

**Epistemic Injustice and Performing Know-how**  
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*In this paper, I expand our framework for epistemic injustice by shifting focus from epistemic evaluations of individuals in communicative exchange to epistemic evaluations of individuals engaging their know-how in performance. I call the injustice to individuals qua knowers-how performative injustice,<sup>2</sup> and I argue that performative injustice has distinct features worth exploring apart from linguistic varieties of epistemic injustice. I develop an account of the performative authority that is unfairly evaluated in cases of performative injustice and show how, in some cases, cognitive penetration can affect observers' evaluations. Finally, I show how stereotype threat may short circuit what would otherwise be cases of performative injustice, which in turn reveals the significance of its systemic manifestations.*

Keywords: epistemic injustice, knowledge how, stereotype threat, epistemic resources

(7,131 words, excluding references)

## **I. Introduction**

The epistemic injustice literature characterizes the nuanced, under-the-radar wrongs to knowers. Its aim is to understand and begin to remedy the conditions contributing to distinctly epistemic wrongs.<sup>3</sup> Very simply, the paradigmatic case is failing to give someone credit for what they know: a speaker S tries to inform their hearer H that *p*, but because H is prejudiced against S, H does not take S's word for *p*. H clearly wrongs S, and general agreement has been that this wrong is to S in her capacity as a knower. But *information* exchange is not the only site of epistemic exchange, and so we should look to other sites of epistemic exchange if we are to further the aim of this literature. The idea is this: we do not just know and exchange propositions or information; we also *know how*

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<sup>2</sup> My use of *performative* does not relate to J. L. Austin's (1962) notion of performatives in speech-act theory.

<sup>3</sup> As Ian James Kidd, José Medina, and Gaile Pohlhaus, Jr., (2017) define it in the introduction to their anthology on the topic, '*epistemic injustice* refers to those forms of unfair treatment that relate to issues of knowledge, understanding, and participation in communicative practices' (1).

to do things, and just as we fail to give each other credit for the information we know, we fail to give each other credit for what we know how to do. This site of epistemic exchange is *performance*.

These are some cases I have in mind. In each, an observer fails to credit the performer with what they know how to do:

*Artist.* Jean-Michel Basquiat was a Black artist whose ‘exquisitely rendered canvases’ were sometimes attributed to the inexplicably talent-enhancing effects of drug use, instead of the artist’s cultivated skill.<sup>4</sup>

*Surgeon.* Women who are surgeons commonly report that their patients misidentify them as junior surgeons to their male colleagues, or assume they are not surgeons at all. In such cases, patients fail to ascribe expertise to the female surgeon and instead ascribe expertise to the male.<sup>5</sup>

*Musician.* Goldin and Rouse (2000) show that the number of women admitted to certain American orchestras rose significantly when those orchestras anonymized their auditions. Gender bias had somehow skewed judges’ relative assessments of auditioners’ skills.<sup>6</sup>

These are examples of the *non-linguistic*, performative practices, specifically, exercises of know-how, that are a necessary piece of characterizing the full range of wrongs to individuals qua knowers, and understanding these wrongs is a necessary piece of beginning to remedy them. This paper contributes to that understanding by characterizing a distinct form of epistemic injustice,

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<sup>4</sup> I borrow this example from essayist Aisha Sabatini Sloan (2017) as she describes it in *Dreaming of Ramadi in Detroit*.

<sup>5</sup> This example is from Katrina Hutchison’s (2020) qualitative study of implicit gender bias in the context of surgery. Although Hutchison calls these cases of epistemic injustice because the women’s expertise is downgraded, there has been no framework for describing these as cases of epistemic injustice. Also, I will not couch performative injustice in terms of expertise. This leaves open the possibility of more ordinary, non-expert cases.

<sup>6</sup> Katherine Hawley (2011) mentions this study in her treatment of epistemic injustice and knowledge-how. Her chapter is one of only two exceptions to the literature’s focus on linguistic practice. (The other is Alexis Shotwell’s (2017) chapter, which I draw from in section III.2.) Hawley’s contribution to this topic has been to explore the ways Fricker’s account of epistemic injustice can or cannot encompass knowledge how, and so to identify the limitations of Fricker’s account. My approach is to the epistemic injustice literature at large, and I acknowledge at the outset that it is limited because its focus has been on injustice in linguistic practices to the exclusion of performative. My contribution is to develop a positive account of epistemic injustice in know-how performances and to identify the challenges that arise in light of these cases that fall outside the scope of the heretofore too-narrow literature. This should prompt us to further research the intersection of know-how and epistemic injustice in ways Hawley’s chapter has not.

which I call performative injustice. I argue that performative injustice has distinct features worth exploring apart from linguistic varieties of epistemic injustice.

This paper is structured as follows. In section II, I argue that a sufficient condition for testimonial epistemic injustice is this: a hearer H epistemically culpably *upgrades* or *downgrades* a speaker S's sincerity or competence regarding *p*. I take performative injustice to be structurally similar: an observer O epistemically culpably *upgrades* or *downgrades* a performer P's sincerity or competence regarding  $\varphi$ . I then tease these forms of injustice apart. In section III, I develop an account of the object of unfair evaluation in performative injustice, *performative authority*, which sincerity and competence comprise. I characterize performative *sincerity* as intentionally  $\varphi$ -ing so as to accurately exercise one's underlying skill in  $\varphi$ -ing, and I characterize performative *competence*—following Alexis Shotwell's (2017) account of epistemic resources—as the epistemic resources one has and engages in performance. In section IV, I consider how the evaluations resulting in performative injustice go wrong. I show how cognitively penetrated evaluations of performance and the effects of stereotype threat each contribute here. The former points to how performative injustice also manifests systemically. Finally, in section V, I more carefully distinguish performative injustice from its testimonial counterpart by analyzing a tricky case.

## **II. Performative Injustice**

### ***II.1 Testimonial Injustice as a Model for Performative Injustice***

Epistemic injustice occurs when someone is wronged in their capacity as a knower. On Miranda Fricker's (2007) account, *testimonial* epistemic injustice occurs when 'prejudice causes a hearer

to give a deflated level of credibility to a speaker's word' (1).<sup>7</sup> When a hearer discounts a speaker's credibility in testimony, the hearer undermines the speaker in her basic epistemic capacity as *informant*, or *giver of knowledge* (132-33).

The central case of this injustice is identity-prejudicial credibility deficit, which Fricker traces in Tom Robinson's trial in Harper Lee's *To Kill a Mockingbird* (1960).<sup>8</sup> The jury has irrefutable evidence that Tom is innocent of Mayella Ewell's assault: the victim was assaulted by someone leading with their left hand, and Tom's left arm is disabled. But because Tom is a Black man in Jim Crow-era Alabama, he is especially vulnerable to certain identity-prejudicial stereotypes—that Black people are liars or idle gossips. The jury credits these stereotypes over Tom's testimony (*and* the irrefutable evidence!), undermining Tom in his capacity as informant and sentencing him to death.

Emmalon Davis (2016) argues that credibility *excesses* can also constitute testimonial injustice.<sup>9</sup> Davis invites us to imagine the only student of color in a classroom discussion about racism, where the student is singled out for her 'expertise,' to speak for people 'like her' (491). Although her peers ascribe her knowledge—and, we should hope, are ready to accept her testimony as sincere—this ascription is based only on apparent features of her identity. Similarly, Uma

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<sup>7</sup> Fricker was the first to bring epistemic injustice into the folds of analytic philosophy, and though she was not the first to notice specifically epistemic injustices, she illuminates the central case—where identity prejudices and epistemic harms converge and marginalize. But beginning with Fricker is (ironically) problematic—discussions that credit Fricker with first noticing epistemic injustice relegate those who first called attention to it to the margins. Pohlhaus (2017: 13) briefly overviews scholars of color already calling attention to their own experiences of epistemic injustice, such as Anna Julia Cooper, Sojourner Truth, and Gayatri Chakravorty Spivak.

<sup>8</sup> Medina (2011) revisits Tom's trial to illustrate how unjust excesses intertwine with these deficits (see fn. 9).

<sup>9</sup> Fricker (2007) originally acknowledged that credibility excesses may be unjust only *cumulatively* (21). For example, someone routinely ascribed excess credibility may become epistemically arrogant, and this is a harm to them *qua* knower. In response, Medina (2011) has argued that credibility excesses can amount to epistemic injustices because testimonial credibility is proportional, so ascribing an excess to the speaker amounts to ascribing a deficit to someone else, whether another participant in the same conversation or a counterfactual other. On Medina's view, excesses are not injustices to the speaker herself. Davis, however, argues such excesses can do the speaker an injustice *directly*, and her argument is neutral with respect to whether credibility ascriptions are proportional. I follow Davis's argument here.

Narayan says of her experience as an ‘Indian professor in a Western academic space’ that she is frequently consulted about topics having anything to do with India and nothing to do with her area of academic expertise (488).<sup>10</sup> Narayan’s students and colleagues ascribe her knowledge, but this ascription is based only on apparent features of her identity.

Because both the student and Narayan are *invited* to participate in information exchange, Davis argues that the primary harm of testimonial injustice is epistemic *othering*, which, as Gaile Pohlhaus, Jr., (2014) describes it, is ‘being relegated to the role of epistemic other, being treated as though the range of one’s subject capacities is merely derivative of another’s’ (107). Epistemic othering circumscribes, or truncates epistemic subjectivity, and occurs when someone is allowed to participate in information exchange *only* in the way their dominantly situated interlocutor invites, which is inextricably tied to a feature of the invitee’s apparent social identity. The student is invited to participate only when her classmates need her to serve as a token person of color. Students and colleagues invite Narayan to know and share more about India than her area of research. Each is epistemically othered. I follow Pohlhaus and Davis in understanding othering as the primary wrong of epistemic injustice.

The upshot of these accounts taken together is that epistemic injustice manifests in credibility deficit *and* excess. Fricker’s and Davis’s accounts have this in common: in cases of injustice, the hearer *epistemically culpably* evaluates the speaker. In Davis’s cases, the audience expects the speaker to have knowledge that they have no (non-prejudicial) reason to expect the speaker to have. In Fricker’s, the audience assumes the speaker lacks sincerity that they have no

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<sup>10</sup> Jennifer Lackey (2018) argues that *content-specific credibility excesses* can constitute epistemic injustice. Such excesses are unjust in virtue of ascribing stigmatized knowledge based on some feature of an individual’s identity (e.g., ascribing a Black man knowledge of guns wrongs him just as assuming he knows nothing about Shakespeare does; 152). Similarly, one might unjustly ascribe stigmatized know-how, though this does not seem possible in cases of performance. It would not be unjust, say, for O to ascribe P gun-loading know-how on the basis of observing P load a gun successfully.

(non-prejudicial) reason to assume he lacks. It is this knowledge, or *competence* with *sincerity* that comprise a speaker's credibility.

A good informant has the virtues of competence and sincerity *and* markers of each.<sup>11</sup> A hearer is epistemically culpable when they fail to properly attend to these markers. Testimonial injustice requires this culpability.<sup>12</sup> To borrow Fricker's example, a hearer does not inflict testimonial injustice on a speaker who is so shy she appears insincere—she avoids eye contact and frequently stumbles over her words (41). These typical markers of insincerity exculpate the hearer for thinking the speaker insincere. Though we might regret the difficulty her shyness causes her *qua* informant, she does not suffer testimonial injustice.

I take this to be a sufficient condition for testimonial injustice:

A hearer H epistemically culpably *upgrades* or *downgrades* a speaker S's sincerity or competence regarding *p*.

In central cases of testimonial injustice, the hearer's epistemic culpability is a consequence of their prejudice regarding a feature of the speaker's apparent social identity.<sup>13</sup>

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<sup>11</sup> Modifying Edward Craig's (1990) concept of the good informant, Fricker (2007) takes the informant to have three virtues *qua* informant: *sincerity* and *competence*, which compose their credibility, and *markers* of their sincerity and competence (130).

<sup>12</sup> On Fricker's (2007) account, a hearer is epistemically culpable if she fails to 'match the level of credibility she attributes to her interlocutor to the evidence that he is offering the truth' (19). However, Lackey (2018) argues that a hearer may meet this norm and nonetheless do the speaker an epistemic injustice (146). Epistemic culpability on Lackey's account is failing to meet what she calls the Wide Norm of Credibility:

For every speaker,  $S_i$ , and hearer, H, if H makes credibility assessments of the relevant members of a conversational context or community,  $S_1, \dots, S_n$ , then H should match them to the evidence that H not only has but should have that  $S_1, \dots, S_n$  are offering the truth, and believe, disbelieve, or withhold accordingly. (163)

This norm is relational, accounting for how one distributes credibility among relevant members of a conversational context or community, and 'temporally non-local,' accounting for the evidence one has and the evidence one *should* have (163). I prefer Lackey's view, but the core of testimonial injustice is compatible with either.

<sup>13</sup> It follows that even people in privileged positions can experience testimonial injustice. Fricker acknowledges this with her example of the philosopher of science at an international conference of research scientists (28). However, if remedy is the purpose of accounts of epistemic injustice, as it ought to be, we should attend to cases at the nexus of forms of injustice. These will be the cases that connect to features of apparent social identities subject to prejudice (e.g., race, gender, ability, sexual orientation, class).

## ***II.2 Performative Injustice***

We can begin to understand performative injustice by modeling it after this condition for testimonial injustice. I will clarify points of difference shortly, but let us say the core of performative injustice is this:

O epistemically culpably *upgrades* or *downgrades* P's sincerity or competence regarding their  $\varphi$ -ing.

This is only a sufficient condition for performative injustice as it occurs in *interpersonal* interactions. As I discuss in section IV, there is work to be done to trace the *systemic* manifestations of performative injustice, which this core is not meant to do.

The performer's sincerity and competence comprise their *performative authority*. This authority is not a power over others, but a degree of command or ability regarding some action type,  $\varphi$ . I develop this concept and its constituent parts in section III.

The upshot here is that the central case of performative injustice is upgrading or downgrading performative authority due to identity prejudice. And the corresponding primary harm is epistemic othering in Pohlhaus's (2014) sense: circumscribing a knower's epistemic subjectivity.

This is enough to capture the basic features of the cases I began with. In *artist*, viewers downgrade Basquiat's performative authority by attributing his success to external factors instead of his underlying competence. This misplaced credit is prejudicial, based on Basquiat's social identity as a Black artist. He is *othered*, or circumscribed in the sense that viewers set limits on the level of skill his work can evince, and the rest of his success is attributed to his drug use. In *surgeon*, the performative authority that should be ascribed to the woman surgeon is instead ascribed to

their junior, male colleague. This is structurally similar to *artist* insofar as credibility is misplaced, but Katrina Hutchison's (2020) study also shows general practitioners *downgrade* women surgeon's performative authority by often assuming them too weak to perform larger joint replacements—a matter of physical competence (238). And women surgeons experience prejudicial authority *excess* when patients expect their suturing to be neat and delicate (238). In *musician*, the judges take the women auditioners to be less competent than the men and so downgrade the women's competence. Gender bias somehow causes these judges to evaluate the women's auditions unfairly. I will have more to say about this and the other cases shortly.

### ***II.3 Residual Differences***

Although we can begin to understand injustice to knowers-how by modelling performative injustice after testimonial injustice, two significant differences require we develop each separately. First, a knower's virtues of sincerity and competence manifest differently in performance than in testimony. I develop an account of the knower-how's virtues in performance in section III. Second, the epistemic culpability of the hearer manifests differently than the epistemic culpability of the observer. Although prejudice contributes to each, the way it affects the observer's evaluations reveals a structural difference in how performative and testimonial injustices occur. I take this up in section IV.

### **III. Performative Authority**

Performative authority is a novel concept, so here I characterize the sincerity and competence that comprise performative authority, how these virtues manifest in performance, and how each virtue may be evaluated unfairly.



### III.1 $\varphi$ -ing Sincerely

Performative sincerity is intentionally  $\varphi$ -ing so as to accurately exercise one's underlying competence in  $\varphi$ -ing.<sup>14</sup> To see this, consider what it means to sincerely assert that  $p$ . A speaker must not intend to deceive their hearer with respect to  $p$ —the speaker must not wish to cause their hearer to believe  $p$  while the speaker herself believes not- $p$ . But lacking an intention to deceive is insufficient for sincere assertion because one can lie without this intention (as one does when telling a bald-faced lie; Sorenson 2007), and sincerely lying is just oxymoronic.<sup>15</sup> If a speaker sincerely asserts that  $p$ , then she must believe that  $p$  and intend for her hearer to believe that  $p$  based on her assertion.

By analogy, to  $\varphi$  sincerely, a performer must (at least implicitly) believe herself competent to degree  $n$  with respect to  $\varphi$  and must intend to perform in such a way that her observer thereby has reason to believe she is competent to degree  $n$  (and not  $n+1\dots m$  or  $n-1\dots m$  and so on) with respect to  $\varphi$ .<sup>16</sup>

Performative sincerity comes in to focus in contrast with performative *insincerity*: a child pretends she does not know how to tie her shoe so that an adult will do it. Or, out of stubborn

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<sup>14</sup> Note that accuracy here should be relativized to the circumstances of each performance. A performer need not engage *all* of her  $\varphi$ -ing competence any time she  $\varphi$ -s to count as sincerely  $\varphi$ -ing. She should adjust the degree of competence she engages to match the degree of difficulty or challenge circumstances impose. In short, she is not insincere for putting less effort into doing what requires less effort.

<sup>15</sup> The former is true on at least some accounts of lying. See Jennifer Saul (2012) for an overview.

<sup>16</sup> What I do not mean to suggest is that individuals perform for the sake of being evaluated. The intention has narrow scope, ranging over the performance and not also the observer's reasons. Just as injustice can occur without anyone noticing, so a performer may be unjustly evaluated without their awareness, and without their intending to be evaluated at all. The same is obviously true for testimonial injustices: an eavesdropper may hear S testify that P while unjustly assuming S is ignorant about P. The eavesdropper need not announce to S that they were listening all along and do not take S's word for P for their evaluation to constitute an injustice.

independence, a child pretends to know how to tie her shoe though the outcome fails to resemble a knot. So an observer might believe a performance insincere in one of two ways: the observer takes the performer to be either (1) intentionally performing less well than she could, or (2) inflating her performance, somehow performing *better* than her underlying competence admits.<sup>17</sup> The former results in ascribing excess underlying competence, the latter in ascribing deficient underlying competence.

For a case of the first kind, we can imagine a patient inspecting their suturing after surgery. Perhaps it is not as neat as they thought they could expect of a woman surgeon's 'delicate touch'. They might think that their surgeon just chose not to suture as neatly as she knows how to, and so her performance is insincere despite her underlying competence.

A case of the second kind is a bit more difficult to find because intentionally performing *better* than one knows how to is often impossible, and so assuming a performer to be insincerely *inflating* their performance is often just unreasonable. This is obviously true for live, technically demanding performances. A cellist cannot play better than she knows how to and thereby fool her judges, and so it seems especially unlikely, and epistemically culpable, for them to think she means to fool them by playing too well. As far as I can tell, this kind of insincerity is possible only with some planning. A student can pay someone to write their essay for them and so submit a 'performance' that reflects inflated know-how. Or an incredibly incompetent cook who wants to impress his friend might memorize, practice, and eventually master Julia Child's boeuf bourguignon, though he could not make passable toast on demand. If a performer wants their

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<sup>17</sup> Hawley (2011) considers sincerity with respect to *conveying* knowledge-how and determines that insincerity in this respect is not often feasible. I am not concerned with conveying know-how, but with *evaluating* individuals qua knowers-how, or performers, and from this perspective, unfairly evaluating sincerity is possible.

observer to ascribe them more competence than they in fact have, they must plan accordingly.<sup>18</sup> It follows that an observer who takes a performer to be  $\varphi$ -ing better than they know how to must attribute this planning-to-deceive to the performer.

### ***III.2 $\varphi$ -ing Competently***

So far, I have associated performative competence with know-how, which has some explanatory benefits. Though we have no consensus on what know-how *is*, any intuitive account of know-how must accommodate these theses:

- (i) Knowing how is not merely a kind of knowing that.
- (ii) Knowing how is practical: it bears a substantive connection to action.
- (iii) Knowing how is a cognitive achievement: its status as a piece of practical *knowledge* is not merely coincidental. (Bengson and Moffett 2011: 165)

It follows from thesis (i) that estimating a performer's competence is not merely estimating a performer's propositional knowledge, or knowledge-that. Because unfair estimations of a *performer's* competence are distinct from unfair estimations of an *informant's* competence, we have something to learn about performative injustice unavailable from a focus on testimonial. And because knowing how is a cognitive achievement, according to thesis (iii), an unfair evaluation of a performer's competence is an unfair evaluation of a cognitive achievement. On this conception of competence, performative injustice is an epistemic wrong.

Thesis (ii) reveals a distinction between two kinds of faulty evaluations of competence: an observer may take a performer to simply *lack* some degree of know-how that should underlie their performance, or an observer may remain agnostic as to whether a performer *has* the relevant know-how and judge that *if* the performer has it, it simply failed to guide her  $\varphi$ -ing as it should have.

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<sup>18</sup> The exception here is the child's shoe-tying: the child cannot reasonably expect to deceive her audience, which is why her feigning shoe-tying know-how is akin to a bald-faced lie.

This connection is an epistemic feature of know-how, so presuming it missing is another way to unfairly evaluate a performer's epistemic achievement.

However, I do not think we should characterize performative competence exclusively in terms of know-how. Alexis Shotwell (2017) argues that attending only to propositional knowledge in epistemic injustice discussions is itself an epistemic injustice to those for whom other kinds of epistemic resources are crucial for crafting just worlds. She also implies that a dichotomy between knowledge-that and -how may be just as harmfully restrictive (79). Shotwell offers an expansive, nuanced understanding of individuals qua knowers by enriching our categories of knowledge, compelling us to think of knowers as whole persons with multifaceted forms of and resources for knowing.<sup>19</sup> This 'is not only more adequate to the world we know... it also offers a richer approach to discovering and redressing epistemic injustice' (79-80). If we understand performative competence as more capacious, with attention to Shotwell's identification of these forms of knowing, we gain insight into further, nuanced features of individuals qua performers.<sup>20</sup>

Shotwell considers four epistemic resources in addition to propositional: ability, socially situated embodiment, tacit knowledge, and affective understanding. Each of these may be understood as facets of a performer's competence that might be evaluated unfairly or hampered or lost in performative injustice. The *ability* to exercise one's skill in  $\varphi$ -ing is distinct from the know-how guiding one's  $\varphi$ -ing—ability depends on conditions making one's  $\varphi$ -ing possible. For Shotwell, the ways ability might be lost differ meaningfully, whether through acquired disability (e.g., a pianist loses her arms), or through the systematic destruction of all tools for  $\varphi$ -ing (e.g., all pianos). Shotwell believes we underestimate a master pianist if we think she would not imagine a

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<sup>19</sup> See also her more detailed account in Shotwell (2011).

<sup>20</sup> With thanks to Ezgi Sertler for illustrating the relevance of Shotwell's work here and encouraging me to expand my notion of performative competence.

way to exercise her ability in the latter circumstances—by painting piano keys on her table, perhaps.

Ability contributes to the performer's '*socially situated embodiment* as someone who moves through the world as a master [*φ*-er]' (Shotwell 83). As Ezgi Sertler has put it, this 'becomes a way of understanding the world and one's everyday life in it.'<sup>21</sup> This highlights how affecting the loss of one's sense of socially situated embodiment can be. A surgeon whose hands become arthritic, for example, loses her ability to practice her trade, and in a significant way she loses her means of moving through the world as she has learned to.

*Tacit* knowledge is pre-propositional and takes various forms. This is the knowledge one internalizes, which one *could* articulate but that goes without saying in our everyday enactment of it. Not all tacit knowledge has observable markers, but an observer might evaluate whether an auditioner 'carries him or herself as' a professional musician, or the lead surgeon. Because a performer can have tacit knowledge without corresponding markers, it seems to me that observers should remain agnostic on this point, at least when they have no evidence that a performer *lacks* tacit knowledge. To assume tacit knowledge lacking would be unwarranted, epistemically culpable.

Finally, performers have an affective understanding, which, as Shotwell describes it, relates the performer to her work and the performer to her audience. This relation is a reason audiences enjoy live music, for example, but affective understanding is not limited to the arts. Braiding affective understanding together with other forms of the performer's implicit knowledge 'is important to the kind of epistemic story we tell about her' (83). An observer might underestimate a performer's affective understanding, finding the performer insensitive to some degree, or an

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<sup>21</sup> From Sertler's generous and insightful commentary on an earlier version of this paper.

observer might *overestimate* a performer's affective understanding. Women surgeons report that patients often expect them to do more caring than their male colleagues (Hutchison, 240). This affective understanding is vulnerable to social stigma, so ascribing affective-understanding excess can be a wrong in itself.<sup>22</sup> And a performer in any domain may sustain harm to their affective and emotional understanding of their work when evaluated unfairly.

Although Shotwell builds these forms of implicit understanding into an expansive notion of *knowledge*, I consider it an open question whether an unfair evaluation of a performer's ability, for example, does the performer an *epistemic* wrong. And this reveals something about how performative injustice relates to epistemic injustice: not all performative injustices are epistemic injustices. This will depend on the nature of the *competence* that is evaluated unfairly.<sup>23</sup> When an observer epistemically culpably evaluates a performer's *ability*, this is a performative but *not* epistemic injustice. And when an observer epistemically culpably evaluates a performer's knowledge or epistemic resources, this evaluation is a performative *and* epistemic injustice.<sup>24</sup>

*Surgeon* illustrates this nicely. General practitioners tend to refer patients in need of larger joint replacements to male surgeons because they assume women lack the requisite strength. This assumption—that these operations are too physically demanding for women surgeons—is unfair, but it does not wrong the women surgeons *qua knowers*, even if it *affects* them *qua knowers* (e.g., by making opportunities to learn techniques for these operations scarce). This is a non-epistemic performative injustice. In contrast, if we consider suturing to be a learned skill and not merely a matter of physical ability, then a patient's assumption that a woman surgeon will suture more

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<sup>22</sup> This is one way performative authority excesses may be unjust because of their *content*, as Lackey (2018) describes for testimonial credibility (see fn. 10).

<sup>23</sup> I thank Tim Williamson for raising this question at an APA Central Division symposium on an early version of this paper.

<sup>24</sup> If you believe that ability is a form of knowledge, you can ignore these points and simply take all instances of performative injustice to be epistemic injustices. I develop these points, however, because I do not expect many readers to believe ability is knowledge.

neatly than a man is an unfair evaluation of the surgeon's epistemic competence. This is an evaluation of the woman surgeon *qua* knower-how, so it is an epistemic performative injustice. Of course, what counts as epistemic in particular cases will be contentious given the range of positions on know-how, but I need not resolve this debate here. It is enough to note that some performative injustices are clearly epistemic.

The upshot of this section is that performative *sincerity* manifests in intentionally  $\varphi$ -ing so as to accurately exercise underlying skill, and performative *competence* manifests in know-how, ability, socially situated embodiment, tacit knowledge, or affective understanding. I leave the framework for performative competence open to admit cases of performative injustice I am not situated to recognize.

#### **IV. Cognitive Penetration and Stereotype Threat**

##### ***IV.1 Cognitively penetrated evaluations***

Because a hearer cannot observe the truth of a speaker's assertion that *p*, or the sincerity of their assertion, stereotypes often serve as heuristics—do people like S tend to know and be sincere about things like *p* to hearers like H? On Fricker's (2007) model, a prejudicial stereotype distorts a hearer's credibility judgment by distorting their perception of the speaker (36). However, an observer often *can* observe the quality of some performance.<sup>25</sup> In such cases, no stereotype is needed to evaluate the quality of a performance or the performer's competence. The puzzle here is how judgments of performative authority go wrong. I will appeal to Susanna Siegel's (2011) account of cognitive penetration for a solution.<sup>26</sup>

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<sup>25</sup> Cf. Hawley's (2011: 292) discussion of upstream and downstream indicators.

<sup>26</sup> I thank an anonymous referee for reminding me that Andrew Peet (2017) traces how cognitive penetration affects linguistic cases of epistemic injustice.

If a hearer or observer is honest, their evaluation is skewed not because they *believe* a stereotype, but because some stereotype operates implicitly in their evaluation.<sup>27</sup> Katherine Hawley (2011) identifies two ways prejudice might affect credibility judgments of knowledge-how, and knowledge-wh more generally (294): (1) an observer might infer from a successful performance that the performer is, to some degree and in some way, *lucky* instead of competent; or (2) the observer might fail to see the successful performance as successful—he may underestimate (or overestimate) the quality of the performance itself and so infer from the performance that the performer is less (or more) competent than the performance evinces. A false or prejudicial stereotype, then, might somehow either *divert* an observer’s inference from successful performance or *distort* the observer’s perception of the performance. The stereotype-as-heuristic puzzle appears in both possibilities.

Diversion accounts for *artist*: observers who confuse Basquiat’s drug use for the source of his skill infer from his ‘exquisitely rendered canvases’ that his skill is enhanced by his drug use, which is a way of misplacing the credibility due to Basquiat and failing to ascribe him competence. *Surgeon* is similar: the stereotype associating men with surgery shapes patients’ expectation so patients infer that the man entering the room for a consultation must be the surgeon. The observers at least initially fail to credit the woman surgeon with her expertise by ascribing it to the man instead.

It seems distortion is at work in *musician*. Siegel’s (2011) notion of cognitive penetration illustrates two ways such distortion might occur. On Siegel’s definition,

If visual experience is cognitively penetrable, then it is nomologically possible for two subjects (or one subject in different counterfactual circumstances, or at different times) to have visual experiences with different contents while seeing *and attending to* the same

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<sup>27</sup> Michael Brownstein and Jennifer Saul (2016) define implicit biases as ‘evaluations of social groups that are largely outside of conscious awareness or control’ (1); Saul (2013) defines them as ‘unconscious, automatic tendencies to associate certain traits with members of particular social groups’ (244).



distal stimuli under the same external conditions, as a result of differences in other cognitive (including affective) states. (5-6)

Such cognitive or affective states plausibly include stereotypes.<sup>28</sup> Though Siegel's subject is visual experience, her account offers two ways to think about how stereotypes interfere with aural experience in *musician*: by causing the judges to attend to more positive stimuli in the men's auditions and more negative stimuli in the women's, or by cognitively penetrating their aural experience itself. To speculate about which kind of interference occurred would be to make an empirical point, but I submit that in either case, the judges' justification in assessing the performance quality as they did is subject to a vicious feedback loop: the stereotypical image of 'professional musician' distorts their perception of the quality of musicians' auditions, and their distorted perception, in turn, reinforces the stereotypical image of professional musician. This is the kind of illicit feedback loop that Siegel argues undermines the justification that perception provides for corresponding belief. If judges' perceptions of performances are cognitively penetrated, it turns out that the corresponding stereotyping belief is unjustified, and so the judges are epistemically culpable.

The upshot here is that stereotypes may feature in performance evaluations by cognitively penetrating observers or by redirecting their attention to qualitatively different stimuli, depending on some stereotyped feature of the performer. Stereotypes do not affect only observers, however, and so this is not the only explanation for how they interfere with performance. I next consider how they affect performers themselves.

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<sup>28</sup> Stereotypes cognitively penetrate, or distort evaluations, even when disavowed; as Fricker (2007) notes, stereotypes are produced by and at work in the social imagination and 'can control our actions even despite our beliefs' (15). Stereotype cases may not be strictly analogous to Siegel's cases in this way.

## ***IV.2 Stereotype threat***

Siegel's account is not the only explanation of Goldin and Rouse's (2000) findings. It is possible that stereotype threat affected the women auditioning. Stereotype threat is 'being at risk of confirming, as self-characteristic, a negative stereotype about one's group' (Aronson and Steele 1995, 797). Those who actively (if unconsciously) try to disprove a salient stereotype tend to underperform in the task at hand, because disproving the stereotype expends cognitive capacities that non-stereotyped individuals can simply devote to the task. This means that *musician* (and *artist* and *surgeon*, for that matter) may not be cases of performative injustice as I have described it, and whether they are is an empirical point. Instead of raising alarm, this should lead us to consider how performative injustice also manifests *prior* to these interpersonal cases—how performative injustice operates systemically.

If performative injustice occurs only when O epistemically culpably *upgrades* or *downgrades* P's sincerity or competence regarding their  $\phi$ -ing, *musician* is not a case of performative injustice because the judges are not epistemically culpable. If stereotype threat was at work, the women's auditions *just were* less skillful than the men's.<sup>29</sup> This does not mean that there is no performative injustice to speak of in such cases, but that what I identified as the core of performative injustice is not a necessary condition of performative injustice, which I acknowledged at the outset.

The core of performative injustice captures the wrong to knowers-how within cases of *interpersonal* epistemic exchange, much as testimonial injustice treats cases of interpersonal exchange while not pretending to be the only form epistemic injustice can take. The stereotype

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<sup>29</sup> It is not clear that stereotype threat explains the *increase* in numbers of women admitted to professional orchestras once they anonymized auditions. This would depend on whether the anonymous format prevented relevant stereotypes from becoming salient, perhaps. Instead of worrying about empirical issues here, I grant that stereotype threat is at least sometimes the cause of what otherwise looks like unjust evaluation of performative authority.

threat phenomenon points to the need to trace performative injustice as it manifests *systemically*, antecedent to interpersonal exchanges.

Stacey Goguen (2016) points out that underperformance is not the only effect of stereotype threat and argues that each of its effects bears on epistemic injustice. This means that underperformance is not the only indication that performative injustice manifests systemically. Because ‘the mind goes into overdrive when it experiences stereotype threat,’ it can cause individuals to underperform on more difficult tasks requiring intense focus and attention but also to *overperform* on simpler tasks (219). Individuals also cope with stereotype threat by *disengagement*—‘a reduction in motivation to participate or succeed in a domain’—and *domain avoidance*—‘when individuals physically avoid or socially distance themselves from a domain’ (218).

Disengagement blocks performative sincerity. In the interest of their own self-worth, disengaged performers do not *intend* their performance to be an accurate exercise of their underlying competence. So disengaged performers are not sincere. The injustice to disengaged performers does not occur when an observer determines their performance is insincere. This injustice must instead be traced to what causes the performer to prefer insincerity over genuine engagement.

The impersonal, systemic manifestations of performative injustice—performers’ experiences of and responses to stereotypes in the social imagination—are evidence that performative practices are sites of epistemic exchange distinct from communicative practices but equally fruitful for study. Developing this fully is a task for another paper.

## V. Distinguishing Performative and Testimonial Injustices

Here I make the notion of performative injustice more precise by describing what it is *not* and how it is distinct from testimonial injustice.

Performative injustice provides perspective on unfair evaluations of performers and performances, but observers evaluate some performances along two dimensions: for *quality*—how skillfully they are rendered—and for *what they mean*—what the artist meant to convey or what the observer takes as the piece’s ‘upshot.’ Of course, both evaluation types may be relevant to a particular performance, and in practice they may be indistinguishable (e.g., is a Pollock valuable for its aesthetic qualities, or for what it means as artwork—for the actions it records?).<sup>30</sup> While mistaken evaluations of a performance’s *meaning* might be unjust, this is the subject of testimonial injustice, how a knower may be unfairly prevented from conveying meaning.<sup>31</sup> This is not a case of *performative* injustice.<sup>32</sup> Performative injustice is a distinct phenomenon insofar as (1) a performer’s *competence*, or skill is unfairly evaluated (whether upgraded or downgraded); (2) the *quality* of their performance is unfairly evaluated; or (3) even if the *performance* is properly evaluated, the observer does not allow it to properly inform their evaluation of the *performer’s skill*. In instances of performative injustice, a performance is not misunderstood in terms of its *meaning*, but in terms of its *quality* as it reflects on the performer’s competence.

Even with this distinction in hand, we do not escape this complicating case: performance of testimonial credibility. A concrete example will help. Sara McKinnon (2009) discusses this phenomenon in U.S. immigration courts: judges tend to pay more attention to asylum seekers’

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<sup>30</sup> In fact, art is often quality-evaluated for how well it conveys some meaning, so this is somewhat tricky to parse.

<sup>31</sup> Medina’s (2017) description of hermeneutical injustice is more apt than testimonial here, but the injustice fits the linguistic paradigm regardless. See fn. 34.

<sup>32</sup> With thanks to Taylor Rogers for making this quality/meaning distinction apparent. Unfair evaluations of performances’ *meanings* are observable through the lenses of hermeneutical injustice Medina (2017) describes.

credibility performances than to the content of their claims.<sup>33</sup> To be taken seriously, asylum seekers' testimonies must be adequately emotional—not stoic—though not unpalatably dramatic. It seems that testimonial credibility performances are susceptible to performative injustice, then. I submit that such performances are, however, *not* vulnerable to *performative* injustice. First, the judges do not *intentionally* evaluate asylum seekers' performances of testimonial credibility *as* performances, even though *how an individual performs their testimony* influences the judges' evaluation of the content of their testimony. Second, it turns out that one *cannot* be done a performative injustice with respect to one's performance of testimonial credibility because evaluating performances of testimonial credibility *as performances* undermines the evidence they are meant to provide of the performer's testimonial credibility. A sincere speaker need not *try* to appear sincere, so if the performer knowingly *performs* their testimonial credibility, they are in fact *less* credible. Performing testimonial credibility credibly is a skill sincere and insincere speakers alike must exhibit but *not* be credited with. Therefore, performances of testimonial credibility are not vulnerable to performative injustice.<sup>34</sup>

In the cases relevant to each kind of injustice, performers and informants have this in common: they both present themselves as knowers, and when their audiences unjustly upgrade or downgrade their credibility or authority, they are circumscribed qua knowers in a kind of epistemic exchange. For the speaker, this exchange is testimony; for the performer, this exchange is performance.<sup>35</sup>

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<sup>33</sup> I thank Ezgi Sertler for bringing this case to my attention.

<sup>34</sup> More precisely, the asylum seekers are done a *hermeneutical* epistemic injustice. As Medina (2017) might put it, asylum seekers are undermined in their meaning-sharing capacities due to their performativity.

<sup>35</sup> One might think performative injustice a misfit in the epistemic injustice literature because a harm of epistemic injustice is not being believed, and nothing corresponds to this harm in performative injustice. While not being believed is a secondary harm that might attend epistemic injustice, it is on no account a necessary feature of the injustice. A speaker may have their credibility unjustly discounted *even though* their hearer believes that *p* on the basis of their testimony that *p*.

## VI. Conclusion

Individuals exercise epistemic capacities in communication and performance, and at both sites of epistemic exchange, knowers are vulnerable to distinct forms of epistemic injustice. This paper shifts the epistemic injustice discourse to an array of performative practices, showing we must attend to these to characterize the full range of wrongs to knowers. The specifically *performative* injustice I have characterized describes the wrongs to knowers in the cases I began with, but it also makes salient a connection between stereotype threat and epistemic injustice that would otherwise remain obscure: how performative injustice may manifest systemically for performers in stereotyped social categories, prior to an observer's evaluation of a performance.

Further work should investigate the points of similarity and difference between performative and communicative injustices. We might next consider the ways performative injustice manifests structurally—how it skews the standards observers apply to performances and how performers understand themselves qua epistemic subjects. I expect such investigations will uncover nuances in the forms epistemic injustices take, which will in turn inform our thinking about the kinds of wrongs knowers encounter and approaches to remedying them.

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