excess in greater detail, especially as it relates to testimonial injustice. It is standard to think of injustices targeting groups as always grounded in certain kinds of unwarranted dispositions or beliefs about the *deficiencies* of their members. Indeed, this is the very heart of Fricker's notion of testimonial injustice, which she understands as necessarily involving "a credibility *deficit* owing to identity prejudice in the hearer." But what we have seen is that there can be testimonial injustices when, rather than the speaker suffering a deficit, the hearer receives an illegitimate *excess* relative to the speaker. For the sake of ease of expression, let's call these two different forms of testimonial injustice *speaker-deficit* and *hearer-excess*, respectively. Though I have never seen a discussion of the latter phenomenon in this context,

it has important consequences, not only for our understanding of the norms governing credibility assessments, but also for the epistemic and moral impact of violating them.<sup>8</sup>

To see this, notice that, typically, when we judge someone to be reliable with respect to whether  $p$ , we are inclined to believe that  $p$  on the basis of her testimony that  $p$ . This is most likely why discussions of testimonial injustice have focused exclusively on the assessment of speakers: if I judge you to be a reliable epistemic source based on the available evidence, then the appropriate belief should simply come along for the ride. Hearer-excess testimonial injustice, however, provides a clear way to drive a wedge between such a judgment and the corresponding acceptance of testimony. Indeed, in the case described above, the sexist scientists are such that they invariably regard themselves as more reliable than women, and hence the disconnect between their credibility judgments of the women and the corresponding acceptance of their testimony is *systematic*. That this is not only a case of testimonial injustice but paradigmatically so should be clear, as a failure to be believed, even if given the proper degree of credibility, surely harms speakers both epistemically and morally. In fact, it is arguable that a credibility deficit with testimonial acceptance is, in most ways, less harmful than an appropriate credibility assessment without testimonial acceptance. This is even clearer as the stakes go up: if I refuse to believe you when you report to me that you're suicidal, or are being stalked, or have been raped, then the harms that may come to you are many and severe, no matter my satisfaction of the EN. This omission from the norm governing testimonial acceptance and, therewith, from the account of testimonial injustice is, then, no small oversight.

Notice, too, that it won't do for the EN to require not only the proper credibility assessment of speakers, but also the corresponding attitudes. In particular, it is not enough to modify the EN as follows:

EN1: For every speaker, S, and hearer, H, if H makes a credibility assessment of S, then H should match it to the evidence that S is offering the truth, and believe, disbelieve, or withhold accordingly.

The reason that the EN1 is inadequate is because there are two separate epistemic and moral wrongs in cases of hearer-excess testimonial injustice—the lack of acceptance with respect to the speaker’s testimony, and also the very credibility excess that the hearer gives to himself—and yet this norm captures only the former. For instance, while the sexist male scientists discussed above violate the EN1 by virtue of failing to form beliefs on the basis of the testimony offered by their female co-workers, such a norm leaves open the possibility that it can be satisfied even when they continue to illegitimately give themselves a credibility excess.<sup>9</sup>

One reason the focus in the philosophical literature might have been solely on speaker-deficit testimonial injustice is because many people are aware of implicit bias and its effects. We know, for instance, that we have relatively unconscious attitudes toward blacks, women, Latinos, and members of other underrepresented groups, and we know that these attitudes impact our other attitudes and actions. Thus, when we reflect upon our assessments of speakers, it is natural to wonder whether implicit bias is affecting the amount of credibility we assign. But recent work in cognitive psychology has drawn increased attention to our unwarranted *assessments of ourselves*. The Dunning-Kruger effect, named after Cornell psychology professors David Dunning and Justin Kruger, is a cognitive bias in which incompetent individuals incorrectly rate their abilities much higher than they are. This bias is attributed to a metacognitive inability of the incompetent to recognize their own incompetence—that is, a metaignorance or ignorance of ignorance.<sup>10</sup> This overconfidence that we have in ourselves is not only widespread and prevalent—hence the title of Dunning’s recent piece in *Pacific Standard*, “We Are All Confident Idiots”<sup>11</sup>—it is also potentially harmful in both global and local ways. According to Daniel Kahnemann, it is the bias that “leads



governments to believe that wars are quickly winnable and capital projects will come in on budget despite statistics predicting exactly the opposite,”<sup>12</sup> and thus, it is the one he says he would most like to eliminate if he “had a magic wand.” But it is not difficult to see that such overconfidence is also likely to lead to hearer-excess testimonial injustice, for it is precisely a bias in favor of ourselves that lies at the heart of such a phenomenon. The Dunning-Kruger effect, then, makes clear both how prone we are to committing acts of hearer-excess testimonial injustice and how harmful such acts can be.

While Fricker doesn’t consider cases of hearers giving themselves a credibility excess, she does discuss their doing so with respect to speakers. She writes, “I do not think it would be right to characterize any of the individual moments of credibility excess that such a person receives as in itself an instance of testimonial injustice, since none of them wrongs him sufficiently in itself” (Fricker 2007, p. 21). The idea here is that the only sense in which a credibility excess can give rise to testimonial injustice is cumulatively. For instance, over time, someone who is given more credibility than he deserves is likely “...to develop such an epistemic arrogance that a range of epistemic virtues are put out of his reach, rendering him closed-minded, dogmatic, blithely impervious to criticism, and so on” (Fricker 2007, p. 20). But this long-term testimonial injustice is importantly different from what Fricker takes to be the immediate, “in itself” wrong that comes with a credibility deficit. Even José Medina, who is otherwise critical of Fricker’s views about credibility excess, seems to agree with this general point when he writes, “The fact that no epistemic harm can be detected in this immediate [“in itself”] way only shows the short-sightedness of an analysis that focuses exclusively on the individual moments of testimonial exchanges among particular subjects” (Medina 2011, p. 16).

I want to push back against this conclusion in two different ways. The first can be seen by focusing on social identity prejudices that lead to what we might call *content-specific credibility excesses*.

Standard stereotypes often involve a variety of beliefs: women are thought to be naturals in the kitchen and with young children, Muslims in America are feared for potential connections with terrorism, blacks are regarded as disproportionately prone to violent crime, and so on. Each of these stereotypes can, and often do, lead to credibility excesses that wrong speakers immediately and “in themselves.” If I take a black man to be highly knowledgeable about, say, guns or drugs simply because he is a black man, then he has been wronged as a knower just as much as if I take him to be completely ignorant of Shakespeare. Being regarded as highly knowledgeable about domains that are stigmatized or devalued can be insulting to a speaker *qua* knower, regardless of any long-term disadvantages that might be accrued. We can, for instance, imagine the black man who is turned to as the expert about drugs in a conversation reacting with horror or indignation at being regarded as knowledgeable about such a topic. This is not merely because he is worried about, say, being passed over for professional opportunities in the future because of this credibility excess, but also because he rightly finds it disrespectful with respect to his epistemic identity.

According to Fricker, “...credibility deficit can constitute...a wrong [as a knower], but while credibility excess may (unusually) be disadvantageous in various ways, it does not undermine, insult, or otherwise withhold a proper respect for the speaker *qua* subject of knowledge; so in itself it does her no epistemic injustice, and *a fortiori* no testimonial injustice” (Fricker 2007, p. 20). As should be clear, I disagree with Fricker here. In many contexts, for instance, being considered an expert on drugs simply because one is a black man is, without qualification, insulting, and this is so even if one is not also regarded as ignorant about topics of value. Specifically, being regarded as knowledgeable in stigmatized domains can be an affront to one’s epistemic dignity—it says, “you are the sort of person who should know about *x*, where *x* is, for instance, shameful or disgraceful.” Such a credibility excess clearly undermines or withholds a proper respect for the speaker *qua* subject of knowledge.

The second way in which I want to resist the conclusion that only credibility deficits lead to immediate epistemic wrongs is through the phenomenon of hearer-excess testimonial injustice. Let's return to the case from above: when the male scientists give themselves a credibility excess relative to the women, despite there being no evidence to support this, they are wronging the women as knowers in two immediate ways: first, they fail to give the women the epistemic standing in the community that they deserve and, second, they fail to believe the women's testimony, despite giving them the proper amount of credibility. Both of these are wrongs in themselves, even if they do not beget further long-term negative consequences for the women down the road. Let's begin with the former: even though the women get their due relative to the evidence, they do not get their due in relation to their colleagues, and one's standing in a community can be even more important to one's identity as a knower than is receiving exactly the right amount of credibility. Suppose, for instance, that the male scientists give the women a slight credibility deficit, but give themselves an even greater deficit. Surely, this is less insulting or undermining to the women as knowers than is receiving their due, but always being regarded as nonetheless unworthy of belief in their community. This brings us to the latter point: not being believed can, in and of itself, be immediately and profoundly disrespectful and undermining. Indeed, following Bernard Williams and Edward Craig, many regard the very purpose of knowledge attributions to be to "flag reliable informants," where an informant is one who "gives information to another."<sup>13</sup> But when one fails to give information to others through the total absence of testimonial acceptance, then in a deep and important sense, one is not regarded as a knower at all. And when this failure is illegitimate, it clearly wrongs one as a knower.

### 3. Distributive Testimonial Injustice

While hearer-excess testimonial injustice is worth highlighting in its own right, especially as it relates to the Dunning-Kruger effect, it is in fact an instance of a broader phenomenon, which we might call *distributive testimonial injustice*.

To see this, notice that the evidentialist norms discussed earlier focus exclusively on our judgment *of a single speaker*, but leave out our evaluations not only of ourselves, *but also of the other members of the conversational context or community in question*. Even if the sexist scientists we've been considering appropriately judge a female colleague's credibility and have the corresponding attitudes about her, they might still be subject to both epistemic and moral criticism if they give a credibility excess to others in virtue of their sexism. The initial epistemic failure is obvious: the scientists' beliefs about, say, their male colleagues are wildly out of synch with the evidence. So even if their beliefs about the female scientists match the evidence, their credibility assessments about the male ones do not. Moreover, this has an obvious impact on the epistemic status of their other relevant beliefs. For instance, given their credibility assessments, they almost certainly regard the male scientists as more reliable than the female ones, believe that their female colleagues are less capable than the male ones, and so on. So this initial epistemic failure begets further epistemic failures.

There are also clear moral wrongs that follow from this credibility excess. Even if you appropriately judge me on the basis of the available evidence and believe accordingly, if you illegitimately regard everyone else as better than I am, I am still the victim of an injustice. Indeed, if others receive a credibility excess, then a credibility deficit to me and an appropriate assessment of my credibility might be functionally equivalent. If this ungrounded asymmetrical treatment pertains specifically to our reports, then I am the victim of testimonial injustice in particular. Moreover, as was the case in the epistemic domain, this initial wrong begets further wrongs. If you regard my colleague as more reliable than I am, then you will listen to him over me when we disagree, offer him rather than me professional opportunities, and so on. To distinguish this form of distributive

testimonial injustice from the hearer-excess kind identified earlier, let us call this *peer-excess* testimonial injustice.

In addition, there is a further kind of distributive testimonial injustice that is worth discussing, as it is importantly different from either hearer-excess or peer-excess. I will call this type of testimonial injustice *expert excess*.

We typically think of any extra weight that an expert's testimony might be afforded, especially in relation to a novice's, as epistemically warranted. Indeed, a certain kind or amount of epistemic deference on the part of novices might be built directly into the very notion of being regarded as an expert. However, I want to suggest that there are also cases where distributive testimonial injustice arises because experts are given unwarranted credibility excess in virtue of the very fact that they are taken to be experts. I will quote at length a passage from Deborah Tuerkheimer's *Flawed Convictions: "Shaken Baby Syndrome" and the Inertia of Injustice* to illustrate this:

In their standard formulation, Shaken Baby Syndrome (SBS) prosecutions rested entirely on the claims of science—which meant, as a practical matter, that they depended on the testimony of medical experts. Doctors came to court and explained that, notwithstanding the absence of any other signs of abuse, shaking could be proved by three neurological symptoms: bleeding beneath the outer layer of membranes surrounding the brain, bleeding in the retina, and brain swelling. The relationship between these three symptoms—"the triad"—and shaking was described as pathognomic, meaning that shaking was the only causal explanation possible. The science could also rule out an accidental jostle, given how forceful the shaking must have been to generate these injuries. The science could even identify a perpetrator—the caregiver last with the lucid baby—since the infant's loss of consciousness would necessarily have been immediate. Remarkably, the state could present the testimony of doctors and use it alone to establish the guilt of the accused.

SBS was a prosecution paradigm, a category of cases involving functionally similar facts.

[Audrey] Edmunds’s case fell squarely within the paradigm. Her trial took place in 1996, when SBS-changes were becoming increasingly common. The caregiver consistently maintained her innocence. No witness purported to have seen her shake the baby. There were no apparent indicia of trauma. Yet solely on the basis of expert testimony regarding the triad, Edmunds, a mother of young children, was found guilty of reckless homicide. The triad convicted her, and she was sent to eighteen years in prison. (Tuerkheimer 2014, pp. xi-xii)

Tuerkheimer goes on to detail how challenges to the view that the triad could be caused only by SBS first emerged in 2001, with research that shows that these three symptoms can result from non-traumatic origins, such as infection or an illness like sickle-cell anemia. In addition, doctors learned that there can be a delay of days or even hours between the time of an injury and the point at which the baby loses consciousness, thereby undermining the legitimacy of identifying a perpetrator of abuse merely by locating the lucid baby’s last caregiver. Nevertheless, the criminal justice system has failed to track these developments, with previous convictions on the basis of the triad not being revisited and new cases still being prosecuted based on the debunked science.

What I want to do here, though, is highlight how SBS cases provide a powerful example of expert-excess testimonial injustice, especially those prosecuted prior to the doubts being raised in 2001 to the science. First, it is clear that there are SPS cases where the experts are given an unwarranted credibility excess. Indeed, no matter how much evidence is stacked on the side of the defense—the defendant may consistently and steadfastly maintain her innocence, she may have years of working with children with no history of incident or violence, there may be a multitude of character witnesses, no signs of trauma on the purportedly shaken baby, and so on—it is utterly *swamped* by the testimony of a single “expert.” Indeed, the “expert’s” testimony is taken as so

decisive that the defense mounted by the defendant's team seems doomed at the outset. In such a case, beliefs about the scientist's expertise and, therewith, her excess of credibility are not only insensitive to relevant evidence, they are *epistemically resilient* in the strongest sense. Short of a massive paradigm shift involving the debunking of the science, there is no amount of counterevidence that the defense could produce that would show the defendant to be innocent in the face of the triad.<sup>14</sup> Of course, this is not to say that expert testimony ought not be weighed heavily; instead, problems arise when such testimony screens off all other evidence, and produces what we might call *epistemic tunnelvision*, where one, and only one, option is singlemindedly pursued without proper regard to the overall body of evidence.

Second, it is also likely that many of the unwarranted credibility excesses in SPS cases are the result of the social identity of the testifying scientists.<sup>15</sup> *Qua* experts, they are immediately afforded a massive amount of credibility, no matter how much evidence conflicts with what they report. Otherwise put: if, say, 20 pieces of exculpatory evidence are outweighed by a single piece of expert testimony, what is doing the work, at least in many of the cases? The fact that the testimony is made by a purported expert. Change this feature of the cases, and have the same testimony be offered by a non-expert—even one with the same degree of reliability as the “expert” has with respect to the proposition in question—and there almost certainly would be different verdicts. Indeed, many SPS cases involve defendants who do not belong to the social groups that are typically targeted for credibility deficits, and yet their testimony is still swamped by the “expert’s.” This provides reason for thinking that unwarranted credibility excesses are entirely at issue in at least some cases of SBS convictions.<sup>16</sup>

While I focus here on scientists, there are many different kinds of experts, and similar considerations would also seem to arise in the case of authorities. We might, for instance, think that unwarranted credibility excesses are afforded in some cases to correctional officers, religious leaders,

company CEOs, and so on—not because of any sort of expertise, but simply in virtue of their social status as authority figures.

What distributive testimonial injustice reveals is that there is a deep and important social dimension to the norm at issue here. In particular, it cannot be applied only to my assessment of you, completely independent of other members of the relevant context, including myself. This is because it matters both epistemically and morally not only how I judge you, but also how I judge you in relation to myself and other members of your community. To think that a subject can satisfy such a norm, and thereby be immune to epistemic and moral criticism, simply by giving a single speaker an appropriate credibility rating—in isolation from the assessment of, say, her peers—is quite implausible. We are social creatures, and how we are judged in relation to others has clear epistemic and moral significance.<sup>17</sup> Thus, the only way to avoid the credibility excess problem is to understand the norm governing such assessments as applying to a subject both in her assessment of herself and of other members of her community.

Distributive testimonial injustice, then, occurs, when credibility is improperly distributed among members of a conversational context or community due to prejudice. If we want to retain Fricker's emphasis on the importance of social identity, we could follow her and say that the unfair distribution has to be the result specifically of identity prejudice. I commit an act of such injustice, then, if, for instance, I give the men in my department a credibility excess because they're men, even if I give the women their due. I am the victim of distributive testimonial injustice if, for instance, all of the men in my department are given a credibility excess because they're men, even if I get my due. At the heart of this notion of testimonial injustice is that credibility assessments need to be understood *relationally*: whether my credibility assessment of you is just—epistemically and morally—can only be characterized in relation to my assessments of other members of the relevant conversational context or community.



Now Fricker herself flatly rejects such a distributive conception of testimonial injustice. While she never considers this phenomenon in relation to the hearer receiving a credibility excess, she does do so with respect to whether giving a speaker more than her due can be unjust. Here is her response:

On the face of it, one might think that both credibility deficit and credibility excess are cases of testimonial injustice. Certainly there is a sense of ‘injustice’ that might naturally and quite properly be applied to cases of credibility excess, as when one might complain at the injustice of someone receiving unduly high credibility in what he said just because he spoke with a certain accent. At a stretch, this could be cast as a case of injustice as distributive unfairness—someone has got more than his fair share of a good—but that would be straining the idiom, for credibility is not a good that belongs with the distributive model of justice. Unlike those goods that are fruitfully dealt with along distributive lines (such as wealth or health care), there is no puzzle about the fair distribution of credibility, for credibility is a concept that wears its proper distribution on its sleeve. Epistemological nuance aside, the hearer’s obligation is obvious: she must match the level of credibility she attributes to her interlocutor to the evidence that he is offering the truth. Further, those goods best suited to the distributive model are so suited principally because they are finite and at least potentially in short supply.... Such goods are those for which there is, or may soon be, a certain competition, and that is what gives rise to the ethical puzzle about the justice of this or that particular distribution. By contrast, credibility is not generally finite in this way, and so there is no analogous competitive demand to invite the distributive treatment. (Fricker 2007, pp. 19-20).

According to Fricker, while speakers are not subject to testimonial injustice so long as they are given their “due” in terms of credibility, this cannot be understood along distributive lines<sup>18</sup> but, rather,

must be wholly determined by the available evidence. This is because credibility (i) is a concept that wears its proper distribution on its sleeve,” and (ii) is not finite in a way that lends itself to a distributive treatment.

I have already argued that the first of Fricker’s reasons against conceiving of credibility in distributive terms fails, as hearer-excess testimonial injustice makes clear that simply matching assessments of speakers to the evidence is not enough. So let’s consider her second reason. Suppose, for instance, that it is somehow an objective fact that each U.S. citizen is owed a \$10,000 tax break, and while blacks receive such a break, whites get a \$20,000 one simply because of their race. Even if blacks are somehow getting their due in terms of tax breaks, they are still being treated unjustly as citizens by virtue of how whites are being treated. Justice requires that we look not just at what people are due narrowly, but also at the distribution of goods within the broader social structure of which they are a part. This is true not only of goods like tax breaks, but also with epistemic ones like credibility. Moreover, as mentioned above, when some members get more than their due of certain goods, this often begets downstream injustices. Just as whites will have greater purchasing power because of the larger tax break, so, too, men will have greater epistemic power because of the excess in credibility. If, for instance, there is disagreement between a woman and a man, the latter will systematically be believed over the former, and so women will ultimately fail to get what they are owed in terms of credibility—it will just be in a more circuitous route.

This last point is worth pursuing in greater detail, for it makes clear how credibility can be, and often is, finite in ways that make its distribution essential to matters of justice. Suppose that a woman reports having been raped by an acquaintance during the only sexual encounter the two ever had, while the man reports that they had consensual sex on a number of occasions. Barring very unusual circumstances, this sort of disagreement cannot be explained away in terms of, say, one of the parties misremembering or even exaggerating the events in question. One person is telling the

truth, and the other is not; accordingly, there is only a limited amount of credibility to go around here. To believe the man is to not believe the woman, and vice versa; thus, to assess the man as credible on this occasion is to thereby assess the woman as not credible. In this sense, then, credibility is clearly finite, and its proper distribution is of paramount importance.<sup>19</sup> Moreover, this scenario is not at all unusual, as many instances of disagreement are such that giving credibility to one party is to take it away from another.

It is worth emphasizing that the mere fact that two people disagree, even about matters of fact, does not by itself require that credibility be finite between them. I may tell you that a local restaurant is open while someone else tells you it's not. That we offer competing reports here does not require that only one of us be deemed worthy of trust or belief: you can be credible, even if wrong on a particular occasion, and I can lack credibility, even if right in a one-off case. Many disagreements are the product of innocent mistakes or lack of information, and so there can still be enough credibility to go around. It's precisely when someone's credibility itself is on the line that its finitude rears its head. False confessions provide a clear case here: when someone confesses to murder and then recants shortly thereafter, there are no errors or gaps in evidence to explain the disagreement away. To give credibility to the confessing self is *ipso facto* to deny it to the recanting self. Credibility becomes scarce.<sup>20</sup>

Another area where the finitude of credibility is clearest is with respect to expertise. If everyone were an expert, the concept would lose its force, for it is only against the backdrop of there being novices or laypersons that expertise gets a foothold. Otherwise put, not everyone can be an expert, and so for some to be credited with this epistemic status is for others not to be. For instance, suppose that in the scenario we've been envisaging, only five of the scientists are to be regarded as experts on the question of their research. Given the credibility excess that the men are given, it is likely that they will also be regarded as the five experts, while the women scientists will be denied

this status despite getting their “due” with respect to the evidence. Thus, if credibility is tied to expertise, then there is only a limited amount of the former to go around, as there is only a limited amount of the latter to go around. Once again, then, any reasons stemming from the finitude of credibility for rejecting the distributive conception of testimonial injustice introduced here are misguided.

Distributive testimonial injustice also provides the resources for addressing a further question of interest here: do the asymmetries between persons and non-persons make a difference to the norms governing our corresponding beliefs, either epistemically or morally? We have seen that credibility assessments have to be construed relationally, as whether my credibility assessment of one person is epistemically or morally just can only be understood in relation to my assessments of other members of the relevant conversational context or community. But the same considerations don't arise with respect to non-persons. In particular, there is no barrier of this sort to a straightforward evidentialist norm for the beliefs that I form about, say, coffee cups and computers, as giving my coffee-beliefs their due is sufficient for being in the epistemic and moral clear, even if I give my computer-beliefs more than their due. Indeed, questions of justice simply don't arise in our evaluations of most non-persons, particularly non-persons such as coffee cups, and so it should not be that surprising that there is an asymmetry of this sort. Thus, distributive testimonial injustice gives us a reason to conclude that differences between persons and non-persons affect the norms governing our corresponding beliefs, both epistemically and morally.

#### 4. Normative Testimonial Injustice

I have thus far argued that the EN1 faces a number of problems posed by distributive testimonial injustice, where hearer-excess testimonial injustice is a particular instance of it. In this section, there is another serious objection that I would like to raise to this norm.

To begin, notice that, according to the EN1, subjects satisfy their credibility-assessment obligations by virtue of matching their relevant beliefs to the evidence they *have in their possession*. Crucially, however, we are evaluated not only with respect to the evidence that we do have, but also in terms of the evidence that we *should have*. If my daughter tells me that she inadvertently left our cat outside overnight in the winter and appeals to the fact that she didn't know he was there to justify her actions, this ignorance might get her off neither the epistemic nor the moral hook. For instance, if it is her responsibility to make sure that he is in every night, and she simply failed to check where he was because she was texting her friends, then her belief that he was in the house last night is surely not epistemically justified. Were it to be, then we could end up with all sorts of justified beliefs simply by dramatically limiting the evidence to which we are exposed. Moreover, despite my daughter's ignorance of our cat's whereabouts, she is nonetheless morally culpable for, say, his getting frostbite because she should have known he was outside overnight.

This concept of evidence that we should have is at the heart of the notion of what I have elsewhere called a *normative defeater*, which can be either *rebutting* or *undercutting*.<sup>21</sup> A normative defeater is a doubt or belief that S ought to have that indicates that S's belief that *p* is either false (i.e., rebutting) or unreliably formed or sustained (i.e., undercutting). Thus, if I believe that the animal in my backyard is a bobcat by seeing one there, I might get powerful evidence that such a belief is false by your telling me that bobcats have never lived in my state, or that my basis is a poor one by my optometrist reporting to me how much my vision has deteriorated. Even if I reject the testimony in both cases, I am still on the hook for this counterevidence if I do so for no good reason at all. Why? Because it is evidence that I should have.<sup>22</sup> The justification that my bobcat-belief might have initially enjoyed, then, has been normatively defeated.

It should further be clear that some of the greatest epistemic and moral failings come about from beliefs formed on the basis of insufficient evidence, where such a basis is the result of colossal

irresponsibility. Racists, sexists, and bigots often believe in accordance with the evidence that they have in their possession precisely because they surround themselves with likeminded people and news sources that support everything they already want to believe. This limiting of the available evidence has the result that important considerations that challenge or undermine one's beliefs are deliberately excluded from one's evidential base. Surely, however, one's beliefs are not justified via this intentional ignorance, and the reason for this is that we are evaluated—epistemically and morally—in terms of evidence both that we do, and that we should, have.

It might be objected that the evidentialist can accommodate these sorts of cases by arguing that the subjects in fact have relevant evidence that can capture the epistemic deficiencies in question. In particular, they have *evidence that there is evidence* that should have been gathered, and this provides them with a defeater for the target beliefs without needing to invoke the concept of normative defeat. For instance, it might be said that the reason my daughter is still on the epistemic hook in the above case is that she has evidence that there is evidence that she should have acquired; namely, despite the fact that she believes that our cat is in the house, she knows that it is her responsibility to check that he is, and yet she didn't. Thus, she has evidence that she should have had more evidence concerning the cat's specific location.<sup>23</sup>

By way of response, notice, first, that it isn't obvious that this response works even in the case of my daughter and the cat, which is arguably the sort of scenario for which it is best suited. Sure, if my daughter believes that the cat is in the house and also believes that she didn't check on him last night, then she clearly has evidence that there is relevant evidence that bears on her belief. But I'm imagining a case in which my daughter believes that the cat is the house, and is too distracted with her texting to remember that she failed to check on him. In such a case, the absence of the relevant memorial belief means that my daughter doesn't have evidence that there is evidence

that she failed to gather. Nevertheless, my claim is that her belief is nonetheless epistemically unjustified because there is *evidence that she should have*.

To my mind, this point is even clearer in cases where people make life choices that severely restrict the evidence in their possession, but aren't aware of all of the relevant consequences that follow from their choices. When white supremacists are surrounded by only sources that support their preferred racist views, they might be so insulated that they are unaware that there is in fact specific evidence that they have failed to gather. Of course, in a broad sense they might be aware that there is evidence "out there" that conflicts with their beliefs. But surely this isn't sufficient for their having evidence that there is evidence that they should have since this is arguably true of each one of us. I know right now that there is evidence "out there" that conflicts with many of my beliefs, yet this by itself doesn't prevent them from being justified. If it did, there would be very little knowledge of any kind. What we think is the problem with the racist beliefs of the white supremacists is that there is evidence they *should* gather, regardless of whether they are aware that it exists. When the white supremacist says, "I had no idea that there was evidence that challenged my beliefs of white supremacy," this might mean that he lacked the higher-order evidence, but it does not render his beliefs free from normative defeat. This is why evidence that one should have cannot be fully captured by evidence that one in fact has, even when higher-order evidence of the sort considered here is factored in.

Let us say, then, that *normative testimonial injustice* occurs when credibility is improperly assigned due to ignoring evidence that should be taken into account, and the ignoring of this evidence is the result of prejudice (perhaps specifically of identity prejudice, if we wish to follow Fricker). So, for instance, I commit an act of normative testimonial injustice if I give the women in my department a credibility deficit because my sexism leads me to culpably fail to possess evidence that they are just as reliable as the men. Perhaps I refuse to read their work, or engage them in

conversation, or listen to positive recommendations about them. I am the victim of normative testimonial injustice if, for instance, I am given a credibility deficit because my being a woman leads a hearer to reject relevant evidence that speaks to my reliability.

Now, it might be tempting to think that ruling out normative testimonial injustice involves a simple modification to evidentialism, one that leaves the view intact in spirit, even if not in letter. But I think this is mistaken. Evidentialism is a paradigmatic instance of what Sarah Moss calls “time-slice epistemology,” where the core thesis of such a view is that “what is rationally permissible or obligatory for you at some time is entirely determined by what mental states you are in at that time. This supervenience claim governs facts about the rationality of your actions, as well as the rationality of your full beliefs and your degreed belief states” (Moss 2015, p. 172). Normative defeaters fly in the face of time-slice epistemology by virtue of making epistemic justification a matter, not only of one’s mental states at a given time, but also of the mental states one should have at a time. Moreover, according to Moss, there is an important connection between time-slice epistemology and the view that “all fundamental norms of rationality are temporally local” (Moss 2015, p. 172). Thus the evidentialist clearly endorses a *temporally local* version of the norm of credibility, according to which one’s obligations concerning credibility assessments are exhausted by temporally local facts. In contrast, the view that I am defending here is *temporally non-local*, understanding the obligations in question as involving facts that go beyond the evidence that is represented in the hearer’s present psychology.

## 5. Wide Norm of Credibility

We have seen that straight evidentialist norms of credibility are fundamentally incapable of ruling out both distributive and normative testimonial injustice.<sup>24</sup> We have also seen that our credibility assessments must be both relational—including not only the speaker in question but also the other



members of the relevant conversational context or community—and temporally non-local—taking into account not only evidence that hearers have but also evidence that they should have. For the sake of ease of expression, I will say that both of these features are subsumed by the norm being *wide*. In contrast, the evidentialist norms are *narrow*, being attuned to only one speaker and taking into account only the evidence that is represented in the hearer’s present psychology.

I propose, then, the following:

*Wide Norm (of Credibility)* [WN]: For every speaker,  $S_i$ , and hearer, H, if H makes credibility assessments of the relevant members of a conversational context or community,  $S_1, \dots, S_n$ , then H should match them to the evidence that H not only has but should have that  $S_1, \dots, S_n$  are offering the truth, and believe, disbelieve, or withhold accordingly.

As should be clear, satisfaction of the WN is incompatible with distributive testimonial injustice, as this norm requires that credibility assessments include all of the relevant members of the conversational context or community in question, including ourselves. Thus, even if I give a speaker her due in light of the evidence, I am failing in my epistemic and normative obligations if I also illegitimately give others or myself a credibility excess. Credibility is a good, and its proper distribution matters in our normative assessments.

The WN also rules out normative testimonial injustice by virtue of making evidence that both is, and should be, in a hearer’s possession relevant to her corresponding credibility assessments. In this way, hearers cannot get off the normative hook by simply avoiding exposing themselves to evidence that conflicts with, say, their otherwise sexist or racist beliefs.

In terms of understanding which conversational context or community, and which members in it, are relevant to the assessment of a speaker’s credibility in WN, the answer will depend on the content of the testimony in question. If you are a scientist testifying about your recent finding in the lab, then the relevant community will include your fellow scientists rather than, say, your family

members and neighbors. If, on the other hand, your testimony is about a childhood trauma, then the relevant community will include those family members and friends around at the time of the event. The parameters of the relevant contexts and speakers, and which ones bear on which assessments, will necessarily be imprecise, but this is a topic that has been widely discussed with respect to other topics and I will not add to it here.

One significant consequence of the WN is that we need to be attentive not just to our attitudes toward individual speakers, but also to the broader social environments in which we find ourselves. Our credibility assessments of individual speakers often reverberate throughout our communities, bringing about direct and indirect consequences for many others in their wake. This is especially true in cases of disagreement or in attributions of expertise, where credibility is finite and its proper distribution is of critical importance. Imagine a court of law: the evidence being presented from the prosecution is often in direct opposition to that offered by the defense. To side with one is necessarily to side against the other. To regard one witness as an expert is often to find the other a crank or puppet of the opposing side.

To see this vividly, consider the recent case of Lara McLeod, a woman who was raped by her older sister's fiancé, Joaquin Rams.<sup>25</sup> After reluctantly reporting it to law enforcement, she was arrested and charged with making a false report, while her sister was charged with obstructing justice for "aiding Lara's alleged deceit." The charges were ultimately dropped against the sisters and, with the gift of hindsight, the police now admit that mistakes were made. But what I want to point out here is the way in which attributions of credibility led to the charges in the first place. There is no doubt that a credibility deficit was at work with regard to the testimony of both Lara and her sister, Hera. For instance, while "the chief of police admitted the department bungled aspects of the investigation...he stressed that women do lie about rape, so it was important for officers not to be too credulous.... 'It is not uncommon for people to make false, malicious, salacious allegations of

sexual assault,' he said. "That does happen." There is, however, also no doubt that a credibility excess was operative in the evaluation of Joaquin's reports and the evidence he provided. Indeed, it was this very excess that led the police to go on the offensive and bring charges against Lara and Hera, for it is only their accepting Joaquin's version of events that explains how both Lara and Hera could be accused of lies and deception. This is supported by what the chief of police now says about the case: "One of the shortcomings in this case is the fact that they didn't do further investigation on the specific charge against you," he said to Hera. "To leap to the conclusion that you needed to be charged at the time you did I thought was cut short."

This case makes clear the sense in which credibility can be finite: between Lara, Hera, and Joaquin, there is only so much of it to go around. Somebody is telling the truth and somebody is lying, and where the truth is said to fall is *ipso facto* to point the finger of falsehood at the other. Hence, the very credibility that the police gave to Joaquin's testimony by virtue of accepting his version of events justified the charges of lies and deception brought against Lara and Hera. Otherwise put, the unjustified credibility excess given to Joaquin provided the very basis for the credibility deficit suffered by Lara and Hera.

So far I have focused on the benefits of the relational component of the WN, but such a norm also makes clear that we are obligated to assess speakers in terms of both the evidence that we do have and the evidence that we should have. Given this, it is to our advantage both epistemically and morally to pay close attention to our social environment. In particular, since much of the evidence that might be functioning as normative defeaters is socially disseminated, our epistemic and moral status will be directly impacted by the information that is "out there." For instance, the sort of work that has been done by feminists conceptualizing sexual harassment and silencing has expanded the scope of testimonial injustice. Questions about whether our words are sexually harassing or silencing others is one that cannot be evaded, no matter how much we try. Similarly, we now have

specific knowledge from psychologists about phenomena like implicit bias and the Dunning-Kruger effect, and this makes it the case that it is inappropriate for us to ignore the possibility that these sorts of features are shaping our current beliefs.

It is also worth noting that recent work in psychology supports the central theses in this paper. Greenwald and Pettigrew (2014), for instance, argue that prejudice is best understood in *differential* terms, which favors viewing credibility assessments relationally rather than individually. Moreover, there is substantial empirical work showing “that discrimination occurs more often as differential favoring [of ingroup members] than as differential harming [of outgroup members]” (Greenwald and Pettigrew 2014, p. 670). For instance,

Hodson, Dovidio, and Gaertner (2002)...observed White subjects’ evaluations of two presumed college applicants, one White and one Black, whose qualifications differed. Although the two applicants were otherwise matched, one applicant was higher in high school grades and the other was higher on a standardized aptitude test. The two applicants therefore deserved, objectively, to be treated as approximately equally qualified. Hodson et al.’s noteworthy finding was that, in comparing the White and Black applicants, subjects who scored relatively high on a measure of prejudice attributed greater predictive weight to the measure on which the White applicant was superior. (Greenwald and Pettigrew 2014, p. 675).

This is just one of many, “well-established empirical paradigms, including laboratory studies of minimal group and similarity-attraction paradigms, field experiments using unobtrusive observations of helping behavior, and field audit studies of police profiling and of treatment accorded to potential job seekers, apartment renters, and home buyers,” all of which support the conclusion that ingroup favoritism is more significant as a basis for discrimination in the United States than is outgroup-directed hostility (Greenwald and Pettigrew 2014, p. 679). Moreover, it is important to note that

ingroup favoritism is conceptually and causally distinct from outgroup hostility: one does not cause or include the other.<sup>26</sup> This makes clear not only the role of credibility excesses in interpersonal interactions, but also how prevalent and harmful they are in terms of discriminatory behavior. In particular, if favoring ingroups—such as giving fellow Whites an excess of credibility—is a more powerful and prevalent cause of discrimination in the U.S. than is hostility toward outgroups—such as giving blacks a deficit of credibility, then distributive testimonial injustice identified in this paper ought to be a central focus of future discussions.

## 6. Conclusion

Credibility is a good, one that grounds and shapes our identities, is integral to relationships and successes, and can be necessary for our literal survival. But contrary to what is widely thought, it is not a limitless good. When some get too much of it, others often get too little. Justice demands, then, that we look at its proper distribution not just individually, but relationally as well. Moreover, our obligations with respect to credibility assessments are not exhausted by our current psychological states but, rather, involve facts that are temporally non-local. In both of these ways, standard evidentialist norms fail.

The Wide Norm of Credibility developed and defended in this paper is sensitive to these relational and normative dimensions of our credibility assessments and, in so doing, rules out its satisfaction being compatible with both distributive and normative testimonial injustice. In this way, the extent to which we are social creatures whose obligations reach members of our communities and features of our broader social environment is not only made vivid, but is also respected.<sup>27</sup>

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<sup>1</sup> For the sake of ease of expression, I will speak simply of norms of credibility. But this should be understood as the norms governing our assessment of speakers' credibility and the corresponding acceptance of their testimony.

<sup>2</sup> For different answers to this question, though ones unlike that defended in this paper, see Jones (2002) and Maitra (2010).



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<sup>3</sup> Anderson (2012) identifies structural epistemic injustices that may have locally, non-prejudicial causes, and require structural remedies. I am convinced by Anderson's arguments, and hence I do not think that all instances of testimonial injustice require a local, prejudicial origin. Nevertheless, I will, for the most part, grant this aspect of Fricker's view in what follows.

<sup>4</sup> Fricker elsewhere adds that the prejudicial stereotypes that are relevant to testimonial injustice are those that also (i) have a negative valence, and (ii) stem from an "ethically noxious" motivation. (Fricker 2007, p. 34) (i) and (ii) have been challenged on both empirical and philosophical grounds (see, for instance, Munroe (2016)), and so I will not focus on them in what follows.

<sup>5</sup> I will drop the "conditional" in referring to the EN in what follows. I will also assume that the hearers in question are making judgments of speakers' credibility when they should be.

<sup>6</sup> Of course, reliability is not the same as infallibility, so it is possible to regard someone as reliable even in a very narrow domain and yet still consistently reject even a number of her reports.

<sup>7</sup> I am grateful to Kathryn Pogin for this way of putting this point.

<sup>8</sup> José Medina (2011) has insightful and compelling work on credibility excesses, but he does not discuss them specifically in relation to hearers themselves, which I regard as one of the most important forms of such excesses. I will say more about this below. Davis (2016) also discusses how credibility excesses can lead to testimonial injustice, but she focuses on phenomena such as typecasting and compulsory representation.

<sup>9</sup> There is a further objection to EN1 to note here. To see this, consider again the sexist male scientists, and suppose that not only do they give their female co-workers the appropriate level of credibility, they also believe accordingly. In particular, the men believe the women to be reliable and they believe that  $p$  when the women report that  $p$ . At the same time, suppose that the male scientists always illegitimately take men in general, rather than just themselves, to be more reliable than women and, as a result, do not believe that  $p$  *because* the women testified that  $p$ , but, rather, because their fellow male scientists believe that  $p$ . This is the case, despite their not having any good reason to prefer one source to the other. Here there is the right credibility assessment of S, the right belief (that  $p$ ), but a route to belief that is epistemically and morally deviant. This deviant route renders the men open to epistemic and moral criticism—for ignoring relevant

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evidence and wronging the women in their capacity as knowers—and subjects the women to testimonial injustice—for not being believed due to the systematic prejudices of their co-workers. In particular, even though the men share the same beliefs as the women, they do not share them because the women testified to them. And not being believed simply because one is a woman, even when one’s hearer shares one’s belief, clearly wrongs one as an epistemic agent. At a minimum, then, the EN1 will need to be modified as follows:

EN1\*: For every speaker, S, and hearer, H, if H makes a credibility assessment of S, then H should match it to the evidence that S is offering the truth, and believe, disbelieve, or withhold accordingly on a basis that includes S’s testimony.

In what follows, I will leave it implicit that the speaker’s testimony needs to be part of the basis for the hearer’s relevant doxastic state.

<sup>10</sup> See Dunning and Kruger (1999).

<sup>11</sup> Source: <https://psmag.com/we-are-all-confident-idiot-56a60eb7febc#.s4dkyy2lr>, accessed on 5 August 2015.

<sup>12</sup> Source: <https://www.theguardian.com/books/2015/jul/18/daniel-kahneman-books-interview>, accessed on 5 August 2015.

<sup>13</sup> See, for instance, Williams (1973), Craig (1990), Neta (2006), and Greco (2007). I should note that I reject this view as a general account of knowledge attributions, but I can still grant that one of the purposes of some knowledge attributions is to “flag reliable informants.” See Lackey (2012).

<sup>14</sup> I’m excluding evidence ruling out that the defendant was the last person with the lucid baby.

<sup>15</sup> I should make clear that my conception of social identity here is broader than Fricker’s, including features like expertise in addition to race, gender, and so on. Given this, she might deny that this is an instance of testimonial injustice in her sense. Since my central purpose in this paper is to expand the notion of testimonial injustice, rather than to specifically argue that Fricker’s view is inadequate, I am less interested in showing that Fricker is wrong about having such a narrow conception of social identity and more focused on developing notions of testimonial injustice that have clear epistemological and moral significance.

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<sup>16</sup> There are similarly vivid cases of expertise-excess testimonial injustice involving arson. See, for instance, <http://www.newyorker.com/magazine/2009/09/07/trial-by-fire>.

<sup>17</sup> Medina (2011) makes a similar point in defending his “proportional view of testimonial injustice,” though he arrives at this conclusion through quite different arguments.

<sup>18</sup> Medina agrees: “Credibility is indeed not a finite good that can be in danger of becoming scarce in the same way that food and water can...” (Medina 2011, p. 19). Similarly, he writes, “The credibility excess assigned to some can be correlated to the credibility deficits assigned to others not because credibility is a scarce good (as the distributive model wrongly assumes), but because credibility is a comparative and contrastive quality, and an excessive attribution of it involves the privileged epistemic treatment of some (the members of the comparison class, i.e. those like the recipient) and the underprivileged epistemic treatment of others (the members of the contrast class, i.e. those unlike the recipient). An excessive attribution of credibility indirectly affects others who are, implicitly, unfairly treated as enjoying comparatively less epistemic trust. In my view, this is due to a disproportion in credibility an authority assigned to members of different groups. Credibility is not a scarce good that should be distributed with equal shares, but excesses and deficits are to be assessed by comparison with what is deemed a normal epistemic subject” (Medina 2011, p. 20).

<sup>19</sup> Of course, by *proper* distribution I do not mean *equal* distribution. When I develop my Wide Norm of Credibility later in the paper, I will make clear how I think credibility should be distributed.

<sup>20</sup> I develop this in greater detail in Lackey (unpublished).

<sup>21</sup> For discussions involving what I call normative defeaters, approached in a number of different ways, see Bonjour (1980 and 1985), Goldman (1986), Fricker (1987 and 1994), Chisholm (1989), Burge (1993 and 1997), McDowell (1994), Audi (1997 and 1998), Williams (1999), Lackey (2008), Bonjour and Sosa (2003), Hawthorne (2004), and Reed (2006). What all of these discussions have in common is simply the idea that evidence can defeat knowledge (justification) even when the subject does not form any corresponding doubts or beliefs from the evidence in question.

<sup>22</sup> For a very nice development of the notion of “should have known,” see Goldberg (2015).

<sup>23</sup> I’m grateful to Kevin McCain for pressing this objection.

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<sup>24</sup> This is not to say that these are the only forms of testimonial injustice that fail to be appropriately handled by the evidentialist norm. See, for instance, Dotson (2011), Peet (2015), and Munroe (2016).

<sup>25</sup> For an extended discussion of this case, see <http://www.buzzfeed.com/katiejbaker/the-police-told-her-to-report-her-rape-then-arrested-her-for#.avG329Yj8>.

<sup>26</sup> See Brewer (1999).

<sup>27</sup> For very helpful comments on earlier drafts of this paper, I'm grateful to Kevin McCain, Baron Reed, and audience members at the Social Norms and Epistemology Conference at St. Louis University, the Epistemic Norms Conference in Leuven, Belgium, the Institut Jean Nicod, the Intellectual Humility and Public Deliberation Workshop at the University of Connecticut, Western Michigan University, the University of Groningen, Miami University, and the 2017 Bled Epistemology Conference.