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You Think You Know Someone: Trans Identities and Epistemic Injustice

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Abstract

In this paper, I identify a distinctive type of epistemic injustice which I call "identification-based injustice." In paradigm cases, a prejudiced interlocutor responds to a trans speaker's gender self-identification (e.g., "I am a woman") with disbelief or dismissal. This is an everyday form of injustice experienced by trans individuals, and frequently has severe practical consequences. It involves testimony with a particular kind of content, namely self-identification. I argue that because the relevant self-IDs express substantial self-knowledge, the injustice harms the speaker both in their capacity as a knower and in their capacity to be known, by themself and by others. This illuminates a distinctively epistemic obligation on the part of hearers to take trans speakers' self-identifications seriously.

1. Introducing Identification-Based Injustice

The subject of this paper is a distinctive type of epistemic injustice in Fricker's (2007) framework, which I call *identification-based injustice* (henceforth "ID-based injustice"). Consider the following case: Viola is an American trans woman who is beginning her transition in her thirties. She and her twin brother Sebastian were raised together as boys. When she comes out, she tells him, "I am a woman." Sebastian simply replies, "no, you're not." In prejudicially refusing to take Viola's testimony seriously, he perpetrates ID-based injustice against her.

Paradigmatically, this phenomenon occurs in response to a *self-identification* (henceforth "self-ID")—a first-personal assertion[1] ascribing to oneself a certain social identity (such as "I am bisexual," "I am agender," or "I am autistic")—about which there is systematic prejudice or misrecognition. The prejudiced interlocutor then responds with an expression of denial, doubt, disbelief, or dismissal.

Keeping the focus on gender self-IDs from trans speakers,[2] this is an everyday form of epistemic injustice (and of transphobia) experienced by trans individuals, and thus a category of theoretical and practical interest, which has so far been neglected in the epistemic injustice literature (but see Turyn 2023, 11–12; Cull 2024, 53). Similar

phenomena have often been discussed in trans scholarship, making salient that it's not only pervasive across social contexts (family, friends, religious communities, workplaces, public restrooms), but is the default way for cis people to respond to our gender self-IDs in most social settings, where gender is understood through dominant hermeneutical frameworks. It is the rule, not the exception. In fact, some garden-variety transphobic microaggressions—such as misgendering, deadnaming, and bad-faith questioning like "Are you *really* a man or a woman?"[3]—may count as ID-based injustice. And the dismissal need not even be verbal; for instance, a derisive laugh or horrified look could surely suffice to communicate the interlocutor's skepticism.

With respect to the topic's importance, this kind of epistemic injustice often has severe practical consequences for its targets. As Bettcher (2007) points out, "it is precisely the fact that trans people often do not have their self-identifications taken seriously that is so deeply bound up with the transphobic hostility and violence" that we're regularly subjected to (54). Notably, for instance, ID-based injustice in medical contexts frequently leads to denial of treatment, both transition-related and otherwise. At violent extremes, what Bettcher calls *identity enforcement* (2007) or *reality enforcement* (2009), including forced genital exposure and so-called corrective rape, may be either instances or consequences of ID-based injustice. Since the phenomenon is systematic and closely tied to other forms of injustice, these are just a few examples. In addition, it goes without saying that transphobia in general is deeply bound up with other systematic social identity prejudices, including racism, homophobia, misogyny, ableism, fatphobia, and classism.

ID-based injustice involves aspects of both testimonial and hermeneutical injustice in Fricker's (2007) framework. In section 2, I begin by situating it relative to her account of testimonial injustice and explaining what's distinctive about it. ID-based injustice involves testimony with a particular kind of content, namely self-identification. I show that, because the relevant self-IDs express a deep and substantial form of empirical self-knowledge, the injustice harms the speaker both in their capacity as a knower (Fricker 2007) and in their capacity to be known (Pohlhaus 2012; Davis 2021; Dembroff and Whitcomb 2022), by themself and by others. In section 3, I go on to argue that attention to this phenomenon illuminates a distinctively epistemic (not only moral, political, or prudential) obligation on the part of hearers to take trans speakers' gender self-IDs seriously. In section 4, I outline some further upshots for theorizing about epistemic injustice, including implications about the distinction between testimonial and hermeneutical injustice. Section 5 concludes.

2. Epistemic injustice

2.1. Fricker's account

In the opening chapter of her 2007 book, Fricker formulates epistemic injustice as "a kind of injustice in which someone is *wronged specifically in her capacity as a knower*" (20), constituting a "dual epistemic and ethical dysfunction" (16). Testimonial injustice is a kind of epistemic injustice wherein a hearer's "identity-prejudicial credibility deficit" (28) harms a speaker in their "capacity as a giver of knowledge, as an informant" (5). Fricker emphasizes that the relevant identity prejudices are aligned with relations of social power, and track their targets "through different dimensions of social activity," not only epistemic but also "educational, professional, sexual, legal, political, religious, and so on" (27). For this reason, testimonial injustice tends to be systematic in the sense of

being connected to wider systems of injustice and oppression, even though it's perpetrated by individuals in virtue of their individual prejudices.

One of Fricker's central examples comes from the 1999 film *The Talented Mr Ripley*, set in the 1950s (Minghella 1999). After Dickie Greenleaf is secretly murdered by his devious "friend" Tom Ripley, Dickie's fiancée Marge Sherwood is dismissed and disbelieved by male characters when she attempts to articulate her suspicions that Tom murdered Dickie, which are legitimately based on her knowledge of Dickie and experiences with him. At a key moment, Dickie's father Herbert Greenleaf dismisses her with the line, "Marge, there's female intuition, and then there are facts." According to Fricker, this shows us that the elder Greenleaf assigns to Marge a credibility deficit based on her identity as a woman and his own (implicit or explicit) sexist prejudices: that women are emotional, that emotion conflicts with rationality, and that women are therefore less credible than men.

For Fricker, whereas testimonial injustice is a deficit of credibility, hermeneutical injustice is (on the individual level) a deficit of "communicative intelligibility" resulting in "having some significant area of one's social experience obscured from collective understanding" (154) by a "gap" in shared epistemic or interpretive resources. Like testimonial injustice, central cases are persistent and systematic, where the injustice tracks its targets through dimensions of social activity. They are thereby structurally disempowered and prevented from "participating on equal terms ... in those practices by which collective social meanings are generated" (152), which is to say that they're hermeneutically marginalized in virtue of their social type. Hermeneutical injustice can then manifest either when someone tries and fails to understand their own experience, or when they understand their own experience but try and fail to render it intelligible to others. The latter may occur in testimonial contexts.

2.2. Denial of authenticity

In the *Ripley* case, Marge is hindered in her attempts to convey knowledge to others, because her identity as a woman is unfortunately a factor in their evaluations of her credibility. However, notice that her identity as a woman is not itself relevant to the content of her testimony; that is, what she's trying to get across is not *about* her social identity or gendered experiences. All parties involved accept as obvious unspoken fact that Marge is a woman; roughly, they disagree on what that fact entails about her credibility in the relevant context. If Marge were to assert "I am a woman," her interlocutors would take the statement as obviously true.

Compare this to Viola making the same first-personal statement about herself and being prejudicially disbelieved by her interlocutor, Sebastian. He does not agree that Viola is a woman, and takes her claims to be one (and her presentation as such) as *in itself* evidence for her lack of credibility. That is, from Sebastian's perspective, Viola's self-ID as a woman *entails* that she's either maliciously deceptive, tragically self-deceived (even delusional), or at best an eccentric make-believer (Bettcher 2007). There is simply no way for her to testify about her identity as a woman in a way that interlocutors like Sebastian view as credible or plausible (Bettcher 2009), or that receives social uptake (Dembroff and Whitcomb 2022, 66). In short, there's no way for her to be taken seriously. Even more strongly, Sebastian perceives Viola as saying something that's not merely false, implausible, and/or poorly justified, as in the *Ripley* case, but outright impossible—that's patently absurd to believe and even more so to act upon. In this way, Viola's testimony that she's a woman differs from Marge Sherwood's that Tom killed

Dickie, even though both pieces of knowledge are important for the speaker to communicate in context.

To understand the relevant sense of impossibility, Bettcher (2009) draws an analogy with "the myth that 'her mouth says no, but her eyes say yes'" (113). In the context of this myth, there's no way for a woman to verbally withhold consent to sex and be taken seriously in doing so, since "a 'no' means 'yes,' and a 'yes' means 'yes'" (114). Aside from the obvious moral wrong of rape in itself, Bettcher argues that the attempt to justify it in this way constitutes an additional wrong to the victim in denying her first-person authority. In the same way, Sebastian denies Viola's epistemic and ethical authority when he inappropriately interprets her self-ID as a woman such that it cannot possibly be taken seriously. (For Bettcher, first-person authority is purely ethical; I argue in section 3 that we should understand it in epistemic terms.)

Bettcher (2007, 2009) calls this kind of transphobic prejudice *denial of authenticity*, the perception that a trans person's gender presentation (including verbal self-ID) is misaligned with the "reality" of their sexed body (as determined by their actual or perceived genital status). For instance, Sebastian deflates Viola's credibility in virtue of what he perceives as a contradiction between the content of her testimony, namely her self-ID as a woman, and (what he falsely perceives as) her "real" identity as a man. When there is no such misalignment, as in our imagined case of Marge Sherwood self-identifying as a woman, there is no disagreement, and thus no injustice. In the context of testimonial injustice, denial of authenticity is a kind of identity prejudice.

To transphobes like Sebastian, and as a structural matter, trans women are represented as "really men dressed as women"; their lifestyle is "inauthentic" and they are viewed as either deceivers or pretenders. As Bettcher emphasizes, these sorts of stereotypes, realized as prejudicial beliefs about a particular trans individual, may result in transphobic violence against them. Here, it's evident that it may also constitute and/or be mutually reinforcing with epistemic injustice, including ID-based injustice. Bettcher (2009) notes explicitly that "One obvious feature of this denial of authenticity is that transpeople are identified in ways that are contrary to or even hostile to our own self-identifications" (99); this misidentification (e.g., misgendering) can be sufficient to count as ID-based injustice on my account. While Bettcher characterizes denial of authenticity as a moral wrong, then, it can also be an epistemic one.

2.3. Content-based injustice

While Fricker (2007) describes testimonial and hermeneutical injustice as wholly distinct phenomena, an important difference she doesn't point out is that hermeneutical injustice (in testimonial contexts) inherently involves prejudice or misrecognition in virtue of the *content* of what's being said.[4] However, as I'll discuss in the remainder of this section, testimonial injustice can also be content-based (Davis 2021).

Fricker acknowledges that the credibility deficit in testimonial injustice depends on subject matter, and does not apply wholesale to all testimony by marginalized knowers.[5] In practice, whatever our reasons, we simply don't assign individuals a degree of credibility that remains steady across all subject matters. Although testimonial injustice does not affect its individual targets in all or most of their testimony, it's nonetheless liable to affect them in most social settings; this is explicit in Fricker's framework.

In most social settings, being openly or visibly trans makes one vulnerable to testimonial and hermeneutical injustices in respect of subject matters beyond bare self-ID, as in Fricker's central cases. These injustices are caused by individual and structural

transphobic prejudice. We're especially vulnerable to testimonial injustice when we talk about socially loaded experiences such as sexual violence, as well as our social experiences *as* trans—such as (for some trans people) the need for medical transition, the dysphoria associated with being misgendered, or our perceptions of certain people or environments as unsafe (Ivy 2017). Testimonial injustice in such contexts can lead to violence, abuse, and objectification; and to denial of access to material resources such as medical treatment, housing, employment, and legal representation (Fricker and Jenkins 2017).[6] Still, the phenomenon I'm interested in here is narrower in respect of subject matter, since it involves testimony with a particular kind of content: it's about who the speaker is, rather than merely something they know (as in Fricker's central cases of testimonial injustice) or something they've experienced (as in her central cases of hermeneutical injustice).

In recent work, Davis (2021) and Dembroff and Whitcomb (2022) independently develop similar accounts of a kind of testimonial injustice (or a related phenomenon) based on identity prejudice not (necessarily) about the speaker's own identity, but rather about the *content* of their testimony or contribution.[7] Both analyses say that, in the relevant cases, hearers are prejudiced against (members of) social groups that the testimony is either *about* or *associated with*.[8] In both identity-based (as in Fricker's original account) and content-based cases of testimonial injustice, social identity prejudice results in a contributor's "epistemic standing (e.g. credibility, competence, value, etc.)" being unfairly evaluated (Davis 2021, 219).

As an example of purely content-based testimonial injustice, Davis gives a case where Preston, a respected male doctor, is dismissed by a group of other male doctors at a medical conference when he tries to start a conversation about fibromyalgia, a condition prejudicially associated with women. Although Preston himself is neither a woman nor a fibromyalgia patient, his contribution is discredited in virtue of the gendered association with the condition "coupled with a prejudicial assessment of women (with chronic pain) as 'attention-seekers'" (218).[9]

Davis contrasts this with a clear case of identity-based testimonial injustice, a male doctor who dismisses the testimony of his female patient Sammi regarding her chronic pain on the basis of "ableist and sexist stereotypes" (218), that is, in virtue of her identity as a woman with chronic pain. However, note that since Sammi is testifying about her own experience *as* someone with chronic pain, and this aspect of her identity is itself an object of the doctor's prejudice, this case is arguably both identity- and content-based. Fricker's *Ripley* case is a better example of purely identity-based testimonial injustice; as we've seen, the content of Marge's assertions—that Tom killed Dickie—is not itself subject to prejudicial evaluation (and the same proposition plausibly might have been taken more seriously if put forth by a man, all else being equal).

While Davis emphasizes cases in which identity-based and content-based testimonial injustice come apart, she also makes clear that they can co-occur and compound one another, as in the case of a female philosopher of color (a systematically marginalized social identity) who works on feminist theory (an identity-coded area of discourse). My point here is that ID-based injustice is, by definition, a hybrid of the two forms of testimonial injustice Davis identifies: the content of the relevant testimony just is the testifier's self-ID, *and* the self-ID expresses that aspect of their identity which is effectively the object of the hearer's operative prejudice. My choice of terminology, "identification-based injustice," is intended to illustrate this point. This kind of injustice, when perpetrated against trans people, is inherently systematic, given that we're vulnerable to prejudice and injustice in a wide range of social domains.[10]

A particularly interesting aspect of Davis's and Dembroff and Whitcomb's accounts is the idea that testimonial injustice can harm individuals or groups not (merely) in their capacity as *knowers*, but in their capacity *to be known*. Davis argues that content-based injustice targets members of social groups prejudicially associated with the *content* of the relevant testimony (e.g., in Preston's case, women and fibromyalgia patients); and harms them not only in their capacities as knowers, inquirers, and so on; but also in another "mode of epistemic subjectivity" (243) concerning "their capacities to be known, valued, and understood" (219). Dembroff and Whitcomb similarly argue that, in cases of content-focused epistemic injustice, the targets of the relevant identity prejudices are subjected to epistemic harm, not (intrinsically) in their capacity as *subjects* of knowledge, but instead in their capacity as *objects* of knowledge, a distinct form of "epistemic exclusion." The intrinsically epistemic harm of content-focused injustice is "to have knowledge involving oneself (or one's social group) systematically preempted or erased or distorted … [to] be unfairly blocked off *from being known about*," resulting in misunderstanding, disrespect, and mistreatment (Dembroff and Whitcomb 2022, 57–58).

Self-IDs are first-personal, indexical statements such that the content is specifically about the speaker herself, an expression of their *self*-knowledge—someone else making the same statement would be expressing a different proposition. Neither Davis (2021) nor Dembroff and Whitcomb (2022) explicitly discuss the relationship between self-knowledge and content-based injustice. In what follows, I apply their resources to ID-based injustice, showing that it harms the speaker both in their capacity as a knower *and* their capacity to be known—both by others *and* by themself, because it targets their self-knowledge in distinctive ways.

3. Epistemology

If ID-based injustice is indeed a kind of epistemic injustice, as I've argued, then it follows that epistemic *justice* in this context involves a positive epistemic obligation to take trans speakers' gender self-IDs seriously. In this section, I support this claim by appeal to epistemological considerations, namely that gender self-IDs express substantial empirical self-knowledge. By identifying my subject as a type of epistemic injustice, I've shown a fortiori that it's distinctively epistemic (as well as being ethical), and that it's a kind of injustice. These are not just conceptual facts but empirical ones;[11] Fricker has already done the work of verifying them with respect to epistemic injustice in general. My arguments in this section reinforce the claim that ID-based injustice is distinctively epistemic.

3.1. Epistemic harm

ID-based injustice is not only an everyday (micro)aggression experienced by trans people, and not only a systematic catalyst for transphobic violence (Bettcher 2007), but a form of epistemic harm that constitutes an obstacle to our substantial self-knowledge, especially when experienced persistently. The idea that epistemic injustice in general threatens its targets' self-knowledge and sense of self is not a new one, though there has been surprisingly little extended discussion of this in the literature. Already on Fricker's (2007) original account of testimonial injustice, being subjected to persistent and systematic injustice of this sort "can indeed inhibit the very formation of self" (55). In her introduction, Fricker writes that the harm of epistemic injustice in general "may go

more or less deep in the psychology of the subject, and ... where it goes deep, it can cramp self-development, so that a person may be, quite literally, prevented from becoming who they are" (5).

Fricker and Jenkins (2017), focusing on trans people as victims of hermeneutical injustice, add that we "may also suffer the ... kind of identity-related harm ... in which a person's very sense of their own identity comes to be shaped by the negative meanings structuring the social space" (274–75). In other words, our gender self-knowledge is preempted or distorted by dominant conceptions of gender roles and norms. Identity-related harms can include, for instance, "cases where a person experiences a delay in coming to realize that they are trans" (275). In reality, a delay is a relatively good case; epistemically speaking, the bad case is the one where the (potential) trans person never acquires the hermeneutical means or opportunity to understand their relationship to gender, and/or is forced to remain closeted indefinitely. These are clearly deeper epistemic and psychological harms than simply losing out on items of knowledge.

Furthermore, being (persistently) dismissed, disbelieved, ignored, silenced, gaslighted, condescended, ridiculed, or antagonized when sincerely self-identifying is liable to undermine trans individuals' confidence in their own judgments and assertions, and thus in their sense of self. As Fricker recognizes, being a target of testimonial injustice, especially systematically, can harm someone by causing them to lose confidence. There are at least two versions of this idea in the literature. At the first order, losing confidence in specific beliefs or propositions can directly cause someone to lose knowledge, since knowledge requires full belief. The second might be better captured by the term "*self*-confidence," in that someone loses higher-order confidence in their rationality, skills, expertise, and so on. This in turn can *cause* them to lose items of knowledge or miss out on opportunities to gain them, but it constitutes a broader psychological and epistemic harm, which can manifest as (e.g.) imposter syndrome and stereotype threat. Thus, both versions are relevant, though not unique, to ID-based injustice.

To be sure, targets of central cases of testimonial injustice (like Marge Sherwood) may lose confidence in their judgements and assertions, and in extreme cases even in their reliability or rationality. But because the harm of ID-based injustice has to do with *self*-knowledge, undermining a target's first-order knowledge is especially liable to undermine their self-conception, self-confidence, and self-worth.

3.2. Substantial self-knowledge

As I'm using the term, self-identification is an intersubjective phenomenon—it involves externalizing one's gender identity so that it may be taken up by others. For instance, in a scenario where Viola is a closeted trans woman who continues to present as a man in the relevant contexts, but merely thinks to herself "I am a woman," she is not thereby self-IDing as a woman in my sense. Paradigmatically, self-IDs are verbal avowals whose epistemic function is to communicate self-knowledge. When Viola tells Sebastian that she's a woman, she's expressing a fact that she knows about herself, and that she thereby intends him to know about her. What kind of self-knowledge is knowledge of one's gender?

In his book *Self-knowledge for humans*, Cassam (2014) points out that many analytic epistemologists who purport to be concerned with self-knowledge are interested in "boring and trivial" kinds of self-knowledge. He has in mind knowledge of one's

particular mental states and attitudes, such as the knowledge that you believe that it's raining (as distinct from knowledge of the worldly fact *that* it's raining). In contrast, he gives several examples of "the kinds of self-knowledge that tend to be of interest to [ordinary] reflective humans" (as opposed to analytic philosophers), that is, "forms of self-knowledge which no one could reasonably describe as boring or trivial": the answers to first-personal questions like "Am I a racist? . . . Why do I think my boss doesn't like me? Do I really love her or is it a passing infatuation? . . . Would a change of career make me happy?" (10). He goes on to make the more general claim that "Knowledge of one's values, emotions, abilities, and of what makes one happy are all examples of what might be called *substantial* self-knowledge" (10). Other examples he gives are knowledge of one's character, aptitudes, and reasons for holding particular attitudes (29).

While Cassam doesn't explicitly discuss such examples, for many trans people, the answers to questions like "Am I a woman?" fall naturally under the category of substantial self-knowledge (whether or not they're merely a matter of attitudes). For him, substantial self-knowledge is neither transparent nor (psychologically or epistemically) immediate, but requires "cognitive effort" (31) and slow and careful reflection (36). Unlike trivial self-knowledge (on common views), it's a "hard-won cognitive achievement" (47–48). In just this way, it often takes a great deal of cognitive and emotional labor for trans people to explore and discover our own identities as such, given the hostile hermeneutical environments in which we find ourselves. Trans experiences are diverse, so some trans people may acquire self-knowledge of their gender very directly, in a way that's phenomenally similar to knowing that one is in pain; and for some, this kind of knowledge may not be very interesting or important. But in many cases, we have to sort out a lot of conflicting evidence about ourselves in extended and ongoing processes of self-reflection. Think of the way in which phrases like "journey of self-discovery" to describe the process of coming out as trans have become cliché.[12]

It follows that we epistemically ought to believe trans people's gender self-identifications simply because they tend to express *knowledge*, but more strongly because it's *self*-knowledge, and even further because it tends to be *substantial* self-knowledge which is a significant epistemic and psychological achievement. The subject matter of a trans speaker's gender self-ID is the self-knowledge that enables her to make sense of her gendered identity and experiences—as Fricker puts it in her discussion of hermeneutical injustice, "a patch of [social] experience which it is strongly in her interests to understand" (151) and "to be able to render communicatively intelligible" (160).

The trans process of self-discovery involves synthesizing empirical evidence, including evidence about one's conscious mental states, bodily traits, physical sensations, behavioral dispositions, social interactions, psychological states, phenomenal experiences, and self-IDs. The process also involves some significant understanding of relevant social norms and structures, and how one's physical and psychosocial experiences compare to those of others in one's community. Some, but certainly not all, of this evidence can be gained introspectively. Cassam argues that, in some cases, "you might have to rely on behavioural evidence . . . including what you say and do" in order to gain substantial self-knowledge (120). While Cassam focuses on human psychological limitations as obstacles to substantial self-knowledge, gender-related cases demonstrate that there can also be external or social obstacles, particularly in the form of testimonial injustice and hermeneutical marginalization (see Turyn 2023). This is especially salient given the importance of interaction with resistant subcommunities, and mediating between conflicting epistemic resources, to the trans process of self-discovery.

The upshot is that we have strong *epistemic* reasons to take trans speakers' gender self-IDs seriously, and to trust that they have genuine and substantial self-knowledge about their own sexual and gender identities. Moreover, these reasons are not defeasible by facts about the speaker's appearance or physiology, because the speaker also has more knowledge and evidence about these facts—and, in many cases, some amount of agency over them (such as how to dress, how one carries oneself, or the choice to hormonally or surgically transition). That the duty to defer is distinctively epistemic means that it binds us insofar as we have an interest in believing things that are true and justified, overcoming ignorance, and understanding the world around us. While epistemic duties can be owed to individuals or groups, I've emphasized that this one is both ethical *and* epistemic. Our general obligations to defer to experts and to respect people as knowers are not, of course, uniquely owed to trans people. In this domain, to form beliefs responsibly is also to act responsibly in relation to other people.

3.3. First-person authority

My characterization of ID-based injustice as a form of transphobia grounded in *epistemic* normativity contrasts with Bettcher's (2009) view that trans individuals possess a kind of "first-person authority" (FPA) over their own gender, where this authority is "understood strictly as an ethical [rather than epistemic] phenomenon" (101) which is "connected to issues of autonomy" (102). Following Turyn (2023), I argue that FPA has both ethical *and* epistemic dimensions. Bettcher (2009) specifically "argue[s] against standard epistemological accounts of FPA" (99) on the grounds that they fail to establish a sufficiently strong first-person epistemic advantage. Epistemic FPA applies most straightforwardly to avowals of one's immediate phenomenal states, such as being in pain, where we're uncontroversially reliable experts. But when it comes to the kinds of mental attitudes involved in gender self-IDs, for Bettcher, our fallibility rules out epistemic FPA: "Just because people are not chronically unreliable about their attitudes does not mean that they are highly reliable experts. If denial, self-deception, and wishful thinking are fairly common although not the rule, first person *expertise* cannot be in play" (100).

In the first place, the view that fallibility rules out expertise is empirically objectionable. My argument about substantial self-knowledge should not be taken to suggest that gender self-IDs can never be wrong. Cassam likewise emphasizes the existence of psychological "obstacles to the acquisition of substantial self-knowledge" in general, such as "repression, self-deception, bias, and embarrassment" (30). Pace Bettcher, the epistemic advantage involved in trans self-ID does not derive solely from the first-person perspective, but openly trans people do have some first-personal expertise (both about our own gendered identities and experiences, and about gender terms and concepts relevant to explaining them). As I've explained, it comes from substantial cognitive and emotional labor, time spent reflecting, and mindfulness of one's own gendered experiences, as well as special knowledge of resistant epistemic resources and experience in resistant communities. That a trans speaker has this relevant expertise ought to be assumed by default in response to gender self-ID; not to do so would constitute both an epistemic error and an ethical wrong to the speaker (and, from a structural standpoint, to the trans community). Furthermore, given that apt epistemic resources are available, cognitive defeaters like denial and self-deception are less likely in cases where someone has put in the work, reflectively and materially, to become an expert on their own relationship to gender norms and identity.

For Bettcher, the possibility of epistemic error in self-IDs is not just a matter of general human psychological limitations. Beyond that, the epistemic, psychological, and emotional processes involved are especially difficult and laborious, and it's possible to undergo extensive reflection about one's gender without gaining genuine self-knowledge. Nonetheless, I argue that the possibility of defeat in self-IDs is outweighed by the expertise of the trans speaker with respect to the relevant subject matter, which is properly presumed in virtue of their epistemic and hermeneutical position relative to their interlocutor.

It's not uncommon for trans people to change our minds over time about the terms and concepts we use to self-ID (whether this involves actual change in the underlying traits being described or merely changes in the way one understands or describes traits that have remained constant). As Cull (2024) says, Bettcher "sets the bar too high" (52): while it's true that gender self-knowledge is not infallible or incorrigible, a trans person is generally in a better position to know such facts about *herself* than anyone else is. Thus, we should not infer from the empirical fact of her fallibility that they're corrigible *by someone else*. For one thing, doing so would be, at best, rude and inappropriate in the vast majority of social contexts; intentional misgendering is a familiar example. From a purely epistemic standpoint, in order to be warranted in "correcting" someone's gender self-ID, the interlocutor would need to know the speaker very well. It would require more than mere familiarity or acquaintance, but deep knowledge of their psychological and behavioral dispositions—that is, at least as much relevant evidence as the speaker herself. Moreover, the interlocutor's evaluation of that evidence would need not to be determined by (individual or structural) transphobic prejudice, which is sufficient to rule out the vast majority of real-life cases where someone attempts to "correct" a trans speaker's self-ID.

Furthermore, the interlocutor would need to have some positive grasp of the relevant gender terms and concepts. Trans people's gender self-knowledge is substantial and authoritative in part because it requires a kind of critical consciousness with respect to socially dominant conceptions of gender and sexuality, and one's own gendered social position relative to others. It involves resisting social norms and expectations around gender, and is thus acquired in the face of enormous undermining social pressure. It requires access to certain community-specific epistemic resources such as identity labels, and some awareness of the social and political implications of applying such labels to oneself, all of which is historically and culturally contextual, so such knowledge is empirical and acquired through lived experience in one's social environment.

Feminist epistemologists and critical race theorists since at least the 1970s have observed, following Marxist frameworks, that being systematically marginalized can also make one epistemically privileged when it comes to certain important aspects of the social world (and inversely, being socially privileged can contribute to ignorance about these areas). Experiencing the world from a certain social position can sometimes give one the critical consciousness and epistemic resources to understand those experiences. In light of this, Pohlhaus (2012) argues that hermeneutical marginalization leads to a mismatch between one's lived (and understood) experiences and the *dominant* epistemic resources, or in other words between marginal and dominant ways of understanding social experiences (see Dotson 2012; Fricker 2016; Goetze 2018). This is a different problem than a lack of access to epistemic resources.

It also follows that cis hearers must possess some degree of the same kind of critical consciousness in order to exercise epistemic virtue, or at least avoid committing epistemic injustice, when faced with gender self-IDs that don't fit the dominant

narratives. That is, not only do they need to have (access to) certain gender concepts and corresponding terms of, by, and for the trans community, but they need to possess the critical dispositions to apply these resources—as opposed to the competing, socially dominant ones—in the relevant testimonial contexts. Bettcher (2009) explicitly acknowledges this kind of epistemic authority in regard to gender self-ID, pointing out that "there is sufficient cultural variability between dominant and resistant contexts that one unacquainted with resistant context is incapable of interpreting self-identities" (113).

My argument, simply put, is that a trans person typically knows their own gender better than anyone else, because they have more information and have spent more time thinking about it. Their knowledge of their gender is privileged or authoritative—not in the sense that it's transparent, direct, immediate, infallible, incorrigible, or voluntary, but simply in the sense that they have (access to) more evidence about themself than most people they're likely to encounter, by virtue of their lived and embodied experience (see Cassam 2014, 182). By default, they are an expert in the domain of their own gender. For this reason, we should default to epistemic (as well as ethical) deference in response to gender self-identification.[13]

3.4. Attitudes or actions?

Fricker's (2007) framing of testimonial injustice focuses on testimonial exchange, raising questions about whether the central wrong of testimonial injustice (and ID-based injustice, a fortiori) is ultimately based in actions or in prejudicial mental states that motivate them. For instance, in the *Ripley* case, what seems to be relevant for Fricker is the ways in which Herbert Greenleaf *responds* to Marge's testimony, not whether he in fact *believes* what she says, or that she's a reliable source of information, or that women in general are reliable. In contrast, Turyn (2023) argues in detail that we're obligated to "*believe* other people's avowals about their own gender identities rather than merely treat others as if those avowals were true" (2).

I've argued that the duty to defer to trans people's self-IDs is distinctively epistemic. For Fricker (2007), what's "distinctively epistemic" about epistemic injustice is that the target is "wronged specifically in her capacity as a knower" (20), and she conceives of epistemic justice as epistemic virtue (108). It follows that the corresponding obligations are distinctively epistemic, even if also ethical, so I take my usage of terms like "epistemic norm" to be consistent with Fricker's framework (also see Fricker 2016). On the other hand, Turyn (2023) defines epistemic norms as "norms that instruct us to believe certain things (or at least to weigh or acquire evidence in certain ways)," in contrast with behavioral norms, which "instruct us to act in certain ways" (7). Turyn notes that "Bettcher focuses exclusively on behavioral norms in her (2009) discussion of the issue" (7).

On Turyn's account, an epistemic norm of FPA entails that we ought to believe others' gender self-IDs, whereas a behavioral norm like Bettcher's merely "states that we ought to treat others' avowals about their own gender identities as authoritative" independently of our evidence about their epistemic position (8). For my part, I don't know what "treat as authoritative" could mean other than "treat as true"; while you can treat something as true without believing it, that's still an epistemic choice, which involves considering one's evidence.

Part of my response to the question about the central wrong of ID-based injustice is that in general, the relevant behaviors *are* governed by mental states, conscious or

otherwise (Turyn 2023, 10). As an empirical matter, we can and do make reasonable inferences about people's mental states from what they say and do. It's reasonable to infer from Greenleaf's dismissal of Marge that he disbelieves her claims about Ripley's guilt, and that he's prejudiced against women in certain ways. Likewise, it's reasonable to infer from Sebastian's disavowal of Viola's self-ID that he disbelieves that she's a woman, and that he harbors some prejudice against trans women (which may or may not be reflected in his beliefs).

In cases further from the paradigm, nonverbal expressions of disbelief or dismissal, such as facial expressions, can suffice for ID-based injustice. This is because such expressions can suffice to communicate disbelief or skepticism in just the same ways as verbal ones. Ivy (2017) argues that in virtue of being affected by transphobia, trans people are "particularly *well* epistemically situated to perceive events properly" when it comes to others' behavior toward us qua trans (169–70). In other words, because of our social standpoint, we're generally pretty good at being able to tell when someone is harboring transphobic prejudice, whether or not they make it verbally explicit. Given enough time and/or familiarity, the prejudice will come out in other ways. And whether or not we're consciously aware of it, it can cause psychological and epistemic harm.

In her analysis of testimonial injustice, Fricker explains that systematic identity prejudices depend on "agents having shared conceptions of social identity" (14). Interestingly, that doesn't seem to fully capture what's going on in cases of ID-based injustice, where there's by definition a gap between how the speaker conceives of their own identity and how the prejudiced hearer conceives of the speaker's identity, and the credibility deficit is assigned in virtue of this denial of authenticity. So one might object that interlocutors like Sebastian don't know that testifiers like Viola are trans, since that can be part of what they're denying. For instance, Cull (2024) writes that "from the transphobe's point of view, trans women aren't trans women—so it's not that aspect of their social identities that's driving down the transphobe's credences" (56). Importantly, all Sebastian needs to know in order for the obligation to become salient is that there's a misalignment between his perception of Viola's gender (as a man) and her presentation and/or self-ID (as a woman). In such a case, it's this misalignment that he's obligated to reject as evidence about her general credibility. He is prejudiced against her qua trans woman, even if he doesn't see it that way.

Cull suggests that we might "need to tinker with the notion of testimonial injustice to capture what's going on in this case, or at least tell a careful story about how identity prejudice functions here" (56). I simply don't think we have any reason to entertain the (itself transphobic) notion that someone who disbelieves in trans identities thereby fails to count as transphobic (or as prejudiced against trans people on the basis of their trans identities). On the contrary, as I've already established, denial of authenticity is itself a manifestation of transphobic prejudice.

In fact, identity prejudice needn't be treated as attitudinal. Fricker (2007) points out that the kinds of identity prejudice operative in instances of testimonial injustice are often at odds with their subjects' avowed beliefs, and the ways in which they enter into credibility judgments is complex (see especially chapters 2 and 3). Fricker suggests that active operations of agential identity power like Greenleaf's silencing of Marge need not be conscious or intentional; Greenleaf's motives may be ingenuous and even "benevolently paternal" (15), and he may fail to be aware that his behavior constitutes an exercise of identity power. His prejudicial attitude toward women is reflected in his credibility assessment of Marge, which in turn is reflected in his behavior toward her; namely his dismissal of her "female intuition" as epistemically unreliable. In less explicit

operations of identity power, Fricker maintains, the subject may not believe or consciously endorse the relevant prejudice. The locus of epistemic harm in cases of testimonial injustice is the unjust credibility assessment which the hearer assigns to the speaker, which by definition is based on the hearer's identity prejudice toward the speaker, regardless of his beliefs.

Fricker (2007) argues that identity prejudice becomes epistemically salient when, in a testimonial exchange, it affects the hearer's assessments of the speaker's credibility. Any testimonial exchange involves credibility assessments, which are (paradigmatically) automatic and subdoxastic (36). On a psychological level, the hearer uses various social stereotypes as heuristics to make judgments about his interlocutor's credibility. There's nothing wrong with this in itself—we wouldn't really be able to make judgments about the world without it—but prejudicial attitudes encode stereotypes that are both epistemically and morally problematic. Fricker defines stereotypes as "*widely held associations between a given social group and one or more attributes*," which "may be held not only as beliefs but also in other dimensions of cognitive commitment: notably those that may have an affective aspect . . . and which may permit less transparency than beliefs" (30–31). As she discusses extensively (chapter 2), empirical research in social psychology shows that mental associations factoring into perception-like judgments need not have propositional content. One can simply have associations between concepts, for instance "women" (a social group) and "over-emotional" (an attribute), without also having the belief "women are over-emotional." So it doesn't matter at all whether Sebastian's conception of Viola's identity lines up with her own; what matters is that he has made use of transphobic heuristics in his assessment of her credibility.

That said, if Sebastian comes to sincerely believe that Viola is a woman, then he "is more likely to satisfy the demands placed on [him] by a behavioral norm of FPA" (Turyn 2023, 10) by treating her as a woman; even more strongly, he *can't* reliably treat her as a woman if he doesn't believe she is one. As I've argued (and Turyn would agree), we have reason to believe self-IDs because we have general reasons to defer to experts, and trans people are experts on their own identity.

Importantly, I've used the term "take seriously" rather than "believe" when talking about the duty to defer to trans people's self-IDs. By this I mean more than just "taking to be true"; I mean taking the testimony seriously as an epistemic contribution, taking the testifier seriously as an epistemic contributor, and acknowledging the substantiality of the (self-)knowledge they're communicating. In light of this, the epistemic and ethical dimensions are inextricable. With respect to norms of FPA, one caveat is that when someone is *in the process* of unlearning transphobic prejudices, and at early stages, a "fake it till you make it" policy might be justified for a little while. In that context, the subject of the prejudice is still taking trans people's self-IDs seriously to the extent of her capacity by keeping inquiry open rather than thinking of her belief as settled. But as a matter of principle, the goal is to "say the right words *for the right reasons*" (Turyn 2023, 14). This brings us to Fricker's virtues of epistemic justice, which I discuss in the next section.

4. Individual and structural prejudice

4.1. Virtues of epistemic justice

Fricker's (2007) virtue of testimonial justice is presented as a dual epistemic and ethical virtue which involves critically correcting for the influence of prejudice in one's assessments of others' credibility. She identifies a special obligation on the part of

dominantly situated hearers, but this virtue is one that everyone should strive toward. In particular, a hearer who possesses this virtue is disposed to respond to indications of prejudice in her assessments of others' credibility, such as "sensing cognitive dissonance between her perceptions, beliefs, and emotional response" (91). In response, the virtuous hearer "shift[s] intellectual gear out of spontaneous, unreflective mode and into active critical reflection" about the operative prejudice, which she can then "correct … by revising the credibility upwards to compensate" for the unwarranted deficit (91).

Fricker (2007) likewise describes hermeneutical justice in terms of individual epistemic and ethical virtue which aims to correct for prejudice by inflating one's credibility judgments to compensate for, in this case, the influence of *structural* identity prejudice (170–71). The focus on individual virtue is especially noteworthy here given her conception of hermeneutical injustice as a purely structural phenomenon.[14] In her own words, the virtue amounts to a

> sensitivity to the possibility that the difficulty one's interlocutor is having as she tries to render something communicatively intelligible is due not to its being a nonsense or her being a fool, but rather to some sort of gap in collective hermeneutical resources. The point is to realize that the speaker is struggling with an objective difficulty and not a subjective failing. (169)

In other words, as a hearer, you shouldn't assume that just because you don't understand a speaker's assertions means that they don't make sense. Rather, you should consider the possibility that they're talking past you, that there's something *you're* missing.

In both cases, this is much easier said than done. As Fricker notes, a "policy of affirmative action across all subject matters would not be justified" (171), so how do we identify the kinds of scenarios where such considerations are relevant in the first place?

I don't have anything like a complete answer to this question, but notice that we can identify self-IDs by their form, and when the subject matter of a piece of testimony is a self-ID in the relevant sense, this is a scenario where hearers ought to take special reflective care when judging both their intelligibility and (assuming the claims are sufficiently intelligible to the hearer) their credibility. I've characterized the prejudicial credibility evaluation involved in ID-based injustice as a result of denial of authenticity, a falsely perceived misalignment between the speaker's self-ID and their gender presentation or appearance (Bettcher 2009). So if you perceive such a misalignment, you should simply assume that you're wrong. This gives us a way to implement something like Fricker's virtue of hermeneutical justice in practice, to avoid committing ID-based injustice, and to respect trans people's first-person authority, both ethical and epistemic.

Furthermore, with respect to trans people, Fricker's virtue of testimonial justice essentially tells us that, when we know someone is (or identifies themself as) trans, we should not allow that knowledge to affect our evaluation of their credibility (Ivy 2017). When the testimony in question is *about* their gendered identity or experiences, though, their trans identity clearly *is* relevant to their credibility. Its relevance is positive: we should in fact view them as a highly credible expert on this subject.

There are also epistemic consequences of ID-based injustice for the prejudiced *hearer*, who, by acting to preserve her ignorance, loses the opportunity to learn about people and identities other than her own. But she also (more significantly, from the perspective of self-interest) may lose the opportunity to learn something about her own identity and social position, thereby missing out on substantial self-knowledge. In the

extreme case, she might miss out on learning that her own gender is not what she had assumed, but even if she really is cis, learning about resistant epistemic resources around gender can help her to understand herself and her social position. And as Dotson (2012) emphasizes, "A compromise to epistemic agency, when unwarranted, damages not only individual knowers but also the state of social knowledge and shared epistemic resources" (24).[15]

Putting aside concerns about the sufficiency or overall effectiveness of Fricker's virtues for combating epistemic injustice,[16] it's clear that possessing something like these virtues—roughly, appropriate kinds of open-mindedness, epistemic humility, and critical social awareness—is epistemically (as well as ethically) good. In externalist terms, being reliable at correcting for the influence of individual and structural prejudice in your spontaneous social judgments is epistemically good *for you*, because it gets you knowledge about other people and social groups, as well as substantial self-knowledge about your own social position. It's also epistemically good *for others* in that being known, understood, and engaged with on one's own terms is necessary for being (recognized as) a competent participant in social-epistemic life (Pohlhaus 2012; Davis 2021; Dembroff and Whitcomb 2022).

4.2. Hermeneutical ignorance

So far, I've explained ID-based injustice as a type of testimonial injustice, albeit with a content-based component that reflects the hermeneutical marginalization of the trans community. As I'll now show, attention to ID-based injustice reveals some ways in which testimonial and hermeneutical injustice can overlap conceptually as well as causally, contra Fricker (2007). She views the two forms of epistemic injustice as distinct phenomena which, while they can co-occur and causally perpetuate one another, are wholly separable in principle and not a matter of degree.

Apart from the distinction between credibility and intelligibility, one of the main differences she identifies is that testimonial injustice is caused by *individual* identity prejudice; hermeneutical injustice by *structural* identity prejudice. Fricker adds that "No agent *perpetrates* hermeneutical injustice—it is a purely structural notion" (159). One problem with such analyses is that, while the operation of structural injustice doesn't depend on there being individual perpetrators of injustice (e.g., structural racism doesn't depend on individual racists), it's in practice often manifested by or through individuals, whether or not they consciously endorse or act upon the relevant prejudices. That being said, we've seen that hermeneutical injustice can occur in testimonial contexts, and in this way, ID-based injustice paradigmatically does have individual perpetrators with individual (though structurally supported) transphobic prejudices. In later work, Fricker and Jenkins (2017) seem closer to recognizing an individual/structural *spectrum*, specifically in the context of hermeneutical injustice against trans people. On their account, there is "a complex interweaving of testimonial injustice, hermeneutical marginalization and hermeneutical injustice that functions to produce and maintain ignorance with regard to trans experiences" (276).[17]

I've defined the category of ID-based injustice in terms of the hearer's expressed response to the speaker's expressed self-ID, and as such, there may be variations in the psychology and internal motivations of *hearers*—that is, in the nature of the operative prejudices—across different cases. In this respect, ID-based injustice is no different from testimonial injustice on Fricker's original account. In the paradigm cases I've described, though, the *speaker* is perfectly able to understand and even articulate the relevant

experiences—they could discuss them cogently with other members of the trans community, for instance—but there's still a breakdown in communication (Cull 2024, 54–56). Furthermore, it may be that even the hearer has (access to) the relevant concepts, but due to prejudice is simply unwilling or unable to apply them correctly to the situation at hand. As I see it, then, there are (at least) three types of cases of ID-based injustice:

1. In some cases, a hearer who responds to a self-ID with disbelief genuinely fails to understand what's being said, and this would count very straightforwardly as hermeneutical injustice in Fricker's (2007) terms (also see Fricker 2016, 164–65). These are cases where, again, the trans speaker understands their own gender well enough, but is unable to render their self-IDs *intelligible* to their interlocutor, namely due to the general *structural* hermeneutical marginalization of the trans population. In Fricker's terms, there's a gap in shared epistemic resources between the trans speaker (or the trans community) and the cis hearer (or the collective hermeneutical resource, roughly construed as the intersection rather than the union of community-specific resources; see Goetze 2018).[18]

2. In other cases, though, the *hearer* grasps the relevant epistemic resources, and thus understands the self-ID, but is unwilling to recognize it as legitimate due to *individual* (though structurally supported) prejudice. These could be classified as cases of "mere" testimonial injustice.

It seems clear, however, that this is a spectrum. Specifically, whether the operative prejudice in a given case is structural or individual—and thus, perhaps, the degrees of epistemic and ethical culpability ascribable to the hearer—is itself a matter of degree (at times Fricker seems to implicitly recognize this; see especially chapter 4 of Fricker 2007 and Fricker 2016, 170–76). This is because in central cases of testimonial injustice—that is, cases of credibility deficit due to *individual* prejudice—the relevant prejudices are systematic and thus structurally supported. For example, Herbert Greenleaf in the *Ripley* case, in holding and acting on his misogynistic prejudice against Marge Sherwood (that women are overly emotional and therefore epistemically unreliable), is to some extent a product of his time and social environment.

3. Thus, there are also in-between cases involving willful ignorance or a prejudicial refusal to take up resources that are offered, which would count as "simultaneously an agential and structural [epistemic] injustice" (Pohlhaus 2012, 725). Pohlhaus identifies willful hermeneutical ignorance as a form of epistemic injustice distinct from the two forms Fricker identifies. It occurs when "marginally situated knowers actively resist epistemic domination through interaction with other resistant knowers, while dominantly situated knowers nonetheless continue to misunderstand and misinterpret the world" (716) by willfully "refusing to learn to use epistemic resources developed from marginalized situatedness" (722).

Pohlhaus points out that, as feminist standpoint theorists have emphasized, "if a person's social position makes her vulnerable to particular others, she must know what will be expected, noticed by, and of concern to those in relation to whom she is vulnerable"—for instance, a trans person must be aware of the expectations and concerns of cis people in their community as pertain to gender roles, norms, and experiences—"whereas the reverse is not true" (717). This asymmetry in relations of power leads the "vulnerable" groups to be both epistemically privileged (in that, within their own communities, they develop more resources better suited to describe their own experiences *as* vulnerable) and hermeneutically marginalized (in that those resources have little uptake in mainstream discourses) in relation to those dominantly situated.

In this way, trans people are in a position to need non-dominant epistemic resources to adequately understand and discuss their gendered experiences; whereas cis people generally are not, and insofar as they do need such resources, it's in order to question their social position and identity rather than maintain it. To illustrate, Viola may be fully aware that most cis individuals she interacts with will immediately perceive her as a man, and that many of them will continue to do so even after she explicitly testifies that she's a woman. This amounts to an awareness on her part of the narrower set of epistemic resources that cis people are working with (which is inadequate to explain her own experiences without distorting them)—again, whether because they lack access to trans resources (hermeneutical injustice) or refuse to take them up (willful hermeneutical ignorance). Dominantly situated knowers tend to either reject or simply ignore non-dominant epistemic resources (such as trans-inclusive concepts of "woman," or the term "nonbinary") because it's not in their "immediate interest" to understand them—that is, in part because they don't need these concepts to adequately understand their own experiences, but also because denying these resources allows them to maintain their comfortable positions of social power without accountability for the resultant injustices (which, again, is not to suggest that these motivations are conscious or intentional).

In cases of willful hermeneutical ignorance, "the problem was *not* that the marginally situated knower was taken to be unreliable or was lacking an epistemic resource for making sense of the world," and "the solution is *not* to give something to the marginally situated knower such as credibility or epistemic resources" (Pohlhaus 2012, 733). The existence of resistant epistemic resources is not *sufficient* to remedy hermeneutical marginalization. This also shows, again, that individual/structural prejudice in testimonial contexts is a matter of degree.

Pohlhaus argues that what Fricker considers to be central cases of both testimonial and hermeneutical injustice can in fact involve willful hermeneutical ignorance, namely by calling into question the extent to which the relevant prejudices are individual and/or structural. In practice, individual social prejudice doesn't exist in a vacuum, and if it did, any resulting testimonial injustice wouldn't meet Fricker's centralizing tracking criterion. Even in more individualistic cases, prejudice tracks its targets *because* of its structural or systematic nature—because of its basis in dominant ideology which is designed to maintain the status quo of social power relations. While Fricker (2016) later distinguishes between willful ignorance and hermeneutical injustice on the grounds that only the former is "epistemically culpable" (170), this claim depends on her view that hermeneutical injustice is never perpetrated by individuals, which I've offered some reasons to reject. In ID-based injustice, trans speakers are at a communicative disadvantage, regardless of who, if anyone, is at fault.

This third form of ID-based injustice may be closer to what Dotson (2012) calls "contributory injustice." Like testimonial injustice, it can be perpetrated by individuals, but like hermeneutical injustice, it has to do with "structurally prejudiced" epistemic resources (as opposed to mere individual prejudice). Dotson argues that there are often multiple sets of epistemic resources in play: the ones that are structurally prejudiced, and the ones that exist *within* marginalized groups but are not acknowledged by dominant groups or by the society at large. In cases of contributory injustice, the perpetrator and the target do not *share* a gap in epistemic resources. The perpetrator "refuses to acknowledge" the non-dominant resources, and refuses to put in the effort required to learn about them, which in turn contributes to perpetuating the structural prejudice present in the dominant resources, and to preventing the alternative resources from becoming more widely known.

In this way, contributory injustice differs from Fricker's notion of hermeneutical injustice because (as in cases of testimonial injustice) it needn't involve a lack of access to epistemic resources; and it differs from testimonial injustice because (as in cases of hermeneutical injustice) it's the target's intelligibility, rather than her credibility per se, that's at issue. Contributory injustice thus causes epistemic harm to its targets (both marginalized social groups and individual members thereof) by undermining their epistemic agency and their ability to *contribute to* collective epistemic resources.

Note that the case of Viola is (purposely) underspecified, so it may be any of the three types I've described here. The relevant question is whether Sebastian has the resources to understand his sister's claim in good faith.

5. Epistemic and methodological obligations

In this paper, I've established that identification-based injustice is a category of interest "from the general point of view of social justice" (Fricker 2007, 155). While it hasn't received much explicit discussion in the context of epistemic injustice, it can be situated very naturally in this framework. Doing so illuminates that acknowledging the legitimacy of trans self-IDs is necessary for epistemic justice.

However, it's nowhere near sufficient: you have to believe that trans people exist, but you also have to believe us when we testify about other aspects of our experiences as trans people (Ivy 2017), and in this way begin to learn the terms and concepts that we use to understand ourselves and our community. In addition, the epistemic obligations I've outlined imply similar methodological obligations with respect to scholarship about trans identities and experiences.[19] For instance, Cull (2024) argues that trans epistemology, in extending projects in traditional epistemology (such as inquiries about testimony and epistemic justification) to distinctively trans issues, illuminates a "demand that we take trans lives and experiences seriously and improve our broader epistemological framework" (58). Minimally, this includes taking theorists who are themselves trans as authorities in this domain.

Finally, as I noted in the introduction, self-identification, and thus ID-based injustice, can occur in virtue of other kinds of marginalized social identities, such as orientation, disability, or health status, and in some cases race or ethnicity (see, e.g., Preston-Roedder 2024).[20] I didn't have the space here to do justice to these other kinds of ID-based injustice, but they would be fruitful topics of future investigation.

Notes

1 This is simply the most straightforward version of the phenomenon to analyze, not necessarily the most common or most harmful form that it takes in practice. In cases further from this paradigm, the speaker might be testifying about some experiences related to being trans (such as transphobic harassment, or gender dysphoria or euphoria), rather than making a direct assertion about their gender. Additionally, nonverbal aspects of gender presentation or appearance (e.g., "presenting as a woman" by wearing conventionally feminine clothing and accessories) can be met with this same form of epistemic injustice, even without a verbal self-ID. And the injustice can occur in response to someone's expressions of *questioning* their gender; there's the potential for still further epistemic harm in such cases, as it may prevent

or delay the questioner from acquiring the relevant knowledge in the first place by disrupting the process of self-discovery.

2 I recognize that some of my conclusions may not generalize to instances of ID-based injustice in virtue of specific other kinds of social identities (such as orientation, race, ethnicity, or disability), but my account may provide resources relevant to such inquiries.

3 Bettcher (2009) argues that such questions, much like direct questions about a stranger's genitalia, are inherently unethical and sexually abusive. Ivy (2017) adds that "asking questions about details of events in a way that makes it seem like an interrogation of the victim" is epistemically prohibited for the same reasons as outright "expressing doubt" (172), namely because it "constitutes a failure to afford the first person (epistemic) authority of disadvantaged speakers their appropriate epistemic weight" (170).

4 This is a simplification: Fricker (2007) "recognize[s] that a hermeneutical gap might equally concern not (or not only) the content but rather the form of what can be said. Thus the characteristic expressive style of a given social group may be rendered just as much of an unfair hindrance to their communicative efforts as an interpretive absence can be" (160–61). An example is Herbert Greenleaf's dismissal of Marge Sherwood's claims as mere "female intuition," referring to not just what she says but *how* she says it.

5 For instance, testimonial injustice is "highly context-dependent: it would be stretching the pessimistic social imagination too far to imagine a society (original or historical) that contained social groups whose members' knowledge or opinions were *never* solicited on *any* subject matter" (Fricker 2007, 130–31). Here's the same point again in more detail, summarized by Dembroff and Whitcomb (2022): "prejudicial rejection of testimony, due to the hearer's stereotyping of the speaker, does not typically apply wholesale across contents. Rather, it applies in a more targeted way … What happens here is not exactly *that prejudiced hearers don't believe* those *speakers. Rather, it is that prejudiced hearers don't believe* those *speakers when they say* that *thing*. Women aren't believed when they say they want to prioritize their careers; disabled persons aren't believed when they say they have a high quality of life; black persons aren't believed when they say they are innocent of crimes" (61–62).

6 As Fricker and Jenkins (2017) point out, trans people are also particularly vulnerable to *preemptive* testimonial injustice, where they're prevented from testifying in the first place due to an "advance credibility deficit." Examples track prejudicial expectations of normativity, and trans voices are excluded or "smothered" especially when they don't fit preconceived narratives, e.g., in the media. This again serves to preserve widespread ignorance about trans identities and experiences.

7 Davis (2021) calls this "content-based testimonial injustice," identifying it as a type of testimonial injustice. Dembroff and Whitcomb call it "content-focused injustice," and identify it as a kind of epistemic injustice which is distinct from—but closely related to, and "mutually reinforcing" with—both testimonial and hermeneutical forms.

8 On Davis's account, content-based testimonial injustice targets epistemic contributors in virtue of the content of their testimony or contribution being "social identity-coded"—the audience's prejudices needn't be about the identity of the contributor herself. A topic or area of discourse can be identity-coded in virtue of prejudicial assumptions about either its contributors, whose interests it serves, and/or the intellectual ability required to participate in it (Davis 2021, 225). Dembroff and Whitcomb (2022) add that the contribution in question may be straightforwardly *about* a (member of a) particular marginalized social identity, rather than merely prejudicially associated with it.

9 In cases of purely content-based injustice, the *speaker* needn't be epistemically harmed, though he can be—for instance, in Davis's example, Preston might incidentally suffer a loss of professional prestige, inhibiting his capacity as an epistemic contributor and an expert in his field, based on others' prejudiced evaluation of his defense of fibromyalgia patients.

10 In my central example of ID-based injustice, what if a cis male third party were to testify that Viola is a woman? Presumably, Sebastian wouldn't be any more likely to believe the claim in such a case, seeming to suggest that the operative prejudice is solely content-based, which would extend to the original case where Viola is self-identifying. However, Dembroff and Whitcomb (2022) point out that identity-based and content-based injustice can co-occur where the hearer harbors *separate* prejudices about the speaker and the content of their testimony: "For example, a Black male speaker might say 'women are on average paid less than men for the same work' to a hearer who harbors some (but not very much) anti-black prejudice and some (but not very much) anti-woman prejudice. Here, the two vectors of prejudice might jointly result in the hearer rejecting the testimony, even though neither of them is strong enough to bring about that result on its own" (63). If each of the two vectors of prejudice *would* be strong enough on its own for the hearer to

reject the testimony, then the presence of both overdetermines that outcome. In self-ID cases, trans people are the target of *both* prejudices. This is similar to Davis's "Sammi" case above, where she's both disabled and testifying about her disability. In this way, Sebastian's ultimate rejection of Viola's claim to be a woman is overdetermined.

11 That is, claims like "epistemic injustice is epistemic" are not merely trivially true in the same way as sentences like "red flowers are red." Rather, Fricker (2007) has identified an empirical phenomenon and named it "epistemic injustice," but that terminology isn't sufficient to describe what the phenomenon is like—that requires further investigation, which she also provides. This is relevant to my investigation of ID-based injustice because, as I've noted, theorists like Bettcher (2007, 2009) assert that related phenomena (namely denial of authenticity and first-person authority) are purely ethical with no normative epistemic weight. Thus, the claim that ID-based injustice is distinctively epistemic wouldn't be uncontroversial, and situating it relative to Fricker's framework is a useful way of explaining its dual ethical and epistemic nature, among other things.

12 With respect to ontology, this doesn't rule out the view that an individual's gender may be partially constituted or conferred by how they choose to self-identify (e.g. Logue 2021; Rea 2022; cf. Haslanger 2000).

13 Cull (2024, 51–52) and Turyn (2023) both give similar arguments for the view that FPA, in gender contexts, is epistemic as well as moral. Cull concludes modestly that "maybe self-identifications provide epistemic, as well as moral justification" (52). Turyn defends the stronger thesis that "an epistemic conception of FPA also should be a desideratum for any trans- and nonbinary-inclusive metaphysics of gender identity" (2). While investigations of gender ontology are outside the scope of this paper, I take the claim that we have epistemic FPA in this domain to be a natural starting point for such inquiries (see Jenkins 2018, who takes a similar view about ethical FPA). While epistemic FPA is compatible with something like Logue's (2021) "self-identification account of gender" or Rea's (2022) account of gender as a "self-conferred identity," it doesn't presume such an account of gender ontology. It does rule out certain accounts, particularly those on which one's gender is determined purely by factors external to their mind or agential control. Even if gender were (e.g.) determined by one's social position or role (Haslanger 2000), it wouldn't follow that any particular individual is epistemically justified in "correcting" other individuals' gender self-IDs. Beyond that, the takeaway here is that we don't need a fully fleshed out account of gender ontology in order to respect trans people's FPA.

14 In later work, Fricker (2016) emphasizes that "[in] cases of hermeneutical injustice, the requisite structural remedy involves the reduction of hermeneutical marginalisation" (175).

15 Dotson defines epistemic agency as "the ability to utilize persuasively shared epistemic resources within a given epistemic community in order to participate in knowledge production and, if required, the revision of those same resources" (2012, 24).

16 For instance, Anderson (2012) objects that individual epistemic virtue isn't even a sufficient defense against transactional instances of testimonial injustice, so it's definitely not effective against entirely structural kinds, which can only be ameliorated through structural intervention. For one thing, individuals may not have access to information about who's more or less advantaged by the system, so the "help" that's given won't necessarily be distributed in accordance with need. In addition, people are psychologically and morally imperfect, so individuals are often unable to "keep up the constant vigilance needed for the practice of virtue to sustain its good effects over time" (164). Finally, individuals may not have the social power necessary to abolish or prevent structural distributive injustice, whereas formal systems or institutions (such as governments) are more likely to have such power. Crucially for Anderson, we need to begin thinking of the causes of testimonial injustice as structural in order to see that the solutions to it must be structural.

17 While they maintain that "The primary harm of hermeneutical injustice is the intrinsic one—the unjust deficit of intelligibility," they add that "trans people may suffer the full range of harms associated with hermeneutical injustice: unjust intelligibility deficit (the intrinsic, primary harm), its negative practical consequences (secondary harms), and moreover those extended and specifically identity-related secondary harms concerning both social perceptions (what one 'counts' as) and one's actual self-identity" (Fricker and Jenkins 2017, 275–76). However, because ID-based injustice is associated with substantial self-knowledge in the ways I've described, what they call "identity-related secondary harms" can actually be primary epistemic harms of ID-based injustice.

18 Goetze (2018) argues that we should think of the "collective hermeneutical resource," as it figures in Fricker's account of hermeneutical injustice, as "the intersection of various community-specific resources" (76). This reading allows that (members of) marginalized social groups might have access to resources that

dominant groups do not, but are still prejudicially excluded, on the structural level, from "practices by which collective social meanings are generated" (Fricker 2007, 152). In other words, the resource gap that leads to hermeneutical injustice is a gap in this set of shared resources "that everyone has access to," which "does not at all imply that no one must have access to the required tools" (Goetze 2018, 76).

19 See Dotson (2012) for discussion of how methodological changes can help combat epistemic injustice. See Haslanger (2000) for general discussion of how our methodological approaches can interact with the content of our theories.

20 Preston-Roedder (2024) focuses on multiracial individuals who racially self-ID (e.g. "I am Black") and in my terms are subjected to ID-based injustice; in her terms "racial denials" which lead to them being "damaged in their capacity as communicators and self-knowers" (34–35). There are a number of interesting parallels between our projects, but while Preston-Roedder invokes Fricker's framework, she focuses on racial denials as hermeneutical injustice, describing them as a "symptom" of hermeneutical marginalization (42). Her argument is primarily (though not explicitly) about ethical rather than epistemic norms, but something like my argument about self-knowledge in 3.2 could be straightforwardly applied to these cases in order to demonstrate a distinctively epistemic obligation to take multiracial individuals' racial self-IDs seriously. In her conclusion, Preston-Roedder emphasizes that racial denials "call attention to the question of, not just what race is, but who has epistemic power and authority to control conceptual resources around race" (53).

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