SPEAKING, LISTENING, AND COMMUNICATIVE JUSTICE:

EDUCATING EPISTEMIC TRUST AND RESPONSIBILITY

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Dissertation

Submitted to the Faculty of the

Graduate School of Vanderbilt University

in partial fulfillment of the requirements

for the degree of

DOCTOR OF PHILOSOPHY

in

Philosophy

December, 2012

Nashville, Tennessee

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ACKNOWLEGEMENTS

To my director and mentor, Lucius T. Outlaw (Jr.), I am forever appreciative. In him I found someone who understands but also pushes me, who has been my generous defender and my most critical reader, and who stayed until the project was complete. Through much laughter and a few tears, we accomplished something I was not sure possible. To my committee, Jose Medina, Kelly Oliver, and Brooke Ackerly, I am not only indebted for all the rigorous thinking but am grateful to each of you for showing me what it looks like to mentor and how to create and use resources to support others and build institutions and habits for the next generation.

The graduate student community in the Vanderbilt philosophy department is like no other. I am indebted to many with whom I have shared classrooms, committees, and hallways. I am especially indebted to the careful reading of early drafts and endless dissertation conversations with Josh Houston, Sarah Tyson, and Sarah Hansen. A few fellow students, especially Erin Bradfield, Mark Peter, and Alejandro Arango Vargas, were always willing to schedule study dates. I am as grateful to them for the inspiring and edifying conversations had in coffee shops across Nashville as I am for quiet time spent together reading and writing.

Betsy Phillips deserves special credit; I hope she knows how much of this work was made possible because we are friends who ponder and propose alternative possibilities for a more just world over ice cream sundaes and swinging in hammocks.

Not only have I been transformed by reading others' works, I have been lucky enough to find some authors willing to engage in person to further explore and implement their ideas. Elizabeth Minnich and Miranda Fricker have each helped make this project possible.

Other faculty and staff, namely, Lenn Goodman, Jeffrey Tlumak, Kass Kovalcheck, Diane Banks, and Vanessa Beasley, have been supportive throughout my time at Vanderbilt. They

taught me not only how to think but also offered lessons in navigating academia. I re-learned how to write while working at the Writing Studio where Jen Holt, Katherine Fusco, Gary Jaeger, Amanda Middagh, and other consultants (as well as some clients) inspired and encouraged me. Heartfelt thanks are due also to the best goalkeeper in the game, Becky Davenport, and to the sensitive and thoughtful Liz Fiss.

I have always been an epistemologist at heart who feared maybe no one was listening, or should be expected to listen, to me, but my time with the Vanderbilt Debate Squad influenced this project probably more than even I understand. I am grateful for the chance that ML Sandoz took on me, for everything I learned about coaching and teaching from her. While I tremble to consider the number of hours spent in a van with hoards of undergrads, all that time is precious to me not only for what I learned about respectfully, and humorously, conversing with allies and opponents about sensitive subjects, but for the lasting friendships I have made. I acknowledge especially my friendships with Susan Mader and Matt Earnest for getting me here.

The Phenomenology Roundtable is where I met "my philosophical siblings" Michael Monahan and David Fryer, who have supported me along this journey. Our close-knit group has nurtured my development and provided invaluable feedback on this project. Thanks to them, especially Douglas Ficek , Lewis Gordon, Jane Gordon, Paget Henry, Erik Garret, Joan Jasak, Michael Paradiso-Michau, Melissa Mosko, and Neil Rosen.

Of course, I am nothing without my family, who has been so supportive of my academic dreams. To my parents and my siblings, as well as dozens and aunts, uncles, and cousins, thanks for your continued support all these years.

I could not have done this work without this collection of dear persons willing to listen to me. They were challenging and supportive, attentive and engaging. The errors and shortcomings, though, are all my own.

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INTRODUCTION

WHY LISTENING MATTERS

We all know that words can hurt, that someone speaking to, or about, you can cause you pain. Is that not precisely why children issue the schoolyard taunt "sticks and stones may break my bones but names will never hurt me": To mask the hurt and attempt to lessen the power of the speaker to cause pain? Speaking (and writing) can be a powerful weapon, not only because we can deceive or lie, but because we can be verbally aggressive, name-call, speak disparagingly and derogatorily, tease, ridicule, or threaten others. Speakers, though, are not alone in their power to cause pain through communication. Listeners too can hurt speakers. We can ignore someone trying to talk with us or deem them or their subject matter uninteresting or unimportant. When listeners do not really listen but misunderstand, focus on a few words at the expense of the intended message, or rush to interrupt and speak instead of listen, listeners are using their ears, not their voices, to hurt others.

Speaking hurtfully is often explicit and direct, affecting the immediate participants. When family or friends call each other names or drudge up past problems in a household fight, only they suffer. Other times more people are affected, not only because the speaking is directed at a larger audience but because the name-calling or disparaging commentary is aimed at people as members in a group deemed inferior and designed to create or maintain that inferiority; that is, hate speech implicitly has as its intended audience everyone. It reinforces the hatred for those in the hated class and incites hatred in all others. A (not very nice) friend calling you "a stupid idiot" is hurtful. Someone calling you a racial or ethnic epithet is hateful and attacking. Stephanie Ross argues that words can hurt, not simply or always because of their

offensive etymology, but because of their metaphoric identifications that express attitudes of hate or by synecdoche, excluding some from representation, and thus, consideration.[1] This sort of speaking does not just make someone feel sad or angry, with the speaker. Hate speech also makes people feel uncomfortable, even unsafe. It has the possible added effect of making those who hear it, or even hear about it, less likely to speak, neither to respond directly to that speaker nor to speak up in other times and places.

Similarly, poor listening can be insulting and hurtful directly to that speaker being ignored, interrupted, or misunderstood. I am frustrated and saddened when my attempt to regale a friend with my story of seeing Faith Hill at Harris Teeter is forestalled by her quickly telling me all about seeing Nicole Kidman at Bongo Java, twice. Often, though, poor listening hurts many when it is directed at (or away from) people qua membership in a group, when they are being ignored or actively misunderstood as a condition of or to reinforce their inferior position. For example, women, and men of color or with less status in the group, regularly report that suggestions they make in meetings are quickly shot down or dismissed. Then, when a male colleague, especially a white male or one with more status, makes the same suggestion minutes later, it gets picked up. Sometimes a woman finds a sympathetic male colleague to voice her ideas and then share the credit. We find predictable patterns in the speakers and subjects that are most likely to be ignored or misunderstood by many listeners such that, like hurtful speaking affecting those it is not immediately directed to, poor listening hurts many more than the immediately intended speaker. Consequently, poor listening also has the effect of making some people less likely to speak up in future situations because they come to expect that listeners will be either absent or aggressive.

[1] Stephanie Ross, "How Words Hurt: Attitudes, Metaphor and Oppression," in *Sexist Language: A Modern Philosophical Analysis*, ed. Mary Vetterling-Braggin (Littlefield, Adams, 1981), 194–216.

Even given all these ways communicating—speaking and listening—can cause pain or oppress others, our voices and ears can do good. Not only can we speak and hear love, acceptance, and support, we can use our words instead of our fists or guns. We can enlarge our worlds through communicating with others. Because communicating is an essential activity for human sociality, for forming and maintaining communities from families and churches, to sports teams and theater troops, and from neighborhood watches to nations, causing harm to people in their communicative capacities does more than just immediate psychological damage. Cynthia Townley uses the myth of Cassandra to reveal the harms we, and our community, suffer when we have no one to listen to us or trust our speaking. As the ancient story goes, Apollo tried to seduce Cassandra by offering her the gift of prophecy. When she refused him, he did not take away her gift; instead, he punished her by making it so that no one believed anything she said. Cassandra knows everything that will happen in the future, but she cannot successfully tell anyone else any of it. Townley explains that

> Cassandra is harmed primarily as a witness, attester, or authority—as a person to be believed. The damage is to a central dimension of her epistemic agency, and involves a massive curtailment of her capacity to interact with other members of her epistemic community. … The losses Cassandra incurs include restrictions to the scope and type of her interactions with other epistemic agents. No longer can Cassandra serve as a corroborator of others' stories, no longer can she respond effectively to others' demands that she back up a claim with reason or evidence, or participate in joint processes of justification.[2]

Cassandra provides a telling example because, from a traditional account of epistemic value where autonomous individuals knowing as much as they can is desirable, she should be an epistemic hero, but, instead, Cassandra suffers from a wicked curse. She suffers exclusion and isolation as well as damage to her epistemic agency. Although Apollo has not cursed any of us, we live in a society that harms people in similar ways as they are routinely ignored or

[2] Cynthia Townley, "Trust and the Curse of Cassandra: An Exploration of the Value of Trust," *Philosophy in the Contemporary World* 10, no. 2 (February 17, 2011): 106.

misunderstood because of persistent identity prejudices. Miranda Fricker terms these "epistemic injustices" and explains that

> it is obviously an essential attribute of personhood to be able to participate in the spread of knowledge by testimony and to enjoy the respect enshrined in the proper relations of trust that are its prerequisite. A culture in which some groups are separated off from that aspect of personhood by the experience of repeated exclusions from the spread of knowledge is seriously defective both epistemically and ethically. Knowledge and other rational input they have to offer are missed by others and sometimes literally lost by the subjects themselves; and they suffer a sustained assault in respect of a defining human capacity, an essential attribute of personhood. Such a culture would indeed be one in which a species of epistemic injustice had taken on the proportions of oppression.[3]

Fricker's work in *Epistemic Injustice* identifies particular kinds of injustices that are epistemic, that are "wrong[s] done to someone specifically in their capacity as a knower" to both those that are not being heard as well as those that are not listening.[4] Looking closely at common injustices such as racism and sexual harassment, Fricker reveals the epistemic injustices that occur concomitantly with material, ethical injustices when people are prevented from participating in communication and the spread of knowledge. Most obviously, the potential for knowledge, sometimes knowledge that affects lives, is lost or never discovered. Take the example of the devastating loss of more than 1800 lives from the Hurricane Katrina disaster along the gulf coast early September 2005. Over 1400 of those who died were in New Orleans where better disaster planning that included more perspectives would have prevented many of those deaths. In "The Broken Contract" Michael Ignatieff argues that the "duties of care that public officials owe to the people of a democratic society" were not met when New Orleans officials depended on private vehicle ownership for their evacuation plans despite 27 percent of households, especially poor and black households, not owning a car. He states: "In the future, one simple test of an evacuation plans' adequacy should be: Have the people who are likely to

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[3] Miranda Fricker, *Epistemic Injustice: Power and the Ethics of Knowing* (Oxford University Press, 2007), 58.

[4] Ibid., 1.

be evacuated been fully consulted on its content?"[5] Officials might have asked residents to participate in planning, lessening the likelihood of errors. Communities should take advantage of all the epistemic agents in their midst, for everyone's sake. And they should do so as full epistemic agents, without *taking advantage* of some people as mere sources of information, as epistemic tools like maps or rulers, as for example the Tuskegee experiment did to learn about symptoms of untreated syphilis from black men's bodies with complete disregard for their humanity.

Not only is knowledge lost, but people are prevented from developing virtues that come from participating in shared epistemic and communicative endeavors. People lose confidence and courage. Christopher Hookway explains that "epistemic injustice that is directed at someone's functioning as a *participant* in discussion, deliberation, and inquiry does not simply *cause* the victim to lose epistemic confidence more generally. Rather it questions the possession of capacities that are necessary for participation in these kinds of epistemic activities."[6] In defense of open-mindedness, J. S. Mill describes the severity of what happens when a society quells dissenting voice and no one has the courage to be a heretic, or even just consider other views. He says

> it is not the minds of heretics that are deteriorated most by the [social, not legal] ban placed on all inquiry which does not end in the orthodox conclusions. The greatest harm done is to those who are not heretics, and whose whole mental development is cramped, and their reason cowed, by the fear of heresy. Who can compute what the world loses in the multitude of promising intellects combined with timid characters, who dare not follow out any bold, vigorous, independent train of thought…? Truth gains more even by the errors of one who, with due study and preparation, thinks for himself, than by the true opinions of those who only hold them because they do not suffer themselves to think.[7]

[5] Michael Ignatieff, "The Broken Contract," *The New York Times*, September 25, 2005, sec. Magazine, http://www.nytimes.com/2005/09/25/magazine/25wwln.html.

[6] Christopher Hookway, "Some Varieties of Epistemic Injustice: Reflections on Fricker," *Episteme* 7, no. 2 (June 2010): 160.

[7] John Stuart Mill, *On Liberty; and, Utilitarianism* (New York: Bantam Books, 1993), 39–40.

We need courage and confidence to communicate openly with others, but that courage is replaced with fear that inhibits speaking when the foolhardy shoot us down and refuse to listen.

When one fails in her capacities and duties as a listener, she not only causes harm to speakers but even to herself. While remaining closed or dependent on old ways of thinking may serve to protect privilege and other selfish interests by maintaining control over social power, everyone is harmed when neither truth nor justice are our dialogical ends. First, as we saw above, there are the harms of inaccuracy and the diminished possibilities therefrom, of, what Elizabeth Minnich describes as "contracting horizonal possibilities by limiting our perspectives only to those prescribed by an established definition."[8] Second, there is the harm of inconsistency or hypocrisy, of not living up to one's own commitments. Equality and inclusion are democratic principles that are as yet unmet when we measure inclusion according to who can speak without paying attention to all the speakers without adequate listeners. The twoness of double consciousness that W. E. B. Du Bois describes in *The Souls of Black Folk* is about this difficulty of living a contradiction where one knows the principles of the community but cannot live them:

> It is a peculiar sensation, this double-consciousness, this sense of always looking at one's self through the eyes of others, of measuring one's soul by the tape of a world that looks on in amused contempt and pity. One ever feels his two-ness,—an American, a Negro; two souls, two thoughts, two unreconciled strivings; two warring ideals in one dark body, whose dogged strength alone keeps it from being torn asunder.[9]

Lewis Gordon explains: "What Black folks *experience* are the contradictions of American society; it is an experience of what is denied, an experience of the contradictions between the claims of equality and the lived reality of inequality."[10] While black folk suffer the twoness, white folk

[8] Elizabeth Kamarck Minnich, *Transforming Knowledge*, 2nd ed. (Temple University Press, 2004), 155.

[9] W. E. B Du Bois, *Writings*, ed. Nathan Irvin Huggins (New York, N.Y.: Library of America, 1996), 364–65.

[10] Lewis R. Gordon, "Sociality and Community in Black: A Phenomenological Essay," in *The Quest for Community and Identity: Critical Essays in Africana Social Philosophy*, ed. Robert E Birt (Lanham, Md.: Rowman & Littlefield, 2002), 120.

suffer hypocrisy and cause others harm. If we are committed to inclusive democratic practices, we will have to measure the possibilities for communicating, not merely for speaking.

This might appear to be a straightforward call for recognition. Even Townley uses that term in describing Cassandra's condition, or the condition of anyone not taken as a communicative participant: "To be authoritative, trustworthy and responsible are goods for an epistemic agent, but mere possession of these virtues is not sufficient for their exercise by a knower in the community. She needs further that her fellows recognize and acknowledge these attributes, that she is accredited and granted credence."[11] While her use of the term is not loaded with all the political weight of recent debates in the politics of recognition, it could be that to understand the call for measuring democratic inclusivity according to communicating, not only speaking, is as a way of making clear what it means to recognize others. One common criticism of a politics of recognition is that it is too vague to enact. Well, here is one way: rethink freedom of speech as freedom to communicate and notice which persons and topics get small or hostile audiences and which persons and subjects get plenty of respectfully engaged audiences. What follows, though, is not a simple, or agonistic, politics of recognition, but an articulation of the responsibilities of listeners. Further, treating communication as the interactive, relational activity that it is provides a means for making more meaningful interactions.

For some, to communicate is to acknowledge the other as human; that is, before conversation begins there has to be a recognition of the others' humanity or there is no willingness to listen to what another says. Lisa Heldke states that "there exists a stage *before* any such sharing of goals or views could ever be reached, a stage that involves acknowledging

[11] Townley, "Trust and the Curse of Cassandra: An Exploration of the Value of Trust," 109.

the humanity of the speaker."[12] Iris Marion Young insists on the importance of greeting—the hellos, handshakes, and such that precede discussion and deliberation—to any communicative interaction because it "is a form of communication where a subject directly recognizes the subjectivity of others."[13] I disagree. I do think the *unwillingness* to listen to someone often is a denial or refusal to recognize the humanity of the others. Sometimes, though, it is not the denial of humanity but expulsion from the community, for example, when we decide we will not listen to Nazi sympathizers or Westboro Baptist Church members any more (they had a chance to speak but their ideas did not stand up to reason or justice). While we cannot justifiably deny others' humanity, we could have grounds for excommunication, at least of topics or viewpoints that harm the members and very principles of our community.

Contrary to Heldke and Young, I believe sometimes people do listen to others without recognizing their humanity or subjectivity. We sometimes make exceptions for some individuals with whom we feel comfortable communicating but continue to fundamentally deny their humanity in other respects. This is why, for example, one cannot prove she is not racist by reference to having a black friend. Or, we sometimes listen by proxy to positions and persons we would not consider directly. Rather than making recognition a condition for the possibility of communication, I think it is a means to that recognition. In *Witnessing: Beyond Recognition* Kelly Oliver argued persuasively about the undesirability of the agonism central to most contemporary politics of recognition and instead values "address-ability and response-ability" such that "subjectivity is the result of the process of witnessing."[14] This project seeks to propose a transformation of communicative relations that obligates listeners to more actively,

[12] Lisa Heldke, "The Radical Potential of Listening," *Radical Philosophy Today* 5 (February 27, 2008): 34.

[13] Iris Marion Young, *Inclusion and Democracy* (Oxford: Oxford University Press, 2004), 53.

[14] Kelly Oliver, *Witnessing: Beyond Recognition* (University of Minnesota Press, 2001), 7.

responsibly, and openly attend to all speakers, to participate in communicating that can transform our relationships and our other- and self-understanding.

We can hold listeners ethically and epistemically responsible. We will not become good listeners immediately, but we can improve enough to begin to change the way we converse and begin to hear the humanity of others. We can also organize our communities and communicative interactions in ways that position people to hear what has been too long ignored or misunderstood. For example, the Gendered Conference Campaign is a feminist philosophers project that "aims to raise awareness of the prevalence of all-male conferences (and volumes, and summer schools), of the harm that they do."[15] They also have suggestions for how to avoid organizing a gendered conference. Drawing attention to the reality that many conferences have all-male speakers (especially invited keynotes or the names of the already committed advertised on the general call for papers) not only affects some people's decisions about which conferences to attend but also how they might organize their own to avoid the same problem. With some effort, fewer conferences might be all-male and more people might hear more women philosophers giving public lectures. We can keep speaking and eventually more might start to listen. Some start to respond, and then those who hear the response might seek the original speaking, and from there might seek the humanity of women.

One last example to demonstrate that paying attention to others, and risking the discovery of one's mistakes, can bring out justice, or at least lessen injustice. In February 2012, hip hop artist Too $hort made a video for XXL.com offering dating and sex "advice" for teenage boys that was actually a description of sexual assault. Many people reacted negatively, and he quickly gave a weak and unsatisfying apology that brought more negative reactions. Surprised by a reaction he could not understand, he chose to consider what the critics were saying rather

[15] "Gendered Conference Campaign," *Feminist Philosophers*, December 10, 2009, http://feministphilosophers.wordpress.com/gendered-conference-campaign/.

than dismiss them as noise. He sat down for an interview with artist and cultural critic dream hampton where Too $hort describes it all as “a wake-up call” to be coming to understand the ways that what he has called entertainment has perpetuated a rape culture and, when dream explains that we cannot simply keep telling girls how not to get raped but need “men talking to boys. It’s about men talking to men,” Too $hort commits to “kick in and kick back a lot of positive energy in something that I have been kicking out a lot of negative energy in a lot of years.”[16] He also knows that it is too soon for people to forgive and trust him, but he is willing to do the work that will earn it.

Pioneering listening researcher Ralph Nichols came up with a list of eleven statements we know are true from which he organized his research into improving listening skills, especially improving students’ classroom listening for building up knowledge and skills for life. The first four things we know are:

1. The most basic of all human needs is to understand and to be understood.
2. It is almost impossible to hate a person whom we fully understand.
3. The best way to understand people is to listen to them.
4. We are at the mercy of those who understand us better than we understand them.[17]

We know the power in speaking. That is why being prevented from exercising it meaningfully hurts so much. We need to remember that there is also great power in listening. This study of the power of listening and the responsibilities of listeners proceeds in four chapters. We begin in “Communicating Reciprocity and Respect” by clarifying what communication is and how together speakers and listeners achieve mutual understanding. Drawing together feminist political philosophers and feminist epistemologists serves to provide a preliminary description of

[16] Too $hort, “Too $hort: ‘This Is a Wake-Up Call for Me’,” interview by dream hampton, Ebony, February 24, 2012, http://www.ebony.com/entertainment-culture/too-short-interview.

[17] Ralph Nichols, “The Struggle to Be Human” (presented at the International Listening Association, Atlanta, GA, 1980), http://www.listen.org/Resources/Documents/14.pdf.

the disposition of good listeners as open-minded, responsive, courageous, and empathetic. In Chapter 2 "Speaking and Silencing" we come to understand the ways that speakers are dependent on listeners by reviewing feminist debates about pornography and censorship and find that only more radical transformation of communicative conditions might make listeners responsible. Then in Chapter 3 "Responsive Trusting and Responsible Listening" we study the ways that listeners are dependent on speakers when they share knowledge. So we more carefully described how listeners can practice good listening to hear credible speakers and avoid untrustworthy speakers. Finally, Chapter 4 "Educating Listeners" defends a liberal arts university curriculum, adequately inclusive, as capable of modeling and motivating the sort of listening we need in a just democratic society.

CHAPTER 1

COMMUNICATING RECIPROCITY AND RESPECT

Communication is the sharing of information, attitudes, and perspectives between individuals, communities, and institutions. It is an exchange between speakers and listeners. To listen is to pay attention to, attempt to understand, another who is speaking. Communication is often a reciprocal endeavor, that is, we are all sometimes speakers and sometimes listeners. And so we need the skills of both speaking and listening to be good communicators even though communication is rarely—and does not always need to be—an equitable turn-taking process. Because we tend to experience and treat speaking as active and listening as passive, we also tend to focus on training speaking skills. In formal and informal educational settings, children and adults are taught not only the grammar but even the rhetoric of speaking (and writing). However, listening is actually quite an active process that we can practice and improve, first of all simply by recognizing and valuing it as an active process. And improving our individual and collective listening skills would serve us well insofar as poor listening is to be blamed for epistemological and political problems. More to the point, I argue that for too long we have taken speaking, not communication, as a measure of the inclusivity of communities, especially democratic ones. While it appears that more and more previously excluded minority opinions are expressed, that more voices are speaking, they are rarely being heard by many who only appear to be listening. So "having a voice" needs to be understood as being able to participate in on-going communicative exchanges that necessarily involve a listening audience. Having a voice socially is not merely a physiological condition of being able to vocalize but being able to communicate what one intends to an audience that by listening well recognizes the vocalization

as communicating that intention. If we can better understand how to listen responsibly, we can better assess the inclusively of our communities.

To show that listening is an essential component for accounting for and achieving inclusive democratic practices, this chapter will proceed in three parts. I start with the very prominent philosophical theory of communication of Jürgen Habermas, laying out some basics that have been foundational to contemporary accounts that gesture toward the role listening plays in communicative success. Second, I explore two of those contemporary accounts. I start with the political philosophies of Iris Marion Young and Danielle Allen who explicitly engage Habermas and push his theory to consider the heterogeneity of human life, especially in a US American context. The epistemological theories of Miranda Fricker and Cynthia Townley exemplify the second site where contemporary philosophers are engaging questions of listening in communication. Finally, I will explore four key components of good listening: openness, responsiveness, courage, and empathy.

Habermas: Achieving Mutual Understanding Through Rational Communication

Already at the end of *Knowledge and Human Interests* Habermas points to the concrete direction he will eventually take, alongside many philosophers in the 20th century. He writes: "What raises us out of nature is the only thing whose nature we can know: language. Through its structure, autonomy and responsibility are posited for us."[18] While he eventually rejects much of this text, there he lays out three interests (and maybe also a recurring tripartite analytical structure), of which the second will be most important. "Orientation toward technical control, toward mutual understanding in the conduct of life, and toward emancipation from seemingly 'natural' constraint establish the specific viewpoints from which we can apprehend reality as

[18] Jürgen Habermas, *Knowledge and Human Interests*, trans. Jeremy J Shapiro (Boston: Beacon Press, 1971), 314.

such in any way whatsoever."[19] When he finally commits to a focus on communication in the monumental two volume *The Theory of Communicative Action*, Habermas locates himself in "the pragmatic viewpoint that speakers, in employing sentences with an orientation to reaching understanding, take up relations to the world, not only directly as in teleological, normatively regulated, or dramaturgical action, but in a reflective way"[20] that is deeply indebted, not to the dominant analytic ideal language philosophy which is about sentences or propositions, but to Mead, Wittgenstein, Austin, and Gadamer[21] and language use to a view of communicative action that seeks mutual understanding and coordinates other sorts of action.[22]

To focus on communication is Habermas' means for redeeming reason and re-grounding the Enlightenment project, for communicative action aims at mutual understanding and thus is wholly unlike instrumental or strategic reason that aim at particular ends and thus can be, and have been, used for deceit, manipulation, and violence. Rather than decisions being made by despotic leaders or majority vote, communication allows for speakers and listeners to make decisions based on agreement and reason-giving. Reasons, Habermas argues, have more epistemic, moral and political force than authority, fear, or flattery. Habermas is well aware that speakers can deceive or manipulate their audiences, a central concern for both Plato and Aristotle. Habermas shares Plato's concern so much that he carefully crafts his definition of reason-giving as rational argumentation to prevent speakers from using the rhetorical "tricks"

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[19] Ibid., 311.

[20] Jürgen Habermas, *The Theory of Communicative Action: Reason and the Rationalization of Society.*, trans. Thomas MacCarthy, vol. 1 (Boston: Beacon Press, 1984), 98.

[21] Ibid., 1:95.

[22] The TCA is a rich engagement with many other thinkers; these are just the main ones he names as particularly influential on his concepts of communication. Overall the text is also a defense of human social sciences as communicative instead of, in the Weberian tradition, as studies of consciousness. As such he also engages numerous other sociologists, anthropologists, and psychologists. The TCA is also Habermas' positive critical social theory following his critique of the pessimism and quietism of Adorno and Horkhiemer's original project for the Institute for Social Research. But we will concern ourselves mostly with communication even while these three main purposes are not entirely distinguishable or disentangleble.

most likely to unfairly persuade listeners, those psychologically persuasive errors in logic we call fallacies.

Simply put "the concept of *communicative action* refers to the interaction of at least two subjects capable of speech and action who establish interpersonal relations (whether by verbal or by extra-verbal means). The actors seek to reach an understanding about the action situation and their plans for action in order to coordinate their actions by way of agreement."[23] And he clarifies that "communicative action designates a type of interaction that is *coordinated through* speech acts and does not *coincide with* them," that is, while language and speech are central to communicative action, speaking is not the only action that matters.[24] To achieve these pragmatic ends and delve into the intersubjective dimension of the human relation of communicating Habermas turns to speech act theory of Austin and Searle.

In *How To Do Things with Words*, J. L. Austin distinguishes three components of speech: locution, illocution, and perlocution. Locution is the actual utterance itself; illocution is what is performed or accomplished in saying something; and perlocution consists of the effects of one's speech. Any utterance has locutionary force just insofar as something is spoken, but whether an utterance has illocutionary or perlocutionary effects depends on the content or intention of the speaker and the actions of the listener. Habermas basically accepts these terms but draws a distinction that neither Austin nor Searle does. He explains illocutionary effects as more generally communicative actions wherein a speaker aims to engage a listener in seeking mutual understanding, but he defines perlocutionary effects as mere strategic actions that always aim at a particular goal. Through reference to Strawson, Habermas reminds us that "A speaker, if he wants to be successful, may not let his perlocutionary aims be known, whereas illocutionary

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[23] Habermas, *TCA 1*, 1:86.

[24] Ibid., 1:101.

aims can be achieved only through being expressed."[25] He quickly makes clear that not letting one's aims be known is a deception, a means of speakers (like authorities) manipulating hearers (or citizens) because it is not just what is spoken that can deceive, but also what is not spoken as well as how and where one speaks affects one's audience. While Austin was only concerned with actions of communication, Habermas is concerned with communicative action and so imposes on the illocution-perlocution distinction the difference between that which affects only the relations between communicators and that which affects states of the world, respectively. He insists that "What we mean by reaching understanding has to be clarified *solely* in connection with illocutionary acts. … I would like to suggest that we conceive perlocution as a special class of strategic interactions in which illocutions are employed as means in teleological contexts of action."[26] So it is only illocution, not also perlocution, that should be of concern for participants in understanding each other, and also agreeing or disagreeing with each other.

Speakers and listeners understanding each other is often not so easy, so Habermas explains the acceptability, or validity, conditions as that which allows hearers to affirm or reject, agree or disagree; unless and until that can happen (even if it does not happen), a speech act is not yet communicatively valid. At different points he explains validity as saying "yes," saying "no," or the capacity to say either "yes" or "no." First, he writes: "A speech may be called 'acceptable' if it satisfies the conditions that are necessary in order that the hearer be allowed to take a 'yes' position on the claim raised by the speaker. … they are rather conditions for the *intersubjective recognition* of a linguistic claim, which, in a way typical of a given class of speech acts, grounds a specified agreement."[27] Later, it becomes "The binding effect of illocutionary forces comes about, ironically, through the fact that participants can say 'no' to speech act

[25] Ibid., 1:292.
[26] Ibid., 1:293.
[27] Ibid., 1:298.

offers … to reject them for reasons [not caprice]."[28] The conditions are the same, such that if one is allowed, so too is the other, but eventually, in the next chapter, it will be important for us to notice the particular possibility of refusal.

Ultimately, Habermas gives three validity conditions for any speech act:

> The term "reaching understanding" means, at the minimum, that at least two speaking and acting subjects understand a linguistic expression in the same way. … However, this does not rest only on the intersubjective recognition of a single, thematically stressed validity claim. Rather, an agreement of this sort is achieved simultaneously at three levels. … It belongs to the communicative intention of the speaker (a) that he perform a speech act that is *right* in respect to the given normative context, so that between him and the hearer an intersubjective relation will come about which is recognized as legitimate; (b) that he make a *true* statement (or *correct* existential presuppositions), so that the hearer will accept and share the knowledge of the speaker; and (c) that he expresses *truthfully* his beliefs, intentions, feelings, desires, and the like, so that the hearer will give credence to what is said. The fact that the intersubjective commonality of a communicatively achieved agreement exists at the levels of normative accord, shared propositional knowledge, and mutual trust in subjective sincerity can be explained in turn through the functions of achieving understanding in language.[29]

Truth of propositions, rightness of norms, and truthfulness/sincerity of expressions are the three validity claims for all communicative interactions. Validity claims are unlike power claims (claims to force or authority, even claims to tradition) insofar as they can offer, or have reasons, and insofar as they can be contested via those reasons. This reason-giving will become important later since it reveals that we can correct error, that we can improve or learn: "Corresponding to the openness of rational expressions to being explained, there is, on the side of persons who behave rationally, a willingness to expose themselves to criticism and, if necessary, to participate properly in argumentation. In virtue of their criticizability, rational expressions also admit of improvement; we can correct failed attempts if we can successfully identify our mistakes. The concept of *grounding* is interwoven with that of *learning*."[30] But for now what is important is that different sorts of claims demand different sorts of argumentative responses:

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[28] Jürgen Habermas, *The Theory of Communicative Action: Lifeworld and System: A Critique of Functionalist Reason*, trans. Thomas McCarthy, vol. 2 (Boston: Beacon Press, 1984), 73.

[29] Habermas, *TCA 1*, 1:307–8.

[30] Ibid., 1:18.

The validity of truth claims is tested by evidence in the world, and the validity of rightness claims is tested by continued discourse over norms of action. The validity of sincerity claims is a little trickier since we do not make straightforward rational arguments to disagree with, or even clarify, a speaker's own self-expression; nonetheless, they are subject to validity tests. Habermas explains: "Expressive sentences that serve to manifest subjective experiences can be accepted or rejected from the standpoint of the truthfulness or sincerity of the speaker's self-presentation … not … directly redeemed through argument as can truth or rightness claims. At most the speaker can show in the consistency of his actions whether he really meant what he said."[31]

At the beginning of *The Theory of Communicative Action* Habermas had five possible validity claims laid out in a chart: truth, rightness, adequacy, truthfulness, and comprehensibility.[32] He quickly drops "adequacy of standards of value." Since those pertain to aesthetic criticism, they do not properly fall into expressions for needing to be something more than merely sincere yet they are claims about cultural values rather than establishing universal norms and so need something less than arguments about rightness. But he never makes clear why "comprehensibility or well-formedness of symbolic constructs" disappears, even though it is gone already before the end of the first chapter when, recapping at the start of a new section, he writes: "The validity claims (propositional truth, normative rightness, and subjective truthfulness) characterize different categories of a knowledge embodied in symbolic expressions."[33] Comprehensibility does not get subsumed into another category or accounted for is some other way; he merely sets it aside. At one point, quite literally: "If we leave to one side the well-formedness of the symbolic expression employed, an actor who is oriented to

[31] Ibid., 1:41.
[32] Ibid., 1:23.
[33] Ibid., 1:75.

understanding in this sense must raise at least three validity claims with his utterance, namely …" and he continues to again briefly define truth, rightness, and sincerity.[34]

Immediately following those redefinitions, Habermas introduces the three relations of actor to world central to social science research, each of which maps onto one validity claim: objective, social, subjective. In propositional truth, the external world is represented in the speaker's expression (and hearer's interpretation); the social world is established between speaker and hearer with normative rightness claims; and with sincerity claims, one's inner world is expressed through an honest intention to communicate a belief. There is no room, or world, for a fourth, or fifth, sort of validity claim. The three worlds and corresponding validity claims also map onto three basic linguistic functions, respectively: cognitive or constative, interactive or regulative, and expressive. If comprehensibility is a function of grammatical sentences and shared meaning of words, as Habermas suggests in defining explicative discourse,[35] then maybe he treats it as a necessary condition prior to the other validity conditions. Maybe he thinks it falls outside of linguistic pragmatics, into questions of syntax and semantics. But he never explains the jettisoning of the comprehensibility condition, and this leaves good ground for future criticisms, as we will see below (and again in Chapter 3).

Contemporary Accounts of Listening

Despite the significance of language to most fields of twentieth century, and now twenty-first century, philosophy, and despite the significant influence of Habermas' theory of communicative action, little philosophical attention has been paid to communication. Habermas' developing the theory into discourse ethics in moral philosophy and deliberative democracy in political philosophy has resulted in attention paid to communicative relations, but

[34] Ibid., 1:99.

[35] Ibid., 1:21–22.

the activities of speakers and listeners aiming at mutual understanding get lost for more general discussions of speech or rules for deliberation that are disengaged and disembodied from the actual people deliberating. Further, when theorists and researchers do consider communication, speech and speaking almost always gets an unequal share of that consideration even though both speaking and listening are essential to communication. Even in rhetoric, communication studies, and psychology research listening is only rarely studied; most of the efforts seem reserved for specially trained audiologists. (We will look at some of that research in Chapter 4.) Where attention sometimes is paid to listening is when it is professional development for therapists and pastoral care workers whose jobs are to listen to patients and congregants or occasionally when musicologists and aestheticians study music appreciation. Research in pragmatics in philosophy of language and linguistics is concerned with the role of the audience in communicative success, which Habermas made use of in his theory of communicative action. Nonetheless, in more recent years there have emerged two areas of ongoing philosophical inquiry where listening is sometimes, even if rarely, taken seriously: first, in epistemology, particularly by epistemologists considering the social nature of knowing such as studies of testimony and ignorance; and second, in democratic theory, especially feminist and anti-racist democratic endeavors.[36] While much of the work in epistemologies of testimony and ignorance is about paying attention and being responsive and responsible to context and to others in shared social setting, it is rarely explicitly about listening; however, Miranda Fricker and Cynthia Townley both make epistemology about listening. In democratic theory, speaking gets most of the attention most of the time. Yet Iris Marion Young began to change that with her calls for

[36] There is also some work on the intersection of democracy and epistemology. See especially Elizabeth Anderson, "The Epistemology of Democracy," *Episteme* 3, no. 1–2 (2006): 8–22; Joshua Cohen, "An Epistemic Conception of Democracy," *Ethics* 97, no. 1 (October 1, 1986): 26–38; David Estlund, "Beyond Fairness and Deliberation: The Epistemic Dimension of Democratic Authority," in *Deliberative Democracy: Essays on Reason and Politics*, ed. James Bohman and William Rehg (MIT Press, 1997), 173–204.

thinking more holistically about communication and communicative justice and by noticing how we listen to some voices but not others. In her wake more and more democratic theorists are considering the role of listening in deliberation.

Political Philosophy

Two women working on democratic theory and practices each put communication, indebted to but also critical of Habermas, at the heart of what they are doing: Iris Marion Young and Danielle S. Allen. Young's work is two-pronged with subcategories that also intersect and tie the two together; she undertakes to give phenomenological descriptions of marginalized embodied experiences and expands deliberative democracy to more effectively communicate with all persons. To those ends she wrote compellingly about women, poor, disabled, and native people. She listened and told their stories as a means to ensure they can eventually tell their own stories. Her standards for moral and political participation are high, maybe even a bit too high. A critical engagement with her work will help to set up our own analysis of the importance and means of improving listening.

In *Intersecting Voices* Young insists that to be sufficiently inclusive, deliberative democracy needs to be broadened into communicative democracy such that the expectations for participation are not only Habermasian rational discourse but also include diverse communicative methods. We need a wider account of communication because our communicative practices *are* diverse and allowing for only the narrower, rationality view is actually particularly male, Western, and privileged that results in, and stems from, the ignoring and excluding of many voices, particularly the ways of communicating common to women and other minorities. Later, in *Inclusion and Democracy*, Young specifies four limitations of traditional approaches to deliberative democracy, two of which directly concern the narrowness of the concept of rationality: privileging argument and assuming a norm of order (the other two

are privileging unity and assuming face-to-face discussion).[37] Expectations of civility, of assuming a norm of order, act as the frame for deliberation rules that serve to exclude "rowdy street demonstrations [and] actions like unfurling banners or displaying symbolic objects with the intent of disrupting bureaucratic or parliamentary routines in order to call attention to issues or positions that those performing the acts believe have been wrongly excluded from a deliberative agenda."[38] On the traditional model that Young expands, rational communication must be orderly not only in the speech forum but also in the modes of speaking. When Habermas (and many after him) privileges argumentation, or formal, step-wise moving from premises to conclusions, Young notices that norms of articulateness and dispassionateness are also assumed. Neither articulateness nor dispassionateness is a neutral norm or a universal human practice; rather, they are culturally specific, classed, raced, and gendered. They are norms of communication taught in schools and (mis)used as substitute markers of being reasonable, intelligent, and knowledgable. If the standards for deliberation come from cultural practices made by and for those already in power, then the otherwise-trained voices of the marginalized will never get heard. In particular, Young identifies three communicative forms usually treated as irrelevant to deliberative exchanges that nonetheless should be taken seriously: greeting, rhetoric, and storytelling.

Greeting covers "forms of speech that often lubricate ongoing discussion [, are] … preliminaries in which parties establish trust or respect [, and are] … gestures of politeness and

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[37] Young, *Inclusion and Democracy*, 36–51.

[38] Ibid., 47. Habermas does argue that social movements and civil disobedience, especially when using non-violent methods as the anti-nuclear movement did in West Germany in the 1980s, are essential to democratic life; however, he does not treat them as participating in regular deliberation but in peripheral action that "is the last means for obtaining more of a hearing and greater media influence for oppositional arguments." *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (MIT Press, 1998), 382. See also Jürgen Habermas, "Civil Disobedience: Litmus Test for the Democratic Constitutional State," trans. John Torpey, *Berkeley Journal of Sociology* 30 (1985): 95–116. Stephen K. White and Evan Robert Farr argue that civil disobedience is an example of aesthetic-expressive action, the fifth validity claim that Habermas drops in the TCA, that permits an interpretation wherein Habermas' deliberative democracy is not as hostile to dissent and agonism as many argue: "'No-Saying' in Habermas," *Political Theory* 40, no. 1 (February 1, 2012): 32–57.

deference, the absence of which is felt as coldness, indifference, insult."[39] Habermas, and others, want to take for granted that deliberating participants meet with mutual respect and discuss only what happens after the greeting.[40] But Young is right to not permit that move, especially given common reports about differential greetings paid to people based on their identities, such as women being introduced without titles or only by their first names, or calling adult black males "boy," or otherwise subtly devaluing some speakers before they even begin to speak. There is just no guarantee that basic politeness conditions will be met before discussion begins. Good communication does not occur between parties that do not recognize each other as capable communicators, respect each other as equal human beings. Young does well to remind us of the real need for greeting, showing that it is necessary, but not sufficient, for successful communication. Yet, she misses one aspect of it being merely sufficient: Sometimes people actually mask harm with decorum. They shake your hand while stabbing you in the back, offer a drink on the front porch while a friend robs you through the back door, or invite you to speak but do not listen when you do. Michele LeDoeuff gives a good example of this in her criticism of the "official feminism of France" wherein parity laws ensure women's physical representation in political offices but still radically limit what important women's topics, such as reproductive rights, can get on the agenda.[41] There is only the appearance of inclusion at the first step where the bodies are made present, but the interests are still excluded.

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[39] Iris Marion Young, *Intersecting Voices: Dilemmas of Gender, Political Philosophy, and Policy* (Princeton, N.J.: Princeton University Press, 1997), 70.

[40] Toward the end of the first volume of *The Theory of Communicative Action* Habermas responds to an objection that he has "exactly three validity claims" raised with every speech act oriented to understanding. Why not more or fewer or specifically these three? His response acknowledges that greetings do have propositional content about "the presence of a person for whom things can go well or badly, his membership in a social group, and so forth." *TCA 1*, 1:311. And he acknowledges Grice having more than three claims, especially with regard to politeness needs in social situations where "a certain redundancy of contributions is plainly called for." Ibid., 1:312. That is about all he says about rhetoric, which few, myself included, find to be a satisfying response to Young's, or Allen's, critiques.

[41] Michèle Le Dœuff, "Feminism Is Back in France: Or Is It?," trans. Penelope Deutscher, *Hypatia* 15, no. 4 (October 1, 2000): 243–255.

For the second category, rhetoric, Young provides no specific definition but generally regards rhetoric as all the non-contentful aspects of speaking that mark the communicative occasion. When she expands her discussion of these three communicative forms in *Inclusion and Democracy* she does give more careful consideration of rhetoric defining it as "emotion, figurative language, or unusual or playful forms of expression" which is "the flesh and blood of any political communication."[42] Suffice it to say that she rejects Habermas' dismissal of perlocutionary effects as outside mutual understanding. Instead, Young requires that we commit to speech being persuasive and persuasion being more than an inference between premise(s) and conclusion. (Because this is what Allen takes up in more detail, we will discuss this below.) Young treats her third category, storytelling or narrative, as the most important to include in deliberative endeavors.

Storytelling gets significant attention, and it is the most central to studying the contents and practices of persons actually speaking, more than speech conditions, context, or stage-setting. Young defends the content of speech as narrative, not just premises or well-formed propositions. Narratives, Young argues, have a particular power to generate "understanding across difference" because they bear "values, culture, and meaning" through conveying actual human experiences, because "values, unlike norms, often cannot be justified through arguments."[43] Telling stories communicates some essential things for locating and resolving tensions and disagreement. They permit listeners to make connections, see similarities and differences in their own lives and values that arguments alone often cannot. Arguments engage listeners to follow the inferences and agree or disagree, but stories draw in listeners to relate and compare. I have to disagree, though, when Young points out that "because everyone has stories to tell, … and because each can tell her story with equal authority, the stories have equal

[42] Young, *Inclusion and Democracy*, 63–65.

[43] Young, *Intersecting Voices*, 72.

value in the communicative situation."[44] She is right to include narrative as meaningful in communicative processes; however, I do not think we all have or can tell our own stories well, surely not equally well, just as some are better than others at logical argumentation. What should have an equalizing effect is the diversity of evidential sources, not storytelling alone. When some tell stories, others make arguments, and still others might combine arguments and narratives more voices, more ideas, and more ways of communicating are included. We do have to learn to listen to narratives, but we must also listen to rational arguments. What would be best would be understanding how narratives and arguments can work together to complement each other. By the time she writes *Inclusion and Democracy* Young's position is more clearly that rhetoric and reason cannot be separated and that these three other communicative forms contribute to, not replace, rational argument. She writes:

> Greeting, I claim, *precedes* the giving and evaluating of reasons in discussion that aims to reach understanding. … Rhetoric always *accompanies* argument, but situating the argument for a particular audience and giving it embodied style and tone. Narratives sometimes are important parts of larger arguments, and sometimes enable understanding across difference in the absence of shared premisses that arguments need in order to begin.[45]

Habermas always intended his views to be entirely inclusive, considering all voices equally; he thought processes more legitimate if based on consensus rather than either a top-down hierarchy or a majority vote.[46] In *Justification and Application* he gives three standards: "At any given moment we orient ourselves by this idea [of the unlimited communication community] when we endeavor to ensure that (1) all voices in any way relevant get a hearing, (2) the best arguments available to use given our present state of knowledge are brought to

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[44] Ibid., 73.

[45] Young, *Inclusion and Democracy*, 79.

[46] Consensus is probably not going to be accomplished much of the time anyhow, and it might not even be desirable. In later works Habermas himself insists that consensus is unachievable such that it becomes nothing more than a regulative ideal. Nonetheless, these are topics for another time. My interest in deliberative democracy stems from it being the most potent site of discussion of the role of communication in forming and maintaining active communities. My engagement with this literature is not an endorsement or defense of it as the best form of democratic engagement.

bear, and (3) only the unforced force of the better argument determines the 'yes' and 'no' responses of participants."[47] This is supposed to make clear that communicative action must occur between and among individuals with equal respect free from internal and external coercion, but it does not answer Young's concerns about arguments being the only acceptable mode of participation. And Young's attention to greeting, rhetoric, and storytelling does significant work to point out this problem for Habermas. Each communicative form points to something reason alone cannot consider but that plays an unavoidable role in the pragmatics of communication in human social interactions always taking place in particular contexts wherein the narratives of human experience can and must serve as evidence for our decisions and our decision-making processes. Allen also wants to revalue rhetoric, to highlight the role persuasion plays in communicative practices such that we can see deliberation already occurring in many social contexts, not only formally organized or official situations. She acknowledges and cites Young's work as informative of her own, and then focuses on rhetoric more generally, rather than multiple other communicative forms, to get at her concerns with Habermas' focus on consensus, or, for Allen, unanimity.[48]

Allen says that "this idealization of unanimity brings with it a severely impoverished understanding of language as the medium of politics" without which we cannot "deal with

[47] Jürgen Habermas, *Justification and Application: Remarks on Discourse Ethics* (Cambridge, Mass.: MIT Press, 1993), 163.

[48] Though related, consensus and unanimity are not the same thing. Allen is concerned that U.S. American politics is dependent on a notion of unanimity, of oneness, rather than heterogeneous wholeness. She traces the value (or ideology) back from Habermas to Kant to Hobbes arguing that: "The social contract tradition, out of which our political institutions arise, dreams of an ur-moment of total consent as the legitimating foundation of liberal institutions. In some state of nature, all men will unite and consent unanimously to establish a shared government." *Talking to Strangers*, 54. While Habermas, especially in his early work, is concerned with consensus, it is not one that has to result in unanimity, only agreement and decision-making. Perhaps ideally that is a unanimous consensus wherein we have located the necessary and sufficient conditions for living well. This ideal is what Allen thinks is driving Habermas' commitment even to practical consensus. But this is a fight for Habermas scholars more than a concern for the rest of what Allen, and we, have to say about reason and rhetoric in communication.

distrust."[49] It is distrust, she argues, that is at the heart of US American political and social shortcomings, particularly "interracial distrust."[50] Allen does not detail the distrust, but we can imagine: The distrust is about not sharing, or assuming to not share, interests or the same history and culture. I think it might be even a more basic distrust about one's security. Black people might still justifiably distrust white people who have yet to fulfill promises made in Emancipation, of rights and freedoms fought for. But what do white people distrust? Maybe they fear revenge and worry that black people will just take their due (as if what is due is anything like clear or agreed upon)? But there are not just two races of people in the US, and solidarity among them is less common than jockeying for position, pushing others down to prop oneself up. Allen prescribes communication as a way to finally build that needed trust. She insists that "speech … is a tool of trust production."[51] If we talk, we might find that we do have much in common, but we can also find ways to deal with, or even value, our differences. To locate the commonalities and deal with the differences, we will have to take seriously the art of rhetoric to create the conditions that can get us talking in the ways Habermas suggests and Young appends. We do not meet in the public sphere to exchange premises and conclusions, to compare reasoning. We meet as embodied citizens with rich communicative habits that signal to other human beings things about ourselves, about our interests and characters. Allen wants us, in particular US Americans ostensibly already committed to equality, to remember that character matters in democratic communities and communication because we are diversely embodied beings, not mere minds, acting in relation to each other.

Understanding not just how but also why Habermas rejected the importance of rhetoric within communicative action will be important for figuring out better listening. We discussed

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[49] Danielle S. Allen, *Talking to Strangers: Anxieties of Citizenship Since* Brown v. Board of Education (Chicago, Ill.; Bristol: University of Chicago Press, 2006), 54.

[50] Ibid., xiv.

[51] Ibid., 62.

above Habermas' concerns with deception. It is this concern to which Allen devotes more detail and historical force. Allen argues that Habermas, following Austin, sided with Plato against Aristotle on the possibility of persuasion being a teachable art. Allen reminds us, however, that the ancient distinction between rhetoric and logic was not quite the distinction we make today between emotion and reason. Rather, the concern was about productive and acceptable means of developing a relationship between speaker and listener; it was about trust, not emotion.[52] All communicative acts require that speaker and listener trust each other to some degree: the speaker must trust that the listener is actually listening, and the listener must trust that the speaker is being honest. If either or both of those are missing, communicative success will be limited if not impossible. We must, therefore, decide on what trust is and should be based. Plato feared that rhetoric deceives, thus we should not teach such skills that can be used against listeners. Aristotle, on the other hand, reasoned that rhetoric does not have to deceive; hence, we should teach rhetorical skills to be used well for the benefits of listeners, teach speakers how to not manipulate but to communicate successfully. Given this historical background, Allen explains that Austin's "insistence on the nonconventional status of perlocution is equivalent to Plato's argument that there can be no art of rhetoric."[53] Once Habermas agrees with Austin that "only illocutionary results are predictable, regularized and perfected"[54] he concludes, contra Austin, that perlocution is extra to speaking. And this, for Allen, is his greatest mistake. She argues that "The relationality between speakers and auditors is what a Habermasian pragmatics of citizenship must overlook in order to see forms of language that can convince all parties 'in the same way' or 'without reservation'."[55] Habermas' inadequate (read as not Austinian enough)

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[52] Ibid., 68.

[53] Ibid., 61.

[54] Ibid., 62.

[55] Ibid., 63.

philosophy of language is at fault here for pulling apart the categories of communicative and strategic action and insisting that agreement is only a matter of illocution rather than also perlocution.

This criticism and amendment of Habermas is just one component of Allen's larger project that gives reasons—and means—for finally fulfilling the reconstitution of the US begun with the recognition of civil rights for African Americans.[56] This reconstitution requires understanding democratic citizenship as involving communicative endeavors whereby strangers, who also must become political friends, talk to one another. At the very least we cannot continue in our adulthood to practice the "stranger danger" lessons we teach school children wherein we avoid even initiating conversation with but also responding to others; but even better would be knowing our neighbors and our neighborhoods, participating in civic life at town hall meetings and the like, and interacting (verbally and symbolically) with those who cross our paths. We have to speak with and listen to each other regarding our interests, taking turns sacrificing particular wants and needs while recognizing the sacrifices[57] of others and, ultimately, sharing in a more just distribution of goods and opportunities for everyone.

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[56] Emancipation and Reconstruction were the first reconstitution. Then the radical time between the 1954 United States Supreme Court decision of *Brown vs. Board of Education of Topeka, Kansas* and the 1965 Voting Rights Act is the second reconstruction, which we are still struggling to fulfill. While it started in 1954, Allen argues that the failed attempts to integrate Little Rock Central High School in 1957—the news media spreading photos showing white children shouting at and spitting on black children—caused a psychological change in the heart of the nation that made the reconstitution more than merely in law.

[57] Allen also shows—through reading Ralph Ellison's response to Arendt's commentary about the integration of Little Rock high school—that African Americans and other marginalized people understand better the need for sacrifice than privileged do because they have had to make involuntary and unrecognized sacrifices for centuries. As well it is worth noting, as we will return to him in the chapter on education, that the necessity and value of sacrifice is what Du Bois says he took for granted that allowed him to exaggerate the value of a vanguard of leaders in his original, 1903, formulation of the talented tenth. See W. E. B Du Bois, "The Talented Tenth: Memorial Address," in *W.E.B. Du Bois: A Reader*, ed. David L Lewis (New York: H. Holt and Co., 1995), 347–353. Joy James' argues that this revision basically aligned Du Bois with the view Anna Julia Cooper first published, which Du Bois studied, in 1892. Although, James does criticize Cooper too for missing the opportunity to value black laborers' intellectual and leadership capabilities. See *Transcending the Talented Tenth: Race Leaders and American Intellectualism* (New York: Routledge, 1996), especially pp. 43-46.

While there is significant attention paid to speakers and the art of rhetoric, Allen is quite careful to discuss the art of listening. Pulling together communication and sacrifice as essential to democratic praxis allows her a way between two horns of a common theoretical dilemma in democratic theory: whether there will always be agonistic, unresolvable conflicts or whether consensus is possible and desirable. Allen, I say rightly, locates democratic praxis primarily in the communicating rather than in the decision-making. We do not need to decide if agreement is ultimately possible or permanently impossible when we understand democracy as a process rather than an outcome. The turn-taking of democratic communication is akin to the turn-taking involved in deciding whose interests get met, which interests, how, and for how long. Speakers are usually speaking to an audience of persons who can and should respond. Just as sometimes you speak and sometimes you listen, so too sometimes you get your way and sometimes you sacrifice your needs for other social goods.

Rather than turn-taking, however, the more appropriate concern is reciprocity, which Habermas, Benhabib, Allen, and Young all discuss. It is this notion, and the possibility of genuinely and thoroughly practicing reciprocity, that provides Young with another challenge to Habermas and Benhabib: that they are insufficiently aware of human differences. Of course, reciprocity is both necessary and possible. What is in question is what reciprocity looks like and how we enact it. Do we take others' perspectives into account on their own terms or do we imaginatively take their positions?[58] Young insists we must do the former, as consciously asymmetrical[59] listening to the stories, experiences, and views of another who might be quite

[58] Young, *Intersecting Voices*, 39.

[59] Habermas and Young are using "asymmetrical" in partially equivocal ways. For her it is a matter of identity and experience, whereas for Habermas it is also about the very capacity to participate. In *Justification and Application* he uses the example of animals: "we communicate with animals in a different way once we involve them in our social interactions, in however asymmetrical a fashion. … To the extent that animals participate in our interactions, we enter into a form of contact that goes beyond one-sided or reciprocal observation because it is of the same kind as an intersubjective relation" 109–110. Habermas claims that animals lack personal identity and experience pain differently, in that they are not reflexively aware of their suffering, and as such "These and similar asymmetries

different from me. Young argues that imagining oneself as the other is not only impossible but would still be undesirable if it were possible because it obscures difference and particularity, thus leading to further harms and injustices by propping up only some perspectives as legitimate. For Young, the equal respect and reciprocity necessary for inclusive democratic justice can be met only if all speakers get to have their say and be heard, not merely imaginatively considered. Or, in the language of Benhabib, that every community member must be considered in her concrete, not generalized, otherness.

While I find Young's work indispensable for identifying some essential communicative elements missing from many frameworks, especially Habermas' account of a communicative framework, and for showing how those missing elements have served to (and maybe in some instances were intended to) exclude or easily ignore the voices of marginalized and oppressed people, I cannot follow her all the way to her conclusions. She shows us the problems with a narrow view of communication, provides some ways to think about better listening, and even shows the limits of our obligations to listen. But I do not think that she shows the impossibility or undesirability of imagining ourselves as others; rather, she makes clear the need to think about proper listening is essential to more fairly and accurately imagining ourselves as others. I worry that she puts too much into "understanding" in her account of "understanding across

characterize the way in which animals participate in our interactions. … we should not confront animals in the objectifying attitude of a third person, nor just communicate about animals but with them" (110). He calls for direct, ethical engagement with animals to clarify how those asymmetrical identities condition capacities to participate. (Although many would question his ethical commitments to animals considering that in the same breadth he still accepts meat-eating and animal experimentation.) Young would be well-served to pull together two separate claims. In the Chapter II of *Intersecting Voices*, "Asymmetrical Reciprocity," she focuses only on identity differences, claiming that such differences make imagining ourselves as others ontologically impossible. But in Chapter III, "Communication and the Other," she argues that the strict modes of argumentation Habermas employs leave some unable to participate. She could conclude that identity and experience differences generate, or at least correspond to, communicative differences that affect participatory possibilities, but this would lessen the weight of the demand for asymmetrical recognition. But *we* can de-emphasize asymmetry and make participation more just and inclusive, if we make more experiences communicable by broadening modes of communication beyond premise-giving and inference-making.

difference" that understanding the other becomes indistinguishable from believing or agreeing with her.

What is happening when I listen to someone relate experiences—through narratives or otherwise—express values, or make proposals? Am I not also imagining her life? Am I not pulling from my memory to conjure comparisons regarding what is similar or dissimilar between my knowledge and experiences and those of the person speaking? Sometimes I conclude that I cannot imagine the experience because it is too foreign. But that is only after an endeavor to imagine. Perhaps I should conclude sooner, or more frequently, that I cannot adequately imagine the experiences of others; perhaps, I import too much of my remembered experiences into the imaginings. Doing so would be then not actually listening well enough. We can, and should, know ourselves well and remain actively self-reflective such that one might predict in advance of meeting someone that her experiences are likely to be unimaginable. Yet, I cannot be denied imagining, comparing, and contrasting myself with others. To even comprehend what the other is saying I need to make connections—of both similarity to *and* for difference from my own knowledge and experiences. Young's view is that the problem of other minds—that as a self I can only be myself and only know myself directly—entails the impossibility of imagining the other.[60] Instead, I think she helps us to see that good listening can be a way to better imagine, not simply an alternative to imagining. We need well-informed imaginations in order to foster good hearing.

In *Intersecting Voices* Young supplies three scenarios, "three stories of irreversibility,"[61] that each show a failure to actually listen, and the limits, but I think not the ontological impossibility, to imagining others' lives: being wheelchair-bound; the spiritual lives of Native Americans; and black women torn between solidarity to gender or race during the Clarence

[60] Young, *Intersecting Voices*, 46–47.

[61] Ibid., 41.

Thomas-Anita Hill hearing. The first and the third are good examples of failures to listen that are accompanied, or probably caused, by a lack of self-awareness of particularity and differences between individuals.[62] When we can listen to others, we should. The problem of unfairly distributed health care resources Young exposes through the disability example arose because no one actually asked blind or wheelchair-bound people how they value their own lives or noticed the significantly low rate of suicide amongst people with disabilities. They asked *only* able-bodied people to imagine their lives as disabled. Similarly in the third example: some white women not understanding that some black women might protect a black man in such a high-profile situation is akin to many men not understanding why a woman might not speak up sooner about or stand up to a harasser's advances. If some white women can be frustrated that many men do not seem to understand, then they should also be able to imagine that maybe they are missing some important details that explain why some black women think differently about the situation.

Where possible we should listen to a person's communicating about their experiences rather than only imagine their experiences. We should seek to broaden our experiences and our knowledge through listening, and we should learn the limits of our own experiences and knowledge. That is, we should be self-reflective rather than self-projective. Even J. S. Mill insists that, where possible, we should confront opposing views and values in people who actually hold them, not just as thought experiments.[63] Young notes that "when people obey the injunction to

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[62] I must admit that I am a bit troubled by the second example. It is rather short, so I leave open what Young might be suggesting in articulating the value of "respectful distance." If this is an example of white people continuing to encroach on Native American lands and rituals even when being asked not too, then I think she has made a strong point. Insisting that one's interest in another's culture is loving and supportive cannot excuse ignoring the wishes of those others. However, if her position is a general defense of nativism, then I am not so sure I can be supportive. There are few instances where I find strict segregation defensible and most of them are temporary, strategic, or therapeutic.

[63] Mill wrote: "He who knows only his own side of the case, knows little of that. His reasons may be good, and no one may have been able to refute them. But if he is equally unable to refute the reasons on the opposite side; if he does not so much as know what they are, he has no ground for preferring either opinion. The rational position is for him

put themselves in the position of others, they too often put *themselves*, with their own particular experiences and privileges, in the positions they see the others. When privileged people put themselves in the position of those who are less privileged, the assumptions derived from their privilege often allow them unknowingly to misrepresent the other's situation."[64] But this is a reason to become more self-reflective and attentive to others, not a reason to quit imagining altogether. Even Young implies that experience, or trusting the testimony of others regarding their experiences, is necessary for attaining knowledge. While some viewpoints are more difficult to imagine than others—as a function of the distance from one's experiences—what we have to learn is when to turn to first-hand accounts and when to turn to experts to get reliable, useful knowledge.

I hesitate to follow too far Young's valorization of first-hand accounts that suggests that we know best ourselves. At work in psychology, sociology, and the human sciences in general is a belief that others' critical perspectives on our individual and shared lives provide information and understandings that we cannot get about ourselves.[65] While I cannot know what it is like to be a bat, or wheelchair-bound, I also am not transparent to myself. The emphasis Young places on first-hand accounts, especially by persons marginalized or oppressed, risks limiting them to bodily experience not also to reason, to thinking about the meaning of our experiences. This is a

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would be suspension of judgement, and unless he contents himself with that, he is either led by authority, or adopts, like the generality of the world the side to which he feels most inclination. Nor is it enough, that he should hear the arguments of adversaries from his own teachers, presented as they state them, and accompanied by what they offer as refutations. That is not the way to do justice to the arguments, or bring them into real contact with his own mind. *He must be able to hear them from persons who actually believe them*; who defend them in earnest, and do their very utmost for them. He must know their most plausible and persuasive form; he must feel the whole force of the difficulty which the true view of the subject has to encounter and dispose of; else he will never really possess himself of the portion of truth which meets and removes that difficulty." *On Liberty*, 43, emphasis added.

[64] Young, *Intersecting Voices*, 48.

[65] Sandra Harding criticizes natural scientists for missing this point too. They set up scientific knowledge to deny the very possibility that others might be better able to describe scientific activity than scientists. See Sandra G Harding, "Why 'Physics' is a Bad Model for Physics," in *Whose Science? Whose Knowledge?: Thinking from Women's Lives* (Ithaca, N.Y.: Cornell University Press, 1991), 77–103. Habermas' communicative theory should cut off this sort of mistake of trusting only first-hand accounts: sincerity claims can be tested by means of matching word and deed, that we need not accept expressions or opinions as necessarily true.

problem Lewis Gordon calls "A Problem of Autobiography in Africana Thought" as the title of one chapter of *Existentia Africana* (and although it is a particular problem for black theorists, the problem is not exclusive to racial oppression) that occurs through the reduction of the works of black writers and thinkers to their biographies, to making black biographies, instead of the ideas contained in them, the texts for political and theoretical interpretation. Gordon explains that

> Ideas shift black writing from perception to apperception. The former acknowledges that blacks have experiences, while the latter requires blacks' ability to *interpret* that experience. Such interpretation makes sense if it can transcend its particularity. Put differently, the dualism of black experience and white theory has to be abandoned here for the recognition that black reflections also are theoretical and informative of the human condition.[66]

Human experience and knowing are both body and mind, emotion and reason, involvement and theory. We sometimes call particular attention to the experience and body because those categories have been ignored or debased; however, there is no need to forget about the latter. Young is over-valuing direct experience, in part to make the point of its having been ignored, but ultimately we will need to rebalance direct experience with reason and reflection.

If we only listen to others' stories, and not also compare and contrast them with our own and with other facts and stories about the world, then we are not actually understanding others' stories, we are simply believing those others. Young does note that "recognizing the asymmetry of subjects, however, does imply a different account of what understanding is and what makes it possible."[67] But her different account of understanding seems then indistinguishable from believing the other, even agreeing with her, always. Sure, if we mostly tell stories that communicate our experiences and values, then doubt or denial should be rare, and disbelief will be akin to saying someone is lying or insincere. There has been a long-standing practice of denying people their own experiences, which might be what Young is trying to

[66] Lewis R. Gordon, *Existentia Africana: Understanding Africana Existential Thought* (New York: Routledge, 2000), 36.
[67] Young, *Intersecting Voices*, 52.

combat. But being ignored or excluded is not quite the same as being included and disbelieved or disagreed with. Young also makes clear that storytelling serves to reveal values, and it is those values that can be debated and deliberated about, with different decisions following from different values. We will have better conversations, with likely more fair and just outcomes and policies, if people understand each other; nonetheless, believing that you are telling the truth about your pain, or your history, or your hopes for the future, is not the same as agreeing that those are good hopes that others should share in or should be recognized and supported.

One other argument Young makes about the undesirability of symmetrical reciprocity I think is better deployed to another end: to locate the limits of our obligations to listen. Young offers that:

> When members of privileged groups imaginatively try to represent to themselves the perspective of members of oppressed groups, too often those representations carry projections and fantasies through which the privileged reinforce a complementary image of themselves. The idea of reversing perspectives assumes that the perspectives brought to a situation are equally legitimate. Where structured social injustice exists, this may not be true. The perspective of those who maintain privilege under an unjust status quo does not have legitimacy in the same way as that of those who suffer the injustices. Even under conditions of injustice, the interests and perspectives of those who belong to privileged groups should not be disregarded; moral respect does require that everyone's perspective be taken into account. But *asking the oppressed to reverse perspectives with the privileged in adjudicating a conflict may itself be an injustice and an insult*.[68]

She is right, but not about what follows from this insight. Young wants this to show that reciprocity is always asymmetrical, that perspectives are not interchangeable or substitutable. She first tried to demonstrate how the privileged cannot imagine themselves as the oppressed; here she wants to conclude the converse, that the oppressed cannot, should not, understand themselves as like the privileged. I, however, do not think it follows from this that we cannot or should not imagine others' lives, regardless of whether we find ourselves lacking or with an abundance of social power. It shows that once someone has denied reciprocity of any sort, he

[68] Ibid., 48, emphasis added.

need not be given a hearing. Communication is premised on mutual respect. We all must offer it up equally; we cannot wait for others to start. But when someone reneges, the rest can stop. And that is another instance of what happens in these injustices: denials of humanity, human sociality, and respect. This is what Karl Popper calls the "paradox of tolerance" wherein we do not have to listen to views that make our own (future) speaking impossible.[69] Now, we might decide to imagine the other, to listen to the other, anyhow, with certain ground rules or for strategic or therapeutic ends; however, we do not have to listen to them or imagine their reasons for causing injustice.

Strategic and therapeutic ends are just what motivate Lisa Heldke to encourage the practice of "radical listening" or "listening to ideas one finds most difficult and unpalatable to hear, with a commitment to trying to understand the ideas being articulated and doing so through or in spite of tremendous anger, hostility, or other profound emotions one might feel or that the speaker might manifest."[70] If we are going to have healthy and just communities, then we cannot shy away from the difficult moments. But then Heldke makes a move similar to Young where she not only makes exceptions to listening for the oppressed but actively permits not listening when it would not feel good. They both sound as though they are not *willing* to listen to some people, rather than rightly not being *obligated* to under certain conditions. Heldke concludes her essay with: "Indeed, not listening—actively refusing to listen—is

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[69] In Chapter 7, Note 4 of *The Open Society and Its Enemies*, Vol. 1, Popper writes that "Unlimited tolerance must lead to the disappearance of tolerance. If we extend unlimited tolerance even to those who are intolerant, if we are not prepared to defend a tolerant society against the onslaught of the intolerant, then the tolerant will be destroyed, and tolerance with them. … [We should be tolerant of the intolerant] "as long as we can counter them by rational argument and keep them in check by public opinion. … [However] we should claim the right to suppress them if necessary even by force; for it may easily turn out that they are not prepared to meet us on the level of rational argument, but begin by denouncing all argument; they may forbid their followers to listen to rational argument, because it is deceptive, and teach them to answer arguments by the use of their fists or pistols. … [Thus] We should therefore claim, in the name of tolerance, the right not to tolerate the intolerant. We should claim that any movement preaching intolerance places itself outside the law, and we should consider incitement to intolerance and persecution as criminal, in the same way as we should consider incitement to murder, or to kidnapping, or to the revival of the slave trade, as criminal" Karl Raimund Popper, *The Open Society and Its Enemies, Vol. 1: The Spell of Plato*, 5 Revised. (Princeton University Press, 1971), 265n4.

[70] Heldke, "The Radical Potential of Listening," 29.

frequently an appropriate political strategy, especially when the voices in question are loud, well-funded, and omnipresent in the public eye."[71] Those are not the right reasons; those are bad reasons. While perhaps it is acceptable for Heldke because for her radical listening is only a strategy with epistemic and political benefits, and she is correct that positions that already have support and power do not generally need help. Nonetheless, this cannot be justified in communicative ethics more broadly or we will just be exchanging power instead of changing power relations.

We have been considering that one of the reasons oppressed people may decide to listen to and consider the perspectives of their oppressors is to find ways to bring an end to the oppression, that appealing to people as fellow humans could have a greater impact on changing their behaviors (or on compelling compliance following social, institutional, or legal changes). Another reason oppressed people may decide to listen to and consider the perspectives of their oppressors is to know what not to be or become themselves.[72] Our practices have to match our values, as Habermas makes clear through the validity claim of sincerity or truthfulness. If we want fully inclusive and equitable communities, if we want to be heard, we also must listen and enact and uphold practices of inclusion wherever we can.[73] There are conditions on communicative justice that if not met do rightly justify exclusion. Habermas insists on four criteria: that the process be inclusive, equally respectful of all, free from internal deception, and free from external coercion. Failure to fulfill any one would make the process and results of a

[71] Ibid., 43.

[72] I thank Lucius Outlaw for this point, for his interpretation of Reverend James Lawson and Martin Luther King Jr.'s non-violent methods in the Civil Rights Movement.

[73] We should recognize, though, that in situations of ongoing injustice and oppression, these obligations place particular burdens on the oppressed while permitting the privileged to appear virtuous and feel joy while being responsible for harming others. See Lisa Tessman, *Burdened Virtues: Virtue Ethics for Liberatory Struggles* (Oxford University Press, 2005). Tessman argues not only that the oppressed classes suffer moral damage because they are not always able to develop the virtues necessary to flourish but also that they must maintain certain traits to withstand and fight oppression that both come and are used at a cost to them. She argues that the anger, courage, and loyalty needed to fight oppression can be quite burdensome to the oppressed.

communicative action untenable and unjust. Young then gives three related conditions that ground communicative endeavors: significant interdependence, formally equal respect, and agreed on procedures.[74] Demanding the oppressed to continue to listen to and imagine the perspectives of their oppressors is too much (because their oppression is a violation of the condition of equal respect), and yet we might need to do so anyhow.

Despite some of my criticisms, Young's work is quite important for any attempt at communicative justice. She reminds us that we can too easily assume everyone is more like us than not if we do not practice communication while being conscious of differences and particularities. And she is clear that some of those practices will need to be outside the scope of rational argumentation while attentive to rhetoric and storytelling. Young's emphasis on personal narratives reveals two needs particularly important to communicative justice: trust and interdependence. No one needs to know everything all on her own. We can have direct knowledge and experience of some things and we can have testimonial knowledge via others. So while Young focuses on the unsubstitutibility of views, we could instead see her demonstrating that we cannot each know everything, or maybe very much at all. Consequently, we must locate ourselves in communities of knowers by listening to others, and we must check against what we do not know and have not undergone.

Some recent epistemologists, often with feminist and anti-racist agendas, have taken up these questions of the roles of trust and interdependence in knowledge in ways that highlight the importance of listening and reveal some strategies for better listening. We will look at two such efforts by Cynthia Townley and Miranda Fricker.

[74] Young, *Intersecting Voices*, 67.

Epistemology

More and more recent epistemologists are explicitly discussing listening thanks in large part to Miranda Fricker's influential and important *Epistemic InJustice*.[75] Fricker herself is indebted not only to traditional epistemology and Bernard Williams but to some strands of epistemology that all hover near to studies of listening but are not quite fully explicit and committed: standpoint theory, epistemologies of ignorance, and accounts of testimony. Much work in standpoint theory and epistemologies of ignorance grows out of the acknowledgement that having a voice, that speaking, is insufficient for adequate participation if that voice does not get heard. These theorists come to the same insight through revealing misconceptions and attitudes that close the ears of the privileged against marginalized voices. The first, standpoint theory, exemplified by Sandra Harding, Alison Wylie, Patricia Hill Collins, and others, is rarely, if ever, explicitly about listening. Standpoint theorists discuss something more like attunement or attention to epistemological contexts in and through a situated knowledge thesis that "social location systematically shapes and limits what we know, including tacit, experiential knowledge as well as explicit understanding, what we take knowledge to be as well as specific epistemic content."[76] There is also an inversion thesis that states "those who are subject to structures of domination that systematically marginalize and oppress them may, in fact, be epistemically privileged in some crucial aspects."[77] While this thesis also says nothing explicit about listening or communication, we might infer that societies marked by systemic injustice create conditions wherein the marginalized and oppressed are (or are likely to be), out of necessity, better

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[75] Fricker's book has received substantial attention since its 2007 publication, including both Central and Eastern APA author-meets-critics sessions, the latter of which resulted in a special symposium in June 2010 *Episteme*; the Sixth Annual Nomos Meeting in Barcelona December 2011; and the most recent issue (Issue 26, No. 2, 2012) of *Social Epistemology* dedicated to a discussion of the book.

[76] Alison Wylie, "Why Standpoint Matters," in *Science and Other Cultures: Issues in Philosophies of Science and Technology*, ed. Robert Figueroa and Sandra Harding (Psychology Press, 2003), 30.

[77] Ibid., 26.

listeners. That is, the potential epistemic advantage of the marginalized comes from being better attuned and more attentive to the world and its inhabitants. But we should not have to be threatened to be attentive, nor should our security or comfort come at the expense of others. Listening needs to be a more conscious and regular component of human interactions.

The second area of recent work focusing on epistemologies of ignorance, as articulated by Charles Mills, Nancy Tuana, Shannon Sullivan, and others, grows out of standpoint theory and depends on the situatedness of knowers. Proponents argue that once we take seriously both the situated knowledge and inversion theses, we must look more closely not only at what is known but especially what is not known by particular groups. We will then see not only what the marginalized know better but also what the privileged do not know. We can recognize that while some have clear reasons to seek more and better understanding (for their physical and psychological well-being), others have interests in being ignorant (to maintain their privilege). While little of this literature is explicitly about listening, it draws our attention to the *activities* of knowing and not knowing as they are practiced in communities and in relations between people rather than as abstract, universal processes internal to individuals. Epistemologists of ignorance show us that irresponsibility and deafness about the sources of and limits to our knowing are more normal than being responsible and attentive. As well, they show that such irresponsibility is harmful and must be addressed if we are to realize just communicative relationships.

Four examples, to add to what Young has given us, will give a fuller sense of this rich and wide-ranging field of epistemologies of ignorance as well as show sites of poor listening with serious consequences. Exploring matters of race are not only Charles Mills, Elizabeth Spelman, Maria Lugones, and many others, but also Lucius Outlaw (Jr.), and Shannon Sullivan. Outlaw notes that the American educational system has long been a site "for the ethically legitimated production and social distribution of ignorance regarding [non-white] races as well as for the

production and distribution of the ethically sanctioned knowledge regarding the absolute and relative superiority and inferiority of the white and 'colored' races, respectively," and that ignorance lingers in most university philosophy departments.[78] Sullivan uses her own ignorance about Puerto Rico—its history and relationship to the US—to explain how she does not simply lack the knowledge, as do most white US Americans, but that this "ignorance is an active production of particular kinds of knowledges for various social and political purposes."[79] It turns out we do "know" things about Puerto Ricans as "a childlike, ignorant people, helplessly dependent upon the United States for any and all solutions to the island's problems"[80] which justifies our actually knowing nothing about the people, their island, and their history and has also justified denying them their own historical and cultural education so as to render them dependent on the US.

Among feminists exploring epistemologies of ignorance we find Nancy Tuana, Maria Lugones, Peg Brand, and many others. Tuana has taken lead in this field (while rightly crediting Marilyn Frye, Charles Mills, and Eve Kosofsky Sedgwick as pioneers in linking ignorance and oppression) with her studies of women's health. She uncovers ignorance about female sexuality and sexual pleasure, a dearth of knowledge about female anatomy in medical communities and the general population, in "Coming to Understand" and follows that specific study up in "The Speculum of Ignorance," which marks the women's health movement of the 1970s and 80s—a movement that gave (back to) women knowledge about our bodies, exposed the dangers of oral contraception, uncovered the legacy of forced sterilization of minority women, etc—as not only a liberation movement but also an epistemological one.

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[78] Lucius T. Outlaw, "Social Ordering and the Systematic Production of Ignorance," in *Race and Epistemologies of Ignorance*, ed. Shannon Sullivan and Nancy Tuana (Albany: State University of New York Press, 2007), 201.

[79] Shannon Sullivan, "White Ignorance and Colonial Oppression: Or, Why I Know So Little about Puerto Rico," in *Race and Epistemologies of Ignorance*, ed. Shannon Sullivan and Nancy Tuana (Albany: State University of New York Press, 2007), 154.

[80] Ibid., 168.

One last example to illustrate how even those attentive to concerns about marginalization need to remain open to hearing others' experiences, for ignorance and closed-mindedness are habituated in ways that mask relations between marginalized perspectives. The Summer 2006 *Hypatia* special issue about "Feminist Epistemologies of Ignorance" included Lisa Heldke's essay "Farming Made Her Stupid," wherein she introduced not only the category of "stupid knowing,"[81] but also explored an instance in metrocentric marginalization of rural life knowledge. She explains that "Farm knowledge, and other rural and small-town knowledge, is so systematically devalued that the marginalization of people who possess it goes unremarked, even unbelieved."[82]

One exception in explorations of the epistemologies of ignorance is the work of Cynthia Townley, who not only is explicit about listening but also gives a defense of ignorance, not a defense of the same ignorance that Outlaw, Sullian, Tuana, and Heldke mark as privileged but makes a broader claim about epistemological communities in general.[83] Townley argues that

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[81] Stupid knowing is not an instance of ignorance (although sometimes the two are collapsed together), or simple error, or merely devalued knowing. It is a knowing about things that are supposedly so "coarse and irrelevant" that having such knowledge actually makes one stupid in the opinions of others. Lisa Heldke, "Farming Made Her Stupid," *Hypatia* 21, no. 3 (July 1, 2006): 156–57. Heldke opens the essay with a story about a colleague who thought first semester college students were deficient for not (yet) knowing how to ride urban public transportation while not recognizing that many of them know how to drive tractors (which she could not do but did not think it mattered enough to suggest the students had knowledge that she lacked). Their knowledge of rural life was not only insufficient to mark them as intelligent or even competent in the important ways of the world (in knowledge of urban life) but actually in and of itself marked them as stupid. Heldke further explains how this "stupidification" devalues rural knowledge specifically as well as how the general process of stupidification (which she says is sadly not rare) is often a process of marginalization, or is enacted on those already marginalized in a way, that blames victims and inhibits recognition of interconnectedness of oppression.

[82] Ibid., 158.

[83] Definitions of ignorance abound, as is often the case in philosophy, especially in a newly established field. Here are three examples. In *A Defense of Ignorance* Townley identifies three sorts of ignorance, the first of which is her main concern: simple ignorance that is the lack of knowledge; a second is invested, interested, or entrenched ignorance of the sort that most concerns Charles Mills and Miranda Fricker; and a third is ascribed or applied ignorance that is attached to groups as characteristic of their identities. Cynthia Townley, *A Defense of Ignorance: Its Value for Knowers and Roles in Feminist and Social Epistemologies* (Lanham, Md.: Lexington Books, 2011), x–xi. Linda Alcoff, in "Epistemologies of Ignorance: Three Types," identifies three forms of invested ignorance from Lorraine Code (ignorance that follows from the fact of situatedness), Sandra Harding (ignorance caused by group identities), and Charles Mills (ignorance that results from the structures of oppression). Linda Martin Alcoff, "Epistemologies of Ignorance: Three Types," in *Race and Epistemologies of Ignorance*, ed. Shannon Sullivan and Nancy Tuana (Albany: State University of New York Press, 2007). In "The Speculum of Ignorance" Nancy Tuana identifies five types of ignorance that cross categories of benign or irresponsible and focus on whether one knows what one does and does

movements to undermine radical individualism in epistemology, as have been prominent in work in feminist and social epistemology, have not gone far enough in accepting and understanding not only the inevitable ignorance of epistemic interdependence, but its value. Besides acquiring facts from others, we also depend on them to corroborate what we experience or expect. As well, the "virtues of epistemic cooperation extend beyond the mere exchange of content, to the rules and norms of the space of reason."[84] We should value ignorance in situations that rightly call for selectivity and discretion, which often follow from having expertise or authority, and restraint and deference, with respect to authorities or others in trust relations. In fact, developing skills for recognizing authority is essential to epistemic communities, maybe even more than becoming authoritative oneself. Townley's work is similar to Young's in the sense of its being "revisionary": That is, each is writing to expand a field to more thoroughly account for the bodies and practices, the varieties of social beings, that make up our epistemic and political communities, and both call for increased responsibility on the part of all community members. While Young's focus is on communicative practices, Townley's targets are trust and interdependence.

The accounts of ignorance developed by Townley and by those in the subfield of epistemologies of ignorance (invested or willful ignorance) are connected, and Townley does gesture to that connection. If we take her view seriously, we can see that while it might appear that she excuses, even celebrates, ignorance, it is actually more robust and better able to account for irresponsible and unjust ignorance as distinct from simple ignorance. In an epistemic community the burden to always know more is lifted and replaced with tools for inquiring about responsibilities inside of communities, and about how to share and relate to others with

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not know. She reserves her last type, loving acceptance, for something like Townley's positive account of inevitable ignorance. Nancy Tuana, "The Speculum of Ignorance: The Women's Health Movement and Epistemologies of Ignorance," *Hypatia* 21, no. 3 (July 1, 2006): 1–19.

[84] Townley, *A Defense of Ignorance*, 114.

different knowledge. Once we come to accept and value the incompleteness of individual knowing, we can recognize how knowledge creation and dissemination work in communities. We now can have more and clearer reasons for locating ourselves both inside and outside particular communities. Lastly, we have another ground for valuing self-reflection regarding our own epistemological limits. Our epistemic efforts are no longer simply about expanding our direct experiences or developing our memories; now we must more carefully tend to assessing the trustworthiness and credibility of other individuals and other communities. We have firmer ground on which to hold some accountable for some ignorances because we have different ground on which to think about epistemological responsibility. The sorts of ignorance Outlaw, Sullivan, Tuana, and Heldke have noted (white, male, rural) are particularly bad because they involve a denial of their partiality, which means denying that others also have viable, appropriate knowledge.

That others have knowledge to share—that much of our knowledge is gained through the testimony of others—is currently a busy topic in epistemology, and it is a context in which the position and action of the hearer are sometimes considered explicitly. Testimony happens only if someone speaks (or writes), and it works only if auditors listen (or read). Philosophers such as Jennifer Lackey, Alvin Goldman, and Sanford Goldberg spend considerable time and effort on the auditors' side asking about when and how one might be justified in accepting others' testimony, wondering how we assess the content of speech and the credibility of speakers, or how we distinguish authorities and experts from lay persons. But research in testimony is quite distinct from studying rhetoric and from problems in social philosophy. Most of the literature tends toward abstract, theoretical discussions of how trust and credibility *should* be assessed with little attention paid to how those assessments are made by actual people in actual, ongoing testimonial exchanges. And most often the research treats all speakers

and auditors as interchangeable, as if the particularities of social locations of race, gender, class, sexuality, ability, etc, most often distract from rather than inform epistemological inquiry.

On the contrary stands Fricker's work on testimony.[85] Fricker's project is precisely to articulate the harms, the injustices, done to those whose voices are not being heard, whose testimony is pre-emptively prevented or, more often, set up to be misheard because of unjust credibility assessments. And she does not talk just about the speakers; she is clear about what listeners are doing in ignoring or mishearing some speakers, how they misconstrue credibility and wrongly withhold trust and thus exclude some speakers from epistemic—and thus from moral and political—participation. Through a virtue epistemological account, Fricker defends the importance and means of taking a stance of reflexive, critical openness in epistemological encounters. With better training, or socialization, of our perceptual sensitivities one can "neutralize the impact of prejudice in her credibility judgements" so as to better avoid not only testimonial injustices but also hermeneutical injustices.[86]

What We Know About Listening

What can we learn about listening from these various explorations? We see an activity best understood as a disposition and habit. In her study of democratic listening, *The Dissonance of Democracy*, Susan Bickford points to the phenomenon of being heard while noting that it is impossible to definitely know when it is happening, and when it is not. She explains:

> …we can often discern listening and its lack. I suspect most of us can recall times when we genuinely felt heard and situations in which we knew we were not being listened to. 'Being listened to' *is* an experience we have in the world, whether or not we can point

[85] Not that hers is a perfect work, for she wrote an entire book about listening to minority or marginalized voices without herself actually doing so. The voices of the fictional black characters were penned by white women and she makes no reference to theorists working from those marginalized locations, only to other, mostly white male, professional philosophers.

[86] Fricker, *Epistemic Injustice*, 121.

> to an unambiguous indication of listening. The lack of such an indication need not prevent us from theorizing or communicating about listening.[87]

Even while we know definitely when someone is speaking (because they are vocalizing), there are no guarantees about the sincerity of their speech. So too with listening: we often feel the attention being paid, or not, to us. But it is not entirely up to the speaker to determine if she is being listened to and understood, perhaps, even if the listener is also not the best judge of her own listening, either. Many of us have had the experience of being told we were not listening even when we thought we were but maybe were in fact not attentive enough. As well, we sometimes give adequate attention that is deemed less than adequate because we still disagree with the speaker who thinks that if we were listening carefully enough we would understand and agree. Such agreement, though, cannot be a standard for good listening. Sometimes even when speakers and listeners are both doing well, mutual understanding is not achieved. We cannot look primarily at the outcome of conversations to determine whether good listening is happening; rather, we must understand that listening is an effortful process. Nonetheless, one necessary component of the attitude for good listening—the most common word used—is "open" or "openness" to the other, to her experiences and claims.

Again, Bickford's words are clear: "… when I reflect on the actual practice of listening, I cannot escape the concept of openness. I cannot describe what I am doing when I am listening without coming back to some version of 'being open to,' just as 'closedness' seems the invariable characteristic of not-listening."[88] (146). And Fricker describes the disposition we need, alongside better trained testimonial sensitivities, as "critical openness."[89] Young, too, describes listening similarly: "Communication is sometimes a creative process in which the other person

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[87] Susan Bickford, *The Dissonance of Democracy: Listening, Conflict, and Citizenship* (Cornell University Press, 1996), 157.

[88] Ibid., 146.

[89] Fricker, *Epistemic Injustice*, 66.

offers a new expression, and I understand it not because I am looking for how it fits with given paradigms, but because I am open and suspend my assumptions in order to listen."[90] One can seek to know more only with the admission that some things are unknown or some 'knowns' are possibly wrong.[91] J. S. Mill marks this openness as a commitment to fallibility in *On Liberty* arguing that we must regularly subject our views to counterclaims and counterevidence lest we hold truths no longer as truth but as dogmas.

This openness could still contribute to mistaking listening as a passive, entirely receptive process. However, listening is active not only in the sense that it takes effort and attention, rather than happening passively as long as one is within earshot, but insofar as listeners do, and should, respond to speakers. Allen reminds us that we listen not only to learn, to understand what we were previously ignorant about; we listen to also judge, to engage, to discuss, critique and form our own views with or against speakers. She returns to Aristotle's distinction, in both the *Art of Rhetoric* and the *Nicomachean Ethics*, between "the understanding of the judge and of the student" to see that "a speaker must remember that it is the business of the audience to judge, not to learn."[92] There are a few sorts of responses, including agreement or disagreement. Agreement can come through words and body language of affirmation as well as contributing more evidence to support the speaker. Of course, a response of relating one's own similar, or seemingly similar, story provides the appearance of agreement that, nonetheless, often constitutes poor listening. Too quick a response, especially an egocentric one, is a sign of poor

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[90] Young, *Intersecting Voices*, 53.

[91] I have always actually appreciated that moment when former Secretary of State Donald Rumsfeld distinguished between "known knowns, known unknowns, and unknown unknowns." Donald Rumsfeld, *Department of Defense News Briefing*, February 12, 2002, http://www.defense.gov/transcripts/transcript.aspx?transcriptid=2636. While I might not appreciate the ends (he was justifying the US position with regard to Iraq, claiming that the absence of evidence that Hussein's regime had weapons of mass destruction didn't prove they in fact didn't have them, which is a sound logical point but not a sound one for international relations), his epistemic point stands. Slavoj Žižek has added a fourth "unknown knowns" or those things we know that we refuse to acknowledge that we know, that which we disavow, which might be an interesting correlate to willful ignorance. See Slavoj Zizek, "What Rumsfeld Doesn't Know That He Knows About Abu Ghraib," *In These Times*, May 21, 2004, http://www.lacan.com/zizekrumsfeld.htm.

[92] Allen, *Talking to Strangers*, 141.

listening, of the desire to speak more in order to control the conversation. Disagreement, on the other hand, can come in the form of arguments offering counterevidence or counterclaims. Posing questions is also a mode of responding, in disagreement or in continuing to probe for more from the speaker. Arguments and questions can be engaging, even aggressive, and often are good signals of attentive listening. However, Bickford reminds us that these too are not guarantees: "Just as we can imagine a questioning response that probes, extends, or gives new meaning to a speaker's remarks, we can imagine a question designed primarily to evade or obscure those remarks."[93]

Young also recognizes question-posing as a key to good listening when she writes: "Questions can express a distinctive form of respect for the other, that of showing an interest in their expression and acknowledging that the questioner does not know what the issue looks like for them."[94] In her discussion of the value of questions, Young also points out a fourth mode of listener response—silence. "Respectful listening thus involves attentive and interested questioning … learning more, checking against quick confidence that I already know and relate. … but answers are always gifts. The transcendence of the other person always means she can remain silent, or tell only part of her story, for her own reasons."[95] While I do not think responses are gifts, and some situations more than others necessitate response, not responding *verbally* is nonetheless a response. Silence can signal the end of a conversation; it can be an inability or a refusal to engage further; and it can be a sign that the listener is uncomfortable. Speakers should take the silence as a response, even if they cannot determine precisely what it means.

[93] Bickford, *The Dissonance of Democracy*, 157.
[94] Young, *Intersecting Voices*, 55.
[95] Ibid., 56.

On this view, we see listening as vulnerable, an unavoidable vulnerability that we must own and make something of to get what we need and want without harming others. The vulnerability is not just that we could be hurt by trusting the words of others who might lie or manipulate us. "The riskiness of listening comes partly from the possibility that what we hear will require change from us."[96] Being open to others means we have to be willing to learn, to change our minds and our behaviors. And that is often frightening. To face the danger and risk, we will need courage. So many views on listening, particularly of Fricker and Townley, are virtue accounts that especially note the virtue not only of courage but also of empathy. Courage balances vulnerability, and empathy notes the social, interdependent reality of human life. Not only must listening be first self-reflective and context-sensitive, and, second, open and responsive, listeners must also be courageous and empathetic.

Just as Fricker's view of epistemic (in)justice is not distinct from, but a specific instance of, more general moral (in)justice her epistemic virtues are a hybrid of intellectual and ethical virtues. In general, she explains that "the primary conceptions of a virtuous hearer must be that of someone who reliably succeeds in correcting for the influence of prejudice in her credibility judgements."[97] Doing so requires a "reflexive critical social awareness"[98] that takes courage to look for and confront the current prejudices of one's society, to admit that you have participated. To locate prejudice in our socially habituated perceptions is to understand prejudices such as racism and sexism as not only intentional acts of individual agents but also as systemic problems that will not be resolved merely by being not racist or sexist. Everyone must take notice of and actively resist the ways we participate in—and benefit from or are harmed by—prejudiced institutions and habits. We are more likely to find ways to resist prejudices by

[96] Bickford, *The Dissonance of Democracy*, 149.

[97] Fricker, *Epistemic Injustice*, 5.

[98] Ibid., 91.

paying them more attention, not less, and confronting them directly. Fricker describes the testimonial sensitivities we will need to overcome prejudice in our credibility assessments as being "open-hearted enough to resist the dishonest safety of fixed moral understandings."[99] Being open and vulnerable is frightening because we will have to confront past mistakes or recognize that we could have done better.

We will need courage to speak and listen differently from how many in our society listen. It actually takes courage to be close to others, to listen to them and empathize with them. Rather than see vulnerability as a vice, as a deficiency of strength and independence, I see vulnerability as the mean between insecurity and impenetrability. Surely we could wall ourselves off—figuratively and literally, behind a wall along the US-Mexico border, in a gated and guarded community, behind a bolted door with one button to press to call police and a private security firm, never revealing personal information to strangers or even to friends. We would be protected from harm, from injuries physical and psychological. But to what end? Protected for what gain? Or we could do nothing: no doors, no locks, no discrimination about to whom we tell secrets only to be taken advantage of. Vulnerability is itself a kind of openness: although uncomfortable and sometimes even dangerous, it can yield greater rewards that cannot be gained otherwise. Friendship and love require vulnerability. To trust another is to believe he will not exploit my vulnerability, will not damage that with which I entrust him, whether that be my car, my child, or my heart. It is only when we are courageously vulnerable that we can experience and demonstrate empathy, which is also essential for avoiding epistemic injustices.

Fricker gives five criteria for "the virtuous hearer's testimonial perceptual capacity": judgment is perception, not inference; uncodifiable; intrinsically motivating; intrinsically reason-

[99] Ibid., 74.

giving; and contains an emotional aspect. For the last, emotional one, she explains it as empathy, as an "emotional engagement involved in the hearer's perception of her interlocutor's sincerity or insincerity: she must empathize sufficiently with him to be in a position to judge, and empathy typically carries some emotional charge."[100] Empathy is the ability to recognize, perceive, and feel the emotions and experiences of another; it is mentally and emotionally putting oneself in another's shoes. As Edith Stein explains, empathy is "a kind of act of perceiving sui generis."[101] She further explains that empathy is not merely imitating others or drawing associations between my own experiences and theirs, and it is not a simple analogy between oneself and another: that is, "I do not arrive at the phenomenon of foreign experience, but at an experience of my own that arouses in me the foreign gestures witnessed."[102] Young does not think that listening needs to be empathetic, nor does Bickford; both want to maintain some deep agonism in democratic communities and interpret empathy more similarly to compassion than Stein does or than we need to. Empathy is essential for proper listening, for relating to the other as another person with her own interests, preferences, and experiences.

Townley views empathy similarly to Stein when, in a substantial passage on the role of empathy in epistemic responsibility and authority, she writes: "Empathy is part of relating to other knowers as epistemic agents in their own right, not just sources of information whose capacities for epistemic agency are instrumentally useful. … So the virtues of acknowledgement and humility are important qualities for an empathic knower."[103] Treating a person merely as evidence guarantees failure at empathy. To the epistemic virtue of empathy corresponds an

[100] Ibid., 79. To this point, Fricker references Karen Jones' "Trust as an Affective Attitude." Townley spends significant time challenging Jones' account of trust as affective; although, ultimately Townley's view too is one that takes emotion seriously. See especially Chapter 2 of *A Defense of Ignorance*, "Ignorance and the Interdependence of Epistemic Agents."

[101] Edith Stein, *On the Problem of Empathy*, trans. Waltraut Stein, vol. Three, 3rd Revised., The Collected Works of Edith Stein (ICS Pub., 1989), 11.

[102] Ibid., Three:23.

[103] Townley, *A Defense of Ignorance*, 78.

epistemic vice of arrogance. Townley explains that arrogance is vicious not only when it enacts epistemic closure and "not just because I might arrogantly get it wrong, or because I might be morally arrogant, but because I can be epistemically arrogant. Even though I have true and justified beliefs, I may treat another person wrongly not (only) in an ethical sense, but epistemically, by not fully crediting her as a knower."[104] Because communication involves assessments of other people, of truthfulness claims in addition to truth and rightness claims, the only adequate way of engaging and judging is deeply human interaction with the actual other person in her particularity.

To hear and respond to others, one must recognize a speaker as another person with his or her own psychic life that is both similar to and different from one's own. Being unempathetic not only happens when one does not see the humanity in others; it also happens when one mistakes empathy for sympathy or pity. Participating in knowledge production does not call for sympathy or pity as speakers are trying to participate, not seek help. Nor should one "catch" the feelings of another as one "catches" a cold. Simply feeling what another is feeling is not the whole of empathy; being empathetic is about being willing and able to listen, to evaluate evidence, and to respond fairly to a speaker. Disagreements can be as productive and humane as agreements when empathy renders us more generous and judicious. It binds us to other people in ways that promote justice without being blind to human fallibility.

In the next three chapters we will look at questions and problems of listening more closely. In Chapter 2, I take a sideways look at old feminist debates about pornography and censorship. I take the anti-pornography feminists to be arguing that women's voices cannot be heard unless pornographers are first silenced. I take this to be a recognition that successful communication requires good listeners. However, these pro-censorship feminists attempt to

[104] Ibid., 79.

include women voices only by silencing others instead of understanding that we need a more radical transformation of the conditions of communication, of the relationship between speakers and listeners. In Chapter 3 we will look at the epistemology of testimony as another approach to rebalancing responsibilities between speaker and listener. A close examination of Miranda Fricker's rejections of both an inferentialist and default trust view of testimony shows not only why that debate narrows the terms too much but also sets up closer examination of methods other philosophers and political theorists use to describe the responsibilities we all have in communicative relationships. We will see these actual attempts to transform communities by better integrating active listeners into communication. Lastly, Chapter 4 follows from the recognition discussed in 2 and 3 that these communal and communicative transformations need to be deeply rooted. Where better to root a disposition to responsible listening than during school? Thus, we will end with an examination of the role that education must play in transforming conditions to make possible good communication.

CHAPTER 2

SPEAKING AND SILENCING

By the end of Chapter 1 we learned that communicating is a process of coming to mutual understanding between speakers and listeners. Many focus on how speakers can be clear, good communicators (the art of rhetoric), but hearers play an active part as well and thus can, and must, be taught how to listen well. We saw briefly that listening entails vulnerability; it requires openness, responsiveness, courage, and empathy. We saw that paying primary attention to speech, especially through a narrow focus on rational argumentation as the exclusive mode of communicative action, means often not paying attention to who is speaking or how they are speaking. If we are asked to listen only to some kinds of speech, not only will we leave out other meaningful modes of communication, but we will only be listening to some people and not others. Given that one important democratic value is inclusion, and because communication is essential to democratic participation, our current communicative skills are not sufficient to realize that value. We need to transform the relation between speakers and listeners by recognizing and practicing good listening.

One attempt to transform that relation has been to censor pornography[105] as a way of focusing on women's routine inability to get fair and accurate hearings. Ultimately I do not find this attempt transformative enough, for it merely adds some voices by silencing others rather

[105] It is beyond the scope of this project to take any stance on the relationship between pornography and civil rights, or the value of pornography generally. What is of interest for us is how the philosophical and legal debates about pornography and censorship contain, while often entirely unaware of their, analysis of the role of listeners in communication. I do not intend to imply through my attention to the pro-censorship thinkers anything amounting to agreement with them. While I am deeply concerned about the objectification of women as sexual objects that is pervasive in our culture, and I find many pro-censorship insights and arguments influential to my own thinking, I am also deeply indebted to the criticisms and counterpoints found in especially sex positive feminists and queer theorists including Patrick Califia, Gayle Rubin, David Ross Fryer, Laura Kipnis, Lauren Berlant, and Susie Bright.

than actually rethinking the relation. Nonetheless, the arguments made by pro-censorship feminists do reveal important aspects of the relation between speakers and listeners. Their arguments, alongside critical responses, can show the path to more productively democratic transformation. In this chapter we will listen differently to feminist debates about pornography and censorship, not to agree or disagree with their stated ends but to see the ways which communication—speaking and being heard—are essential to more inclusive participation in communities and to see that how and why we value free speech makes possible more and better participation. Anti-pornography feminists, such as Catherine MacKinnon, Rae Langton, and Jennifer Hornsby, have noticed how harms follow from failure, even a systematic inability and sometimes willful refusal, to listen, even if their solution probably would not lead to women's equal communicative participation in democratic societies.

These pro-censorship feminists argue that women are literally silenced by pornography, that the characterization of women in pornography makes it such that women's words cannot be heard as they are intended and so women are not as free to speak as men are. Silence is commonly understood as the absence of sound, but these theorists introduce various definitions of this ostensive literal silencing as something more than preventing vocalization, as also preventing good reception of vocalizations. These theorists argue that broadening the definition of silencing is necessary to achieve the social and legal changes they want because people suffer related and similarly harmful effects when their vocalizations are prevented as when they are being systemically ignored or misunderstood. Nonetheless, it may be sufficient to identify incidents of routinely ignoring some speakers or consistently misunderstanding them; that is, broadening the concept of silencing might have more drawbacks than benefits. What is never spoken cannot possibly be heard; however, what has been misheard can be corrected or what has been ignored could be attended to. Further, even when many listeners routinely

ignore or mishear certain speakers, it is rarely the case that all listeners make those mistakes. For example, while many men mishear women, women often understand each other. So it is important to acknowledge that women are literally speaking, not silent, in the encounters the pro-censorship feminists discuss. Terminological details aside, the pro-censorship feminists recognize an injustice that marginalizes some voices, and their attempts to respond to that injustice involve worthwhile discussions about the relationship between speakers and listeners and how each party is responsible for successful communication that aims to achieve mutual understanding.

This chapter is neither an endorsement of feminist attempts to censor pornography nor a direct argument against that endeavor. Instead, we will rehearse (with some critical commentary) the discussion among disagreeing participants with a focus on what their positions reveal about communicative interactions. We will see how they notice the ways that speakers are dependent on listeners for communicative success. Listeners can simply refuse to listen; they can also willfully misunderstand, confuse the meaning of words or intentions of the speaker, or disrespect the wishes of the speaker. However, we cannot make listeners entirely responsible for communicative success. As Kristie Dotson claims: “Speakers require audiences to ‘meet’ their effort ‘halfway’ in a linguistic exchange.”[106] We will get more concrete about the balance of communicative obligations later, but in this chapter we will focus on what these feminist discussions reveal about the role the listener plays in reaching mutual understanding, a role which has for too long now been ignored.

This investigation of communicative successes and failures will proceed in five sections. I start by categorizing kinds of silences discussed across several feminist analyses of exclusion. I then focus on one type of silencing that is at the heart of the anti-pornography feminists’ work,

[106] Kristie Dotson, “Tracking Epistemic Violence, Tracking Practices of Silencing,” *Hypatia* 26, no. 2 (2011): 238.

what I call “indirect silencing.” The third and fourth sections engage critics of the anti-pornography feminists: close-in readings of their arguments (section three), and consideration of more general critiques (section four). Finally, in section five, I conclude by reminding us just why and how communication, and protecting free speech, are valuable.

Kinds of Silencing

In the late 1970s and early 1980s a group of feminists decided to challenge the legality of pornography, not for violating community standards of sexual decency or modesty as had been the standard approach, but as a form of sex discrimination. Andrea Dworkin and Catharine MacKinnon drafted an anti-pornography civil rights ordinance for Minneapolis, Minnesota in 1983. The city council twice voted to enact the ordinance but, like many other cities that tried to enact their own version of the ordinance, the mayor vetoed the ordinance. Indianapolis, Indiana successfully enacted an ordinance in 1984, which was legally challenged and eventually declared unconstitutional when the U.S. Supreme Court upheld without comment the decision of the Seventh Circuit Court of Appeals in *American Booksellers v. Hudnut*.[107] Circuit Court Judge Easterbrook writing for the Court declared that citizens’ rights to free speech limit the government’s “power to restrict expression because of its message [or] its ideas.”[108] MacKinnon’s argument in drafting the ordinance was that the speech of some, namely pornographers, infringed on the equalities of others, namely, women: Pornography, in which

[107] The Supreme Court of Canada came to the opposite conclusion in *R v Butler* (1992) 70 CCC (3d) 129 (SCC). Winnipeg’s ordinance incorporated some elements of Dworkin and MacKinnon's legal approach to pornography into the existing Canadian obscenity law. The Court held that Canadian obscenity law violated rights to free speech under the Canadian Charter of Rights and Freedoms if enforced on grounds of morality or community standards of decency; nonetheless, the law could be enforced against some pornography (violent, degrading, or dehumanizing) on the basis of the Charter's guarantees of sex equality. Dworkin, however, was not supportive of the ordinance because it stayed too close to obscenity law rather than relying entirely on the grounds of equality, which she thought was the better feminist domain.

[108] *American Booksellers v. Hudnut*, 771 F.2d 323, 332 (7th Cir. 1985) Section III, Paragraph 29 quoting *Police Department v. Mosley*, 408 U.S. 92, 95, 92 S.Ct. 2286, 2290, 33 L.Ed.2d 212 (1972).

women are routinely degraded, dehumanized, and depicted merely as objects of the male gaze and male sexual pleasure, has an effect on how women in real contexts are perceived and treated as less than men.[109] But in a showdown between liberty and equality, liberty seems to always win. Judge Easterbrook quoted Justice Robert Jackson's decision in *West Virginia State Board of Education v. Barnette*:[110]

> "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein." … Under the First Amendment the government must leave to the people the evaluation of ideas. Bald or subtle, an idea is as powerful as the audience allows it to be.[111]

This "fixed star" has become the core of First Amendment law. It is the navigational tool that continues to guide legal decisions protecting speech—often protecting speech that the vast majority of citizens find distasteful or even hateful—and sets the tone, if not practice, that censorship is always bad.[112]

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[109] Note that the pro-censorship feminists' take on pornography and discussions of sexual activities, enjoyable or criminal, are near exclusively heterosexual. The situations described are near exclusively cases where a woman is responding to the advances of a man. MacKinnon can, in part, account for her focus on heterosexual relations insofar as these arguments about pornography are only part of her more general concerns about the scope of patriarchy (compulsory heterosexuality and the inability of women to consent to sex). I, though, find some of her approach to the wider concerns also troubling and suspect. This frame leaves out numerous kinds of sexual interactions, enjoyable or criminal. I do not endorse this heteronormative frame and try to resist where possible; however, to accurately reflect the debates taking place, I often have to repeat their heteronormative language.

[110] *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943) decided that school children who refuse to salute the flag or say the pledge of allegiance cannot be punished. It reversed the *Minersville School District v. Gobitis*, 310 U.S. 586 (1940) decision made just two years earlier that argued that the government should not be "the school board for the country" and that there are sufficient democratic processes for changing policies such that civil disobedience in these cases was not warranted. The *Gobitis* decision was much criticized and even resulted in significant persecution of Jehovah's Witnesses such that the *Barnette* decision has come to be seen as a hallmark of freedoms. See, for example, American Civil Liberties Union, *The Persecution of Jehovah's Witnesses: The Record of Violence Against a Religious Organization Unparalleled in America Since the Attack on the Mormons* (New York, 1941), http://www.theocraticlibrary.com/downloads/The_Persecution_of_Jehovah's_Witnesses_-_ACLU.pdf, which reported over 1400 religiously motivated attacks against Witnesses between May and October 1940.

[111] Lawrence Lessig, "The Regulation of Social Meaning," *The University of Chicago Law Review* 62, no. 3 (July 1, 1995): 945.

[112] Geoffrey Stone's recent commemorative essay credits Easterbrook with making clear the "distinction between content-based [especially viewpoint-based] and non-content-based restrictions" "American Booksellers Association v Hudnut: 'The Government Must Leave to the People the Evaluation of Ideas'," *The University of Chicago Law Review* 77 (January 1, 2010): 1233 and calls the opinion "an eloquent application of the central insight on our First Amendment jurisprudence" Ibid., 1229.

Anti-pornography feminists made small modifications to their pro-censorship argument—insisting this was really just a clarification or shift in emphasis, not a change in the argument at all—to say that women are not simply rendered unequal but are literally silenced by pornography. Their ability to speak, particularly to communicate refusal of sexual advances, is gravely incapacitated by the speech of pornographers. The revised argument is tricky because it is not that women cannot and do not make sounds. The "silencing" occurs when women's speaking is not heard or is routinely misheard. Pornography, the feminists argue, structures important aspects of social life such as to render certain listeners unwilling and incapable of hearing women speaking what they intend. If the free speech of some infringes on the free speech of others, declaring a winner is difficult. Well, except that critics do not see the silencing as literal at all. The legal decision seems settled, but philosophers debate about the meaning of these sorts of silencings, whether they are literal or harmful enough to warrant censorship.

The most prevalent and pressing instance of silencing these theorists discuss is one's inability to refuse unwanted sexual advances; that is, to not be sexually assaulted or raped. While this is not the only example in the literature, Langton explains why it is fundamental: "A woman who prohibits sexual advances also has authority within the local domain of her own life, her own body. If she cannot prohibit, cannot refuse, the authority is absent. If she is disabled from speaking refusal, it is a sign that her body, is, in a sense, not her own."[113] How it is that women regularly do fail to refuse unwanted sexual advances—or better, how men fail to accurately hear and respect women's refusal—becomes the way these theorists explain their accounts of silencing. Each provides her own account of the ways that sexual refusal is heard or misheard, but these descriptions of how rape occurs can be organized into three general categories:

[113] Rae Langton, "Speech Acts and Unspeakable Acts," *Philosophy & Public Affairs* 22, no. 4 (October 1, 1993): 325.

a) Intentional Rape: Saying "no" is meant as "no" and is heard as "no" but is ignored, denied, or eroticized.
b) Incidental Rape (denies the agency of the speaker): Saying "no" is meant as "no" but is not heard as anything (often understood to actually be consent).
c) Indirect Rape (follows cultural scripts): Saying "no" is meant as "no" but heard as a playful and provocative "yes" in sexual contexts.

Regarding a), Rae Langton rightly concludes that "'perlocutionary frustration' is too meek and academic a label for what is simple rape,"[114] but that is the form of silencing at play here, which is not an infringement on anyone's *speech* rights. We have laws that aim to prevent or prosecute these crimes. Even where the law is clear, and where society has moved toward better protection for women, MacKinnon and others make a strong case that various rape myths and the reasoning in b) and c) make it difficult to prosecute rape and make it such that women's testimony about rape and sexual harassment in court proceedings "achieve the uptake appropriate to a description of normal [non-criminal] sex."[115]

The distinction between b) and c) is subtle and often unclear. While both instances stem from invidious objectifications of women, they do so on different grounds. The former accounts for mishearing through mistakes in understanding a woman's desire, and the latter does so via the sexual roles women are expected to play. Cases of b) incidental rape suggest that women are viewed as being wrong about their own desires, which often do not matter anyhow; that is, either women just do not know that they actually want to engage in sexual activity, or women, because they are objects of others' sexual pleasure, are not the kinds of beings whose sexual desires matter, or as Ishiani Maitra explains, "she is suited by her objecthood for his use."[116]

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[114] Ibid., 321.

[115] Ibid., 326.

[116] Ishani Maitra, "Silencing Speech," *Canadian Journal of Philosophy* 39, no. 2 (August 25, 2009): 329–30.

Category c) indirect rape involves a listener understanding the other person's utterance of "no" as "play-acting: pretending to refuse, or refusing a fantasy character in a fictional context, while all the while hoping that he, the real man, plays along with the game and continues his advances."[117] Caroline West explains how the sexual roles that men and women are expected and taught to play fit together but depend on subtle cues more than explicitly speaking truth. Men are charmers and aggressors who pursue women and must prove their own worth before claiming their prize. Women should say "no" a few times so as to not appear an easy conquest and to make men work for the prize of a woman's sex. In c) we find that much of women's communication about refusal becomes miscommunication conditioned by what many men expect women to say.

There is actually one more communicative possibility, which Nellie Weiland points out but leaves open as to whether this is just another logical possibility or results from the complicated rules and habits of social and sexual relations that scramble men's minds and ears, and thus also women's minds and voices. She says that sometimes

d) Selective Rape: Saying "no" is not actually meant as no.[118]

A woman actually does desire to engage in sexual activity but does not think she can say "yes" and still be respected or thinks she has to, or wants to, play the role of provocateur. The cat-and-mouse game might be erotic for women too. Weiland suggests that the Langton-Hornsby view would cut at the core J. S. Mill's requirement that we protect minority opinions when she asks "why shouldn't Millians think that the minority opinion being protected in the case of pornography$_{sub}$ [*sic*] according to my analysis is that women in fact desire sex when they purport to refuse sex? … If the anti-pornography feminists' arguments are successful … haven't these

[117] Caroline West, "The Free Speech Argument Against Pornography," *Canadian Journal of Philosophy* 33, no. 3 (2003): 401.

[118] This is not clearly a case of rape. If sexual activity occurred while one party verbally refused, then it seems to violate the law despite the activity being what that person actually wanted.

minority voices been silenced?".[119] She is arguing that censoring pornography would effectively censor unintended others who should not be silenced.

While sexual refusal, and thus also consent, are the fundamental speech acts that these feminists want to protect, sexual activities are not the only instances in which feminists claim women's voices are silenced. But sexual (mis)communication is more than a potent example of harmful communication problems: it is a metonym for the very possibility of and method for fair participation and consideration in relationships and communities. Theorists generalize from the particular silencing in sexual assault to definitions of silencing in general. I locate the main value of feminist anti-pornography work in these broader accounts of silencing. Even if their terminology overreaches, their analyses, along with their critics' responses, are where the moral, political, and epistemological repercussions of having poor listeners becomes clear.

There are four general categories, abstracted from the specific accounts of failures in sexual communication. We will not argue that any or all of these types of silencing are actions that should be outlawed. Even something that is unjust might not be illegal. The point is that when we look at all these types together, what is common to those definitions of silencing that are not simply accounts of preventing vocalization is that speakers are nonetheless limited in their communicative agency.

A) Intentional Silencing: Speaking never happens because prevented by a force aimed at preventing that speaking.

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[119] Nellie Wieland, "Linguistic Authority and Convention in a Speech Act Analysis of Pornography," *Australasian Journal of Philosophy* 85, no. 3 (2007): 449. Wieland does not put much stock into the belief that "no" really does mean yes for many or most women, that the "meaning switch" has been so successful that it is true for all of us and not just men. She thinks "the convention that 'no' means yes is unstable enough that something can still be done about it through speech not legislation." And so she calls for "women to talk more (in sexual discourse)" rather than to censor pornography, Ibid., 451. Some might think she is blaming women for sexual assault because of their own bad communication, and that she is wading into a discussion about the relationship between women's rape fantasies and patriarchy. To the first point though I do not see how it follows from an insistence on all parties taking responsibility for communication that men are let off the hook. But Wieland might also be making a more sex positive point that we can, and should, (rather than merely assign historical blame) rewrite some of our social scripts to empower women who have internalized too literally social messages of submission and objectification.

B) Incidental Silencing: Speaking happens but is ineffective because content and intention of that speaking are not regarded as meaningful or requiring the hearer to comply or respond.

C) Indirect Silencing: Speaking happens but the content and intent are routinely, systematically, predictably misheard or misunderstood; that is, a speaker utters words but the hearer does not take them up as forceful as intended by the speaker.

D) Selective Silencing: Speaking is carefully adjusted to moral, political or epistemic contexts such that it is not a complete or accurate reflection of a speaker's actual intentions; sometimes this is understood as self-censorship.

Methods for A) include literal gags; gag orders; threats of physical or psychological harm; or creating social conditions of fear, shame, intimidation, embarrassment, or retribution. Most debates in law, political science, and philosophy focus on such instances since these are what the First Amendment is usually interpreted to cover under questions about the conditions under which speaking could be censored. Of course there are limits to speaking, times when something else matters more, such as preventing negligent or intentional inflictions of emotional distress, fighting words, threats, etc. But these are not the focus of our work because these are all explicitly about the rights of speakers while we are concerned with the obligations of listeners. Also, while A) intentional silencing may not quite resemble a), the two are quite related. We know what to do about each, or we at least recognize them as existing problems. They are about straightforward vocalization. In a) intentional rape cases it would be just the same outcome if the woman could not speak because her words are irrelevant anyhow, and, in fact, assaults on women do routinely involve gags and threats to prevent fighting back and calling for help. But instead of being the same, they are perfectly opposite. In a) vocalization happens but does not matter whereas in A) vocalization is prohibited. Both are cases where crimes are clear and can be handled by law.

Types d) selective rape and D) selective silencing also seem rather different but are parallel sorts of communication problems; although, both are beyond the scope of this project. Suffice it to say that we can see here how the social context of any speaker and listener affects what speaking and understanding are possible. And we see that speakers do not always say what they mean, especially when trying to speak to an audience they deem hostile or incompetent, or when social norms—of politeness, for example—require indirect speech. The sorts of silencing in D) is what Leo Strauss discusses in "Persecution and the Art of Writing" where one aims at different audiences differently.[120] What Kristie Dotson calls "testimonial smothering" happens "because the speaker perceives one's immediate audience as unwilling or unable to gain the appropriate uptake of proffered testimony … is the truncating of one's own testimony in order to insure that the testimony contains only content for which one's audience demonstrates testimonial competence."[121] This is only an injustice when the smothering is what she calls a "coerced silencing" which meets three conditions—the content is unsafe, the audience has demonstrated incompetence on this content to this speaker, and the incompetence follows from pernicious ignorance—not merely the regular process by which any speaker responsibly attends to the particularities of her audience to most likely achieve mutual understanding.

Incidental silencing, B), is a complex type of at least three sorts of activities not often discussed as censorship or silencing in part because almost no one thinks the First Amendment has any jurisdiction here, so people often lack solutions to these problems. But we have not only legal but also social and moral obligations, and these sorts of communicative injustices identify

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[120] Leo Strauss, *Persecution and the Art of Writing* (University of Chicago Press, 1988).

[121] Dotson, "Tracking Epistemic Violence, Tracking Practices of Silencing," 244. In her twelfth footnote (253) Dotson likens testimonial smothering to locutionary silencing which would be A) not D). However, I think she is not working with all four available categories. Everyone accounts for A), but D) is much less commonly considered. So I still think it is the right category for the activity she describes since it is a decision the speaker makes about her own speech influenced by others but not enacted by them.

modes of relating and communicating that actively and effectively exclude. We will see more clearly in Chapter 3 how J. S. Mill attends to these concerns toward the end of *On Liberty* as a discussion of the "morality of public discourse." Incidental silencing occurs first, by drowning out some voices; second, when some speaker's contributions are ignored or undervalued; and third, when speakers are treated as mere sources of information.

To drown out a speaker is for another speaker to make noise louder than the initial speaker, e.g., the Patriot Guard Riders' response to Westboro protestors. This is very different from the broadly anti-censorship argument that we should answer hate speech with more speech. Drowning out is sheer protest that works through a sort of legal loophole. Since speakers are not prevented from speaking, even though others are preventing their words from reaching listeners, it is difficult to regulate. Attempts to regulate against drowning out, action which few condone, seems to only make things worse insofar as it often requires or results in preferring some speakers over other when the law is supposed to be neutral to content.

Secondly, much work in feminist theory, especially in epistemology, gives accounts of ways that women's verbal contributions are outright ignored or routinely undervalued. For many of these theorists this is precisely the type of activities that we would do well to identify as silencing. Langton identifies this in speech act theory as a perlocutionary silencing, and West explains that this happens by "… creating or reinforcing a social climate in which, even where women do speak, no one pays attention to what they say or takes what they have to say seriously."[122] Miranda Fricker calls this a pre-emptive testimonial injustice when some people are not even asked to contribute.[123] Dotson calls this "testimonial quieting" or "when an audience fails to identify a speaker as a knower."[124] Her work ties together insights from Fricker

[122] Langton, "Speech Acts and Unspeakable Acts," 298.

[123] Fricker, *Epistemic Injustice*, 130–31.

[124] Dotson, "Tracking Epistemic Violence, Tracking Practices of Silencing," 238.

with more than a century of insights from women of color. Dotson gives special attention to Patricia Hill Collins who reveals ways that some voices—particularly those of women of color—get misheard. Collins' work, like that of Michele LeDoeuff, is reclamation work that rediscovers past voices and reveals the ways women have been ignored as means of fighting ongoing exclusions.

Lastly, Fricker also explains that some voices are pre-empted when treated not as informants but as mere sources of information. When we treat people as providing services but not as active participants contributing to shared purposes, we objectify them. She compares this sort of objectification to the sexual objectification that MacKinnon et. al. are concerned with and highlights how suffering any form of objectification makes it more likely that one will suffer another.[125] However, Fricker indicates that this mode of silencing is not a pre-emptive testimonial injustice, rather it is one where such a "massive advance credibility deficit" means that even if a "woman's testimony is not quite pre-empted … it might as well be, since it is not heard as genuine testimony at all."[126]

Indirect silencing, C), is what Langton first calls "illocutionary disablement"[127] but Maitra narrows the scope to "communicative disablement."[128] Eventually West discusses these acts as "scrambling speech."[129] This is, they argue, the silencing that is literal and severe enough to justify legal intervention usually reserved only for intentional silencing. However, just as b) and c) above are difficult to distinguish, so too are B) and C). The former has value for distinguishing desires from roles whereas the latter is intended to give supportive ground to the legal intervention required to censor pornographers. In the end I am not entirely convinced that

[125] Fricker, *Epistemic Injustice*, 137–42.
[126] Ibid., 139–40.
[127] Langton, "Speech Acts and Unspeakable Acts," 315.
[128] Maitra, "Silencing Speech," 323.
[129] West, "The Free Speech Argument Against Pornography," 393.

either distinction amounts to much, that they are just slightly different paths to the same place.[130] Perhaps the claim to literal silencings is precisely an attempt to argue that types C) and A) are the same, but the argument does not quite succeed. The aim to employ legal force for

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[130] More strongly, or of greater concern, is the implication that some might be accidentally "silencing" others (as some might be accidental rapists) that follows even from distinguishing B) and C) from A) (or b) and c) from a)). Recent social science research suggests that Daniel Jacobson is right when he "confess[es] to thinking this particular scenario of unintentional rape unlikely" "Freedom of Speech Acts? A Response to Langton," *Philosophy & Public Affairs* 24, no. 1 (January 1, 1995): 77. Wieland makes a similar confession, "suspect[ing] that contexts of rape are most like speech situation (1) [where "no" means and is heard as "no" – our type a)] coupled with disregard for the desires of women—perhaps a misogynistic disregard" "Linguistic Authority and Convention in a Speech Act Analysis of Pornography," 455.

Two unrelated studies show that, as long as the questions do not actually employ the term "rape," when asked, men will admit to actions that meet legal definitions of rape, and those that do routinely admit to multiple incidents. See especially David Lisak and Paul M Miller, "Repeat Rape and Multiple Offending Among Undetected Rapists," *Violence and Victims* 17, no. 1 (February 2002): 73–84; Stephanie K McWhorter et al., "Reports of Rape Reperpetration by Newly Enlisted Male Navy Personnel," *Violence and Victims* 24, no. 2 (2009): 204–218. In an NPR interview about his work, Lisak explains that during interviews offenders "are very forthcoming. And, in fact, they're eager to talk about their experiences. They're quite narcissistic as a group-the offenders-and they view this as an opportunity, essentially to brag" "Myths That Make It Hard To Stop Campus Rape," *Morning Edition* (NPR, March 4, 2010). Morning Edition host Joseph Shapiro summarizes: "What Lisak found was that [undetected or unpunished] students who commit rape on a college campus are pretty much like those rapists in prison. In both groups, many are serial rapists. On college campuses, these repeat predators account for nine out of every 10 rapes." A blogger discussing these two studies justifiably concludes that they show that "the sometimes-floated notion that acquaintance rape is simply a mistake about consent, is wrong. The vast majority of the offenses are being committed by a relatively small group of men, somewhere between 4% and 8% of the population, which do it again … and again … and again" Thomas Macaulay Millar, "Meet The Predators," *Yes Means Yes*, November 12, 2009, http://yesmeansyesblog.wordpress.com/2009/11/12/meet-the-predators/.

Although I think it is important to note that even if it is the case that men generally hear the word "no" correctly (pace the nearly under 8 percent of them ignore or eroticize it) such that there are few, if any, examples of women's illocutionary failures to refuse, it is also clearly the case that many people—notably police officers, prosecutors, and judges—think and act as if those men could have been right to have heard a no that was not actually refusal. In April 2011 a Toronto police officer "giving a talk on health and safety to a group of students … [remarked] …'women should avoid dressing like sluts in order not to be victimised'" inspired an international movement of protest parades called SlutWalks. "'Slut' Gaffe Prompts Many Marches," *BBC*, May 8, 2011, sec. US & Canada, http://www.bbc.co.uk/news/world-us-canada-13320785. In "Speech Acts and Pornography" Hornsby references one infamous case of a judge who acquits during a rape trial on precisely the ground that "Women who say no do not always mean no. It is not just a question of saying no," and she mentions the "unwritten code of behavior … according to which men have uncontrollable sexual urges; women who do not behave and dress with great circumspection are ready and willing to gratify those urges but will feign unwillingness, whether through decency, or through deceitfulness, or through a desire to excite." Jennifer Hornsby, "Speech Acts and Pornography," in *Problem of Pornography*, ed. Susan Dwyer, 1st ed. (Wadsworth Publishing, 1994), 226–27. These are just two of many similar stories.

So when Jacobson's reply to Langton and Hornsby puts even more emphasis on the distinction between "some idiosyncratic player" of the language game and "we (competent judges of the relevant rules)" "Speech and Action: Replies to Hornsby and Langton," *Legal Theory* 7, no. 02 (2001): 187. I am rather concerned. Men who rape women are a minority of men; however, the work that other men and relevant social conventions do covers over their crimes and muddies the debate instead of clarifying it. Blogger Thomas' call is actually to listen: listen to the women who say they were assaulted without questioning their wardrobes, levels of intoxication, or communication; listen to men who tell rape or woman-hating jokes and brag about picking up the drunkest chick in the room. He is calling on the majority of men who are competent judges to break the social pact "that allows the predators to hide in plain sight, to sit at the bar at the same table with everyone, take a target home, rape her, and stay in the same social circle because she can't or won't tell anyone, or because nobody does anything if she does. The pact to make excuses, to look for mitigation, to patch things over."

change drives too much of the reasoning. Appealing to broader social norms and practices might better permit both distinguishing and bringing together all these communicative failures. We can demand that communicative participants be accountable for some perlocutionary effects and frustrations as they would be for gagging other speakers. Even Langton acknowledges this when she writes "Such frustration can have a political dimension when the effects achieved depend on the speaker's membership in a particular social class."[131]

Let us see how the anti-pornography feminists make, and refine, this definition of indirect silencing as they engage their critics. Then we will take up three broader lines of criticism: 1) responsibility – just how much can we give to audiences, 2) the value of silence, and 3) the meaning and malleability of censorship.

The Meaning of Indirect Silencing

In Chapter 1 we saw that for Habermas what matters in communicative action is illocution, not also perlocution. Langton, in essence, makes a similar move in arguing that indirect, or illocutionary, silencing is quite literal but distinct from perlocutionary, or incidental, silencing. Defining silencing only as preventing locution, Langton argues, misses some essential components of communication. Indirect silencing is unique because women do literally speak words; however, those words are not being listened to, and surely not as the speaker intends. The speaker lacks what Austin and Langton call "illocutionary force" or the power to do something simply through an utterance. Common examples include betting, marrying, promising, and warning. Illocutionary force requires not only the utterance of words but also the satisfaction of certain felicity conditions and securing lasting uptake, "that is to say, the

[131] Langton, "Speech Acts and Unspeakable Acts," 315.

hearer must recognize that an illocution of a certain kind is being performed."[132] For communication to work—to achieve mutual understanding—speakers and hearers must listen to and understand each other, be sincere, be in proper contexts, sometimes with appropriate authority, etc. But if listeners do not recognize the speaking as intended by the speaker, then the speaker's words do not do anything.

Hornsby focuses on the requirement of reciprocity between speakers and hearers for successful communication, also emphasizing something we discussed in Chapter 1. Reciprocity, she explains, is

> *the* condition of linguistic communication. It obtains when people are such as to recognize one another's speech as it is meant to be taken, and thus to ensure the success of attempts to perform speech acts. When reciprocity obtains, there are things that speakers do simply by being heard as doing them. The hearer is now a complementary party to speech actions: the speaker's doing what she does with her words is the product of her attempt and the hearer's recognition of it.[133]

Hornsby argues that illocution is "the crux of all those actions that are communicative use of language."[134] Words can do things other than communicate, but when we are trying to communicate, we are trying to do something; we are trying to get others to hear what we are saying and, ideally, to agree or at least to understand and act accordingly. Hornsby concedes that the distinction between perlocution and illocution can be vague because there are illocutionary effects; however, they are not the same as perlocutionary effects. Illocutionary effects are "especially immediate," or "our concepts for them are just the concepts of the actions whose effects there are. … Illocutionary acts are constituents of social practices, and they are sustained by the practices of which they are themselves a part."[135] Illocution requires only reciprocity whereas perlocutionary effects are "a consequence going beyond any that

[132] Ibid., 301.

[133] Hornsby, "Speech Acts and Pornography," 224, emphasis added.

[134] Jennifer Hornsby, "Illocution and Its Significance," in *Foundations of Speech Act Theory: Philosophical and Linguistic Perspectives*, ed. Savas L. Tsohatzidis (Psychology Press, 1994), 195.

[135] Ibid., 194.

reciprocity could secure."[136] Hornsby identifies persuasion, not merely understanding, as precisely that which requires more than reciprocity.

Hornsby's reworking of Austin's illocution-perlocution distinction is quite similar to Habermas' claim that communicative acts are valid only on their illocutionary, not also perlocutionary, force. Her focus on reciprocity is akin to his commitment to mutual understanding, both of which are conditions for, but no guarantees of, persuasion. Hornsby identifies communicative acts (all of which are also illocutionary) as those most basic to human interaction and most in need of protection. Hence, we need to be able to warn and refuse, for example, with equal authority while other illocutionary acts such as knighting, marrying, or sentencing do and should require that only qualified persons receive socially or legally prescribed authority for such speech acts. For Habermas, yes- and no-saying are the particularly important communicative acts that ground all other discourse and make subsequent perlocutionary effects possible. Still, Hornsby's standard is somewhat vague and has not quite succeeded in establishing that people are literally silenced when listeners fail to fully reciprocate.

Maitra works to make sense of what it means to say that the hearer must "recognize another's speech as it is meant to be taken"[137] while also permitting a clear distinction between hearing and believing or agreeing. To accomplish this she leaves behind the speech act theories of Austin and Searle and introduces ideas from H.P. Grice. Speech act theory does not work because, she reminds us, the distinction between perlocution and illocution "is notoriously difficult to clarify,"[138] and yet there are some illocutionary acts that are worth protecting. What is special about those is that they are also communicative acts, that is, those that require

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[136] Ibid., 195.

[137] Ibid., 224.

[138] Maitra, "Silencing Speech," 317.

"publication and recognition" and nothing more.[139] Communicative acts are a subset of illocutionary acts, not the whole. So marrying and voting, for example, are illocutionary acts that are not communicative acts since they require more than, and in fact could be done without, locutions. But refusal and warning, for example, are communicative acts. Once we have come to see that "the class of illocutionary acts is deeply heterogeneous"[140] Maitra thinks it cannot adequately be distinguished from the class of perlocutionary acts and thus does not work for figuring out whether or not, or how, some people are silenced through not being listened to rather than by preventing their speaking. So she turns to Grice's "account of what it is for a speaker to mean something on a particular occasion by producing an utterance."[141] The key lies in the distinction among the informative intention, the communicative intention, and the intention that fulfilling the former gives an audience a reason for fulfilling the latter.[142] But what is most important is understanding that

> satisfaction of the first intention, i.e., the informative intention, is not necessary for successful communication. … A speaker's communicative act can succeed even if she isn't believed, even if she is judged a liar. Communicative success does not require that the audience respect what the speaker is trying to say, nor that he be sympathetic towards the speaker.[143]

All that communicative success requires is that the hearer know what the speaker is intending; the hearer does not have to agree with or fulfill the intention, merely comprehend or recognize it. Being able to say "yes" or "no" is not the same thing as actually saying either.

If we return to the example of sexual advances, we can see how important this distinction is. A woman does not need to persuade her interloper that he does not desire to engage in sexual activity with her; she needs only to make him understand that she does not

[139] Ibid., 322.
[140] Ibid., 323.
[141] Ibid., 324.
[142] Ibid., 325–26.
[143] Ibid., 327.

desire sex and thus he will not be engaging in sexual activity with her even though he might still want to. Communicative disablement occurs if a speaker "is unable to satisfy either the second or the third of her Gricean intentions."[144] Why a speaker cannot satisfy those conditions depends largely on the particularities of any conversation, and often depends on the listener's ability or willingness to pay attention to and respect the speaker. Sometimes, however, similar circumstances regularly lead to similar communicative failures, so we should take notice. If women's communicative intentions to refuse sexual advances regularly are not satisfied, we should attempt to discover why and to make future failures less likely.

In a Langton and Hornsby co-authored essay they seem closer to Maitra's view. For example, they write: "A locutionary conception of speech is not what one needs unless one thinks that all of the value of free speech resides in people's ability to make noises that are recognizable as speech. The value of free speech surely resides in fact in people's ability to be recognized as doing what they mean to be doing in making noises—to be communicating."[145] And they state explicitly that "This minimal receptiveness does not mean that a hearer will agree, or is even capable of agreeing, with what a speaker is saying; but it does mean that a hearer has a capacity to grasp what communicative act a speaker might be intending to perform."[146] No one would disagree that a world with fewer, even no, rapes would be better. And some would agree that certain conceptual (and possibly legal) changes might reduce that number. But thinking about successful speaking as communicating the intention without also noticing whether a listener respects the intention or complies with it (especially in cases like refusal, especially of sexual advances) will do nothing to stop rapes that occur when one does hear "no" but just ignores (or eroticizes) it.

[144] Ibid., 328.

[145] Jennifer Hornsby and Rae Langton, "Free Speech and Illocution," *Legal Theory* 4, no. 01 (1998): 36.

[146] Ibid., 25.

Further, it is type a) intentional rapes which research suggests are the vast majority of rapes. When David Lisak and Paul Miller interviewed men on college campuses while Stephanie K. McWhorter et. al. interviewed navy personnel, each study found that "undetected rapists" (about 8 percent of the population) are indistinguishable from convicted rapists insofar as both groups admit to knowingly engaging in sexual activity with an unwilling partner and using verbal threats, alcohol and drugs, or sometimes even weapons to coerce them (as long as the term "rape" is not used in the description of the activities), and members of both groups do so repeatedly. There are not miscommunications but willful disregard for complying with the woman's communicated intentions.[147] Articulating types b) and c), rapes that appear to be misunderstandings whether by diminishing the speaker's communicative authority or following too closely misogynist sexual scripts, rather than a) intentional rape probably grew out of a concern to shift the narrative from stranger rape to acquaintance and marital rape, and to shift from blaming the victims (and show how the reasoning of the victim-blamer is unjust treatment of women) to blaming the rapists. While women are better off now that we recognize that rape occurs at home even more than in dark alleys, and now that we more often hold rapists, not rape victims, responsible for those crimes, it seems that painting with too broad a stroke has left us painted into a corner.

Needing all listeners to agree and comply with everything a speaker says goes too far. When anti-pornography feminists use the case of sexual assault to set the standard for distributing communicative responsibility between speakers and listeners, then listeners become entirely responsible for communicative success and so women are entirely captive to the (auditory) whims of men rather than empowered and authorized as speakers. Worse, these feminists retain the language of speaker failure, as we saw above, instead of shifting it to the

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[147] See note 130 for more detail.

listeners, leaving many readers confused. Langton rightly pointed out that lacking basic illocutionary or communicative power to establish and maintain one's bodily integrity diminishes other communicative and bodily powers; however, cases of sexual assault cannot be the model for communicative responsibility or success. Rather, it must be a limit case where the power to refuse or accept, to say "yes" or "no," needs to be respected by listeners without placing all responsibility for all communication on them as well.

These feminist discussions reveal the ways that listening does matter but cannot give a clear theory of how or how much. Worse, in trying to find women's voices, they give men's ears all of the power. Still worse, by starting with pornography and sexual assault, they give us powerful examples that we will see others argue seem to make the problem so systemic and caused by the pornography that the listeners they want to make more responsible might become less so. First, it reveals a concern about the relation between speaker and hearer, a view of autonomous agents, that seems untenable and inaccurate. But it also leads to worries about who really is to blame for the miscommunication, which is the topic of the next section.

Placing Responsibility and Laying Blame

Langton and Hornsby insist that current social conditions make certain acts "unspeakable" for women—the very title of Langton's original essay. They claim that "she fails to perform the illocutionary act of refusal."[148] But I wonder why they never write that some things are "unhearable" for him or that "he fails to perform the uptake" or that "he prevents her refusal." They need for the women to be literally silenced, to erase the distinction between types A) intentional and C) indirect silencing enough to change the law. They want to show how women are harmed, how what the hearer does, or does not do, affects the speaker, that it is

[148] Hornsby and Langton, "Free Speech and Illocution," 27.

voice that matters. And for all their talk of reciprocity, there is a strong shifting of the blame, which some critics shift back on them. The anti-pornography feminists do show how significant the listener is because he or she can simply not listen, decline to understand, thereby rendering one's speaking utterly ineffective through no fault of the speaker. But critics suggest that they go too far in making the success of speaking entirely dependent on the listener. And while there are instances where a hearer's failure to listen causes severe harm, setting standards for bearing responsibility for successful communication in the ears of the listeners rather than shared between interactive communicators actually reduces the agency of the speakers these anti-pornography feminists are trying to empower.

These pro-censorship feminists give so much power to the listener that a strange debate erupts about whether, on Langton's and Hornsby's models, women who fail to secure uptake or reciprocity for their refusal are in fact raped, and whether it is the rapist's fault as much as the pornographer's. Daniel Jacobson is the first to expose this potentially "strange and troubling consequence of the argument from illocutionary disablement [that] *Langton cannot call this rape*."[149] He continues:

> It's not just that, as in more standard cases, refusing was futile, in that its intended perlocutionary effect was frustrated; nor that internally cultural forces served to inhibit locution, keeping her from saying no. According to Langton, there was no refusal at all. The only argument I can find for this conclusion is her (correct) observation that intending to refuse is insufficient. But the woman we are imagining does not just intend to refuse; she makes her intentions manifest in language and behavior that any competent auditor would take as unambiguous refusal.[150]

Jacobson is arguing that if uptake is necessary for refusal and uptake is not secured, then the woman did not refuse. If she did not refuse, then she was not raped.

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[149] Jacobson, "Freedom of Speech Acts?," 77. Alexander Bird argues similarly in "Illocutionary Silencing," *Pacific Philosophical Quarterly* 83, no. 1 (2002): 1–15.

[150] Jacobson, "Freedom of Speech Acts?," 77.

Langton and Hornby's co-authored essay contains a response to Jacobson's charge. While I do appreciate their pointing out that the absence of refusal is not the same thing as consent,[151] this is not a complete answer. Something both more subtle and more complex is at stake here as Weiland rightly points out: "the rape myth being perpetuated is that 'she wanted it,' not 'she didn't not want it'" such that a woman not voicing refusal is in fact taken as consenting, at least in a sexual game of predator and prey.[152] Jacobson knows the woman was raped; he is merely trying to demonstrate that Langton's and Hornsby's accounts of uptake and reciprocity are too strong and depend so much on the whims of a listener that a speaker's own intentions lose the very force and agency they seek. As Langton and Hornsby try to give voice to women by holding men responsible, they seem to succeed in making it only about the men listening and not about the women speaking. Were we talking about the attempt to prosecute rape, it seems we would have nothing but a simple case of "he said; she said" (or, "she said; he heard") despite Jacobson wanting, and thinking Langton and Hornsby should want, the speaker's position to trump that of the hearer. So even if they are right to consider the listener, that role should not be determinate of communicative success. Again, a world where women's speaking is ignored or misunderstood will still probably not be a rape-free world, even if there were fewer rapes. A world where women are not routinely silenced will still not be a world where they are always heard as they intend to be heard or where uptake is secured or reciprocity is guaranteed in all communicative exchanges.

Although we need a theory that works in the world and can account for the reality that, for example, women are likely to have poor listeners, we cannot construct a theory of communicative success by looking at instances of communicative failure and requiring the opposite. We need to understand what can be expected from listeners. To that end, Jacobson

[151] Hornsby and Langton, "Free Speech and Illocution," 31.

[152] Wieland, "Linguistic Authority and Convention in a Speech Act Analysis of Pornography," 453.

distinguishes between any given hearer and competent ones. For him, competency is "analogous to the reasonable man/woman/person standards in the debate over sexual harassment."[153] Maitra too invokes reasonability in giving two conditions for auditory competence: "An audience performs *competently* in a particular conversational context to the extent that: (i) They abide by the rules in effect in that context; and (ii) It is reasonable for that audience to abide by those rules." "Reasonable" simply means, "how difficult it would be for that audience to do otherwise,"[154] that is, her appeal is to what is possible rather than supererogatory in our demands for increased audience responsibility. Jacobson's appeal to reasonable persons is something more. It is more like Habermas' (problematic) demand that only rational argumentation constitutes communicative action. Maitra, on the other hand, is using the term in less loaded ways, more similarly to Young's sense of it in *Inclusion and Democracy* as a "set of dispositions that discussion participants have [more] than to the substance of people's contributions to debate."[155] Jacobson is right that competent listeners, not actual listeners, set the standards; nonetheless, Maitra notes that women could be silenced even by competent ones. And we will still have to contend with incompetent listeners, some of whose incompetence presents actual physical and psychological threats.

Being a competent listener is as much about the communicative context as the individual's skills and attention; about how clear, consistent, and available are the rules of meaning and expression. In Chapter 4 we will think more about socializing competent listeners, about educating people to become appropriately sensitive to communicative contexts and rules for those contexts. For now, however, it seems enough to note that sometimes we have clear reasons to mark someone as a uniquely incompetent listener, as an exception, while we also can

[153] Jacobson, "Freedom of Speech Acts?," 78.

[154] Ishani Maitra, "Silence and Responsibility," *Philosophical Perspectives* 18, no. 1 (2004): 202.

[155] Young, *Inclusion and Democracy*, 24.

see that certain social conditions or institutions make competent listening unlikely or impossible. Maitra explicitly leaves to others the empirical research regarding the role that pornography plays in the construction of social rules and affecting behavior, and she hopes others "establish that, as a result of pornography, even competent audiences become unable to recognize women's intentions to refuse"[156] or "renders previously competent audiences *in*competent."[157] If the findings are, or could be, that pornography is responsible for disrupting listeners from properly hearing women's sexual refusal, then critics of the anti-pornography feminists argue that maybe men who cannot hear a "no" as anything but "yes" are not truly to blame because pornographers are to blame.

Weiland takes seriously Jacobson's charge that were Langton and Hornsby right no rape occurred; however, she argues that he slightly misses the mark on just what the absurd conclusion is: "the Langton-Hornsby view … seems to have the unintended consequence of treating rapists and their victims as equally subjugated by the conventional power of $\text{pornographers}_{\text{sub}}$—whereas women are illocutionarily disabled, rapists are *interpretatively* disabled."[158] If Maitra is right that the audience is competent about the rules that "interfere with their ability to understand women,"[159] then how could they have done otherwise? And if they cannot do otherwise, then how are they legally or morally culpable? Maitra and co-author Mary Kate McGowan respond that multiple parties can be held responsible and that highlighting other contributors along the causal chain does not absolve the human agent at the end of it.[160] But then they also question how "such an encounter can reasonably be interpreted as

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[156] Maitra, "Silence and Responsibility," 194.

[157] Ibid., 206n12.

[158] Wieland, "Linguistic Authority and Convention in a Speech Act Analysis of Pornography," 452.

[159] Maitra, "Silence and Responsibility," 203.

[160] Ishani Maitra and Mary Kate McGowan, "On Silencing, Rape, and Responsibility," *Australasian Journal of Philosophy* 88, no. 1 (2010): 171. Even the law permits assessing comparative fault and contributing factors.

consenting,"[161] which either means that incidents of such silencing are not as pervasive or problematic as they suggest, or they have given up the best response to Jacobson's other concern about competent audiences. That is, they know rape is not a matter of miscommunication of types b) incidental and c) indirect, about women's agency or expected sexual roles, but is type a) intentional. And if so, we should be discussing incidental and selective silencing which women (and others) do endure but which requires interventions other than censorship. If not, then these feminists cannot account for how those men are responsible for their mishearing.

While these theorists have gone to great lengths to highlight the role listeners play in communication, they take an extreme view that does not permit them to achieve their own goals. They've simply repeated Jacobson's claim that amounts to not believing not only in the distinction between types b) and c) miscommunication but even among b), c), and). And he thinks that that is also true for the general accounts of silencing in A), B), and C). Even though there are clearly differences in the methods of silencing, the differences are not so significant since they are all intentional acts of exclusion. Just as there are intentional crimes of rape, not mistaken or accidental rapes, there are intentional acts of excluding some voices, not too many mistakes in communication about justice and participation in general. But in the same ways that many believe that men might accidentally or unknowingly assault and thus through such belief give social and epistemic cover to criminals, so too does believing that people might be well-intended in their endeavors to make communities inclusive and yet fall short in their efforts give cover to outright abuses of power. Criminals make use of those distinctions to persuade us that they just did not mean it, and we too often believe them.

[161] Ibid., 170.

Compulsory Discursivity and Censorship

Jacobson and Wieland engage explicitly with Langton's et. al. arguments about censorship and silencing. However, other critics come at the position more broadly, by questioning the anti-pornography feminists' assumptions and implications. Exploring two matters highlighted by critics—the value of silence and the meaning of censorship—will better help us understand communication facilitates either participation or exclusion.

The most radical response to accounts of unjust acts of silencing is Wendy Brown's defense of silence. In "Freedom's Silences" she describes the ways we currently give authority to voice and insist that breaking silences is the first and best tool of emancipation. Brown is concerned that the implicit association between speaking and freedom makes it seem that speaking, especially confessing one's suffering, is necessary for emancipation. This raises serious concerns because the association might too readily constrain possibilities, tying speakers to the experiences of trauma and identity of victim: "this ostensible tool of emancipation carries its own techniques of subjugation—that it converges with unemancipatory tendencies in contemporary culture, establishes regulatory norms, coincides with the disciplinary power of ubiquitous confessional practices; in short, feeds the powers it meant to starve."[162] Brown is concerned that requiring confessions of suffering to resist future suffering is an invasion of privacy. And the requirement to make everything public is to subject each confession to scrutiny and regulation that often commercializes and homogenizes intimate and emotional experiences.[163] With references to the drowning metaphors used by Primo Levi and Audre

[162] Wendy Brown, "Freedom's Silences," in *Censorship and Silencing: Practices of Cultural Regulation*, ed. Robert Post (Getty Publications, 1998), 314.

[163] In contrast to the pro-censorship feminists, and our own attention above, Brown references not the U.S. Constitution First Amendment protections of speaking but the Fifth Amendment protections of being silent. The amendment limits government authority in a few respects, but Brown is specifically referring to the clause that reads "nor shall be compelled in any criminal case to be a witness against himself" that permits people to "plead the fifth" and not answer questions in a hearing or trial. She claims "silence itself as a source of protection of potentially even a

Lorde, Brown asks "What if silence is a reprieve from drowning in words that do not communicate or confer recognition, that only bombard or drown?"[164]

While Brown acknowledges that silence can be forced or passive aggressive, and that freedom of course requires speaking skills, she insists that insofar as speaking and silence constitute, not oppose, each other freedom also requires silence skills. Speaking and being silent constitute each other insofar as "speech harbors silences; silences harbor meaning"[165] in one voice the way rests are constitutive of music, because undifferentiated sound does not make sense. Speaking and being silent are also co-constitutive of communication between people because one speaks while the other listens silently and when the listener responds, the speaker becomes silent. Only together are the speaking and the silent communicating. We need to learn to listen to meaning in silence in order to determine when being silent is a consequence of exclusion or oppression but also when it is a moment of resistance. As we discussed in Chapter 1 and will revisit in Chapter 3, good listeners are attentive not only to a speaker's words but to the identity of the speaker as well as the context and mode of the speaking that includes attention to what is not spoken, and who is not speaking, as well.

Brown is not arguing that we lack good listeners; nonetheless, I want to argue that the lack of attention paid to hearing, the lack of value placed on listening, fuels compulsory discursivity. Further, compulsory discursivity is premised on a theory of speaking, an understanding of the relation between speaking and freedom, that generates poor listeners, or at least fails for not requiring responsible listening. Brown leaves some room for this interpretation when she writes:

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source of power. The Fifth Amendment of the U.S. Constitution may be understood as mobilizing precisely this power against discourse" Ibid., 317.

[164] Ibid., 321.

[165] Ibid., 313.

> Most of this speech *pronounces* or *declares*, and practically none of it is aimed at developing community with others or with working through experience or transforming understanding. In other words, this speech that is aimed at bringing us together … paradoxically eschews the tonal and idiomatic material of connection. ... [We are] deprived of these resources through this kind of pronunciative speaking. Indeed, this heavily defended creature conveys through this noncommuning speech, this tenacious dwelling in his or her own experience and opinion, a kind of rampant individual xenophobia that must be read as a terrible fear of disintegration or dissolution through connection, as the anxiety of an already profoundly weakened or disintegrated subject.[166]

Langton and Hornsby could be indicted for requiring compulsory discursivity. They locate agency in voice and reinforce women as identifying as victims of male sexually aggressive behavior. But Brown is not arguing against all speaking, for we must learn about the ways women suffer not just from sexual abuse but other ways through which being excluded from communities affects people. Brown is reminding us of the limits of voice and of organizing our communities around the power of speaking at the expense of other ways of participating. And she is hesitant to make everything public. The compulsion to continue speaking, witnessing, pleading for an audience to hear us often succeeds only in pushing those listeners away and failing to listen to anyone else. When we treat speaking and being silent as opposites, and when listening appears to require being silent, we reinforce the false distinction between the active speaker and the passive listener. Who wants to be silently, passively listening then? Confessional discourse in this age of compulsory discursivity turns audiences deaf.

When speaking measures participation, we must pay attention to who is silent, who is not participating. However, we must be careful not to decide in advance what that silence means. Patricia Hill Collins notes that black women are often silent on the outside because to do otherwise could be catastrophic, though, we should not conclude that there is a comparable silence on the inside. That is, black women are thinking and theorizing about their lives rather than acting in line, or worse in complicity, with their oppressors. There are "potential benefits of

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[166] Ibid., 323.

remaining silent" that have to do with job security and physical safety.[167] In domestic work—common for black women whether historically unpaid or still underpaid—"deference matter[s]" because employers have expectations of good rapport even more than productivity. One worker explained to Collins that one must learn "to talk at great length about nothing" in order to keep one's job.[168] But not just at work: "This secrecy was especially important within a US culture that routinely accused Black women of being sexually immoral, promiscuous jezebels. In a climate where one's sexuality is on public display, holding fast to privacy and trying to shut the closet door becomes paramount."[169] Black women, she argues, are often silent about sexuality because there is a strong taboo against breaking racial solidarity and implicating black men in the crimes of masculinity.[170]

Collins' own work joins together the voices of many past and present black women to resist misunderstanding and oppression. Speaking is a way to freedom, although, we need to be aware of and strategize about opportunities and methods. Collins' position is a standpoint theory insight that "suppressing the knowledge produced by any oppressed group makes it easier for dominant groups to rule because the seeming absence of dissent suggests that subordinate groups willingly collaborate in their own victimization."[171] She argues that we not

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[167] Patricia Hill Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment*, 2nd ed. (Routledge, 1999), 124.

[168] Ibid., 56.

[169] Ibid., 125.

[170] If we were discussing pornography explicitly, I would be sure to point out that Collins challenges the same anti-pornography feminists for not correctly understanding the racial history and components of the sex industry: "African-American women's experiences suggest that Black women were not added into preexisting pornography, but rather than pornography itself must be reconceptualized as a shift from the objectification of Black women's bodies in order to dominate and exploit them, to one of media representation of all women that perform the same purpose" (138). It seems that merely censoring the pornographers will not solve problems of sexual exploitation that predate it even if it could have some positive benefits for some white women. Even their analysis of the linguistic (in)capacity to refuse unwanted sexual advances ignores some historical facts about racial differences in sexual crimes as well as fails to understand desire in an antiblack world, about the unrapability of black women. On this last point, see especially Lewis R. Gordon, "Sex, Race, and Matrices of Desire in an Antiblack World," in *Her Majesty's Other Children Sketches of Racism from a Neocolonial Age* (Lanham, Md.: Rowman & Littlefield, 1997), 73–88.

[171] Collins, *Black Feminist Thought*, 3.

only need to notice who is silent and not read that as agreement, but to look more carefully for the times and places where those same people are talking to each other even if not in and to wider publics. Maria Lugones makes a similar point about keeping secrets, about the need for women of color not to speak about everything in racially mixed settings.[172]

Another consequence of compulsory discursivity is that we become hyper-vigilant for perceived threats of censorship and as such become confused about just what constitutes and causes censorship. The traditional view suggests that if speaking liberates, then being silent denotes oppression. And the silence, it seems, must have a source or cause that ought to be stopped or changed. Being silent would never be a choice; silence must be unjustly imposed on us from the outside.

Frederick Schauer and Judith Butler both offer critiques of this traditional view of censorship as not only merely wrong but also dangerous. The basic inaccuracy is that 1) censorship is not always the act of willful, external agents, and 2) censorship is unavoidable and in fact necessary and productive of personhood and communities. Communicative justice is not a matter of rooting out instances of censorship or acts of silencing. Rather, we need to think in other terms to help us see what and whose speaking matters and should be heard or protected. For Schauer, this calls for negotiating competing claims of content-determining authority; Butler calls for transformative performances; and Lawrence Lessig calls for instituting market-perfecting regulations.

Censorship used to mean "a system requiring preclearance for all publication."[173] Now, however, to an almost paranoid degree, we expose and condemn any act we think is infringing

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[172] As cited in Dotson, "Tracking Epistemic Violence, Tracking Practices of Silencing," 254n13.

[173] Frederick Schauer, "The Ontology of Censorship," in *Censorship and Silencing: Practices of Cultural Regulation*, ed. Robert Post (Getty Publications, 1998), 147. The view begins with John Milton's *Areopagitica*—one of the earliest anti-censorship essays. Through references to Isocrates and Paul, Milton argues that truth will out such that censoring texts must not happen prior to publication. Any instances of blasphemy, slander, or treason can be punished though,

on a right to free speech, or even simply on having an opinion and voicing it publicly or privately. We treat all acts of censorship as if they are willful acts of an external agent trying to limit our speaking. Schauer concludes that Langton is guilty of precisely this mistake: "… Langton still sees the silencing effect of words as a form of censorship and as an external and coercive interference with a speaker's communicative opportunities and preferences … see[s] the silencing and the censorship as aberrations of an uncensored ideal."[174] But there is no perfect state without censorship. What we think, what we prefer, are functions of what is available, and everything cannot all be available at the same time. Schauer explains: "to the extent that preferences themselves are at least partially externally determined, the question of censorship becomes accordingly less tractable. … We may find that there is no subset of human behavior that we can identify solely because it restricts our communicative possibilities, since all human behavior both constitutes and restricts our communicative possibilities."[175] Most simply, the standard view is not helpful because it suggests that there are clear-cut cases of censorship that, if correctly identified, can be stopped and the problem can be solved. And even if there are such cases, they are rare and exceptional.

In light of these concerns with censorship, Judith Butler deploys Austin's speech act theory in entirely different ways than Langton and Hornsby. Not only in *Excitable Speech*, but also in "Ruled Out: Vocabularies of the Censor," she ties Austin's insights to a Foucauldian analysis of power and the (in)effectiveness of appeals to the state to discuss how language and meaning work. What she shows is that implicit "censorship"—making some ideas and activities more or less possible to think or do through the power of habit rather than through rules about who can speak what—is more successful than explicit censorship. Actively censoring often

once they are printed. See John Milton, *Areopagitica: A Speech for the Liberty of Unlicensed Printing to the Parliament of England*, 2006, http://www.gutenberg.org/ebooks/608.

[174] Schauer, "The Ontology of Censorship," 153.

[175] Ibid., 149.

wastes our energy in some respects: "implicit or ambiguous forms of censorship may be more efficacious than explicit forms in rendering certain kinds of speech unspeakable. Censorship is exposed to a certain vulnerability precisely through becoming explicit, and escapes it most shrewdly when it operates without being clearly identifiable."[176]

Legal scholar Lawrence Lessig agrees and repeats Butler's points about the efficacy of implicit forms of speech- and thought-control to reveal a contradiction in some legislative and judicial decisions: the reasoning behind U.S. Constitutional First Amendment decisions, including and continually more so since Judge Easterbrooks' *Hudnut* decision, is the need to limit all limits on speech so that no one person or group has the power to control social meanings while the government actively, and often dangerously, nonetheless regulates social meaning through other means. Lessig questions Easterbrook's "fixed star" in both its historical and normative fixity and wonders why it is only a navigational tool for *speech* acts. Through many, many examples Lessig shows the ways social meanings are regulated without limiting speaking, often more easily and more harshly. Meaning requires both a text (words, actions, or symbols) and a context (the circumstances for those words, actions, or symbols). We can shift the context, the shared understandings and expectations, more easily than shifting any text, but censorship works only on text.[177]

While Lessig is not arguing for a particular interpretation of the First Amendment or even for more limits on freedom of speech, he is arguing that decisions might be different if we were more aware of and honest about the risks and rewards of the government constructing and regulating social meanings via context rather than text. He wonders why so many have been

[176] Judith Butler, "Ruled Out: Vocabularies of the Censor," in *Censorship and Silencing: Practices of Cultural Regulation*, ed. Robert Post (Getty Publications, 1998), 250.

[177] So while the anti-pornography feminists take the direct route aiming at censorship and limiting the existence of sexual texts, sex positive feminists take the other route. They attempt to shift the context for recognizing and responding to performances of female sexual pleasure.

so quick to dismiss feminists' attempts to censor pornographers even while admittedly valuing equality and acknowledging how much is right in MacKinnon's descriptions of the objectification and dehumanization of women.[178] He argues that the current doctrine—which appears taken for granted and without historical basis—treats all speech cases as best decided to limit instances of censorship precisely because no one gets special privileges to, or prevention from, the construction of social meanings. Dworkin tows just this line, over and over again, trying for proof through mere repetition:

> … the First Amendment's egalitarian role … forbids censoring cranks or neo-Nazis not because anyone thinks that their contributions will prevent corruption or improve public debate, but just because everyone, no matter how eccentric or despicable, have a chance to influence policies as well as elections. … Equality demands that everyone's opinion be given a chance for influence, not that anyone's opinion will triumph or even be represented in what government eventually does. … no one may be prevented from influencing the shared moral environment, through his own private choices, tastes, opinions, and example, just because these tastes or opinions disgust those who have the power to shut him up or lock him up. … views cannot be locked out, in advance, by criminal or civil law: they must instead be discredited by the disgust, outrage, and ridicule of other people.[179]

But Lessig laughs and reveals this communicative equality to be a myth, or a lie, because some persons clearly do have more power to control social meaning.

His last example might be the most instructive: When the city of New York attempted to outlaw panhandling in subways in 1992 the statute was struck down because "begging constitutes communicative activity."[180] In its stead the New York City Transit Authority displayed posters throughout town that claimed that giving money to panhandlers actually hurts them by preventing them from getting real, long-term help. Before this campaign, not paying

[178] For just one instance of seeing that Lessig is right, consider Geoffrey Stone's approach to commemorating Easterbrook's *Hudnut* decision. He first shows how much sympathy Easterbrook had for the position, for acknowledging the ways women suffer, but then locates the precise legal interpretation that pushed him to say the law was the wrong mechanism for their complaint. Of course recognition does not entail agreement, but often this recognition of severe problems faced by women without any political will to respond does not feel like recognition at all. See Stone, "American Booksellers Association v Hudnut."

[179] Ronald Dworkin, "Women and Pornography," *The New York Review of Books*, October 21, 1993, 41, http://www.nybooks.com/articles/archives/1993/oct/21/women-and-pornography/.

[180] Lessig, "The Regulation of Social Meaning," 1039. He is quoting the decision in *Loper v. New York City Police Department,* 999 F.2d 699 (1993).

panhandlers generally indicated a lack of compassion on the part of subway passengers; “But the Authority's poster campaign ambiguated this meaning. Now, the refusal could either be because the passenger is cold- hearted, etc., or because the passenger is concerned to do what is best for the panhandler. What is best for the panhandler is for the passenger to say no to the panhandler.”[181] The city succeeded in significantly reducing the numbers and effects of panhandlers in subways without infringing on their free speech rights. They changed the way subway riders heard the requests for money. They effectively silenced panhandlers within the scope of the First Amendment. And while this might be a better state of affairs because what is best is not giving money, or maybe we do not want to be solicited on public transit, none of that is the point.[182] The point is that the local government quite effectively regulated the meaning and effectiveness of panhandling without regulating the speech of panhandlers. And while many people would be outraged at a law that prohibits certain forms of speaking, a law that has the same effect has raised little concern.

Exposing the bias in legal reasoning that permits government to control social meanings while purporting to protect precisely an activity for all citizens equally leads Lessig to argue for broadening the marketplace of ideas from the narrow discussion of speech and censorship to all modes of meaning-production through “an increased scope for market-perfecting regulation.”[183] He advocates actively correcting for equal participation opportunities because inequality does

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[181] Ibid., 1040.

[182] For an actual discussion of poverty, panhandling, and best policies and practices see Mike Davis, *City of Quartz: Excavating the Future in Los Angeles*, 1st, First ed. (Vintage, 1992) where he exposes the increased class stratification of cities and the increasing regulation of public spaces for the use and interests of middle class persons and against use by and for poor people showing how middle-class people want spaces to be free from even having contact with, nay notice of, poor, especially homeless people and how government regulations are protecting those middle-class interests over the interests and needs of the poor.

[183] Lessig, “The Regulation of Social Meaning,” 1039.

reduce the liberty of some.[184] In other words, rethinking the terms of participation in social meaning creation requires rethinking liberty as a possible trump.

Schauer also seeks a similar shift: instead of censorship, or market-perfecting regulation, he explores the standards and practices of professional competence, or to take notice of and better manage who has "content determining authority."[185] Schauer provides a series of examples where decisions about content are being made, some of which we label censorship while others we do not. For example, when librarians decide which books to acquire, which not to, few are concerned. Yet, when library boards (or worse, school boards or city councils) attempt to make the same decisions, many label their decisions invidious censorship. Or, we are upset when the tobacco industry induces a television network to tone down smoking criticism, but we are rarely upset when an editor asks the same of a writer. Schauer explains:

> All too often, what is at times characterized as censorship seems to be quite similar to what at other times is characterized as editing, or choice. … the word *censorship*, which is largely even if not exclusively pejorative (and that is why censors always deny they are censoring, even when they are censoring for good purposes), does not describe a category of conduct, but rather attaches an operative conclusion (ascribes) to a category created on other grounds.[186]

Every choosing of some this is not choosing something else. Whenever we focus somewhere, we leave everywhere else out of focus.[187] So the charge of censorship comes from those "blurred out," as it were, usually levied without content, without questioning why it matters that the

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[184] See also C. Edwin Baker, "Scope of the First Amendment Freedom of Speech," *UCLA Law Review* 25 (1978 1977): 964–1040.

[185] Schauer, "The Ontology of Censorship," 163.

[186] Ibid., 160.

[187] As I employ this visual metaphor in a project about listening, it is worth noting that we are selective with our hearing, not just our vision. While it may seem an easy contrast to point out that ears have no analog to eyelids (though we have fingers with which to plug them), what we perceive and process with any sense organ and the coordination of all of them is much more complicated than noting when eyes are open and where they are directed. Donald Broadbent's pioneering work in selective attention, *Perception and Communication* (Pergamon Press, 1958), noted this half a century ago. See also Jonathan Sterne, *The Audible Past: Cultural Origins of Sound Reproduction* (Duke University Press, 2003). Sterne notes the interesting cases of so-called savage children whose auditory perception was not attuned to urban life such that doctors had to design alternative tests of their hearing when they did not react to regular sounds. Sterne also describes and rejects "the audiovisual litany" whereby theorists regularly list the distinctions between vision and hearing only to prefer one to the other, from Walter Ong's veneration of the auditory to Derrida's re-valuation of the visual.

choice made was just or unjust. Charges of censorship intervene on debates about quality and legitimacy, about whom we trust with what sorts of decisions, about demands that some who have for too long been deemed untrustworthy are not so. Again, Schauer shows that

> it is professional competence (or, more skeptically, guild prerogative) rather than censorship or noncensorship that is at issue. Censorship is inevitable, necessary, and desirable—but it is less inevitable, necessary, or desirable that this group rather than that group do it. Librarians—and curators and professors—are not objecting to censorship so much as claim the office of censor. The process by which we set and enforce standards, by which we establish and modify the norms of evaluation, is inevitably a process that in a differentiated society falls, by topic or domain, more into the hands of some than of others. … The language of censorship is thus the language of professionalism, the language of expertise, the language of institutional competence, the language of separation of powers. It can also be, more maliciously, the language of turf.[188]

Determining who or what is best requires thoroughgoing practices of inclusion because unless everyone has a chance to participate we will not be sure who is best, or, as Elizabeth Minnich explains, "equity—that is, a commitment to inclusive, unbiased, appropriate consideration of significance and merit—is a prerequisite for adequate judgments of excellence."[189] Likewise, Fricker explains that "judging someone untrustworthy does *pro tem* strip them of their function as informant and confines them to functioning merely as a source of information."[190] There is not necessarily a wrong done in judging someone untrustworthy or not excellent, for not everyone is trustworthy or excellent. But doing so in unjust ways or without good reasons is unacceptable. That also means that judging some as trustworthy or excellent without cause or for bad reasons is also unacceptable and has been going on for a long time. Annette Bair reminds us that sometimes "trust-busting can be a morally proper goal."[191] These matters of trust and education we will explore in more detail in subsequent chapters.

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[188] Schauer, "The Ontology of Censorship," 162.

[189] Minnich, *Transforming Knowledge*, 173.

[190] Fricker, *Epistemic Injustice*, 135.

[191] Annette Baier, "Trust and Antitrust," *Ethics* 96, no. 2 (January 1, 1986): 232.

Valuing Communication

We have seen what can go wrong, or not completely right, when we mistake speaking for the whole of communication and when we give too much to listeners in compensation for having not had enough responsibility. But, we need to better understand how communication works to create better, more inclusive communities, to determine whose testimony about what contributes positively to social meanings and habit formation. This is what is at the heart of the work of Langton and Hornsby that is concerned with democracy, participation, and personal development:

> There is a distinctively human capacity that one has as a member of a speech community: one is able to do things with words (and take others to do them) when others are able to take one to do them (and to do them themselves). Possession of this capacity (which is to participate in illocution)—not just of the ability to produce intelligible sounds and marks (which is to participate in locution)—is necessary for any individual to flourish as a knowledgeable being, and for the spread of knowledge across populations and generation of individuals. It is a capacity that equips human beings with a nonviolent means for reaching decisions, whether on individual or collective action. And that no doubt explains why free speech should so often have been thought not merely to assist in the spread of truth but also to be partially constitutive of democratic arrangements.[192]

The point is that of course speaking is worth protecting, but worth protecting because we need to communicate, not because we need to make sounds. Yet it seems that perhaps protecting speaking does not work best by having the most voices most able to vocalize. We need instead to cultivate practices by which speakers can be heard well enough not only to be understood but also considered. David Braddon-Mitchell and Caroline West defend just this position against traditional accounts of free speech: "free speech is a *condition*, and no particular act is an act of free speech."[193] And they advocate that we legislate rights that promote the condition rather than legislating limits to particular sorts of acts.

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[192] Hornsby and Langton, "Free Speech and Illocution," 37.

[193] David Braddon-Mitchell and Caroline West, "What Is Free Speech?," *Journal of Political Philosophy* 12, no. 4 (2004): 459.

Braddon-Mitchell and West argue that the logical space of communication has three axes: distribution, understanding, and consideration. Each axis permits of degrees of freedom, but only the combination of all three will determine optimal conditions for free speech. What is tricky is that the three axes sometimes interfere with each other; so, high distribution often yields low consideration but even low distribution is pointless if understanding is too restricted. For too long the focus of discussion of free speech has been exclusively along the distribution axis without recognition that this focus provides an incomplete account of the very purposes of community discourse. The very phrase most commonly associated with freedom of speech, "the marketplace of ideas," seems to locate us on the distribution axis despite, as Braddon-Mitchell and West note, the easy possibility of better interpreting J. S. Mill to be advocating for an account of freedom of thought and expression along all three axes (even if few legal scholars do). The anti-pornography feminists, most basically, are making arguments to the effect that our current limits of distribution are too weak. Current limits include inciting violence, riot, or panic; fighting words; and child pornography. These cases could be expanded, for example by restricting more instances of pornography and possibly also hate speech, to create more fair and just distribution of speech across the population. The government could also increase subsidies for pubic access television or create free nation-wide wi-fi to permit wider distribution of public speaking; however, giving everyone a television show or a blog would likely decrease consideration. Endorsing experts to lead discussion and prioritizing topics of discussion both increase consideration while limiting distribution, but that could on balance create better conditions for free communication. Public education contributes to the understanding axis, but debates continue about whether a single national language or advocating multilingualism also aids understanding. And how many languages should we each learn when at some point we will

be increasing the possibility of comprehending more but spending little time listening to or considering much of substance.

A more generous reading of the pro-censorship arguments, and of Lessig too, might permit us to see that they are working actually to reveal the other axes of the logical space of communicative relations by showing that the mere speaking of words is insufficient to generate mutual understanding; rather, communicating is a relation between speakers and listeners in socio-political contexts. Only West uses the terminology of three axes though, and in her solo work defends only a "minimal comprehension requirement"[194] that any theory of free speech must consider, which, while narrower than either view of Langton or Hornsby, still requires that much more attention be paid to listeners than most other free speech analysis in philosophy, political theory, and legal studies. West takes a decidedly liberal approach and focuses only on a negative right not to be denied speech rather than endorsing a positive right to be heard. Yet, even on our generous interpretation of Langton and Hornsby, they push past the distributive axis but still have not distinguished understanding from consideration. The difference between understanding and consideration is at the heart of debates about whether illocutionary and perlocutionary effects are actually different. As well, Habermas notes that understanding and consideration are not the same thing: that the former is a condition for the very possibility of the latter. What speakers ultimately want is not only to be heard but to be believed or agreed with, to be right. Listeners, of course, have no obligations to believe or agree, but listening means little if listeners are not considering whether and why they agree or disagree with speakers.

The consideration axis is the most difficult to protect legally, but it might be the axis most important to moral and epistemic obligations of communicative agents. When we think

[194] West, "The Free Speech Argument Against Pornography," 396.

about speaking as communication and take more seriously the role that listening plays in successful communication, we can see that more matters than the number of people speaking the most words in as many forums on as many topics as possible. While we are quite likely to notice who is not speaking, we should also notice who is listening to whom and who has almost no audience. We could also notice when speakers and listeners are commonly in agreement or deliberate with care, which persons or topics lead to more heated debate and disagreement. We can start to hold the listeners more responsible for misunderstandings or communicative exclusions, while still not making the listeners entirely responsible. Dotson acknowledges that her analysis of communicative justice might amount to a requirement that listeners first clearly demonstrate competence for hearing marginalized speakers on risky or unsafe topics, and she admits that this might be too strong a requirement.[195] I think it is too strong only if understood as a *requirement*. However, I do think such a habit is likely to emerge if we shift our focus from only speakers to reciprocal communicators. To expect listeners to be more responsible could easily involve expecting them to be attentive to the way they signal their willingness and ability to listen. Just as Minnich argues for a transformative, not additive, model for philosophical thinking and education, we cannot simply add more speakers to communities that are premised on exclusion. We have to transform the way that successful communication happens by giving more focused attention to listening and rebalancing responsibility for achieving mutual understanding between speakers and listeners.

[195] Dotson, "Tracking Epistemic Violence, Tracking Practices of Silencing," 254n13.

CHAPTER 3

RESPONSIVE TRUSTING AND RESPONSIBLE LISTENING

In Chapter 1 we concluded that good listening requires openness, responsiveness, courage, and empathy. We came to this conclusion by exploring Habermas' theory of communicative action and exploring both Iris Marion Young's and Danielle Allen's critical endorsements of his theory. Each challenged that his view was too narrow a defense of reason and rational argumentation that, for Young, excludes certain communicative forms and thus often marginalized people from communicative action, and, for Allen, assumes rather than cultivates the rhetorical relations necessary for democratic life.

By reexamining the arguments that anti-pornography feminists have made in their endeavor to get women voices heard, and critical responses to those endeavors, we saw in Chapter 2 that only a more thorough transformation of the conditions of communication will work to finally enable hearing unjustly silenced voices. We also saw that the context of the speaking act and the identity of the speaker have significant impact on the likelihood of a speaker being heard as intended. These feminists have argued that censoring pornography is a necessary move to redistribute the responsibilities for successful communication away from placing too much on speakers to expecting more of listeners. Of course, this rebalancing sometimes went too far in favoring listeners. However, we saw the need to think more carefully about how the relationship, and on-going interactions, between speakers and listeners must work if communication is to be exercising of healthy habits of democratic participation.

So far we have been concerned mostly with some rather personal communication, although personal communication with significant political import. We have focused on

speakers communicating their experiences, needs, and interests—from Young's examples of disabled persons' expressions of the value of their lives in search of equitable health care to Rae Langton and other pro-censorship feminist's cases of women verbalizing their (lack of) sexual desires and demanding to be more than objects for men's sexual pleasure. We have noted how the experiences, needs, and interests least often listened to are those of racial, gender, class, ability, and other minorities, whether that is because the communicative forms commonly used conflict with commonly valued forms, because what they have to say is too challenging to hear and respond to, or because they are treated as mere informants rather than equal communicative participants. What people communicative, though, is more than their personal experiences, needs, and interests. We inform others of what we know and value; we share interpretations of novels and economic treatises, of advanced mathematical theories, of how to survive alone in the woods, and endless things.

In Chapter 3 we will turn to debates in the epistemology of testimony, which takes a different approach in arguing about the appropriate balance of responsibilities between speaker and listener. Epistemologists concern themselves with knowledge generally—personal and otherwise. What do we know and how do we know that we know it? And some specialize in knowing through other persons (rather than through one's own senses or memory or reason), testimonial knowledge. "Testimony" is often a word reserved for courtrooms or churches, but here it is just the communicating of what one knows to others, from a stranger on the street giving directions to wayward tourists or expert physicists describing black holes. Testifying is simply telling something to someone, conveying information, or generally communicating (as we defined in Chapter 1). When epistemologists ask whether, or under what conditions, a listener is justified in accepting the testimony of another they highlight possible relationships between speaker and listener, some of which place little, and others place great, responsibility

on the listener. But, like feminist discussions of silencing, these discussions do not succeed in getting to the heart of the matter, only to shift blame and responsibility. A close examination of Miranda Fricker's rejections of both an inferentialist and default trust view of testimony, however, shows a better balance. Together with Cynthia Townley's revaluation of epistemic interdependence we will see what responsible listening consists of. Finally, we will conclude with a more detailed description of good listening as open and responsive, as humble, fair, and (politically) friendly.

Trusting the Testimony of Others

The ways and means of testimonial knowledge has returned as an important philosophical question since C. A. J. Coady published *Testimony: A Philosophical Study*, which reminded us of all we in fact learn from others, what we do not, and could not, know without depending on others. We can and do acquire knowledge from others, and we do not need to know how they know what they are sharing. We simply have to trust them.[196] Still, we have to be sure to trust the right speakers with regard to matters about which they are credible. Coming to know through listening to others does not depend exclusively on the speaker having good information and communicating it well but also on listeners adequately assessing the trustworthiness and credibility of the speaker and listening correctly to what the speaker has to say. When listeners shirk their duties, either trusting those undeservedly or distrusting those who have knowledge to share, knowledge is not gained but, also, people and communities suffer. And when inaccurate trust assessments are common—as in our current sociohistorical context of still pervasive sexism, racism, classism, etc.—then communities are at odds or broadly segregated and democratic practices falter. We need to understand better what trusting

[196] C. A. J Coady, *Testimony: A Philosophical Study* (Oxford; New York: Clarendon Press, 1992).

is, how it best functions in communities, and how listeners can be more responsible at better assessing and practicing it.

In her landmark essay "Trust and Antitrust" Annette Baier defines trust as "letting other persons (natural or artificial, such as firms, nations, etc.) take care of something the truster cares about, where such 'caring for' involves some exercise of discretionary powers."[197] This is easy to see in some examples: I trust a friend to borrow my car and return it in the same condition in three hours, or I trust the kitchen staff at any given restaurant not to poison my food. Some situations leave us more vulnerable than others, depending on how much we care about that which we are entrusting to others. We trust others with immaterial matters as well; we trust others as sources of knowledge. I trust a stranger on the street to give me accurate directions; I trust the doctor is right about my diagnosis; I trust that you really are in pain when you say you are. When knowledge, rather than objects, is entrusted to another trust relationships appear to function differently. What seems different is that when I trust someone with my car, child, or even my heart it is the person with something who trusts another person; whereas, with information or knowledge I trust another person to provide what I lack. In both types of situations, though, the person doing the trusting is in need and trusts another to fulfill that need: Where knowledge is at issue, what I care about is acquiring what I lack; with goods, however, what I care about is not losing or damaging what I already have. One respect in which these trusting situations are slightly different is that communicative or epistemic relations are more reciprocal than other trusting relations. Both speaker and hearer should trust each other: the speaker trusts that the hearer will listen carefully and hear accurately and respectfully while the listener trusts that the speaker will be honest so that a mutual understanding can be reached, not just a unidirectional transmission.

[197] Baier, "Trust and Antitrust," 240.

Epistemologists generally take one of two positions regarding testimony, to acquiring knowledge through another's conveyance: either it is only a shortcut to knowing and is really only justified if it repeats an accepted means (such as perception or memory), or it is a unique form of knowing not reducible to any others and is accomplished directly through hearing the other's conveyance of knowledge. In a ground-breaking study of *Epistemic Injustice*, of the injustices heaved upon minorities through the marginalization of their voices, Miranda Fricker gives a good summary of the two main positions:

> One might be inclined to put a familiar picture of justification to the fore and argue that in order to gain knowledge that *p* from somebody telling her that *p*, the hearer must in some way (perhaps very swiftly, perhaps even unconsciously) rehearse an argument whose conclusion is *p*. Alternatively, one might be inclined to put phenomenological considerations to the fore and argue that our everyday spontaneous reception of the word of others can bring knowledge even without the making of any such argument.[198]

The former justification is generally termed inferentialism, the latter non-inferentialism.[199] Non-inferentialists often conclude that we do, and should, practice a default trust in the testimony of others. This is not a blind trust or positive assessment of the credibility of others; it is a default trusting. We begin in a state of trust and withdraw that trust only for specific reasons. Inferentialists, on the other hand, are more likely to argue that people should accept the testimony of others only after a speaker explicitly demonstrates trustworthiness or credibility, that is, we must have good reasons to accept the testimony of others and, for some, to be able to actually articulate those reasons.

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[198] Fricker, *Epistemic Injustice*, 61–62.

[199] I follow Fricker and focus on the argument about inference-making in testimony, but debates about reductionism inform us too. The two sets of concerns are related but ever so slightly different. See Sanford Goldberg, "Comments on Miranda Fricker's Epistemic Injustice," *Episteme* 7, no. 2 (June 2010): 140. There he presses Fricker to more clearly distinguish between questions about justifications for acceptance of testimonial knowledge and conditions for acquiring testimonial knowledge. She quickly retorts that the issue of perception is neutral on matters of reductionism but not inferentialism, and her concern is understanding the role of perception in prejudicial credibility assessments, "Replies to Alcoff, Goldberg, and Hookway on Epistemic Injustice," *Episteme* 7, no. 2 (June 2010): 169–70.

The obvious drawback to inferentialism is that people rarely have—and especially would be hard pressed to state—an account of the trustworthiness of others. Fricker argues inferentialism does not match the phenomenology of how we generally communicate information because people rarely consciously reflect on the credibility of the speaker or claim, run the argument themselves, or seek confirming evidence while knowingly assessing the (un)trustworthiness of their sources. They simply listen and accept or reject; everything happens quickly, unreflectively. But the inferentialist theory does not seem able to permit that. The inferentialist would respond that maybe we should slow down; maybe the phenomenology is descriptive of lazy, unjustified practices rather than justified ones. Still, inferentialists struggle to recognize and allow for the sheer volume of knowledge that we do acquire, and could not otherwise, through testimony. And, they still insist on valuing independence over collaboration; that is, in treating testimonial knowledge as indirect knowing less reliable than knowledge based on one's own perception, memory, or reason. They privilege autonomous knowers.

There are two drawbacks to the non-inferentialist position: 1) it could make us gullible and 2) it cannot explain how it is that we go from implicitly trusting to noticing signs of distrust. To the first point, Fricker explains that non-inferentialism appears "justificationally lax;"[200] that is, epistemologists rightly require that having knowledge means holding true beliefs in some or another justifiable way.[201] Yet, testimonial knowledge is often acquired without any such justifications but merely through listening. The concern is that hearers could be led easily astray by untrustworthy speakers. This objection is not too difficult to meet, so the concern that

[200] Fricker, *Epistemic Injustice*, 65.

[201] There are four main theories of justification and a host of minor ones. The main ones include: *internalism*, justification is a process internal to each knower; *externalism*, justification is a process shared in the world; *foundationalism*, self-evident basic beliefs justify other, non-basic, beliefs; and *coherentism*, beliefs are justified so far as they hold together in a system of beliefs for each knower. Susan Haack attempted to combine the last two into what she calls *foundherentism*. Alvin Plantinga produced an influential view about proper *warrant*. And, of course, *skepticism*, or rejection of justification, is always a possibility.

matters more for Fricker is the second. She explains that a typical debate about default trust "represents the hearer as having his critical faculties in snooze mode unless and until he is alerted to some cue for doubt that flicks a switch to reawaken his critical consciousness."[202] Most accounts of non-inferentialism include a strong default trust, and Fricker worries that they suggest that listeners are just going along taking in testimonial bits until something jolts them awake to a problem with their trust in the speaker. But she wonders how they can account for the jolt if we are all in a trusting mode. Regularly depending on others is phenomenologically sound; however, always defaulting to trust is not.

Some epistemologists still defend one position or the other: David Hume and Elizabeth Fricker are inferentialists while Thomas Reid and Tyler Burge are committed non-inferentialists.[203] But many recent epistemologists have been striving for more balanced positions, although usually maintaining allegiance closer to one side or the other. For example, Jennifer Lackey defends a minimal non-inferentialism.[204] Paul Faulkner creates a hybrid theory that listeners need justification, however their justifications are not based on the same external warrants as those the speaker uses to justify her knowledge.[205] Whatever the view, most epistemologists staking a claim on the problem of inferentialism still narrowly view it as a question of whether, or how, we implicitly trust, trust because we lack reason(s) not to distrust, or trust only once we have reason(s) to. And more to the point, they ask about the presence or

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[202] Fricker, *Epistemic Injustice*, 66.

[203] David Hume, *An Enquiry Concerning Human Understanding*, ed. Eric Steinberg (Indianapolis: Hackett Publishing Co., 1993); Elizabeth Fricker, "Against Gullibility," in *Knowing from Words: Western and Indian Philosophical Analysis of Understanding and Testimony*, ed. Bimal Krishna Matilal and Arindam Chakrabarti (Springer, 1993), 59–83; Thomas Reid, *Inquiry and Essays* (Hackett Publishing Co., 1983); Tyler Burge, "Content Preservation," *The Philosophical Review* 102, no. 4 (October 1, 1993): 457–488.

[204] Jennifer Lackey, "A Minimal Expression of Non–reductionism in the Epistemology of Testimony," *Noûs* 37, no. 4 (2003): 706–723.

[205] Paul Faulkner, "The Social Character of Testimonial Knowledge," *The Journal of Philosophy* 97, no. 11 (November 1, 2000): 581–601.

absence of defeaters[206] and rarely about the sociohistorical context of the speaking or the identity of the speaker.

In *Epistemic Injustice* Miranda Fricker, instead, formulates her own account of testimony that—despite her keeping the terms of the debate—reveals the narrowness with which epistemologists have set up the problem and its possible solutions. Hers is a non-inferentialist account that nonetheless does not entail a default trust. Rather, it demands the listener's "*critical openness*"[207] which does not involve inferences about the speaker's argument but perceptions about the speaker and her claims. That is, Fricker replaces inference with perception and default trust with ongoing perception of both positive and negative cues for credibility. This view makes it easier to explain testimonial exchanges in particular and, as Linda Alcoff notes, is "a phenomenological description of human communication"[208] more generally.

We will first understand what it means to say that the listener perceives the speaker's testimony, noting, first, how this view best explains how listeners are guilty of gullibility or being justificationally lax when they come to know through hearing another speaking but being unable to articulate reasons for believing him or her, and second, how the view permits and encourages appropriate sensitivity to the social context of the speaking and the identity of the speaker. Then we will consider Fricker's rejection of default trust. Her unique account of the reality of the pervasive default distrust of some speakers lays groundwork for determining how to develop better testimonial skills and habits. However, she could go further into a developmental account of trusting that would better establish effective means of creating better listeners.

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[206] Defeaters are of two sorts, which could each be of two sorts: psychological defeaters (which the speaker has) and normative defeaters (which the speaker should have) could each be rebutting (hearer concludes that what the speaker says is false) or undercutting (hearer concludes what the speaker says is unreliable).

[207] Fricker, *Epistemic Injustice*, 66.

[208] Linda Martín Alcoff, "Epistemic Identities," *Episteme* 7, no. 2 (June 2010): 129.

What does it mean to understand the process of justifiably accepting the testimony of others as an act of perception? It is not simply that Fricker is claiming that hearing human speaking is a particular kind of perception because it is about linguistic meaning, as, for example, J. D. Trout claims.[209] That would only assess the words of a testifier, not her person, which is sometimes the sense one gets, especially from arguments of inferentialists. To run the argument oneself involves caring little *who* the testifier is. What is at stake in receiving testimonial knowledge is trusting the content *because* of trusting the speaker (and learning about or getting to know the speaker through any and all instances of communication, or in an ongoing communicative relationship). Fricker explains that the

> hearer's perceptual capacity [should] be understood in terms of a sensitivity to epistemically salient features of the situation and the speaker's performance. These epistemically salient features are the various social cues that relate to trustworthiness—cues relating to the sincerity and competence of the speaker on the matter at hand. This sensitivity is underwritten by a set of background assumptions about the trustworthiness of different social types in different sorts of contexts—a socially situated 'theory' of trustworthiness, as I put it.[210]

Fricker's insights about perceiving the identity of testifiers and about testimony cohere well with Alcoff's phenomenological account of perceiving the embodied identities of human subjects as "interpretive horizons from and through which we come to know both ourselves, and the world around us."[211] Michael Monahan draws on Alcoff's *Visible Identities* to argue for a particular instance and method of "The Education of Racial Perception" that is easily understood as an instance of Fricker's call for training our testimonial sensitivities. His goal is that "in explicitly confronting racial perception, one opens up those attenuated perceptual habits to compel scrutiny and makes possible their reconfiguration with an eye toward anti-racism."[212]

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[209] J.D. Trout, "Metaphysics, Method, and the Mouth: Philosophical Lessons of Speech Perception," *Philosophical Psychology* 14, no. 3 (2001): 261–291.

[210] Fricker, *Epistemic Injustice*, 72.

[211] Michael Monahan, "The Education of Racial Perception," *Philosophy and Social Criticism* (February 1, 2010): 209.

[212] Ibid., 215.

Understanding the perception is always laden with cultural meaning—that "the act of perception itself is shaped by racial reality"[213]—requires that we regularly reflect on what we think we know about our identities and those of others. We have to tend to the history and culture of our terms of identification and of our perceptual habits and be prepared to adjust them when justice or truth require.

It is through such perceptual judgments, such meaning-laden perceptions, that trust is granted or denied, not given by default or withheld until it overcomes all defeaters. Instead of just those two options, Fricker draws a distinction between critical and reflective modes of listening. While we are always critical of the testimony and the testifier, we are usually unreflective about what determines our continued, or adjusted, trust or distrust in the testifier and her testimony: "Without actively assessing or reflecting on how trustworthy our interlocutor is, the responsible hearer none the less remains unreflectively alert to the plethora of signs, prompts, and cues that bear on how far she should trust."[214] This distinction explains how we can change our assessments (in either direction, from trust to distrust, and vice versa), something difficult to explain by the default view. Her view is also better than others because she recognizes that listeners perceive signs for both untrustworthiness and trustworthiness while according to the default view listeners only attend to signs that compel them to quit trusting and anti-default views require that listeners only attend to signs of trust, or at least to the absence of signs of distrust.

The sorts of examples Fricker provides—Tom Robinson's testimony in *To Kill a Mockingbird* or Marge Greenwood's suspicions in *The Talented Mr. Ripley*—are quite different from those other epistemologists use, and not just because hers are from novels. She considers examples where the default is distrust without much hope that signs of trustworthiness will be

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[213] Ibid., 213.

[214] Fricker, *Epistemic Injustice*, 66.

properly perceived, where distrust has marginalized speakers such as people of color and women. Hers are not examples of withholding trust absent evidence of trustworthiness, which inferentialists argue is a good epistemic practice. Fricker points to the frequent practice of withholding trust in the presence of evidence of trustworthiness, of sincerity and truthfulness, and where what the speaker says matches other available non-testimonial evidence. Fricker could also note examples where trust lingers despite evidence to the contrary, where a notable form of privilege is always having one's word trusted. Those are the sorts of examples we find in research in the epistemologies of ignorance. Distinctively, Fricker focuses on attributions of unjust credibility deficits rather than on attributions of excessive credits.

While we need to see both unjust distrust and excessive trust as problematic (and linked as we will see below), Fricker's too bold rejection of the default view misses something phenomenologically central to how we develop our patterns of trust. This is something we learn from Annette Baier when she notes that "Unless some form of [trust] were innate, and unless that form could pave the way for new forms, it would appear a miracle that trust ever occurs."[215] She identifies infant trusting as that innate form. In good feminist form, Baier's "Trust and Antitrust" uses a description of the home-lives of families, especially of mother and child, to show that discussions of trusting have been missing from moral philosophy.[216] Infants do not assess the trustworthiness of their parents; they simply trust them with their lives. That is the basis for all our trusting relationships. Baier further explains how

> Trust between infant and parent, at its best, exhibits such primitive and basic trust. Once it is present, the story of how trust becomes self-conscious, controlled, monitored,

[215] Baier, "Trust and Antitrust," 242.

[216] Baier explains that trust has not been considered in moral philosophy largely because our existing philosophical accounts of trust were contract models from modern philosophers who were "mostly men who had minimal adult dealings with (and so were then minimally influenced by) women. With a few significant exceptions (Hume, Hegel, J.S. Mill, Sidgwick, and maybe Bradley) they are a collection of gays, clerics, misogynists, and puritan bachelors. It should not surprise us, then, that … they managed to relegate to the mental background the web of trust tying most moral agents to one another, and to focus their philosophical attention so single-mindedly on cool, distanced relations between more or less free and equal adult strangers" Ibid., 247–48.

> critical, pretended, and eventually either cautious and distrustful, or discriminatory and reflexive, so that we come to trust ourselves as trusters, is relatively easy to tell. What will need explanation is the ceasings to trust, the transfers of trust, the restriction or enlargements in the fields of what is trusted, when, and to whom, rather than any abrupt switches from distrust to trust .[217]

Baier's view resists a strongly anti-default view for she recognizes that trusting is basic and prior to evidence of trustworthiness; she also complicates a default view of epistemic trusting for she understands that as mature adults trusting is not automatic or unreflective.

Default trusting is only a foundation, not an on-going adult practice. We all begin as utterly dependent beings who implicitly trust our caregivers, even those not worthy of it. The anti-default view better represents our adult, not infant, lives and yet by adulthood our habits of trust and our perceptions of the (un)trustworthiness of others are conditioned by personal experience and socialization. Mature adulthood is not a stage where every trusting relation is carefully determined and consciously chosen against a background of autonomous agency. Growth and maturation are processes during which we develop our trusting skills, not become utterly independent. Sure we all (pace some disabled people) will, and should, be less dependent than infants, increasingly so as we mature (until likely returning to dependency in our old age). But there are alternatives besides complete dependence and complete independence, degrees of each and healthy practices of interdependence. Mature adults will trust some and distrust others to varying degrees. Hence, proper maturation should be a process of learning the practices of healthy interdependence.[218] Baier's concern is one about

[217] Ibid., 245.

[218] Also of note are a two other works on trusting that reveal important components to social relationships: H. J. N. Horsburgh's therapeutic trust and Philip Pettit's cunning trust. See H. J. N. Horsburgh, "The Ethics of Trust," *The Philosophical Quarterly* 10, no. 41 (October 1, 1960): 343–354; Philip Pettit, "The Cunning of Trust," *Philosophy and Public Affairs* 24, no. 3 (July 1, 1995): 202–225. Horsburgh explains that we can willfully place trust in another despite evidence against it specifically endeavoring to build the other's confidence and increase their trustworthiness; that is, being seen as trustworthy might be important to create the reality. This is a basic parenting lesson that philosophers ought not forget when they leave home. Pettit points out another way trust functions in our relationships: we are trustworthy because we "desire for the good opinion of others" (203). Trust relationships might not all be well-intended or even self-serving in the most obvious ways, but Pettit argues that understanding this component to trust-responsiveness is useful for policy making. We can accept the reality that people want to be thought well of, know

morality, already necessarily about human interactions. But Cynthia Townley gives us a view that is specifically focused on epistemic interdependence and on developing skills and habits for successfully navigating interdependent relations, of being trustworthy and assessing the trustworthiness of others on certain matters.

Once we reject epistemic independence as impossible (as have not only non-reductionists about testimony but also most feminist critics of traditional epistemology), then we can and must develop good accounts of interdependence. Trusting is one, rather significant, component of our morally and epistemically interdependent lives. Writing specifically against inferentialist Elizabeth Fricker's objection that coming down on the side of trust leads to a gullibility problem, Townley defends practices of trusting as (at least once they are in place) specifically *not* needing an "inference or verification to work. … Trust *is* a form of epistemic engagement which can be a basis for knowledge, but it is not explicable as checking and monitoring. Rather, it is inherent in the nature of trust that it enables the bypassing of checking."[219] Still, her view is not a simple default view. She is clear that "this situation is not the same with respect to every member of the epistemic community with whom I interact. I find myself engaging trustingly with some, and approaching others with a more cautious attitude. Such discriminating responses are best understood as moments of recognition and trusting engagements, not as a tacit inferential process that could in principle be made explicit."[220] We do not trust everyone by default. When we do, trusting is a thick relation of dependence.

Townley makes it clear that inferentialists are in fact *not trusters*. What they call trust is, at best, reliance. For them it is a shortcut made where the long route is too long or not necessary but would still be more justified. But healthy trusting is a human relationship, one

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that being trustworthy is a good way to be thought well of, and design policies to give opportunities for demonstrations of trustworthiness that benefit communities.

[219] Townley, *A Defense of Ignorance*, 36.

[220] Ibid.

that admits of being let down or even betrayed whereas failing at mere reliance could only yield disappointment.[221] And as a human relationship, trusting requires more than mere reliance. Most basically, trusting requires interacting with others as persons, not merely as sources of knowledge the way we rely on instruments or tools. As Townley puts it: “I may treat her words as evidence, and treat her as a source like any other, which I term reliance. If I engage with her as a trusted person, I recognize and acknowledge her as a knower, and am committed to some extent to believing her.”[222]

What Townley is getting at is something Baier reminded us of, that what is missing when trusting is viewed as contracts between private parties one at a time, or the epistemic equivalent of consciously reassessing credibility at every testimonial exchange, is that patterns and climates of trust inform our relations as much as particular evidence does. We should not view trusting as default present or justly withheld until proper evidence justifies trusting. Those options are too few and do not capture the phenomenology of communicative and testimonial exchanges of knowledge. What actually takes place is that we more readily trust some and still do not trust others even with reason(s) to do so. We are more likely not only to believe but even to register cues and evidence better in familiar situations than in unfamiliar ones. And we participate in the prejudices of our communities. Karen Jones, referencing Judith Baker, reminds

[221] This distinction between trust and reliance is not shared across the literature, partly because people use the term “reliance” differently and partly because people simply disagree on the matter. I side with Townley here and use the terms similarly. Dependence is the most general umbrella term, and reliance and trust are two forms of it. For others, trust is a special case of reliance, and for some the words are used synonymously. But Townley draws this distinction so as to clarify the significance of the relationships in epistemic communities – not only that we cannot know everything ourselves but that once we not only accept but embrace and value interdependence, we (can and should) engage in rich relationships where we choose and cultivate ignorance. We do not merely rely on others because we need too; rather, we defer to others, are selective and discreet in what we share with or seek from others, willfully refrain to further investigate what we entrust to others. Townley explains: “The distinct ways that trust and reliance can fail show a clear difference between them: trustful cooperation between epistemic agents can be jeopardized by betrayal. It is only persona who can betray—machines and instruments can merely fail—and without a relationship of trust, persons too can only fail. In some relationships both are possible, in others, only failures of reliance can arise. … Being untrustworthy is a form of failure that is not the same as being inaccurate, or even deceitful” Ibid., 30.

[222] Ibid., 38.

us that "trust can give rise to beliefs that are abnormally resistant to evidence."[223] But these are not reasons why trusting is bad, just risks we need to understand in order to practice trusting with more care and success. Further, we need to accept responsibility for our social context and commit to critical self-reflection about the prejudices of our time and place.

That is not all we need to ask of listeners if we want to transform the conditions of communication and ensure more equitable practices and inclusive participation. Just as those who we trust have duties to not breach that trust or betray us, and just as speakers have duties to not lie, deceive, or verbally manipulate or mislead others. Listeners have duties to others in communicative exchanges to be humble and open to what speakers are saying; to be sensitive to the context of speaking and the identity of the speaker; to attempt to understand fairly and accurately and judiciously; and to be political friends. Fulfilling these duties will not lead to perfect communicative interactions that always easily lead to mutual understanding, resolution of conflicts, or effective decision-making. Not only will speakers still sometimes misspeak, but listeners will jump to conclusions, trust the untrustworthy while distrusting the trustworthy, etc. But maybe those mistakes will occur less frequently and more easily be corrected, as well as be less often based on the same patterns of identity prejudice we have been enduring for too long now.

Transforming Communities Through Responsible Listening

Baier explains that a trusting relationship is morally decent when "its continuation need not rely on successful threat held over the trusted, or on her successful cover-up of breaches of trust."[224] She gives extensive examples of what would not be acceptable for someone to use to elicit trust from others, including fear or threats; their stupidity, gullibility, or blindness; or

[223] Karen Jones, "Trust as an Affective Attitude," *Ethics* 107, no. 1 (October 1, 1996): 15.

[224] Baier, "Trust and Antitrust," 255.

charm. What should matter are love, shared concern, pride, and general good will.[225] What makes a relationship one of trust rather than mere reliance is that it is more than merely instrumental because it engages another person as a person and not as a mere informant or tool. The cultivation and practice of trusting in communicative relations are reciprocal between speakers and listeners. But we mostly know about the role speakers play through emphasis on requirements such as manifesting integrity and honesty. But what about listeners? To better understand how listeners participate in trusting relations, I will bring together three seemingly unrelated discussions that together give a fuller account of the obligations of listeners in communicative exchanges: epistemic responsibility, fair debate, and practicing political friendship.

Responsible Listening Through Open-Mindedness

Numerous epistemologists provide similar and related accounts of ways to increase listener responsibility, asking listeners not to blindly trust, to be more aware of the social location of the communicators and conversation, but also to be more open to hearing from those with whom they disagree, who challenge their own views. Louise Antony calls for "epistemic affirmative action: to adopt the *working hypothesis* that when a woman, or any member of a stereotyped group, says something anomalous, [men] should assume it's *they* who don't understand, not that it is the woman who is nuts."[226] Uma Narayan explains her approach

[225] Ibid., 255–56.

[226] Louise Antony, "Sisters, Please, I'd Rather Do It Myself," *Philosophical Topics* 23, no. 2 (June 10, 2010): 89. This Antony quote is an oft-cited passage: Fricker, *Epistemic Injustice*, 170–71, but she rejects the view for being not context-sensitive enough. Medina similarly discusses it in "Hermeneutical Injustice and Polyphonic Contextualism: Social Silences and Shared Hermeneutical Responsibilities," *Social Epistemology* 26, no. 2 (April 2012): 217. I find these citations a little surprising since Antony's aim in the essay is to argue for epistemic individualism, or epistemic independence, a position we have been arguing against for many pages now. In the following paragraph, Antony makes clear that "women, for their parts, may themselves need to become more individualistic. That is, they may need, as a matter of epistemic self-survival, to become less attuned to social cues and less dependent on intellectual

as one requiring “methodological humility and methodological caution,”[227] which require that “the ‘outsider’ must always sincerely conduct herself under the assumption that, as an outsider, she maybe be missing something … [and] that the outsider should sincerely attempt to carry out her attempted criticism of the insider’s perceptions in such a way that it does not amount to, or even seem to amount to, an attempt to denigrate or dismiss entirely the validity of the insider’s point of view.”[228] Nancy Daukas cites Narayan’s methodological humility to explain her own “epistemic principle of charity.”[229] Although Daukas’ view seems a more straightforward default trust position that she says must be extended to combat the dearth of trust in the world of testimony, she suggests that charitable listening is a more responsible position, especially when it requires listeners to actively notice who is speaking as much as what is being said. And, Medina encourages us to actively seek the “epistemic friction [that] can meliorate people’s capacities to see and hear, and it can facilitate the development of virtues that improve epistemic interactions.”[230] This “epistemic friction” involves a “search for more alternatives than those noticed, to acknowledge them (or their possibility), and to attempt to engage with them whenever possible. … It is important to entertain different perspectives without polarizing them, dichotomizing them, and presenting them as exhaustive.”[231]

These are just four examples of a common trend in epistemological endeavors sensitive to exclusions involving race, gender, ability, sexuality, etc. While there are some subtle differences among these examples, what each author is getting at is not simply that listeners

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validation from intellectual authorities” (89-90). Still, perhaps the epistemic affirmative action can be considered apart from her more central claims about individualism, and this can be put to work for ends other than her own.

[227] Uma Narayan, “Working Together Across Difference: Some Considerations on Emotions and Political Practice,” *Hypatia* 3, no. 2 (1988): 37.

[228] Ibid., 38.

[229] Nancy Daukas, “Epistemic Trust and Social Location,” *Episteme* 3, no. 1–2 (2006): 110.

[230] José Medina, “The Relevance of Credibility Excess in a Proportional View of Epistemic Injustice: Differential Epistemic Authority and the Social Imaginary,” *Social Epistemology* 25, no. 1 (January 2011): 29–30.

[231] Ibid., 29.

owe a certain deference to speakers, but that the context of the communication and the identities of the participants affect the relationship of speaker and listener. All listeners will need to be aware of this, especially of historically privileged and marginalized participants. One might characterize these efforts merely as ways to overcome or respond to bias; however, that is not a sufficient account. While many of the examples are of situations in which systemic bias and attendant harms have been noticed, these calls for humility and deference are not simply responses to problems but long-term transformations in thinking about listener responsibility. Actively attending to marginalized voices can make for better overall listening.[232] This responsibility requires the listener not only to be better attuned to the speaker—to her identity, social location, and the context of her speaking—but also to herself as a listener, to her own identity, social location, hermeneutical context, and what informs her perception, ability, and willingness to hear accurately and fairly. Listening well requires an openness, a willingness to learn something new or to change one's mind. Too often failures of hearing come through closure, through refusal to listen to and consider what a speaker has to say, rather than engaging in thoughtful, active disagreement.

Closer consideration of Medina's call to seek epistemic friction helps to disclose that general expectations for all listeners that include attending to the realities of privilege and oppression can provide means to develop proper trusting. As Medina explains, bad listening can be of the sort where hearers

> … failed to recognize that there were things they could not recognize: they were blind to their inability to understand certain things; they were unable to acknowledge that they were ill-equipped to understand certain sentiments and reactions. In other words, they were blind to their own blindness, insensitive to their own insensitivity. Had they not

[232] This might be an epistemic version of what Brooke Ackerly calls "curb-cut feminism." She explains how when we tend to the least well-off, the most invisible and silenced, we are better positioned to realize universal human rights. The term comes from an easy-to-understand example that when we cut curbs to give disabled persons mobility on public streets, we see that others also benefit, such as people pushing strollers or pulling carts, while no one suffers. See Brooke A Ackerly, *Universal Human Rights in a World of Difference* (Cambridge, U.K.; New York: Cambridge University Press, 2008).

> been so, they would have been less comfortable in keeping things out of the bounds of intelligibility; and they would have been more attentive to the silences, the gaps, the cryptic remarks and inchoate allusions to what cannot be said, the evasive responses, the highly emotional reactions to certain questions and insinuations.[233]

The above is Medina's analysis of Fricker's example from *To Kill a Mockingbird* where an all male, all white jury wrongly convicted a black man of rape despite substantial, irrefutable evidence of his innocence. The jurors represent the serious harms that result when listeners continue to trust only what they already know and remain resistant to counter-evidence. While trust does regularly increase that resistance, if we practice it carefully we can avoid some of those dangers. We need the epistemic shortcuts, and our human relations depend on developing healthy trust in others. Surely we will stick close to and rely more easily and heavily on others where trust is already developed and at work. But if our allegiances are not well-founded, then those relationships will tend to create more problems than solutions. If we continue with past patterns of trusting that favor the socially powerful and privileged out of bad habit rather than because they are credible—and if we continue to distrust those lacking social power despite many having credibility—we will repeat the same injustices of the past. Hence, Baier's claim that "sometimes trust-busting can be a morally proper goal."[234]

Along these same lines, in an essay largely supportive of Fricker while making clear one point of disagreement, Medina extends insights from explorations in epistemologies of ignorance to Fricker's work. He points out that even if trust is not in limited supply it is also something that gets doled out in comparative and contrastive ways. That is, the attribution of unjust credibility deficits that Fricker characterizes as harmful are generally always matched by attributions of unjust credibility excesses. So it is not simply the case that we will be able to trust more people, in important instances we will also need to trust some others less. While Medina

[233] Medina, "The Relevance of Credibility Excess in a Proportional View of Epistemic Injustice," 28.
[234] Baier, "Trust and Antitrust," 232.

notes that Fricker "argues that a credibility excess on someone's part cannot be automatically correlated with a credibility deficit on someone else's part,"[235] he further explains that

> credibility has an *interactive* nature; and its proper or improper attribution reflects that essential interactive aspect in being *comparative or contrastive*: implicitly, being judged credible to some degree is being regarded as more credible than others, less credible than others, and equally credible as others. Credibility never applies to subjects individually and in isolation from others, but always affects clusters of subjects in particular social networks and environments.[236]

Thus, in order to learn to trust (or at least not unjustly distrust) some persons we will sometimes have to lessen our trust (or be more alert to the limits of justified trust) of others. The wider force of Medina's argument repeats something that arose repeatedly in Chapter 1: that we need to be sensitive to ongoing communicative interactions, or take a sociohistorical and contextualist approach because "epistemic injustices … tend to have temporal trajectories and reverberate across a multiplicity of contexts and social interactions."[237] It is these sensitivities that a responsible hearer must be alert to.

For Fricker these sensitivities include being "open-hearted enough to resist the dishonest safety of fixed moral understandings," "sincerity," and a willingness to "empathize sufficiently."[238] She concludes that "The virtuous hearer, then, must be reflexively aware of how the relation between his social identity and that of the speaker is impacting on the intelligibility to him of what she is saying and how she is saying it."[239] Responsible listening requires tending not just to the speaker but also to oneself. To be open to really hearing the speaker means that one might learn something that challenges or contradicts what one already thinks or believes. We have to know ourselves to know what about us might change through communicative exchanges with others. This openness is at the heart of John Stuart Mill's defense of freedom of

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[235] Medina, "The Relevance of Credibility Excess in a Proportional View of Epistemic Injustice," 16.

[236] Ibid., 18.

[237] Ibid., 16.

[238] Fricker, *Epistemic Injustice*, 74, 76, 79.

[239] Ibid., 169.

thought and expression in *On Liberty*. There he focuses more on the faulty listening that occurs when we mistreat speakers because we dislike the arguments they make, covering the opposite ground that Fricker, like Iris Marion Young, stresses wherein listeners routinely struggle to hear certain arguments because of the people expressing them.

Fair Debate

While many read *On Liberty* as an argument for limiting political philosophy discussion to state legitimacy or as a treatise restricting state interventions to the strictest terms, Mill's own expressed goals were to intervene in defense of freedom against the excessive moralizing and aggressively Protestant voices of his day. In the second chapter he explains the relation of social and political freedom to freedom of thought and expression, showing how the latter is a necessary condition for the former. Toward the end of his famous defense of heretics and open-mindedness, he gives a great account of the "morality of public discussion" or the manners that make possible fair discussion. These few short pages in *On Liberty* are as much about social life as about an account of what does, and should, matter in rhetoric, in the way we frame our engagements and treat our interlocutors.

In addition to more obvious but still necessary statements against speakers using invectives such as sarcasm, personality attacks, or stigmatizing an opponent as bad or immoral,[240] Mill reminds us that these are not strict rules but guidelines because the boundaries between what is fair and what is harsh or offensive are not all that clear and are adjusted by whomever is losing or unable to rebut. Today we might say that social power matters in communicative interactions. Because we are conversing with other persons and not just their ideas, how we treat each other affects the process and the outcomes. Mill is well aware that the

[240] Mill, *On Liberty*, 62.

minority view can generally only be spoken when careful with language and avoiding offense, rhetorical and linguistics techniques which those holding the majority view too often use with impunity:

> opinions contrary to those commonly received can obtain a hearing by studied moderation of language, and the most cautionary avoidance of unnecessary offence, from which they hardly ever deviate even in a slight degree without losing ground: while unmeasured vituperation employed on the side of prevailing opinion, really does deter people from professing contrary opinions, and from listening to those who profess them.[241]

This is roughly the same insight that motivates the above accounts of the value of communicative humility; that is, social power affects how participants interact. Those with more power get away with things those with less power cannot. The former have easier access to credibility, and their bending the norms of polite conversation gets excused while those with less social power have to obey all norms carefully only to be routinely denied credibility—or worse, to be labeled irrational.

The two basic rules for morally appropriate public discussion that Mill provides are to understand calmly and state honestly the positions of others: a) without exaggeration or discredit and b) not withholding that which is in their favor.[242] Understanding and stating the views of others fairly are the guidelines for listeners to hear carefully before assessing and then agreeing or disagreeing. Mill's concern is not testimonial knowledge specifically but the routine self-interrogation of our values and principles by subjecting them to differing views, arguments, and evidence. His conclusions, maybe even more than epistemological accounts of testimony, reveal the importance of reciprocity and self-reflection, since he assumes we will all be speakers and listeners at various moments of communication. We all have some knowledge, some areas of competence and expertise. We are all ignorant of other areas. Sometimes we listen trustingly to others; sometimes we testify. And sometimes we debate with disagreeing equals.

[241] Ibid.

[242] Ibid., 63.

Political Friendship

At least we hope everyone gets treated as equals in communicative relations. Three recent works have taken on explicit questions of equal communicative participation in political life: Susan Bickford's *The Dissonance of Democracy: Listening, Conflict, and Citizenship*; Eugene Garver's *For the Sake of Argument: Practical Reasoning, Character, and the Ethics of Belief*; and Danielle Allen's *Talking to Strangers: Anxieties of Citizenship Since* Brown v. Board of Education. While Bickford mostly denies the necessity of friendship between citizens that Garver and Allen each affirm, all three invoke and update Aristotle, among others, in order to remodel communicative practices as essential to US American democratic citizenship. All of the works are pluralist accounts, and each describes what could be healthier relations between speakers and listeners. Bickford joins Aristotle to Arendt and contemporary feminist philosophers to defend an account of solidarity that requires better listening for its fulfillment. Garver demands a reincorporation of ethos into logos and pathos, for reasoning is legitimate only with all three involved. Allen (as we saw in Chapter 1) views citizenship through communication and shared sacrifice. And all these projects make clear the importance not only of speaking and trusting in democracy but also responsibilities of listeners.

While Bickford repeatedly denies that the sort of relation between citizens she is arguing for is one of friendship,[243] in one passage she favorably quotes Arendt from *The Human Condition* endorsing such a view: "… 'Respect, not unlike the Aristotelian *philia politike*, is a kind of 'friendship' without intimacy and without closeness; it is a regard for the person from the distance which the space of the world puts between us, and this regard is independent of qualities which we may admire or of achievements which we may highly esteem.'"[244] This political friendship is not the sort that Aristotle identifies as the ultimate form of friendship in

[243] Bickford, *The Dissonance of Democracy*, 25, 35, 41.
[244] Ibid., 80.

the *Nichomachean Ethics*, but what he explores in the *Eudemian Ethics* is friendship of utility that is nonetheless based in justice. Bickford is right: we do not have to be friends, in the contemporary sense of having affectionate or favored feelings for another, with all other citizens. However, we also should not be enemies or merely competitors. We can be strangers and friends at the same time, if we are *political friends* mutually recognizing each other as fellow citizens. Allen explains:

> Through interaction, even as strangers, citizens draw each other into networks of mutual responsibility. Engage a stranger in conversation as a political friend and, if one gets a like return, one has gained a pair of watchful eyes to increase the safety of the space one occupies. Engage a stranger in conversation across a racial, ethnic, or class divide and one gets not only an extra pair of eyes but also an ability to see and understand parts of the world that are to oneself invisible. Real knowledge of what's outside one's garden cures fear, but only by talking to strangers can we come by such knowledge.[245]

Our differences need not divide us. Fear of difference or of the unknown often generates closure and distance, but those strategies make us feel secure only in the very short term. They do not help us to increase knowledge or make broad, lasting political change. If we have learned anything from the recognition of the impossibility of independence and value of interdependence, it is that vulnerability cannot be avoided but has to be folded into our everyday political and epistemic relations. Freed from the burden to always know more, I instead acknowledge what I cannot or need not know myself and seek credible others to know for me. Developing skills for assessing others' trustworthiness and for listening responsibly to the right others—and skills for demonstrating our own trustworthiness and speaking responsibly to others—becomes essential for epistemic life.

Political friendship requires reciprocity and respect. "Political friendship is not mainly (or not only) a sentiment of fellow-feeling for other citizens. It is more importantly a way of acting in respect to them: friendship, known to all, defines the normative aspirations. One doesn't

[245] Allen, *Talking to Strangers*, 167.

even have to like one's fellow citizens in order to act toward them as a political friend."[246] It is a way of acting most readily seen through communicative acts. All three thinkers show ways that listeners can generate trust and increasingly friendly political relations through communicating. The examples of US American public school desegregation and the South African Truth and Reconciliation Commission attest to the possibility of "profound act[s] of friendship" when people were willing to come together, hear each others' experiences, and make policy changes in response (14).[247] Even when not every citizen supported the processes or decisions, enough did to have significant impacts on those communities. We can focus on the lingering disagreement or pay attention only to the people who blocked the entry of black children into previously all-white schools or would not bear witness to the testimony of fellow South Africans tormented because of their race. Or we can, without denying, disavowing, or forgetting the past, pay attention to those who are listening and trying to respond. Garver reminds us that "Periodically, when trust breaks down, we rediscover that even minimal communities of strangers depend on trust."[248] We do not have to remain merely strangers, and surely not opponents, but we can become political friends through friendly communicative engagements. "The friendlier we are, the more my emotional and ethical appeals can be rational. The more we are strangers, or enemies, or the more we simply mistrust each other, the more those same emotional and ethical appeals are illegitimate."[249]

At the end of *Talking to Strangers* Allen lists concrete guidelines for speakers and listeners committed to deliberation about setting social and political goals and sharing social and political resources. Many are familiar but two for speakers are particular to Allen: "the most

[246] Ibid., 141.

[247] Eugene Garver, *For the Sake of Argument: Practical Reasoning, Character, and the Ethics of Belief* (Chicago: University of Chicago Press, 2004), 14.

[248] Ibid., 13–14.

[249] Ibid., 27.

powerful tool for generating trust is the capacity to prove that [the speaker] is willing to make sacrifices even for the strangers in her polity; … [and] a *habit* of making sacrifices for strangers and not merely to a single instance."[250] Much is still expected of speakers, even making the first move to build friendship and signal trustworthiness. Nonetheless, hearers have responsibilities too:

> In order to prepare the way for the generation of trust, a listener should separate a speaker's claims about facts from the principles on which her conclusions are based; assess both; ask whether a speaker has a history of making pragmatically correct decisions; ask who is sacrificing for whom, whether the sacrifices are voluntary, and honored; whether they can and will be reciprocated; ask whether the speaker has spoken as a friend; insist on opportunities to judge political arguments; [and] judge .[251]

Listeners can and should judge others' speaking, but they have to take responsibility for judging it well. That responsibility consists of attentive, respectful listening that considers the identity of the speaker and oneself as much as to the content of speaking (and previous communications as well), but also to the purpose of that speaking and consideration of whether the speaker signals friendship and trust also. These relationships play out in ongoing reciprocal communicative acts wherein all of us are both speakers and listeners who signal and assess trust and friendship.

But we are not particularly good at these political friendships, having a long history of sticking close to what is familiar and fearing strangers. Hence, Allen asks: "How can we teach children, as they begin to near adulthood, to develop countervailing habits that allow them to talk to strangers? And what should these habits be like anyway?"[252] We could also ask whether we need to teach children to fear strangers at all. Allen is reacting not only to pervasive interracial distrust but also to the US American habit of teaching children not to talk to strangers, actively to fear and avoid strangers, which, she argues, habituates us for adulthood without democratic communication skills. While neither Bickford nor Garver mention this

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[250] Allen, *Talking to Strangers*, 157.

[251] Ibid., 158.

[252] Ibid., 49.

childhood lesson, all agree that we will be unable to succeed in democratic practices unless we learn to communicate better, especially to listen better. Listening better requires changing our relationships with others from distance and fear to vulnerability and trusting, including bridging the distances between strangers. It also requires playing fair when we disagree and remaining sensitive to contexts and identities of participants in communicative action so that we can better humble ourselves to the voices of others by being open to having been wrong, changing our minds, and finding out that there is always more to know.

Listening as Participating

We must expect more from listeners if we are ever to adequately include marginalized voices in our political and epistemic communities. Listeners have to be open-minded, humble, self-aware, and context sensitive. Maybe this seems like a lot to ask. Much of the time we are good listeners and we do all of this. However, sometimes we retreat to safety and become lazy, listening only to people and ideas we already know and agree with while closing our minds and ears to counter-evidence or to others' different experiences and values. When we behave that way, all suffer. Poor listeners actually hurt themselves by avoiding the possibility of gaining important knowledge. Poor listeners also hurt those who have knowledge but are denied it. Moreover, not being trusted or believed is quite damaging and contributes to loss of confidence and self-trust. Cynthia Townley uses the myth of Cassandra to reveal the sorts of harms we suffer when our words and sentiments are not trusted. When Apollo's gift of prophecy was not enough to seduce Cassandra, he cursed her so that no one would believe her prophecies. Her situation might not reflect any of ours, but it clarifies the importance of having people trust us. Cassandra will live a lonely life unable to partake in much of value in her community since she

cannot interact with others in planning or making decisions or sharing history.[253] Once we understand the importance of epistemic interdependence, we will see that maturation is not a matter of increasing independence but of practicing responsible trusting. Fricker advocates for proper "epistemic socialization" such that "we should think of the hearer's sensibility as formed by way of participation in, and observation of, practices of testimonial exchange. There is, in the first instance, a passive social inheritance, and then a sometimes-passive-sometimes-active individual input from the hearer's own experiences. Together the individual and collective streams of input are what explain how our normal unreflective reception of what people tell us is conditioned by a great range of collateral experience—our informal background 'theory' of socially situated trustworthiness."[254] How parents and teachers might go about cultivating those skills and habits is a matter for the next chapter.

[253] Townley, "Trust and the Curse of Cassandra: An Exploration of the Value of Trust."

[254] Fricker, *Epistemic Injustice*, 82–83.

CHAPTER 4

EDUCATING GOOD LISTENERS

Throughout the previous chapters we have seen hints of, and the need for, a study of the role of education in developing critical, responsible listening skills and a disposition to be open to the words and experiences of others. Chapter 1 began by laying out Habermas' theory of communicative action, and there we learned that for Habermas our very capacities to reason and to communicate those reasons in discourse with others (rather than being bound to tradition or subject to the fits and fancies of authority) indicate that we can correct errors, which means we can learn or improve. In this chapter, then, we will discuss how a liberal arts university education can improve our communication.

Chapter 1 also showed how, as a critical uptake of Habermas, Iris Marion Young argued that Habermas' view of reason and rational argumentation is too narrow and not a neutral practice but a culturally specific one that favors the formally educated, which has traditionally been white males of high socioeconomic status. If we are to have more inclusive democratic communication, we will need to ensure not only that more people are educated, but we must also ensure that educational curricula reflect those diverse communicative forms of a diverse student body.

Chapter 2 examined feminist debates about censorship and freedom of expression. It ended by rethinking the reasons why we value free expression and how we might better cultivate it. We analyzed Caroline West and David Braddon-Mitchell's account of the three axes of communication: distribution, understanding, and consideration. Educational policies affect all three. West and Braddon-Mitchell write about illiteracy as an inhibitor not only of the very

distribution of communication and communicative opportunities, but literacy is important for understanding as well. They explain that merely “knowing the meaning of 1,000 words in [one] language and some basic grammatical rules—may not yet be enough for the communication of ideas to occur.”[255] Worse still is that knowing one language does not sufficiently promote healthy communication in multilingual societies since “society-wide comprehension is a basic condition for free speech.”[256] We must think of literacy not merely as the ability to read and write but also to think: because understanding

> often requires being able to follow arguments or whole trains of thought … The better a community’s reading, comprehension and practical reasoning skills, the more communication is likely to take place. Indeed, [J. S.] Mill held that understanding only occurs at this very rich end of the spectrum. Individuals only properly understand an idea when those individuals are in possession of the reasons for and against the idea.[257]

So, even first amendment protections of our speaking depend on education to be actually a force in our lives. We want the sort of education that can make the most of not only what the US Constitution permits but even more: to educate people to be agents of their own voices and recipients of others’. Below we will think more about the consideration axis as well insofar as we want formal schooling to cultivate a disposition to listen to others and consider their experiences and ideas.

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[255] Braddon-Mitchell and West, “What Is Free Speech?,” 447–48.

[256] Ibid., 447. While we will not take up the question of multilinguistic education in promoting communication, I want to note that Braddon-Mitchell and West’s point here connects back to the example of Shannon Sullivan’s ignorance of the culture and history of Puerto Rico disucssed in Chapter 1. We might want to take seriously a unique sort of preemptive testimonial injustice done to people who are denied their own language and forced to learn another (especially if it is the language of a colonizer). In a *New York Times* essay speculating what higher education responsive to current society (rather than following tradition) should or could be like, Lawrence Summers argued that it is “essential that the educational experience breed cosmopolitanism.” “What You (Really) Need to Know,” *The New York Times*, January 20, 2012, sec. Education, http://www.nytimes.com/2012/01/22/education/edlife/the-21st-century-education.html. Although, cosmopolitanism, he claims, need not entail studying languages because “English’s emergence as the global language, along with the rapid progress in machine translation and the fragmentation of languages spoken around the world, make it less clear that the substantial investment necessary to speak a foreign tongue is universally worthwhile. While there is no gainsaying the insights that come from mastering a language, it will over time become less essential in doing business in Asia, treating patients in Africa or helping resolve conflicts in the Middle East.” That is a rather dangerous, if not also arrogant and immoral, position that actually disadvantages native English speakers relative to others who can communicate in multiple languages. It leaves those speaking only English outside of all communication distributed in every other language (or dependent on translators who have not taken Summers’ advice), while simultaneously devaluing all those other languages and their speakers.

[257] Braddon-Mitchell and West, “What Is Free Speech?,” 448.

Making political friends and talking with strangers, encouraged in the works of Danielle Allen, Eugene Garver, and Susan Bickford discussed in Chapter 3, are easier and more productive for people with good communication skills who have had an education that fosters also a willingness to try to communicate with strangers outside the classroom too. Chapter 3 also critically defended some of Miranda Fricker's interventions in debates in epistemologies of testimony, particularly her view that listeners' assessment of the trustworthiness and credibility of speakers is a matter of perception. As such, we need to understand that our perceptions are culturally informed and often invidiously prejudiced in order to habituate new perceptual practices more attentive to the context of communicative exchanges and to the identities of speakers and listeners. In *Epistemic Injustice* Fricker cites Anthony Coady's "learning mechanism" for credibility assessments. Similarly to Annette Baier's account of the development of trust from innate infant trusting to complex adult practices of granting, withholding, and withdrawing trust relative to each situation, Fricker endorses Coady's view of epistemic trusting as something innate that nonetheless gets modified by experience. We have to become more responsible for these experiential modifications and cultivate critical capacities for perceiving speakers as trustworthy.

Fricker's focus is not on formal education but on general socialization with a moral demand that we resist and even "neutralize" the prejudicial components of our societies that lead to the testimonial injustices of unjust attribution of credibility deficits. But if schools not only are not helping to cultivate our perceptions for unprejudiced, critical, and self-reflective communicative engagements but actually repeat and cultivate invidious prejudices, then thinking about the most general socialization will not be sufficient. Citing Implicit Association Tests, Linda Alcoff points out that "extensive educational reform … and curricular mandates that would help to correct the identity prejudices built up out of faulty narratives of history" might

be necessary to respond to the injustices Fricker identifies because “theory-laden perception … operates much of the time below the level of conscious awareness” such that volitional acts of attention and self-reflection alone will not work.[258]

These three chapters have explored how together speakers and listeners achieve mutual understanding. We saw a few ways in which listeners are not doing—or expected to be doing—their fair share when they only listen to familiar speakers on familiar topics while ignoring or actively misunderstanding others. And, the three previous chapters articulated some key things listeners can do to become more responsible and open to others' speaking. But we do not have to, cannot, do this one person at a time, if current values and practices cultivate listener irresponsibility, speaker self-importance, and epistemic independence. We can collectively use the opportunity afforded by formal education to revalue interdependence and transform communicative conditions for better democratic praxis.

This chapter begins by reviewing some social science research about listening in education and teaching students to listen before arguing for an account of education that does not indoctrinate if it cultivates open-mindedness in students. In the second section, we trace the role education has historically played and can continue playing in movements for social justice and democratic inclusion, arguing that a call for educational inclusion only succeeds when it transforms what students are included into. The third and final section articulates the aims, methods, and content of a liberal arts university education that can promote responsible listening and communicative justice in a heterogeneous democratic society.

[258] Alcoff, “Epistemic Identities,” 132.

Listening Education

Not only has listening been of limited concern to philosophers and political theorists, as well as legal theorists concerned with freedom of speech, even rhetoricians devote the vast majority of their attention to the speaking side of communication.[259] The International Listening Association (ILA) was founded in 1979 to fill in this gap, and it remains a unique site of efforts to study listening. It is a vibrant interdisciplinary organization, mostly populated by psychologists and communication studies behavioral scientists with some educators and business consultants also in the mix. Ralph Nichols' 1948 dissertation "Factors Accounting for Differences in Comprehension of Materials Presented Orally in the Classroom" was the first of its kind and laid the foundation for the eventual formation of the ILA. Given this beginning, much of the research about listening takes place in educational settings and focuses on making students better listeners in the classroom. Estimates are that students spend at least 50% of classroom time listening.[260] Research shows a strong correlation between good listening skills and academic success, which should hopefully translate into real world success too.[261] While Nichols originally focused on schools—on educating people to be better listeners so that they could be better students—he was deeply committed to listening, to communication, for larger social justice reasons as well. At the heart of his inaugural lecture to the ILA is a belief, a hope, that mutual understanding through communication can mediate conflicts before they become violent.

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[259] Charles V. Roberts and Larry Vinson developed a Willingness to Listen scale after reviewing three major listening tests and McCroskey and Richmond's "Willingness to Communicate" (WTC) scale. Their concerns were that every listening test is conducted on subjects who know their listening is being tested and the WTC is actually only a willingness to talk scale. Roberts and Vinson measure willingness to listen across three criteria: familiarity with speaker, importance of content, and environment of communication. They then explain high willingness to listen as "open" and low willingness to listen as "closed," or as a willingness, or lack, to monitor cues from the speaker over longer, or shorter, spans of time. See Charles V. Roberts and Larry Vinson, "Relationship Among Willingness To Listen, Receiver Apprehension, Communication Apprehension, Communication Competence, and Dogmatism.," *International Journal of Listening* 12 (1998): 40–56.

[260] Melissa L. Beall et al., "State of the Context: Listening in Education," *International Journal of Listening* 22, no. 2 (2008): 128.

[261] Ibid., 126.

But there is some bad news too, or at least some inconclusive research. First, there are some conflicting data about whether teaching listening skills actually improves those skills for two reasons: 1) People tend to stick to whatever style[262] they are most comfortable with regardless of its efficiency or efficacy. And 2) people also seem to think they already know how to listen well. We tend to think listening is easy to do, not a skill that needs to be taught or practiced. We have been listening all our lives; that is, we listen before we learn to speak or read. Listening is such a familiar and comfortable activity that we find it difficult to imagine we do not do it well. When tested, many people can do a decent job of listening, even while there is still room for improvement. But, as Charles V. Roberts and Larry Vinson explain, our habitual levels of listening are not the same as optimal levels; that is, "being able to listen well is quite

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[262] Ibid., 125. Four basic listening styles were proposed by Kittie Watson, Larry L. Barker, and James B. Weaver, "The Listening Styles Profile (LSP-16). Development and Validation of an Instrument to Assess Four Listening Styles," *The International Journal of Listening* 9 (1995): 1–14. Those four styles are :

- people-oriented listening: marked by concern for others, their emotions and interests, wherein one finds areas of common interest with the speaker
- action-oriented listening: responds to direct, concise, error-free, well-organized presentations by speakers
- content-oriented listening: seeks complexity and intellectual challenge in conversation while noticing details and avoiding judgments
- time-oriented listening: usually includes explicit statements about time available for communication and desires concise, to the point statements by the speaker

Following their landmark study, other researchers have examined correlations between these four listening styles and personality styles such as Myers-Briggs (Rick Bommelje, John M. Houston, and Robert Smither, "Personality Characteristics of Effective Listeners: A Five Factor Perspective," *International Journal of Listening* 17, no. 1 (2003): 32–46; William A. Villaume and Graham D. Bodie, "Discovering the Listener Within Us: The Impact of Trait-Like Personality Variables and Communicator Styles on Preferences for Listening Style," *International Journal of Listening* 21, no. 2 (2007): 102–123; Stephanie Lee Sargent, Margaret Fitch-Hauser, and James B. Weaver, III, "A Listening Styles Profile of the Type-A Personality," *International Journal of Listening* 11, no. 1 (1997): 1–14.); other communication styles (Debra L. Worthington, "Exploring the Relationship Between Listening Style Preference and Verbal Aggressiveness," *International Journal of Listening* 19, no. 1 (2005): 3–11; James B. Weaver and Michelle D. Kirtley, "Listening Styles and Empathy," *Southern Communication Journal* 60, no. 2 (1995): 131–140.); and even identities including race and gender (Michelle Kirtley Johnson et al., "Listening Styles: Biological or Psychological Differences?," *International Journal of Listening* 14 (2000): 32–46; Stephanie Lee Sargent and James B. Weaver, "Listening Styles: Sex Differences in Perceptions of Self and Others," *International Journal of Listening* 17, no. 1 (2003): 5–18; Michelle D. Kirtley and James B. Weaver, "Exploring the Impact of Gender Role Self-Perception on Communication Style," *Women's Studies in Communication* 22, no. 2 (1999): 190–209.).

different than listening effectively."[263] Some research data suggest that making people aware of the skills that make for better listening does help some to improve listening in classrooms.[264]

But education involves more than formal schooling. In *Democracy and Education* John Dewey explains education as growth, as simply the "capacity for further education."[265] The continuity of social, rather than biological, life is by means of the transmission "of habits of doing, thinking, and feeling,"[266] rather than the transmission of genes. In the broadest sense, then, education is the transmission, usually through communication, of a society to future generations. Many daily activities and regular rituals are educative. Schooling is the institutional formalization of this social transmission. In both formal and informal educational settings, listening is important. In fact, Dewey explains that all listening is learning, that "all

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[263] Roberts and Vinson, "Relationship Among Willingness To Listen, Receiver Apprehension, Communication Apprehension, Communication Competence, and Dogmatism," 44.

[264] Nichols started with his Inaugural Address to the Inaugural ILA Convention by listing ten bad listening habits and corresponding good habits, including tips such as resisting distractions and listening more for central themes than focusing on particular words or the manner of delivery. See Nichols, "The Struggle to Be Human." Then there's the S.I.E.R. model developed by Lyman Steil: sensing the message, interpreting or understanding the message, evaluating the message, and responding to the message. Lyman K Steil, Larry Lee Barker, and Kittie W Watson, *Effective Listening: Key to Your Success* (New York: McGraw-Hill, 1983). While there is significant research into teaching and improving listening skills, there is little agreement about just what constitutes those skills. Andrew D. Wolvin and Carolyn Gwynn Coakley argue that studying listening skills necessitates first focusing on the purposes of listening in any communicative exchange (for comprehension, therapeutic/empathic listening, critical listening, appreciative listening, or any combination thereof) because some skills are more important to some purposes than others. See Andrew D Wolvin and Carolyn Gywnn Coakley, "A Listening Taxonomy," in *Perspectives on Listening*, ed. Andrew D Wolvin and Carolyn Gwynn Coakley (Norwood, N.J.: Ablex, 1993), 15–22. Following Wolvin and Coakley, Alice Ridge distinguishes skills from strategies, where "a strategy is a plan derived from a context that determines which skills to apply at that moment of listening," "A Perspective on Listening Skills," in *Perspectives on Listening*, ed. Andrew D Wolvin and Carolyn Gwynn Coakley (Norwood, N.J.: Ablex, 1993), 8. Recall from above, note 263, that Roberts and Vinson distinguish listening skills from motivation and willingness to listen.

Margarete Imhof's listening skills research consists of conducting surveys of college students' skills for listening to lectures. First, she distinguishes among skills prior to, during, and after listening events. And then she distinguishes among those that pertain to the content, the speaker, and the self – a distinction we have already discussed repeatedly while also including something other researchers do about the context/environment of communicative engagement: that speakers need to be self-reflective and attentive both to who is speaking and what is spoken, to the sociohistorical context of the conversation and its participants. See Margarete Imhof, "What Makes a Good Listener? Listening Behavior in Instructional Settings," *International Journal of Listening* 12, no. 1 (1998): 81–105; Margarete Imhof, "Who Are We as We Listen? Individual Listening Profiles in Varying Contexts," *International Journal of Listening* 18, no. 1 (2004): 36–45.

[265] John Dewey, *Democracy and Education: An Introduction to the Philosophy of Education* (New York: Free Press, 1997), 68.

[266] Ibid., 3.

communication (and hence all genuine social life) is educative. To be a recipient of a communication is to have an enlarged and changed experience."[267] In a rather important sense, to educate is to teach listening and teaching listening is to teach the value and practice of life-long learning. What sort of education might best advance this end?

Philosophers of education distinguish between the aims, methods, and content of education, debating the importance and priority of each category as well as their meaning. Many theorists include freedom in their account of the aims of education; that is, education should be a liberating process. Locke and Rousseau were quite explicit in arguing that education is for freedom, as is Paulo Friere today. Even Socrates was unchaining people from the walls of the cave and turning their bodies and minds toward truth. Ultimately, Socrates' view of education is that it is a means of human perfectibility, or at least of development and betterment. Today in the US education seems more about practical preparation for work, with at best secondary attention paid to preparation even for citizenship. But we want to be sure to educate, not merely train. Lastly, education is often understood as initiation into a community, culture, or morality; however, we also want this to be not mere indoctrination.[268]

Although historically indistinguishable, education and indoctrination have come to mean rather different things. Like "censorship," the very meaning of "indoctrination" changed in the early 20th century from being an almost neutral synonym of "education" to a nearly entirely pejorative term. Wittgenstein reminds us that in one sense all education is indoctrination because training always precedes teaching, because imparting both language and a world-

[267] Ibid., 5.

[268] See John Locke, *Some Thoughts Concerning Education: And, Of the Conduct of the Understanding*, ed. Ruth Weissbourd Grant and Nathan Tarcov (Hackett, 1996); Jean-Jacques Rousseau, *Emile: or, On education* (New York: Basic Books, 1979); Paulo Freire, *Pedagogy of the Oppressed* (New York: Continuum, 1993). The Socratic view on education is found mostly in *Protagoras* and *Gorgias* where Socrates criticizes the Sophists, while the allegory of the cave is presented in Book Seven of the *Republic*. See Plato, *Complete Works*, ed. John M Cooper and D. S Hutchinson (Indianapolis, Ind.: Hackett Publishing Co., 1997. See also R. S. Peters, "Education as Initiation," in *Philosophical Analysis and Education*, ed. R. D. Archambault (London: Routledge & K. Paul, 1965), 87–111.

picture precedes explaining or challenging either. The earliest stages of learning depend on the student, or child, trusting the teacher, or parent, to tell the truth about the meaning of words and rules of grammar. C. J. B. MacMillan marshals Wittgenstein's *On Certainty* to describe a pedagogical paradox in our contemporary use of the terms:

> in a modern democratic society, the desired goal of education is that each student develop a set of beliefs that are rationally grounded and open to change when challenged by better-grounded beliefs. In order to develop such students, however, it would seem that they must acquire a belief in rational methods of knowing which must itself be beyond challenge, i.e., held in a manner inconsistent with its own content. Thus, students must be indoctrinated in order not to be indoctrinated.[269]

Mary Anne Raywid traced this history of conceptual change in philosophies of education and American society in "The Discovery and Rejection of Indoctrination." She found that most people had accepted that education and indoctrination were the same thing until education reformers, especially Dewey, advocated a specifically democratic educational agenda over and against traditional authoritarian educational agendas. The rise of fascism and the First World War seemed to threaten democratic ways of life. Consequently, some, such as George Counts, especially in *Dare the Schools Build a New Social Order?*, advocated active indoctrination of democratic principles and values as they saw others indoctrinating communism or Catholicism. But others, such as Dewey and William Heard Kilpatrick, insisted that instilling democratic values would have to happen not through the instilling of doctrines but through the practice of reason.[270] Kilpatrick noted that "To teach democracy in undemocratic fashion, in a way to foster uncritical acceptance, would seem an odd way of fostering democracy. … to make blindfolded adherents of democracy .. [who] could not be trusted to apply doctrines intelligently."[271] Dewey was on the side of democratic aims and methods, not just of content because, as Raywid

[269] C. J. B. Macmillan, "'On Certainty' and Indoctrination," *Synthese* 56, no. 3 (1983): 370; See also Ludwig Wittgenstein, *On Certainty* (Blackwell, 1991).

[270] Mary Anne Raywid, "The Discovery and Rejection of Indoctrination," *Educational Theory* 30, no. 1 (1980): 1–10.

[271] William Heard Kilpatrick, "Indoctrination and Respect for Persons," in *Concepts of Indoctrination*, ed. Ivan Snook (London; Boston: Routledge & K. Paul, 1972), 50.

explains, "the ultimate purpose of democratic education is simply growth—or [to quote Dewey] 'to enable individuals to continue their education.'"[272]

While no educational system is neutral, teaching within a particular value system is not necessarily indoctrination, if it values freedom, makes possible enlarging worlds rather than closing or inhibiting minds.[273] Any educational program has to start and end somewhere, take place in a language (or two or more), be organized around a calendar recognizing particular holidays, and construct a curriculum that includes particular texts and topics while excluding others. In Chapter 2 Frederick Schauer and Judith Butler reminded us that making choices does not amount to censorship, which is about making bad choices for poor reasons by questionable authorities or excluding what we should not be without. Making educational choices is also not indoctrination, even though certain things get more attention and are made more available for understanding and believing.

One way that Dewey ensures that education is both the communication of a way of being in the world with others as well as free and open is to focus on "social groups which are intentionally progressive, and which aim at a greater variety of mutually shared interests in

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[272] Raywid, "The Discovery and Rejection of Indoctrination," 10.

[273] I have never understood the strategy of indoctrination if only because it does not seem successful, if not also that it is immoral. I agree with Charles Harvey that "Factually, there is no form of indoctrination so complete that alternatives to it cannot be entertained; there is no life-world so complete that alternative life-worlds cannot be imagined" "Liberal Indoctrination and the Problem of Community," *Synthese* 111, no. 1 (April 1, 1997): 123. Indoctrination rarely works. And where it does, the side-effects of resentment and pain are too costly to bear. Curiosity is often more powerful than training and indoctrination such that some people will make their own exit strategies or change society regardless of what their teachers, formal and informal, taught them. Societies, like individuals, have to adapt and grow or die, and that growth is not only in replacement members but responding to the current needs and environments. Not only is J. S. Mill right that positions, even true ones, held without reason and unwilling to engage objections become dogmas, but they communicate weakness, not strength. Closure always seems weak to me; it seems a last-ditch effort to not lose when you can no longer stand up to your enemy, like a child who takes the ball home instead of playing fair. If your views are right, what is the danger in exposure to other views? So no matter the educational system, the risk that young members will not fully embrace or uphold community standards and practices is real. Open-mindedness and readily available exit options thus become more conducive not only to nurturing mature adults who can better navigate webs of interdependence but also to adults who might carry on the best parts of the societies in which they are educated.

distinction from those which aim simply at the preservation of established customs."[274] That is, he focuses on democratic societies and democratic education. While his definition of education still includes non-democratic communities and all the informal and subtle ways that those societies transmit themselves to young members, his arguments for what makes for the healthiest and best forms of education are those within and supportive of democratic communities, where "democratic" is understood not merely as a political system but a form of life. He measures the worth of a community by two criteria: 1) by how shared and varied are the common interests, and 2) by how free and full are the interactions and cooperation with other groups.[275] A worthwhile education will be one that promotes freedom both internal and external to the community by promoting varied and mutually interdependent interests among group members as well as contact and interaction with other groups.

So education is both epistemic and political. People with little public voice turn to education to make changes that can aid in their efforts to participate. Demands for inclusion in communities always require concomitant, or precursory, demands for educational rights. Historically, philosophies of education have been components of political philosophy. That is, the very attempt to set up a political philosophy, to describe the formation and characterization of a just society, has included, nay necessitated, a discussion of education, of the initiation of young members into the society. Plato's *Republic* set the standard that we see again in Rousseau's *Emile* and Mill's discussion of education at the end of *On Liberty* as well as Anna Julia Cooper's political autobiography *A Voice From the South*.

[274] Dewey, *Democracy and Education*, 322.
[275] Ibid., 83–86.

Reforming Education for Democratic and Communicative Justice

Education can be a tool for emancipation, but for much of US history schools have been a means to transmit and reproduce a culture of exclusion and domination by denying education to some, further colonizing and oppressing some, teaching some that they were special and privileged, and habituating everyone to the voices, experiences, and expertise of a small minority of Americans. It was illegal to teach a slave to read or write in every Southern state after 1833.[276] Frederick Douglass wrote in one of his autobiographies that learning that literacy was illegal and dangerous, while himself becoming literate, is precisely what put him on "the pathway from slavery to freedom."[277] When Douglass was seven or eight years old, his slave owner Mr. Auld demanded that Mrs. Auld quit teaching Douglass his letters because literacy spoils a slave and prevents him from being kept. In that moment, Douglass learned a very powerful lesson and immediately strove every chance he could to learn to read and to read whatever he could gets his hands on. Eventually, risking severe punishment, he also taught

[276] During colonial times, many slaves were educated, at the discretion of individual slave owners. In fact there were numerous Negro schools. Although generally slaves were only taught to read, especially to read the Bible, for spiritual purposes, some recognized that educated Negros were valuable and could assist in running of households and businesses. In 1740, following the Stono Rebellion, South Carolina was the first state to make teaching a slave to read or write a crime, punishable by large fine. Punishment for the student was left to the discretion of the owner. Of course, this left some confusion regarding who was responsible for punishing or paying fines when slaves taught their own children to read and write. Georgia followed in 1755, but it was not until later in the 19th century, with the rise in slave rebellions and abolitionist activities, that more states banned slave literacy. Within a few months of Nat Turner's revolt, every Southern state had a similar ordinance aiming to prevent non-verbal communication among slaves and between abolitionists and slaves. Most ordinances also severely restricted the freedom to assemble, limiting the number of people of color allowed to assemble, especially after dark, without permission or the presence of at least one white man, thus preventing also direct communication of sensitive, or simply private, topics. In Carter G. Woodson's history of ante-bellum Negro education he explains what Frederick Douglass heard Mr. Auld explain: "The majority of the people of the South had by [1833] come to the conclusion that, as intellectual elevation unfits men for servitude and renders it impossible to retain them in this condition, it should be interdicted. In other words, the more you cultivate the minds of slaves, the more unserviceable you make them; you give them a higher relish for those privileges which they cannot attain and turn what you intend for a blessing into a curse" *The Education of the Negro Prior to 1861* (ValdeBooks, 2010), 4. Despite these laws, many slaves were literate and Woodson shows how "… better rudimentary education served many ambitious persons of color as a stepping–stone to higher attainments. Negroes learned to appreciate and write poetry and contributed something to mathematics, science, and philosophy. Furthermore, having disproved the theories of their mental inferiority, some of the race, in conformity with the suggestion of Cotton Mather, were employed to 'teach white children.'" Ibid., 3. See also John Hope Franklin and Alfred A. Moss Jr., *From Slavery to Freedom a History of African Americans*, 8th ed (New York: A.A Knopf, 2000), 155–56.

[277] Frederick Douglass, *Narrative of the Life of Frederick Douglass*, 2006, 29, http://www.gutenberg.org/ebooks/23.

other slaves to read in the cabin of a free black man. When Douglass finally escaped to freedom he made his way to become a writer and newspaper publisher – providing words for others to read in service of freedom. In the late 19th century (and well into the 20th century) the US Bureau of Indian Affairs (as well as equivalent agencies in Canada and Australia) instituted the practice of removing native children as young as five years old from their homes and educating them in boarding schools, many Christian, according to a curriculum of forced assimilation of language, history, and culture.[278] These are just two examples among many policies and practices of gender, racial, and ethnic oppression and deculturalization in the history of US education. Carter G. Woodson explained the effects of being excluded, not from the physical classroom, but, from having one's history and culture entirely excluded and being thus inscribed with inferior status:

> No systematic effort toward change has been possible, for, taught the same economics, history, philosophy, literature and religion which have established the present code of morals, the Negro's mind has been brought under the control of his oppressor. The problem of holding the Negro down, therefore, is easily solved. When you control a man's thinking you do not have to worry about his actions. You do not have to tell him not to stand here or go yonder. He will find his "proper place" and will stay in it. You do not need to send him to the back door. He will go without being told. In fact, if there is no back door, he will cut one for his special benefit. His education makes it necessary. The same educational process which inspires and stimulates the oppressor with the thought that he is everything and has accomplished everything worth while, depresses and crushes at the same time the spark of genius in the Negro by making him feel that his race does not amount to much and never will measure up to the standards of other peoples. The Negro thus educated is a hopeless liability of the race.[279]

Of course, it is not only African Americans but all those deemed inferior to that "code of morals," a code which most people roundly reject in principle today but that we have yet to fully

[278] For the American case see Joel Spring, *Deculturalization and the Struggle for Equality: A Brief History of the Education of Dominated Cultures in the United States*, 7th ed. (McGraw-Hill, 2012). Andrea Smith, "Soul Wound: The Legacy of Native American Schools," *Amnesty International Magazine*, March 26, 2007, http://www.amnestyusa.org/node/87342 discusses both the American and the Canadian cases. See also John Sheridan Milloy, *A National Crime: The Canadian Government and the Residential School System, 1879 to 1986* (Winnipeg: University of Manitoba Press, 1999). For the Australian story, see Peter Read and New South Wales. Dept. of Aboriginal Affairs, *The Stolen Generations: The Removal of Aboriginal Children in New South Wales 1883 -1969* (Surry Hills, N.S.W.: New South Wales Dept. of Aboriginal Affairs, 2007).

[279] Carter Godwin Woodson, *The Mis-Education of the Negro* (Wilder Publications, 2008), 7.

reject in practice. Or, as Danielle Allen would state it, we have not yet fulfilled the reconstitution of our society.

Consequently, calls to reform education are regularly significant components of social justice movements for racial and gender equality.[280] [281] Global research shows that, especially for girls, education has a multiplier effect; that is, it is one of the most effective ways to fight poverty and social injustice. Education gives people more options, but it is especially good for girls. A United Nations summit on women's human rights highlighted

> research which shows that girls who are educated are likely to marry later, are better protected from a forced or early marriage, are likely to contribute to reducing the HIV/AIDS rate in their countries, will have fewer children and are less likely to suffer pregnancy-related complications or death. Girls who have been to school for a significant amount of time often become drivers for positive social change and when they are able to work, they are more likely than boys, to invest most of it in their families.[282]

The mandate of the United Nations Special Rapporteur on the right to education, originally established by the Commission on Human Rights in April 1998, revised in June 2006 and endorsed again in June 2008, maintains that

> education is both a human right in itself and an indispensable means of realizing other human rights. As an empowerment right, education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities. Education has a vital role in empowering women, safeguarding children from exploitative and hazardous labour and sexual exploitation, promoting human rights and democracy, protecting the environment, and controlling population growth. Increasingly, education is recognized

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[280] Here I discuss calls for inclusion and equal education specifically for women and racial minorities. Also worth exploring are similar movements for disabled students as well as recent debates about schools like Harvey Milk High School in New York City that offer safe haven for LGBTI students and allies.

[281] But formal schooling is also the site of much resistance to social justice movements. We saw this is the massive resistance to desegregation in the 1950s. Not only did some white people literally try to prevent the non-white children from entering the school, but, when that effort failed, many parents simply withdrew their children from public schools or moved to the suburbs, finding many means to avoid interracial contact. See Charles T. Clotfelter, *After Brown: The Rise and Retreat of School Desegregation* (Princeton University Press, 2011). We see similar resistance today with the rise of home schooling, and in Tennessee specifically there are some efforts to resist social justice for LGBTI persons within the form, for example, of the "Don't Say Gay" bill (eventually withdrawn but replaced by a more verbally subtle bill requiring "abstinence first" education) and another bill designed to exempt Christians from being charged with bullying as long as they are only verbally denigrating others' "lifestyles" but not clearly physically intimidating or threatening others.

[282] "Girls Have a Right to Know," *Office of the High Commissioner for Human Rights, United Nations*, June 18, 2010, http://www.ohchr.org/EN/NewsEvents/Pages/Girlshavearighttoknow.aspx.

> as one of the best financial investments States can make. But the importance of education is not just practical: a well-educated, enlightened and active mind, able to wander freely and widely, is one of the joys and rewards of human existence.[283]

Having an education enhances people's capacities for realizing and exercising their freedom and communicating and partaking in civic life. While sometimes parents keep their children out of school to labor (and sometimes to protect girls from unsafe schooling conditions), other times there is no national mandate or social pressure to send children to school.[284]

What counts as quality or equal education always was, and continues to be, up for debate. As a component of racial uplift movements in the late 19th and early 20th centuries, Booker T. Washington and W. E. B. Du Bois took opposite sides of curricular debates, with Anna Julia Cooper articulating some middle ground between them and emphasizing the importance of educating women as well as men. For each, education played a crucial role inside a larger program for civil rights for African Americans. Washington's program had three main components: conciliation with the South to create cooperation between the races there, creation of new alliances and commercial opportunities in the North, and economic advancement through industrial education. He argued that in slavery men and women were worked but did not learn to value labor or how to care for themselves properly. And thus he advocated—and founded the Tuskegee Normal and Agricultural Institute to practice—a curriculum that would re-value labor as now paid rather than enslaved, which could generate

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[283] "Special Rapporteur on the Right to Education," *Office of the High Commissioner for Human Rights, United Nations*, accessed May 19, 2010, http://www.ohchr.org/EN/Issues/Education/SREducation/Pages/SREducationIndex.aspx.

[284] In developed nations, parents rarely keep children out of school to labor for the family. There, children do not attend group schools, public or private, because their parents disagree with the curriculum (whether it be too easy, immoral, or too restrictive) or worry the school is unsafe. A 2006 NCES study *Homeschooling in the United States* reported "The reason for homeschooling that was most frequently cited as being applicable was concern about the environment of other schools including safety, drugs, or negative peer pressure. Eighty-five percent of homeschooled students were being homeschooled, in part, because of their parents' concern about the environment of other schools. The next two reasons for homeschooling most frequently cited as applicable were to provide religious or moral instruction (72 percent) and dissatisfaction with academic instruction at other schools (68 percent)." Dan Princiotta and Stacey Bielick, *Homeschooling in the United States: 2003* (National Center for Education Statistics, February 2, 2006), http://nces.ed.gov/Pubsearch/pubsinfo.asp?pubid=2006042.

independence.[285] Seeing opportunities for "blacksmiths, carpenters, brickmasons, and tinners" more than for those with a classical education, Washington focused his efforts on economic security rather than social or political equality.[286]

In a chapter of his *The Souls of Black Folk* entirely devoted to his disagreements with Washington, Du Bois argued against Washington's exclusive focus on this educational agenda and against Washington's focus on material gain and social compromise at the expense of political inclusion. Du Bois was especially concerned that "Mr. Washington's programme practically accepts the alleged inferiority of the Negro races."[287] Washington's educational program is not the sort that requires listening skills outside the classroom, and even his classrooms are more for training trades than discussing values.

Du Bois defends his own view of higher education for some segments of black folk in "The Talented Tenth" where he explains that

> If we make money the object of man-training, we shall develop money-makers but not necessarily men; if we make technical skill the object of education, we may possess artisans but not, in nature, men. Men we shall have only as we make manhood the object of the work of the schools—intelligence, broad sympathy, knowledge of the world that was and is, and of the relation of men to it—this is the curriculum of that Higher Education which must underlie true life.[288]

While he would reserve higher education for the most talented, to be educated as leaders to guide the whole race upward, Du Bois also advocated universal general education. Not only economic security, Du Bois wanted political equality and insisted that intellectual advancement is a necessary means for achieving equality and exercising one's right to participate in the constitution of American, and human, communities. For the sake of human development for

[285] Martin Delany shared a similar view advocating for women's education but also for their utility especially in domestic spheres or as teachers. See Howard Brotz, *African American Social and Political Thought: 1850-1920* (New Brunswick, NJ [u.a.]: Transaction Publishers, 1992), 89–91.

[286] Ibid., 355.

[287] Du Bois, *Writings*, 392.

[288] Ibid., 842.

everyone Du Bois insists that "knowledge of life and its wider meaning, has been the point of the Negro's deepest ignorance, and the sending out of teachers whose training has not been simply for bread winning, but also for human culture, has been of inestimable value in the training of these men."[289]

Anna Julia Cooper too was concerned about Washington's methods and the narrowness of his educational commitments. Her *A Voice from the South* predates much of Du Bois' writing as well as Washington's famous *Atlanta Exposition Address*. She was not responding directly to them but had previously started developing her own position (and was actively teaching) about education as an essential component of broader programs of racial uplift. Not only in essays such as the explicitly titled "The Higher Education of Women" but also in "What are We Worth?" we find Cooper's account of education wherein she shares Washington's concerns about revaluing now paid labor after emancipation. However, she concludes that revaluation is possible, and desirable, without sacrificing higher education too. She insists that the value of a classical education is not diminished by simultaneously valuing industrial and technical education; however, the reverse is a problem.[290] While not everyone with a university education will work on behalf of others, a person is unlikely to do so without such education. Back in 1892 Cooper knew what democratic education was about when she wrote that education is to "train

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[289] Ibid., 852.

[290] While Du Bois does not disagree with Cooper, there is a question of emphasis. And some question about his profeminist commitment. In "The Damnation of Women" Du Bois writes, "the future woman must have a life work and economic independence. She must have knowledge. She must have the right of motherhood at her own discretion" Ibid., 953 which seems to indicate concern about inequality between the sexes. And yet he participated in exclusionary organizations such as the American Negro Academy, and he rarely acknowledged the work of successful and important women contemporaries, notably Anna Julia Cooper. As Joy James explains, Du Bois' feminism is troublesome because he takes all the credit for his ideas rather than acknowledge the women, namely Anna Julia Cooper and Ida B. Wells, who influence not only his feminism but all his theorizing and activism. According to James, "while condemning the oppression of African American women, Du Bois 'veiled' the achievements of women such as Cooper and Wells-Barnett from the political landscape. In his profeminist politics, he obscured black women's radical agency in black women's intellectualism" *Transcending the Talented Tenth*, 37. Specifically, in "The Damnation of Women" Du Bois states "As one of our women writes" before giving a long, and famous quote from Cooper. He does not name her specifically (959).

our people to think, which will give them the power of appreciation and make them righteous."[291] And she carefully attends especially to the educating of women:

> Now I claim that it is the prevalence of the Higher Education among women, the making it a common everyday affair for women to reason and think and express their thought, the training and stimulus which enable and encourage women to administer to the world the bread it needs as well as the sugar it cries for; in short, it is the transmitting the potential forces of her soul into dynamic factors that has given symmetry and completeness to the worlds' agencies. So only could it be consummated that Mercy, the lesson she teaches, and Truth, the task man has set himself, should meet together: that righteousness, or *rightness*, man's ideal—and *peace*, its necessary "other half," should kiss each other.[292]

Women should be educated for the same reasons, and in the same ways, as men. And again education serves to "mak[e] it a common everyday affair for women to reason and think and express their thought." At stake in these programs of racial uplift and the role of education in them are differing ways African Americans can and should participate in democratic communities. Du Bois and Cooper recognize the importance of communicative participation as essential to citizenship, and also to full humanity. Similarly today, the UN Rapporteur makes the economic and humanitarian cases for education.

Education as a means of uplifting the black race into active and equal participation was not only a concern immediately after the Civil War but has continued in legal fights against segregation and for enforcement of desegregation in the early 20th century, then in the 60s and 70s in debates at historically black colleges and universities about the value of replacing white leaders and classical curricula with black leaders and studies centered on black history and culture. And it continues still today in the work of, for example, Geoffrey Canada's Harlem Children's Zone and Robert Moses' Algebra Project. Through the latter, Moses, advocates for math literacy as an extension of the Civil Rights Movement. He explains that "In today's world, economic access and full citizenship depend crucially on math and science literacy. I believe that

[291] Anna J Cooper, *The Voice of Anna Julia Cooper Including A Voice from the South and other important essays, papers, and letters*, ed. Charles C Lemert (Lanham, Md.: Rowman & Littlefield, 1998), 251.
[292] Ibid., 76.

the absence of math literacy in urban and rural communities throughout this country is an issue as urgent as the lack of registered black voters in Mississippi was in 1961…[M]ath literacy—and algebra in particular—is the key to the future of disenfranchised communities."[293]

Just as fighting for racial equality in education in the late 19th and early 20th centuries often meant fighting for black men's education—women such as Cooper had to make a special case for black women's education—so too were white women of the 18th and 19th centuries fighting for themselves, not for women or men of color.[294] But these women were fighting similarly for equality, independence, and to become participatory citizens. They too suffered from a lesser education. While not enslaved, their lesser education rendered them dependent on men, on fathers or husbands, and left them with few, often unsatisfying, job opportunities in low-paying jobs with little social status such as teachers or governesses and no involvement in political life. In late 18th century England, Mary Wollstonecraft's experience was like that of many women there, on the continent, and in the newly established US. She noticed that her own education was a pale comparison to that of her brothers', and she longed for more while making the best of whatever limited resources were available to her. Wollstonecraft was an autodidact and, when unsatisfying jobs as governess and schoolmistress became too much, she tried to make a living as a writer. Many of her works engaged arguments in defense of education reform, particularly for co-education in the same curriculum for middle class boys and girls and

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[293] Robert Parris Moses and Charles E. Cobb, *Radical Equations: Civil Rights from Mississippi to the Algebra Project* (Beacon Press, 2002), 5; See also Robert Parris Moses and Ed Dubinsky, "Philosophy, Math Research, Math Ed Research, K-16 Education, and the Civil Rights Movement: A Synthesis," *Notices of the American Mathematical Society* 58, no. 3 (March 2011): 401–409.

[294] Some advocates of women's education were themselves racist, not merely negligent. Notice Mary Wollstonecraft's use of the analogy between slavery and patriarchy. She uses it not to make anti-racist or abolitionist arguments, only as a comparison of control. She likens bad education systems to treating children as slaves, but she never expresses concern about inadequate educational opportunities for actual slaves. Worse, she often describes servants as "ignorant" and thus not reliable for educating children. She expects mothers to take more active roles in their children's lives—for which a better education is necessary—going so far as to advocate mothers, not wet nurses, breastfeed their children for "Her milk is their proper nutriment … Children, who are left to the care of ignorant nurses, have their stomachs overloaded with improper food, which turns acid, and renders them very uncomfortable." Mary Wollstonecraft, *A Wollstonecraft Anthology* (Bloomington: Indiana University Press, 1977), 28.

for British national education. She insisted that, not just white boys but also, white girls need an active, engaging education, that training them into passivity is unjust. She eventually concluded that nothing short of government insistence would be efficient enough or strong enough to protect children from prevailing patriarchal attitudes.

While many across Europe in Wollstonecraft's day were still hesitant to make the leap to government mandated and provided education (and the few that were only supported education for boys, at least with a classical curriculum), Wollstonecraft identified state-based public education as the best means to change social circumstances. Her thinking is indebted not only to Locke (especially to his *Some Thoughts on Education*) and Catherine Macaulay but is critical of Rousseau's *Emilie* and contemporary conduct guides for young women written by men (especially John Gregory's *Father's Legacy to His Daughters* and James Fordyce's *Sermons to Young Women*). Her feminist position was such that she fought not only for women's rights but also for children's rights. Or, as she saw how daughters/girls were treated wrongly in childhood that set them up for limited and dependent lives in adulthood, and as she thought about education reform, she came to extend her view not only to granting equal rights to white women in adulthood but also to protecting children and defending rights necessary to set them up to become mature adults. In *A Vindication of the Rights of Women* Wollstonecraft shares Woodson's logic that oppressive education causes the negative traits used to justify the claim of inferiority. She writes that

> in order to preserve their innocence, as ignorance is courteously termed, truth is hidden from them, and they are made to assume an artificial character before their faculties have acquired any strength. Taught from their infancy that beauty is a woman's scepter, the mind shapes itself to the body, and, roaming round its gilt cage, only seeks to adore its prison. Men have various employments and pursuits which engage their attention, and give a character to the opening mind; but women, confined to one, and having their thoughts constantly directed to the most insignificant part of themselves, seldom extend their views beyond the triumph of the hour.[295]

[295] Ibid., 82–83.

She carefully describes the various harms white women suffer as a result of their lack of education and thus of opportunities for self-sufficiency: "…the most perfect education, in my opinion, is such an exercise of the understanding as is best calculated to strengthen the body and form the heart. Or, in other words, to enable the individual to attain such habits of virtue as will render it independent."[296]

While Wollstonecraft's position is rather radical on behalf of white women, she argues carefully in not challenging the distinctness of white male and female, white public and private spheres. She insists that as the ones at home influencing and initially educating children, women should be well-educated too. To be proper role models, they have to be thoughtful—skillfully and in terms of content—that is, they have to be able to think and have requisite knowledge. She thought this also essential in order for white women to make good companions for white men. While she assumed women will be wives and mothers, not doctors, lawyers, or politicians, education is still essential to mature, self-determined lives. The same reasoning, partly through the influence of Wollstonecraft's *Vindication*, came to the US a few decades later when education reformers such as Catharine Beecher and Mary Lyon began founding colleges for women.[297] While training women to be mothers and teachers they nonetheless insisted on a traditional curriculum of literature, logic, rhetoric, science, and exercise, not only domestic science. Home life matters as a way of participating in community, and so they needed women to be knowledgeable and skilled.

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[296] Ibid., 36–7; 88.

[297] Beecher founded her first school in 1823, published extensively manuals and curricula used in many other schools, and developed women educators associations. Her 1841 "A Treatise on Domestic Economy for the Use of young Ladies at Home and at School" was widely read. Lyon founded Mount Holyoke Female Seminary (Mount Holyoke College today) in 1837. See also Andrea L. Turpin, "The Ideological Origins of the Women's College: Religion, Class, and Curriculum in the Educational Visions of Catharine Beecher and Mary Lyon," *History of Education Quarterly* 50, no. 2 (May 2010): 133–158; Barbara Miller Solomon, *In the Company of Educated Women: A History of Women and Higher Education in America* (Yale University Press, 1986).

Education rights for women, unlike for non-whites, had to be gained not against an outright ban that required legal changes but against a general social attitude that women did not need and could not handle the work that men were doing. Today, western women usually have mostly won the fight for an advanced curriculum the same as what men receive. Worldwide, though, there are still problems with children's access to education, especially for girls. Currently, worldwide "75 million children do not have access to basic education. 150 million children currently enrolled will drop out before completing primary education - at least two-thirds are girls. And, 776 million adults in the world are illiterate and never got an education."[298] And it often takes state support to succeed in achieving access for all children. Even for all women in the US, it was not until the passage of the 1972 Mink Equal Opportunity in Education Act, more commonly know as Title IX, that regulations to provide for equal education for women grew some enforcement teeth. This follow-up to the Civil Rights Act states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."[299] While much attention has been focused on Title IX's impact in athletics, where it has been significant but controversial, the law applies in all educational contexts and all levels. Women continue this work today, as can be seen in the 2011 UN International Women's Day theme: "Equal access to education, training and science and technology."

Perhaps "access" is the most telling word in that theme because it is still access that many women and girls fight for, yet access alone is insufficient for genuinely equal education. Getting more students into the same curriculum that has been traditionally reserved for wealthy

[298] "Special Rapporteur on the Right to Education."

[299] *Higher Education Act of 1965: Patsy T. Mink Equal Opportunity in Education Act, 20 U.S.C. Sections 1681 Through 1688*, 1972.

white males, or what Minnich calls "mainstreaming," does not solve the problems their initial exclusion creates. Mainstreaming, Minnich argues, "implies that there is one real stream, and that our goal is to achieve the 'normalcy' of becoming invisible in the big river."[300] But, she continues, "mere access to schooling has never been enough," especially not when that "access" has been a tool of oppression or forced assimilation. "And it will not become so as long as any vestiges remain of the old assumptions that some 'kinds' of people are by nature inferior and ought to be *trained* rather than *educated*, and that in the process they must be stripped of independent identifications supported by 'different' cultures, religions, and languages."[301] What we need is curriculum transformation that changes what those previously excluded persons, ideas, and communicative forms are now included into, not just adding (a few tokens) to what exists. What Wollstonecraft, Beecher, Cooper, Woodson, and Du Bois were each working toward was an education for all citizens that recognizes the human capacity for thinking and develops it for people to be able to make something of themselves and not silently suffer outwardly imposed limits.

Listening to Diverse Speakers in Higher Education Today

These movements to reform and transform education came to college campuses in the late 1960s and 1970s in the form of courses and programs in race, ethnicity, and gender studies (and later sexuality studies and postcolonial studies). Chandra Talpade Mohanty explains: "This was the direct outcome of a number of sociohistorical factors, not the least of which was an increase in black [and other minority] student enrollment in higher education and the broad-

[300] Minnich, *Transforming Knowledge*, 60.
[301] Ibid., 64.

based call for a fundamental transformation of a racist, Eurocentric curriculum."[302] Courses and programs of study in gender, race, and ethnicity were designed not only to draw students to university and meet their needs upon arrival, but they also called attention to universities' complicity in inequality and exclusion. Minnich introduces the distinction between reform movements that attempt to merely mainstream or add new bodies into old systems—which must fail, since the old systems are not exclusive by accident but are constitutively so—and transformative movements necessary to meet the standards of equality and inclusivity. She identifies four basic errors, what she calls "psychotic conceptualizations," that prevent the transformations from occurring and keep some people and ideas marginalized because they turn "*distinctions* among groupings of particular people into abstract, hierarchical *divisions* by 'kind.'"[303] She shows how the "cure" for these closed, psychotic systems is nothing short of "a reawakened capacity to think and act responsively, responsibly, appropriately, and respectfully in relation to anything and anyone we encounter."[304] Or, she explains, education will be neither the same nor equal "as long as what is taught, and who does the teaching continues just as it was when all education was designed by and for an exclusive few who were wrongly taken to be the inclusive ideal, and normative 'kind.'"[305] Mohanty, repeatedly citing Minnich, provides a perspective of a third world woman from which to insist on the need for radical transformation not only of the university curriculum but of its culture and relationship to the larger society in order to "make education a practice of liberation" or to "resist the colonization of hearts and

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[302] Chandra Talpade Mohanty, "On Race and Voice: Challenges for Liberal Education in the 1990s," *Cultural Critique*, no. 14 (December 1, 1989): 188.

[303] Minnich, *Transforming Knowledge*, 104. The four errors are "1. Faulty generalizations and universalization; 2. Circular reasoning; 3. Mystified concepts, which feed and result from faulty generalizations/universalization and circular reasoning; and 4. Partial knowledge that serves the dominant order and is produced and perpetuated by the previous three kinds of errors" (104).

[304] Ibid., 34.

[305] Ibid., 143.

minds."[306] While we have other methods to resist material colonization, education is the most effective way to prevent epistemic and affective colonization, or to undertake decolonial efforts.

Sara Ahmed's recent book *On Being Included: Racism and Diversity in Institutional Life* is a phenomenological study of diversity work intended to make colleges and universities (in the UK and Australia) more inclusive that reveals the way such work calls attention to the exclusions of the institution but nonetheless overlooks racism in getting praise and recognition as successful merely for appointing people to do the work rather than completing it. She does not argue for methods to transform knowledge; "Rather than suggesting that knowledge leads (or should lead) to transformation, I offer a reversal that in my view preserves the point or aim of the argument: transformation, as a form of practical labor, leads to knowledge."[307] Doing the institutional work to become more diverse and inclusive is not done and then assessed, but what we learn in the doing can inform continuing efforts. To succeed at the transformations and practices of education that could make better communicators, we will need to understand communities as ever changing and renewing. Those involved must remain open to what we learn along the way, must look carefully at what gets excluded and what gets revealed from these new perspectives, and must see ourselves as possibly being transformed along the way as well.

So what are university courses and teachers doing well, and what must they still do to transform into education that can create responsible listeners? We will look at the aims, methods, and contents of a liberal arts curriculum to discover.

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[306] Mohanty, "On Race and Voice," 191.

[307] Sara Ahmed, *On Being Included: Racism and Diversity in Institutional Life* (Durham; London: Duke University Press, 2012), 173.

Aims

In the above discussion of education and indoctrination, we already determined that one aim of education is always freedom. More specifically then, a liberal arts university education aims to create self-reflective, critical thinkers. Rather than teaching thoughts, they teach thinking. This is essential to realizing Cynthia Townley's community of inquirers living the values of epistemic interdependence and shared responsibility, which we introduced in Chapter 1 and elaborated on in Chapter 3. Thinking for oneself could be understood to value epistemic independence, similar to Descartes' own project (in both the *Discourse* and the *Meditations*) not to rely on anything his teachers or his tradition taught him but to decide for himself what can be known clearly and distinctly, to "raze everything to the ground and begin again from the original foundations."[308] But that is not necessary to become a thinker; no one has to do it on his or her own. It is not all that clear that Descartes did anyhow.

Students come to think for themselves by reading and commenting on the thoughts of others. It is in conversation and collaboration with others that we each decide whom to trust and agree with, whom to distrust or disagree with. Students are also not dependent on those others. Indoctrinating education teaches only a set of thoughts to adhere to, which leaves students dependent on teachers and communities. Liberal arts education, or learning to think, is learning to practice epistemic interdependence. Each student has to take responsibility for his or her own experiences and opinions, but they can all come to them through conversation with others and by trusting experts. The educational aim is to endow people with the skills and motivations to think for oneself, to distinguish good evidence from bad evidence and credible sources from incredible ones, to choose between experts and ideas as well as make new alternatives. Teaching students to think means that they can always do it; they do not have to

[308] René Descartes, *Discourse on Method; and, Meditations on First Philosophy*, trans. Donald A Cress (Indianapolis: Hackett Publishing Co., 1998), 59.

decide once and for all about those ideas and experts. Recall again Dewey's definition that education is "the capacity for further education."[309] It provides students a broad base of knowledge and experiences from which to find and create meaning in the world and even to make contributions to their communities. A democratic education aims to prepare students to fully participate in social and political life not only for voting—and thus evaluating candidates—but for identifying and advocating for their individual and shared interests.

Aims alone, even the best ones, cannot make for good listeners. However, educators can cultivate poor listeners when education aims not at thinking. While rote memorization seems to require good listening, it is not the sort we need for healthy communities because it requires students to listen, and rewards them for listening, only to their teachers or anyone authorized by the teacher. Such an education might not even require that students achieve the level of understanding the material that our account of communication requires if they merely have to repeat content for the next exam, and it surely does not ask, or even permit, student consideration of the material. Recall that for Habermas, "yes" or "no" saying is fundamental communicative actions—that communication is incomplete without response in the form of agreement or disagreement, or questioning that continues the conversation toward mutual understanding, even though that response might not be made present to the speaker. Educating good listeners requires opportunities to consider and respond, not merely comprehend. But even the best aims to cultivate responsible listeners will not work if teachers do not also have good methods to achieve those aims for all students.

[309] Dewey, *Democracy and Education*, 68.

Methods

Pedagogy, or educational methods and strategies, has become a formalized academic discipline in the last century. This permits devotion of time and attention in this valuable field, and focused research provides much-needed evidence to support decisions many of us make in classrooms or calls for changes that will benefit students. However, we have to be careful with how far we separate educational methods from aims and contents. Some techniques are easier at more advanced levels and work with some subject matter better than others. If we want students to know how to restart a person's breathing after drowning, we might teach differently than if we want them to understand the respiratory system. Our intention is to teach university students to become thinkers, not just provide them with correct or valuable thoughts.

Teaching thoughts is easy: just have persons with authority (bearded white men over age 50 wearing tweed jackets with elbow patches), in spaces that further authorize them (large classrooms where all the desks face the professor) speak those thoughts repeatedly and reward students for repeating them. This is the common view of a traditional university lecture, or what Friere called the banking model of education wherein "the students are the depositories and the teacher is the depositor. Instead of communicating, the teacher issues communiqués and makes deposits which the students patiently receive, memorize, and repeat. This is the 'banking' concept of education, in which the scope of action allowed to the students extends only as far as receiving, filing, and storing the deposits."[310] I do not mean to suggest that lecturing is always bad pedagogy. Michael Sandal's "Justice" lectures for upwards of 1000 Harvard students each session (and countless more students viewing on PBS television or the Internet) attest to the power of a good lecture.[311] Worth noting, though, is that Sandal's lectures are surprisingly discussion-oriented for such a large class. He expects that students are not merely absorbing the

[310] Freire, *Pedagogy of the Oppressed*, 53.
[311] http://www.justiceharvard.org/

material he is lecturing about, but they are thinking through the arguments and positions presented in the assigned readings, his lectures, and as spoken by other students in the class. Collecting opinions and arguments from students, he then pits them against each other in miniature debates.

Research suggests that students learn better when they can interact, so much so that even small modifications to the traditional lecture can have significant effect. Periodically pausing while students share their notes and confer with each other to verify that they are comprehending well helps, as does permitting time for questions and answers, especially if that time is not only at the end of the lecture and when students are encouraged to contribute to the answers rather than only posing questions.[312] These, and other techniques for generating student activity in the classroom, authorize students as knowers rather than recipients of others' knowledge.

Many university teachers do not lecture but prefer seminar-style discussions that require students to be regular, active contributors. Nonetheless, many still do not always achieve their desired goals of getting students to think and discuss. If the aims of education are democratic, then should not each classroom model that community, not just teach it in principle? In *Teaching to Transgress*—a work deeply indebted to Friere, as well as committed to the value of public debate—bell hooks articulates a critical pedagogy of liberation particularly sensitive to the multicultural make-up of our society, and increasingly of our classrooms. Hooks explains that just like students, most faculty conceptualize classroom space as where a "professor lectures to a group of quiet students who respond only when they are called on."[313] While many want the classroom to be "safe" space for all to participate, few realize how they

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[312] See, for example, Michael Prince, "Does Active Learning Work? A Review of the Research," *J. Engr. Education* 93, no. 3 (July 2004): 223–231; Bryan K. Saville et al., "A Comparison of Interteaching and Lecture in the College Classroom," *Journal of Applied Behavior Analysis* 39, no. 1 (2006): 49–61.

[313] bell hooks, *Teaching to Transgress: Education as the Practice of Freedom* (New York: Routledge, 1994), 39.

are not creating the right atmosphere for it. Hooks continues, “The experience of professors who educate for critical consciousness indicates that many students, especially students of color, do not feel at all ‘safe’ in what appears to be a neutral setting. It is the absence of a feeling of safety that often promotes prolonged silences or lack of student engagement. Making the classroom a democratic setting where everyone feels a responsibility to contribute is a central goal of transformative pedagogy.”[314] Hooks argues that the desire to make classrooms “safe” places is misguided when many of the discussions necessary to liberatory pedagogy do not make people feel safe, are not safe but are risky—a riskiness, or vulnerability, that we should not avoid but should acknowledge and even cultivate if we are going to be open-minded, open-eared and open-hearted, listeners. Instead of “safe” spaces, hooks argues that faculty should generate a “feeling of community.” It is likely that these communities will not be quiet spaces. While reciprocal respect is necessary for the community to foster good communication, and learning, respect does not have to look like a quiet room of students all facing toward the professor, raising their hands for turns, and passing all comments through the professor. Students might also work in small groups, respond directly to each other, or even take turns leading discussion.

It is these feelings of community in each classroom, and hopefully across campus, where everyone is responsible to participate, where everyone can contribute (and no one has to know everything, not even the professor[315]), that engages practices for, alongside Townley, valuing epistemic interdependence as well as providing opportunities to, following Danielle Allen, talk to strangers. In classrooms where everyone is speaking, students are not only listening to the

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[314] Ibid.

[315] Professors can model epistemic interdependence, as well as navigating through multiple sources and choosing between experts, by acknowledging when they do not have an answer to a question. The class can together search for an answer or make finding one a task to occur before the next class. Something similar can happen in admitting mistakes as well. Students can see that some errors are revelatory but also that mistakes can be productive and that we can correct mistakes, if we stay open to doing so.

professor, they must also listen to each other. In a dialogue with philosopher Ron Scapp in *Teaching to Transgress*, bell hooks points to the importance of cultivating students' voices. Scapp responds by reminding hooks and the audience that it is a "fundamental responsibility of the teacher to show by example the ability to listen to others seriously."[316] And they are clear that these discussions are not "anything goes" chats but can be rigorous and critical too. Just because a teacher is not teaching a particular set of thoughts does not mean he cannot help students distinguish between better and worse thoughts, between those that are defensible or supportable and those that are not.

In-class discussion affords students participatory opportunities of the sorts Christopher Hookway points to in an essay critically endorsing Fricker's call to fight epistemic injustice. Hookway (whom Townley also cites precisely to point out his valuable educational examples) uses classroom situations to challenge Fricker to think not merely from an "informer perspective" that focuses on speakers making assertions (and listeners disrupting that possibility) but to take a more general "participant perspective" where all communicative contributions are sites of possible justice or injustice. The sorts of participation Hookway considers include not only raising questions, as we noted in Chapter 1, but also offering suggestions, making counterpoints, and making assertions. Hookway references research on gender disparities in teacher's hearing male and female students asking questions as making contributions rather than merely seeking clarification or more information: "The student may suffer an injustice because, under the influence of damaging stereotypes, the teacher fails to recognize the student as a possible participant."[317] He also notices the ill effects of prejudicial judgments against shy students who rarely pose questions or offer examples such that "if the teacher associates such silence with students of a particular gender, or with students with other

[316] hooks, *Teaching to Transgress*, 150.

[317] Hookway, "Some Varieties of Epistemic Injustice," 156.

distinctive, highly visible characteristics, the expectation of such silence may lead (not necessarily with the aid of shyness) to the acquisition of such habits [of classroom silence]."[318]

Perhaps some students are just shy, quite possibly even some shy students are also women of color. But faculty must be self-reflective enough to resist making prejudicial judgments about students; they must be open-minded and open-eared in guiding discussions and discussants, for they must take seriously wide-ranging sorts of contributions that come in many forms while resisting drawing (often negative) conclusions about silent students without good reason or proper evidence, and not from unwarranted, invidious stereotypes. Even more, though, professors need to take responsibility when their classrooms reveal patterns of white males dominating conversation. Carrie Yang Costello's study of professional identity development in graduate schools revealed patterns of professor behavior likely not matching what they expect of themselves. In the law professors she observed, Costello notes that they know the names of their male students earlier in the semester than the female ones, and refer to men by name more often than women. The professors are also more likely to be more critical of the style of communicating answers by women, especially women of color, than men, focusing on what they do wrong rather than correctly.[319] Professors have to become more alert to and correct for how we might contribute to shutting down conversation or excluding some speakers and productive ways of speaking. We should consider: What might I be doing to set up that community? Does who I call on or how I respond to comments and questions validate traditional communicative forms at the expense of others? Do I make eye contact with some but not others? How do I handle situations where student comments are hostile to the speaking, or the very identity, of other persons (whether those people are represented in the class or not)?

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[318] Ibid.

[319] Carrie Yang Costello, *Professional Identity Crisis: Race, Class, Gender, and Success at Professional Schools* (Nashville, Tenn.: Vanderbilt University Press, 2005), 79–82; 171–81.

Might my syllabus reflect a bias that suggests certain people, views, or communicative forms are unwelcome? (More on that below.)

Students speak and listen not only in the classroom but also through writing. How professors evaluate student writing also contributes to developing listening skills and dispositions. Teachers assess student learning—and provide opportunities for the students to see for themselves what they know—through means other than writing, including participation in class as well as exams and other methods. Writing, though, most aids communicative practices because good academic writing is about participating in, contributing to, on-going conversations with other academics. Students practice making their own arguments in defense of theses they usually choose. Not only do they engage the authors of course texts but often do their own research. They are asked to find others with whom to converse. Academic writing is about constructing responses to others, and as such should follow from good listening; that is, good writing necessitates good listening insofar as the writer has to first read and comprehend what others have written before being able to construct a thorough and well-developed position of one's own. We do often emphasize the students' voices in their writing—that they must state and defend a position rather than summarize someone else's view. However, this emphasis often serves to distinguish academic writing from much of what they have been trained to do in high school. Nonetheless, we have to be careful to not over-emphasize the value of the writing (or speaking) position. Instead, we must teach that theirs are each one voice among, and in conversation with, many. Professors have all had the experience of reading poor student work that is poor for the lack of engagement with the ideas of others. Reading for the student writer's comprehension of others' ideas in the student's presentation, whether in agreement or disagreement, can work well as an assessment tool.

However, when students have only limited source material with which to engage, content decisions significantly affect how we educate for good listening. This is important not only for the students asked to engage with material that deems them inferior by virtue of their gender, ethnic, or class identity, which then justifies their being ignored or willfully misunderstood when they speak, but it is also a problem to teach a false superiority to others who then do not think they need to or have to listen to others.

Contents

What topics and materials professors bring to their various classroom aims and methods present some of our clearest concerns for educating listeners responsible for hearing various speakers and claims. In Chapter 1 we introduced Lucius Outlaw's identification of white ignorance in undergraduate and graduate philosophy programs that still regularly credential scholars who have never read texts by anyone but white males, even in American philosophy specialties. We also recall from Chapter 2 that absences from texts and courses, from general curricula, are examples of what I termed incidental silencings (being routinely or systematically ignored or misunderstood) wherein some contributions are outright ignored or undervalued. We have seen how some speakers are granted or denied credibility and authority out of familiarity and habit rather than from the presence or absence of skill or expertise. We teach who is trustworthy, and who is not, early on when we give students some voices and examples more than others. If American history lessons consist only of political events performed by, and seemingly affecting, only land-owning white men, then those are who students will turn to today. If the storybooks and literature children and young adults read contain male heroes written by male authors, how can we expect anyone to listen to and understand other sorts of people well? Formal education makes up a significant part of what Peter L. Berger and Thomas

Luckmann term "secondary socialization" in *The Social Construction of Reality*. No one is "born a member of society. He [*sic*] is born with a predisposition toward sociality and he becomes a member of society."[320] The first step in the process is primary socialization wherein one learns about the world, mostly through learning language but also in developing emotional attachments and coming to understand the general roles and attitudes of members of the social world. Secondary socialization, which "always presupposes a preceding process of primary socialization,"[321] further internalizes the institutions of the world in which one is a member, especially the particular roles one will play, such as professor, Southern belle, or corporate CEO. It is in school that we form our earliest patterns of trust outside of our families and learn a basic cache of evidence; schooling gives us our first experts. Faculty in liberal arts traditions need to think seriously about who we ought to provide as experts for our students, who will model good democratic communication.

It is through decisions about what and whom to include, or exclude, in texts and as experts in classrooms that we cultivate students' listening habits and skills. One thing we can learn from Iris Young is that exposure to more kinds of evidence and argumentation, to more voices speaking from more positions in all sorts of bodies, will go a long way toward creating justice. In the 1954 landmark psychology study *The Nature of Prejudice* Gordon Allport reviewed the literature and concluded that

> Prejudice (unless deeply rooted in the character structure of the individual) may be reduced by equal status contact between majority and minority groups in the pursuit of common goals. The effect is greatly enhanced if this contact is sanctioned by institutional supports (i.e., by law, custom or local atmosphere), and provided it is of a sort that leads to the perception of common interests and common humanity between members of the two groups.[322]

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[320] Peter L Berger and Thomas Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge* (Garden City, N.Y.: Doubleday, 1967), 129.

[321] Ibid., 140.

[322] Gordon W Allport, *The Nature of Prejudice* (Reading, Mass.: Addison-Wesley Pub. Co., 1979), 281.

To be clear, contact is a necessary but not sufficient condition for reducing prejudice, and more specifically, "it is not the mere fact of [contact] that is decisive. It is the forms of resulting communication that matter."[323] Gunnar Myrdal came to a similar conclusion in his 1944 sociological study of race relations, *An American Dilemma*, as he argued about the harmful effects of racial isolation brought on by segregation and discrimination, socially desired and practiced but then also legally protected. After describing the ways that isolation, especially because it is discriminatory and reinforces patterns of superiority and inferiority, is harmful to non-white people, he made clear that "Whether they know it or not, white people are dwarfing their minds to a certain extent by avoiding contacts with colored people."[324] While better recruitment, enrollment, and retention practices can make classrooms more diverse and thus bring students into contact with others to combat prejudice, the course content can act as a contact-by-proxy, by exposing students to diverse texts—diverse in their authorship, style, position, etc. The syllabus can be a model for the standards of equality and inclusivity demanded of democratic communities. No one class can include everything, especially as courses become more advanced and thus also more specialized. But paying attention to, and even acknowledging in the classroom, what and who has been excluded (maybe include "for further study" sections on the syllabus or have them handy during office hours) goes a long way in taking responsibility for one's choices and likely leaves one a little more open to future change.

We must also pay attention to how these other voices and experiences are included. If we want to teach students to think and to resist the prejudices of our time, then we will have to be careful not to teach content that repeats, reinforces, or justifies patriarchy, white supremacy, and others forms of domination. We can achieve this in a variety of ways to varying degrees.

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[323] Ibid., 272.

[324] Gunnar Myrdal, *An American Dilemma: The Negro Problem and Modern Democracy*, vol. 2 (London; New Brunswick: Transaction Publishers, 1996), 644.

One common practice has been to add other sources to the existing curriculum, usually toward the end of the semester. The additive model works about as well with content as it does with student enrollment: not very well. Tacking on a few other voices at the end is the sort of tokenism Minnich shows to be insufficient: "Tokenism reveals not so much bad faith as a profound lack of understanding. Tokenism, after all, assumes that exclusion—which is an effect of complex hegemonic systems—is itself the problem. The assumption is that adding a few of those who have been excluded solves the problem, even though it actually leaves untouched the systems that, left unfixed, will go right on producing it."[325] Saving those tokens for the end of the course also reinforces the mistaken belief that there are no historical voices from the margins, only contemporary ones. Further, leaving those additions to the end sets the tone for how those others, in text and in the room, are valued. Another way to challenge dominating thinking is for professors to note the role such thinking plays in canonical figures or texts while still teaching them. This works best when other texts are also present though, otherwise, it leaves students confused about what to make of that information. As well, when the university gives only second-class status, as programs rather than departments or offering certificates instead of degrees, fields of inquiry on race, ethnicity, gender, and sexuality will continue to be reflected in the treatment of minority voices as less credible or less important. Because mutual respect and reciprocity are essential to successful communication, we need our educational practices to model for students what we expect in their own work as well as in their lives outside the academy.

Despite the failure of fully transformative practices of inclusion, some liberal arts practices are healthy and primed for success when curricula are transformed. Keeping in tact core requirements that provide breadth, which balances the depth of each student's major field

[325] Minnich, *Transforming Knowledge*, 70.

requirements, is one important way. When universities gut requirements in favor of allowing students to study only what the students know they are already interested in while easily avoiding topics and themes that might challenge them, universities do a disservice not only to students but to the entire community. We need encouragement and practice with listening to speakers and ideas or ways of speaking that seem foreign or disconcerting to us. We do not need to set an expectation that we should only consider what we want to consider; rather, faculty and administrators should accept responsibility for knowing better than students what is worth considering. My own Jesuit undergraduate education still serves me well. In addition to hours in humanities, math, science, a language, and some art, many introductory-level classes were comparative studies, thus beginning by introducing breadth to a particular field before narrowing focus in upper division courses. It is that, and even more, breadth and diversity that I wish for more students.

Taken together, the aims, methods, and contents of higher education at their best collude to create students with open minds and the skills and characters to participate in heterogeneous, interdependent, communicative communities. The very distinction between education and indoctrination is in the development of open minds rather than closed ones, whether it be through the right aims, methods, contents, or combinations thereof—or by appropriate use of the social power of teachers and other authority figures such as parents and ministers who could indoctrinate rather than educate. To indoctrinate is to close minds, to make them dependent on tradition or authority. To educate is to open minds, or as William Hare defines open-mindedness, to foster "critical receptiveness in which our willingness to consider new ideas is guided by our best judgment with respect to the available evidence."[326]

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[326] William Hare, "Is It Good to Be Open-Minded?," *Philosophy* 17, no. 1 (2003): 84.

Valuing Open-Mindedness

Hare defends the value of open-mindedness against critics who suspect and fear that an open mind is an empty, uncommitted, unfocused mind unable to make judgments or to be convicted. But those criticisms are straw versions of any reasonable view of open-mindedness. Being open-minded does not mean believing nothing, but it requires the willingness to learn new things and even adjust previously held beliefs. We must do the best we can with the evidence we have while knowing that more or new evidence (pro or con) could arrive (and should be sought). Hare considers open-mindedness an intellectual virtue, a way of rationally directing our curiosity between two vicious extremes.[327] And being open to new evidence and other positions does not entail agreeing with them; listening is not believing but makes possible consideration. Or, as Hare jokes, "a readiness to be surprised is not a willingness to be taken in."[328]

Communication studies scholar Graham D. Bodie also has a concern that too much emphasis on open-mindedness is asking too much of listeners, that it "is often a less efficient way to listen than listening in a more top-down fashion. That is, there is a myth that we can and should *always* listen with unbiased ears."[329] He substitutes for general openness an attention to the goals and objectives of the conversation, to making conscious choices about where to focus our attention, and to know which situations call for listening in biased or unbiased ways. I think Hare's explanation of open-mindedness helps here also, for Bodie is approaching a straw position about the degree of openness one must maintain, especially since, like our focus here, most research on listening is concerned with situations lacking it or where listening is difficult

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[327] Ibid., 87n60.

[328] Ibid., 79.

[329] Graham D. Bodie, "Treating Listening Ethically," *International Journal of Listening* 24, no. 3 (October 5, 2010): 186.

because of differences between communicators and their ideas. The absence of good listening between friends or in contexts of entertainment does not result in patterns of exclusion.

The value of openness, and the problem of closure, is particularly present in the works of both Lewis Gordon and Elizabeth Minnich. While neither linger on these concepts, they are central to each of their projects to rethink the structures and practices most conducive to thinking and valuing human beings in higher education. Although already operative in previous works, Gordon defines closure in "Sociality and Community in Black," as an act wherein "one ends a process of inquiry. In effect, it is the judgment 'say no more.'" Instead, maintaining a stance of epistemic openness, "the judgment 'there is always more to be known,'" is essential in philosophy and the human sciences, where human beings—living, changing, affected and affective beings—are the subjects and objects of inquiry.[330] In Gordon's *Disciplinary Decadence* the importance of openness becomes most clear as he criticizes increasing closure in the academy today with decreasing concern with human worth and increasing concern with human capital. Gordon explains that rigor comes from staying open to the inherent incompleteness of human epistemic projects.[331] This idea is quite contrary to many popular views of rigorous inquiry wherein one seeks to establish clear and distinct ideas that cohere and stand up to scrutiny. A theory of everything as such would, according to Gordon, have to be a bad faith denial of the humanity—past, present, and future—of those living in the system. Insofar as we are incomplete, so too must be our accounts of ourselves and our worlds.

A similar view of the open-endedness of human existence informs Minnich's work in which she argues not against universals but against *faulty* ones. Universals are organizing ideals that point us to possibilities larger than what we can achieve but should still strive for; they are

[330] Gordon, "Sociality and Community in Black: A Phenomenological Essay," 118.

[331] Lewis R. Gordon, *Disciplinary Decadence: Living Thought in Trying Times* (Boulder, CO: Paradigm Publishers, 2006), 18–19.

our best possibilities as guides for thinking and acting. When we think we have come to know for now and forever what is right and good, we are usually quite mistaken and close ourselves off to correction and improvement. Epistemic closure is what happens when one thinks there is enough information to draw a firm conclusion, one which generally need not be re-examined even when more evidence is available. This can happen with empirical and theoretical research as well as in mundane life experiences. We all need concepts and categories. Where we go wrong is in misapplying them or in having too few and cramming in evidence that does not fit.

Open-mindedness thus has political, existential, and epistemic value, as does inclusion. Because human life is diverse and on-going we need to consider multiple viewpoints and evidence, we need access to and skills to find, or create, world-pictures. Of course, even if we teach good listening skills, we cannot guarantee that people will use them. However, hopefully if the skills are taught inside of a well-rounded democratic liberal arts system that provides students with ample participatory opportunities, they will develop and nurture not only the skills but the motives or incentives for responsible listening and for good communication.

CONCLUDING

REHEARSAL

Most of our social interactions are communicative. Much of our time is spent communicating for all kinds of purposes. Children grow from tiny dependent infants, who only makes sounds or gestures, by learning to "use your words" to express desires, needs, and feelings. Teenagers—and plenty of adults—share secrets and gossip to feel connected and important to others. Some perform plays on stage or recite poetry to entertain and enlighten. Some give stump speeches to be elected or lead political rallies to motivate citizen action. It is in communicating that we become members of and maintain or transform those communities. As good Schuzteans, Berger and Luckmann remind us that our "relations with others are not limited to consociates and contemporaries. [We] also relate to predecessors and successors."[332] We have the power of voice, to express our needs and preferences, our points of view, and our very selves. Listening to others, though, is powerful too. Listening is an important and effective way to connect with others, to learn not only what they know but also who they are. People too often listen only for the quid pro quo chance to be heard, but they are missing out, as well as mistreating speakers. We are a self-absorbed culture, obsessed with agency and self-assertion. Consequently, we do not often enough value or practice listening to others, preferring to speak while expecting others to listen.

Even our laws and legal discourse reflects and promote this focus on speaking rather than on communicating. That focus not only makes for poor listening but it inhibits realizing some very democratic principles the laws are supposed to defend. Part of the value in

[332] Berger and Luckmann, *The Social Construction of Reality*, 33.

protecting and encouraging expression is for the sake of listeners, not only protecting speakers. In performing our duties as democratic citizens, we need to be well-informed, not mouthy. J. S. Mill reminds us that questions of censorship are about exercising authority, not over what can be said, but to "Determine what doctrines or what arguments [the people] shall be allowed to hear."[333] And yet we usually talk about free speech; our legal, political, and philosophical discourses are not about the people speaking. We mostly discuss the products of speaking, the speech, words, or utterances, which further diminishes the power of speaking as well as more easily avoids thinking about the people listening to all that speech. Talk about speech, rather than about speakers and speaking, blunts the ongoing, interactive relationship between communicators, a relating that has purpose beyond just the transmission of words or ideas.

This project aimed to refocus on the whole of communication not only by a shift in terminology that reinforces attention on communicative activities of *persons speaking and listening* but also by attending especially to the listening side of communicating. To understand the role listeners play in successful communication I worked from Miranda Fricker's normative epistemology, bringing together political and moral concerns with epistemic issues. Fricker changed philosophical conversations by advancing the concept of "epistemic injustice," not distinct from the traditional concept of injustice but a particular mode of injustice that harms essential social interactions of being trusted as a testifier of knowledge. She names two: "Testimonial injustice occurs when prejudice causes a hearer to give a deflated level of credibility to a speaker's word; hermeneutical injustice occurs at a prior stage, when a gap in collective interpretive resources puts someone at an unfair disadvantage when it comes to making sense of their social experiences."[334] The bulk of her work describes and combats testimonial injustices with only the last chapter devoted to hermeneutical injustices. I hope I

[333] Mill, *On Liberty*, 19.

[334] Fricker, *Epistemic Injustice*, 1.

have followed Jose Medina and Linda Alcoff in supportively thinking through Fricker to find hermeneutical injustices prior to or foundational to testimonial injustices. Medina writes "there cannot be testimonial justice without hermeneutical justice. … However, hermeneutical justice does not guarantee testimonial justice [because] … hermeneutical justice is a necessary but not sufficient condition for testimonial justice."[335] Any testimonial event occurs in a particular context organized by a range of hermeneutical possibilities, and epistemic exclusion is often so severe as to prevent participation in meaning making generally rather than in a moment or event here or there.

This more general account of epistemic injustice uses Fricker as a bridge between political philosophers—especially other feminists attentive to intersections of gender with race, class, sexuality, and other social identities—and normative epistemology. I placed myself solidly in the tradition of Iris Marion Young's identification of communicative injustices that have gone unnoticed and will persist despite the well-intended commitments of deliberative democrats. That placement does not undermine the epistemic force of Fricker's work. To bolster it even more, and to achieve the political end of equal inclusion in communities, I endorsed Cynthia Townley's efforts to reset epistemic value as not only aimed at autonomous individuals producing and justifying knowledge. Rather, Townley argues, "A properly community-based epistemology must attend to relationships between knowers characterized by trust, respect, and credibility" and nurture not only intellectual virtues but also "empathy, cooperation, deference, discrimination, discretion."[336]

In this aligning of some feminist studies of language and communication with epistemic studies of knowledge transmission, we have located listener responsibilities. First, feminists, especially those attempting to censor pornographers, have noticed how speakers are at the

[335] Medina, "The Relevance of Credibility Excess in a Proportional View of Epistemic Injustice," 27–28.
[336] Townley, *A Defense of Ignorance*, xviii.

whims of hearers, especially when what one is attempting to communicate is an assertion of one's bodily integrity and thus need listeners to comply. Much of the time seeking but failing at mutual understanding does not result in physical harm to the speaker (or listener). Nonetheless, fundamental to participating in full community membership is being able to be heard and understood, but that participation can be thwarted by listeners who simply refuse to listen, who insult speakers, and who willfully misunderstand speakers' contributions. On the other hand, epistemologists investigating testimonial knowledge have noticed how listeners are dependent on speakers. We must trust others, not only because testimonial knowledge is more efficient than knowing everything for oneself through reason or perception, but because there are things we cannot know directly.

Both the feminists concerned with language and the epistemologists investigating testimony make compelling points about the relations between speakers and listening. Communicating is a vulnerable activity for both parties, and we are each speakers and listeners at different moments. When we are speaking, when we have something to say, we really want and need that others will hear and understand (and even agree with) us. When we are in need, when we lack information, we depend on others to provide it. Too often, though, philosophers, political theorists, and rhetoricians are concerned only about what speakers can and should do; we only value the speaking position. Eugene Garver explains that the mistake began at the very beginning, with Aristotle. He identifies a "real deficiency in Aristotle's *Rhetoric* that while he talks about the rhetorical virtues of speakers, he had nothing to say about the virtues of an audience."[337] Nonetheless, the *Rhetoric*, in addition to the *Politics* and the *Ethics*, is still an important reference for trying to do so now. Similarly, Susan Bickford shows how "we do get

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[337] Garver, *For the Sake of Argument*, 32.

implicit advice about specifically rhetorical listening by reading the *Rhetoric* in reverse."[338] Having rebalanced communicative responsibilities between speakers and listeners does nothing to lessen the duties of speakers. Listeners too have duties, so speakers are not alone in their communicative endeavors. Still, speakers are not let off the hook.

As well, acknowledging listener responsibility does only so much to actually improve listening. We are poor listeners in general because we do not value listening and spend little time or effort on listening to others. Research shows that even in classrooms only 7 percent of instruction is about improving listening and only 5 percent of curricula have dedicated time for teaching listening.[339] We are poor listeners in ways that lead to invidious epistemic injustices, though not because we do not educate students in listening, but, because we are mis-educating students into prejudiced trust and credibility assessments. All the classroom lessons on good note-taking or listening for themes instead of facts or emotional words will not suffice to change the climates of trust and distrust cultivated by educational programs that reproduce and reinforce the superiority of some people and the inferiority of all the rest. Just as we cannot simply add speakers to the polis and expect communication to work, we cannot add students to schools and think they are being educated as free and equal citizens. Educational programs can become a means of valuing listening and learning to judge (un)trustworthiness when we transform them into models of inclusive democratic communities. We transform communities by transforming schools, and we transform schools because we are committed to valuing and listening to all community members.

This is only the beginning. The agenda can be furthered in at least four directions. First, more exploration of the relationship between listening and tolerance can contribute to understanding the importance of listening in democratic communities. Chapter 1 offered a hint

[338] Bickford, *The Dissonance of Democracy*, 51.

[339] Beall et al., "State of the Context," 128.

of this in my interpretation of Young's notion of reciprocity being compatible with Popper's view on tolerance. In what sense is a commitment to tolerance best met through attentive listening? Is the refusal to listen always an instance of intolerance or sometimes only indifference, which, Bernard Williams reminds us, is not the same as tolerance?[340] Are the limits of obligations to tolerate and to listen the same?

Second, if the social science research on undetected rapists, and my interpretation of that research, are correct, then feminists have much work to do to rethink the sorts of miscommunication that, while not leading to crimes (because those are instances of communication that do not fail but is ignored or eroticized), often lead to confusion and hurt (and often to unsatisfying sexual encounters) that impede feminist agendas. Where pro-censorship feminists seek to "transform" communicative conditions by silencing pornographers so that, presumably, women's voices can be heard, and where most sex positive feminists take up existing sexual frameworks in the name of agential female desire, I want to explore possibilities for reconsidering sexual communication in a framework of rebalanced responsibilities between partners as both speakers and listeners.

Third, climates of trust and distrust affecting our epistemic, political, and moral interactions are informed not only by our educational curricula but by the government and commerce. In a commentary on Fricker, Linda Alcoff questions the degree to which identity prejudice is to blame for credibility deflation noting that

> the withholding of credibility is indeed a systematic trend in market-based societies where there is an encroachment of advertising culture—a culture that is structurally incapable of being sincere, accurate, or truthful—in the public sphere … which also has infected political exchange in the public sphere to such an extent that a voter who believes what a candidate or public officer says at face value is held up to ridicule for extreme naïveté.[341]

[340] Bernard Williams, "Toleration, a Political or Moral Question?," *Diogenes* 44, no. 176 (January 1, 1996): 35–48.

[341] Alcoff, "Epistemic Identities," 132–33.

How can we expect communicators to trust each other, or to become political friends, when our social perceptions are tainted by the predominance of unreliable strategic communications from corporations and even our governmental representatives? What must we do to not just insist on the importance of, but actually facilitate, the talking with strangers necessary for democratic communities? When we begin to make some changes, as we have in education, the response of growing numbers of families is to exit, not only public, but also shared private schools. The distrust between parents and teachers is reaching epidemic proportions such that education might not be able to cultivate good listeners. Thus, we need to figure out how we might rebuild trust in (public) education in the US.

Finally, in a project that aimed to revalue listeners and listening, I concluded with a call to educators. While that call necessitates more speakers in the classroom and better listening from teachers, I still focused on the traditional speaking position of the one with the most and best knowledge to share. While any discussion of the aims of education entails considering students, to take seriously that listening is an activity that contributes to the success or failure of communicating should entail taking seriously the active role of students in classrooms. A more explicitly student-focused philosophy of education could contribute much to rebalancing responsibilities and transforming communicative conditions inside and outside the classroom. What do, and should, students want as educational goals? What happens when educator and student aims conflict? What methods, inside and outside the classroom, should students use to get the most from their education?

To value openness means that there is always more work to be done, always something else to consider, and evidence to look and listen out for. Just as Dewey explains how education makes possible more education, Berger and Luckmann remind us that “socialization is never

complete."[342] For now, though, I have had my say. So, I will pause here and become again the listener.

[342] Berger and Luckmann, *The Social Construction of Reality*, 147.

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