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Anna Drożdżowicz[a] and Yael Peled[b,a]

[a]Department of Law, Philosophy and International Studies, Inland Norway University of Applied Sciences, Lillehammer, Norway; [b]Department of Socio-Cultural Diversity, The Max-Planck Institute for the Study of Religious and Ethnic Diversity, Göttingen, Germany

ABSTRACT

Linguistic discrimination is a complex phenomenon. How should it be investigated? Evidential pool is of key importance. In this paper, we present specific conceptual and methodological challenges in the study of linguistic discrimination, with a focus on linguistic discrimination resulting from implicit attitudes and the steadily growing research on biases and structural approaches to social injustice. We conclude by proposing that a productive and comprehensive way to investigate linguistic discrimination rooted in implicit attitudes should seek to incorporate first-person perspectives and testimonies from the linguistically harmed individuals, and discuss some arguments in support of this view.

1. Introduction

In a socio- and culturally-diverse world, human communication takes place in linguistically heterogeneous settings. As a result, already-ubiquitous multilingual encounters are becoming even more commonplace. Linguistic difference constitutes a basic characteristic of communicative interactions among socially and politically interdependent individuals (e.g., neighbors, colleagues, citizens) who may not necessarily be fully or even partially co-linguals. The growing presence of linguistic differences, and awareness thereof, bring to the fore the phenomenon of linguistic discrimination.

This state of affairs is reflected in the steadily growing theoretical interest in ethical questions surrounding language and communication, as exemplified by recent literature on linguistic justice and language ethics (Peled & Weinstock, 2020), linguistic diversity (Pillar, 2017), audism (Emery, 2009), oralism (Senghas & Monaghan, 2002), language loss (Nowak, 2020; Roche, 2020), interpretative (Peet, 2017), discursive (Kukla, 2014) and speech

injustice (Ayala & Vasilyeva, 2015; Ayala-López, 2015; Ayala-López, 2018), as well as work on linguistic injustice in academic analytic philosophy (Catala, 2022; Contesi & Terrone, 2018), in healthcare settings (Peled, 2018) and the political sphere (Peled & Bonotti, 2019). This body of philosophical research is growing in parallel, not always through systematic engagement, with empirical research in psychology and sociolinguistics on explicit and implicit biases in linguistic communication (for a comprehensive overview see Craft et al., 2020). As these debates concern a wide variety of phenomena and often presuppose different theoretical frameworks and methodologies, they provide different explanations of specific phenomena in question, some of which are primarily individualistic (e.g., bias research), some are structural (e.g., Ayala-López, 2018). Many of the phenomena listed above can be investigated separately and on their own terms and not all of them may (easily) fall under the category of language-related or linguistic discrimination. Still, we think that the umbrella notion of linguistic discrimination could be useful for capturing some of the general, overlapping issues concerning these phenomena and their investigation. To advance research on this topic within and across disciplines, we believe that a conceptual and methodological clarification of the notion of linguistic (or language-related) discrimination will be fruitful.

Linguistic discrimination can be defined as a broad range of practices, actions and experiences, which share a common core of an unfair treatment of a person *on the basis of* their language. For example, when a linguistic community, often a minoritised one, is intentionally denied the right to the use of their language in institutional contexts and civic life, or even, in more extreme cases, denied the right to maintain and transmit their language. Clear examples are forced linguistic assimilation policies resulting in deliberate linguistic deprivation and erosion. In those cases, linguistic discrimination will often go hand in hand with other forms of sociocultural discrimination targeting, e.g., spiritual traditions. Another group of cases are those when linguistic properties (e.g., related to variety, accent or modality) function merely as *a trigger* or proxy for other, prima facie language-unrelated negative attitudes toward members of different groups. Such negative attitudes may concern for example race, class, or ethnic background, place of origin, and gender. Clear examples are cases of speech and racial biases, e.g., where black users of African American Vernacular English are discriminated on the basis of their race, as well as qua users of this variety in communicative settings. That linguistic features can be triggers for other negative attitudes and vehicles for other forms of discrimination is interesting for several reasons. First, members of these groups will experience discrimination in communicative settings and qua being linguistic agents. Moreover, these forms of discrimination may affect linguistic interactions as well as interlocutors' (linguistic) identity. Thus, when

discussing linguistic discrimination, our interest will be in both types of case: when language and linguistic properties as such are the basis for discrimination, and also when they are triggers for negative attitudes and discriminatory practices related to other identity components.

Importantly, by "linguistic" we refer not only to properties of specific (named and bounded) languages such as English or Hebrew, but also to properties of different varieties of the same language (e.g., so-called dialects), properties related to linguistic modalities (i.e., spoken, visual and tactile), and forms of linguistic agency (e.g., normative and nonnormative communication). Our understanding of "linguistic" here is deliberately expansive in order to capture the multiple interpretations, types and layers of linguistic discrimination, which may remain partially hidden when a more limited scope of "linguistic" is assumed. We briefly discuss the notion of discrimination in section 2.

Linguistic discrimination can result from either *explicit* or *implicit* attitudes (or biases) of language users.[1] Forced linguistic assimilation policies and language deprivation practices mentioned above often result from *explicit* negative attitudes toward certain languages. Intentionally denying the right to the use of a language in institutional contexts and civic life, or the right to maintain and transmit one's language, will often be premised on an explicit, albeit subjective, attitude that the language of targeted linguistic community is "not a language" in any supposedly real or proper way.[2] In the extreme, such attitudes have been historically linked to cultural "civilizing" missions" on the part of majority groups. For example, the infamous "to take the Indian out of the child" mission statement of the Canadian residential school system (Fine, 2015). On the other hand, unfair treatment may also result from implicit attitudes toward language and communication. Linguistic discrimination premised on implicit negative attitudes toward certain languages, linguistic properties or forms of communication can be, initially at least, characterized as an unfair treatment of interlocutors resulting from attitudes that are typically outside one's conscious awareness (Brownstein & Saul, 2016). For example, when members of linguistic community A, often the more powerful one, routinely discriminate against members of a less-powerful linguistic community B, when members of B do not perform accordingly to the implicit linguistic expectations of community A (e.g., by deploying different linguistic modality or speaking with a nonstandard accent). Members of A may do so without being consciously aware of their implicit attitudes toward linguistic properties deployed by B and other negative attitudes toward them.

The distinction between linguistic discrimination resulting from either explicit or implicit attitudes is merely one way to characterize different forms of linguistic discrimination. Another dimension concerns whether different forms of linguistic discrimination are *intended*

or *unintended*. Arguably, some forms of linguistic discrimination premised on explicit negative attitudes are also clearly intentional, as illustrated by, e.g., assimilationist state language policies. In contrast, some implicit biases (e.g., towards speakers using certain linguistic varieties or foreign-accented speakers) can often result in unintended forms of discrimination. However, the matters are complex: the two dimensions: implicit vs. explicit attitude, intended vs unintended need not fully align nor cover all cases. In some cases, a person may have an intention to discriminate, but deploy a relatively subtle or covert form of discriminating against them, for example a passive-aggressive method of excluding them from conversation.[3] Thus, the four characteristics (implicit vs. explicit, intended vs. unintended) need not capture all cases and may overlap and interact in various interesting ways. In what follows, we will focus primarily on the first distinction, i.e., whether certain forms of linguistic discrimination can be characterized as resulting from explicit or implicit negative attitudes and biases.

Our goal in this paper is twofold: first, we want to advance the theoretical understanding of linguistic discrimination, in particular, when it is rooted in implicit attitudes. Second, we want to reflect on some of the methodological approaches to investigate it, including current research on bias. The question that guides our inquiry here is not merely what constitutes linguistic discrimination in the abstract, but rather how the particular manner in which it is investigated may impact on how it is conceived and addressed. We will then propose that a productive and comprehensive way to investigate linguistic discrimination resulting from implicit attitudes should seek to incorporate first-person perspectives and testimonies from the linguistically harmed individuals. We will discuss some arguments in favor of this approach, as well as some challenges to it.

To this end, we progress in this paper as follows: we begin with a discussion of the notion of linguistic discrimination, henceforth LD, highlighting the heterogeneity of both the concept and the phenomenon to which it refers, and the imperative of approaching it in a principled and grounded manner (section 2). Next, we present some examples of LD resulting from explicit and implicit biases and discuss some conceptual and methodological challenges in their current research (section 3). We then make an *initial* case for the greater inclusion of first-person reports and testimonies of individuals harmed by LD resulting from implicit biases, as a methodological desideratum guiding its study (section 4). We conclude by charting a brief map of areas for future work where our approach to investigating LD may be applicable (section 5).

2. Linguistic discrimination

International legal conventions prohibit discrimination on various grounds, including language (the European Convention for the Protection of Human Rights, Article 14; the International Covenant on Civil and Political Rights, Article 26). What discrimination is and why it is wrong are much-debated issues (e.g., Altman, 2020; Lippert-Rasmussen, 2013). Discrimination, very broadly, can be defined as applying to "acts, practices or policies that meet two conditions: a) they wrongfully impose a relative disadvantage or deprivation on persons based on their membership in some salient social group, and b) the wrongfulness rests (in part) on the fact that the imposition of the disadvantage is on account of the group membership of the victims" (Altman, 2020). *Direct* discrimination is when an agent (or institution) performs an act with "the aim of imposing a disadvantage on persons for being members of some salient group" (Altman, 2020). In many cases this will require an overt intention to discriminate, but in some a mere indifference toward the interests and rights of a group may be enough (Lippert-Rasmussen 2013). Importantly for our discussion below, it has been argued that acts of discrimination can be unconscious and result from motives, attitudes that the agent is not aware of (e.g., Jost et al., 2009; Wax, 2007). Finally, the notion of *indirect* discrimination has been used to describe acts that are discriminatory even though the agent has neither intention nor aim, or other objectionable mental state such as indifference or bias, to disadvantage the members of a group (Altman, 2020).[4] Many of the cases of linguistic discrimination we discuss below will be primarily direct forms of discrimination, even though, in some cases, the agents may be unaware of the attitudes that underlie them.

The notion of "linguistic discrimination" is widely used across several fields. The concept of "linguistic discrimination" - and debates that appeal to it – are rooted in a view that links discrimination with certain language-related factors, e.g., particular individual and group identities (racial and ethnic minority communities), and/or forms of linguistic agency (normative vs., non-normative communication). At the same time, the validity of this concept is for some far from being a settled matter. This becomes especially vivid when we compare the notion of LD with other, more commonly acknowledged and discussed forms of discrimination, such as racism, sexism, or classism. Much of that unsettledness could perhaps be attributed to a lingering sense of ambiguity in social and political attitudes toward language and linguistic diversity. For example, linguistic discrimination can often be perceived as inevitable, e.g., for pragmatic reasons, even when it is in tension with important scientific and political doctrines, such as the view of linguistic equality both as a scientific fact (i.e., no language is inherently superior to another) and a political norm (i.e., no language

should be ascribed a higher status than another) (Pool, 1987, pp. 3–4). This foundational equality, however, is challenged by certain legal scholarship on language rights which "wrongly assumes that unequal treatment of languages is inevitable and hence practically justified. These doctrines permit much discretion in applying criteria of non-discrimination, thus sanctifying language policies that minimize government costs at the expense of citizens" (ibid, p. 3). The resulting ambiguity may in part serve the interests of political actors (ibid, pp. 4), thus concealing injustice and benefiting "those profiting from injustice, typically the linguistically most privileged persons and organizations" (ibid, p. 6). The ambiguity of the notion of LD is further reflected in its unsettled status as a distinct form of discrimination in itself, rather than a qualifier of supposedly "more real" forms, such as racism and sexism.

Addressing debates on LD, Nguyen and Hajek build on a comprehensive review of the terminological diversity of LD (e.g., "linguistic racism", "accentism", "linguistic profiling", "native-speakerism" (Nguyen & Hajek, 2022, p. 189)) to argue for the term "linguicism", following Phillipson and Skutnabb-Kangas, as an umbrella concept that "can replace general terms such as linguistic discrimination, language-based discrimination, linguistic marginalisation, and linguistic injustice (and others), which often lack solid premises necessary for forming a strong theoretical construct" (ibid, p. 205). They argue that "[c]oncepts formed with -ism, including linguicism, with ideologies and theories underlying the words, therefore provide a strong pattern to characterise social discrimination phenomena. By popularising the use of linguicism, which looks terminologically equal to racism, sexism and classism, researchers can contribute to informing and alerting the public and policy makers that linguicism needs to be treated as seriously as the other three types of discrimination" (ibid, p. 202).

Nguyen and Hajek's framework highlights the unsettled nature of LD at both levels of the signifier (the label) and the signified (the phenomenon). This heterogeneity at both levels is a major characteristic of the evolving body of research on LD, further complicated by the heterogeneity of academic disciplines in which this research is being carried out. These include – as identified in the inaugural issue of the *Journal of Language and Discrimination* – "linguistics, education, law and criminal justice, anthropology, sociology, psychology, feminism, queer theory, disability studies, race studies, and many more" (Van der Bom et al., 2017, p. 1). The complexity of this landscape has also been acknowledged in the field of linguistics itself. One example is a recent publication in the prominent *Annual Review of Linguistics*, according to which "language discrimination is bound to the whole of the human capacity for language, and while a degree of modularity within the discipline is essential to understanding how linguistic systems work, this approach oversimplifies the complex reality of language systems,

language use, and the everyday existence of language users" (Craft et al., 2020, p. 390).

The unsettled nature of the label "linguistic discrimination", together with the complex phenomenon it seeks to describe, and the broad range of scientific epistemologies used to investigate it across academic disciplines, help to explain the current ambiguities that still accompany the concept of LD. As a concept, LD receives various interpretations within academic research and in popular understanding. As a varied and complex phenomenon that falls under different academic disciplines, LD can be investigated through the lens of many different frameworks and methodologies. This background context is important for our discussion that focuses on conceptual and methodological issues in the study of LD rooted in implicit attitudes. Having that complexity in mind, in what follows we will use the term "linguistic discrimination" in a broad way, i.e., to designate both (1) cases when language and linguistic features as such are the basis for discrimination, and (2) cases when they are triggers for other negative attitudes and discriminatory practices. To illustrate various forms of linguistic discrimination rooted in explicit and implicit attitudes, we will now present some examples of the recent research on language and bias, and discuss some methodological challenges in this area of research.

3. Language and bias

As we noted, LD can result from either explicit or implicit negative attitudes toward language users. However, as will become clear in this section, drawing a clear divide between these two types of cases is not an easy task. This is partly due to the above discussed conceptual complexities. It is also, in part, due to more general conceptual difficulties in drawing the divide between explicit and implicit cognitions and attitudes that may underlie forms of LD. Examples can be particularly telling to illustrate multiple and occasionally complex forms of LD. We now present some such examples. We then discuss some of the theoretical and methodological issues that arise in this area of study. Our tentative proposal presented in section 4 is intended as a contribution to advancing both conceptual and methodological aspects in the study of LD.

LD rooted in either explicit or implicit attitudes comes in many varieties, some of which has been the object of empirical research in the social psychology of bias. One example concerns speech and racial bias. Certain linguistic cues in American English, such as the pronunciation of "th" as a "v" or deleting "r" sounds (i.e., "brovah" for brother), or 3rd person singular deletion ("he go"), can be identified as features of ethnic varieties of the language (Wolfram & Thomas, 2008). These varieties are perceived as occupying a lower social and political status and may trigger both explicit

and implicit negative attitudes toward their users, resulting in discrimination (Friedland, 2020). Some cases of this type of discrimination are rooted in implicit attitudes: they result not from a conscious judgment of intrinsic properties of particular linguistic features, but rather from interlocutors' unreflective and subjective beliefs associated with such features. To illustrate, a study by Kurinec and Weaver (2019) suggests that bias against African American Vernacular English can negatively impact juror appraisals of black AAVE speakers, and potentially influence juror decision-making. Such negative associations need not be overt. Rather they may be implicit in decisions about how language users are going to interact with or evaluate those who speak in a particular way. Arguably, in this case LD is interdependent with racial discrimination.

Attitudes toward nonstandard linguistic varieties and regional accents are another case of attitudes that can lead to LD. Here too, the courtroom setting provides some noteworthy examples. To investigate the impact of regional accent on barristers' perception, a study was designed in which a recording of a defense closing speech in a criminal trial was delivered by male speakers with different English regional accents, as well as one with the standard and prestigous form of spoken English, i.e., "received pronunciation" (RP) (Robson & Braber, 2023). Speakers with different regional accents were rated on different criteria by members of the public. The speaker with an RP accent scored highly on "professionalism", 'intelligence', and "confidence", whereas the speaker with a West Midlands accent was rated on average as being unlikely to have these traits. This effect was, however, somewhat modulated in favor of non-RP speakers in cases where respondents had a similar accent to the speaker. The majority of respondents said they would feel "uncomfortable" or "very uncomfortable" about being represented in the courtroom by speakers with regional accents.[5] The latter result seems to suggest an explicit biased attitude toward speakers with regional accents. The result that speakers with a West Midlands accent were rated as less professional or intelligent may perhaps result from more general implicit negative attitudes.[6]

Attitudes toward foreign-accented speakers are yet another example of attitudes that underlie some forms of LD where linguistic properties trigger other negative attitudes toward different groups. This introduction to the research on foreign accent bias draws on a very helpful article by Roessel et al. (2020). Among various social cues, accent may capture one's attention more than visual cues (e.g., skin color, Kinzler et al., 2007; Pietraszewski & Schwartz 2014; looks, more generally, Rakić et al., 2011). Social categorization and selective preferences based on accents have been argued to emerge already in early childhood (Kinzler et al., 2007). At an age as young as 11, children tend to trust native-accented speakers more (Kinzler et al., 2011). The salience of foreign accent stems, at least in part, from the almost-

instantaneous process through which it is detected and perceived. It is often accompanied by the resulting, often pre-reflective, judgment about an interlocutor's identity. The speed with which this "immediate picture of the speaker's identity" (Moyer, 2013, p. 85) is produced, however, says nothing about the accuracy of the often negative assumptions that foreign accent triggers in listeners' mind about other traits beyond the factual foreign-accented speech (ibid). A comprehensive body of scholarship on the phenomenon of foreign accent and its perception, including evaluations of foreign-accented speakers, suggests that foreign-accented speakers may be judged as less intelligent, less trustworthy, less educated and less competent than native speakers (e.g., Dewaele & McCloskey, 2015; Dragojevic & Giles, 2016; Fraser & Kelly, 2012; Giles & Watson, 2013; Livingston et al., 2017; see also Nguyen & Hajek, 2022, pp. 197–199 in relation to specifically conceptualizing linguistic discrimination).

Given the great heterogeneity of related concepts (e.g., "accentism", "glottophobia", see section 2), we refer here to this phenomenon very broadly as "foreign accent bias". Instead of summarizing the growing body of research on foreign accent bias, we will now highlight some of the theoretical and methodological difficulties in this area of study (we follow here Roessel et al., 2020). One such difficulty concerns the precise nature of the biases that lead to discrimination against nonnative (or foreign-accented) speakers. One source of foreign accent bias may be *social*: foreign-accented speakers are often instantaneously categorized as out-group members. On this view, foreign accent may lead to negative evaluations of the speaker's competence by being a function of shared negative attitudes toward the ethnicity of the accented speaker (Lippi-Green, 1997; Roessel et al., 2018). Another much discussed source of the bias may be *linguistic* - foreign accent may decrease "processing fluency" and lead to the (impression of) lower intelligibility of the speaker (Deterding & Kirkpatrick, 2006; Cristia et al., 2012). However, adjudicating between these two explanations of the foreign-accent bias is difficult. Reported perceptions of decreased processing fluency when listening to foreign-accented speech need not track actual difficulties in comprehension. Subjective comprehensibility ratings of foreign-accented speech have been shown to be lower than objective intelligibility ratings (Munro & Derwing, 1995). L1 speakers may perceive strongly foreign-accented speakers as unintelligible, but these subjective perceptions need not track their actual comprehension. There is extant evidence suggesting that interlocutors can adapt to nonnative speech (e.g., Baese-Berk et al., 2013).

Moreover, foreign accent bias seems to cut across the distinction between explicit and implicit forms of bias. Some foreign accents were shown to trigger implicitly biased spontaneous reactions (Pantos & Perkins, 2013; Roessel et al., 2018) as well as explicitly prejudiced ones.

Reacting to certain foreign accents stretches from implicit distancing (Reid et al., 2012), and nonconformity (Mazzurega et al., 2013) to manifest discrimination in various contexts, including incidental encounters (Gluszek & Dovidio, 2010), and specific high-stakes communicative encounters, e.g., in the courtroom (Solan & Tiersma, 2004), in job interviews (Huang et al., 2013).

This complex theoretical landscape has important methodological consequences for the research in this area. Research on foreign accent bias faces some methodological challenges, and while some of them are specific to the area, some seem to match more general problems in implicit bias research. One of the main methodological challenges in researching foreign accent bias is the complexity of the investigated phenomena, namely, the fact that accent impressions are highly *context-dependent*. Foreign accent may reliably indicate that a speaker has acquired given language later in life and/or as another language (McKenzie, 2015). But foreign accent will less reliably indicate a speaker's place of origin (e.g., Bent et al., 2016; Gnevsheva, 2015). Moreover, whether and how information about the speaker's accent and presumed place of origin will become socially and politically relevant may depend on other factors, e.g., the status of the interlocutor's first language, class indicators, the purpose of a conversation. The manner of one's speech will also intersect with other additional identity markers, such as gender, race, ethnicity and (dis)ability group membership. A natural consequence of this is that results pointing to specific forms of the foreign-accent bias are always relative to the specific context(s) and group(s) that are being investigated. This complexity may be one of the reasons behind the problems with reproducibility of some of the results in the foreign accent bias research, as attested in recent work that found no consistent downgrading of foreign-accented speakers (e.g., Pantos & Perkins, 2013; for discussion see; Roessel et al., 2020). This complexity indicates a basic methodological issue in the research on this variety of LD, which may also affect how the phenomenon is conceptualized.

The so-called foreign accent bias is *but one* form of LD that is currently investigated. We present it to illustrate specific conceptual and methodological challenges in research on LD. Negative attitudes triggered by regional and foreign accents may take both more explicit, as well as less tangible and implicit, forms. This opens up for questions concerning the methodological capacity for investigating various forms of LD. Roessel et al. (2020) suggest that implicit measures may be needed to uncover the nature and scope of some forms of the foreign accent bias (e.g., auditory version of the Implicit Association Test (Roessel et al., 2018); negative facial reactions (M. D. Davis et al., 2014)), given that an aversive prejudice against foreign-accented speakers may be suppressed during deliberate evaluations (e.g., Wang et al., 2013). Focusing on the

use of implicit measures in this domain, however, is likely to come with additional conceptual and methodological challenges. At least some of these challenges might be generalizable to other areas of the study of LD (e.g., regional accents).

One conceptual difficulty is related to the unclear nature of implicit attitudes that might be involved in the case of implicit forms of LD. The exact notion of "implicit" itself is far from clear, as it is currently used in this literature to serve various theoretical desiderata (Beeghly & Madva, 2020; Holroyd et al., 2017). On some views, implicit attitudes are those that are unconscious (Gawronski et al., 2006), or typically outside one's conscious awareness (Brownstein & Saul, 2016). This characterization is compatible with alternative views on *what* might be unconscious, e.g., the bias as such or its influences on one's decisions (Holroyd et al., 2017). Characterizing implicit attitudes as unconscious may help to distinguish them from other psychological states (e.g., explicitly endorsed beliefs), but to formulate mitigating strategies against implicit biases, a notion of "implicit" that designates attitudes that are outside's subject *direct* control (Saul, 2013) may be more suitable to chart agential responsibility. A number of other ways of characterizing implicit attitudes exist, for example, in terms of dissonant or unendorsed cognitions (e.g., Levy, 2017), or measures used to assess them (Fazio & Olson, 2003) (see Holroyd et al., 2017). Given these multiple theoretical and practical desiderata, it is not clear which conception(s) of implicit attitudes might be best for characterizing the kind of implicit cognitions and attitudes involved in specific forms of LD. Or, indeed, that there exists a single conception that may be preferable to all others. Moreover, given various forms of LD and their internal complexity, the underlying presupposition that only one kind of implicit cognition may underlie LD resulting from implicit biases, albeit prima facie plausible, seems to be lacking sufficient support.

Finally, another challenge facing implicit bias research in this area is methodological. Some of the methodologies recently used to investigate foreign accent bias, such as an auditory version of IAT (Roessel et al., 2018), may be subject to general criticisms concerning the use of implicit measures. This criticism (e.g., Cesario, 2022 and 29 commentaries in a special issue of *Brain and Behavioural Sciences*) has initiated an intense debate and led to some skepticism toward implicit bias research in social sciences more generally. If research on various forms of LD is to rely on implicit measures and tests to a greater extent, a successful methodological response to some of these controversies would be required.

Let us emphasize that our aim here is not to discourage implicit bias research related to language and linguistic discrimination. On the contrary, we believe this topic to be of great theoretical and practical importance. We do not wish to presume that no good solutions and convincing replies to

these conceptual and methodological challenges could be found. Rather, our concern is the prospect of a stalled theoretical and empirical work on some forms of LD, until these issues are fully settled and conclusively resolved.

4. Charting the evidential landscape

It has been argued that structural approaches to social injustice in terms of beyond-the-individual features of social reality (e.g., laws, institutions, city layouts and social norms) can provide explanations of its various forms (Ayala-López & Beeghly, 2020) and provide grounds for interventions (Madva, 2020). It is debated whether and how structural and individualistic approaches can be combined (Ayala-López & Beeghly, 2020). Structural approaches may provide another promising avenue to investigate various forms of LD (Ayala-López, 2018), but they too raise important conceptual and methodological questions concerning the *types of evidence* upon which the study of LD is premised.

   In what follows, we propose that a productive way forward for the study of LD resulting from implicit biases lies in expanding our approaches by means of increasing the scope of evidence. More concretely, we emphasize the importance of including in the evidential pool evidence from *the harmed interlocutor* and their perspective. Critically, this requires access to evidence pointing to linguistic discrimination that comes directly from those who are harmed by it. Our goal here is modest: we seek to make an *initial* case for greater inclusion of first-person reports and testimonies of individuals harmed by various forms of LD in both individualistic and structural approaches. Such first-person reports and testimonies can be elicited, for example, through phenomenological approaches and/or analytic (auto-) ethnographical inquiry, in current research on linguistic discrimination resulting from implicit attitudes. This proposal is motivated, in part, by the study of intended forms of linguistic discrimination that are often rooted in explicit negative attitudes, where the use of evidence from testimonies of those harmed by it and their representatives (e.g., Baxter, 2021; Davis, 2017; Nunan & Choi, 2010) is relatively common, and where the value and validity of such sources is more commonly accepted. We are likewise motivated by the view that such sources offer distinctive value for addressing the conceptual complexities that pertain to the phenomenon of LD. We propose *greater* inclusion, to acknowledge existing instances of incorporating first-person perspective into current studies on various forms of linguistic discrimination.[7] That the study of these forms of discrimination ought to include the perspectives of those who suffer from it seems *prima facie* uncontroversial. However, as we will see below, the exact justification for why this is the case and how it could happen is a complicated matter.

We begin by sketching some grounds for our proposal. One way to develop an explicit argument for greater inclusion of first-person reports and testimonies could be by appealing to standpoint theories. Among the main tenets of many standpoint theories is that investigations pertaining to the area of social inquiry, especially those that focus on power relations, should begin with the lives of the subordinated social groups (Anderson, 2020). For example, in feminist standpoint theory, it is typically endorsed that those who experience discrimination occupy certain privileged epistemic *perspective*. Different versions of feminist standpoint theory provide different grounds for that privileged epistemic perspective (Anderson, 2020): standpoint may be grounded in women's collective self-consciousness and fight against objectification (MacKinnon, 1989) or in the ability to analyze their situation from two perspectives: of the dominant and the oppressed (Harding, 1991). Standpoint theories tend to agree that such epistemically advantageous standpoint is not given, but rather developed and achieved through critical reflection on the underlying power structures that determine group identities (Anderson, 2020). On some views, a standpoint is a critical and often political perspective achieved through the experience of collective political struggle (MacKinnon, 1989).

This might constitute a limitation for providing a standpoint-based argument for the inclusion of first-person reports and testimonies in the study of LD rooted in implicit attitudes. It is not clear whether individuals who experience and are harmed by this type of discrimination will necessarily develop a pertinent standpoint that is epistemically privileged. For example, such privileged epistemic perspective may be missing in the case of individuals who have deeply internalized prejudiced negative judgments on their language(s) or the manner of its use, and even perpetuate them. Whether or not the mere experience of LD entails epistemic privilege would on this approach depend on whether and to what extent that experience had led to a critical reflection on underlying power structures, or resulted in political collective struggle. But note that a less demanding view on developing a standpoint, i.e., in virtue of having pertinent experiences, might perhaps offer a plausible alternative for addressing this problem. A substantive ethical issue is also raised by a possible implicit expectation that suffering will somehow endow the harmed individual with an "epistemic upgrade", in particular in the case of suffering from covert forms of LD. Another more general worry concerns intersecting identities of those who are harmed by LD. Linguistic features that trigger various forms of discrimination may in fact be a proxy for other perceived identity characteristics, e.g., class, migration background, which may in themselves intersect with other identity characteristics, e.g., gender, and/or ethnicity.[8]

In light of these prima facie limitations, an alternative reasoning for greater inclusion of first-person perspectives and testimonies of individuals

harmed by LD resulting from implicit attitudes could draw on Ayala-López' structural explanation framework for injustice in conversation (2018, see also Ayala & Vasilyeva, 2015). According to Ayala-López (2018), structural explanations of injustice in speech can accommodate and explain the online social situatedness of conversational participants. On this view, communicative interactions are governed by norms, including those that "systematically undermine the speech capacity of people perceived as occupying certain social positions" (p. 734), labeled "C-norms". Such norms operate in a systemic manner in conversations, more or less covertly, and underlie the presence of discursive injustice in communication. On this view, compliance with such harmful norms may be automatic and unreflective (Ayala-López, 2018, p. 736) and may result from specific affordances in speech (Ayala, 2016). The structural explanation of discursive injustice so described can be compatible with, and complement, individualistic explanations which appeal to mental states of individuals, and focus on the role of biases in discursive injustice. The structural approach to discursive injustice is thus helpful for considering the scope and nature of the evidential pool in the study of LD in its variety.

Ayala-López (2018) provides an example of a norm that could operate in cases of accent bias (foreign and otherwise): "when uttered in an unfamiliar way – including pronunciation and choice of words, speaker's interventions are attempts to join the conversation" (p. 735), in other words, a speech act coming from, e.g., foreign-accented speaker, may count not as a proper contribution, but rather and merely as a request to join the conversation (Kukla, 2014, p. 9). Given the purpose of our discussion, we leave it open whether this specific analysis captures the stipulated norms that might be operative in cases of accent bias. If social-situatedness norms can concern, among other things, languages themselves and their features, e.g., modality, variety, accent, as suggested by the above example from Ayala-López, then the presence of these norms could perhaps derivatively ground social situatedness of speakers harmed by specific forms of unintended LD. The existence of the postulated social-situatedness norms seems to rely on there being interlocutors whose language (or its features) triggers an impression that they occupy less privileged position in a given communicative encounter. Arguably, interlocutors who experience this kind of positioning in communication may have, in virtue of their experience, a particular vantage point that will be relevant for interrogating social structures and norms that underlie specific cases of linguistic discrimination.

Ayala-López' observes that fighting discursive injustice is premised on making social-situatedness norms transparent and this is a difficult task (Ayala-López, 2018, p. 742). One difficulty considered by them is that such norms might not be easily accessible to the speakers themselves, in which case measuring an experienced sense of norm violation could be one way to

uncover them (Uttich & Lombrozo, 2010). Making C-norms transparent, they propose, would require an intervention at the conceptual level, similar to the one proposed by Dotson (2011), i.e., to expand one's hermeneutical toolkit and realize that there are other resources and ways of interpreting one another. Ayala-López' approach raises interesting conceptual and methodological questions for the study of discursive injustice. Two such questions seem particularly relevant here: (1) how ought specific norms underlying episodes of discursive injustice in online communication be uncovered?; and (2) to what extent could the presence of such norms explain specific forms of LD rooted in implicit attitudes?

In relation to both questions, we propose that the first-person perspective of individuals and groups systemically harmed by specific language-related instances of discursive injustice is crucial for understanding that systemic harm. Take question (1) first, the evidential basis for uncovering a specific C-norm that is operative in cases of accent-related LD may be constituted by evidence coming from the (implicitly) discriminating party (e.g., evidence pointing to the fact that they took the speaker to be asking for permission to join a conversation, rather than to contribute to it), or the discriminated party (e.g., "It felt like my contribution was taken merely as a request to join the conversation, rather than a proper contribution to it"). A possible mismatch between the contents of the two norms that underlie each respective experience would immediately raise the question of how the two perspectives ought to be handled in the process of making such norms transparent. Assuming that the contents of C-norms matter for our understanding of various forms of LD in discourse, a reflective choice about the evidential pool is needed. In a similar vein, and to address question (2), it seems unsatisfying for an analysis of a given discursive C-norm to provide a conclusion that does not indicate what kind of effect the norm compliancy has on the discriminated party. Some correction mechanism might be required in cases when the analysis of a norm implicated does not contribute to uncovering the pertinent form of discursive injustice. In both cases, a deliberate sourcing of evidence from those who have experienced the related harm, and the accompanying effects of its social situatedness, are arguably critical in analyzing the systemic structure of discursive injustice. This seems particularly important for philosophical or broadly theoretical efforts to understand the nature of LD resulting from both explicit and implicit biases.

The structural explanation of injustice in speech has been argued to better account for the online effects of social structures on communication and interlocutors' social situatedness than individualistic explanations in terms of biases, where such influences can play merely more distant causal and explanatory roles (Ayala-López, 2018, p. 731). Arguably, structural explanations can improve our understanding of language-related social injustices

along the individualistic approaches that focus on biases. We have pointed out some constraints on the evidential pool that may be required to uncover norms that govern so described social-situatedness of speakers resulting in specific forms of LD in communication. If norms that undermine contributions from interlocutors who communicate in a particular manner (e.g., language, variety, accent, modality) are directly operative in communicative interactions, then successful investigation of such norms should be supplemented by, we submit, first-person perspectives of interlocutors whose contributions are systematically undermined by compliance with such norms. Analyses provided by structural approaches to LD seem to depend on whether and to what extent first-person perspectives can be sought, collected and analyzed together with relevant evidence of social situatedness coming from other sources. In this manner, a structural approach may need to rely conceptually and methodologically on what appears to be an individualistic form of evidence.

We have suggested that disadvantaged interlocutors should also be included in the investigation of LD rooted in implicit biases, for example, when uncovering norms that govern social-situatedness of interlocutors. Underrepresented interlocutors' agency should be recognized in inquiries that concern social justice. However, there are (at least) two important limitations to this approach. First, the discriminated party may not be aware that they were harmed or that their contribution was taken wrongly. This may be due to limited linguistic proficiency, meta-linguistic awareness, cultural competence or due to lack of conceptual resources to identify that they are subjected to a form of linguistic or language-related discrimination and/or to articulate it as such. In such cases, the evidential pool coming from the harmed party may be minimal or non-existing. Relatedly, discriminated interlocutors may be at risk of hermeneutical injustice (Fricker, 2007) in having their experience interpreted using conceptual resources belonging to the privileged group, e.g., as a case of limited grasp of the pragmatics of the language they use. Second, even when discriminated interlocutors are aware of the harms and can name them as such, they may choose not to share their experiences. In some such cases, this may be due to so-called testimonial smothering (Dotson, 2011), whereby interlocutors truncate their testimony to "insure that the testimony contains only content for which one's audience demonstrates testimonial competence" (ibid. 249).[9] These limitations do not preclude the appeal to first-person testimonies in the investigation of LD, but rather call for a more nuanced approach to how such testimonies may be gauged and evaluated.

Lastly, what might this approach look like in practice? Here we provide one interesting example to illustrate the approach and its benefits: foreign languages orthography in Anglophone style guides. In August 2023 the New York Times published a literary travel guide on

Vietnam by Nguyễn Phan Quế Mai (2023). True to its style guide, the NYT had removed all diacritical marks from any Vietnamese words, despite the fact that these diacritical marks are semantically critical. Somewhat surprisingly, the published piece was accompanied by a brief note by the author explaining the implication of that editorial decision, in order to educate readers unfamiliar with the fundamentals of the language's orthography. This instance of exclusionary practice that directly stems from the newspaper's style guide serves as an example of LD rooted in implicit attitudes. It instructs that diacritical marks may only be retained in languages deemed as more familiar to American readers and writers such as German and French, but not Slavic and Scandinavian languages. It also demonstrates the kind of ambivalence described above: individuals (in this case, the newspaper's editorial board) may in principle endorse social equality, and nonetheless still perceive some forms of LD as practically "inevitable". In this case, a hidden (or covert) LD arguably rooted in implicit bias was only uncovered and challenged by the author coming forward, pointing out an instance of LD on the part of the newspaper, and explaining it for readers unaware of this standard practice and its harm.

How may this approach be implemented in a systematic manner? Given the limited scope of this paper, we cannot answer the question of which specific methods are best for collecting and analyzing first-person testimonies to study LD resulting from implicit attitudes. This is a complicated issue that requires further work. In their discussion of including first-person perspectives in psychological research, Lumma and Weger (2023) distinguish between first-person methods such as self-report questionnaires aimed at eliciting experiences and first-person methods that aim to capture nuances of one's subjective experiences. The latter include a wide range of methods, e.g., researcher-participant relationship (Van der Bom et al., 2017), systematic introspection (Weger & Wagemann, 2015), autoethnography (Ellis et al., 2011), each with its respective strengths and weaknesses. Given limited space, we cannot provide here a systematic overview of such methods and their applicability in the study of LD. Our modest goal here was to offer an example of a first-person approach that may be used to probe experiences of interlocutors subjected to LD resulting from implicit attitudes.

5. Concluding remarks and future horizons

We have presented only selected aspects of the complex research landscape on LD, and discussed some of the theoretical, conceptual and methodological limitations that characterize its current research, focusing on those that concern explicit and implicit attitudes that underlie it.

The evidential pool and sources upon which the investigation of LD draws are crucial. We proposed that research on LD rooted in implicit attitudes should strive for greater inclusion of first-person perspectives of individuals harmed by it. There is much potential in expanding the scope of inquiry beyond the prejudiced individual, since such framework is particularly suitable for investigating complex instances of systemic linguistic discrimination, and their structural foundations and mechanisms. Expanding the evidential pool in this manner can aid our understanding of various forms of LD, and provide means for a critical discussion of communicative norms, their interpretation, enforcement and contestation.

Several interesting questions invite future follow-up work, including: which specific methods are best for collecting and analyzing first-person testimonies to study LD, and whether and to what extent evidence from research on implicit biases underlying LD can be combined with evidence coming from the first-person reports and testimonies of harmed communicators. Next, there are the question of the epistemic value of pre-reflective linguistic judgments and their cognitive (f)utility in light of recent discussions concerning stereotypes (e.g., Puddifoot, 2021); and of what linguistic discrimination implies for the question of direct and indirect control in implicit bias, and the moral responsibility for resulting harms (e.g., Levy, 2017). Finally, we hope that some of our discussion may likewise advance current debates on what the political and epistemic dominance of English as a global scientific lingua franca entails for the linguistic self-understanding of academic philosophy (e.g., Ayala-López, 2015; Contesi & Terrone, 2018).

Notes

1. The distinction between explicit and implicit attitudes is far from problem free, we return to this in section 3.
2. Restrictive notions of what is – and isn't – a language are not limited to nonprofessionals. Henner and Robinson (2021) challenges the tendency of variationist sociolinguistics to recognize geography, age, gender and race as pertinent factors, but not disability (on the emerging notion of "crip linguistics" see Henner & Robinson, 2023; on its intersection with decolonial approaches see; Canagarajah, 2022). On a broader notion of "languagelessness" as a linguistic ideology see Rosa (2016), and Duggan and Holmström (2022) on perceptions of "having no language" in the context of D/deaf migrants adult education.
3. We thank an anonymous reviewer for drawing our attention to this complexity and mentioning such cases. See Ayala-López (2020) for an interesting discussion of practices directed at foreign-accented speakers in the context of micro-aggressions in communicative settings.
4. Some philosophers (e.g., Young 1990) object to the notion of indirect discrimination and argue that it confuses discrimination proper with oppression (Young 1990). The debate seems to depend on one's conception of what makes discrimination wrong.

We note that *linguistic oppression* may be another concept in the vicinity to apply in some cases we discuss in section 3 and 4. We leave that discussion for another occasion.

5. One recent case of explicit form of LD in the courtroom comes from Serbia. A Serbian lawyer, Paun Jovanovic, was denied the opportunity to speak the Ijekavian variety of the Serbian language by an investigating judge while defending his client. The European Court of Human Rights in Strasbourg ruled that Jovanovic was discriminated against on the basis of the articles of the European Convention on Human Rights relating to the prohibition of discrimination and the right to a fair hearing (Dragojlo, 2023).

6. Implicit linguistic prejudices can be normalized through language-unaware public institutions. A recent example may be YouGov asking about the most/least attractive accent in UK and Ireland (https://yougov.co.uk/topics/society/articles-reports/2014/12/09/accent-map2). Inviting the public to share their implicit language prejudices may unintentionally contribute to validating and reinforcing them.

7. For example, the above-mentioned study from Robson and Braber (2023) had incorporated semi-structured interviews with five barristers, with the aim of eliciting their first-person experiences of LD.

8. This concern goes back to Crenshaw's (1989) theory of intersectionality, critiquing the idea of a unified feminist standpoint.

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