

# TESTIMONIAL INJUSTICE AND THE IDEOLOGY WHICH PRODUCES IT

## The Case for a New Approach to Testimonial Justice

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**ABSTRACT** Recently, some scholars have argued that testimonial injustice may not only be due to prejudice toward the speaker, but also prejudice toward the content of what the speaker says. I argue that such accounts do not merely expand our picture of epistemic injustice, but give us reason to radically revise our approach to reducing testimonial injustice. The dominant conception of this project focuses on reducing speaker prejudice. But even if one were to successfully do so, the frequency of content prejudice means that one would still commit testimonial injustice in many of the same circumstances. I argue that we must reorient the project of reducing testimonial injustice toward critiquing the ideologies that produce it. I conclude with a sketch of what such a research program might look like.

**KEYWORDS** epistemic injustice, testimonial injustice, social epistemology, ideology, prejudice

Among the most significant developments in the epistemic injustice literature is the recent work of Emmalon Davis, Robin Dembroff, and Dennis Whitcomb in articulating the concept of content-based injustice: prejudice not toward who the speaker is, but toward what the speaker says.<sup>1</sup> Dembroff and Whitcomb illustrate the phenomenon with a passage from *The Picture of Dorian Gray*:

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

“Her name is Sibyl Vane.”

“Never heard of her.”

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

“My dear boy, no woman is a genius. Women are a decorative sex. They never have anything to say, but they say it charmingly. Women represent the triumph of matter over mind.”<sup>2</sup>

Lord Henry disbelieves Dorian’s claim due to sexist prejudice, yet it is not prejudice against the speaker—a man—but rather against the content of what he says. Dorian’s claim that he knows a genius who is a woman is rejected as not just mistaken, but absurd, at odds with the way the world works. Davis, Dembroff, and Whitcomb go on to argue that because this judgment is based in prejudice, it constitutes a form of epistemic injustice.<sup>3</sup>

In this paper, I argue that the concept of content-based injustice does not merely add to our understanding of epistemic injustice, but has radical implications for the project of reducing testimonial injustice.<sup>4</sup> The dominant understanding of this project, originating in Miranda Fricker's highly influential work, is that reducing testimonial injustice consists in neutralizing the prejudices the hearer has toward the speaker.<sup>5</sup> I argue that the existence of content-based injustice shows that this approach is seriously inadequate. Specifically, the proximate cause of content-based injustice—what I will call *content prejudice*—will frequently be present in the same cases as speaker prejudice, and it will frequently cut in the same direction. As a result, even if one were to completely and heroically neutralize one's own speaker prejudice, one would still frequently commit testimonial injustice in the very same circumstances, anyway. Speaker prejudice and content prejudice are like an invasive weed which springs from the ground in two different forms; trying to exterminate one but not the other allows the infestation to continue.

The plant analogy suggests the existence of a common root system below the surface of the earth. I argue that this is apt, and that speaker prejudice and content prejudice typically have a shared but hidden source: ideology. Some scholars have recently called for greater philosophical attention toward ideology, and the argument here adds more to the case.<sup>6</sup> But we should not focus on ideology simply because it is typically the cause of testimonial injustice. Addressing the root cause of a problem is (contrary to conventional wisdom) not always best, since doing so may be unnecessary or infeasible; there is nothing wrong with wearing sunscreen instead of extinguishing the sun. Rather, we should focus on ideology because if we try to eliminate only speaker prejudice, this will frequently allow content prejudice to persist, resulting in testimonial injustice. As a result,

combating testimonial injustice turns out not just to be complemented by, but positively require, ideology critique.

Fricker's model of testimonial injustice set an agenda which encourages us to examine our own prejudices by turning inwards. Self-scrutiny is no doubt an essential part of being a responsible agent. But even though our prejudices are located in ourselves, they are typically absorbed from the society that surrounds us. We must turn not just inwards, but outwards, towards the wide ideological world. The whole project of reducing testimonial injustice needs to be reoriented toward understanding and critiquing the ideologies that so often produce that injustice.<sup>7</sup>

### I. SPEAKER-BASED AND CONTENT-BASED FORMS OF TESTIMONIAL INJUSTICE

At least as far back as Hume, philosophers have distinguished between two factors which determine our credence in an instance of testimony: our estimation of the reliability of the speaker, and our estimation of the independent plausibility of what is spoken.<sup>8</sup> The second factor is not our all-things-considered judgment of the testimony, since that is influenced by the first factor; rather, it is the plausibility of the statement by itself, independent in the sense of not being the result of any judgment about speaker reliability. Weighing the two factors together creates our overall judgment of the testimony. A claim which is ordinarily hard to swallow might be accepted if given by an extraordinarily reliable source; conversely, a banal and innocuous statement might be rejected if spoken by a known compulsive liar. Nevertheless, there are limits to how much one factor can offset the other. Some statements are so obviously true that they'd be believed even if spoken by an inveterate liar; other statements are so implausible that they'd be rejected even when spoken by a very trusted source.<sup>9</sup> Of course, the vast majority of testimony takes

place between these extremes. And although the two bases of evaluation are conceptually independent, they are practically entangled. A person who constantly says implausible things will have their reliability downgraded; a person with a reputation for dishonesty who then proves themselves to speak only the truth will become regarded as more trustworthy.

On this picture of testimonial injustice, there are two factors in the evaluation of testimony: the perception of the speaker's reliability (the focus of Fricker) and the perception of the independent plausibility of the content of what is said (the focus of Davis, Dembroff, and Whitcomb). Rejecting testimony based on the unreliability of the speaker or the implausibility of what is said is not, by itself, irrational or unjust. But when one's view of the speaker or the facts is distorted by prejudice—for instance, when Lord Henry's sexism leads him to believe that women are too emotional to think rigorously—then such a judgment becomes the basis of testimonial injustice. And so we have two main forms of testimonial injustice: speaker-based testimonial injustice and content-based testimonial injustice.<sup>10</sup> This is the basic case for regarding content-based injustice as a form of testimonial injustice. The account developed here is summarized in Table 1.

Although Davis sees things this way,<sup>11</sup> not everyone will; Dembroff and Whitcomb claim that content-based injustice is not a form of testimonial injustice, but rather is placed in the broader category of epistemic injustice.<sup>12</sup> My own view is that Davis is correct, and categorizing content-based injustice as testimonial injustice is the arrangement

of our concepts which is most helpful and elegant.<sup>13</sup> But we should not get hung up too much on labels; as long as content-based injustice is a form of epistemic injustice, its exact placement within that category does not matter for the argument of this paper.

Nevertheless, there is a more substantive worry about the usefulness of the concept of content-based injustice. One might object that there is a big difference between the two forms of prejudice: that speaker prejudice, while regrettably frequent, is not nearly so common as content prejudice, which threatens to affect virtually every judgment and belief that might be infected with cognitive bias. If this is right, aren't we all committing testimonial injustice (at least a little bit) toward one another constantly? If so, content prejudice hardly names any very significant wrong, threatening the usefulness of the concept.

Testimonial injustice on this expanded account may well be quite common, but I think this is an implication we should accept. For one, speaker prejudice is also quite pervasive; as Fricker herself points out, even a speaker's accent will exert some subconscious effect on credibility, as when (to use US-centered examples) a southern accent connotes ignorance or a British accent connotes sophistication, but also perhaps snootiness.<sup>14</sup> For another, although the objection is correct that content prejudice is pervasive, this is partly because it is so subtle; but the more subtle the bias, the less significant the wrong and the less culpable the agent. Giving someone's testimony a credence of .6 when they are owed a .65 does not wrong someone

**Table 1: Typology of testimonial injustice**

Factors Influencing Credence in Testimony	Speaker Reliability	Independent Plausibility
Distorted Form	Speaker Prejudice	Content Prejudice
Form of Testimonial Injustice	Speaker-Based Testimonial Injustice	Content-Based Testimonial Injustice
Scholars Focused On	Fricker	Davis, Dembroff & Whitcomb

in any significant way, and in any case may be undetectable even by a very virtuous agent. So, the upshot that we are all wronging each other all the time is not that radical, so long as we understand these wrongs to often not be very significant or even culpable. Indeed, this is one reason Fricker distinguishes the central case of testimonial injustice from the concept simpliciter—to distinguish between one-off and trivial credibility distortions from systematic and significant credibility distortions. Likewise, we can focus on cases of content prejudice which are systematic and significant.

That said, the objection may be on to something. Perhaps, given the widespread nature of content prejudice, it is more practical to focus on speaker prejudice. After all, isn't purging oneself of content prejudice the whole project of responsible belief, the lifelong endeavor of having a virtuous mind? By contrast, if speaker prejudice is both more limited and more significant, then it is also more tractable, and it makes sense to prioritize its elimination. However, this strategy can only succeed if speakers face just one kind of prejudice at a time; in situations where they face both, eliminating only one will not prevent testimonial injustice.

## 2. FAILURE TO ELIMINATE TESTIMONIAL INJUSTICE IN CASES OF OVERLAP

Cases where a testifier faces both speaker and content prejudice at the same time are not rare. In fact, the case with which Fricker illustrates the concept of speaker prejudice—her now-classic discussion of Harper Lee's *To Kill A Mockingbird*—turns out to be a case with content prejudice as well. The case is worth revisiting, since it shows how seriously Fricker's analysis fails to understand the workings of testimonial injustice when one neglects content prejudice.

The trial at the heart of the book involves Tom Robinson, a black man, charged with the beating and rape of Mayella Ewell, a

poor white woman. In Mayella's telling, she offered Tom Robinson a nickel to do a chore (destroying an old chifferobe), and upon entering her property, he beat and sexually assaulted her, only to run off when her father stumbled upon the attack. In Tom's telling, after the invitation it is Mayella who comes on to him, kissing him; Tom resists her, but his father sees them and Tom runs. His lawyer, Atticus Finch, argues that Mayella's injuries came from her father beating her as punishment for the incident; he establishes that whoever beat Mayella did so with his left hand—an impossibility for Tom, whose left hand is withered after a boyhood accident, but not for her father, who is left-handed. Finch closes the trial with a plea to believe Tom; the jury does not, and convicts him, in a clear case of testimonial injustice. Fricker characterizes the trial as “a zero-sum contest between the word of a black man against that of a white girl (or perhaps that of her father who has brought the case to court), and there are those on the jury for whom the idea that the black man is to be epistemically trusted and the white girl distrusted is virtually a psychological impossibility.”<sup>15</sup>

This gloss, focusing on speaker prejudice, shows the promise of Fricker's analysis, but also its limitations. Tom and Mayella must also negotiate content prejudice, since the content of their testimony is itself not some anodyne disagreement—it is very much about the racial and gender scripts of their society. In fact, it is crucial that Mayella does *not* count on her testimony being believed simply because of her identity; she deliberately crafts her testimony's content to appear more plausible to the jury. Her statements conform to the long-standing white supremacist stereotypes of the savage and libidinal black man, whose violent urges are aimed not just at women in general, but white women in particular, whose very fragility and vulnerability allegedly provoke the black man's predatory nature. Her testimony comports

with the day's conventional wisdom; since the incident happens when Tom enters Mayella's property, this affirms the view that the segregation of the time is justified. Her testimony likewise affirms the jury's beliefs that the most dangerous thing a white person (especially a white woman) can do is to trust a black person (especially a black man).

Tom's testimony conversely illustrates the danger of content prejudice. His testimony does not merely contradict the racial script; it inverts it. It is he, the black man, who is victimized by the libidinal white woman. It is she, not he, who is deceptive. And most damningly, the hierarchy of racial power is upended by Tom's testimony. Consider a seemingly irrelevant discrepancy between the testimony of Mayella and Tom: Mayella claims that she asked Tom to do a task for her in exchange for a nickel,<sup>16</sup> but Tom says that he did it for free.<sup>17</sup> Mayella's lie does not affect the guilt of Tom or her father in any direct way. But she lies because for the jury, the idea that a black man would help a white woman altruistically is too implausible to accept on its face.<sup>18</sup> We see this when Tom's reason for performing the chore without compensation is revealed:

"You did all this chopping and work from sheer goodness, boy?"

"Tried to help her, I says."

Mr. Gilmer smiled grimly at the jury. "You're a mighty good fellow, it seems—did all this for not one penny?"

"Yes, suh. I felt right sorry for her, she seemed to try more'n the rest of 'em—"

"You felt sorry for her, you felt sorry for her?" Mr. Gilmer seemed ready to rise to the ceiling.

The witness realized his mistake and shifted uncomfortably in the chair. But the damage was done. Below us, nobody liked Tom Robinson's answer. Mr. Gilmer paused a long time to let it sink in.<sup>19</sup>

Fricker describes the upshot of this passage like this: "Here the 'damage' in question is done to any epistemic trust that the white jury

has so far been human enough to feel towards the black testifier."<sup>20</sup> But this is not really right; the damaged trust is not in any direct way about Tom's *reliability as a speaker*. If his testimony causes disbelief, it is because its content is in a literal sense incredible to the white jury. It is so deeply opposed to the racial scripts which structure their understanding of the world that they cannot see it as plausible; a story like that is simply not how "those people" behave.<sup>21</sup>

The potentially disastrous effects of content prejudice are explicitly acknowledged by Finch. In his closing arguments, he notes that in order to believe Tom, the jury must abandon the racist beliefs "that all Negroes lie, that all Negroes are basically immoral beings, that all Negro men are not to be trusted around our women."<sup>22</sup> And when it comes to the first of this triad, Fricker is right to say that "the jurors go along with the automatic distrust delivered by the prejudices that structure their perception of the speaker."<sup>23</sup> But the two other beliefs in the triad are not, in the first instance, about the speaker reliability at all. That have implications for reliability, but in the first instance they are about the world and how people behave in it: examples of content prejudice.

The trial, then, must not be understood solely as a contest between the reliability of a black man against the reliability of a white woman. Such a gloss obscures important dimensions of the characters' epistemic plight. Mayella knows she cannot depend solely on her race to guarantee belief by the jury, and contrives her testimony accordingly. By contrast, Tom's dread at telling the truth springs from grasping how implausible it will seem to the jury, *on top of* the prejudice they already feel toward him. Until we understand the combination of speaker prejudice and content prejudice allied against him, we cannot see the depth of Tom's epistemic damnation.<sup>24</sup>

This case illustrates how speaker prejudice and content prejudice can overlap



extensionally, operating side by side and cutting in the same direction in the same case. I have yet to argue whether this is an idiosyncratic (and tragic) coincidence, or whether the overlap will occur frequently. But it's worth noting an important practical implication of cases where this overlap occurs. In such cases, Fricker's suggestion for ameliorating testimonial injustice—the cultivation of the virtue of testimonial justice, aimed at neutralizing speaker prejudice—will not actually prevent testimonial injustice from occurring.

Consider what it would mean to combat testimonial injustice solely by neutralizing speaker prejudice. Imagine a typical white person on Tom Robinson's jury. Given the juror's time and place, his judgments will be hideously distorted by speaker prejudice. But let us suppose, with highly unrealistic generosity, that he turns inward just as Fricker suggests, and completely inculcates the virtue of testimonial justice as Fricker conceives of it. But crucially, this is *not* because he has eliminated all traces of white supremacist ideology in his consciousness, which would undermine content prejudice as well. (If it is hard to imagine how one could possibly neutralize speaker prejudice without addressing its ideological causes, this is very much to my point. I will return to the weirdness of this example and what it reveals later.) The juror hears the testimony of a member of a group whose identity is stigmatized as carrying a stain of unreliability, and yet this has no effect on him, the virtuous hearer. Yet without inoculation against content prejudice, *what* Tom says will seem to him strange or even absurd. The idea that Tom would help Mayella out of the kindness of his heart strikes the juror as not quite right. The thought that Mayella would come on to Tom seems even more outrageous. And the claim that Tom would *resist* Mayella's advances comes to seem utterly fantastical. The juror's skepticism grows, as he thinks: this is simply not how black men behave.

Of course, the juror with the virtue of testimonial justice will view Tom's testimony as *more* plausible than if he *also* thought that all black people are inveterate liars. His virtue saves Tom from the epistemic double whammy of speaker prejudice and content prejudice. And happily, at the margins this will make the difference between belief and disbelief (or at least belief and suspension of belief). But in a case like Tom's, his story clashes too much with white supremacist beliefs for the juror to accept it. In comparing Tom's testimony with Mayella's, one seems sensible, plausible, real; the other fanciful, a stretch, absurd. Tom's story doesn't pass the "smell test," and he rejects it, committing testimonial injustice—despite his virtue.

In short, in cases where speaker prejudice and content prejudice cut in the same direction, the virtue of testimonial justice will only eliminate speaker prejudice. And since content prejudice constitutes a form of testimonial justice, it follows that in such cases, although the degree of injustice will be lessened, the virtue of testimonial justice will not eliminate testimonial injustice after all.

The obvious solution here is simply to expand Fricker's conception of the virtue of testimonial justice to include correcting for content prejudice as well as speaker prejudice. And in terms of getting our theory in order, this may well be the right move.<sup>25</sup> But practically, this is really just naming the problem. For once we have expanded this virtue so significantly, how are we now supposed to acquire it? Fricker's extant suggestions focus on turning inwards and looking for discrepancies between one's conscious beliefs, one's credences, and one's behavior. But this advice is keyed to the more restricted conception of the virtue, focused on rooting out identity prejudice, and I suggest that the advice does not hold up well when one is looking to eliminate content prejudice.<sup>26</sup> To see why, we need a deeper understanding

of content prejudice—how it functions and where it comes from. Such an account will also help us understand how common it is for content prejudice to overlap with speaker prejudice. The core of such an account is an understanding of ideology.

### 3. IDEOLOGY AS A CAUSE OF TESTIMONIAL INJUSTICE

#### 3.1 *An Account of Ideology*

I have yet to elaborate on the obvious cause of the content prejudice and speaker prejudice that Tom Robinson faces: white supremacist ideology. I define *ideology* as a system of ideas and attitudes which convey, either directly or by implication, how society should be structured.<sup>27</sup> This definition is neutral, in contrast to the pejorative sense of “ideology” which takes ideology to be a necessarily mistaken or distorted system of ideas—like the Marxist sense of the term, referring to claims which pretend to objectivity but actually reflect the interests of the ruling class.<sup>28</sup> Ideologies may often justify the status quo, but on this account need not do so. Rather, ideologies can be true or false (or somewhere in between), adequate or inadequate (or somewhere in between). Ideologies which contain significant falsehood or are in some substantial way inadequate I will call, following Jason Stanley, *flawed ideologies*.<sup>29</sup> Those are the cases that will be of most interest to us, since they generate prejudice of one kind or another, or both.<sup>30</sup>

On such a definition, an ideology must be a system of ideas. This does not imply that such ideas must be held fully consciously, with their exact content and influence on the person’s worldview wholly transparent to the believer. Nor does it imply that such a system must be perfectly consistent, without tensions or even contradictions. And finally, ideology need not be completely comprehensive, influencing every belief and attitude. But it does imply that an ideology must be more than a single node in the web of belief. Of course,

one node or the other may be the kernel of the ideology: for white supremacist ideology, this would presumably be belief that nonwhites are morally and intellectually inferior. But that node requires connections to others in order to count as an ideology.

According to this account, then, there are only two conceptual constraints on ideology: one on its shape (that it be systematic) and one on its content (that it be about how society should be organized). But there is also a third, practical constraint on what ideologies can actually exist and be widely held. An ideology which claimed as its core node that I will accurately predict the results of every Philadelphia 76ers game is only conceptually possible, and will not last long in the real world. The problem with such an ideology is not merely that it is not empirically adequate, which is true of many flawed ideologies. The problem is that the ideology’s empirical inadequacy is completely *obvious*, with every unanticipated result a disconfirming slap in the face (especially the losses to the Celtics), so that even a very unconscientious believer will be forced to reject the ideology. Accordingly, any existing ideology which is to survive must meet not only the criteria above, but also must not involve significant and indisputable cognitive dissonance—what I call the constraint of *stability*.

#### 3.2 *Why Flawed Ideologies Create Both Speaker Prejudice and Content Prejudice*

The constraint of stability is key to understanding why so many real world examples of flawed ideologies involve both speaker prejudice and content prejudice. White supremacist ideology includes beliefs about how the world works (black people will take advantage of white women) and beliefs about speaker reliability (black people lie). Likewise, antisemitic ideology includes ideas about the world (Jewish people run all the major institutions) and reliability (Jewish

people deceptively deny this). And neoliberal ideology includes beliefs about capitalism (it is a system where everyone gets what they roughly deserve) and reliability (the poor dissatisfied with the system who make claims of injustice are really just disguising their laziness and envy).<sup>31</sup>

The claim that flawed ideologies typically generate speaker prejudice and content prejudice is, I think, pretty intuitive. But we can gain more confidence in the claim if we understand why both kinds of prejudice are required by stability. Ideology which includes speaker prejudice will typically end up with some associated content prejudice. This is true in a minimal (and not very interesting) sense because a claim of speaker prejudice may itself be the content of someone's speech: "Black people are not liars" will be subjected to content prejudice by white supremacists even when spoken by a white person like Atticus Finch. But there is a more interesting and substantial connection. As Fricker points out, speaker reliability is determined by two factors, sincerity and competence.<sup>32</sup> When it comes to sincerity, if, as white supremacist ideology has it, all black people lie, then this entails other behaviors—presumably the things they lie *about*. This is why even though I characterized Finch's discussion of that belief that all black people are basically immoral as not being about reliability in the first instance, the belief clearly has implications for reliability. And when it comes to competence, incompetence in testimony will be connected to more general cognitive incompetence, which will no doubt manifest in a wide variety of areas. In short, an ideology which impugned a group's reliability, but which made no other claims, would clash with the requirement of stability. Such a narrow ideology will either fail to survive or will be expanded to include more than just speaker prejudice.

By the same token, a flawed ideology which includes content prejudice will typically end

up with some associated speaker prejudice. If (as per white supremacist ideology) Tom Robinson is not to be trusted around white women, then he will not confess to this fact on the stand. Likewise, if (as per antisemitic ideology) Jewish people run the world to their own benefit, they will not say as much. Indeed, the whole prospect of testimony on these subjects illustrates the instability of an ideology with only content prejudice. If the group in question testifies that they do not behave as the ideology says they do, then the hearer faces two options. The first option is that the group is believed, in which case the content prejudice is rejected, and the ideology (or that part of it) goes along with it. The second option is to doubt the group in question; this is the only way the ideology can survive. And this will happen in a fairly predictable way: as noted earlier, people who constantly say implausible things eventually have their reliability as speakers downgraded. And when such trends track group membership, eventually the group is subject to a stereotype about their reliability. In that case the ideology will have generated speaker prejudice. So, either way, an ideology involving content prejudice alone is unstable.

This is most obvious in the cases of flawed ideologies we've been discussing, like white supremacist ideology and antisemitic ideology, since these are *about* groups. But the lesson holds with ideologies that are not (in the first instance) about groups. Neoliberal ideology claims that in capitalism everyone gets roughly what they deserve—a claim about an economic system rather than any specific group within it. But there will no doubt be dissenters to this doctrine—say, the dissatisfied poor. And given neoliberal ideology, they will face significant content prejudice; their testimony that their wages ought to be higher than an unregulated market will bear will be regarded as highly implausible. And then the very same mechanisms of stereotyping will arise, where the defiant poor are generally



seen as at best economically illiterate, and at worst envious, lazy, and ungrateful. In short, although there is no substantive, necessary conceptual connection between content prejudice and speaker prejudice, any stable ideology with one will have the other.

### 3.3 *Why Content Prejudice and Speaker Prejudice Overlap in So Many of the Same Cases*

But the argument is not yet complete. Even if an ideology typically involves content prejudice and speaker prejudice, that does say how commonly these co-occur in the same *cases*. Indeed, there is certainly an extensional divergence between speaker prejudice and content prejudice, since content prejudice can apply to the testimony of anyone, not just members of a group subject to speaker prejudice. We see this when Finch's claims about black people are rejected by a prejudicial jury; he faces content prejudice but no speaker prejudice.

This reveals an important asymmetry in the extensions of the two kinds of prejudice. In cases of content prejudice there will often not be speaker prejudice. However, in cases of speaker prejudice there *will* frequently be content prejudice. How frequent is frequent? After all, this term can mean nearly constant or in a substantial minority of cases. Exactly how often content prejudice follows speaker prejudice—say, by giving a percentage—is an empirical question which cannot be answered with any precision. However, there are considerations which tell in favor of thinking that content prejudice will occur in cases of speaker prejudice with significant regularity—perhaps not enough to be the majority of cases, but certainly not rare.

The chief consideration is that in realistic cases, speaker prejudice is rarely thoroughgoing. In other words, even those groups who are stigmatized as having inferior intellect, will, or conscience, are not typically regarded as inferior with respect to all things.

White supremacist slaveowners regarded black slaves as knowledgeable about farming; antisemites think that Jewish people know how to work the financial system; rich and middle-class people think that the poor are at least good at manual labor—the jury never doubted that Tom Robinson could destroy the old chifforobe Mayella asked him to. Indeed, the selectivity of speaker prejudice is implied by Kristie Dotson's concept of testimonial smothering, where one testifies selectively, omitting content for which the audience would not provide proper uptake.<sup>33</sup>

Speaker prejudice, then, is generally not thoroughgoing, but rather *activated by specific topics*. We see this with Tom Robinson, where speaker prejudice against him is activated when he speaks on specific topics like the behavior of a black man towards a white woman. Likewise, a Jewish person will face no speaker prejudice when talking about their gardening, but may when discussing Israel. And a poor person will face no speaker prejudice when discussing their religious beliefs, but may when they talk about the economy. In general, we can imagine a range of testimonial content from the point of view of the prejudice: that which is neutral, that which is dubious, and even that which is credibility enhancing<sup>34</sup>, as when prejudice inclines one to take extra seriously a black person's report of who won last night's basketball game, or an Asian person's testimony about how to solve a math problem.<sup>35</sup>

The selectivity of prejudice is not merely a coincidence, but derives from some of the central aspects of ideology. First, ideology often (though not necessarily) serves a justificatory function, typically regarding already existing inequalities.<sup>36</sup> These inequalities have specific contours—black people typically do these jobs, but not those; women are able to vote for politicians, but will not typically be politicians; and so on. In order for an ideology to serve this justificatory function, it must have a specific content that

is tailored to those specific arrangements. Second, an ideology which held a completely comprehensive prejudice against a group would be unstable. If a group is viewed as so thoroughly incompetent or insincere that they could not be believed about anything—even in how they reported to their masters—this would be inconsistent with any productive interaction between such group, and even subordination requires interaction.

In short, speaker prejudice and content prejudice overlap in multiple senses. First, ideology tends to produce both. And second, speaker prejudice is typically concerned with and therefore activated by specific things—namely, the subject matter of content prejudice. As a result, where speaker prejudice occurs, content prejudice will also frequently occur.

#### 4. THE ARGUMENT SO FAR

Let's take stock. Since Fricker, the dominant understanding of how to achieve testimonial justice is to correct for one's prejudice towards speakers. I've been arguing that content-based injustice shows that Fricker's solution is untenable. We can summarize what I will call *the overlap problem* for Frickerian approaches to testimonial justice as an argument:

P1. Testimonial injustice can be the result of speaker prejudice or content prejudice (§ 1).

P2. In cases with multiple sources of testimonial injustice, eliminating one and not the other will fail to eliminate testimonial injustice (§ 2).

P3. Cases with speaker prejudice will frequently have content prejudice as well (§ 3).

C. Therefore, eliminating speaker prejudice without eliminating content prejudice will frequently fail to eliminate testimonial injustice.

This is no trivial failure. The conclusion here is not the platitude that eliminating one form of epistemic injustice does not eliminate all *other* forms of epistemic injustice. Rather, it

is that the dominant understanding of how to eliminate testimonial injustice will in many cases not even succeed in eliminating *that type* of epistemic injustice.

It might be suggested that each form of testimonial injustice simply requires its own remedy, with the virtue of testimonial justice as the right response to speaker prejudice, and ideology critique as the right response to content prejudice. But recall the earlier thought experiment of the white juror who has eliminated speaker prejudice but not through ideology critique. This is conceptually possible, but as I noted earlier, it is very difficult to imagine how this could occur realistically. Although speaker prejudice and content prejudice are conceptually separable, if they both have an ideological provenance, they will typically be a package deal. Tom Robinson faces testimonial injustice not because the white people on the jury all happen to harbor the same individual prejudices, but because they accept (though presumably to varying degrees of self-consciousness) white supremacist ideology. Even if all one wanted was to resist speaker prejudice, it is hard to imagine how one would do this without engaging in ideology critique.

We need a new strategy, then. To return to the plant analogy from the introduction, if content prejudice and speaker prejudice are like two different forms of the same invasive weed, the obvious solution is to rip the weeds out by their roots. In other words, we need an agenda of ideology critique.

#### 5. THE IDEOLOGY-CENTERED APPROACH TO TESTIMONIAL JUSTICE

The *ideology-centered approach to testimonial justice* proposes to identify the flawed ideologies which create speaker and content prejudice and overturn them. This project can be pursued at local level, where investigates individual ideologies, perhaps as tracked in one's own responses to testimony,

and change one's beliefs accordingly. Or the project can be pursued at the more general level, where we develop a broader theory of ideology critique, describing how to successfully identify and criticize flawed ideologies in general. Here I do not develop a theory of ideology critique. (I expect that the reader, about twenty pages in, is grateful to hear this.) Rather, I offer a sketch of what a research program devoted to developing such a theory would look like.

Let us first distinguish this program from the more general program of avoiding false or pernicious beliefs. All philosophical reflection, in one way or another, is about that. But ideology critique is not merely a localized version of this project. First, flawed ideologies are not just any subset of mistaken beliefs; they are systematic and influential, and thus an especially significant and widespread cause of testimonial injustice (among other injustices). Second, the definition of ideology given above includes not just beliefs, but attitudes, illustrating that ideology has a uniquely motivating influence on our behavior. And third, even if we focus entirely on its doxastic component, ideologies have distinctive and philosophically interesting characteristics. Most notably, a hallmark of ideology is its resistance to counterevidence. In fact, Stanley argues that this is *the* philosophical puzzle posed by ideology.<sup>37</sup> We see this in the response to Tom Robinson, who is a living, breathing counterexample to white supremacist ideology—a black man who is truthful and kind, even in an environment which would understandably lead to resentment and anger toward white people like Mayella. And yet, so far as we see, Tom's virtue causes no doubt or hesitation among the racists on the jury. Fricker inadvertently alludes to the resilience of ideology in her definition of prejudice as judgments which display "resistance to counter-evidence."<sup>38</sup> On my account, such resistance is a predictable

result of the ideological source of such prejudices. Ideology critique, then, is not just a matter of amassing evidence so as to root out inadequate beliefs; it also involves addressing the tendency of these beliefs to resist that counterevidence.

In fact, the extensional overlap of content and speaker prejudice that I have been at pains to show is essential to understanding the stubborn resilience of ideology (though it is surely not the only source of such resilience). We have already seen how flawed ideologies impart content prejudice about how certain groups behave. The best source of evidence against these false beliefs would be the experiences and testimony of the members of those very groups. Yet because content prejudice overlaps with speaker prejudice, the latter provides the grounds for dismissing that testimony. Tom's virtue does not shake the jury's white supremacist ideology partly because that very ideology tells them that they can dismiss the testimony that is evidence of that virtue. Ideology provides us not only with a view of the world, but with reasons for dismissing the evidence that contradicts that view. Ideology is self-insulating.

This might lead us to wonder whether ideology critique is even possible at all. But happily, there are cases of successful ideology critique. Consider, for instance, the debates over slavery in the antebellum United States. White supremacist ideology predictably resulted in the rejection of the testimony of slave narratives. This involved speaker prejudice: white audiences rejected the reliability of black authors on racist grounds; Frederick Douglass was famously doubted by some audiences to have ever been a slave.<sup>39</sup> The reception of slave narratives also involved content prejudice: white audiences doubted that the portrayed cruelty of slaveowners was representative or even possible among their fellow Americans and fellow Christians.<sup>40</sup> The pattern of self-insulating

ideology appears here, too: slave narratives are excellent testimonial evidence of the equal humanity of black people, and yet white supremacist ideology also provided reasons for rejecting that evidence. But even if ideology is self-insulating, it is not impenetrable; antislavery sentiment grew, and abolitionists were able to secure greater receptivity to slave narratives, to the point where in the 1850s the most famous account of slavery—*Uncle Tom's Cabin*—was literally *fictional*, and yet was taken seriously as an indictment of slavery. We can use historical movements like abolitionism as models for understanding what it takes to reduce testimonial injustice and what successful ideology critique looks like. This will also inform epistemologies of ignorance, illuminating exactly how testimonial injustice creates and maintains systemic ignorance.<sup>41</sup> The best accounts of the epistemology of ignorance and ideology critique will be naturalistic in this way, built out of empirically-informed case studies of how ignorance is maintained or successfully undermined.<sup>42</sup>

We should not overstate what success means here. There is no form of critique which all by itself will guarantee testimonial justice; there is no such silver bullet. For one, not all testimonial injustice comes from ideology. Prejudices toward content or speakers can be highly local, disconnected from any larger ideology; for instance, someone may have speaker prejudice toward people named Connor if they have idiosyncratically had bad experiences with Connors in the past.<sup>43</sup> For another, even when one's prejudices are the result of ideology, rejecting the ideology does not fully and immediately rid oneself of its influence. Fricker notes this in her discussion of the example of a "card-carrying feminist" who nevertheless has "residual internalization" of patriarchal ideology which lives a

"half-life" in the woman who has rejected it.<sup>44</sup> Ideology may exert a strong pull on one's cognition even once it is consciously and unreservedly rejected. But of course, living with this discouraging possibility is still better than living with consciousness that is uncritically infused with a flawed ideology. Ideology critique is not sufficient for testimonial justice, but it is necessary.

### CONCLUSION

In her discussion of the virtue of testimonial justice, Fricker focuses on cases where a flawed ideology is explicitly rejected but nevertheless subtly influences the agent. This is a real phenomenon that is philosophically interesting and politically important. But a side effect of this emphasis is that, since Fricker, the dominant approach to theorizing about testimonial injustice is to focus on agents who have *already* gone through the process of ideology critique. For agents like this, ameliorating testimonial injustice does involve turning inward to look for a mismatch between one's ideals and one's behavior. But surely the greater danger is when those flawed ideologies go unchallenged or even unidentified. Tom Robinson was not convicted by liberals who failed to pay enough attention to their implicit biases, but by those fully in the grips of white supremacist ideology. The persistence of oppression depends upon silencing or discounting the voices of the oppressed. If we are to truly listen to the voices of others, we need to turn outwards to face the ideologies that prevent us from doing so in the first place.

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## NOTES

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1. Davis (2021) and Dembroff and Whitcomb (2022). The term “content-based injustice” is from Davis; Dembroff and Whitcomb call the phenomenon “content-focused injustice.”
2. Dembroff and Whitcomb (2022, p. 50).
3. Dembroff and Whitcomb, p. 55; Davis (2021, pp. 217–219).
4. These implications are not developed by the authors who have articulated the concept of content-based injustice; readers should not assume that they would endorse the argument here.
5. Fricker (2007).
6. Mills (2005), Haslanger (2012, esp. Chs. 15 and 17), Stanley (2015, esp. Chs. 5–6), and Srinivasan (2016). See also some recent work in economics like Piketty (2020).
7. My critique is an instance of a larger and common criticism of Fricker's work, that it is insufficiently attentive to structural issues. See, for instance, Anderson (2012) and Doan (2018). In later work, Fricker herself acknowledges that we should not think of “reflective self-regulation as our only hope” (2010, p. 165). However, as an alternative she mentions structural mechanisms like anonymization and double-blind refereeing, which still puts the focus on blocking speaker prejudice. And although I have some sympathy for the structure-based critiques of Fricker, none of them identify what I take to be the central structural issue: the influence of ideology.
8. Hume distinguishes the skepticism that may arise toward a piece of testimony when the witness is “of a doubtful character” from the skepticism due to “the incredibility of a fact” (2007, chapter X). The distinction is possibly older. Hobbes says:
 

When a man's discourse . . . beginneth at some saying of another, of whose ability to know the truth, and of whose honesty in not deceiving, he doubteth not; and then the discourse is not so much concerning the thing, as the person; and the resolution is called BELIEF, and FAITH: *faith*, in the man; *belief*, both of the man, and of the truth of what he says. So that in belief are two opinions; one of the saying of the man; the other of his virtue. To *have faith in*, or *trust to*, or *believe a man*, signify the same thing; namely, an opinion of the veracity of the man: but to *believe what it is said*, signifieth only an opinion of the truth of the saying. (1996, chapter 7, emphasis in original)
9. This point was the basis for Hume's famous argument about miracles:
 

*I should not believe such a story were it told me by Cato*; was a proverbial saying in Rome, even during the lifetime of that philosophical patriot. The incredibility of a fact, it was allowed, might invalidate so great an authority . . . When any one tells me, that he saw a dead man restored to life, I immediately consider with myself, whether it be more probable, that this person should either deceive or be deceived, or that the fact, which he relates, should really have happened. (2007, chapter X, sections 9 and 13, emphasis in original)
10. Alternatively, Davis (2021) uses the label “identity-based testimonial injustice” (218).



11. Davis.

12. Dembroff and Whitcomb (2022, p. 62).

13. Dembroff and Whitcomb's argument is that testimonial injustice is definitionally a matter of prejudice against a speaker's identity (2022, p. 62). However, this reading of Fricker is not so clear cut as it may seem. It is true that the central case of testimonial injustice is, according to Fricker, an identity-prejudicial credibility deficit (2007, p. 28). But as the label 'central case' indicates, this is a predominant and especially worrying form of testimonial injustice, but it should not be conflated with the concept of testimonial injustice simpliciter. Fricker distinguishes the central case from the general account explicitly: "We are committed to a definition of testimonial injustice as necessarily involving prejudice, with the central case involving identity prejudice" (2007, p. 41). This suggests that the definition of testimonial injustice involves prejudice, but not necessarily prejudice against a speaker's identity. The conflation of Fricker's account of testimonial injustice simpliciter with her account of the central case is understandable, since Fricker is much clearer about the latter than the former; she develops the concept of testimonial injustice gradually over the course of the book, without ever summarizing it in one place.

14. Fricker (2007, p. 17).

15. Fricker (2007, p. 25).

16. Lee (1961, chapter 18).

17. Lee, chapter 19.

18. Additionally, it might reveal her as irresponsibly naïve in such a way that she might then become complicit, in the eyes of the jury, in her own assault, based on the gender scripts of her day. Lee draws attention to these when Jem, Scout's older brother, notes that social expectations and the law require that certain conditions must be met for an accusation of rape to be believed: "It wasn't rape if she let you, but she had to be eighteen—in Alabama, that is—and Mayella was nineteen. Apparently you had to kick and holler, you had to be overpowered and stomped on, preferably knocked stone cold. If you were under eighteen, you didn't have to go through all this" (Lee, 1961, chapter 21). Mayella, knowing these expectations, crafts not just any story, but a story that will not contravene patriarchal ideas about what rape looks like.

19. Lee, chapter 19.

20. Fricker (2007, p. 24). A more cynical possibility is that the jury actually *does* believe Tom, but nevertheless regards his actions in trying to help Mayella as representing unforgiveable cheek and condescension. In that case, the conviction is punishment not for the crime of rape, but for the crime of stepping out of line. I'm not sure this interpretation can be entirely ruled out.

21. No doubt this has some effect on the jury's judgments of Tom's reliability, and so even if Fricker has speaker prejudice in mind, she is not entirely wrong. But note that any deflation of Tom's credibility here is derivative; it is the product of saying what is regarded as in itself implausible.

22. Lee (1961, chapter 20).

23. Fricker (2007, p. 25).

24. Fricker seems to be aware of something like content prejudice, but does not see how it could create testimonial injustice, and so sets it aside:

Social-imaginative ideas of 'Negro' or 'woman' distort the hearer's credibility judgment, and this operation of identity power controls who can convey knowledge to whom and, by the same token, who can gain knowledge from whom. Depending on which aspects of the scenario one wants to highlight, one will focus either on the agential identity power being actively exercised by Greenleaf over Marge, and by the jurors over Tom Robinson;

or, alternatively, one will focus on the purely structural operation of identity power that is effectively controlling Greenleaf and Marge, jurors and Tom Robinson alike. This latter, purely structural description is appropriate if one wishes to highlight the fact that all parties are to some extent under the control of a gender or racial ideology. But since my aim is to highlight the injustice that is occurring, and the sense in which the hearers are preventing the speakers from conveying knowledge, it is the agential description that is most relevant here. On either construal, the hearer is represented as failing to correct for the counter-rational operation of identity power that is distorting their judgment of credibility. (2007, 90–91).

But if hearers sometimes reject testimony on the basis of the independent plausibility of what is said, and this rejection is mediated by prejudice, then, contra Fricker, such prejudice *does* prevent the speakers from conveying knowledge, and that is an important injustice that needs to be highlighted.

25. Or maybe not. In the Aristotelian tradition, the individuation of the virtues is fairly fine-grained, dealing with narrow subjects like how much money is proper to spend (the virtue of liberality) and one's sense of humor (the virtue of ready wit). A more plentiful catalogue of virtues allows more precision in identifying one's vices, and so makes the acquisition of virtue easier. So perhaps it makes sense to conceive of separate virtues for identifying and expunging speaker prejudice and content prejudice. But the ideal level of grain in one's account of the virtues, the balance between precision and unity, is not so much a matter of correctness as one of practical merit.

26. Some have doubted whether Fricker's suggestions are sufficient even for her original purposes: see Anderson (2012, pp. 167–168), Alcoff (2010), and Emerick (2016).

27. In including both cognitive and attitudinal dimensions in ideology, I follow Haslanger (2012, pp. 447–448). This definition, however, is not meant to settle any substantive disputes about how ideology works, but only to fix terms. The term 'ideology' is used in notoriously various ways; Eagleton (2007, pp. 1–2), lists no fewer than sixteen potential definitions.

28. Marx (1986, p. 302).

29. Stanley (2015, pp. 180–181).

30. However, having a truthful and adequate ideology is no guarantee against being prejudiced, which can be the result of idiosyncratic experience and temperament. Someone might have a basically accurate picture of the world, but apply it intransigently, unwilling to give alternative viewpoints a fair shake, or acknowledge exceptions to a generally truthful ideology. However, in such cases, *ex hypothesi* it is not the *ideology* which is generating the prejudice.

31. Some reject the label "neoliberal" as describing such beliefs, reserving the term for more modest (and plausible) claims about the importance of markets in a free and productive society. In any case, the reader can substitute a different label if they prefer.

32. Fricker (2007, p. 45).

33. Dotson (2011, pp. 244–251) gives a nuanced analysis of the variety of hearer reactions which may result in a speaker truncating their testimony. Disbelief is only one such reaction; one might also have their testimony misinterpreted; alternatively, one might have their testimony believed and interpreted correctly, but put to a use the speaker does not intend, as when one's testimony confirms a negative stereotype and is used to support a false conception of how widespread the phenomenon is.

34. Davis (2016).

35. Of course, if an ideology is extreme enough, almost all topics will activate content prejudice. For instance, if a white supremacist holds that people of color are incredibly deceptive or cognitively incompetent, even the most anodyne testimony—about, say, what time of day it is, or whether the forecast calls for rain—will come to be doubted. But this illustrates the general point—what topics activate content prejudice depend a great deal on the details of the prejudice itself: its shape and its extremity.

36. Piketty (2020) gives an immense survey.
37. Stanley (2015, p. 178).
38. Fricker (2007, p. 35).
39. Sinha (2016, p. 425).
40. Sinha (423). See also Lowance (2000, p. 292).
41. For contemporary examples with accounts of the specific mechanisms by which ignorance is maintained, see Bayruns Garcia (2020) and (2021).
42. For examples of the naturalistic approach to ideology critique and a defense of the method, see Anderson (2014), Appiah (2010), Baker (2019), and Lowe (2019).
43. Moreover, even when looking at broader social categories like gender and race, they seem to influence our perceptions of others even from a very young age, before any explicit ideology takes hold. See Shutts, Roben, & Spelke (2013) for empirical support. That said, it is difficult to say whether this influence is in fact pre-ideological, or if ideology is simply absorbed inchoately from a very young age. I'm grateful to an anonymous referee for pointing out this interesting study.
44. Fricker (2007, p. 37). Note that ideology on my definition can also account for some of this phenomenon, since ideology includes not only doxastic but attitudinal components.

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