



The Adultification of Black Girls as Identity-Prejudicial Credibility Excess

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Abstract

On Miranda Fricker's influential account, the central case of testimonial injustice occurs if and only if the speaker receives a credibility deficit owing to identity prejudice of the hearer. Her critics have taken issue with her view, arguing that cases in which speakers are given more credibility than they deserve, may also amount to testimonial injustice. Furthermore, they argue, these cases cannot be captured by Fricker's account of objectification as the primary epistemic harm of testimonial injustice; rather, it is an account of othering that best captures a wide range of epistemic injustices. In this paper, I join Fricker's critics in advancing a novel case of testimonial injustice through identity-prejudicial credibility excess – the adultification of black girls in testimony-giving settings. When testifying, black girls are likely to receive a credibility excess with respect to adult topics such as sex and consent because they are perceived as older, more self-reliable, and mature than they actually are by the hearers. Nevertheless, when examining the girls' intersecting social identities defined by age, race and gender, it becomes clear that this constitutes an unjustly and prejudicially inflated estimation of their credibility. These cases also involve hermeneutical injustice since the identity-prejudicial credibility excess denies the victims a meaningful opportunity to make sense of their traumatic experiences of sexual assault. I conceptualize this compounded injustice as *testimonial obfuscation*, where an identity-prejudicial credibility evaluation (either in excess or deficit) causes an experience to remain unintelligible to the hermeneutically marginalized speaker.

Keywords Testimonial Injustice · Credibility Excess · Hermeneutical Injustice · Objectification · Othering · Intersectionality

Fricker (2007) argues that the central case of testimonial injustice occurs when 'a speaker receives an unfair deficit of credibility from a hearer owing to prejudice on the hearer's part' (28). In these cases, speakers are harmed in their capacity as knowers because they

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are treated as inert sources of information that lack epistemic agency. Fricker's critics have taken issue with her view, proposing that cases in which speakers are given more credibility than they deserve could also amount to testimonial injustice (Davis 2016).

In this paper, I join Fricker's critics in advancing a novel case of testimonial injustice through identity-prejudicial credibility excess – the adultification of black girls in testimony-giving settings. When testifying, black girls are likely to be assessed to be credible with respect to adult topics such as sex and consent because they are perceived as older, more accountable, and mature than they are by the hearers. Nevertheless, when examining the girls' intersecting social identities defined by age, race, and gender, it becomes clear that this constitutes an unjustly inflated estimation of their credibility, given the plethora of factors that may distort their understanding of their own lived experience. Important aspects of their subjectivity, such as histories of sexual abuse, appear to be ignored by hearers who are operating under adultification bias. Interestingly, in these cases, the credibility excess also leads to hermeneutical injustice since it robs the victims of a meaningful opportunity to make sense of their traumatic experiences of sexual assault. I conceptualise this compounded injustice as *testimonial obfuscation* and argue that its most distinctive harm is also compounded, in that the prejudicial credibility evaluation shapes the subjectivity and selfhood of the victims.

My discussion aims to contribute to the literature on epistemic injustice in several ways. First, it proposes a novel case of testimonial injustice via identity-prejudicial credibility excess. As I show, adultification cases pose a challenge to Fricker's claim that testimonial injustice only occurs when speakers receive a credibility deficit. Second, my central cases illustrate how testimonial injustice may be compounded by hermeneutical injustice and conceptualizes this as *testimonial obfuscation*. Though Fricker (2007) and Medina (2012) agree that this compounded form of epistemic injustice can occur, there have been few attempts to explore it in detail. Third, and relatedly, cases of testimonial obfuscation have interesting implications for discussions of the primary harm of epistemic injustices, since their distinctive wrong is also compounded. As such, I argue, prejudicial credibility evaluations, including those of inappropriate credibility excess, can function as tools of ideological conditioning, by making the victims conform to the subjectivity of the dominant group.

My discussion proceeds as follows. First, I offer a brief outline of Fricker's account of testimonial injustice and its primary harm. Second, I introduce cases of adultification of black girls in testimony-giving settings and argues that these amount to testimonial injustice via identity-prejudicial credibility excess. Third, I argue that these cases also involve hermeneutical injustice, and thus constitute instances of testimonial obfuscation.

1 Epistemic Injustice and Credibility Excess

Fricker (2007:28) argues that the central case testimonial injustice occurs when a speaker is seen as less credible because of prejudicial attributions of insincerity, irrationality, and incompetence on part of the hearer.¹ To illustrate this central case, Fricker draws on two examples. In the first, drawn from Harper Lee's *To Kill a Mockingbird*, Tom Robinson's

¹ Note that, on Fricker's view, there are other (non-central) forms of testimonial injustice that do not stem from an identity prejudice. To illustrate, she offers the example of a research panel that dismisses findings because they are prejudiced against the methodology used (2007:27).

claim to innocence is dismissed by the white jurors because of their racial prejudices, even when the evidence suggests he is innocent. The second example, from Minghella's *Talented Mr Ripley* movie highlights the testimonial injustice suffered by Marge Sherwood, who is seen as lacking credibility about her fiancé's disappearance because of her alleged reliance on 'female intuition'. Fricker defines negative identity prejudice as a widely held disparaging association between a social group and one or more attributes, where this association embodies a generalization that displays some (typically, epistemically culpable) resistance to counterevidence owing to an ethically bad affective investment (35). Most cases of identity-prejudicial credibility deficit involve gender, race, and class, and other social identities in virtue of which people may be seen as less sincere, competent or rational (28). The primary harm of testimonial injustice, particularly in its systematic form, is the objectification of speakers, which expresses a fundamental kind of disrespect for human dignity, specifically their capacity for reason (132); as Fricker argues, 'when someone suffers a testimonial injustice they are degraded *qua* knower, and they are symbolically degraded *qua* human' (44–5). Testimonial injustice also brings about secondary epistemic and practical harms, such as losses of self-confidence among speakers and even unjust imprisonment or even death (55).

According to Fricker, cases in which speakers are given an excess of credibility could not amount to testimonial injustice, since they lack its distinctive primary harm – the *objectification* of speakers. Giving a speaker inflated credibility amounts to an advantage, since it suggests that she is esteemed with respect to the knowledge she provides. So, credibility excess “does not undermine, insult, or otherwise withhold a proper respect for the speaker *qua* subject of knowledge” (20). Fricker notes that repeated credibility inflation may promote epistemic vices in speakers, by making them “develop such an epistemic arrogance that a range of epistemic virtues are put out of his reach, rendering him closed-minded, dogmatic, blithely impervious to criticism, and so on” (20). However, this does not amount to testimonial injustice, since the speaker is only harmed cumulatively, though repeated instances of being given credibility excess, rather than suffering an epistemic wrong in a particular exchange (21). In fact, she appears to suggest that central case of testimonial injustice² only occurs when (i) the victim is wronged in her capacity as a knower, (ii) the harm is not solely constituted by the cumulative effect of the injustice and (iii) it is systematic, in that it tracks the victim through different, wide-ranging dimensions of social activity (Luzzi 2016).

Fricker's dismissal of credibility excess as a basis for testimonial injustice has been met with several counterexamples. Medina (2011) argues that inflated credibility often comes at the expense of credibility deficits for marginalized speakers. Manne (2017:190) highlights the central role of testimonial injustice in hierarchy preservation, arguing that the inflated credibility of the powerful maintains ignorance and diminishes the epistemic authority of non-dominant group members. This becomes particularly salient in cases of sexual assault, where inflated credibility is often given to non-paradigmatic perpetrators, resulting in testimonial injustice for the victims (Yap 2017; Davis 2016) argues that marginalized speakers can be wronged via credibility excess regarding specific knowledge, based on prejudicial stereotypes of their identities, such as the belief that Asian-Americans are skilled at mathematics (492). Finally, Lackey (2020) argues that credibility excess may amount to testimo-

² On Fricker view, there may also be incidental cases of testimonial injustice, which are highly localized, lack structural social significance, and do not render the victims vulnerable to any other kind of injustice (27–8).

nial injustice in cases where false confessions are extracted from speakers whose epistemic agency has been subverted through manipulation or coercion.

The implication of the last two counterexamples, in which the victim's epistemic agency is affirmed, rather than denied, is that Fricker's account of objectification as the primary harm of testimonial injustice should be replaced by the idea of epistemic *othering* (Pohlhaus 2014; Davis 2016). In these cases, the speakers are treated as partial subjects rather than as objects even if their subjectivity is truncated; so, at least in these instances, Fricker appears to mischaracterize epistemic relations between speakers and hearers. Their proposed alternative, the *othering* view, holds that the relation between hearers and speakers who are partially recognized as subjects is best characterized as a subject/ other, rather than as a subject/object relation. On this view, the speaker is derivatized; her testimony is believed only insofar as it does not exceed the bounds of the perpetrator's subjectivity. The advantage of othering accounts is that they can account for cases in which marginalized speakers are given an excess of credibility (Davis 2016) and that they can explain why these testifiers are believed with respect to some topics but not others (Pohlhaus 2014).

In sum, I outlined Fricker's account of testimonial injustice and noted that her view does not cover cases in which a speaker may be harmed through a prejudice-motivated credibility excess. Next, I propose a novel case of credibility excess – the adultification of black girls in testimony-giving settings.

2 Adultification as Identity-prejudicial Credibility Excess

In this section, I highlight a distinct way in which identity-prejudicial credibility excess may directly harm the speaker in their capacity as knower and transmitter of information – the adultification of Black girls within the US criminal justice system. This pervasive trend, whereby black girls are viewed as more adult-like than their white counterparts by law enforcement agents, leads to significant racial and gendered disparities in terms of arrest rates, convictions, adult court trials and denials of leniency. Additionally, there are also distinctly epistemic harms which are caused by adultification, in cases where an overestimation of a child's age inflates her sincerity and competency with regards to particularly topics, thus amounting to a form of identity-prejudicial credibility excess. I argue that this case amounts to testimonial injustice because the adultified speaker is overly esteemed in her capacity as a knower and harmed qua subject and transmitter of knowledge in virtue of the inflated estimation.

Adultification “is a sociological process...of ‘role corruption’” whereby attributes, responsibilities and capacities normatively associated with adults are extended to children (Bousfield and Ragusa 2014: 172–73). The effects of this process are reflected both in the self-identification of children of colour as more adult-like (self-adultification), and in others' biased perceptions of them as older than they are (adultification bias) (Nanda 2012). Worryingly, this bias is pervasive within the criminal justice system, as law enforcement agents tend to see children of colour as “*less innocent and more adult-like than their white peers*, especially in the age range of 5–14.” (Epstein et al. 2017). For instance, Goff et al. found that police officers typically evaluate the ages of African American children, to be approximately four years older than their actual age (Goff et al. 2014: 532). Inflated perceptions of age are not only shaped by race, but also by its intersection with gender, as black girls are

vulnerable to being seen as adults based on stereotypes about black women, depicting them as defiant, aggressive, prone to criminality and promiscuity (Crenshaw et al. 2015).

Compared to white girls of a similar age, people think that black girls need less nurturing, less protection, less support, and less comfort (Epstein et al. 2017). Likewise, black girls are viewed as more independent and knowledgeable about adult topics such as sex, than similarly situated white girls. Within the criminal justice system, adultification may explain “the perception of Black girls as less innocent and more adult-like may contribute to *more punitive exercise of discretion* by those in positions of authority, *greater use of force, and harsher penalties.*” (id.) Black girls may also be mistakenly perceived as *more physically developed and older*, leading law enforcement to take harsher, more punitive measures toward them. As such, the adultification of black girls may lead to significant practical disadvantages, such as being more likely to be subjected to discipline for infractions that are more subjective in nature. For example, they are 3 times as likely as white girls to be penalized for “disruptive behaviour.” Black girls are also 2.7 times more likely than white females to be referred to the juvenile system, 1.8 times less likely to have their cases diverted, and 1.2 times more likely than white girls to be detained. Prosecutors exercise discretion to dismiss only three out of every ten cases for black girls but dismiss seven out of every ten cases that involve white girls (id.).

Beyond these practical disadvantages, adultification bias may also create distinctly epistemic harms in testimony-giving settings since it may serve to inflate the credibility of black girls. Consider the following cases:

Sex Trafficking A 16-year-old black sex trafficking victim is brought to testify against her trafficker who had subjected her to beatings, torture and sexual assault. In her testimony, she denies and minimizes these incidents, claiming that he only tried to encourage her to be better and more productive. Since the interrogators see her as more adult-like and competent about sex, they believe her statements about the trafficker, and as a result, his punishment is less severe than it would have otherwise been.

Consent A black 16-year-old girl is brought to testify against a black serial sex offender who raped her. When asked whether she consented to the sexual intercourse, she responds yes, because she is afraid that if she told the truth, she would get sexually assaulted again. Given the racial disparities in the criminal justice system, she also believes that it is her duty to protect the members of her racial group from legal sanctions and police brutality. The interrogators believe her since she had been sexually active for a few years, appears to be knowledgeable about adult topics and to understand what it is to consent, and she looks physically mature.

I argue that these cases involve testimonial injustice through identity-prejudicial credibility excess which ‘occurs when a speaker is assessed to be credible with respect to some bit of knowledge on the basis of prejudicial stereotypes associated with the speaker’s social identity’ (Davis 2016). Cases of identity-prejudicial credibility excess share several similarities with the central case of testimonial injustice. First, there is an assumption on part of the hearers that the racial and gendered characteristics of the speakers are a reliable indicator of their competency regarding adult-specific domains such as consent, sexual intercourse, or rights in criminal investigations. Given the pervasive adultification bias towards black

girls, the race and gender of the testifiers are taken as sufficient evidence of their knowledge and experience with sex, which leads hearers to see them as credible. Second, this credibility assessment is based on negative prejudices towards the social identity of the speakers, which are rooted in the US history of slavery, depicting black women as hyper-sexualized Jezebels, that seduce and exploit men, or as aggressive Sapphires that challenge authority, have frequent interactions with the police, and are unruly, unfeminine, and emasculating (Epstein et al. 2017). These negative stereotypes have lingering effects on the perceptions of black girls as more adult-like, and as not conforming to norms of white, middle-class, heterosexual femininity (id.). Third, testimonial injustice involves an inappropriate credibility assessment, different from what the speaker deserves. Jezebel or Sapphire stereotypes are usually unreliable as approximations of the knowledge of adult domains among black girls, the credibility excesses that result from them are often undeserved. Finally, the credibility evaluations are motivated by an ethically flawed affective investment, through the unwillingness or inability of hearers to recognize the individuality of the speakers. In the case of adultification, this is manifested in treating black girls as if they were black women, thereby denying them child-like innocence and special protections usually given to children.

Importantly, however, the adultification of black girls is different to Fricker's central case of testimonial injustice in a key respect, since it involves an excess, rather than a deficit of credibility. This suggests that her view of testimonial injustice needs to be broadened, as suggested by her critics. Evaluations of credibility are made across the two dimensions of competence, in that the speaker is rational, knowledgeable, and reliable, and sincerity, in that the speaker is believed to be telling the truth (Fricker 2007: 45). In both cases, the testifiers appear to receive an inflated evaluation of their sincerity, since they both appear to have justified true beliefs about themselves and their situation, but they are insincere because of perceived threats. In *Sex Trafficking*, the speaker protects her trafficker by truncating her testimony; her insincerity may be explained either by a perceived threat of retaliation from her abuser or through a genuine, though misplaced, desire to protect him. In *Consent*, the inflated evaluation of sincerity is even more obvious, since it is stipulated that the speaker lies because she is afraid of being sexually abused again and pressured to protect perpetrators from her racial group.

Interestingly, the fact that the speakers in the two cases are seen as sincere testifiers may also be motivated by inflated perceptions of their competence. Both are seen as competent with regards to adult domains of knowledge such as sexual intercourse, relationships, and consent, because they are perceived as more mature and through the lens of negative stereotypes which depict black girls as promiscuous. In *Sex Trafficking*, the speaker's testimony, that conceals her abuse, is judged to be sincere partly because she is seen as competent on matters relating to sex and as mature enough to participate in romantic relationships as an adult. Nevertheless, even if she has gained some knowledge about sex, she may still score low on the other dimensions of competency evaluations, by failing to give proper weight to evidence about how her trafficker treats her, or by holding inconsistent beliefs such as that the beatings she was subjected to were out of love. In *Consent*, the interrogators believe the minor testifier, since she appears physically mature and is sexually experienced, and so appears to understand what counts as consensual intercourse.

One question is whether, in these cases, speakers actually receive an excess of credibility as opposed to what they deserve. It may be argued that both girls have lived experience related to the topics they are testifying about, which could provide them with specific

evidence to inform their claims that is not available to epistemic agents from the dominant group. Furthermore, the fact that these girls are older teenagers might support the case for giving them more credibility, since, at this age, they are more resilient to peer pressure, suggestibility, and to police interrogation styles fit for adults (Carel and Györfy 2014). Nevertheless, when looking at the intersecting age, racial and gendered characteristics of the testifiers in cases of adultification, we find several factors that could distort their understanding of their own lived experience and obscure their lack of competency about adult topics.

First, looking at age, while the testimonies of teenagers are more reliable than those of younger children, they may still be less competent, reliable, or rational testifiers than adults (Warren and Marsil 2002). Furthermore, a 2001 study found that “children construct views of their own competences out of others’ appraisals of their performances” (Cole et al. 2001: 391). This suggests that the self-adultification of the teenage girls may be bolstered through positive and negative appraisals by close others. In the *Sex Trafficking* case above, the speaker had been assigned adult roles by her trafficker, presumably being praised when she performed well and subjected to beatings when she displayed behaviour that was more child-like. This was the case in *Sawyer*³, where the trafficker on trial had required the minor victims to learn how to wear makeup and high heels and to provide sexual gratification for clients, thus encouraging them to act and believe themselves to be full-grown adults. This may bolster the self-adultification of girls, making them speak more confidently about adult topics and appear more competent to the hearer, even when their understanding of their experience may be distorted (Lillywhite and Skidmore 2006). Finally, the *Consent* case suggests that feelings of duress should be factored into the credibility evaluation of the minor testifier, since she is perceiving threats both from her assailant and the interrogators. Both situations are objectively threatening, even for adults, but the perception of threat is likely to be heightened for the teenage testifier.

Second, given their race and gender, the victims in the cases above are more likely to have been subjected to sexual abuse, which may negatively impact the ways in which they make sense of their experience. A 23-year-long longitudinal study looked at the impact of sexual abuse on girls’ development, finding that they were more likely to experience earlier onsets of puberty, cognitive deficits, depression, dissociation, disruptions in sexual development, underdevelopment of the hippocampus, and a host of physical effects (Trickert et al. 2013). These girls frequently dropped out of high school, experienced post-traumatic stress disorder, and frequently engaged in self-injury. They were also more likely to abuse drugs or alcohol and to enter abusive relationships. This is because the psychological stress brought on by abuse can disrupt hormone development. Black girls experience sexual assault and trauma at higher rates than white girls, meaning this effect is compounded (Hargrove 2014). Histories of sexual assault and romantic relations with the perpetrators (*Sex Trafficking*) may also reduce the perceived severity of the abuse they endure (Pollard 1992). Moreover, the sincerity in testimony may also be compromised since girls of colour frequently do not report their assaults, especially if the perpetrator is themselves a person of colour (MCASA, 2013). This might be partially due to community pressure—perpetrators of colour are frequently treated much more harshly by the criminal justice system than white perpetrators (Eligon 2019). Black girls are also less likely to trust the police (Hurst et al. 2005). Under these conditions, they may perceive testifying against same-race assailants as unsafe and

³ Datquinn Sawyer, Petitioner, v. United States of America, Respondent., F.Supp. 3d, 2015 WL. United States District Court, ND Illinois Eastern Division. 2,147,969.

risky, since it is detrimental to their communities. In turn, this may lead black girls to self-silence because of the pressure to uphold the respectability of their group, a phenomenon which Dotson (2011) identifies as an example of *testimonial smothering*. This suggests that race and gender uniquely coincide to produce specific subjectivities, which are dismissed through the influence of adultification bias during testimony provision.

Although the testimonial injustice in cases of adultification occurs via credibility excess, it is important to note that children, women, and racial minorities are often subjected to deflated assessments of their competence and sincerity, because of stereotypes and prejudices. Given the intersecting social identities of the victims in the cases above, they may be particularly vulnerable to both credibility deficits and excesses, depending on how they are stereotyped in different contexts. For instance, in the 2008 child pornography trial of rapper R Kelly, who was acquitted, a juror stated that he did not believe the black women who testified because of how they acted and how they dressed. Acknowledging that credibility excesses can happen alongside a backdrop of stereotypes that also promote credibility deficits suggests that the faulty assessments of black girls' credibility constitute a kind of a double bind. So, cases of adultification cannot simply be addressed by deflating the credibility of the speakers, since that may itself constitute a form of testimonial injustice.

I argued that the adultification of black girls in testimony involves identity-prejudicial credibility excess, which amounts to testimonial injustice. These cases are distinct from Fricker's since they involve credibility excess rather than deficit. They are also distinct from Davis' account of unjust credibility excess, since they involve negative, rather than positive stereotypes. Finally, these cases are also not covered by Medina's view of the wrongness of credibility excess since the speakers are directly harmed through prejudicial inflations of their own credibility.

3 Testimonial Obfuscation

So far, I have presented the adultification of black girls in testimony-giving settings as a novel case of identity-prejudicial credibility excess which amounts to testimonial injustice. In this section, I argue that in these cases the prejudicial allocation of credibility leads to hermeneutic injustice as well and conceptualize them as instances of testimonial obfuscation. This suggests that cases of adultification involve a compounded epistemic harm. When credibility excess rob vulnerable victims of a valuable opportunity to make sense of their traumatic experience, they function as a positive reinforcement tool that conditions them to conform to the dominant subjectivity.

Before I proceed, allow me to briefly define the second kind of epistemic injustice and its related concepts. According to Fricker (2007: 155), *hermeneutic injustice* involves 'having some significant area of one's social experiences obscured from collective understanding owing to a structural identity prejudice in the collective hermeneutical resource'. Before the further clarification of this definition, it would be useful to illustrate the central case of hermeneutic injustice with an example drawn by Fricker (e3) from a memoir of the women's liberation movement: Wendy Sanford, an upper-class republican, recounts her experience of participating in a feminist seminar at MIT, where she heard other women talking about postpartum depression. This discussion made her realize her post-birth experience, which she had blamed herself for, which her husband had blamed her for, which the medical estab-

lishment had dubbed as a form of hysteria, was not only a common occurrence among women, but one that was caused by physiological factors and social isolation. Sanford, Fricker argues, was the victim of hermeneutic injustice.

Though Fricker herself does not clarify the concept of *hermeneutic resources*, Mason (2021) defines them as the cognitive and linguistic tools, such as concepts and words, that we use to understand the world and to communicate with one another about it. Hermeneutic resources, then, are shared meanings on which the members of a culture can draw to make sense of their experience and to articulate their understanding to others (Romdenh-Romluc 2017). Women like Sanford lacked the concept of post-partum depression and, as such, they were unable to properly understand their post-birth experience of mood swings, low energy, or extreme sadness. The women that she encounters had developed the hermeneutic resources to be able to articulate their experience to one another, but, outside of that feminist enclave at MIT, they were unable to communicate these to others, especially to men, who lacked the conceptual tools to understand them.⁴ This indicates a gap in the collective hermeneutical resources that prevents most people, including Sanford herself, to understand the normative significance of her experience.

This gap in collective hermeneutical resources results from the *hermeneutic marginalization* of non-dominant groups. As a result of structural inequality, cultures are organized hierarchically, meaning that the dominant group has an unfair advantage in structuring collective social understandings, for instance, because, historically, they have had control over the creation of medical concepts. In contrast, the members of non-dominant groups, have been subordinated and excluded from practices that generate social meaning. So hermeneutical marginalization involves ‘unequal hermeneutical participation with respect to some significant area(s) of social experience’ (Fricker 2007: e7). Often, the victims are not only marginalized hermeneutically, across a wide range of aspects of social activity – political, socio-economic, educational, and occupational. In these cases, which are most relevant for my purposes, the resulting hermeneutic injustice is systematic, persistent, and part of a broader pattern of structural injustice, where the gap in hermeneutical resources is generated by an identity prejudice.⁵

According to Fricker (2007), the primary, epistemic, harm of hermeneutical injustice is ‘a situated hermeneutical inequality’, through which its victims are left unable to make sense and to intelligibly articulate lived experience which would be in their interest to understand. Hermeneutic injustice is discriminatory, since the marginalized speakers suffer a systematic deficiency in understanding their own experiences, which can lead to secondary epistemic harms, such as losses to their epistemic self-confidence, and to practical harms as well (Pudifoot, 2020). Although the members of the dominant group also lack the hermeneutical resources to understand the experiences of marginalized knowers, they are not disadvantaged by this cognitive deficit. For instance, men who engaged in sexual harassment, prior to the introduction of the term, benefitted from the hermeneutical lacuna since they were able to frame their behaviour as harmless ‘flirting’, to accuse the harasseses of being uptight

⁴ It is important to note that several theorists have pointed out that the members of marginalized groups can develop non-dominant hermeneutic resources to understand their experience and articulate to other group members. Nevertheless, since these resources are not accessible to the dominant group, they are unable to intelligibly articulate these experiences outside of their group. See Mason (2011).

⁵ According to Fricker (2007), there can also be cases of incidental hermeneutic marginalization, which occur fleetingly and/or within a highly localized patch of the knower’s experience.

and humourless, and to keep their conduct unchallenged. In addition to this discriminatory aspect, Fricker argues that, in some contexts, the primary harm of hermeneutic injustice is that it can constitutively or causally shape the construction of selfhood. In other words, this kind of injustice can mean that the victims are socially constituted, ‘and perhaps even caused to be, something they are not, and which it is against their interests to be seen to be’ (e20). To illustrate, Fricker offers the example of gay man growing up in 1950s America, who must contend with powerful, authoritative constructions of the Homosexual as a sickness or as a stage on the road to normality.

With this account of hermeneutic injustice in place, we can begin to see how it comes up in cases of adultification. Black women have historically been marginalized, not only hermeneutically, but also in most key aspects of social life. Consequently, they are often the victims of hermeneutical injustices, because the prejudices against their race or their gender structure the collective hermeneutical resource pool, often through the compounded effects of these socially salient characteristics. For instance, Collins (1990: 76–7) argues that controlling images depicting black women as Jezebels or Mammies, perpetuate oppressive stereotypes and permeate shared hermeneutical resources, to make racism and other forms of injustice seem normal and inevitable parts of social life. The age of the victims in cases of adultification may also put them at a further hermeneutic disadvantage, which is especially visible in policy areas such as healthcare, social care, and law enforcement (Carel and Györfy 2014).

The traumatic nature of the victims’ experience and the way in which it is portrayed through our shared hermeneutical resources may increase the vulnerability of the girls to hermeneutic injustice. Jenkins (2017) argues that victims of sex-related offences often find it difficult to conceptualize their experiences and to view themselves as victims because of pervasive myths about rape and the stigma that is attached to testifying in these cases. Given their ages, the girls will likely possess concepts of rape or sexual abuse, which are widely shared and included within the collective hermeneutical resources. The problem, however, is that they are unable to use these concepts to process, understand, and articulate their own experience. According to Mason (2021), some cases of hermeneutical injustice involve failures of concept possession (as in the Sanford case), whereas others involve failures of concept application. In these cases, she argues, ‘subjects possess the requisite concepts but fail to apply them in ways that illuminate the nature and normative significance of their social experiences’. So, even before they are brought in to testify against their assailants, the girls are (likely) victims of hermeneutic injustice which prevents them from applying shared concepts of rape and sexual abuse to their experience and from viewing themselves as victims.

As Fricker (2007: e12) argues, cases where a speaker must testify about an experience that is unintelligible to her, raise the grim possibility that hermeneutical injustice might be compounded by testimonial injustice. Hermeneutical injustice can occur both at the moment when the experience of sexual abuse takes place, because the victim fails to apply the interpretive resources to see herself as a victim, and in the moment when she attempts to communicate the knowledge that she has about her experience (Goetze 2018). In this case, I argue, the identity-prejudicial credibility excess denies the victims a meaningful opportunity to make sense of their experience. Testimony plays a key role in the recovery of the self after a traumatic event, particularly incidents which involve sexual objectification. Brison (2003) argues that in being given a safe space to piece together and narrate one’s experience, the victim becomes re-subjectified and restores her sense of self. To properly make sense of

one's experience as a victim through testimony, speakers require a recognitive response, through which the hearers recognize their victimhood. This is even more crucial in cases where the hearers are agents of law enforcement because they hold the power to establish that sexual assault is a crime and that the speakers ought to be protected. Furthermore, in cases of younger testifiers, adult hearers should understand that burgeoning knowers may unsuccessfully attempt to convey important information because of hermeneutical lacunae. In these cases, the hearers ought to exercise epistemic virtues and specialized modes of listening, by sensitively probing the testimony of the burgeoning knower (Carel and Györffy 2014). So, it is problematic that, in both examples, the black girls are brought in to testify against abusers, that both hide the truth and ultimately protect the assailants, and that their testimony is believed to be accurate and not probed any further. The interrogators are displaying epistemically culpable resistance to counter-evidence – that, given their age and intersecting social identities, the girls might hold inaccurate beliefs about abuse that they endured.

Such cases, I propose, involve *testimonial obfuscation*, where an identity-prejudicial credibility evaluation (either in excess or deficit) causes (or contributes to) an experience to remain unintelligible to the speaker.⁶ The girls have few opportunities to make sense of their experience of sexual assault because these abuses are ongoing, because they may lack a support network, or because they are manipulated. Police testimony would be a crucial chance to process what has happened to them in a safe space, with hearers that can recognize them as victims and protect them. However, they cannot see themselves as victims in need of protection and healing because the interrogators fail to recognize them as such, but instead see them as mature, competent, and self-reliant in virtue of adultification bias. The dominant narrative depicting them as mature women, competent about sex and capable of consent, provides a readily available explanation for their traumatic experience. As Fricker (2007: e17) argues, even if such a distorted understanding does not fit the experience, it holds power over the victims because the alternative, the arduous process of re-subjectification and healing, would be lonely and difficult.

Since testimonial obfuscation occurs in a compounded way, both through testimonial and hermeneutic injustice, it will exhibit some of the primary harms of both. According to Fricker, the primary harm of testimonial injustice is epistemic *objectification*, through which the speaker is “demoted from subject to object, relegated from the role of active epistemic agent, and confined to the role of passive state of affairs from which knowledge might be gleaned” (132). In viewing speakers as sources of information, rather than as informants, we treat them as if they were epistemically inert, lacking epistemic agency, much like ‘a felled tree whose age one might glean from the number of rings’ (132–3). Arguably, the victims in cases of adultification are treated as informational instruments, even if the information they are being instrumentally deployed to produce pertains directly to their experiences. Furthermore, the girls might well be objectified in other ways, as suggested by a Nussbaum-inspired pluralist account of epistemic objectification, as proposed by McGlynn (2020). On this view, they are objectified through the denial of subjectivity, since the interrogators do not probe further into their feelings and experiences as minor potential victims

⁶ This case illustrates Medina's (2012) point that hermeneutical injustice can be, to some extent, agential. Certain institutions and people in positions of power, such as law enforcement agents bear special hermeneutic burdens. In this case, where the victims are minors and particularly vulnerable, the hermeneutic responsibility of the interrogators is even weightier.

of sexual assault. The primary harm in these cases may also be analysed in terms of fungibility, since the victims are treated as identical with black adult women. The prejudice leads the interrogators to ignore the distinction between the epistemic agency of a black girl and the epistemic agency of a black woman, seeing them as interchangeable, regardless of maturity.

These cases may also be analysed through the othering account of the primary harm of testimonial injustice.⁷ Pohlhaus (2014) argues that speakers who are given a credibility deficit are not being treated as full objects, but rather as partial subjects. According to her view, the primary harm of testimonial injustice is *derivativization*, through which speakers are “relegated to the role of epistemic other, being treated as though the range of one’s subject capacities is merely derivative” (107). Following Cahill (2011: 32), Pohlhaus argues that to derivativize is to portray, render, understand, or approach a being solely or primarily as the reflection, projection, or expression of another being’s identity, desires, fears, etc. The epistemic others are only recognized as agents within the bounds of the perpetrator’s lived experience, while being denied opportunities to contribute epistemically in ways that surpass or challenge the dominant subjectivity. In being given an excess of credibility for a distorted, truncated testimony, the girls are only receiving recognition as knower when they convey aspects of their subjectivity that support the prejudices of interrogators. The epistemic interaction can thus be analysed through a subject/other relation since the marginalized victims are only believed when they align their testimony with the dominant subjectivity and are prevented from accessing adequate support in making sense of their lived experience.

The double-fold primary harm of hermeneutical injustice is also at play in these cases. According to Fricker, hermeneutical injustice involves a double wrong, ‘to be understood not only in terms of the subject’s being unfairly disadvantaged by some collective hermeneutical lacuna, but also in terms of the very construction (constitutive and/or causal) of selfhood’ (e 19–20). The hermeneutic disadvantage of the girls is obvious. Because of prejudice in the structuring of shared hermeneutical resources, the girls are unable to make sense of their experience, to see themselves as victims and to begin the healing process after their traumatic experiences. If the girls were white, the interrogators would see them as more innocent and in need of protection and provide them with support in piecing together the experience, especially since the assailants are men of colour, who are often stereotyped as predators (Zounlome et al. 2021). The prejudices against the adultified victims not only distort their experience, and prevents the achievement of intelligibility, but also has power to shape their very selves. They generate an *authoritative construction* with self-fulfilling power, by which the victims are caused to resemble the stereotypes against them, for instance, because their self-adultification bias is bolstered throughout the investigation. This authoritative construction is especially powerful here because of the vulnerability of the victims. As black girls, their epistemic contributions are unlikely to receive uptake because of prejudices about their race and gender, especially so the context of law enforcement and criminal justice. So, receiving credibility in these cases might function as a conditioning tool; by conforming their subjectivity to the adultification bias of the interrogators, they are allowed to contribute epistemically and be believed, and receive some recognition as epistemic agents by dominant hearers. Furthermore, since the victims are young and living at the intersection of socioeconomic, gendered, and racial disadvantage, they may not yet possess

⁷ This suggests, in line with McGlynn, that we ought to adopt a more fluid, pluralist account of the primary harms of testimonial injustice, that includes several forms of objectification and perhaps othering.

the sort of resources that would help them resist such powerful constructions, such as being well-educated, having a support network or psychological security (Fricker 2007: e18).

However, the most distinctive harm in cases of *testimonial obfuscation* is compounded.⁸ The credibility excess is given to the victims because their truncated testimony matches prejudices and controlling images in our shared hermeneutical resources. As such, their inclusion in the epistemic community and their recognition as knowers by the dominant group is conditional on them conforming to these dominant narratives. The credibility excess thus functions as a positive reinforcement tool that rewards vulnerable speakers with recognition as knowers and epistemic inclusion for presenting themselves as they are seen by the dominant group – as independent, promiscuous, mature women, who could never be victims in need of protection by the legal system. The idea that credibility evaluations can condition marginalized knowers to conform to dominant prejudice chimes with broader characterizations of epistemic injustice as an instrument of cultural imperialism. McConkey (2004) argues that credibility evaluations structured in favour of privileged groups bolster the invisibility of marginalized groups and diminish their status as equals in society.⁹ Similarly, drawing on Mills (1997), credibility evaluations de-humanise and condition non-whites to see themselves in a way that supports white supremacy: ‘One has to learn to see the world wrongly, but with the assurance that this set of mistaken perceptions will be validated by white epistemic authority’ (18).

4 Concluding Remarks

I argued that the adultification of black girls in testimony-giving settings constitutes testimonial injustice through identity-prejudicial credibility excess. Their inflated credibility with regards to their competence in adult topics is based on negative stereotypes portraying them as mature women, who do not need protection. Given the inaccuracy of stereotypes, combined with various factors that might distort the girls’ own understanding of their experience, I have showed that the credibility excess is undeserved. Furthermore, I argued, these cases also involve hermeneutic injustice since the speakers are denied a meaningful and rare opportunity to make sense of their traumatic experience of abuse and sexual assault. The credibility excess they are given thus distorts their subjectivity and conditions them to conform to dominant prejudices, for instance, by bolstering their self-adultification bias. I proposed that such cases, where an identity-prejudicial credibility evaluation causes an experience to remain unintelligible to the hermeneutically marginalized speaker, involve *testimonial obfuscation*. Testimonial obfuscation can be analysed with regards to the existing accounts of the primary harm of both hermeneutical and testimonial injustice. However, a more complex articulation of the distinctively epistemic harm in these cases will recognize that it is compounded through the combination of both kinds of epistemic injustice. In brief,

⁸ Cases like these highlight that the project of identifying an intrinsic harm present in every case of testimonial injustice is looking increasingly misguided. Sometimes, the most distinctive harms of identity prejudicial credibility evaluations are contingent, but in no way less serious than the intrinsic ones.

⁹ Note that McConkey’s discussion focuses on credibility deficits. Cases of adultification, in which cultural imperialism is reproduced through identity-prejudicial credibility excess, suggest that her view may be further developed.

this harm consists in the epistemic inclusion of marginalized knowers being conditioned on their conformity to the dominant subjectivity.

As Medina (2012) suggests, difficult cases like these raise important challenges to Fricker's characterisation of epistemic injustice. For instance, they imply that some people and institutions can be held at least partly responsible for hermeneutic injustice. So, correcting the harm in cases of adultification cannot simply be achieved by deflating the victims' credibility. Instead, it requires reflection on the ways in which the inclusion of marginalized knowers within the epistemic community can deepen hermeneutical disadvantage. Equally, these cases suggest that credibility evaluations, even those involving an identity-prejudicial credibility excess, can perpetuate insidious forms of oppression, such as cultural imperialism. Overall, the literature needs to allow for more fluid characterization of distinctively epistemic harms and to continue investigating cases whether testimonial injustice is compounded by hermeneutical injustice and vice-versa. Only then will we stop failing black girls.

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