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Empathy and a Life of Moral Endeavor¹ Barrett Emerick

Abstract

Over the course of her career, Jean Harvey contributed many invaluable insights that help to make sense of both injustice and resistance. Specifically, she developed an account of what she called “civilized oppression,” which is pernicious in part because it can be difficult to perceive. One way that we ought to pursue what she calls a “life of moral endeavor” is by increasing our perceptual awareness of civilized oppression and ourselves as its agents.

In this paper I argue that one noxious form of civilized oppression is what Miranda Fricker calls “testimonial injustice.” I then follow Harvey in arguing that one of the methods by which we should work to avoid perpetrating testimonial injustice is by empathizing with others. This is true for two reasons. The first is that in order to manifest what Fricker calls the virtue of testimonial justice, we must have a method by which we “correct” our prejudices or implicit biases, and empathy serves as such a corrective. The second is that there are cases where the virtue of testimonial justice wouldn’t in fact correct for testimonial injustice in the way that Fricker suggests, but that actively working to empathize would.

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Introduction

Over the course of her career, Jean Harvey contributed many invaluable insights that help to make sense of both injustice and resistance. Specifically, she developed an account of what she called “civilized oppression,” (Harvey 1999, 37) which is pernicious in part because it can be difficult to perceive. We all suffer from cognitive biases that encourage us to fail to recognize our own complicity in unjust institutions or our tendency to commit (in the often unnoticed, common moments of everyday life) actions that diminish, humiliate, or show disrespect to others. As agents engaged in a “life of moral endeavor,” (Harvey 1993, 219) we should understand ourselves and others to be moral works in progress, always possessing the potential to grow beyond and become more than the sum of our past wrongs. One way that we ought to do so is by increasing our perceptual awareness of civilized oppression and ourselves as its agents.

In this paper I will argue that one noxious form of civilized oppression is what Miranda Fricker calls “testimonial injustice.” I will then follow Harvey in arguing that one of the methods by which we should work to avoid perpetrating testimonial injustice is by empathizing with others. This is true for two reasons. The first is that in order to manifest what Fricker calls the virtue of testimonial justice, we must have a method by which we “correct” our prejudices or implicit biases, and empathy serves as such a corrective. The second is that there are cases where the virtue of testimonial justice wouldn’t in fact correct for testimonial injustice in the way that Fricker suggests, but that actively working to empathize would.

1. Civilized Oppression and Perceptual Failure

Harvey distinguished civilized oppression from more overt forms of oppression by arguing that it is neither formally codified by law nor violent. Instead, civilized oppression is grounded in what Harvey called “distorted relationships”. Civilized oppression involves:

A systematic and inappropriate control of people by those with more power. The oppressed are treated with disrespect, moral rights are denied or blocked, their lives are deprived of proper fulfillment, and they experience a series of frustrations and humiliations beyond all normal bounds (Harvey 1999, 37).

One reason why civilized oppression is so pernicious is precisely because it is “civilized”. It often goes unnoticed or unrecognized as oppression, and by hiding in plain sight is able to all the more pervasively structure and limit the lives of those it affects. Otherwise well-meaning people often fail to realize that they act generally as agents of civilized oppression or to recognize particular actions that they commit as oppressive. Though they know that there is injustice in the world, they fail to perceive themselves as being complicit in its production.

Many things can constitute civilized oppression. In this paper I will focus primarily on testimonial injustice, which is a form of epistemic injustice. Epistemic injustice occurs when someone is “wronged in one’s capacity as a knower” (Fricker 2007, 44). Someone suffers testimonial injustice when their actual or potential testimony is not given the degree of credibility that they deserve, in virtue of some prejudice on the part of the hearer. To suffer testimonial injustice is to be, “wronged in [one’s] capacity as a giver of knowledge” (Fricker 2007, 44). When repeated over time, testimonial injustice can become oppressive for a subject whose voice

is not heard, when they suffer harmful material consequences as a result, and when they suffer the humiliation of being spoken over, ignored, or are seen to be inadequate “witnesses to their own lives” (Solnit 2012).

To see how, consider the following case (which is in the same spirit as a number of similar cases that Harvey explores in various texts):

A male philosophy professor who considers himself friendly to feminist concerns fails to call on female students in his class with nearly as much frequency as he does the male students. Furthermore, when he *does* call on female students he does not engage with their comments and questions as deeply as with his male students².

Female students in the class suffer from testimonial injustice in that they are habitually, over time, excluded from the community of knowers. This can have a number of tangible, harmful effects. At a minimum, some might feel humiliated for not being taken as seriously by their professor (someone who holds a position of at least limited prestige). Furthermore, since it is difficult to engage with someone who seems to be uninterested in engaging with you, the female students are less likely to learn as much or as deeply as their male colleagues. And, if they do learn as much, it will likely be a result of additional effort to overcome the disrespect and lack of engagement they have been shown. They will, in other words, have to work harder to achieve the same result. Most worrisome is the possibility that the professor’s failure to engage, his “intimations of inferiority,” (Bartky 1990, 22) will become internalized and the female students will come to believe that they don’t in fact have as much to say as their male colleagues, that it is fitting that they would contribute less, and that they should speak “haltingly, with apologies, if they speak at all” (Alcoff 1992, 24).

Because we are deeply relational beings, we tend to grow into and rise (or fall) to meet the expectations others have for us (Fricker 2007, 56). If the professor demonstrates that he does not think his female students have much to offer, it should come as no surprise when they in fact tend to underperform (see Rosenthal and Jacobson 2003). Of course, one class does not a poor student make, (and poor academic performance is often not an indicator of intellectual ability). Fricker explains, however, that when repeated over time and in different contexts, a person can become less of a knower as a result of being excluded from fruitful epistemic communities (Fricker 2007, 48-56).

We can stipulate that the professor is an otherwise thoughtful, well-meaning person who is a proponent of many of the “right” things. Furthermore, he is knowledgeable about recent data that paint a picture of contemporary gender injustice like statistics about gendered violence, the gendered wage gap, and the gendered distribution of economic and political power. Despite that knowledge, he fails to understand his own behavior as constitutive of civilized oppression in the form of testimonial injustice. Indeed, he would be shocked and upset to learn that he acts as an agent of civilized oppression in his classes. This case helps to demonstrate the difference between knowing that there is injustice and perceiving it within one’s own actions.

² This example is similar to one given by Christopher Hookway, which is meant to demonstrate that we need more fine-grained terms to distinguish between various types of epistemic injustice. My example and its subsequent iterations are meant to demonstrate the importance of empathy as a corrective for testimonial injustice and that one can perpetuate testimonial injustice without bearing any prejudicial attitudes. Hookway 2010, 155.

In what follows I will argue that making one's self into the kind of person who is able to perceive one's self as an agent of civilized oppression, and one's actions as oppressive, is an important component of a life of moral endeavor.

Unfortunately, however, perceiving civilized oppression is often a difficult obligation to satisfy (Harvey 1999, 64). Someone might fail to perceive for various reasons. For instance, the professor might be focused intensely on the material and not step back from it to think about how the discussion is going, or might be distracted by other things in his own life and simply not be as invested in being as attentive a teacher as he ought to be. However, in addition to those types of mundane (but still blameworthy) causes for his perceptual failure, there is a more pernicious cause that someone who is dedicated to a life of moral endeavor must work to overcome, and it is that everyone has strong psychological incentive to fail to perceive.

Harvey describes the experience of perceiving civilized oppression as uncomfortable, painful, difficult, and unpleasant; it is the kind of experience that can ruin a day, sour an experience, or fracture a relationship. This account is supported by recent and ongoing research in the field of social psychology. System justification is a pervasive and deeply entrenched bias towards believing that the status quo is good or preferable. Developed primarily by social psychologist John Jost with various collaborators, System Justification Theory (Jost and Hunyady 2002) gives an overarching account of how other, previously recognized cognitive biases work together to support system justification bias. This bias manifests itself in different ways depending on your social location. If you are a member of a subordinated group, for instance, you might show outgroup favoritism (thereby justifying your own subordination). If you are a member of a dominant group, on the other hand, you might show ingroup favoritism (thereby justifying your relative privilege). Whatever your social location, system justification bias functions to help grease the wheels for you to see the world (and your place in it) as predictable, consistent, meaningful, and just (Jost and Hunyady 2002, 147).

Jost does not claim (nor am I claiming) that everyone suffers from system justification bias in the same way or to the same degree. Some social locations make such perceptual failure more likely than others. In the classroom example, female students are less likely to overlook the professor's failure to engage than are the male students. Since perceiving injustice is costly and painful, it is crucial to recognize that the failure to perceive can be a benefit unjustly held by those who occupy a position of relative social privilege. Assuming all else is equal and other prejudices or biases are not at play, male students in the class get to focus on the material without their educational experience being sullied by the realization that their opportunity to speak and be heard in class came at the expense of their female colleagues who were effectively silenced.

The ability to perceive particular types of civilized oppression will come more easily to some than others in virtue of their social location and background experiences. However, that someone might be better equipped to perceive some instances of civilized oppression does not ensure that she will be able to perceive all types of civilized oppression. Harvey gives an example of a feminist who might unintentionally fail to perceive and oppose instances of age-based discrimination (Harvey 2007, 33). Similarly, a committed anti-racist might fail to perceive instances of homophobia. That someone is committed to promoting justice does not ensure that she will perceive injustice upon encountering it. Everyone suffers from system justification bias in different ways in light of their social location. And, everyone has the obligation to work to overcome that bias in order not just to know about but to perceive civilized oppression upon encountering it. What it means for any particular person to satisfy that obligation will vary in light of her social location, background experiences, and perceptual abilities.

2. Empathy and Perceptual Failure

There are at least two methods by which one might work to satisfy the obligation to accurately perceive one's self as an agent of civilized oppression. The first is straightforward education through the acquisition of propositional knowledge. For instance, quantitative data about gender injustice is information that someone ought to seek out as they lead a life of moral endeavor (just as the professor has). Harvey argues that education is a powerful form of resistance (Harvey 2010, 15). But, as she stresses, though propositional knowledge is a necessary component of a life of moral endeavor, it is not a sufficient one. Knowing that injustice occurs is not enough (Harvey 2007, 25).

The second method of satisfying one's perceptual obligations is adopting what Harvey calls an attitude of empathetic understanding. Since we all are engaged in a life of moral endeavor within a larger moral community, it is crucial that we seek to understand deeply what it is like to be the other person. Though she does not clearly define how she is using the term (which is used with great variety in different texts, both in philosophy and in other disciplines) she does make clear that empathy is the process by which we come to possess the attitude she calls empathetic understanding. It is something that we actively do, rather than something that happens to us (35). It requires open-mindedness (31), humility (31), and "a willingness to learn to try to feel another's pains and joys" (35). Harvey makes a point to note that empathy does not require formal communication; it is possible, she argues, to empathize with non-human animals and with humans who are incapable of speech. The suffering of another has other ways beyond language of making itself known, if we are willing to do the hard work of engaging with others where they are, rather than insisting that they come to us (31). And, finally, it involves the willingness to "imaginatively enter into" (31) the feelings of another as much as possible. Doing so brings about a kind of understanding that goes beyond propositional knowledge and "profoundly moves the learner... It is a far cry from detached information gathering" (31). Empathy results in greater understanding of what it feels like to occupy a different place in the world – one other than your own (27).

Harvey's description of empathy is consistent with the definition for which Amy Coplan argues in her paper "Understanding Empathy: Its Features and Effects". In it, she surveys the literature across a variety of disciplines and argues that we ought to understand empathy to be, "a complex imaginative process in which an observer simulates another person's situated psychological states while maintaining clear self-other differentiation" (Coplan 2011, 5). For my purposes what is of central importance is Coplan's claim that empathy is an imaginative process which is other-oriented, but in which we do not lose ourselves. When we empathize with someone, we imagine what it would be like to be her – what it would be like to experience the world from her perspective - and we gain new experiential knowledge as a result (Coplan 2011, 17).

It is important to note that genuine empathy is not about imagining what it would be like for you to be in another's position, since what it means for you to be in someone's position might feel very different from what it means for her to be in her position. For instance, the professor might believe he has created a generally pleasant and inclusive classroom environment. He might ask himself after each class whether everyone had the opportunity to join in the conversation. And, he might imagine himself sitting in his students' seats and replaying the discussion, actively questioning whether he would have felt like he could participate at each point along the way. Though thoughtful and well-meaning, that effort is seriously misplaced

since the question is not whether *he* (a well-trained, impressively credentialed person who has been told more or less explicitly his whole life that his view matters, that he is what a scholar looks like, and it is voices like his that ought to be heard) would feel comfortable contributing to the class discussion, but whether people who do not occupy the same social location would feel comfortable doing so. If his efforts at empathizing stop with imagining himself in his students' shoes, he is sure to reach the wrong conclusions about his teaching style and level of engagement.

It is not enough for the professor to know about gender injustice in order to avoid acting as an agent of civilized oppression; instead, he has to imagine what it feels like to be subjected to it. The professor must work to truly empathize by imagining what it means to be the other - not "walking a mile" in another person's shoes, but imagining what it means for the other person to walk in their shoes. However, our imaginations often lead us astray. Merely imagining what it is like to be someone else is unlikely to secure an accurate picture of another's experience. Imaginations, when not grounded in the actual facts of another's situation, might truly help the would-be empathizer to get outside of herself, but wind up in a wholly fictional version of the other. The professor might imagine that his students are all having a hard time engaging with the material because it is difficult when in reality many of them are sick with a flu going around campus. Or, he might imagine that they are sick when in reality they have trouble engaging because he is only taking seriously the contributions of half of the class. Though genuine empathy entails the exercise of imagination, it does not much resemble the imagination used by a storyteller, creating a fictional character or a fictional world.

Instead, our imaginative efforts must be informed by the lived experiences of those with whom we want to empathize. Harvey argues that we can come to genuinely empathize with another by way of what Elizabeth Spelman calls moral apprenticeship. Apprenticeship involves being open-minded, humble, and willing to follow closely behind in the footsteps of another, which Spelman says is, "the slow and often painful labor of real perception" (Spelman 1988, 181). Making one's self an apprentice means directly encountering and engaging with others in order to break down our preconceived or imagined notions of what they are like, how civilized oppression shapes their lives, and how they will react to it (Harvey 2007, 31).

In other words, the imaginative capacity we exercise when we empathize is not monological (it is not the fiction writer's imagination) but dialogical (it is the imagination used in conversation with others when we try to make sense of the experiences they relate to us). In order to close the epistemic distance between us, my attempts to understand what it is like to be you must not flow solely from me or what experiences my life has afforded me. Instead, it must be born from some type of meaningful communication between us (though, as noted above, it need not be verbal communication). To fail to engage in dialogical imaginative perspective-taking is to run the risk of discursively constructing the subjectivity of the other - of painting someone (their condition and their experiences) to be other than they are. I follow Linda Alcoff in arguing that we ought to aim to speak with rather than for others, (Alcoff 1992, 23) and add that part of why we should aim to "speak with" at all is to inform our efforts to empathize with others, in order to avoid perpetrating testimonial injustice (and civilized oppression).

We often have incentive *not* to engage in dialogical imaginative perspective-taking but to remain happy with monological imaginative perspective-taking, when a clear and accurate picture of the world either implicates us in injustice or wrongdoing, or when the reality of the world is painful, crushing, or existentially challenging the way that System Justification Theory claims. The professor has incentive to interpret and explain his students' failure to participate as

being born from the difficulty of the material or the flu that's going around campus, rather than his own failure to genuinely, respectfully engage with all the students in the classroom. He has reason to tell himself a fictional story about why his students are quiet, because in reality it is his own sexism that creates a hostile or unfavorable learning environment. System Justification Theory tells us that we have many reasons to stay at the level, either of propositional knowledge (knowledge that there is injustice) or at the level of monological imaginative perspective-taking. Doing both can be dangerous but doing the latter more actively perpetuates the status quo.

In a world shot through with injustice, then, it is crucial that we engage in genuine empathy in order to challenge it. Empathy requires active involvement with the other, undertaken with a willingness to humbly try to learn about another's situation and feel another's pains and joys. Adopting such an attitude enables you to perceive things that you otherwise would not have perceived (Harvey 2007, 35). However, it is not something anyone can do in isolation, free from the messy, real-world variance and contingency of the lived experiences of actual people. Empathetic understanding, like a life of moral endeavor, can only be achieved within a larger moral community (Harvey 2007, 35). This is especially important, not only because we grow into and become who we are in relation to others, but because we are all struggling (or have the potential to struggle) to become better, morally (Harvey 1993, 220). We must have the support of a larger moral community, urging us forward and empathizing with us when we fail (Harvey 1993, 220). Without it, a life of moral endeavor would be hopeless and any incentive to try to change our ways would wither away.

3. Empathy and Testimonial Injustice

I have argued that practicing empathy is one method by which someone can work to avoid acting as an agent of civilized oppression, in that it helps one to avoid perpetrating testimonial injustice. But, why think that empathy is the right corrective, especially given that Fricker herself claims (Fricker 2007, 92) that what she calls the virtue of testimonial justice is what we ought to employ?

The virtue of testimonial justice is what enables a hearer to “reliably neutralize prejudice in her judgments of credibility” (Fricker 2007, 92). Fricker gives the example of the jurors of Maycomb County in *To Kill a Mockingbird* who ought to embody the virtue in order to make accurate, non-prejudicial judgments when evaluating the testimony of those who take the stand. They should scrutinize their own internal prejudices, recognize that they have them, and then correct for them. According to Fricker the professor in the case I've been examining ought to do the same thing: he ought to think deeply about his own prejudices in order to overcome them. He ought to discover that he holds the implicit bias that women are not credible knowers (or are not credible philosophers) and then correct for it.

I have two concerns about Fricker's reliance on the virtue of testimonial justice. The first is that, as it is described in *Epistemic Injustice*, correcting for our own prejudice is ultimately too focused on the hearer and her own internal workings and not focused enough on the speaker. The professor might have thought quite a lot about whether he is assigning the right degree of credibility to others and yet still act in such a way so as to cause testimonial injustice.

Fricker says that there are two ways to “display the virtue of testimonial justice correctively” (rather than naively): one is active reflection, and the other is spontaneous. She claims that the former is obvious: the hearer acknowledges her prejudices and assigns the speaker a higher degree of credibility than she is inclined to do.

To display the virtue of testimonial justice correctively and spontaneously, there are also two methods. The first is via what she calls “plain personal familiarity,” which can “melt away the prejudice that presented an initial obstacle to an unprejudiced credibility judgment” (Fricker 2007, 96). Over time and in light of habituation, various features of the other that once tended to prejudice the hearer become irrelevant or are forgotten (Fricker 2007, 96). The second is via what she calls the “ideal of full possession of the virtue of testimonial justice” (Fricker 2007, 96). The idea is that by repeatedly practicing corrective efforts to one’s credibility judgments, one becomes so accomplished that the “hearer’s testimonial sensibility would spontaneously furnish *ready-corrected* credibility judgments” (Fricker 2007, 97). In other words, by practicing the virtue of corrective testimonial justice, and by living in the world as both a speaker and a hearer, over time the virtuous hearer comes to spontaneously (that is, without having to work at it) assign the correct degree of credibility to the speakers she encounters.

With regard to the first method, I do not doubt that personal familiarity with others can help us to overcome whatever prejudices we bear towards them. However, familiarity alone is not enough. The racist police officer who spends many hours every day around members of a particular racialized group might become very familiar with their habits, styles of dress, modes of speech, food preferences, sense of humor, etc., but still remain deeply prejudiced against them. Fricker no doubt would agree. But, as stated, we need more than knowledge about the other in order to overcome the prejudice we possess.

I suggest as a friendly amendment to Fricker’s virtue of testimonial justice that one crucial method by which the virtue could be exercised is empathy. She comes close to acknowledging the value of empathy when she says that, “other sorts of experience will be relevant too. For instance, a hearer’s experiences as a speaker too will feed into this process. Perhaps she has experienced being on the receiving end of testimonial injustice in respect of one sort of prejudice, and consequently gains a better understanding of how other sorts of prejudice may surreptitiously have an influence in her own testimonial sensibility” (Fricker 2007, 97). The important point is that not only does the hearer acknowledge that prejudice can cause testimonial injustice, and not only does the hearer acknowledge that she might be in possession of such prejudice, but she also has found herself on the receiving end of such injustice: her own word has been questioned, her points have been ignored or dismissed. She is not just familiar with the characteristics of the speaker, but with what it feels like to be silenced.

Fricker does not develop this point further, but I believe it is crucial to overcoming our own biases and prejudices as hearers. Recall that the professor in the example I have been exploring believes himself to be committed to justice; it is important to him that he is on the right side of an issue and he would be genuinely distressed to learn that he had acted as an agent of oppression. Various forms of cognitive bias, as encapsulated by System Justification Theory, help to explain how he is able, at the end of each day, to think back over how his classes went and fail to recognize that he committed testimonial injustice. Our commitments help to define us and make up our identity. It is a part of the professor’s identity, his own self-understanding, that he works for justice rather than injustice – that he is part of the solution rather than part of the problem. To learn otherwise would not just be uncomfortable, but would challenge his sense of self. I note this, not to in any way suggest that he ought to be excused for failing to do so – far from it. Instead, my claim is that overcoming the strong psychological incentive not to recognize our own complicity in the promotion of injustice requires a stronger mechanism than mere familiarity, but requires that we actively work to get outside of ourselves and our own incentives and think of what it feels like to be on the receiving end of such treatment.

In other words, the virtue of testimonial justice asks us to correct for the deficient credibility judgments we assign to others, or to spontaneously assign the correct degree of credibility to others. Both of these are about the hearer – what’s going on for her, what prejudices she is operating on, whether she is familiar with the speaker in various ways. But, what’s going on for her is that she is inclined not to recognize her own role in promoting injustice. So, what hearers ought to do is work to move beyond themselves and have the other be at the center of their thinking. Rather than asking, “What’s going on for me?” the hearer ought to ask, “What’s going on for her?” And that is what empathy roughly amounts to.

The second concern I have with the virtue of testimonial justice is more serious: it seems possible for testimonial injustice to be perpetrated without anyone assigning a lower degree of credibility than is warranted. If that is the case, then the virtue of testimonial justice would not accomplish its goal because it merely aims to correct flawed credibility assignments.

Consider a second version of the professor case. This time, assume that he has no implicit biases or prejudices against his female students. When his female students raise their hands he is just as quick to call on them as he is his male students, and when they speak he assigns the same degree of credibility as he does to his male students. However, his female students do not raise their hands nearly as often as his male students, and when they do, they do not argue for claims that are as philosophically interesting or creative but are instead expository, reporting back what an author said rather than critically engaging with the author’s view.

There are a variety of reasons why the professor’s female students might participate less, but three deserve special attention.

First, the professor might do something that effectively silences his students without meaning to. For instance, when choosing an example of a wrong in thought experiments to motivate class discussion, he might use rape or other types of gendered violence. Since many of the women in his class might be survivors of sexual assault, and since memories of sexual assault can be deeply traumatic, being casually reminded of their assaults might easily create an atmosphere in which they feel unable to participate. Furthermore, even if no students in his class are themselves survivors of sexual assault, since gendered violence functions structurally, all women are affected by the threat of it. Of course, none of this suggests that philosophers shouldn’t talk about sexual assault. The point is that to do so casually, flippantly, as an example of a generic wrong, helps to create an atmosphere in which many women are likely to feel uncomfortable. Since philosophy, like other academic disciplines, can feel intimidating to people just gaining exposure to it, those feelings of discomfort might often be enough to discourage someone from raising her hand or actively participating in the classroom conversation.

Second, the professor might not himself do anything that silences his students, but he might fail to respond when other students in the class engage in silencing behavior of each other. Imagine that male students, early in the semester, engaged in domineering, intimidating behavior. They argued loudly, took up excessive physical space, used sexist language, or themselves relied on rape as an example of a wrong. They might even include other students in the class in their examples, saying things like, “Imagine so and so was raped...” before going on to make some point about it. For such behavior to go unchecked by the professor sends a clear message, intended or not, that female students do not belong in the conversation. In such a climate it would come as no surprise were the female students in the class to simply shut down, early in the semester, and never find their way into the conversation.

Finally, the professor might not do anything to counter background assumptions about who can be a philosopher and who can't. Inside the academy, philosophy as an academic discipline is well-known to be populated mainly by white men. Outside the academy, if you ask someone what a philosopher looks like, they are likely to picture a man. That stereotype, if unchecked by the professor, might carry throughout the semester, even if no one engages in the type of dominating behavior just described. Stereotype threat can cause someone to underperform because they occupy a social location that is stereotyped to do so and can prevent someone from finding their home in a discipline.

Each of these could cause the female students in the class to feel as if they do not belong in the conversation, as if there is not a place for them to enter in, as if their voices are unwanted. They could be at least counterfactually diminished as knowers as a result; they might all have learned more, become more competent speakers, writers, and thinkers, absent these conditions. In other words, they suffer from testimonial injustice. But, each of these conditions could obtain without the professor himself possessing any implicit biases or prejudices at all. Since the virtue of testimonial justice is about correcting for such biases or prejudices, in this case, we need something else in order to promote justice.

The virtue of testimonial justice deals with the inner life of the hearer; if someone assigns the correct degree of credibility to speakers then one manifests that virtue. But, as these examples show, it is possible to cause testimonial injustice independent of what is going on for the hearer; its reach is structural and extends beyond the prejudices and credibility assignments of the hearer. Recognizing testimonial injustice in any given context requires thinking not just about what's going on for the perpetrator, but what's going on for the victim. And that's just what empathizing amounts to. The professor ought to imaginatively adopt the perspective of his students, to see the classroom as they see it, and then to correct course accordingly.

4. The Effects of Testimonial Injustice

One might object to how I'm using the term 'testimonial injustice' and claim that what I've actually been talking about is epistemic injustice³. If someone does not assign inappropriate degrees of credibility to others, then by definition, it might appear that they cannot perpetrate testimonial injustice. If that's the case, then my criticism of Fricker's virtue of testimonial justice as a corrective would fail.

However, I believe we ought to expand our understanding of what testimonial injustice involves. Consider the following analogue: a common understanding (Garcia 1996) of racism says that is interpersonal and affective (that racism is "in the heart") and amounts to hatred of a particular racialized group. One competing account (Mills 2003) says that racism can at least sometimes be detected by its effects and need not involve any negative emotions directed towards a racialized group. In other words, the first account understands racism to be importantly tied to individual actors' prejudices and affective states, while the second account understands racism to be at least partly structural, such that, even if no individual person hates anyone, racism might still exist.

I contend that we ought to model epistemic injustice after the second account of racism and allow for a more inclusive understanding than one that applies only in cases where a perpetrator bears prejudicial attitudes or beliefs. Epistemic injustice is a type of wrong in which

³ Thanks to an anonymous referee who raised this helpful objection.

someone is “insulted or undermined in their capacity as a knower” (Fricker 2010, 175). While the *insult* is surely morally serious, what is especially pernicious is the way in which someone might be *undermined* as a knower. As Fricker eloquently argues (Fricker 2007, 52-53), if part of what it means to be a person is to be a knower, and epistemic injustice undermines that capacity, then epistemic injustice has the potential to diminish people down to their very core. That, surely, is the more serious and important wrong than the insult that might accompany it. In other words, what is most important about epistemic injustice are the potential effects that it has on its victim rather than what affective states the perpetrator bears. In just the same way, the effects of racist housing policies that systematically subordinate black citizens are more morally important than whether any particular city council member hated anyone when she voted in favor of those policies. Though it is surely wrong (in that it is disrespectful, insulting, and hurtful) for city council members to hate black people, the effects of the policy are even more significant. So, if a particular person or group of people feels the effects of epistemic injustice as a result of communicative or epistemic practices, regardless of whether the perpetrator thinks them incompetent or unreliable knowers, we ought to conclude that epistemic injustice has been committed.

So far I have argued that we ought to recognize epistemic injustice not just by what is in the heart or mind of the perpetrator, but by its effects. I contend that we also ought to recognize testimonial injustice by its effects as well. To see why, consider Fricker’s reply to Christopher Hookway’s objection that ‘testimonial injustice’ is not fine-grained enough to distinguish between various types of epistemic injustice. Specifically, he argues that being ignored when asking thoughtful questions cannot be considered testimonial injustice and so we need more terms at our disposal to make sense of such interactions (Hookway 2010, 155). Though Fricker grants that it might be valuable to draw such distinctions (Fricker 2010, 176), she goes on to argue that we ought to be inclusive in our understanding of what constitutes testimonial injustice. The reason why is that “passing on knowledge is an utterly basic epistemic practice” (Fricker 2010, 176). If the capacity to testify is basic to human knowledge, and if someone is less able to exercise that capacity as a result of communicative interaction, even if the type of contribution she attempts to offer is not, strictly speaking, testimony, Fricker argues that it makes sense to say that she suffers from testimonial injustice rather than some other more particular type of epistemic injustice we might name. This claim further supports my previous conclusion – that we should assess whether testimonial injustice has occurred not just by asking what is going on for the perpetrator (and whether she is operating on any prejudice), but by its effects on its victims. If someone leaves a communicative interaction less able to testify as a knower, then we have good reason to suspect that testimonial injustice has taken place. Female students in the professor’s class are diminished as knowers and are less able to testify to their own beliefs as a result of the professor’s behavior, even though he bears no prejudice towards them. It seems consistent both with the spirit of Fricker’s original analysis of testimonial injustice and with her later defense of a more inclusive understanding of the term to judge that testimonial injustice can take place, even absent any prejudice on the part of the hearer.

However, I join Fricker in not being especially concerned with our terminology (Fricker 2010, 176). Though I think it makes sense to say that someone can commit testimonial injustice without being prejudiced, just like I believe someone can commit racist actions without hating anyone, I’m happy to concede the terms if they are sticking points. Instead, we can refer to “testimonial injustice effects,” which are identical to those felt by testimonial injustice perpetrated by a prejudiced hearer, except for the absence of prejudice.

Whichever option you prefer, my worry in this paper has been with the effects of communicative interactions and how they routinely, systematically diminish people as knowers as a form of civilized oppression. Furthermore, my aim was to think through how we ought to work to resist such oppression. If we understand either testimonial injustice (or testimonial injustice effects) to be possible without prejudice, then we need a corrective that follows suit. I have argued that empathy is such a corrective.

5. Empathy and a Life of Moral Endeavor

Following Harvey, I have argued that empathy has a crucial role to play in working to perceive one's actions as oppressive, but I have not meant to imply that doing so will be easy or effortless. It can be tempting to think that empathizing with others permanently changes us so that, having done it, we no longer have to keep working at it. Unfortunately, empathizing once does not ensure permanent perceptual clarity or accuracy. On the contrary, Harvey argues that such perceptual work must occur slowly – day by day, class by class - over the course of one's lifetime.

Such efforts can at times be costly or harmful to those parties who are already vulnerable and exposed to civilized oppression. Because empathy requires the empathizer to engage in dialogical imaginative perspective-taking, and because that means that oppressed groups must play a role in helping privileged groups to understand what it is like for them to live in and experience the world, oppressed groups have an important role to play in helping agents of civilized oppression to empathize. To be an apprentice you have to have someone to apprentice *with*. But, that means work for oppressed groups, which can be problematic for at least three reasons.

First, oppressed groups already often have to work harder than privileged groups. To claim that they have an obligation to help privileged groups to empathize is to add an additional burden to an already overflowing plate. One of the things that makes oppression unjust is that it generates inequality. We should be cautious, therefore, of any “solution” to injustice that further generates inequality.

Second, the type of work being called for is not just any work, but can be especially exhausting. Having to educate - yet again - those who don't understand how their privileged social location distorts their picture of the world can wear away at those who occupy oppressed social locations.

Third, oppressed groups often are not in a position to safely educate privileged groups, even if they want to. It might be impossible for female students in class to educate their male professor without justified fear of reprisal, even assuming the professor is well-meaning.

Each of these concerns is serious. I believe that we bear self-regarding obligations to ensure that our lives go well, that we don't suffer needlessly, and that we pursue (and don't sacrifice) our own identity-defining life projects in a meaningful, authentic way. If empathy requires knowledge of another's situation, for the three reasons just named, it is possible that providing that knowledge might violate the subject of empathy's self-regarding obligations. If that's the case, the subject of empathy must make a decision, weighing her own self-regarding obligations against those to help agents of civilized oppression to empathize. She might, for instance, be justified in refusing to engage with someone whose attitudes or beliefs are especially noxious, even if doing so means that it is unlikely the would-be empathizer will be left less able (or perhaps wholly unable) to engage in dialogical imaginative role-taking. In any particular

situation it may be the case that the obligation to help is trumped by the subject's self-regarding obligations to care for herself, pursue her own life projects, and care for important others in her life.

Weighing such competing obligations is deeply personal and context-dependent. Though it's true that, all else equal, we all ought to help others to progress in living lives of moral endeavor – we all depend crucially on such support in myriad ways - we cannot determine, in advance, what any individual actor ought to do. As is always the case, balancing such competing obligations to various constituencies is the tricky, uncertain work of everyday moral life.

Furthermore, it is important to remember that not all efforts to empathize always require direct dialogue. Instead, we can persistently and diligently ask ourselves how those who occupy different social locations would experience our actions. The professor should ask himself questions like, “What would it be like to be a student of color in my class? What would it be like to be a woman in my class? To be differently abled?” Obviously the threat of discursively constructing a false image of the other looms large here; as I have already argued we should not write fiction. But, we can imaginatively enter into the perspective of another, based on accurate knowledge of what material conditions someone who occupies an importantly similar social location might face. Though any particular woman in class might not be silenced by the use of gendered, violent thought experiments, it is reasonable to think that a significant portion of the women in the room might be. Knowledge about the prevalence of gendered violence is not enough; the professor might have that knowledge but not understand how using it as a casual example in a thought experiment generates testimonial injustice. For such understanding, empathy is required.

It is inevitable that we will often fail to do what we should, and it is a feature of civilized oppression that we often won't even realize it when we do. A life of moral endeavor involves recognizing our shortcomings and accepting responsibility for them. We must all work to reconcile our agency with the social norms that sculpt our perceptual abilities and the cognitive biases that come along with our bodies. Much of that is outside of our immediate, voluntary control; that is one way that an otherwise well-meaning person can suffer from the types of cognitive bias or unconscious sexism I've been exploring. But, that lack of control doesn't run all the way down. Our bodies work in particular ways; our brains and psychologies work in particular ways. Some of those ways are natural and biological; some are socially constructed and born from the cultural norms within which we were raised, educated, and habituated. Those features of our identities might all be a given (in this time and place), but that givenness is not the end of the story; instead, it is just the beginning. We are not simply cogs in a machine; we are agents who contribute to or work to thwart the machine's functioning. One way we can strive to disrupt the machine's functioning is by working to change how we perceive our own actions and the effects that they have on others, in general, and to be better able to recognize when we cause or contribute to testimonial injustice, in particular. Empathizing with others is vital to our perceiving clearly and accurately. Doing so is part of what it means to pursue a life of moral endeavor.

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