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Testimonial Injustice in Sports

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ABSTRACT

Epistemic injustice is a widely discussed phenomenon in many sub-disciplines (including epistemology, ethics, feminist philosophy, social and political philosophy). Yet, there is very little literature on its connection to the philosophy of sports. Here I explore the intersection between epistemic injustice and sports, focusing on testimonial injustice. I argue that there exist clear-cut cases of testimonial injustice in sport that arise when athletes attempt to communicate information. After highlighting the theoretical connections between various cases, I explore the more ambitious claim that sport performances themselves carry linguistic content. This claim allows us to see the biased negative judgment of sport performances in a new light, as constituting a further and distinctive form of testimonial injustice. I show how the case of figure-skater Surya Bonaly can be understood as a real-life instantiation of this form of testimonial injustice. I conclude by explaining why it is philosophically fruitful to understand these wrongs through the lens of testimonial injustice.

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1. Introduction

Epistemic injustice can be understood, following Fricker (2007), as the prejudice-driven harming of the victim in their capacity as a knower. In recent years, epistemic injustice has been the focus of blossoming research activity at the intersection of ethics, epistemology, feminist philosophy, social philosophy and political philosophy. However, its connections with the philosophy of sport have yet to be properly drawn.¹ At first blush, there might seem to be good reason for this omission: sporting endeavours are activities for which, if harm is possible, it seems *prima facie* to be either of a physical kind (as when a boxer is injured on the ring), or psychological (as when an athlete suffers the disappointment of losing). These harms can hardly be described as *epistemic*, i.e. as harming someone in their capacity as knowers. The possibility of epistemic harms requires the presence of some epistemic activity which at first blush seems absent in sports. Unlike other social contexts in which the exchange and acquisition of information are paramount, such as a medical lab working on a vaccine, a police investigation, or a classroom collectively working through mathematical problems, sports simply do not seem to provide the kind of setting

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in which a primary aim is to conduct inquiry, to discover information and to communicate it. Therefore, it might seem that there is no place in sports for a distinctive kind of epistemic harm worth taking seriously. This thought is bolstered by the idea—at least superficially plausible—that epistemic injustice operates within a context of intellectual inquiry aimed at knowledge, whereas in sports the primary aim is not to gain knowledge or understanding, but to realise a certain physical goal.

In this paper I argue that this view is mistaken, and that sports are germane territory for epistemic injustice. Here, I restrict my investigation to testimonial injustice, one of two forms of epistemic injustice outlined by Fricker. (I leave the connection between sports and hermeneutical injustice—the second form of epistemic injustice Fricker discusses—to further work). I argue that testimonial injustice is observable in sports once we attend to the fact that in many sports the communication of information is of crucial importance. I take this to be an uncontroversial way in which testimonial injustice occurs in sports, one which suffices to establish that testimonial injustice and sports form overlapping categories. However, I wish also to explore a more distinctive, philosophically rich and less obvious way in which testimonial injustice can arise in sports, one which draws on a view of performance as constituting a form of speech. As it is more subtle and interesting, it is also more controversial. However, I think that the theoretical grounds in its favour are not implausible and, moreover, that the case of ice skater Surya Bonaly can be understood as offering a real-life illustration.

My paper proceeds as follows. In [section 2](#) I sketch the notion of testimonial injustice and some of its ancillary concepts. In [section 3](#) I present and defend a case of testimonial injustice arising during sports gameplay. [Section 4](#) is devoted to tracing the ways in which such injustice can arise, either through the undermining of the speaker's sincerity or their competence, and either within or across sports teams. In [section 5](#) I discuss a novel form of performative testimonial injustice that can be argued to arise in sports, and in [section 6](#) I defend the view that the mistreatment of figure skater Surya Bonaly can be understood as a real-world illustration of this kind of injustice. I conclude in [section 7](#) by defending the importance—both theoretical and practical—of understanding the wrongs accurately, i.e. as cases of testimonial injustice.

2. Testimonial Injustice: An Outline

Miranda Fricker (Fricker 2007, 2013, 2016, 2017) has provided a sustained and highly influential discussion of testimonial injustice.² According to Fricker, testimonial injustice is the injustice suffered by a speaker (S) in a communicative exchange when a hearer (H) gives S less credibility than they ought to, and where this credibility deficit is motivated (implicitly or explicitly) by a prejudice which H harbours against S. One of two central examples of testimonial injustice provided by Fricker is drawn from Harper Lee's *To Kill a Mockingbird*: Tom Robinson stands accused of the rape of Mayella Ewell, a young white girl. The racist jury dismisses Tom Robinson's claims to innocence because he is black, even though the evidence clearly exonerates him. On Fricker's analysis, the jurors deny Tom the credibility he deserves time and again, as he makes various assertions about the events at issue, due to their racist prejudice. The repeated instances of testimonial injustice suffered by Tom consist in this prejudice-driven denial of due credibility;

testimonial injustice renders him unable to communicate information which his audience ought to accept, and which they would accept were they not prejudiced.

Credibility itself, according to Fricker, comprises two elements: sincerity and competence. Accordingly, H can deflate S's credibility for two reasons: either because H doesn't take S to be sincere; or because H doesn't take S to be competent (or both).³ The case of Tom Robinson illustrates the first possibility—the white racist jury believes that black men like Tom inevitably lie. The second central case offered by Fricker illustrates a credibility deficit where the speaker is wrongly deemed less competent than the evidence suggests, but where the hearer doesn't doubt the sincerity of the speaker. The case consists in the exchange between Marge Sherwood and Herbert Greenleaf in *The Talented Mr Ripley*, where Herbert dismisses her (in fact well-founded) suspicions concerning Dickie Greenleaf's disappearance with the sexist quip 'Marge, there is female intuition, and then there are facts'. This indicates that Herbert deems Marge epistemically incompetent at least in part because of sexist beliefs about women's rationality.

A further significant distinction within Fricker's definition of testimonial injustice is between incidental and systematic forms. Testimonial injustice is systematic when the prejudice which drives the hearer's failure to afford due credibility to the speaker is a 'tracker' prejudice: one that is likely to affect the speaker in many areas of social life. Prejudices based on gender, race, ethnicity, and disability are examples which tend to ground systematic testimonial injustice, and will be our concern in what follows. By contrast, incidental testimonial injustice affects the victim when the prejudice is highly localised and unlikely to affect them in multiple contexts: here, Fricker offers the example of a scientist working within a marginalised research paradigm whose results are not taken seriously by the scientific community (27). Unlike 'tracker' prejudices, this prejudice will not affect the scientist in any area outside of their professional life, so the testimonial injustice inflicted on them by others in the scientific community is incidental. I will follow the trend of focusing on the more damaging and widespread systematic form of testimonial injustice.

To round up this brief outline of key features of testimonial injustice, we should mention two key features of the notion of prejudice at work in Fricker's account (Fricker 2007). Firstly, the prejudice must be negative. According to Fricker, testimonial injustice does not arise when the prejudice at issue is positive.⁴ Secondly, prejudice results from an ethically bad stereotyping of the target group with a particular feature, a stereotyping that is at least to some degree resistant to counter-evidence; this will lead prejudiced people, for instance, to re-interpret or explain away as misleading at least some evidence that would normally undermine the stereotype (34–35). It is clear that common and widespread prejudices such as racism, sexism, homophobia, ableism, etc. typically meet Fricker's bill, and can thus serve to ground testimonial injustice: when a hearer downgrades a speaker's credibility due to a prejudice harboured against the speaker, testimonial injustice is committed. With this sketch of testimonial injustice and of some of its key ancillary notions, we can move on to examine the relation between testimonial injustice and sports.

3. Cases of Testimonial Injustice in Sports

In sports, we aim primarily to achieve some physical goal. One may be misled by this observation into thinking that there is no place for testimonial injustice in sports, since testimonial injustice essentially involves epistemic harm, and this in turn requires a context where information is traded, not one where physical goals are pursued. However, genuine cases of testimonial injustice can be devised straightforwardly once we attend to the many instances of communication among participants within various sporting activities. These show that information exchange and the achievement of subsidiary epistemic goals can become highly relevant or even crucial in helping to achieve the primary physical goal. Here is a fictional but not unrealistic example of testimonial injustice in sports:

TACKLING: Abi is playing left-back in her football team, Heat FC, as they face their rivals Cool FC. She is having to deal with Cool's right-winger, who is proving to be a handful due to her exceptional dribbling ability. Abi has been instructed by her captain to try to dispossess the right-winger whenever she has the ball by tackling her. As Abi sees things, this instruction is a bad one: it is causing the right-winger to slip away repeatedly from Abi, whose tackling skills are no match for her opponent's dribbling skills. Moreover, Abi has noticed that the right-winger's passing is poor. Abi thus believes that it would be better for her to hold off from tackling, mark loosely and wait for the winger to pass the ball, in the reasonable expectation that the pass will be inaccurate.

While the teams prepare for a free kick caused by one of Abi's inaccurate tackles, the captain urges Abi to tackle the right-winger better. Abi replies: 'But it would be better if I didn't tackle her at all: her passing is poor and I can't handle her dribbling skills'. Suppose Abi's captain dismisses Abi's point, due to a prejudice she harbours against the ethnic minority to which Abi belongs, and which is underpinned by the stereotype that members of the ethnic minority have lower intellectual capacities. Abi's captain thus prejudicially believes that Abi lacks the strategic competence that would justify this statement, and does not accept her claim. However, had another player who did not belong to Abi's ethnic minority made the same observation, Abi's captain would have been persuaded to agree.

It is evident that in *Tackling*, Abi suffers testimonial injustice at the hands of the captain, who gives Abi less credibility than she deserves, owing to prejudice.⁵ Moreover, it is clear that the testimonial injustice arises *within the sport*, unlike potentially less compelling cases in which, for example, sexual assault allegations against professional athletes are brought in a legal context strictly speaking extraneous to sports, and such allegations are unduly dismissed due to prejudice against the women who raise the allegations.^{6, 7}

Tackling clearly exhibits testimonial injustice and demonstrates that testimonial injustice can arise in sports. The point is easily explicable, since testimonial injustice arises when prejudice negatively affects the credibility granted by a hearer to a speaker, when the latter attempts to communicate information; and in sports—as in many other areas of social life—prejudice is rife, and many communicative exchanges take place. This is true especially in team sports, where striving for a common goal requires collective strategizing and coordinated action, which are only possible if information is transmitted among team members. For example, consider a golfer who consistently dismisses their caddy's advice, due to prejudice. Or consider a skip in curling, who advises their teammates when to sweep the ice, but whose views are unduly ignored because of the sweepers' prejudice. However, as I will illustrate below, it can also take place in non-team sports.

4. Sincerity, Competence, Teammates and Opponents

These considerations are enough to clinch the main point that testimonial injustice can arise within sports. To better appreciate the phenomenon, it is helpful to make some further observations around the connection to be drawn between—on the one hand—which component of credibility (sincerity or competence) is exploited by cases of testimonial injustice in sports and—on the other—whether the speaker attempts to inform a teammate or an opponent. I argue that regardless of whether speaker and hearer are teammates or opponents, cases of testimonial injustice can be devised that exploit both competence and sincerity.

In *Tackling*, it is clear that Abi's competence as a knower—namely, her ability to figure out how best to handle her opponent—is at issue: prejudice makes her captain doubt Abi's competence, not her sincerity. One might then wonder whether cases of testimonial injustice in sports are possible wherein it is instead the speaker's *sincerity* that is at issue. The answer is affirmative, although the type of circumstances in which paradigmatic sincerity-targeting testimonial injustice occurs is different from the type of circumstance in which paradigmatic competence-targeting testimonial injustice arises.

The difference can be appreciated by observing that *Tackling* features a team sport, and, more specifically, by noting that the attempt to communicate important information occurs *within* a team. (I am using 'team' here in a broad sense, to include not only the players on the pitch, but also the team manager and coaches.) When a team member tries to convey information to another member of their own team, there is greater scope for the hearer to prejudicially deem the speaker less competent, and there is less scope for the hearer to deem the speaker *insincere*: for it is a presupposition of *being* on the same team that one would not deliberately attempt to convey false information to teammates. Thus, the hearer typically has good reason for believing that the speaker is sincere when they are teammates: after all, they are working together towards common goals: why would the speaker lie?

We might thereby be led to think that *within* teams, testimonial injustice that targets sincerity simply cannot get traction. However, this form of injustice is certainly possible—though it is no doubt easier to devise cases of competence-targeting testimonial injustice in team sports than it is to devise cases of sincerity-targeting testimonial injustice. The shared goals of teammates only provide a commonly recognised *prima facie* reason for them to speak sincerely to each other. This reason can be trumped. For example, imagine a minority ethnic player who has taken a knock on the pitch and tells their manager that they nonetheless feel fit to continue playing. For prejudicial reasons, the manager doubts the player's sincerity, pinning the player's assertion on their desire to earn valuable game time. Thus, the manager commits sincerity-based testimonial injustice against a member of their own team.

The situation is more complicated when communication occurs between opponents. Imagine a player from one team attempting to convey game-relevant information to an opponent. It seems that there is no room for testimonial injustice to gain a foothold because the hearer has very strong, perhaps conclusive, reasons to *doubt* the speaker's sincerity—and thus their credibility—in the first place. After all, the two are opponents working against each other: why would the speaker tell the truth? Since the hearer's evaluation of the speaker's credibility is set to a default minimum level, there seems to be

no scope for any prejudice to cause a downgrading of the speaker's credibility. Testimonial injustice between opponents might seem impossible in this kind of case.

However, this judgment, too, would be too quick. In many sporting contexts, the norms of sportsmanship are able to counteract the default presumption of minimum credibility which an athlete would attribute to their opponent. Sportsmanship thus reimposes the conditions under which testimonial injustice could get traction. For example, imagine that after a singles tennis rally, Lisa calls Michael's shot long. Lisa is sporting, sincere and better-placed to make a judgment. However, because of a prejudice Michael harbours against Lisa, he deems her to be lying, and thereby commits testimonial injustice. We should also note that while in this example testimonial injustice targets sincerity, it can be adjusted to target competence instead: we can suppose that upon switching sides of the court for the first time, Lisa tells Michael in an act of sportsmanship to watch out for the relatively small distance between the base line and the edge of the court; but since Michael prejudicially takes Lisa, as a woman, to lack competence in sport and the ability to judge distances accurately, he dismisses her warning.

Let us take stock of the main points I have argued so far. Despite the point that sporting performance aims to realise certain physical, rather than epistemic, goals does not mean that testimonial injustice in sports cannot arise. While epistemic inquiry or investigation is not typically a primary goal of sports, the two key ingredients of testimonial injustice—prejudice and attempts to communicate information to others—are often co-present and interact in the right kind of way to generate testimonial injustice. Secondly, testimonial injustice in sports can target either the sincerity or the competence component of credibility. And thirdly, either component can be targeted regardless of whether the speaker and hearer are teammates or opponents.

5. Performance and Testimonial Injustice

I take as established the key aspects of the intersection between testimonial injustice and sports discussed above. I will now move on to consider an altogether different type of case and explore whether it can also be plausibly understood as testimonial injustice in sports. I will argue that it can, provided we accept that performance can at least sometimes count as a type of speech. This proviso is certainly not uncontroversial; but I will not provide extensive argument for it. I offer the following discussion as an exploration of an intriguing possibility, rather than as a proof of the existence of the relevant species of testimonial injustice in sports. As such, I should emphasise that the following part of my argument is strictly speaking logically independent of what I have argued so far; so even if what follows failed to convince the reader that the particular type of case I will discuss should count as a form of testimonial injustice, the considerations I have offered up to now that establish the existence of the genus of testimonial injustice in sports retain their full force.

The first step is to note that in some sports, competitive ranking is conducted by judges who assess athletic performance: platform diving, gymnastics and figure skating are common examples. By contrast, while we can talk of sprinters or golfers performing in their sport, it is nonetheless clear that determining the winner of a sprint or the winner of a golf tournament is not the direct result of a group of experts assessing the quality of the performance; rather, it is a matter of who ran the distance quickest, or who had fewest

shots—a matter that can be settled without special expertise regarding performance quality.⁸ This feature of performance sports is significant because it allows for the possibility that prejudice may influence the judges' assessment of athletes' performances.

For example, imagine a diver who belongs to a marginalised social group, and whose dive is assessed by a prejudiced group of judges. While the dive is in fact executed perfectly, the judges' prejudice leads them to judge (perhaps even sincerely, with their prejudice operating unconsciously) that the dive is imperfect. They therefore give it a lower score than it deserves. Crucially, had the exact same movements been executed by a diver who did not belong to the marginalised social group, the same judges would have deemed it perfect and awarded a higher score. The judges' evaluation is clearly unjust. But does it constitute testimonial injustice? It is tempting to think it doesn't, since the diver does not seem to convey any kind of information with their dive, and thus cannot suffer a credibility deficit and be harmed in their capacity as a knower.

However, I'd like to explore the view that the diver can be harmed this way, and that they can because such performances are not only physical acts, but also communicative acts. To explore this view, I will proceed by first discussing a special case—a kind of performance for which it is especially plausible to think that it holds a communicative element. Then, I will argue that cases like the diver outlined above share a key relevant feature to the special case, which lends support to their assimilation to the special case as genuine attempts to convey information.

To understand my argument, it is essential first to home in on two notions: *boundary-stretching performances* and *gatekeepers*.⁹ Take a rule-governed social activity of any kind—be it chess, etiquette, or investment banking. The norms of these activities delineate what actions are (im)permissible within that activity. For example, moving the pawn sideways, yawning without covering one's mouth, and insider trading are all forbidden by the rules; moving the queen sideways, using outermost cutlery first, and disclosing material information simultaneously to investors are permitted. However, because of the social nature of these activities, the governing norms are at root a matter of social convention and subject to revision: the castling rule in chess was only introduced in the 16th century; etiquette norms have changed substantially across decades; and financial conduct laws must by necessity change to regulate evolving financial contexts.

Shifts in the norms of such practices can sometimes occur through *boundary-stretching performances*. Such performances push the envelope: they do not abide, in at least some respects, by the current standards of the practice. Sometimes they are explicitly intended to *put pressure* on those standards to be expanded in such a way that the performance in question, while not permitted by the current norms, *becomes* appropriate through a shift in those norms. Clear examples of such performances are found in the aesthetic domain: Marcel Duchamp's *Fountain*—a common urinal submitted in 1917 for an exhibition to the Society of Independent Artists—contravened common conceptions of what art was, and as an avant-garde milestone aimed to expand this conception so that it could be accepted and valued as a worthy product of artistic expression. That Duchamp's attempt was ultimately successful reflects the acceptance on the part of the artistic community of *Fountain* as a genuine work of art.

Of course, not all attempts at boundary-stretching are so lucky: often attempts to shift the boundaries of the permissible fail, and leave no historical trace; other times, it is not

altogether clear whether a boundary-stretching performance succeeds, and the appropriateness of the performance remains a matter of some dispute.¹⁰ For our purposes, the crucial question is: what determines whether an attempted boundary-stretching performance is successful or not? Since such performances demand a shift in rules and these rule shifts are determined collectively by the authoritative bodies of a particular practice, whether such performances succeed depends entirely on their reception on the part of those people who have the power to change the practice's governing norms—the *gatekeepers*.¹¹

It is here that we find territory germane to testimonial injustice: it is possible for prejudice to play a part in influencing the decision on the part of gatekeepers whether to expand the norms of the practice to accommodate the boundary-stretching performance as appropriate. For example, imagine a new ballet opens. The performance involves the company of dancers performing on stage a day-long rehearsal of *Peer Gint*. (Perhaps the ballet is intended to polemically illustrate, in the face of funding cuts to the arts, how little policymakers understand and value the hours of hard work that go into preparing a ballet performance.) The critics love it. The 'inside out' nature of the ballet is hailed as trailblazing and it is soon regarded as a seminal protest piece. The boundary-stretching attempt has succeeded. But we can imagine a slightly different example. This time, the very same ballet opens, but the dancers, director and choreographer all belong to a social group that is the target of prejudice. The critics despise the ballet and regard it with disdain. It is condemned as a crass and impudent attempt to shake up the much-loved traditional form of the art. Suppose further that the critics' judgment is influenced by the prejudice they harbour, so that if members of the company had not belonged to the stigmatised social group, the ballet would have been accepted as ground-breaking.

The prejudice-driven negative reception of the ballet shares significant features with testimonial injustice, where the hearer's negative reception of the speaker's assertion is driven by prejudice. There is enough similarity to make the subsumption of the former under the latter a thesis worth exploring. The thesis is this: where the prejudice of gatekeepers leads to a negative downgrading in their assessment of the propriety of an attempted boundary-stretching performance, the gatekeepers commit testimonial injustice.

To be clear, I am not arguing that any and all boundary-stretching performances ought to be accommodated by a shift in norms, lest testimonial injustice be committed. Many considerations will play into whether gatekeepers ultimately accommodate or reject the performance; and there may well be no fact of the matter whether gatekeepers ought, in any substantial sense of the word, opt for one over the other—it may simply be a matter of conventional agreement. This agreement might be informed by the answers to the following kinds of question: Does the performance deviate excessively from the spirit or the aims of the relevant activity? Would accommodation require very substantial changes in the governing norms? Would the resulting set of norms remain consistent and practically implementable? Would allowing the performance render achievement in the activity too easy, and thus dilute its value? Would it spoil some crucial element of the activity (e.g. fair competition)? The list of questions is not exhaustive.

My point is that despite the fact that the gatekeepers' decision whether to ultimately accept or reject the performance is informed by such questions, there *is* nonetheless a normative requirement—a *moral* one—which the gatekeepers' decision must respect:

in determining whether to accept or reject the performance, they must not allow prejudice regarding the performers' protected characteristics (race, sex, religion, etc.) to influence their decision.

The thesis we have been exploring, that the prejudicial assessment of boundary-stretching performances can count as testimonial injustice, faces a potential worry. The worry stems from the following point of distinction. Testimonial injustice concerns downgrading the *credibility* given to a speaker: in its paradigmatic form, a speaker asserts *p* but the hearer doesn't accept *p*, due to the latter's prejudice-fuelled demotion of the speaker's credibility. By contrast, however, performances aren't typically *linguistic* acts: nothing is strictly speaking *said*, for instance, in submitting *Fountain* for exhibition or in performing a ballet. What, then, is the proposed propositional content which gatekeepers fail to take on board due to their prejudice, in presumed instances of performance-based testimonial injustice? And in what sense is this content not duly accepted by the gatekeepers?

The concern is a good one—but I think that it can be overcome: for it is not implausible to think of performances that attempt to stretch boundaries as attempting to convey, through the very act of being performed, some content. What exactly is conveyed? To take a concrete example, what is the content of *Fountain*? On the account I am proposing, by submitting *Fountain* for exhibition, Duchamp imbued the piece with implicit linguistic content that stood in tension with the prevailing artistic standards of the time. We can think of the content as: '*Fountain* is a work of art'. The content conveys that the performance is *appropriate* for its context.^{12,13}

Let us call this content—an ascription of the propriety of the performance to itself—the 'propriety content'. Importantly, this is a minimal content conveyed by any performance at all, whether boundary-stretching or not: a six-year-old who brings their toy dinosaur to their class's 'Show and Tell' implicitly says, through the act of showing and talking about the dinosaur, 'This dinosaur is an appropriate object for "Show and Tell"'; the talent show entry who juggles six chainsaws implicitly says 'Juggling six chainsaws is a talent'; the misguided *The Voice* contestant who can't hold a tune implicitly says, in the very act of singing their cringeworthy song, 'This is a performance appropriate for *The Voice*' (though of course what they say is not true).

Performances that attempt to stretch boundaries are distinctive because their propriety content necessarily clashes with the current conception of what an appropriate performance in the relevant domain should be, in a way that requires resolution: either the gatekeepers allow a shift in standards to accommodate the performance, thus accepting that the content it conveys is true; or the gatekeepers hold the standards firm, excluding the performance and rejecting the content of propriety conveyed by that performance. Importantly, rejection may be partial: judges under the influence of prejudice may still accept some boundary-stretching aspect of a performance, and thus revise some of the norms of the activity, but reject some other aspect. In such cases, the performance is deemed less appropriate than it ought to be, while not being outright rejected. Yet insofar as *some* aspect of it is not accepted because of prejudice, then the propriety content 'This performance is appropriate' is disbelieved to some degree, the speaker suffers a credibility deficit, and testimonial injustice consequently occurs.

If we accept that performances can convey linguistic content in this way, testimonial injustice against performers comes into view.¹⁴ It arises most saliently when a proposed

boundary-stretching performance is rejected due to the prejudice harboured by the gatekeepers against the performer's social identity: in the very act of performing, the performer implicitly invites gatekeepers to accept the proposition 'This performance is appropriate for this norm-governed activity', and when the gatekeeper's failure to adjust the existing norms of the activity is partly caused by prejudice, the credibility of the performer is deflated and they suffer testimonial injustice.

In such cases the component of credibility that is undermined by testimonial injustice is competence, rather than sincerity; for in rejecting the performance, gatekeepers do not doubt the sincerity of the proposed attempt to stretch the boundaries of the permissible, or the athletes' sincerity in advancing their performance as one appropriate to the sport: more plausibly, they implicitly deem the performer to lack the epistemic competence and authority to identify and propose an appropriate performance.

6. Testimonial Injustice in Performance Sports: The Case of Surya Bonaly

Let's return to sports. We have explored the view that boundary-stretching performances can convey linguistic content, and that the failure to accept this content can result in testimonial injustice. But crucially, the point that performances may convey linguistic propriety content—while especially perspicuous for boundary-stretching performances—is in no way limited to them: as I mentioned above, the child showing their toy dinosaur for 'Show and Tell' is implicitly saying 'This dinosaur is appropriate for "Show and Tell"' even though the child is not trying to shift the standards of propriety for that activity. So, too, the performance of the diver who belongs to a marginalised group implicitly says 'This dive is appropriate for this competition'; and to the extent that judges demote that performance as less-than-fully-proper due to bias and lower their scoring accordingly, they too are guilty of testimonial injustice. As a further example, consider the documented prejudicial treatment of basketball athletes on the part of NBA basketball referees, who, the evidence suggests, are likelier to call fouls on black players than on non-black players (Price and Wolfers 2010). Players' attempts to block their opponents or steal the ball implicitly say, through the very performance of these attempts, 'this block/steal is appropriate (i.e. lawful)'—and to the extent that a referee's failure to accept this claim and inclination to call a foul is fuelled by prejudice, that referee commits testimonial injustice.

While we have so far only examined purely artistic cases of testimonial injustice grounded in attempted boundary-shifting performances, cases of this kind can also occur in sports. I offer one possible illustration of this kind of testimonial injustice, before concluding by discussing the significance of viewing these wrongs as testimonial injustice.¹⁵

The relevant case in sports involves French figure skater Surya Bonaly, who competed at international level between the late 1980s and late 1990s. Bonaly was very successful, achieving five consecutive wins in the European Championships, three consecutive silver medals in the World Championships and top-10 placements at three Winter Olympics. Bonaly was an outlier in two respects: first, her competitive background in junior tumbling provided her with an unmatched ability to perform very difficult technical jumps with greater ease than her competitors; secondly, as the only elite black skater at the time, Bonaly's performances did not align with potentially racialised standards of beauty,

artistry and musicality by which ice skaters were evaluated. As former ice skater and commentator Tara Lipinski has observed, ‘The quintessential ice skater in a snow globe’ ideal prevalent at the time saw skaters as ‘thin and pretty’ (Duzij 2019). But, in Bonaly’s own words ‘people kept telling me I was not pretty, I was not graceful’ (Duzij 2019). The contrast between, on the one hand, the ideals of grace and elegance governing the evaluation of ice skaters, and on the other Bonaly’s bodily features, including her race and musculature, placed Bonaly at a disadvantage. Her fiancé and former elite ice skater Peter Biver casts further light on this contrast and its effects on Bonaly’s chances of succeeding:

There’s this notion of an ice princess, which is a thin white girl. Surya was breaking that tradition. She was outside of that box. She had something different to offer, and I think it was hard for [the judges] to assign a value to that and to measure that.

The judges, they just have an image in their mind that they’re really looking for. Race as an issue is something that is present, and whether it’s conscious or unconscious, I think that it’s there.

Surya was just never going to fit into the ice princess mold. Her best options were in pushing herself athletically to go for extremely difficult triple-triple sequences and combinations. That was her real only hope because she was never going to be what she wasn’t (Duzij 2019).

Bonaly’s routines thus included technical elements beyond her competitors’ ability. Yet, these were not enough to clinch the successes she sought. In a telling performance—the 1993 World Championships—Bonaly landed seven triple jumps and a triple combination to earn silver. Oksana Baiul landed only five triple jumps and no combinations, but won gold. Bonaly herself forthrightly claims that had she not been black, she probably would have been a World champion (Meranville 2007). In sum, Bonaly’s performances were technically exceptional yet were deemed by judges to be lacking in grace and elegance.

It is instructive to view Bonaly’s performances through the lens of testimonial injustice. We can understand Bonaly’s routines as attempting to push against the standards by which performances were assessed: namely, the racialised ideals of beauty, grace and artistry encompassed in the ‘ice princess’ paradigm, against which her performances were deemed less graceful and therefore less valuable. To the extent that her shortcomings with respect to this paradigm led judges to downgrade Bonaly’s performance, we can understand the judges as failing to accept the content of propriety of her performance in full *because* of the prejudicial nature of these standards.¹⁶ Bonaly’s performances can be seen as offering the content ‘This performance is appropriate’ for acceptance, and the judges as failing to fully accept this content due to the prejudiced standards against which they assessed the performance. They do not fully take on board the propriety content, thus committing testimonial injustice.¹⁷

7. Conclusion

My main thesis has been that testimonial injustice in sport is a genuine phenomenon. While sports are primarily physical activities, there are epistemic elements to sports, too. Often, achieving the physical goals of sports or completing the ancillary activities that lead to those goals involve the transmission of information. Recognising the importance of the epistemic dimensions of gameplay open the door for the possibility of testimonial

injustice in sports: where such exchanges are marred by prejudice, testimonial injustice can arise. In addition, I have explored the idea that a relevant type of transmission of information in sport concerns information conveyed by a performance about its own propriety to the judges of the sport. If we accept that linguistic content can be so conveyed, then we can identify a distinctive type of testimonial injustice when judges in judged sports do not fully accept this content for prejudicial reasons.

Before concluding, let me address a potential criticism of my discussion in order to better bring out its merits. A critic might wonder what value there is in analysing the wrongs I have described above through the lens of testimonial injustice. Aren't the wrongs clearly identifiable as wrongs even by those unfamiliar with the concept of testimonial injustice? It seems we have not obtained, through our analysis in terms of testimonial injustice, any tools for detecting overlooked injustices. Thus, the project risks looking like a mere relabelling effort: giving a new name to acts—such as the unfair assessment by judges of Surya Bonaly, or by referees of black NBA players—we already recognise to be wrong.

There are two responses to offer here: the first is that as philosophers, we should be independently interested in the boundaries of our philosophical concepts; and when those concepts capture injustice, the rationale for us to take an interest becomes arguably even more pressing. Understanding the wrongs described above as instances of a form of testimonial injustice, particularly one that carries linguistic content expressed through performance, teaches us something significant about testimonial injustice—that it can come in performative forms—and about sports—that they are a particularly germane area for this kind of testimonial injustice to arise. The first is an underappreciated point in the literature on epistemic injustice, while the second point has yet to be made in the philosophy of sports literature.

The second point, related to the first, is that by bridging these literatures, further fruitful philosophical questions arise whose answers can have a real-world impact: for example, should we expect the varieties of testimonial injustice which commentators have observed in the wake of Fricker's work also to arise in sports? Or only some? If so, which ones and why? Answering these questions will allow us to gain a greater understanding of the nature and significance of these injustices in sports contexts, allowing our efforts to make sports more just to be better informed and likelier to succeed. For example, if it turns out that the solutions that Fricker and critics advance to combating testimonial injustice—e.g. the development of the virtue of testimonial justice (Fricker 2007)—can effectively combat the kind of testimonial injustice that arises in sport, then our view of the ideal education and training for athletes, coaches and sport officials may be affected in significant ways, leading to a more prominent emphasis on the ability to hear diverse voices in an unbiased manner and to remain open-minded about boundary-stretching performances as essential character traits of sportspersons.

Finally, greater awareness and understanding of testimonial injustice by sports practitioners is likely to prevent future injustices of this kind from going undetected. Fricker (2007) has highlighted that the creation and adoption of the concept 'sexual harassment' was instrumental in the Seventies in the effort to overturn common sexist attitudes which deemed such behaviour acceptable. Correct conceptual classification can be powerful. Bringing testimonial injustices in sports under a unified concept allows us to understand its instances as part of a pattern rather than as isolated incidents that can be easily

dismissed. This better understanding facilitates recognition on the part of victims and lends legitimacy to the view that they should be taken seriously.¹⁸

Notes

1. For a sense of the relative neglect of the intersection of epistemic injustice and philosophy of sports, note that at the time of finalising this paper (April 2023), PhilPapers listed 431 works under its category 'epistemic injustice', and a search for 'epistemic injustice' yielded 999 works. Yet a search of 'epistemic injustice' in the two most prominent journals in the philosophy of sport yielded no publication that addressed the topic directly. A notable exception is (Amy-Chinn 2011) whose examination of the Caster Semenya case through the lens of epistemic injustice appears in a media studies and politics journal. See also the unpublished (Landström 2019).
2. For critical elucidations of this notion, see among others (Carmona 2021; Davis 2016; Hookway 2010; Luzzi 2016; Maitra 2010; Medina 2013; Munroe 2016; Pohlhaus 2014; Wanderer 2012). It should be emphasised that some of the ideas presented by Fricker in discussing epistemic injustice pre-figure, albeit in different shapes, in the critical race theory literature. See for example, (Hill Collins 2002).
3. I am simplifying slightly for expository convenience. Testimonial injustice occurs as long as H is *less* confident in S's sincerity and/or competence than the evidence indicates, and this deflated confidence is due to prejudice. Strictly speaking, then, testimonial injustice is compatible with H believing S to be sincere and competent, since the confidence deflation might not be strong enough to push H from belief that S is credible to failing to believe that S is credible.
4. For dissenting views, see (Davis 2016; Medina 2013).
5. A referee questions how we can know that this credibility deflation is due to prejudice. In this case, we can know by stipulation. This stipulation is legitimate because *Tackling* is a thought experiment aimed at showing the theoretical possibility of testimonial injustice in sports. Since the stipulation does not jeopardise the logical consistency of *Tackling*, it is legitimate, and *Tackling* achieves its aim of showing that testimonial injustice in sports is possible. Of course, establishing of a specific real-life credibility deflation that it is due to prejudice is much more difficult. See endnote 15 for more on this.
6. See for example Juventus owner Andrea Agnelli's dismissal of Kathryn Mayorga's rape allegations against Juventus player Cristiano Ronaldo, which clearly suggests a disregard for relevant evidence. Agnelli said: 'When there are problems I tend to look people in the eyes, ask them the questions directly and then judge them myself. I'm very calm, having spoken to him [Ronaldo] directly as soon as the case emerged, on his position. And his behaviour in the days and weeks that followed only confirm my initial feeling'. ('Juventus President "Very Calm" over Cristiano Ronaldo Rape Allegation | The Independent' n.d) Thanks to Alfred Archer for first making me aware of the potential connection between Agnelli's remarks and testimonial injustice.
7. This is not to deny that within many sports, sexist norms enable serious harm to come to women, including women athletes, often with impunity for the men involved, and that testimonial injustice can arise as a result when women's allegations are disbelieved. I do not wish to downplay these harms, nor the enabling role that sport culture and sports governing bodies play. I am simply claiming that when this sort of testimonial injustice occurs in a legal context, there is scope for denying that it occurs *within the sport itself*. Thanks to Katharine Jenkins for pressing me on this point.
8. The distinction between judged sports and non-judged sports is well-entrenched in the literature. See for example the debate over whether judged sports are games (Kretchmar (1989), Hurka (2015), Meier (1988, 1989) Suits (1988, 1989)), which presupposes this distinction.

9. I am indebted to Gerry Hough for these two notions.
10. For example, it remains controversial whether John Cage's *4'33"*—a piece for full orchestra requiring all musicians not to play their instruments for the titular period of time—should be considered a piece of music.
11. Roberts (1997) provides an excellent discussion of how throughout the history of cricket, novel ways of bowling led either to prohibition or acceptance on the part of the cricketing authorities. (Thanks to an anonymous referee here.) Another perspicuous sporting example of an accepted boundary-shifting performance is Dick Fosbury's famous high-jumping flop.
12. There may be other ways of fleshing out the propositional content conveyed by *Fountain*, such as 'Ordinary objects can be art', or 'Current artistic standards are overly restrictive in excluding objects such as this from being art'. Nothing of significance turns on there being multiple ways of spelling out the precise content—what matters to my argument is that it is plausible that performances convey some content which gatekeepers reject by not allowing the standards to shift to accommodate the performance. On a related note, I am not committing to the view that the content conveyed by *Fountain* is exhausted by its self-ascribed propriety.
13. A referee observes that the connection between performance and expression is not new and has a rich tradition in philosophy (e.g. in the seminal Austin (1975)) and the social sciences (see e.g. the works of George Herbert Mead, (Bucholtz and Hall 2005; Goffman 1956, 1975; Ochs and Capps 1996, 2009)) with the latter's connection to ethics well explored (e.g. (Keane 2015, 2016; Laidlaw 2013; Lambek 2015a, 2015b)). This lends support in the form of precedent to the kind of connection I posit. Thanks to an anonymous referee here.
14. There is a second way of arguing that testimonial injustice arises when performances are judged negatively due to bias, one that I don't pursue here. Instead of arguing that performances convey linguistic content, we could revise our understanding of testimonial injustice to allow it to cover non-linguistic acts. Amandine Catala (Catala 2020) has pursued this strategy in a separate context, arguing that this revision is independently motivated by the need to ensure that intellectually disabled people who communicate non-verbally are properly counted as subjects of epistemic (in)justice. Note that these two different strategies are compatible. Thanks to Amandine Catala for making me aware of this alternative strategy.
15. I say 'possible' because it is difficult to *prove* that the following is indeed a real-life case of testimonial injustice. This difficulty affects any attempt to classify with certainty any particular real-life case as an instance of testimonial injustice: the hearer can always claim, if they are accused of deflating the credibility of a speaker, of having done so not because of any prejudice, but because of some good reason, or at most because of epistemically culpable but ethically innocuous error. Only through well-designed studies or thorough statistical analysis can prejudice be confirmed with substantial certainty. I can offer here only what I believe is plausibly a real-life case that meets our brief. Fortunately, my argument here does not crucially depend on the following case illustrating testimonial injustice: even if the example were argued not to instantiate testimonial injustice, my argument that testimonial injustice in sports based on boundary-stretching performances is a theoretical possibility still stands. Thanks to an anonymous referee for pressing me on this point.
16. One distinctive feature here is that while the judges may themselves harbour racial bias, their downgrading Bonaly's performance is compatible with their not harbouring such bias: in other words, they could understand their role to require them to objectively apply the standards of the discipline—standards that in fact are racially biased—without necessarily endorsing such standards. While the locus of the bias may be the standards rather than the judges, it is plausible that insofar as the judges' negative reception of the propriety content of Bonaly's performance is at root driven by bias—as it is when such bias is located in the standards applied—the case should be considered an example of testimonial injustice.
17. Famously, Bonaly performed a backflip in her Nagano 1998 Olympics routine and was penalised, despite being the only athlete ever to land this difficult move on a single blade in competition. Might one make the same claim of testimonial injustice regarding Bonaly's famous backflip? The matter here is complicated by the fact that the backflip was explicitly

prohibited by the rules at the time: it is hard to articulate the claim, essential to a diagnosis of testimonial injustice, that if the rules or the judges had not been racially prejudiced, Bonaly's performance would have been accepted: for the judges' hands were arguably tied by the rules, and the rule prohibiting the backflip was motivated by the risk of serious injury to athletes, and not by any racial prejudice. By contrast, it is plausible that standards of artistry were (perhaps implicitly or unconsciously) racialised at the time, leading prejudice to influence judges' assessments of Bonaly. It is on the latter point that a claim of testimonial injustice is best staked. Thanks to a referee for prompting me to make explicit my reasoning about Bonaly's backflip.

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References

- AMY-CHINN, D. 2011. Doing Epistemic (in)Justice to Semenya. *International Journal of Media & Cultural Politics*, 6(3): 311–26. [10.1386/mcp.6.3.311_1](https://doi.org/10.1386/mcp.6.3.311_1).
- AUSTIN, J.L. 1975. *How to Do Things with Words*. 2nd ed, Oxford: Clarendon.
- BUCHOLTZ, M. and K. HALL. 2005. Language and Identity. *A Companion to Linguistic Anthropology* pp. 369–94 Wiley. [10.1002/9780470996522.ch16](https://doi.org/10.1002/9780470996522.ch16).
- CARMONA, C. 2021. Silencing by Not Telling Testimonial Void as a New Kind of Testimonial Injustice. *Social Epistemology*, February, 35(6): 577–92. [10.1080/02691728.2021.1887395](https://doi.org/10.1080/02691728.2021.1887395).
- CATALA, A. 2020. Metaepistemic Injustice and Intellectual Disability: A Pluralist Account of Epistemic Agency. *Ethical Theory and Moral Practice*, 23(5): 755–76. [10.1007/s10677-020-10120-0](https://doi.org/10.1007/s10677-020-10120-0).
- DAVIS, E. 2016. Typecasts, Tokens, and Spokespersons: A Case for Credibility Excess as Testimonial Injustice. *Hypatia*, 31(3): 485–501. [10.1111/hypa.12251](https://doi.org/10.1111/hypa.12251).
- DUZU, M. 2019. *Losers - "Judgment."*, Netflix
- FRICKER, M. 2007. *Epistemic Injustice*. Oxford University Press. [10.1093/acprof:oso/9780198237907.001.0001](https://doi.org/10.1093/acprof:oso/9780198237907.001.0001).
- FRICKER, M. 2013. Epistemic Justice as a Condition of Political Freedom? *Synthese*, 190(7): 1317–32. [10.1007/s11229-012-0227-3](https://doi.org/10.1007/s11229-012-0227-3).
- FRICKER, M. 2016. Epistemic Injustice and the Preservation of Ignorance, In *The Epistemic Dimensions of Ignorance*. edited by, R. Peels and M. Blaauw, Cambridge: Cambridge University Press: pp. 160–177.
- FRICKER, M. 2017. Evolving Concepts of Epistemic Injustice. In *The Routledge Handbook of Epistemic Injustice*, edited by, J.M. Ian James Kidd and G. Pohlhaus Jr; Abingdon, Oxon: Routledge: pp. 53–60.
- GOFFMAN, E. 1956. *The Presentation of Self in Everyday Life*, New York, NY: Doubleday.
- GOFFMAN, E. 1975. *Frame Analysis: An Essay on the Organization of Experience*. Harmondsworth: Penguin.
- HILL COLLINS, P. 2002. *Black Feminist Thought*. Routledge. [10.4324/9780203900055](https://doi.org/10.4324/9780203900055).

- HOOKWAY, C. 2010. Some Varieties of Epistemic Injustice: Reflections on Fricker. *Episteme*, 7(2): 151–63. [10.3366/epi.2010.0005](https://doi.org/10.3366/epi.2010.0005).
- HURKA, THOMAS. 2015. On Judged Sports. *Journal of the Philosophy of Sport*, 42(3): 317–25.
- “Juventus President ‘Very Calm’ over Cristiano Ronaldo Rape Allegation | The Independent.” n.d. Accessed August 10, 2020. <https://www.independent.co.uk/sport/football/european/cristiano-ronaldo-rape-allegation-latest-juventus-president-support-a8601646.html>.
- KEANE, W. 2015. Varieties of Ethical Stance. *Four Lectures on Ethics: Anthropological Perspectives*. Chicago, Illinois: HAU books: pp. 127–73.
- KEANE, W. 2016. *Ethical Life: Its Natural and Social Histories*, Princeton, N.J.: Princeton University Press.
- KRECHMAR, R. SCOTT. 1989. On Beautiful Games. *Journal of the Philosophy of Sport*, 16(1): 34–43.
- LAIDLAW, J. 2013. *The Subject of Virtue*. Cambridge University Press. [10.1017/CBO9781139236232](https://doi.org/10.1017/CBO9781139236232).
- LAMBEK, M. 2015a. *The Ethical Condition: Essays on Action, Person, and Value*, Chicago: University of Chicago Press.
- LAMBEK, M. 2015b. Living as if It Mattered. *Four Lectures on Ethics: Anthropological Perspectives*. Chicago, Illinois: HAU books: pp. 5–51.
- LANDSTRÖM, K. 2019. *Domination and Marginalisation: A Republican Account of Epistemic Injustice*, Linköping: Linköping University.
- LUZZI, F. 2016. Testimonial Injustice Without Credibility Deficit (or Excess). *Thought: A Journal of Philosophy* 5 (3): 203–11. [10.1002/tht3.212](https://doi.org/10.1002/tht3.212).
- MAITRA, I. 2010. The Nature of Epistemic Injustice. *Philosophical Books*, 51(4): 195–211. [10.1111/j.1468-0149.2010.00511.x](https://doi.org/10.1111/j.1468-0149.2010.00511.x)
- MEDINA, J. 2013. *The Epistemology of Resistance*. Oxford University Press. [10.1093/acprof:oso/9780199929023.001.0001](https://doi.org/10.1093/acprof:oso/9780199929023.001.0001).
- MERANVILLE, M. 2007. *Sport, Maledictions Des Noirs?* Paris, France: Calmann-Levy
- MUNROE, W. 2016. Testimonial Injustice and Prescriptive Credibility Deficits. *Canadian Journal of Philosophy* 46 (6): 924–47. [10.1080/00455091.2016.1206791](https://doi.org/10.1080/00455091.2016.1206791).
- OCHS, E. and L. CAPPS. 1996. Narrating the Self. *Annual Review of Anthropology*, 25(1): 19–43. [10.1146/annurev.anthro.25.1.19](https://doi.org/10.1146/annurev.anthro.25.1.19).
- OCHS, E. and L. CAPPS. 2009. *Living Narrative: Creating Lives in Everyday Storytelling*. Cambridge, Massachusetts: Harvard University Press.
- POHLHAUS, G. 2014. Discerning the Primary Epistemic Harm in Cases of Testimonial Injustice. *Social Epistemology*, 28(2): 99–114. [10.1080/02691728.2013.782581](https://doi.org/10.1080/02691728.2013.782581).
- PRICE, J. and J. WOLFERS. 2010. Racial Discrimination Among NBA Referees. *The Quarterly Journal of Economics*, 125(4): 1859–87. [10.1162/qjec.2010.125.4.1859](https://doi.org/10.1162/qjec.2010.125.4.1859).
- ROBERTS, T.J. 1997. ‘It’s Just Not Cricket!’ Rorty and Unfamiliar Movements: History of Metaphors in a Sporting Practice. *Journal of the Philosophy of Sport*, 24(1): 67–78. [10.1080/00948705.1997.9714540](https://doi.org/10.1080/00948705.1997.9714540).
- WANDERER, J. 2012. Addressing Testimonial Injustice: Being Ignored and Being Rejected. *The Philosophical Quarterly*, 62(246): 148–69. [10.1111/j.1467-9213.2011.712.x](https://doi.org/10.1111/j.1467-9213.2011.712.x).