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Making life more interesting: Trust, trustworthiness, and testimonial injustice

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ABSTRACT

A theme running through Katherine Hawley's recent works on trust and trustworthiness is that thinking about the relations between these and Miranda Fricker's notion of testimonial injustice offers a perspective from which we can see several limitations of Fricker's own account of testimonial injustice. This paper clarifies the aspects of Fricker's account that Hawley's criticisms target, focusing on her objections to Fricker's proposal that its primary harm involves a kind of epistemic objectification and her characterization of testimonial injustice in terms of prejudicial credibility deficits. I also offer an assessment of the potency of Hawley's objections, concluding that they do point to genuine limitations of Fricker's account, but that we can appreciate Hawley's points without adopting her trust-centric approach to testimonial injustice, or her specific commitment-based accounts of trust and trustworthiness. However, in the last section I examine the positive picture of testimonial injustice that emerges from Hawley's discussion of unequally distributed obstacles to both being trustworthy and maintaining a reputation for trustworthy testimony in her recent book *How To Be Trustworthy*, considering how this picture contrasts with Fricker's account and where it might have important affinities with other accounts in the literature.

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Introduction

Let's begin with two well-known fictional examples. In *The Talented Mr Ripley*, Marge Sherwood has well-founded (and correct) suspicions about Ripley's involvement in the disappearance of her fiancé Dickie Greenleaf. However, when she voices these suspicions to her would-be father-in-law, Herbert, he dismisses them as the mere product of "woman's intuition". In Harper Lee's *To Kill a Mockingbird*, set in the post-bellum South, a black disabled man, Tom Robinson, is on trial in Maycomb, Alabama for the rape and assault of a young white woman, Mayella Ewell. Robinson's lawyer, Atticus Finch, has demonstrated that Robinson's

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disability means he could not have done what he is accused of doing; moreover, Finch has shredded the credibility of Ewell and her father, Bob, suggesting that the evidence instead points to Bob having beaten Mayella. Despite all of this evidence, Robinson's testimony about what happened on the day in question gets little traction with the all-white jury, and he is found guilty.

Miranda Fricker takes these examples to illustrate testimonial injustice, which she defines as a prejudicial credibility deficit (Fricker, 2007, p. 17). On this interpretation, both of the examples involve a speaker offering testimony to an audience who doesn't give them as much credibility as they ought to, based on the evidence available, due to the audience's prejudices. More specifically, both exemplify what Fricker calls the "central case" of testimonial injustice, which involves *systematic identity prejudices*: prejudices which relate to the speaker's social identity and which are part of a broader pattern of pervasive discrimination, as with the sexist, racist, and ableist prejudices involved in the two examples. Fricker goes on to develop an influential theory of testimonial injustice, defending a number of distinctive claims about its nature, scope, origins, and harms (see McGlynn, in press).

Although credibility is the primary theoretical notion in Fricker's treatment of testimonial injustice, she frequently writes in ways that suggest that testimonial injustice involves failing to *trust* a speaker as much as one ought to. For example, in her discussion of Tom Robinson, she makes frequent remarks about the way that his identity as a black man impacts negatively on the degree of "epistemic trust" he is permitted or on judgments about his "epistemic trustworthiness" (Fricker, 2007, pp. 24–26). Presumably, Fricker takes this to be a purely cosmetic change – a stylistic variation rather than one she takes to open up further philosophical questions. And this seems reasonable; we do often talk of trusting someone's testimony when all we mean is that we accept what they have to say, so in this sense prejudicially rejecting someone's testimony involves failing to trust them. However, philosophers working on trust, and on its importance for the epistemology of testimony, have often noted that there are richer notions of trust we can and should consider, though they disagree about how this thicker relation of trust is best understood.

This makes room for a question. If we understand testimonial injustice as a prejudicial failure to trust a speaker, but we take the relevant notion of trust to be a thicker, richer one that isn't just equivalent to (in Fricker's terminology) giving someone the credibility they deserve, would this alter how we think about testimonial injustice, and if so how? Would this yield a perspective from which we might rethink elements of Fricker's account of

testimonial injustice and its harms? This is precisely the question taken up in recent work by Katherine Hawley:

What difference does it make if we think of [testimonial injustice] in terms of trust and distrust, rather than simply in terms of giving and withholding credibility? We could use “trust” and “distrust” as mere synonyms for giving and withholding credibility, in which case it would make no difference at all. But to make life more interesting, let’s use those terms in a way that respects the distinction between rich, normatively-laden trust and distrust on the one hand, and mere reliance or low expectations on the other hand. *(2017, p. 72)*

Hawley’s view is that this reconceptualization of testimonial injustice in terms of trust really *does* make a difference, forcing us to reconsider several of Fricker’s core claims. This is an explicit theme in several of her papers (Hawley, 2014, 2017), but it’s plausibly also an implicit theme in her recent book *How to Be Trustworthy* (Hawley, 2019). My goal in this paper is to explore this thread in Hawley’s work on trust and trustworthiness, clarifying how her points engage with claims made by Fricker, and assessing both whether Hawley’s objections are successful and to what extent they depend on or motivate reconceiving testimonial injustice in terms of a thicker notion of trust. I’ll begin by laying out the relevant features of Fricker’s account of testimonial injustice in [section 1](#). [Section 2](#) will turn to trust and trustworthiness, and in particular Hawley’s commitment-based account of these notions. The rest of the paper examines her engagements with Fricker’s account of testimonial injustice. [Section 3](#) focuses on her objection to Fricker’s account of the intrinsic harm of testimonial injustice, and [section 4](#) on her concerns with Fricker’s characterization of testimonial injustice itself. The verdict I reach is that Hawley does formulate telling objections to aspects of Fricker’s account, but these are objections we can appreciate without adopting a conception of testimonial injustice in terms of thick notions of trust and trustworthiness. Finally, [section 5](#) examines the parallels Hawley draws in *How to Be Trustworthy* between testimonial injustice and the obstacles members of disadvantaged groups can face to being (and, crucially, being regarded as) trustworthy, and what these parallels might teach us about the kind of alternative picture of testimonial injustice that Hawley is gesturing toward and how it differs from Fricker’s.¹

Fricker on testimonial injustice

Recall Fricker’s two examples meant to illustrate the central case of testimonial injustice; we have Herbert Greenleaf’s dismissal of Marge Sherwood’s testimony about Tom Ripley’s involvement in her fiancé’s disappearance, and the jury’s rejection of Tom Robinson’s testimony

establishing his innocence, and offering an alternative, truthful account of his relationship with Mayella Ewell and what happened on the day in question.

There are four aspects of Fricker's treatment of such examples that will be of particular relevance for the discussion to follow. First, testimonial injustice is defined in terms of the notion of a credibility deficit, and Fricker suggests a particular conception of such deficits; a credibility deficit is a deficit relative to the *evidence* about the speaker's credibility available to their audience:

Epistemological nuance aside, the hearer's obligation is obvious: she must match the level of credibility she attributes to her interlocutor to the evidence that he is offering the truth. (Fricker, 2007, p. 19)

Second, regardless of any other ways in which testimonial injustice can be harmful, Fricker takes there to be a "primary" harm: a harm that is intrinsic to or inherent in injustice of this kind, rather a contingent accompaniment. Moreover, she offers an account of this primary harm, according to which it involves *epistemically objectifying* the speaker: treating them as object-like by treating them as lacking epistemic agency. Fricker develops this idea using a distinction drawn by Edward Craig between treating someone as an informant by accepting their testimony, and treating them as a mere source of information – as a state of affairs which one can learn things from if one has the right collateral information, as when one learns the age of a tree from counting the growth rings in its stump (Fricker, 2007, pp. 132–133). There's nothing wrong with treating a person as a source of information *per se*; as Fricker notes, one does so when one infers that it is raining after observing that someone coming in from outside is soaking wet (Fricker, 2007, p. 132). But testimonial injustice, according to Fricker, involves prejudicially treating someone as a mere source of information when one ought to treat them as an informant, and thereby denies the speaker's epistemic agency in a way that is objectifying.

Third, as we've already seen, Fricker's characterization of testimonial injustice makes it true by definition that it is rooted in *prejudice*; a testimonial injustice just is a prejudicial credibility deficit (with the "central case" Fricker focuses on involving systematic identity prejudices in particular). Finally, Fricker frames testimonial injustice as one variety of what she calls epistemic injustice, where epistemic injustice involves harm done to someone distinctively in their capacity as an epistemic agent (Fricker, 2013, p. 1320, 2017, p. 53).

To see why these should be treated as distinctive features of Fricker's account of the examples, rather than as aspects of the examples which any theory should respect, it's worth spending a moment looking at an alternative. Kristie Dotson defines *testimonial quieting* as occurring when an

audience fails to recognize a speaker as a knower and respond to their testimony appropriate, due to that audience's pernicious ignorance (Dotson, 2011, pp. 242–243). Pernicious ignorance, for Dotson, is both widespread and systematic throughout some domain, and harmful.² Dotson's account of testimonial quieting differs from Fricker's account of testimonial injustice in all four of the respects just highlighted. First, rather than being characterized in terms of credibility deficits, Dotson's notion is defined in terms of a knower failing to be recognized as a knower. Second, testimonial quieting can be due to identity prejudices held by the speaker's audience (as Dotson illustrates when discussing the quieting of black women caused by the "controlling images" pervasive in society), but the account centers the more general notion of pernicious ignorance instead. Finally, while testimonial quieting must be rooted in ignorance which is harmful, the harm need not be epistemic in nature, and need not be suffered by the speaker in particular; in one of Dotson's own examples, a young child's ignorance about fire safety is harmful because it leads to her setting something on fire (Dotson, 2011, p. 240). So testimonial quieting need not involve a distinctive epistemic harm done to the speaker, nor is there any suggestion that there's an objectification of the speaker intrinsic to testimonial quieting. There might be reason to prefer Fricker's theoretical framework over Dotson's, but we need to be clear that Fricker's framework goes beyond mere description of the examples in a number of respects, including the four we have distinguished already.³

I take Hawley to challenge or raise doubts about each of the four aspects of Fricker's account of testimonial injustice distinguished in this section: Fricker's definition in terms of credibility deficits; her proposal that its primary harm is a kind of epistemic objectification; her focus on prejudice; and her insistence that it involves a distinctively epistemic harm. As the discussion of Dotson in this section already suggests, other philosophers have also raised concerns about some of these claims, and it will be worth looking at these by way of comparison at various points. What's distinctive about Hawley's criticisms of Fricker, though, is that they are rooted in her views on trust and trustworthiness, so let's turn to those.

Hawley on trust and trustworthiness

We might talk about trusting a car to get us to where we want to go, but by this we just mean that we're willing to rely on it to get us there. We can also trust people in this sense; in Hawley's example, I trust my coworker to feed me lunch each day, in this sense, just in case I rely on him to invariably bring too much and offer me some (Hawley, 2019, pp. 3–4). What's notable about both examples is that it seems like it would be strange or inappropriate for me to feel resentful or betrayed should my "trust" turn out to be misplaced:

if my car breaks down before I reach my destination, or my coworker uncharacteristically brings a single portion of food, leaving me hungry. In the first example, there's something close to a category mistake involved – a car isn't the right kind of thing to sensibly bear resentment towards – while in the second, my coworker is the right kind of target for resentment in principle, but doesn't seem to have done anything to merit it in the example as described.

It would be different had my colleague promised to bring me lunch and then failed to without a good excuse; then I might justly and appropriately feel resentful or even a little betrayed. It's this that some philosophers take to be a sign that my trusting my coworker to bring me lunch in this variant example involves more than my merely relying on them. This is the richer kind of trust that such philosophers have been primarily interested in. However, they don't agree on what exactly distinguishes trust in this sense from mere reliance.⁴ Here I will focus on Hawley's commitment-based account. According to Hawley, what's missing in the original example in which I merely rely on my coworker to bring me lunch is that they've made no commitment to do so. That's why feeling resentful isn't appropriate if they fail to show up with enough lunch for me one day, even if I'm expecting them to and so go hungry. That's also why the variant example in which my coworker has made me a promise is so different, since they precisely have undertaken a commitment to provide me with lunch, which they've then failed to fulfil. Finally, this account explains why we can only trust people, not artifacts like cars and other objects, since only the former can take on commitments. For Hawley, trust is reliance that's based on a commitment (2019, p. 9).⁵

Hawley also thinks an advantage of this way of thinking about trust is that it fits with a plausible account of distrust. Distrust isn't merely a matter of not trusting somebody. I don't trust my colleagues to buy me champagne; but I don't distrust them on this score either (Hawley, 2019, p. 5). And if I rely on my coworker to feed me each lunchtime without trusting that he will do so, I again don't distrust him. In both of these examples, it seems pertinent that I take them to have made no commitment to supply me with what I want (champagne and lunch, respectively). Distrust, on Hawley's account, involves believing that someone has a commitment but won't live up to it.

On Hawley's account, then, both trust and distrust are to be understood in terms of the notion of commitment.⁶ One might think, then, that a matter of some urgency is to pin down this notion, but in fact Hawley is content to leave this at a relatively intuitive level. The paradigm case of taking on a commitment, for Hawley, is the making of a promise. This already contrasts with an alternative way of thinking about commitment, according

to which it involves have a settled intention to do something; in the case of an insincere promise, one has a commitment in virtue of one's promise, even though one lacks the intention to do what one has promised to do. Promise-making is a paradigmatic way to take on commitments, of the sort that interest Hawley, because it is typically a particularly overt and explicit way to undertake a commitment, but she doesn't think that all commitments are of this sort:

... I must use a very broad notion of commitment: commitments can be implicit or explicit, weighty or trivial, conferred by roles and external circumstances, default or accepted, welcome or unwelcome. In particular I will take it that mutual expectation and convention can give rise to commitment unless we take steps to disown these.

(Hawley, 2019, pp. 10–11)

So we can get a grip on the notion of commitment by thinking of it as what is explicitly undertaken by the making of a promise, but Hawley is clear that there are other, more subtle and implicit ways of taking on commitments in this sense.

Finally, Hawley also understands trustworthiness and untrustworthiness in terms of commitment. She offers what she describes as a “rather negative” picture of trustworthiness; trustworthiness is just a matter of “avoiding unfulfilled commitments” (Hawley, 2019, p. 73), and nothing more. One might have thought that a trustworthy friend, for instance, is one that can be relied on to take on certain commitments on behalf of others and then see them through. On Hawley's picture, in contrast, the trustworthy friend is one who manages the commitments they do take on while avoiding overstressing themselves by taking on tasks they aren't competent to complete, or by taking on so many tasks that they cannot complete them all even if competent to complete any one of them in more favorable circumstances – this is the sense in which her account of trustworthiness can seem “rather negative”. As Hawley notes, it can feel like something important has been left out:

This somewhat thin, quasi-contractual notion of trustworthiness can seem inadequate to the complexities of intimate relationships, where we hope for and expect much more than this sort of scrupulousness about promise-keeping and caution around commitment. (Hawley, 2019, p. 75)

Something important *has* been left out, though, and what's crucial is that Hawley hasn't overlooked the fact that friendship and other relationships, as well as other social roles and circumstances we enter into or find ourselves in, can unavoidably involve commitments. We're under constant pressure to take on new commitments, and Hawley doesn't think this is always something to be regretted or something which necessarily impedes us from living the lives we want to live: far from it (Hawley, 2019, p. 100).

So Hawley is well aware that her “thin”, “negative” notion of trustworthiness leaves out a lot; that's the point, though. She wants to examine the

tension between the value of being trustworthy, where this involves the kind of “scrupulousness” and “caution” she describes, and the fact that our social lives inevitably place us under near-constant pressure to take on new commitments, and she worries that the distinctive dynamics here will be obscured if we take this tension to arise *within* the demands of trustworthiness, rather than seeing them as arising between the demands of trustworthiness and the demands of other aspects of our social lives we find valuable (Hawley, 2019, p. 76).

So here’s Hawley’s picture, roughly stated. We go through life under pressure to take on new commitments through our relationships with others, the social roles we play, and so on. Some of these we explicitly take on – we explicitly take on commitments to do things through promise-making (and, Hawley argues in chapter 3 of her book, we take on commitments to the truth of certain propositions through making assertions) – but we also implicitly take on commitments in virtue of roles we occupy, conventions, and via the expectations of others. Trustworthiness is a matter of avoiding unkept commitments, despite all of this social pressure to take on more and more. As a result, life requires us to somehow balance trustworthiness against the goods and values associated with taking on commitments, and this involves some hard choices; sometimes one will have to choose between equally good options, or sometimes one will have to decline reasonable and valuable requests because one is already overcommitted. Sometimes the right thing to do is to avoid commitments, or sometimes it’s to acquire greater capacity or competences to enable one to fulfill or even expand one’s commitments. Hawley doesn’t try to offer any kind of neat or “mechanical” ways to make these decisions and resolve these tensions, since she thinks there aren’t any (2019, p. 90); still, being aware of these tensions and the requirements of trustworthiness can help us to be better at meeting those requirements, or at least balancing them against other pressures.

That said, an important aspect of Hawley’s account of trustworthiness, and one that will be significant for our discussion of testimonial injustice to follow, is that whether we are able to be trustworthy and able to balance the competing demands of trustworthiness and other social pressures isn’t entirely up to us (2019, p. 93). Being trustworthy requires the ability to limit the commitments one takes on (one’s “veto-power” (2019, p. 99)); to acquire new capacities to better equip oneself to meet a range of commitments; to keep track of the commitments that one has already made; to assess one’s own competence-levels to meet the commitments one already has (plus those one is considering taking on); and so on. How able one is to exercise agency over these factors depends on what Hawley calls one’s “circumstances”. Hawley deliberately characterizes this very broadly:

“Circumstances” here takes in our physical environment, including where we’re located; our social environment, including how much support we have from others, or conversely the obstacles they may place in our paths; and our material resources, including money or lack thereof. This is not intended to be an exhaustive list. Circumstances are not just things “outside” of us, but also include our mental and physical health or ill-health. Sometimes our circumstances are at least partially within our direct control, but sometimes they are not. (Hawley, 2019, p. 95)

Since people differ greatly in their circumstances, they differ in how easy it is to meet their commitments, and in how much control they have over which commitments they take on and how. In particular, Hawley is clear that one’s social position can make a big difference to how easy it is for one to be trustworthy; those who belong to social groups who tend to have fewer material resources, less support and less of a “safety-net”, to have poorer mental or physical health, and so on, will tend to have a harder time being trustworthy than those in more socially privileged positions. This is one key aspect of Hawley’s account that encourages parallels with testimonial injustice, which tends to fall most frequently and heaviest on members of disadvantaged social groups. We’ll return to this comparison below in [section 5](#); for now, let us turn to some more direct points of connection between Hawley’s discussion of trust and Fricker’s account of testimonial injustice.

Epistemic objectification and the primary harm of testimonial injustice

Hawley’s first target is Fricker’s account of the primary – inherent, intrinsic – harm of testimonial injustice. Recall from [section 1](#) that on Fricker’s account, in perpetrating a testimonial injustice on a speaker, one epistemically objectifies them by treating them as a state of information that lacks epistemic agency, rather than as an informant. Hawley’s objection comes in a single short paragraph, so I’ll quote it in full before trying to unpack it:

Following Craig (1990), Fricker distinguishes between treating someone as an informant, part of a community with common purposes, and treating that person as a mere source of information (Fricker, 2007, p. 132). She argues that systematic testimonial injustice treats a speaker as a mere source of information, and is thereby a form of objectification. I would suggest instead that objectification arises when we disrespect people by offering them either mere reliance or low expectations, where trust or distrust would be more appropriate. Sometimes we are prepared only to feel pleased or disappointed, when it would be more respectful to feel grateful, angry or betrayed. Systematic testimonial injustice – systematic unfair distrust – is wrong, but not because it treats others as mere objects. (Hawley, 2017, p. 73)

What’s Hawley’s argument in this passage?⁷ The starting point is the claim that, once we’re thinking about testimonial injustice in terms of trust and distrust rather than credibility deficits, systematic testimonial injustice

involves prejudicial *distrust*. However, distrusting someone isn't a way of treating them as a mere object. Indeed, as we saw above in [section 2](#), distrusting an object – even a sophisticated artifact like a car or a computer – seems to be something like a category mistake, when we're focused on the relevant thick notion of (dis)trust. What *would* be objectifying is treating someone like one treats a car, as only meriting mere reliance or its opposite, instead of trust/distrust, but Hawley thinks this isn't what's going on in the central case of testimonial injustice.

The key claim here is that testimonial injustice involves “unfair distrust”, rather than unfair mere reliance or low expectations. Surprisingly, Hawley doesn't say anything to defend or elaborate on this claim, and it's not clear to me why we should accept it. If we think of successful testimony as involving trust, where this involves reliance based on commitment, why can't testimonial injustice involve, e.g., unjustly taking someone to be unworthy of even mere reliance when they are offering testimony?

I'm not sure how Hawley might answer this question, but in fact it seems like she has adopted a stronger premise here than she needs to. Suppose we weaken the claim that testimonial injustice is unfair distrust to the following: testimonial injustice *sometimes* takes the form of unfair distrust. This leaves room for the possibility that Hawley fails to rule out, namely that testimonial injustice might also sometimes take the form merely relying (or even refusing to rely on) someone who they ought to trust. So the weaker premise seems more defensible, and it's just as good for the purposes of Hawley's objection to Fricker. Here's why. Remember that the primary harm of testimonial injustice is essential to it rather than contingent; if there are *any* cases of testimonial injustice in which a given harm is absent, that's enough to cast doubt on that harm's claim to be primary. Some cases of testimonial injustice involve prejudicial distrust (this is the revised premise), but distrust of the relevant sort isn't an objectifying stance to take toward a person, since it's distinctively a stance we take toward *people*. So the harm done in *these cases* of testimonial injustice isn't plausibly thought of as the kind of objectification Fricker proposes, casting doubt on Fricker's account of the primary harm. The harm she identifies as primary is, at most, a secondary harm involved in some, but not all, cases of testimonial injustice.

Reconstructed this way, this looks like a good objection to Fricker's account. It's also a familiar objection, given the contemporary literature.⁸ A number of philosophers have objected to Fricker's account of the primary harm of testimonial injustice on the grounds that there are cases of testimonial injustice that don't seem to involve the imputed lack of epistemic agency that she takes to be essential. To give some examples, Emmalou Davis (2016) discusses cases in which a person is given a credibility *excess* rather than a deficit through being treated as a spokesperson or “token”

representative of their social group, and she argues that these count as cases of testimonial injustice but don't fit Fricker's characterization of those as involving treating the speaker as epistemically inert (Davis, 2016, p. 489). Matthew Congdon (2017) and myself (McGlynn, 2020 and 2021) argue that Fricker's account looks dubious when applied to cases in which a speaker's testimony is prejudicially discounted because the audience takes them to be *insincere* rather than incompetent. In such cases, the perpetrators of the testimonial injustice think that the speaker possesses the relevant knowledge, but is intentionally misrepresenting things; it's difficult to see this as a form of treating someone as lacking epistemic agency.⁹

This observation about the recent literature suggests that Hawley's objection to Fricker doesn't turn essentially on theorizing about testimonial injustice in terms of trust. Observing that testimonial injustice can take the form of prejudicial distrust is one way, but only one way, of making the general point that, contrary to what Fricker's account of the primary harm entails, testimonial injustice sometimes involves mistreating a speaker in ways that recognize, rather than deny, their personhood.

Credibility deficits and prejudices

The second of Hawley's critical points against Fricker concerns a dynamic which becomes visible when we reconceive testimonial injustice as a form of prejudicial lack of trust, but which Hawley suggests Fricker's own characterization in terms of credibility deficits both obscures and fails to accommodate (Hawley, 2017, pp. 76–77).¹⁰ Recall that Fricker defines testimonial injustice as a kind of credibility deficit. This is already controversial, since as already noted in the previous section, some philosophers have argued that some cases of credibility excesses should also be included.¹¹ Hawley's worry is rather different, turning on the way that Fricker defines credibility deficits. We can ask: "deficit relative to what?", and Fricker's answer, as we saw in [section 2](#), is *relative to the evidence possessed by the speaker's audience*; the audience ought to "match the level of credibility she attributes to her interlocuter to the evidence that he is offering the truth" (Fricker, 2007, p. 19), and for Fricker, testimonial injustice takes place when she instead prejudicially gives the speaker less credibility than that supported by the evidence she has.¹²

Hawley asks us to focus on cases in which one lacks evidence for or against a speaker telling the truth. Fricker's account seems to suggest that what one ought to do in such a case is suspend judgment on what the speaker is saying, since giving more or less credence to what they are saying will fail to match one's evidence. But Hawley suggests that this is another place that thinking of testimonial injustice in terms of trust opens up new

perspectives, and allows us to see the possibility of cases of testimonial injustice which don't readily fit into Fricker's framework.

If we're thinking in terms of trust, what should we say about the case in which one lacks evidence about a speaker one way or the other? Here Hawley thinks we need to distinguish two questions. Should the audience believe that the speaker is trustworthy? Should she trust the speaker? The answer to the first question is surely negative; moreover, this doesn't seem to be something the audience has much say in, since we're typically supposed to lack direct voluntary control over what we believe. In contrast, Hawley takes the answer to the second question to be underdetermined, at least in some cases, and for the speaker's audience to have room to exercise some agency, with both choosing to trust the speaker and choosing not to trust the speaker being permissible options in these cases.¹³

This room for choice in who we trust in low-information contexts is what, Hawley argues, gives rise to cases of testimonial injustice overlooked by Fricker. Suppose that someone, faced with a choice to trust a speaker or not, and lacking any evidence that decides the matter for them, chooses not to trust. Suppose too that this choice is rooted in prejudice: in a general disposition not to trust members of the social group that the speaker belongs to. Hawley thinks that this counts as a testimonial injustice, one in which a systematic identity-prejudice interferes with a speaker successfully testifying to their audience. However, it's a variety of case that only comes into view when we theorize about testimonial injustice in terms of a notion of trust that's distinct from both the belief that a person is trustworthy and, relatedly, a judgment that they are credible on the topic they're speaking on. Perhaps more importantly, it's a variety that doesn't seem to fit Fricker's characterization of testimonial injustice, since on the face of it, the injustice isn't a matter of the speaker receiving a credibility deficit in Fricker's sense. We might call these *benefit of the doubt* cases, since the injustice involved seems to be that of prejudicially failing to give a person the benefit of the doubt when it is permissible for one to do so.

Now, it seems relatively plausible and clear that prejudicially failing to give someone the benefit of the doubt is a kind of injustice against them; if it forms part of a discriminatory pattern, or at least is the product of discriminatory dispositions, some kind of wrong is done to the person who is distrusted. It's also fairly plausible, I think, that the injustice done is similar enough to that in Fricker's cases of testimonial injustice that we might consider it a variant. What's less clear is whether Hawley is right to claim that Fricker's characterization of testimonial injustice needs to be modified if we're to accommodate such a variant. A closer look is required.

Let's start by scrutinizing what Fricker has in mind when she says that hearers ought to match the credibility they give to a speaker to the available evidence that they are speaking truly. Notice that Fricker doesn't mean to

restrict this evidence to information that the hearer has specifically about the speaker and their testimony. Recipients of testimony often lack much information about the speaker, and so are forced to rely on stereotypes: generalizations associating groups of people with particular traits or attributes (Fricker, 2007, p. 30). When things go well, we rely on stereotypes which are both supported by evidence and reliable; when Fricker talks about matching the credibility one gives a speaker to the available evidence, she clearly means to include these kinds of general “heuristic” considerations in addition to whatever specific information one has about the speaker in question (see e.g., Fricker, 2007, p. 32). It’s this feature of our testimonial practices – our dependence on stereotypes to fill in the ubiquitous gaps in information about particular speakers when we are making credibility judgments – that makes it the case that on Fricker’s picture “our predicament as hearers is such that we are perpetually susceptible to invoking stereotypes that are prejudiced” (2007, p. 30), thereby perpetuating testimonial injustices.

The reason I’ve dug into these details is that it’s important to have them in mind when considering what Fricker might say about Hawley’s benefit of the doubt cases. Part of Hawley’s complaint is that she takes Fricker to be committed to there being “a unique ‘right’ level of credibility in any given situation” (Hawley, 2017, p. 76), and so to be unable to make room for testimonial injustice that arises precisely due to someone prejudicially choosing between different permissible options. The claim that uniqueness really is a commitment of Fricker’s view strikes me as suspect, though, once we focus on the details of her view just sketched. Suppose I arrive in Chicago and want to know directions to the Sears Tower.¹⁴ Not knowing the local layout of the city at all, I look around for someone to ask, and fix on a person standing a few feet away from me. Here I possess virtually no personalized information about the person at all, nor do I have background knowledge to corroborate or conflict with the directions they give me. They may be giving off a confusing array of different cues, and the reliable (let’s suppose) stereotypes I can bring to bear may pull in different directions. They’re an adult, which is a good start. They answer immediately and with confidence. However, they’re dressed like a tourist out sightseeing, and they don’t talk with a Chicago accent, suggesting they’re just visiting. Real-life examples will often involve even more complexity.

I don’t see any reason to think that Fricker is committed to saying there’s a single judgment about credibility that a person should reach on the basis of all of this; it seems permissible to weigh the different factors differently (for example, taking the easy confidence of the person offering me directions to the Sears Tower to outweigh their touristy appearance, or vice versa). This doesn’t mean that anything goes, and there’s still room for someone to fail to give someone too little credibility to someone due to relying on a prejudiced

stereotype rather than a reliable one; so the possibility of testimonial injustice as Fricker understands it doesn't depend on the implausible claim that there's always a uniquely correct judgment of credibility given the evidence available to the hearer.

Does this wriggle room in Fricker's picture allow her to accommodate Hawley's cases in which a hearer prejudicially fails to give a speaker the benefit of the doubt? This is a little tricky. The wriggle room just mentioned comes from the suggestion above that there can be different reasonable ways to weigh up all the different ingredients which go into a credibility judgment. Now, reaching a credibility judgment, for Fricker, is not typically a matter of inference, nor does it take place at a conscious level; rather it's something that generally happens "in a lower-level, more automatic manner" (Fricker, 2007, p. 66). The metaphor of "weighing" different considerations, then, if we're to apply it to Fricker's view, will usually be a metaphor for a sub-personal process, operating below the level of conscious reflection. However, in cases in which there are lots of competing considerations and these prove to be relatively balanced, there may be room for conscious decision-making to take over, and for the subject to exercise some conscious agency.

Either way, there appears to be room in Fricker's picture for something like the dynamic Hawley draws attention to, since this weighing of different evidential considerations, whether done consciously or in a "more automatic manner", seems like it might well be susceptible to prejudice. Going back to the Sears Tower example, suppose that it would be permissible for me to give more weight to the fact that the person who offers directions does so smoothly and with confidence, and also permissible for me to give more weight to the fact that they appear to be a tourist, just as much a visitor to the city as myself. One might think something is amiss, though, if I'm disposed to *never* give tourists the benefit of the doubt in such cases: if I always weigh that heavily against a speaker, even though it would be permissible for me not to. This seems like a kind of identity prejudice at work; in more realistic and serious examples with the same structure, we might find that a systematic identity prejudice is at work – one against members with a particular gender, race, or class, say – just as Hawley warns.

The previous paragraphs might seem like they're making a point in favor of Fricker's view, but in fact it seems to me that much of the force of Hawley's worry with Fricker's account remains. Part of Hawley's worry was that we couldn't make any room for these kinds of benefit of the doubt cases due to Fricker's commitment to there being a single correct credibility judgment justified by the evidence in each given case, and I've hopefully managed to offer a response to this on Fricker's behalf. But in doing so, I've acknowledged at least one way in which prejudice can cause a hearer to fail to accept someone's testimony that doesn't fit Fricker's

model; rather than involving a hearer relying on a prejudiced stereotype rather than a reliable one, which is how Fricker understands testimonial injustice, we instead have someone whose weightings of different considerations displays bias even though none of the individual stereotypes they are weighing is prejudicial.

Hawley seems to be raising a genuine issue for Fricker's understanding of testimonial injustice, then. There seem to be varieties of testimonial injustice that don't involve the hearer relying on a prejudiced stereotype and so giving the speaker less credibility than they ought, and so which don't involve prejudicial credibility deficits as Fricker understands these. These cases of testimonial injustice don't fit Fricker's definition, suggesting we need to refine or replace that definition.

It's not at all clear, though, that this is an issue that's fundamentally about the relationship between testimonial injustice and *trust*. Hawley frames things this way in her 2017 paper, but she also offers an earlier statement of the problem that doesn't mention trust and focuses instead on the notion of "epistemic permissiveness" (Hawley, 2014, pp. 2043–2044).¹⁵ Our discussion in this section suggests that this earlier framing better gets at the essential point behind Hawley's objection. The objection can be put as a dilemma for Fricker; either Fricker implausibly holds that there's "a unique 'right' level of credibility in any given situation" (Hawley, 2017, p. 76), or she allows that the evidence in some cases leaves some leeway, in which case one will need to reach a credibility judgment on the basis of evidence which doesn't fully determine what that judgment should be, introducing room for prejudice to play a role that's different to the one built into Fricker's definition of testimonial injustice. Hawley's trust-centric approach may have enabled her to see possibilities and problems that Fricker and others couldn't, but once seen, we can make sense of these possibilities and problems without making essential reference to trust.

Obstacles to being trustworthy

Notably, the objections we've looked at so far haven't turned much on the particular details of Hawley's accounts of trust, distrust, and trustworthiness. Furthermore, in both cases I've suggested that once we get clear on how they work, the objections are plausible but don't really require thinking of testimonial injustice in terms of trust and distrust at all. In this final section, I briefly turn to Hawley's discussion of testimonial injustice in *How to Be Trustworthy*. Here the details of her views, particularly her views on trustworthiness, really do matter.¹⁶

Hawley's earlier objections start by thinking about what some of Fricker's key claims about testimonial injustice look like and commit us to when reformulated in terms of a relatively thick notion of trust. The strategy in her

book involves instead drawing parallels between testimonial injustice and the kinds of systematic and unjust obstacles members of some social groups face trying to meet the demands of trustworthiness. In a way, though, putting her strategy like this is misleading in at least two respects. Hawley's whole approach in her discussion of the challenges some people face when trying to be trustworthy is shaped by her thinking on testimonial injustice and related phenomena; so these aren't parallels which Hawley has noticed after developing her own discussion, but are rather intentionally baked in (Hawley, 2019, p. 137).

The second way in which Hawley is doing something more than drawing parallels between her own views on challenges to being trustworthy stemming from our circumstances and discussions of testimonial injustice is that she can be read as proposing to fold the latter topic into the former. There are two aspects of Hawley's views which are relevant here. The first is that ways that a person or group's circumstances can make it difficult to be trustworthy are also ways that they can make it difficult for them to gain and maintain a *reputation* for trustworthiness. Sometimes the reason it is difficult to have a reputation for trustworthiness is that it is difficult to *be* trustworthy, but these can come apart, and in particular one's circumstances can throw up obstacles to one having the reputation for trustworthiness that one deserves. Second, on Hawley's view asserting that something is the case involves a promise to speak truly, and so involves undertaking a commitment to speak truly (Hawley, 2019, p. 51).¹⁷ So an important aspect of one's reputation for trustworthiness is one's reputation for trustworthy assertion. For Hawley, this will involve a reputation for effectively managing the commitments one takes on in asserting, and this in turn is a matter of being perceived as avoiding unkept commitments; in the case of assertion, unkept commitments are just instances in which one asserted that P but got things wrong, whether intentionally or unintentionally. If one's social group is prejudicially regarded as epistemically incompetent or as insincere on certain topics, then an aspect of one's circumstances will make it hard for one to gain and maintain a reputation for trustworthiness with respect to assertion. On particular occasions when one makes assertions on the relevant topics, one will often fail to be trusted by one's audience due to these background prejudices. So we can see the kinds of examples that Fricker focuses on as a special case of the impact that the obstacles some people's circumstances create for being regarded as trustworthy and so being trusted when asserting. In fact, Hawley doesn't even think that this case is all that special:

I have mentioned a number of examples where identity prejudice and stereotyping generate obstacles to trustworthiness or, at least, obstacles to being perceived as trustworthy. But I have treated such prejudice as just one source of obstacles amongst

many, and have not focused on ethical or epistemic faults as opposed to blameless use of stereotypes. In practical terms, when attempting both to be trustworthy and to maintain a reputation for trustworthiness, we need to anticipate and accommodate such reactions from others, regardless of their normative status. (Hawley, 2019, p. 137)

This is a notable difference with Fricker's account of testimonial injustice, which *defines* the notion in terms of prejudice, and which contrasts such injustices with cases in which one, through bad epistemic luck, harmfully relies on a stereotype that is based on good evidence but unreliable, or reliable in general but misleading in the particular instance at hand.¹⁸ Hawley marks a further contrast with Fricker in not placing any great significance on whether the harms done by the injustices she discusses are distinctively *epistemic* in nature:

For Fricker, it is important that such cases can involve distinctively epistemic harm, where someone is harmed in their capacity as a knower. There is a loose sense in which I too have been concerned with epistemic harms, since I have discussed cases in which people's knowledge and competence are unfairly underestimated, and harms are associated with that. But these have not been a special focus for me, and I have also emphasized that we can easily underestimate how difficult it is for anyone to be competent enough to successfully act in a given situation. (Hawley, 2019, pp. 137–138)¹⁹

Unlike the objections discussed in [sections 3](#) and [4](#), these passages don't express direct disagreement with Fricker, being worded instead as differences of topic and focus. Still, we might read them as implicitly critical, suggesting that Hawley's project gives one a perspective from which Fricker can be seen to be placing a lot of weight on things that don't really have the special significance she affords them, and offering an alternative picture of testimonial injustice—one that fits well with the criticisms Hawley made of Fricker in the earlier papers discussed in earlier sections. On the picture sketched, Fricker's focus on prejudices and distinctively epistemic harms disappears, and what comes to the fore are the ways in which our circumstances (in the broad sense characterized above in [section 2](#)) can create unequal and unfair obstacles to certain people's testimony being successfully received, and which may be harmful to both those particular people and/or to others in their communities. This doesn't amount to an explicit account of how we might think about testimonial injustice once we relax or abandon the four aspects of Fricker's that Hawley expresses doubts about. However, [section 1](#) hinted there might be some affinity with Dotson's account of her related notion of testimonial quieting, and the discussion in this section, inconclusive as it has been, has served to reinforce that.²⁰

Concluding remarks

This paper has aimed to bring out Hawley's engagement with Fricker's account of testimonial injustice more clearly, clarifying which aspects of that account Hawley takes issue with, and offering interpretations and evaluations of her main lines of criticism against those aspects. I have also been concerned throughout to assess to what extent Hawley's suggestion that theorizing about testimonial injustice in terms of thick, normative notions of trust, distrust, and trustworthiness offers a perspective from which we can more clearly see the limitations of Fricker's account. On this point, I take the discussion to partially vindicate Hawley, but only partially. I've argued that Hawley's trust-centric approach to testimonial injustice has enabled her to spot some genuine weaknesses in Fricker's account, and so her discussion should prompt some reflection on to what extent we need to depart from Fricker's views, and what those departures should look like. However, I don't think the issues Hawley raises are distinctively ones about trust, nor does a trust-centric approach give us a uniquely good perspective for understanding those issues (as witnessed by the fact that other philosophers have sometimes raised overlapping concerns without sharing Hawley's approach). These seem to be points that we can appreciate without adopting her trust-centric approach to testimonial injustice, or her distinctive commitment-based accounts of trust and trustworthiness. That said, the final section of the paper has looked at the picture of testimonial injustice that we might adopt if we are on board with Hawley's discussion of trustworthiness, and in particular her discussion of unequally distributed obstacles to both being and maintaining a reputation for trustworthy testimony in *How to Be Trustworthy*. I've shown that this picture fits well with Hawley's earlier criticisms of Fricker discussed in [sections 3](#) and [4](#) of this paper, and that it also has affinities with Kristie Dotson's account of testimonial quieting, though exactly how much of Dotson's account Hawley would sign up to remains unclear. Above all, I hope to have shown that engaging with Hawley's discussions of trust, trustworthiness, and testimonial injustice has even more insights to yield than has been appreciated in the literature so far.

Notes

1. There are discussions of the relationship between testimonial injustice and trust in the literature already (e.g., Origg, 2012, Medina, 2020, and Carter and Meehan, [in press](#)); what the present essay distinctive adds is a focus on Hawley's contributions to these issues.
2. This overlooks some unclarity and complexities concerning what Dotson calls "reliable" ignorance' (Dotson, 2011, p. 242).
3. I draw here on McGlynn ([in press](#)), which discusses these points in much more detail.

4. See Baier (1986) and the literature spawned by it (e.g., Holton, 1994).
5. Henceforth, I'm going to reserve "trust" for the richer notion in which it involves more than mere reliance.
6. Notice that for Hawley, trust is reliance based on commitment, whereas distrust is lack of reliance despite *believing* that the person has a commitment; so trust requires commitment, while distrust requires the perception of it.
7. In earlier work on testimonial injustice and knowledge how, Hawley seems skeptical even about Craig's distinction between informants and sources of information (2012, p. 299).
8. Though it's worth noting that the literature looked very different when Hawley's piece was published in 2017.
9. Hawley (2017, p. 72) in fact preempts some of these worries about cases involving imputing insincerity. Other philosophers who have offered related objections to Fricker include Medina (2013) and Pohlhaus (2014): I discuss these in McGlynn (2021).
10. There's a briefer statement of the objection in an earlier paper (Hawley, 2014, pp. -2043–2044). I return to this later.
11. See, for instance, Davis (2016). Medina (2013) influentially makes a related proposal: see McGlynn (in press) for discussion of the differences between Medina and Davis here.
12. Likewise, a credibility excess involves giving a speaker more credibility than matches the evidence that they are telling the truth. One might wonder whether we should count Fricker's view, so described, as a form of reductionism about testimony. I think it's better to see Fricker as offering an anti-reductionist epistemology of testimony that combines elements of what's standardly called local reductionism. Like local reductionists, Fricker holds that there's an important epistemological role for information about the sincerity and reliability of the speaker in the acquisition of testimonial knowledge. However, she rejects the idea that the role of such information is to figure in inferences from the fact that the speaker has testified that something is the case to a belief that it is the case, and so there's no attempt to reduce the epistemic force of testimony to that of inference and perception; in this key sense Fricker is an anti-reductionist. On the picture she favors the epistemology of testimony is "critical but non-inferential" (Fricker, 2007, p. 67); testimonial knowledge isn't typically inferential, but if a hearer's reception of testimony is to result in knowledge it nonetheless must be sensitive to information about the speaker's track-record as a testifier and to any cues the speaker is giving off about whether they are telling the truth on this particular occasion; much of chapter 2 of Fricker's book is concerned with spelling out the relevant non-inferential notion of sensitivity. Thanks to a referee for suggesting I clarify Fricker's stance on this debate.
13. See Holton (1994).
14. This example is taken from Lackey (2007), though she uses it for a different purpose. I ignore the fact that the building has formally changed its name since Lackey first formulated the example (as, I gather, do most Chicagoans).
15. The context in this earlier paper is a discussion of when partiality in trusting is permissible and when it is problematic. However, Hawley states this particular objection without making reference to the notion of trust; it's only in her later discussion (Hawley, 2017) that she explicitly frames the objection in these terms.
16. How would adopting a rival conception of trustworthiness change the conclusions of this section? The key point to make is that, as I stressed in [section 2](#) above, on Hawley's account the degree to which one is able to be trustworthy is constrained by one's circumstances, not just by one's choices, character, and other things attributable to one or under one's control. It's this feature of Hawley's account that makes for the parallels

with discussions of testimonial injustice explored in this section; whether one is able to share one's knowledge via testimony is contingent on one's circumstances, including whether one has an audience who are subject to prejudices. Rival accounts of trustworthiness may not share this feature of Hawley's. For example, on Simion and Kelp's recent account ([in press](#)), trustworthiness is a matter of being disposed to fulfil one's obligations. Since one can still count as having a disposition even when that disposition is masked (as when a glass is still fragile even when carefully bubble-wrapped and stored), someone who often faces unlucky or hostile circumstances might be said to be disposed to meet their obligations, but be in circumstances which mask this disposition. So they will still count as trustworthy by Simion and Kelp's lights (see in particular section 5.4 of their paper, where they contrast their account with Hawley's on just this point). This is the crucial fault-line for accounts of trustworthiness, with respect to the points to be made in this final section of the paper: whether one's circumstances, in Hawley's broad sense introduced in [section 2](#), can render one untrustworthy, rather than merely preventing one from manifesting one's trustworthiness. Thanks to an anonymous referee for suggesting I clarify why Hawley's account of trustworthiness is of particular interest when it comes to the issues discussed in this section.

17. As Hawley recognizes (Hawley, 2019, p. 52), the promise involved here is a little odd. Usually one makes a promise and then later (perhaps very soon after, perhaps a long time after) keeps or breaks it by doing or failing to do the thing one promised to do. For Hawley, asserting that P involves promising to speak truthfully about whether P and keeping or breaking that promise in the same breath, so to speak.
18. See McGlynn ([in press](#)) for further discussion of the role of bad luck in Fricker's picture of epistemic injustice.
19. Compare Hawley, 2012, p. 299.
20. Dotson, along with Fricker and Quill Kukla, is one of the philosophers Hawley mentions as having had a crucial influence on her discussion of obstacles to trustworthiness (Hawley, 2019, p. 137).

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