Nonverbal Marginalization

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> "Somewhere between retina and object, between vision and view, his eyes draw back, hesitate, and hover. At some fixed point in time and space he senses that he need not waste the effort of a glance. **He does not see her, because for him there is nothing to see.**" — Toni Morrison, *The Bluest Eye*

Abstract

The nonverbal cues that accompany speech (for example, facial expressions, gestures, and eye gaze) can be as communicatively significant as the content of the speech itself. In this paper, I identify what I argue is a very common—but philosophically unexamined—phenomenon: our tendency to allocate nonverbal cues in ways that are sensitive to conversational participants' levels of respective social power such that people with more power receive comparatively more positive and affirming nonverbal cues than people with less power. I call this 'nonverbal marginalization' and argue that it *reflects* and *reinforces* harmful social biases. In sections 1 and 2, I introduce and empirically situate nonverbal marginalization within a broader account of nonverbal communication, showing how implicit and explicit biases are subtly reflected in automatic patterns of nonverbal behavior. In section 3, I demonstrate how nonverbal marginalization reinforces social hierarchies, discussing nonverbal marginalization in relation to imposter syndrome and performance gaps between high and low power social groups. I conclude in section 4 by proposing a new conceptual resource which can be used to identify and address the various ethical, psychological, and epistemic harms of the nonverbal marginalization.

1. Introducing Nonverbal Marginalization

Contemporary philosophy, especially philosophy of language and epistemology, has undergone an observable social turn. Much of this work concerns how social and political biases are communicated by different types of speech—e.g., slurs (Hom 2008; Anderson & Lepore 2013), dog whistles (Saul 2018; Keiser 2022), hate speech (Langton 2018; Maitra 2020), testimonial injustice (Lackey 2020; Kukla 2021), silencing (Dotson 2011; Medina 2023), gaslighting (Abrahamson 2014; Manne 2023), and propaganda (Stanley 2015; Pohlhaus 2016). These literatures have almost exclusively focused on *verbal* communication as a locus of prejudice, investigating what the speaker says and how to interpret the social and political content of their speech. However, recent developments within psychology, neuroscience, and linguistics emphasize the importance of *nonverbal* communication, which includes cues like facial expression, body posture, gesturing, and parts of speech not related to content, including tone

and pitch (some representative examples include Matsumoto, Frank, & Hyisung 2012; Hall, Horgan, & Murphy 2019; Kawakami et al. 2021; Lloyd & Hugenberg 2021; Frühholz & Schweinberger 2021; Sagliano 2022; Skinner-Dorkenoo et al. 2023). In this paper, I'll argue that nonverbal communication is worthy of serious philosophical study and is importantly connected to issues in the philosophy of mind, social philosophy, philosophy of language, and epistemology. I'll be evaluating social dimensions of nonverbal communication, arguing that patterns of nonverbal behaviors can reflect and reinforce social biases, thus upholding oppressive power structures.

To frame our discussion, consider the following two cases, which I'll refer back to throughout the paper:

> **Technology Company**: Mark and Ann, who work for a technology firm, schedule an important meeting with an outside consultant named David. During the meeting Ann notices that David seems to mostly be looking and gesturing towards Mark. Because of this, Ann feels that her presence in the conversation is being overlooked, which makes her nervous and causes her to stumble over her words. She comes away from the meeting feeling devalued.

> **Academic Conference**: Adam, Roy, and Eric are on a panel at a conference, presenting about a topic they all work on. Adam and Roy are white, and Eric is black. During the panel, Eric notices that both Adam and Roy are mostly looking at each other and not nodding and smiling as much at him. This causes Eric to feel uncomfortable and makes it difficult for him to contribute to the conversation. He also experiences imposter syndrome, which makes him question his place as a black scholar in a white-dominated field. As a result of this experience, he feels distracted for the rest of the conference and has difficulty focusing on his writing for a couple days.

To give an account of the nonverbal dynamics described in the cases above, it will be helpful to sketch out a general model for nonverbal communication (see Figure 1 below):
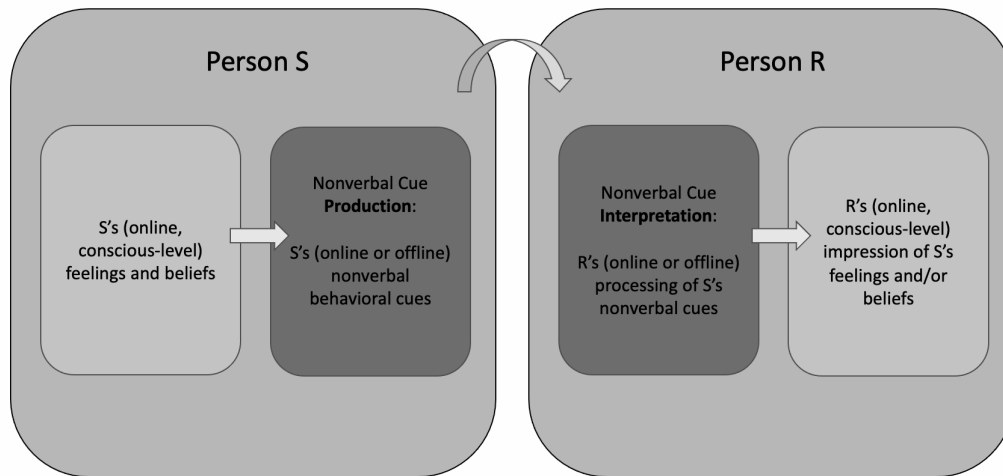
Figure 1: In a nonverbal exchange between S and R, S produces nonverbal cues that are processed and interpreted by R. S's online, conscious-level feelings and beliefs cause S to produce a set of (either online or offline) nonverbal behaviors, which R then interprets (either online or offline). Interpretation of S's nonverbal cues then causes R to form an online, conscious-level impression of S. Note, however, that R might not be aware that their impression of S is being formed on the basis of (potentially offline) processing S's nonverbal cues.

The process of nonverbal communication minimally involves two people—one person who produces a nonverbal cue (e.g., nodding) and the other who interprets the cue (e.g., taking the nodding as a sign of agreement). We can name these two roles in nonverbal exchanges: the **producer** of some set of nonverbal cues and the **interpreter** of the (producer's) nonverbal behaviors. Nonverbal communication draws on tacit, implicit knowledge which associates nonverbal cues with specific meanings (e.g., associating nodding with agreement) and is acquired via some process of social learning (e.g., learning to associate nodding with agreement). It's also been argued that the meaning of some nonverbal cues is innate rather than learned (see e.g., Tracy, Randles & Steckler 2015).

Nonverbal communication can be further broken down into two subcategories, characterized by distinct varieties of cognitive processing. **Online** nonverbal communication is characterized by deliberation and explicit awareness, while **offline** nonverbal communication is largely automatic, occurring without explicit awareness. We can talk about online and offline processing in the context of both the production and interpretation of nonverbal cues. The online/offline distinction is also best thought of as representing a gradient rather than a strict binary (thus, we can talk about nonverbal communication as being partially online). For reasons that will become clear in a moment, nonverbal communication defaults to being largely (if not entirely) offline.[1]

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[1] As I'm framing the online/offline distinction here, the types of processing can be thought of in Marrian terms as computational-level phenomena. However, there's reason to think that online and offline nonverbal communication are distinct at algorithmic and implementational levels as well. For example, a growing body of empirical work

1.1 Offline Nonverbal Communication

Offline nonverbal communication is the default, which means that most of the time nonverbal communication 'flies under the radar'. And this is no accident: offline nonverbal communication tends to be more cognitively efficient. To illustrate why, consider the following case:

> **Breakup**: Reggie is listening to his friend Stefan talk through a recent difficult breakup he's gone through. During the exchange, Reggie's nonverbal behaviors communicate his sympathy, which make Stefan feel supported and reassured—for example, at points in the conversation Reggie smiles sympathetically, leans in, and touches Stefan's arm. Reggie's nonverbal cues are subtle, but make Stefan feel supported and cared for in his moment of vulnerability.

We can imagine that the nonverbal communication between Reggie and Stefan could be online or offline (or some mix of the two), depending on how Reggie's nonverbal cues are produced and interpreted. For example, perhaps Reggie is especially aware of his nonverbal behaviors during the exchange, deliberately choosing nonverbal cues which communicate his support for Stefan (e.g., explicitly thinking 'I should nod now' or 'I should touch his arm now'). If this were the case, then Reggie's nonverbal behaviors would be online.

But, much nonverbal communication won't be online in this way because it's expensive from the perspective of cognitive processing (Cowan 2010; Gruszka & Nęcka 2017). For example, if Reggie is explicitly thinking about how to moderate his tone of voice and facial expressions to maximally communicate his concern for Stefan (i.e. engaging in online nonverbal communication), he'll have fewer online cognitive resources available to listen to what Stefan is saying. Thus, nonverbal communication typically gets relegated to the offline system so that cognitive resources can be freed up for other explicit forms of communication, like Reggie thinking about what Stefan is saying and responding appropriately.

However, even though offline nonverbal communication is automatic and non-deliberate, it still communicates person-level intentions and conscious mental states. Reggie is supportive of Stefan, so he engages in offline nonverbal signaling which conveys that support (even if he's not aware he's doing this). To some degree, we're continually engaging in this type of offline nonverbal communication when we interact with others, producing nonverbal cues which communicate our feelings and intentions without our awareness or explicit deliberation. For example, on a typical morning I engage in a number of short interactions when I come into work (exchanging nods and pleasantries, assuming a cheerful demeanor, smiling, etc.). I'm not explicitly aware of my nonverbal cues in most of these interactions. Nonetheless, I'm engaging in directed offline nonverbal signaling when I spontaneously nod and smile at my coworkers, which serves to communicate my intentions.

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suggests that there's a functional and neurological distinction between online and offline nonverbal cue processing—see Buck & VanLear (2002) and Givens (2015).

Nonverbal cue interpretation tends to get processed offline as well. For example, it's likely that Stefan isn't deliberately focusing on Reggie's nonverbal cues—i.e., he's not consciously attending to Reggie's body language and tone of voice and from this reflectively inferring that Reggie intends to communicate his support. Rather, Stefan is automatically registering and interpreting Reggie's nonverbal cues. This offline processing results in an online output: namely, Stefan *feels* supported by Reggie. However, if his interpretation of Reggie's nonverbal cues is happening offline, Stefan won't be aware that this feeling of being supported has in part been caused by his (offline) interpretation of Reggie's nonverbal behaviors.

Therefore, we can think of offline nonverbal communication as aiming to facilitate successful communication while minimizing cognitive effort, explaining why it tends to be the default system.

1.2 Online Nonverbal Communication

Of course, nonverbal communication can be brought online. For example, we can consciously and deliberately use our nonverbal cues to communicate or obscure our feelings and intentions. Consider Stefan's breakup. While he was being broken up with, Stefan might have tried to deliberately conceal his surprise and disappointment to 'save face' and make the situation less awkward. This could involve online regulation of his nonverbal cue production, like willing himself not to cry or to look sad. Nonverbal cue interpretation can be brought online as well. Perhaps in an effort to deliver the news kindly, Stefan's partner deliberately attended to Stefan's nonverbal cues during the breakup conversation to gauge his response and react sensitively (e.g., consciously noting whether Stefan averted his gaze or if his voice shook).

In online nonverbal communication cases, people will typically have a reason to justify the expenditure of limited processing resources involved in bringing nonverbal communication online. Again, this is because online nonverbal communication on both the production and interpretation side is computationally costly relative to offline nonverbal communication. And while it's rarer than the offline variety, online nonverbal cue interpretation has been robustly observed across empirical literatures and seems to track high stakes and/or emotionally charged situations—for example, cases of suspected deception and romantic and sexual attraction (see Bond, Levine, & Hartwig 2015; Brinke, Vohs, & Carney 2016).[2]

1.3 Defining Nonverbal Marginalization

Now with a model of both online and offline nonverbal communication on the table, let's turn to the focus of this paper: a phenomenon I call 'nonverbal marginalization'. I want to draw our attention to a few aspects of the Technology Company and Academic Conference cases, which highlight key features of nonverbal marginalization.

First, both cases involve the distribution of nonverbal social cues—David *looking* at Mark more than Ann; Adam and Roy *nodding* and *smiling* mostly at each other and not at Eric. But

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[2] Though, there's empirical debate about how successful our online tracking of nonverbal behaviors are in high stakes contexts. For helpful metanalytic reviews see Vrij, Hartwig & Granhag (2019) on lying and Moore (2010) in human courtship.

there isn't any verbal hostility being directed at Ann or Eric (e.g., they aren't being *told* they are incompetent). I'll discuss the psychological motivations for engaging in this sort of nonverbal marginalization in section 2.

Second, this nonverbal disregard is impairing Ann and David's respective performances—Ann stumbles over her words in the meeting and Eric speaks up less on the panel. I'll argue in section 3 that these types of performance impairments reflect discriminatory environments rather than genuine ability deficits. In other words, Ann has the ability to engage in the meeting and Eric has the ability to contribute to the conference panel. However, their colleagues' nonverbally marginalizing behavior prevents them from fully manifesting their professional abilities in these hostile contexts.

Third, Ann and Eric are harmed by their interlocutors' discriminatory nonverbal behaviors. As I've laid out, their experiences of nonverbal marginalization make them feel uncomfortable during the meeting and the panel, preventing their full participation (we'll see in sections 3 and 4 that this dynamic reinforces wrongful social hierarchies). And the harm extends beyond discomfort in the moment. For example, Eric's distress causes him to disengage somewhat from the rest of the conference, foregoing valuable professional opportunities. Further, he is less productive following the incident because his experience of nonverbal marginalization triggers his imposter syndrome, which I'll discuss in section 3. And while a few days of decreased productivity might not seem that significant, I'll argue that people from historically marginalized social groups (e.g., women, people of color, transgender people, disabled people, etc.) experience this type of harm regularly. Thus, we can imagine that the *cumulative* effect of losing a couple days of confidence and productivity is more substantial if this experience occurs often.

Third, given everything we've said about the automaticity of nonverbal communication, we should think that the emergent nonverbal dynamics probably go consciously unnoticed by all parties. On both the production and interpretation side, nonverbal communication in nonverbal marginalization cases will mostly be offline (I'll argue in section 4 this is why the phenomenon is so harmful and insidious). But why think nonverbal cue production and interpretation is offline in nonverbal marginalization cases like these?

On the production side, David, Adam, and Roy are likely unaware that they're nonverbally engaging less positively with Ann and Eric. They think they are acting normally in the meeting. However, I'll argue in section 2 that discriminatory patterns of (mostly offline) nonverbal behaviors reflect implicit biases (keep in mind that offline nonverbal behaviors reflect genuine intentions and beliefs). Thus, I'll argue that David, Adam, and Roy's biases are reflected in their nonverbal behaviors, even though those behaviors are offline.

Nonverbal cue interpretation in these cases is also probably happening offline. In other words, Ann and Eric are not aware they are being nonverbally disregarded by their interlocutors (afterall, absent good reason, we typically don't consciously track other people's nonverbal cues). This seems especially likely given the cognitive processing demands of participating in the business meeting and academic conference. Ann and Eric have so many other things to focus on

other than their interlocutors' patterns of nonverbal behavior (like what's being said in the meeting and on the panel). And if Ann and Eric aren't in a position to consciously pick up on their interlocutors' nonverbal cues, they won't be epistemically well-positioned to explicitly identify patterns of discriminatory nonverbal behavior.

I'll argue in section 4 that consciously recognizing this type of nonverbal discrimination is especially difficult because victims of nonverbal marginalization lack the relevant concept ('nonverbal marginalization') to attach to those experiences. However, I'll claim that Ann and Eric do pick up on their interlocutors' patterns of discriminatory nonverbal behaviors offline, which causes them to form impressions (and perhaps beliefs) about how David, Adam, and Roy assess them—for example, thinking David, Adam, and Roy don't professionally respect them. This affects the way Ann and Eric regard themselves: being looked at and smiled at less causes them to feel as if they aren't valued within their professional communities. However, I'll conclude section 4 by suggesting that 'hermeneutically intervening' by familiarizing people with the concept of 'nonverbal marginalization' can actually lessen its harmful psychological effects.

We can now put forward a definition of the phenomenon (likely recognizable to many readers), which I'm calling 'nonverbal marginalization':

> **Nonverbal Marginalization** is the behavioral tendency to distribute nonverbal cues in ways that reflect and reinforce contextual power dynamics, such that higher power people receive more positive and affirming nonverbal cues (and fewer negative nonverbal cues) than lower power people.

According to this definition, for a pattern of nonverbal behavior to count as a case of nonverbal marginalization, the behavior needs to display genuine sensitivity to contextual power dynamics. We can cash out this sensitivity to power as follows: for S to nonverbally marginalize R, (1) S must be attending to relevant contextual power dynamics which position R in a (comparatively) lower power status relative to other conversational participants and (2) S's nonverbal behaviors towards R must reflect those attended-to dynamics.[3] I'll delve deeper into the cognitive architecture of nonverbal marginalization in the next section, but I want to further clarify two features of nonverbal marginalization as I've defined it here: how the positive and negative valence of nonverbal cues gets determined and which power dynamics are tracked by patterns of nonverbally marginalizing behavior.

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[3] I take this point to be especially relevant when we consider certain types of neurodivergence, which affect patterns of nonverbal engagement. For example, adults and children on the autism spectrum often have difficulty interpreting and producing nonverbal social cues (Pelzl et al. 2023). However, an autistic person failing to nonverbally engage with someone (even if that person is a member of a marginalized group) doesn't constitute genuine nonverbal marginalization because the autistic person's nonverbal behaviors aren't reflecting an attended-to power dynamic.

1.4 Valence of Nonverbal Cues

The definition of nonverbal marginalization draws upon a notion of valence, making reference to 'positive and affirming' and 'negative' nonverbal cues. But which nonverbal cues have positive and negative valences and how does this get determined?

I'm intending to avoid being overly committal with regards to the valence question. All the examples of nonverbal marginalization I discuss in this paper involve nonverbal cues that are unambiguously either positive or negative within the specified context. Frequently cited examples of "positive and affirming" nonverbal cues include smiling, nodding, using affirming gestures, and assuming an open and welcoming body posture while negative nonverbal cues include frowning, brow furrowing, and adopting closed body postures (Burgoon, Guerrero, & Manusov 2011; Knapp, Hall, & Horgan 2013; Sauter et al. 2014). As I'll argue in the next section, nonverbal marginalization caused by implicit bias tends to involve unequal distribution of positive and affirming nonverbal cues (e.g., looking and smiling more at high power people at the expense of low power people), while nonverbal marginalization caused by explicit bias tends to involve negative nonverbal cues (e.g., frowning or scowling at low power people).

We still might wonder how valences of nonverbal cues get determined. In many respects this is an open empirical question. However, there's reason to think that the answer likely involves some mixture of biological, contextual, and cultural factors, which affect the meanings and valences associated with nonverbal cues. For example, psychologists have long claimed that specific facial expressions (Ekman 1970; 1993; Matsumoto & Willingham 2009) and patterns of looking behavior (Pruitt 2008) have evolved to communicate certain information. However, more recent work suggests that features of agents' social and cultural contexts also affect how nonverbal cues are interpreted (Hess & Kafetsios 2021; Barrett 2022). For example, while a smile in one social context might be interpreted as happy (e.g., seeing an old friend), in another it could be interpreted as sarcastic (e.g., watching an especially cringe-worthy karaoke performance). Moreover, even within the same type of social context, nonverbal cues can get interpreted in radically different ways, depending on prevailing cultural norms. While standing very close to someone is considered socially inappropriate in many American and European cultural contexts, closer standing distances are often seen as friendly and welcoming in parts of Latin America and the Middle East (Kreuz & Roberts 2017). We can see, then, that nonverbal cue valence on both the production and interpretation side is biologically and culturally complex.

1.5 Power Dynamics

The definition of nonverbal marginalization also references 'power dynamics'. But what power dynamics are being tracked? This is also something I mostly want to leave open. Theoretically, nonverbal marginalization could track *any* power inequity.

Social features, including social prejudices, determine which power dynamics are reflected in our nonverbal behaviors. I'll mostly focus on prejudicial varieties of nonverbal marginalization, arguing that implicit and explicit biases can, and frequently do, determine the power dynamics we attend to. This means that in many social and professional contexts, peoples'

nonverbal behaviors are reflecting their cultural biases in ways that reinforce structural oppressions—e.g., sexism, racism, homophobia, transphobia, classism, ableism, fatphobia, etc.

However, nonverbal marginalization doesn't only track historical inequities. For example, if you were unpopular in high school, you might remember what it's like to be nonverbally disregarded at social gatherings. Perhaps no one at these events explicitly said anything negative to you (or even about you), but you noticed that people tended not to look or smile in your direction. Likewise, junior academics sometimes complain that senior academics nonverbally disregard them at professional gatherings—ignoring or looking past them in exchanges, without being explicitly hostile or dismissive.

While I've mostly chosen to focus on nonverbal marginalization cases where the power dynamic being tracked reflects a type of systemic oppression, historically privileged people (e.g., male, white, straight, able-bodied, cisgender, etc.) can be nonverbally marginalized as well. As I'll lay out in the next section, nonverbal marginalization ultimately just tracks power inequities—some perhaps more unjust than others.

2. 'Why Nonverbally Marginalize?': Motivation and Cognitive Architecture

If nonverbal marginalization reinforces power hierarchies, why do we do it? I want to consider two versions of this question. The first involves the psychological motivation to engage in nonverbal marginalization: what motivates us to nonverbally marginalize? The second involves the cognitive architecture which gives rise to nonverbal marginalization: what mental representations bring about the nonverbally marginalizing behavior?

2.1 Psychological Motivation

Why would someone nonverbally marginalize someone else? The answer seems to lie in the importance we place on certain kinds of social connection. Signaling affiliation with socially powerful people typically comes with social advantages. We want powerful people to like us—so they'll hire us, befriend us, date us, etc. But how do we make people like us? On one hand, signaling our own affability can be overt, like explicitly complimenting someone or offering to do them a favor. But nonverbal behaviors can positively signal affiliation as well. In fact, the empirical literature suggests that nonverbal signaling of affiliation tends to be successful: we *like* people who look at us (Mason, Tatkow, & Macrae 2005; Kaisler & Leder 2017), smile at us (Nikitin & Freund 2018), and nod at us (Osugi & Kawahara 2018). And nonverbal displays of affiliation are often more effective than overt ones precisely because nonverbal communication has this dimension of subtlety—for example, while it might seem inappropriate to endlessly praise your boss, a smile or a touch of the shoulder can make them feel closer to you and make you in turn seem more likable.

We can thus understand nonverbal marginalization as arising from this more basic tendency to signal affiliation with powerful people. Stated in this way, it's clear why we might think some forms of nonverbal marginalization aren't normatively problematic (at least in the

way the Technology Company and Academic Conference cases are). Nonverbal attention is a limited resource such that we can't nonverbally attend to all people, at all times, equally in social exchanges. It's very natural, then, that we'd preferentially allocate nonverbal attention to the people we regard as the most important within the given social context. This means that the unequal allocation of nonverbal attention won't always carry the same normative baggage. For example, in the context of your friend's birthday dinner or your child's school play, it will probably make sense to look, smile, and gesture more towards them.

So, the claim isn't that nonverbal marginalization is *always* normatively problematic. Indeed, some types of nonverbally marginalizing behavior seem to be cognitively unavoidable. Rather, I am arguing that certain types of nonverbal marginalization are inherently problematic—specifically, patterns of nonverbal marginalizing behavior which reflect implicit or explicit biases. These are the "bad" types of nonverbal marginalization, which this paper is mostly focused on. However, isolating these prejudicial varieties of nonverbal marginalization requires us to look more closely at the cognitive architecture.

2.2 Cognitive Architecture: Implicit and Explicit Bias
This brings us to the cognitive architecture that supports the "bad" type of nonverbal marginalization. For the rest of this paper, I will drop qualifiers like "bad", "prejudicial", or "normatively suspect". Hereafter when I refer to 'nonverbal marginalization' I will mean the "bad" type brought about by an implicit or explicit bias.

Consider explicit bias first. Explicit biases are conscious, intentional attitudes, formed through reasoned deliberation and reflection, which typically justify the mistreatment and/or exploitation of minority groups—for example, European Enlightenment thinkers formulating racist narratives to justify slavery (Mills 1997) and American conservatives objecting to the legalization of same-sex marriage by claiming that LGBT people were trying to dismantle the traditional family (McVeigh & Maria-Elena 2009). Explicit biases straightforwardly motivate various types of marginalization against members of oppressed social groups. For example, if S is explicitly biased against R, then S won't be likely to positively engage with R—either verbally or nonverbally.

In the nonverbal case, explicit biases are typically reflected in biased agents' *negative* nonverbal cues. Note that all the examples of nonverbal marginalization I've discussed up until this point have involved the relative distribution of *positive* nonverbal cues (e.g., looking and smiling more at S than R because S is more socially powerful than R). But explicit biases often manifest in nonverbally marginalizing behavior which involves the distribution of *negative* nonverbal cues—e.g., frowning, grimacing, or aggressively posturing. As such, nonverbal marginalization brought about by explicit bias can be leveraged as a tool of control. For example, if a man holds the explicit bias that women shouldn't work outside the home, he might refuse to look at his female coworkers in meetings or exaggeratedly roll his eyes when they speak. This type of nonverbal marginalization—manifested by his negative nonverbal cues—is explicitly communicating his disapproval (and, thus, his underlying explicit bias).

On the other hand, implicit biases are unconscious attitudes passively acquired through cultural exposure, which shape our judgments and perceptions about other people.[4] Unlike explicit biases, implicit biases are not accessible through introspection and aren't the product of conscious deliberation. Rather, they are implicitly manifested in biased patterns of behavior.[5] It's been demonstrated that people are implicitly biased against a number of marginalized groups, including black people (Nosek 2007), women (Dasgupta & Asgari 2004), transgender people (Axt, et al. 2021), elderly people (Kleissner & Jahn 2020), fat people (Phalen et al. 2014), and Muslims (Park, Felix, & Lee 2007) among others.

Much of the nonverbal marginalization people regularly experience reflects implicit (rather than explicit) bias. In the implicit cases, the nonverbal marginalizer isn't engaging in the behavior because they explicitly harbor a negative bias about the marginalizee. Rather, they have some implicit bias that is shaping their patterns of nonverbal behavior without their awareness.[6] Importantly, however, the behavior isn't made more benign because it's caused by an implicit bias. In fact, implicit nonverbal marginalization cases are often *more* harmful than the explicit ones in that it's often easier to identify and dismiss nonverbal marginalization from explicitly biased people than implicitly biased people.

For example, if a woman knows her male coworker is explicitly sexist, she won't interpret him rolling his eyes during her presentation to reveal anything deep about the content of her talk or her professional competence. She can just dismiss his nonverbally marginalizing behavior as being a manifestation of his overt sexism. However, if his nonverbal marginalization manifests more subtly—as tends to be true in implicit bias cases, which involve relative distribution of positive nonverbal cues—it will be more difficult for her to explicitly identify the bias in his pattern of nonverbal behavior. This makes the incident more difficult for her to shrug off. Similar points have been made about the comparative harm of microaggressions vs. macroaggressions—e.g., it's sometimes easier to dismiss a macroaggression than a microaggression because macroaggressions unambiguously manifest the aggressor's bias.[7]

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[4] Philosophers have given a number of metaphysical accounts of implicit bias. For example, it's been argued that implicit biases are associations (Madva 2016, Madva, & Brownstein 2018), propositional attitudes (Egan 2008; Schwitzgebel 2010; Mandelbaum 2016) and aliefs (Gendler 2011). However, I'm wanting to remain neutral on the metaphysical issue. Everything I say about implicit bias here should be compatible with any of these metaphysical accounts of implicit bias.

[5] For more on techniques for measuring implicit bias see Machery (2016), Buckwalter (2019), and Brownstein, Madva, & Gawronski (2020).

[6] Remember that in implicit cases, the nonverbal marginalizer likely won't be aware they have the implicit bias at all and will also be unaware they are (as a result of the implicit bias) engaging in nonverbally marginalizing behavior.

[7] You might wonder: is nonverbal marginalization just a subtype of microaggression? It turns out that nonverbal marginalization doesn't neatly fit into the microaggression vs macroaggression framework. It will be true that most examples of nonverbal marginalization caused by implicit bias will qualify as a microaggression because the nonverbally marginalizing behavior reflects a bias but also (unlike macroaggressions) has a dimension of plausible deniability (see McTernan 2017 and Rini 2020). However, not all examples of nonverbal marginalization will be microaggressive in this way. Nonverbal marginalization caused by an explicit bias (e.g., refusing to look at the female colleague in a meeting because you explicitly hold a sexist bias) would likely manifest as *macro*aggressions, rather than *micro*aggressions—because in explicit bias cases there's no element of plausible deniability. And as I discussed in 2.1, nonverbal marginalizing behavior sometimes isn't motivated by bias at all (e.g., looking at one's

Now with an account of nonverbal marginalization on the table, I'll spend the second half of this paper discussing the psychological harms and epistemic effects of nonverbal marginalization. I'll mostly focus on examples like the Technology Company and Academic Conference cases, where the nonverbally marginalizing behavior reflects *implicit* biases and involves *offline* nonverbal communication. As will become clear, these types of offline and implicit nonverbal marginalization are arguably the most pernicious and also, probably, the most common.

3. Psychological Harms

I opened this paper with the claim that nonverbal marginalization reflects and reinforces social biases. The previous section detailed how biases are *reflected* in patterns of nonverbal marginalization. This section will consider how nonverbal marginalization *reinforces* biases, arguing that biases are reinforced because (typically offline) dynamics of nonverbal marginalization subtly validate high power people and marginalize low power people. In this way, nonverbal marginalization ends up being a mechanism by which unjust social hierarchies are maintained (see Haslanger 2021 and Kolodny 2023 on social hierarchies).

To illustrate how nonverbal marginalization reinforces social biases, I'll discuss two psychological harms of the nonverbal marginalization: (1) how nonverbal marginalization contributes to low power peoples' experiences of imposter syndrome and (2) how nonverbal marginalization creates performance gaps between high and low power social groups (by impairing low power peoples' task performances and facilitating high power peoples' task performances).

3.1 Imposter Syndrome

Imposter syndrome, frequently experienced by members of marginalized groups, involves having negative attitudes about one's ability (where those attitudes are false). Victims of imposter syndrome characteristically feel as if they are imposters or frauds, which can lead them to become isolated from their professional and social communities (Clance & Imes 1978; Clance, 2011; Bravata et al. 2020). Though imposter syndrome has been observed in various populations, there is still philosophical and empirical debate about what causes imposter attitudes and how they can be most effectively challenged and eliminated (Sakulku & Alexander 2011; Calvard 2018). To frame our discussion, consider a paradigmatic case of imposter syndrome:

> **Lawyer**: Sofia, a young Latina lawyer, can't help feeling that she's an imposter in her workplace. Despite having ample evidence of her own professional ability, she believes herself to be incompetent relative to her male colleagues.

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own child more in their school play). So, there will also be examples of nonverbal marginalization which are neither microaggressions nor macroaggressions.

What causes imposter attitudes like Sofia's? The traditional answer to the question involves ascribing victims of imposter syndrome a type of blameless irrationality or self-deception (Hawley 2019a; 2019b; Paul 2019; Gatsby 2020). These types of views typically claim that imposter attitudes are triggered by agents' knowledge that identity prejudices exist in the world but are not necessarily directly caused by prejudice in their immediate environments (this view resembles popular accounts of stereotype threat—see Steele & Aronson 1995; Saul 2016). In other words, Sofia is aware that racist and sexist prejudices about professional women exist, and her imposter syndrome psychologically manifests this awareness. Importantly, however, her imposter syndrome might not accurately reflect what's going on in her immediate environment (because characteristic victims of imposter syndrome are competent and have evidence of this competence). Of course, we wouldn't say that Sofia is blameworthy—after all, her experience of imposter syndrome is caused by her awareness of very real sexist and racist social prejudices, which unjustly disadvantage her. But, on this view, Sofia's epistemic behavior is (at least in some sense) suboptimal given the evidence she has.

This sort of explanation also has implications for institutional policy. According to the blameless irrationality view, Sofia's coworkers can be said to be doing their professional due diligence in their treatment of her (e.g., engaging with her at work, giving her favorable performance reviews, etc.). As such, whatever imposter feelings Sofia has can be attributed to her awareness of existent cultural biases rather than anything going on in her immediate environment. This often lets institutions pass the prejudicial buck, as it were. For example, an institution can claim they've done all they can to make minority employees feel welcome, blaming any residual imposter attitudes on more general social biases.

However, having introduced nonverbal marginalization, we can now put forward another explanation of these types of imposter syndrome: pervasive patterns of nonverbal marginalization within institutions cause members of minority groups to experience imposter syndrome. To illustrate how nonverbal marginalization can cause imposter syndrome, consider how patterns of nonverbally marginalizing behavior are produced by the marginalizer and interpreted by the marginalizee. Recall from section 1 that the marginalizer's (often implicit) biases are reflected in their patterns of (often offline) nonverbal behavior. The marginalizee, then, interprets (also often offline) the marginalizer's nonverbally marginalizing behavior, which affects the conscious-level (i.e., online) impressions the marginalizee forms about themselves and about the marginalizer. I'm claiming that repeatedly experiencing nonverbal marginalization can cause marginalizees to begin seeing themselves as imposters (even when they don't consciously register the nonverbal marginalization) because they are offline interpreting the marginalizing behaviors (e.g., not being looked at, smiled at, etc.) as evidence that they are unwelcome imposters.

For example, we can imagine that Sofia's coworkers' nonverbal behaviors sometimes reflect their implicit racist and sexist biases in patterns of nonverbal marginalization—for example, failing to nonverbally engage with her as much in meetings or in social settings. Assuming Sofia hasn't acquired the 'nonverbal marginalization' concept, we should assume that

she processes their nonverbally marginalizing behaviors offline. Offline processing of their nonverbal marginalization (not looking at her in meetings, frowning when she speaks, etc.) would cause her to form the conscious-level impression that they regard her as incompetent. Thus, their nonverbal marginalization causes and maintains her imposter attitude. However, because she's processing her interlocutors' nonverbal cues offline, she probably won't realize that her imposter attitude is formed on the basis of her interlocutors' biased nonverbal behaviors. This makes it seem to Sofia and her nonverbally marginalizing coworkers as if she formed the imposter attitude spontaneously, seemingly lending support to the traditional view that imposter beliefs reflect more general cultural biases rather than specific features of environments. However, we can now more accurately diagnose the etiology of her imposter attitude as originating from patterns of nonverbal marginalization within her environment.

I should hasten to add that I'm not claiming that all cases of imposter syndrome are caused by nonverbal marginalization. But I'm claiming that nonverbal marginalization can—and frequently does—harmfully contribute to experiences of imposter syndrome, subtly lending epistemic support to peoples' imposter attitudes. Note as well that the explanation on offer here importantly shifts the dynamic of epistemic blame in cases where imposter syndrome is being caused by nonverbal marginalization. Afterall, it might be that victims of imposter syndrome like Sofia are updating their beliefs about their professional competence according to the available evidence. However, their evidence in part consists of the (probably offline) processing of others' (also probably offline) patterns of nonverbally marginalizing behavior, which epistemically supports an imposter narrative. Hence, the available evidence (nonverbal marginalization and all) can end up supporting the marginalizee's imposter beliefs. Laid out in this way, we see how patterns of nonverbal behavior can play a significant cognitive and epistemic role in creating and maintaining imposter attitudes.

3.2 Performance Gaps
Nonverbal marginalization can also explain certain performance gaps between high and low power social groups that have been observed in social psychology—e.g., men and white people outperforming women and people of color on various types of assessment (Mendoza-Denton 2014; Salehi et al. 2019; Shockley 2021). These results have often been explained by appealing to innate ability differences between groups (Jussim, Crawford, & Rubinstein, 2015). While some of these performance gaps seem to disappear when other social factors (like the structure of the assessments and the unequal distribution of resources between groups) are controlled for, some performance gaps seem to remain, which get pointed to as supporting for these innate ability explanations. I will close out this section by demonstrating how nonverbal marginalization can shed novel light on certain types of performance gaps better than commonly cited innate ability explanations.

Up until this point I've mostly considered nonverbal marginalization from the perspective of members of oppressed social groups, who are the victims of nonverbal marginalization. But I now want to consider the experiences of socially powerful groups, who as a result of the

nonverbal marginalization of others receive comparatively more positive and affirming nonverbal cues. Take a familiar example: a graduate seminar. Let's consider nonverbal marginalization in the seminar room from two distinct perspectives: the powerful person being nonverbally validated and the comparatively less powerful person(s) being nonverbally marginalized.

Imagine a small graduate seminar on a specialized topic in philosophy, led by a prominent faculty member.

Nonverbal Validation: When white male student Kyle speaks in the seminar, he tends to get nonverbally acknowledged in a positive and preferential way by the other students and the faculty member. For example, when he contributes to the discussion they look, nod, and smile at him, which he takes to be indicative that his comments are welcome and valuable. These subtle nonverbal affirmations end up affecting the fluency and frequency of Kyle's comments, making him come across as more knowledgeable and articulate than the other students. Therefore, the positive nonverbal validation he receives causes him to perform *better* than the other students.

Nonverbal Marginalization: On the other hand, the women and people of color in the seminar don't receive the same degree of positive nonverbal attention. For example, when they contribute, the faculty member and other students don't look at them or nod their heads as much. This makes them feel anxious and causes them to second-guess the quality of their comments. As a result, the women and people of color end up contributing less in the seminar and when they do speak their comments tend to come across as less polished than Kyle's (e.g., they stumble over their words more because the other seminar participants' nonverbal behaviors make them feel less confident).

Note that there is a genuine performance difference (qua philosophical ability) on display in the seminar. Kyle is contributing more frequently to discussion than the non-white and non-male students and the quality of his comments (at least in certain respects) is better. But is this performance difference best explained by a genuine ability difference? In other words, does the performance difference in the seminar suggest that Kyle is a better philosopher than the other students? Clearly not.

To make this point especially clear, consider another familiar example. Think about the experience delivering the same talk to a nonverbally engaged audience (exhibiting positive nonverbal behaviors like nodding and smiling) versus a nonverbally disengaged audience (exhibiting negative nonverbal behaviors like frowning, looking at their phones, and staring into space). The positive nonverbal feedback from the first audience will almost certainly translate into a better talk performance. However, receiving positive or negative nonverbal cues obviously

doesn't alter your underlying philosophical ability. It's just that receiving positive nonverbal cues makes you feel more confident, so you end up delivering a better talk.

Given all of this, how should we think about the performance differences in the seminar room? First, we should imagine that it's something the students and faculty are probably consciously tracking. As such, the faculty member and other graduate students will likely conclude that Kyle is the most competent student in the seminar. Taking the performance difference on display to be an indication of a genuine ability difference, the other graduate students might more readily defer to Kyle, judging him to be more knowledgeable on the topic. The faculty member might even be likely to write him a better recommendation letter based on the quality of his in-class contributions.

However, clearly the performance difference isn't due to any innate ability difference between the students. Rather, it's fostered by an environment of subtle nonverbal marginalization in the seminar room: the white male student receiving more positive and affirming nonverbal cues than the women and people of color, which causes him to perform better and them to perform worse. Given what we've said about the subtlety and pervasiveness of nonverbal marginalization, we should imagine that there will be many cases like this, in which biased patterns of nonverbal behavior undermine the capacity of members of historically oppressed groups to fully manifest their abilities (and where these performance deficits are assumed to reflect ability deficits). Hence, understanding nonverbal marginalization can help us explain certain performance gaps while resisting empirically and socially questionable innate ability explanations.

Finally, I want to suggest that rejecting innate ability explanations by appealing to more empirically and philosophically credible alternative explanations of performance gaps (like nonverbal marginalization) can help us undermine the implicit and explicit biases which motivate the patterns of nonverbal marginalization. I'll demonstrate by showing how innate ability explanations contribute to what I call 'bias-reinforcing feedback loops'.

To illustrate how bias-reinforcing feedback loops are generated, consider the bias that white people are intellectually superior to people of color. Holding this (implicit or explicit) racial bias will motivate the nonverbal validation of white people and nonverbal marginalization of people of color. Reflecting on the relationship between nonverbal communication and performance, we should expect that these patterns of nonverbal engagement will sometimes cause white people to outperform people of color. However, if the performance differences are taken to be indicative of ability differences, then the performance difference (driven entirely by biased patterns of nonverbal behavior) will seemingly provide evidence for the racial bias that initially motivated the preferential patterns of nonverbal validation/marginalization. And then the racial bias—now further reinforced—should be even more likely to motivate future racist patterns of nonverbal engagement. Thus, nonverbal marginalization (when coupled with tacit acceptance of the innate ability explanation of performance gaps) creates feedback loops which end up reinforcing marginalizers' biases:

Bias-Reinforcing Feedback Loops:

(1) Social biases (e.g, 'group S is superior [in some domain] to group R') motivate the (online or offline) nonverbal validation of members of high power social groups and nonverbal marginalization of members of low power social groups (nonverbally validating Ss and marginalizing Rs).

(2) These patterns of nonverbal marginalization and validation undermine the performances of members of low power social groups and facilitate the performances of members of high power social groups, which can create performance differences between the groups (validating Ss and marginalizing Rs will cause Ss to outperform Rs).

(3) Observed performance differences between high and low power social groups are then taken to be evidence for the social biases which initially motivated the patterns of nonverbal validation and marginalization (observing that Ss outperformed Rs is taken as evidence for the original bias 'group S is superior to group R'—even though the S/R performance difference was caused by a difference in nonverbal engagement rather than a genuine ability difference between Ss and Rs).

(4) The observed performance difference strengthens the original social bias, thereby motivating further nonverbal validation of high power social groups and nonverbal marginalization of low power social groups, (strengthening the bias 'group S is superior to group R' will translate into further nonverbal validation Ss and marginalization of Rs).

(5) And so on…

Hence, we see how patterns of nonverbal marginalization reinforce biases through these loops, impairing performances of low power groups and facilitating performances of high power groups, which feeds back into the bias (i.e., the bias causes the nonverbally marginalizing behaviors, which cause the performance gaps, which strengthen the bias… and so on). However, appreciating the relationship between nonverbal marginalization and task performance should make clear why interventions to nonverbal marginalization (of the sort I discuss in the next section) are important. Developing interventions that challenge patterns of nonverbal marginalization in ourselves and others can undermine performance gaps between high and low power social groups, thus enabling members of historically oppressed groups to fully manifest their abilities and competences.

4. Epistemic Effects and Interventions

Now that we've seen how nonverbal marginalization reflects and reinforces social biases, in this section I'll discuss two noteworthy epistemic effects of nonverbal marginalization: epistemic oppression and hermeneutical injustice. Laying out these epistemic effects will also allow us to answer an important lingering question: why do we so often fail to recognize nonverbal marginalization if it is as common and pernicious as I claim? I'll conclude the section by

proposing what I call a 'hermeneutical intervention', which can help us address the various other ethical, psychological, and epistemic harms of nonverbal marginalization.

4.1 Epistemic Oppression
Kristie Dotson defines epistemic oppression as "persistent epistemic exclusion that hinders one's contribution to knowledge production" (2012, 24). She claims that epistemically oppressive exclusions involve infringements on "the epistemic agency of agents" and "produce deficiencies in social knowledge" (ibid). Dotson characterizes epistemic agency as follows (ibid):

> "*Epistemic agency* will concern the ability to utilize persuasively shared epistemic resources within a given epistemic community in order to participate in knowledge production and, if required, the revision of those same resources. A compromise to epistemic agency, when unwarranted, damages not only individual knowers, but also the state of social knowledge and shared epistemic resources."

Epistemic oppression can be understood as involving infringement on epistemic agency, which harms the general state of social knowledge within a given epistemic community. We can think of infringements of epistemic agency as taking the following two possible forms: an agent can be epistemically oppressed in their capacity as an *acquirer of knowledge* (e.g., if they were prevented from asking questions and learning from others) or as a *transmitter of knowledge* (e.g., if they were prevented from sharing their knowledge and participating in the revision and expansion of shared epistemic resources). Dotson discusses Patrica Hill Collins, who noted the relative lack of serious engagement with black feminist scholarship within the academy in her seminal book *Black Feminist Thought* (2000). Collins claimed that work from black feminist scholars has been excluded and ignored from academic spheres, which Dotson argues constitutes an epistemically oppressive dynamic. We can then say that black feminist scholars have been epistemically oppressed as knowledge producers because existing inequitable power structures have prevented them from contributing to the production of social knowledge within the academy.

I claim that nonverbal marginalization infringes on the epistemic agency of historically oppressed people. In particular, pervasive patterns of nonverbal marginalization impair peoples' abilities to acquire and produce knowledge within their epistemic communities, reinforcing oppressive social hierarchies. Thus, I'm arguing that nonverbal marginalization can exemplify both dimensions of epistemic oppression.

First, experiencing nonverbal marginalization can hinder people in their acquisition of knowledge. For example, being nonverbally marginalized often causes people to feel intimidated, which discourages them from asking questions. This prevents them from acquiring knowledge from others. Think of Ann in the Technology Company case, who's being nonverbally marginalized by the consultant, David. David's nonverbal marginalizing behavior blocks Ann out of the conversation, making her too intimidated to ask questions of David (even

though he's been hired to share his expertise with Ann and Mark). Thus, David's (presumably offline) nonverbal marginalization of Ann prevents her from acquiring knowledge.

Second, experiencing nonverbal marginalization can prevent people from transmitting knowledge to others. This harms both the person being nonverbally marginalized and others within their epistemic community who could have benefited from the marginalizee's expertise. Think about Eric in the Academic Conference case, who is nonverbally marginalized by the other two (white) conference panelists. Their nonverbal disregard makes it difficult for him to participate in the discussion and share the research he was invited to discuss. Clearly, Eric is harmed by his fellow panelists' nonverbally marginalizing behavior towards him (he feels uncomfortable, he's unable to share his work, his imposter syndrome is triggered as a result of the experience, etc.). But Eric's greater epistemic community is also harmed—specifically, the other conference attendees, who came to the panel to learn about the panelists' research and didn't get to hear Eric's fully fleshed-out thoughts.

Thus, nonverbal marginalization can epistemically oppress members of historically marginalized groups because patterns of nonverbal marginalization impair peoples' abilities to acquire and transmit knowledge, thereby reinforcing social hierarchies by isolating them from social knowledge production.

4.2 Hermeneutical Injustice
The second epistemic harm of nonverbal marginalization (which I'll focus on more because it relates to the intervention I'll propose at the end of the section) involves hermeneutical injustice. The notion of 'hermeneutical injustice' comes from the work of Miranda Fricker, who defines hermeneutical injustice as the experience of "having some significant area of one's social experience obscured from collective understanding owing to a structural identity prejudice in the collective hermeneutical resource" (2007, 115). By 'collective hermeneutical resource' Fricker is referring to the shared concepts and epistemic resources a society generates and makes use of. Hermeneutical injustice occurs when members of marginalized social groups are prevented from participating in the processes of creating and maintaining these conceptual resources. As a result, the concepts which do emerge end up disproportionately reflecting the interests and lived experiences of socially powerful groups at the expense of marginalized groups. Fricker illustrates this by discussing the concept of 'marital rape', which historically wasn't categorized as a type of rape, reflecting the interests of men who crafted the conceptual resource to their own exploitative advantage.

It should be stressed that not all hermeneutical deficits (i.e., collective conceptual gaps) involve *injustice* in the relevant sense. Rather, hermeneutical injustices involve hermeneutical deficits that reflect social prejudices. Fricker argues that hermeneutical injustice is "essentially discriminatory" because it "affects people in virtue of their membership of a socially powerless group, and thus in virtue of an aspect of their social identity" (ibid, 153).

Circling back to nonverbal marginalization, I claim that members of oppressed social groups experiencing nonverbal marginalization are harmed by hermeneutical injustice in that

they lack the hermeneutical resources which would enable them to make sense of these experiences. For the rest of the section, I'll propose that the missing hermeneutical resource is the 'nonverbal marginalization' concept. Thus, there's a sense in which this paper attempts to address the hermeneutical injustice by proposing the missing hermeneutical resource. We can think of this move as a 'hermeneutical intervention'.

But before getting to the meat of the hermeneutical intervention, why think there's even a hermeneutical deficit here? There doesn't exist a term for the phenomenon I've been calling 'nonverbal marginalization' (at least as far as I'm aware). As such, it's not been recognized or discussed within mainstream social discourse. To illustrate, contrast nonverbal marginalization with 'mansplaining' and 'gaslighting', concepts which have been recently introduced into social discourse to fill existing hermeneutical gaps. While you were likely unfamiliar with nonverbal marginalization before reading this paper (even though you'll almost certainly recognize it in your own experiences), you might already be familiar with the term 'gaslighting'. And if you already possess the 'gaslighting' hermeneutical resource, you'll find that you're able to identify and call out the behavior (to some degree) in virtue of having the concept. In this way, the possession of the hermeneutical resource can actually lessen the harmful effects of the behavior—for example, if you already know what gaslighting is, you might be less psychologically rattled when someone tries to gaslight you. Thus, while introducing the 'gaslighting' hermeneutical resource doesn't entirely nullify the harmful effects of gaslighting, having the concept makes it easier for potential victims of gaslighting to identify and address the behavior. Therein lies the power of hermeneutical resources.

However, there does not exist (prior to the writing of this paper) a 'nonverbal marginalization' hermeneutical resource, which points to a hermeneutical deficit. And this deficit can generate hermeneutical injustice when members of historically marginalized groups are harmed because they failed to possess the 'nonverbal marginalization' concept, which could help them make sense of their experiences of nonverbal marginalization (in the way that having the concept of 'gaslighting' helps you make sense of your experiences of being gaslit).[8] But—you might wonder—how harmful is this hermeneutical injustice (especially compared to other harms of nonverbal marginalization discussed in this paper)? I'll argue that the hermeneutical injustice is actually very important. As we'll see, it's difficult (and often impossible) to address the other harms of nonverbal marginalization without first addressing the hermeneutical injustice. To illustrate why this is, I'll consider the two following paradigmatic manifestations of

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[8] However, that there exists a 'nonverbal marginalization' hermeneutical deficit does not mean that all examples of nonverbal marginalization will necessarily involve hermeneutical injustice. Recall from section 2 that there will be examples where one's nonverbal behaviors are sensitive to tracked power dynamics (thus qualifying as nonverbal marginalization) but where the power dynamic being tracked isn't normatively suspect—for example, looking and smiling more at your child than other children at the playground. Assuming you don't possess a concept for 'nonverbal marginalization', you won't have a hermeneutical resource to attach to the preferential patterns of nonverbal behavior you display towards your child. But we should expect that this hermeneutical deficit doesn't reflect social prejudice or harm the other children. Thus, this is an example of nonverbal marginalization which we would not say involves hermeneutical injustice.

hermeneutical injustice (see e.g., Fricker 2007; Medina 2012; Olivera 2022) in relation to nonverbal marginalization:

> **Manifestations of Hermeneutical Injustice:** Experiencing hermeneutical injustice in virtue of being a member of a social group G can prevent members of G from:
> **(1)** recognizing and/or "making sense of" (type or token) anti-G oppressive experience(s) to themselves
> **(2)** communicating (type or token) anti-G oppressive experience(s) to others.

4.3 Nonverbal Marginalization as Hermeneutical Injustice

The first manifestation of hermeneutical injustice involves recognition. Victims of hermeneutical injustice have difficulty making sense of their experiences of oppression because they lack the hermeneutical resource(s) which would allow them to recognize their experiences *as* examples of oppression. For example, prior to the introduction and popularization of the term 'sexual harassment', it was difficult for women being sexually harassed to recognize their experiences as a examples of gender-based oppression (rather, Fricker notes, victims of sexual harassment tended to erroneously blame themselves, assuming the unwanted attention must have been something they'd caused).

We see this failure of recognition in cases of nonverbal marginalization. In virtue of lacking the hermeneutical resource, people have difficulty identifying nonverbally marginalizing experiences in that they simply aren't on the lookout for the phenomenon and thus can't recognize it when it occurs. For example, Ann and Eric aren't able to recognize the racism and sexism implicit in their interlocutors' nonverbal behaviors in the business meeting because they aren't familiar with 'nonverbal marginalization' concept and, thus, aren't engaging in online monitoring of other peoples' nonverbal behaviors. At the level of conscious awareness, they would be largely insensitive to—and thus unable to consciously recognize—biased patterns of nonverbal behavior. Thus, like the victims of sexual harassment, victims of nonverbal marginalization like Ann and Eric tend to blame themselves, assuming it was their fault they felt crowded out of the conversions and didn't speak up more when, in fact, they lacked the conceptual resource needed to identify their interlocutors' patterns of oppressive behavior. This explains why nonverbal marginalization tends to go unrecognized.

But, there's an obvious hermeneutical fix here. Amending the shared hermeneutical resource to include the concept of 'nonverbal marginalization' should enable people to identify oppressive patterns of nonverbal behavior more easily in real-time. This happens because the acquisition of the new concept enables people to cultivate sensitivity to patterns of nonverbally marginalizing behavior (both their own behaviors and the behaviors of others). To illustrate how this sensitivity is facilitated by concept acquisition, imagine that Eric in the Academic Conference case comes to possess the concept of 'nonverbal marginalization' such that he is on the lookout for nonverbally marginalizing patterns of behavior in professional settings. This should allow him to recognize his fellow conference panelists' patterns of nonverbal behavior

more easily *as* instances of nonverbal marginalization, enabling him to see the white panelists' behavior as a reflection of *their* implicit racial biases rather than of *his* philosophical ability. Of course, this recognition doesn't change the fact that Eric is still being nonverbally marginalized. However, deploying the appropriate hermeneutical resource should mean that his internal conception of his professional competence is (relatively) unscathed such that he'll be less likely to internalize the incident. And the less he internalizes the incident, the less likely it is that he'll experience the other harmful effects of nonverbal marginalization (imposter syndrome, performance impairment, epistemic oppression, etc.).

Moving on, the second manifestation of hermeneutical injustice involves the ability to communicate experiences of oppression to others. I claim that this type of communicative impairment is common in nonverbal marginalization cases. In fact, it's extremely difficult to describe experiences of nonverbal marginalization to other people (or call people out for engaging in nonverbally marginalizing behavior) without first possessing the concept of 'nonverbal marginalization'. To illustrate, consider what a call-out for nonverbal marginalization would look like if none of the parties possess the concept of 'nonverbal marginalization'. What should Ann say if she wants to call out David for nonverbally marginalizing her? The complaint would probably be awkward and might look something like: "David, you weren't looking at me in the meeting as much as you were looking at Mark…". However, thinking back to section 1, David's nonverbal communication in the meeting is almost certainly occurring offline (again, nonverbal communication defaults to being offline) so on the conscious-level he'd be largely unaware of his nonverbal behaviors. Moreover, like Ann, he also lacks the 'nonverbal marginalization' concept so he lacks motivation to engage in the cognitively-costly task of monitoring his nonverbal behaviors. This means that David probably isn't aware of his nonverbal cues at all, even though his biases end up manifesting in his spontaneous nonverbal behavioral patterns. Therefore, he would probably dismiss her complaint offhand as being mistaken or 'overly sensitive'.

Thus, without the 'nonverbal marginalization' hermeneutical resource, Ann fails to communicate her experience to David, making her call-out unsuccessful. And while both Ann and David are affected by the hermeneutical deficit (afterall, the deficit also causes David to be unaware of his nonverbal behaviors), Ann uniquely experiences a hermeneutical injustice in that this deficit prevents her from understanding and communicating this key part of her experience of marginalization. However, in an alternative scenario where both possess the 'nonverbal marginalization' concept, we should think that Ann would be able to identify David's nonverbal marginalization (and successfully call him out for the behavior) and David would be able to recognize that he was nonverbally marginalizing Ann and address his actions (e.g., apologizing to Ann, vowing to be more careful in the future, etc.).

Zooming out, we can now answer the 'lingering' question I opened the section with: if nonverbal marginalization is so common and pernicious, why aren't we aware of it happening (and, relatedly, why aren't we addressing it)? Reflecting on the manifestations of hermeneutical injustice, we're now able to explain why nonverbal marginalization frequently occurs, but

nonetheless mostly goes unnoticed. Lacking the 'nonverbal marginalization' concept, we haven't been able to identify patterns of nonverbally marginalizing behavior and thus haven't been able to address the behavior (e.g., calling people out, openly discussing harms of nonverbal marginalization, etc.). So, the hermeneutical deficit explains why nonverbal marginalization largely goes unidentified but also why you're probably able to recognize the phenomenon now that I've given it a label: you needed the 'nonverbal marginalization' hermeneutical resource to attach to those experiences.

4.4 Hermeneutical Intervention

As I've said, this paper is introducing a new hermeneutical resource: 'nonverbal marginalization'. Assuming we are motivated to avoid nonverbal marginalization (and, thinking back to section 3, we should be), I'm proposing that the possession of the hermeneutical resource should enable us to identify (and call-out) instances of nonverbal marginalization. But, I want to stress that it's not about merely having the concept. Rather, the claim is that acquiring the concept then enables us to go about doing the hard work of training ourselves to be sensitive to biased patterns of (ours and others') nonverbal behavior. I want to close this section by sketching how this type of intervention works.

When you acquire a new hermeneutical resource, you can start cognitively deploying it, training yourself to be sensitive to its manifestations. For example, if you're learning to bird watch and a more experienced birdwatcher tells you about yellow warblers (which are commonly found in your area), you can train yourself to be sensitive to yellow warblers. On walks you might train sensitivity to this new category ('yellow warbler') by deliberately looking out for the warbler's yellow color and listening for their distinctive melodic songs. Likewise, sensitivity to patterns of nonverbally marginalizing behavior (facilitated by the acquisition of the 'nonverbal marginalization' concept) can be similarly trained. When you acquire the 'nonverbal marginalization' concept, you can start deploying it, consciously tracking (yours and others') nonverbal cues. Cultivating a sensitivity to nonverbal marginalization, you'll be able to more easily identify nonverbally marginalizing patterns of behavior and communicate them to others. This all seems straightforward and positive.

However, this conscious tracking of one's own nonverbal behaviors and the nonverbal behaviors of others will certainly involve bringing nonverbal communication online—e.g., deliberately paying attention to your and others' patterns of nonverbal behaviors to spot instances of nonverbal marginalization. But, as we'll recall from Section 1, online nonverbal communication is comparatively effortful and involves additional cognitive resource expenditure compared to (the default) offline nonverbal communication. Given the processing costs, then, we might wonder whether the hermeneutical intervention being proposed is really feasible since it calls for this effortful conscious-level monitoring of nonverbal communication. In other words, even if you're very committed to undermining unjust social hierarchies, you might find the idea

of laboriously monitoring your nonverbal behaviors (and the nonverbal behaviors of people you interact with) for the rest of your life to be unsatisfying and unrealistic.[9]

There is a light at the end of the intervention tunnel, though: you shouldn't expect to be reflectively monitoring all nonverbal communication (at least in this onerous, resource-intensive way) for the rest of your life. This is where *habituation* comes in. Through the process of what I'm calling 'deliberate habituation'[10], when we consciously and deliberately perform an action enough times, performance of the action ends up becoming automatic. The habituated behavior goes from being mediated by online processes to being mediated by offline processes, from being cognitively expensive and subjectively effortful to being cognitively efficient and seemingly automatic. The philosophical literature (especially on virtue ethics—Sherman 1991; Kerr 2011; Caron 2021; and Buddhist philosophy—McRae 2015; Heim 2017; Garfield 2021) and empirical literature (especially on implicit bias—Holroyd & Kelly 2016; Devine et al. 2012; Mendoza, Gollwitzer, & Amodio 2010) discuss this sort of habituation as a strategy for deliberately cultivating less biased patterns of spontaneous behavior. For example, if you want to train yourself to leave the toilet seat down, you can start by deliberately reminding yourself to leave the seat down each time you use the restroom. Over time, however, you should habituate the action, automatically leaving the seat down without needing to think about it. Thus, while it requires considerable conscious effort on the front end, through the process of deliberate habituation we are able to alter our automatic offline behaviors to reflect our interests and values.

The hermeneutical intervention I'm proposing to nonverbal marginalization involves this sort of deliberate habituation. Bringing nonverbal communication online in the short term (despite the additional cognitive resource expenditure) should cause people to habituate more equitable *offline* nonverbal behaviors in the long term. For example, perhaps you recently acquired the concept of 'nonverbal marginalization' and as a result want to avoid nonverbally marginalizing behaviors. This will almost certainly involve bringing your nonverbal communication online in many situations—for example, deliberately making sure you look and smile at your female colleagues when they valuably contribute in department meetings. On the face of it, this type of hermeneutical intervention might seem like an awkward and onerous way to go about correcting for your own biases (which you might worry isn't sustainable forever). However, because online conscious monitoring affects gradual changes in patterns of spontaneous offline behavior, over time you should find yourself spontaneously exhibiting more equitable nonverbal behaviors, even when you aren't engaging in effortful online monitoring.

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[9] It's worth emphasizing the role contextual stakes are playing here. For example, perhaps you won't bring nonverbal communication online when you're spending time with a few close friends because the stakes seem low and you're probably less likely to nonverbally marginalize them (or be marginalized by them). However, consider the potential harm of slipping into (offline) nonverbally marginalizing behavior in a higher-stakes situation: say, a meeting with your professional colleagues, some of whom are women and people of color. Given the significant risk of harm, it makes sense to be especially vigilant of your nonverbal behavior in these circumstances, bringing your nonverbal communication online (despite the extra cognitive processing costs).

[10] I use the term 'deliberate habituation' (which the agent consciously initiates) to contrast with automatic forms of habituation—see e.g., Rankin et al. (2009) and Uribe-Bahamonde et al. (2019).

Given the numerous harms of nonverbal marginalization detailed in this paper, it seems clear that the long term benefits of habituating more equitable offline nonverbal behaviors are worth the cognitive processing costs of bringing nonverbal communication online in the short term. So, while the 'hermeneutical intervention' might be difficult at first, I've argued that habituating a sensitivity to nonverbal marginalization is well worth the effort.

Conclusion

I've herein laid the groundwork for future developments in the philosophy of nonverbal communication, stressing the communicative richness of our nonverbal cues and demonstrating how our nonverbal behaviors can reflect and reinforce widely held social prejudices. Further, I've introduced the concept of 'nonverbal marginalization', which can help us begin to identify and address the various ethical, psychological, and epistemic harms of discriminatory nonverbal behavior.

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