

ARTICLE

# Whose Hermeneutical Marginalization?

Nick Clanchy 

University of Oxford, Oxford, UK  
Email: [nicholas.clanchy@philosophy.ox.ac.uk](mailto:nicholas.clanchy@philosophy.ox.ac.uk)

(Received 8 July 2022; revised 20 January 2023; accepted 5 February 2023;  
first published online 11 April 2023)

## Abstract

According to Miranda Fricker, being hindered from rendering something significant about oneself intelligible to someone constitutes a hermeneutical injustice only if it results from the hermeneutical marginalization of some group to which one belongs. A major problem for Fricker's picture is that it cannot properly account for the paradigm case of hermeneutical injustice Fricker herself takes from Ian McEwan's novel *Enduring Love*. In order to account properly for this case, I argue that being hindered from rendering something significant about oneself intelligible to someone can constitute a hermeneutical injustice so long as it results from the hermeneutical marginalization of some group – whether or not one belongs to that group. One upshot is that Fricker's distinction between systematic and incidental cases of hermeneutical injustice needs redrawing, and I show how this can be done. Another is that hermeneutical injustice is more widespread than Fricker recognizes.

**Keywords:** Hermeneutical marginalization; hermeneutical injustice; epistemic injustice; Miranda Fricker

## 1. Introduction

Sometimes being hindered from rendering something significant about oneself intelligible to someone is unjust. Miranda Fricker proposes *hermeneutical injustice* as a name for this particular sort of epistemic injustice (2006; 2007). The disagreement with Fricker I explore in this paper concerns the role hermeneutical marginalization plays in this sort of injustice.<sup>1</sup> According to Fricker, being hindered from rendering something significant about oneself intelligible to someone constitutes a hermeneutical injustice only if it results from the hermeneutical marginalization of some group *to which one belongs* (2007: 157; 2013: 1319). Thus in Fricker's best-known example, Carmita Wood is hindered from rendering her experience of sexual harassment intelligible to a Department of Labor bureaucrat as a result of *women's* hermeneutical marginalization.<sup>2</sup> Other contributors to the literature have not always been explicit on this point, but when they have been they've agreed with Fricker.<sup>3</sup>

<sup>1</sup>I will explain exactly what's meant by *hermeneutical marginalization* in §2.

<sup>2</sup>I will set out this example in more detail in §2.

<sup>3</sup>See e.g. Barnes (2016: 171), Romdenh-Romluc (2016: 597), Hull (2017: 582), Jenkins (2017: 197), Goetze (2018: 74), Hänel (2021: 176), Luzzi (2021), Crerar and Goetze (2022: 93), Falbo (2022: 345), Beverley (2022: 431).

© The Author(s), 2023. Published by Cambridge University Press. This is an Open Access article, distributed under the terms of the Creative Commons Attribution licence (<http://creativecommons.org/licenses/by/4.0/>), which permits unrestricted re-use, distribution and reproduction, provided the original article is properly cited.

I think this has been a mistake. The claim I will defend in this paper is that being hindered from rendering something significant about oneself intelligible to someone can constitute a hermeneutical injustice so long as it results from the hermeneutical marginalization of some group – *whether or not one belongs to that group*.

Here's another way of spelling out my disagreement with Fricker. On Fricker's account of the matter, a person *A* suffers a hermeneutical injustice iff the following four conditions obtain.<sup>4</sup> First, *A* has an interest in something about themselves, *X*, being intelligible to someone, *B*. Here *A* and *B* could be the same person, or they could be different people. *A*'s possession of this interest is what makes *X* significant in the relevant sense (2007: 151). Second, *A*'s attempt to render *X* intelligible to *B* is hindered by a lacuna in the collective hermeneutical resource, as a result of which their interest goes unsatisfied. Third, this lacuna results from the hermeneutical marginalization of some group. Fourth, *A* is a member of this hermeneutically marginalized group. The claim I will be defending, then, is that this membership condition should be dropped. So long as the first three conditions are satisfied, in my view that's enough to constitute a hermeneutical injustice.

In defending this claim, I will develop a picture of hermeneutical injustice that differs from Fricker's in two further and important respects. The first concerns the distinction Fricker draws between *systematic* and *incidental* hermeneutical injustices. Fricker offers the case of Carmita Wood from Susan Brownmiller's memoir *In Our Time* as a paradigm systematic hermeneutical injustice, and the case of Joe from Ian McEwan's novel *Enduring Love* as a paradigm incidental hermeneutical injustice. I agree with Fricker that, intuitively, there is an important difference between these two cases which we can look to capture by describing the first as *systematic* and the second as *incidental*. What I want to dispute are the intensions Fricker gives to these two terms. Fricker proposes that a hermeneutical injustice is systematic insofar as the hermeneutical marginalization which gives rise to it is symptomatic of a broader relative social powerlessness; otherwise, it is incidental (2007: 156). But on the picture I develop, the hermeneutical marginalization which gives rise to the injustice in Joe's case is symptomatic of a broader relative social powerlessness – just not that of a group to which Joe himself belongs. Thus contra Fricker, I propose that a hermeneutical injustice is systematic insofar as the wronged party is themselves a member of the group whose hermeneutical marginalization gave rise to the injustice; otherwise, it is incidental. I show that

---

<sup>4</sup>Fricker most recently defines hermeneutical injustice as 'the injustice of being frustrated in an attempt to render a significant social experience intelligible (to oneself and/or to others) where hermeneutical marginalization is a significant causal factor in that failure' (Fricker and Jenkins 2017: 268). In the main text I seek to make a number of things explicit here left implicit. First, Fricker means to include not just the events of a person's life but also such things as their moods, desires and social identities among their 'social experiences' (Fricker 2007: Ch. 7; Romdenh-Romluc 2017: 3). I have chosen to replace Fricker's talk of the wronged party's 'social experience' with more capacious talk of 'something about' them in the main text to more explicitly include such things. Second, Fricker here leaves implicit the mechanism by which hermeneutical marginalization results in the wronged party's failure to render intelligible something significant about themselves. Elsewhere she makes clear that hermeneutical marginalization gives rise to a lacuna in what she calls 'the collective hermeneutical resource', and that it is this which explains their failure (2007: 151). I see no reason why this mechanism should be left implicit and so have chosen to include it explicitly in the main text. Third, Fricker doesn't here explicitly say *whose* hermeneutical marginalization it is that gives rise to this lacuna. Elsewhere she makes clear that it is the hermeneutical marginalization of some group *to which the wronged party belongs* which gives rise to this lacuna (2007: 157; 2013: 1319). Since this is the subject of my disagreement with Fricker, it obviously needs to be brought out into the open.

adopting this proposal helps us get clearer on what can be done to prevent incidental hermeneutical injustices.

Second, the picture of hermeneutical injustice I develop recognizes more people as victims of hermeneutical injustice than Fricker's picture does. This, I will argue, is a benefit of my revisionist account. On a roughly Aristotelian view, moral goodness is necessary – though not sufficient – for human flourishing (Tessman 2005: 11; Aristotle 2009: *NE* 1). If we accept both this intuitively plausible claim and my own claim that the wronged party in a case of hermeneutical injustice need not themselves be a member of the relevant hermeneutically marginalized group, we should also accept (contra Fricker) Laura Beeby's suggestion that the professor who harassed Carmita Wood 'might be both a perpetrator of sexual harassment and a victim of hermeneutical injustice' (2011: 483). In supporting Beeby's suggestion I do not at all mean to excuse the professor's behaviour. Rather, my aim is to draw attention to one way in which the feminist claim that patriarchy is bad for men as well as for women might sometimes be true – a claim which is consistent both with denying that patriarchy is anywhere near as bad for men as it is for women, and with denying that patriarchy is bad for men in the same ways as it is for women (Tessman 2005: 57; Finlayson 2016: 8).

I begin in §2 by setting out what Fricker has to say about the role hermeneutical marginalization plays in hermeneutical injustice. In §3 I argue that Fricker fails to convincingly account for Joe's case as an instance of hermeneutical injustice. Fricker's difficulties on this point stem from her assumption that Joe must himself be a member of the group whose hermeneutical marginalization gives rise to the injustice he suffers. Thus in §4 I argue for dropping this assumption and show how once we've done so we can account for Joe's case as an instance of hermeneutical injustice. On the account of Joe's case I offer, the hermeneutical marginalization which gives rise to the injustice is symptomatic of a broader relative social powerlessness – just not that of a social group to which Joe himself belongs. In light of this account I propose new intensions for the terms of the systematic/incidental distinction in §5. In §6, finally, I explore the possibility that more people are victims of hermeneutical injustice than Fricker acknowledges.

## 2. Fricker on Hermeneutical Marginalization

Fricker builds out her account of hermeneutical injustice from a paradigm case, that of Carmita Wood. In 1975, Wood, an employee in the physics department at Cornell, sought help from a colleague, Lin Farley, and her consciousness-raising group. In her memoir of second-wave feminism *In Our Time*, Susan Brownmiller quotes Farley's account of what happened to Wood. In Farley's words, 'a distinguished professor seemed unable to keep his hands off her'. For instance, 'he'd deliberately brush against her breasts while reaching for some papers'. Once, 'he cornered her in the elevator and planted some unwanted kisses on her mouth' (Brownmiller 1999: 280). Wood found this treatment unbearable and requested a transfer to another department, but this was refused. So, feeling that she was left with no other choice, she quit her job. Needing the money, she applied for unemployment insurance. Yet when asked by a Department of Labor claims investigator why she had quit her job, 'Wood was at a loss to describe the hateful episodes' (1999: 280; Brownmiller's own words). She managed only to say that her reasons were 'personal' (1999: 280). Unsatisfied by this answer, the investigator denied her insurance claim; Wood appealed this decision. With her appeal outstanding, Wood recounted her experience to Farley and the consciousness-

raising group. It rang bells: several students in one of Farley's seminars had had similar experiences. The group decided to hold a speak-out on the matter. But how to advertise it? Someone suggested the neologism *sexual harassment*. It was quickly agreed that this would do nicely. As one member of the group put it: '*Sexual harassment!* Instantly we agreed. That's what it was' (1999: 281).

Of concern to us here is Wood's interaction with the claims investigator.<sup>5</sup> Fricker (2007: 162) points out that Wood had an interest in what had happened to her being intelligible to the investigator. After all, if he'd grasped that Wood had been seriously wronged and thus deserved unemployment insurance he'd have been much more likely to grant her claim (2007: 162). Yet Wood found herself hindered from rendering what had happened to her intelligible to the investigator by a 'lacuna' (2007: 150) in what Fricker calls 'the collective hermeneutical resource' (2007: 151) – that is, the set of concepts 'that just about anyone can draw upon' (2016: 167; see also Goetze 2018: 76). Though Fricker doesn't state this explicitly, I take it that such a lacuna is supposed to consist in having 'at best ill-fitting meanings to draw on' in one's efforts to render something about oneself intelligible to someone (2007: 148; see also Fraser 2018: 734).<sup>6</sup> Thus I take Fricker's idea in declaring Wood hindered by a lacuna in the

<sup>5</sup>In addition to claiming that Wood was hindered from rendering what had happened to her intelligible to the investigator, Fricker also claims that Wood was hindered from rendering what had happened to her intelligible to herself (2007: 151). This latter claim has been the subject of some controversy (Mason 2011: 297–8; Berenstein 2020: 741). By focusing solely on the interaction with the investigator, I hope to avoid getting bogged down in this controversy.

<sup>6</sup>An alternative, narrower interpretation would be that such a lacuna always consists in a gap 'where the name of a distinctive social experience should be' (Fricker 2007: 150–1). On this interpretation, Fricker would hold that such a lacuna can only ever be rectified by the introduction of a new concept. Arianna Falbo, for example, interprets Fricker this way (2022: 344). This interpretation fits what Fricker says about Carmita Wood, since she does say that in this case the lacuna could only be rectified by the introduction of a new concept, namely *SEXUAL HARASSMENT* (2007: 151). However, this interpretation doesn't fit what Fricker says about numerous other cases. Here are two examples. First, in her discussion of the *Enduring Love* case Fricker maintains that a 'lacuna' in the collective hermeneutical resource hinders Joe from rendering his experience of being stalked intelligible to the police officer (2007: 157). But at no point does Fricker suggest that Joe lacks a name for his experience, or that this lacuna could only be rectified by the introduction of a new concept. Rather, Fricker states that what hinders Joe are the 'misfit interpretations' given to his conceptualization of his experience as an instance of *HARASSMENT* (2007: 157). Thus Fricker's view is seemingly that the lacuna in this case could be rectified by providing Joe with a conceptualization of his experience that wasn't subject to these misfit interpretations. Fricker gives us no reason to think this couldn't be achieved by making a concept already present in the collective hermeneutical resource, such as *HARASSMENT* or *STALKING*, better-fitting – as indeed it surely could be (see §4 below). Second, in a co-authored paper Fricker and Jenkins give as an example of hermeneutical injustice the case of a trans woman struggling to render intelligible that she is in fact a woman (2017: 276). They recommend that in this case the lacuna be rectified through the widespread adoption of a practice of using the already available concept *WOMAN* 'to mean anyone who identifies as a woman, regardless of birth-assigned gender or genital status' (2017: 276). Moreover, it is hard to see how the lacuna in this case could be rectified *other than* by making the already available concept *WOMAN* better-fitting in such a way. Hence why I recommend a broader interpretation of what Fricker means by a 'lacuna' according to which it consists in having at best ill-fitting meanings to draw on in one's efforts to render something about oneself intelligible to someone, because unlike the alternative this interpretation fits what Fricker says about all of the three cases. This interpretation can allow both that the lacuna in Carmita Wood's case could only be rectified by introducing the new well-fitting concept *SEXUAL HARASSMENT*, as Fricker thinks; and that the lacunae in the other two cases could be rectified by making an existing concept better-fitting, as Fricker seemingly also thinks. Many thanks to an anonymous reviewer for pushing me to clarify this.

collective hermeneutical resource to be something like the following. The concepts Wood had available to her in the collective hermeneutical resource, such as UNWANTED-KISSING OR BEING-MADE-TO-FEEL-UNCOMFORTABLE, were in some sense ill-fitting for the purposes of rendering what had happened to her intelligible to the investigator (perceiving this to be the case would explain why she didn't offer him a description of what had happened to her using such terms); and conversely, a concept absent from the collective hermeneutical resource, namely SEXUAL HARASSMENT, would have been in some sense well-fitting for this purpose (2007: 151–3).

This is, I suggest, a highly plausible description of Wood's situation. But it does leave us with the question of how to understand the key notion of a concept's fittingness. Fricker herself says little to address this question (2007: 148). Yet an answer to it will give us a 'higher-resolution model of hermeneutical injustice' (Fraser 2018: 735), something we will need when it comes to making sense of what's going on in the otherwise hard-to-decipher *Enduring Love* case. For this reason I propose to leave behind what Fricker herself has to say for a moment in order to set out Rachel Fraser's compelling answer to this question. Fraser's suggestion is that a concept's fittingness can be understood profitably in terms of which inferences are liable to be drawn from and to claims in which it appears (2018: 735–7). For these purposes we can represent inferences as 'ordered  $n$ -tuples of claims, with the  $n$ th entry as the inference output and the others as input(s)' (2018: 735). An inference *introduces* a concept  $C$  when  $C$  isn't exploited in any of the inference's inputs but is exploited in its output. Conversely, an inference *eliminates* a concept  $C$  when  $C$  is exploited in at least one of the inference's inputs but isn't exploited in its output (2018: 736). An inference is *cognitively accessible* to a person  $B$  to the degree that drawing it does not require significant cognitive labour of  $B$  (2018: 735). And an inference is *socially licensed* in  $B$ 's social context to the degree that (i) those in that context are disposed to regard the inference as legitimate and (ii) this disposition is generally recognized (2018: 735–6). The idea is that  $B$  will be liable to draw an inference to the extent that it is both cognitively accessible to them and socially licensed in their social context.<sup>7</sup> Putting all this together, we can say that the *inferential network* associated with a concept  $C$  for person  $B$  is the set composed of exactly those inferences which (i) either introduce or eliminate  $C$  and (ii) are both cognitively accessible to  $B$  and socially licensed in  $B$ 's social context (2018: 736).

Now imagine that person  $A$  wants to render something about themselves intelligible to person  $B$ . A concept  $C$  is *ill-fitting* for this purpose to the extent that the inferential network  $B$  associates with  $C$  either (i) includes inferences which it would be against  $A$ 's interests for  $B$  to draw or (ii) doesn't include inferences which it would be in  $A$ 's interests for  $B$  to draw.<sup>8</sup> Conversely, a concept  $C$  is *well-fitting* for this purpose to the extent

<sup>7</sup>It is worth noting that an inference can be both cognitively accessible and socially licensed but not truth-apt (2018: 736 n.30) – thanks to an anonymous reviewer for prompting me to do so.

<sup>8</sup>Fraser is working with a conception of interests on which they must be avowal-worthy (2018: 734) – that is, they must be interests which one *ought* to avow (Pettit 2006: 276). Hence Fraser's account of conceptual fittingness, and *ipso facto* of conceptual lacunae, is 'explicitly moralized' (2018: 737 n.32). Fraser comments that she does not think this 'counts as too radical a departure from Fricker as, arguably, terms like "lacuna" and "ill-fitting" already come with a moral charge' (2018: 737 n.32). I would add that Fricker's description of the lacuna in Wood's case as the absence of a 'proper' understanding of sexual harassment also invites a moralized reading, as does her description of this lacuna as a gap where the concept SEXUAL HARASSMENT 'should' be (2007: 151). Thus it seems to me Fraser's departure from Fricker takes the form of *building on* Fricker, not *disagreeing with* her. Fraser's aim, after all, is to construct what she considers the account of conceptual lacunae 'most useful for Fricker's purposes' (2018: 735 n.28).

that the inferential network *B* associates with *C* either (i) doesn't include inferences which it would be against *A*'s interests for *B* to draw or (ii) includes inferences which it would be in *A*'s interests for *B* to draw. This framework does an excellent job explaining why Wood would have found a concept such as BEING-MADE-TO-FEEL-UNCOMFORTABLE ill-fitting for the purposes of rendering what had happened to her intelligible to the investigator. The idea is that the investigator wasn't liable to infer "Wood was seriously wronged and so deserving of being paid unemployment insurance" from "The professor made me feel uncomfortable." Likewise, this framework does an excellent job explaining why Wood could well have found the concept SEXUAL HARASSMENT well-fitting for the purposes of rendering what had happened to her intelligible to the investigator. The idea is that the investigator could well be liable to infer "Wood was seriously wronged and so deserving of being paid unemployment insurance" from "The professor sexually harassed me."

Returning now to Fricker, we've seen that on her account a lacuna in the collective hermeneutical resource hindered Wood from rendering what had happened to her intelligible to the investigator. As a result, her interest in what happened to her being intelligible to him went unsatisfied. The non-satisfaction of an interest is a harm (Feinberg 1984: 33; Fricker 2007: 162). Yet Fricker's intuition is that Wood wasn't merely harmed here, but rather suffered an injustice. Fricker differentiates between a mere harm and an injustice as follows: '[f]or something to be an injustice, it must be harmful but also wrongful, whether because discriminatory or because otherwise unfair' (2007: 151). So Fricker needs to explain why it was discriminatory or otherwise unfair for Wood's interest to go unsatisfied. Here's where hermeneutical marginalization has a role to play. Call participation in those practices which generate and propagate concepts *hermeneutical participation* (2007: 152). Fricker suggests that '[m]ost obvious' among such hermeneutically powerful practices are those 'sustained by professions such as journalism, politics, academia, and law' (2007: 152).<sup>9</sup> Where participation in hermeneutically powerful practices would have value for members of a group, yet members of that group are subordinated within and/or excluded from those practices, we can say that the members of that group are thereby *hermeneutically marginalized* (2007: 153).<sup>10,11</sup>

We saw above Fricker plausibly suggest that had the concept SEXUAL HARASSMENT been available in the collective hermeneutical resource, Wood would have been able to render what had happened to her intelligible to the investigator. Fricker offers an explanation for why this concept was absent from the collective hermeneutical resource which invokes three claims. The first is that women at the time were significantly hermeneutically marginalized (2007: 152). In other words, women were subordinated within and/or excluded from a range of hermeneutically powerful practices. Conversely, men

---

Moreover, Fraser's framework does an excellent job in helping us make sense of Fricker's own paradigm cases of hermeneutical injustice – particularly the *Enduring Love* case, as I hope to show in §4. Thus though I cannot claim that Fricker *would* endorse Fraser's explicitly moralized account of conceptual fittingness and *ipso facto* of conceptual lacunae, I see no reason why she *shouldn't* – and indeed I think she *should*. Many thanks to an anonymous reviewer for pushing me to clarify this.

<sup>9</sup>One might think it odd that the arts are missing from this list; this will be relevant in §4 – cf. Bacharach (2018).

<sup>10</sup>Fricker doesn't specify, but I take it the value missed out on can be intrinsic and/or instrumental.

<sup>11</sup>Implicit in the idea of subordination within and/or exclusion from hermeneutically powerful practices is the idea that hermeneutical marginalization is always 'socially coerced' and hence not something one can simply opt-in to (2007: 153). Thanks to an anonymous reviewer for prompting me to note this.

enjoyed a dominant position within those practices. The second is that ‘interpretive efforts are naturally geared to interests, as we try hardest to understand those things it serves us to understand’ (2007: 152).<sup>12</sup> The third is that it wouldn’t have served men at the time to generate and propagate a conceptualization of sex-based harassment in the workplace as *SEXUAL HARASSMENT* (2007: 151).<sup>13</sup> Fricker’s explanation for why the concept *SEXUAL HARASSMENT* was absent from the collective hermeneutical resource that those in a position to generate and propagate the concept *SEXUAL HARASSMENT* hadn’t done so because doing so wasn’t in their interest. Fricker’s plausible suggestion is thus that the lacuna which hindered Wood from rendering what had happened to her intelligible to the investigator resulted from women’s hermeneutical marginalization. A further point Fricker makes is that women’s hermeneutical marginalization was symptomatic of women’s broader relative social powerlessness (2007: 155). Thus when Wood was harmed as a result of women’s hermeneutical marginalization, she was harmed in virtue of her membership in a relatively socially powerless group. It seems straightforwardly discriminatory to be harmed in virtue of one’s membership of a relatively socially powerless group, and thus in virtue of an aspect of one’s social identity (2007: 155). This is the reason Fricker gives for saying that Wood was not merely harmed – as she would have been had her difficulties resulted instead from e.g. epistemically culpable behaviour on her part – but rather suffered a hermeneutical injustice (2007: 153).

By generalizing from this case, Fricker arrives at her account of hermeneutical injustice. Thus on Fricker’s account, a person *A* suffers a hermeneutical injustice iff the following four conditions obtain. First, *A* has an interest in something about themselves, *X*, being intelligible to someone, *B*. Second, *A*’s attempt to render *X* intelligible to *B* is hindered by a lacuna in the collective hermeneutical resource, as a result of which their

<sup>12</sup>It is possible to make a weaker claim instead here, namely: interpretive efforts are naturally geared to *what we think of as our* interests, as we try hardest to understand those things *we think* it serves us to understand. This weaker claim strikes me as plausible. By contrast, Fricker’s stronger claim strikes me as implausible. After all, imagine a situation in which we were radically misguided about what it would serve us to understand. It seems highly unlikely that in such a situation we would nevertheless try hardest to understand those things it would *in fact* serve us to understand. Rather, it seems highly likely that we would try hardest to understand those things *we thought* it would serve us to understand. Everything that Fricker wants to explain exploiting the stronger claim can be explained exploiting the weaker claim (as argued in the next note). So we don’t lose anything if we adopt the weaker claim in place of the stronger claim. In short, I think Fricker makes a mistake here but not a fatal one.

<sup>13</sup>Fricker thinks it obviously true that it wouldn’t have served men at the time to generate and propagate an interpretation of sex-based harassment in the workplace as *SEXUAL HARASSMENT*. As I will discuss at greater length in §6, my view is rather that it would have served them in some ways and not in others. In my view, men at the time had a moral interest in understanding that such behaviour was seriously wrong. Generating and propagating a conceptualization of such behaviour as *SEXUAL HARASSMENT* would have served this interest. Yet it is also true that so long as such behaviour was conceptualized as e.g. *FLIRTING* rather than as *SEXUAL HARASSMENT* it was unlikely to be seriously contested, leaving men who derived pleasure from such behaviour free to persist in it. Moreover, so long as such behaviour persisted it was to men’s economic advantage – since such behaviour has always functioned to ‘maintain the most highly rewarded forms of work as domains of masculine competence’ (Schultz 1998: 1755). Generating and propagating a conceptualization of such behaviour as *SEXUAL HARASSMENT* would have contravened these interests. Given this, we can still explain why the concept *SEXUAL HARASSMENT* had not been generated and propagated when Wood was harassed so long as we adopt the weaker claim set out in the previous note in place of Fricker’s stronger claim. Plausibly, few men at the time thought they had a moral interest in understanding that such behaviour was wrong. In combination with the weaker claim, this would be sufficient to explain why a concept of *SEXUAL HARASSMENT* had not been generated and propagated when Wood was harassed.

interest goes unsatisfied. Third, this lacuna results from the hermeneutical marginalization of some group. Fourth, *A* is a member of this hermeneutically marginalized group.

At this point, Fricker adds in a complication. She suggests that we can think of what befell Wood as a *systematic* hermeneutical injustice insofar as the hermeneutical marginalization which gave rise to it was symptomatic of a broader relative powerlessness (2007: 156). In Fricker's view, not all cases of hermeneutical injustice are like this. She writes that 'there can be cases of hermeneutical injustice that are not part of the general pattern of social power, and are more of a one-off. They are not systematic but *incidental*' (2007: 156). Fricker takes her paradigm example of an incidental hermeneutical injustice from Ian McEwan's novel *Enduring Love* (2007: 156–8). In the novel the protagonist, Joe, a journalist, is stalked by a man called Jed Parry. Parry suffers from the delusion that Joe is in love with him and is determined to convert Joe to Christianity. When Joe informs the police over the phone that Parry has been 'harassing' him, the following conversation ensues:

'Are you the person being harassed?'

'Yes. I've been ...'

'And is the person causing the nuisance with you now?'

'He's standing outside my place this very minute.'

'Has he inflicted any physical harm on you?'

'No, but he ...'

'Has he threatened you with harm?'

'No.' [...]

'Has he made threats against your property?'

'No.'

'Or against third parties?'

'No.'

'Is he trying to blackmail you?'

'No.'

'Do you think you could prove that he intends to cause you distress?'

'Er, no.'

[...] 'Can you tell me what he's doing then?'

'He phones me at all hours. He talks to me in the ...'

The voice was quick to move back to his default position, the interrogative flow chart. 'Is he using obscene or insulting behaviour?'

'No. Look, officer. Why don't you let me explain. He's a crank. He won't let me alone.'

'Are you aware of what he actually wants?'

'He wants to save me.'

'Save you?'

'You know, convert me. He's obsessed. He simply won't leave me alone.'

The voice cut in, impatience taking hold at last. 'I'm sorry caller. This is not a police matter. Unless he harms you, or your property, or threatens the same he's committing no offence. Trying to convert you is not against the law.' Then he terminated our emergency conversation with his own little stricture. 'We do have religious freedom in this country.' (McEwan 1998: 73–4)

What emerges from this conversation is that Joe's conceptualization of Parry's behaviour as an instance of HARASSMENT is ill-fitting for the purposes of rendering Parry's

behaviour intelligible to the police officer. Included in the inferential network associated with HARASSMENT for the officer is an inference from “This man is harassing me” to “This man is causing me physical harm, and/or is harming my property, and/or is threatening to do so”. Thus when it transpires that Parry isn’t doing any of these things, the officer concludes that Joe isn’t being harassed. The other conceptualizations of Parry’s behaviour which Joe offers towards the end of the conversation, for instance as the outcome of an OBSESSION, appear no better-fitting. The conceptualization of Parry’s behaviour as an attempt at CONVERSION turns out to be particularly ill-fitting, since the inferential network the officer associates with this concept includes an inference from “He’s attempting to convert me” to “What he’s doing is merely an expression of religious freedom”. Thus it seems that Joe is hindered by a lacuna in the collective hermeneutical resource. The consequent frustration of his attempt at rendering Parry’s behaviour intelligible to the officer harms Joe, since in the absence of police intervention Parry’s behaviour is allowed to escalate, culminating in a murder attempt.

Fricker’s intuition is that Joe wasn’t merely harmed here but rather suffered an injustice (2007: 157).<sup>14</sup> In Fricker’s view, we need to tell a somewhat different story to explain why it was discriminatory or otherwise unfair for Joe to be harmed in this way. Fricker’s reason for thinking this is that in contrast to Wood’s case, the lacuna in the collective hermeneutical resource ‘has nothing to do with any general social powerlessness or any general subordination as a generator of social meaning, for his social identity is that of the proverbial white, educated, straight man’ (2007: 157). This is a key passage. Fricker is of course right that white, educated, straight men as a group are neither relatively socially powerless in general nor hermeneutically marginalized in particular. Yet it doesn’t follow that the lacuna ‘has nothing to do with any general social powerlessness’, since it could have everything to do with the social powerlessness in general and the hermeneutical marginalization in particular of *some other group*. The inference goes through, then, only on the assumption that in a case of hermeneutical injustice the wronged party *must themselves be a member of the group* whose hermeneutical marginalization it is that gives rise to the injustice.<sup>15</sup>

This assumption appears as the fourth condition in Fricker’s account of hermeneutical injustice as laid out above, and I will return to challenge it in §4. For now, notice what sort of story this assumption leads Fricker to tell about the ‘incidental’ hermeneutical injustice of which Joe is a victim. Fricker still wants to invoke hermeneutical marginalization to explain why the frustration of Joe’s attempt at rendering Parry’s behaviour intelligible to the officer is unfair. Given the membership condition, Joe must be a member of the group whose hermeneutical marginalization it is that gives rise to the injustice he faces. Yet no group of which he’s a member in virtue of some aspect of his social identity is hermeneutically marginalized. Fricker’s solution is to say that the group whose hermeneutical marginalization gives rise to this particular hermeneutical injustice is a group with only one member, namely Joe (2007: 157–8). The

<sup>14</sup>An anonymous reviewer raises the further question of why we should count the injustice Joe suffers as a *hermeneutical* injustice, given the difference between it and the injustice Carmita Wood suffers. The answer is that counting the injustice Joe suffers as a hermeneutical injustice is the most straightforward way to acknowledge the obvious similarities between it and the injustice Wood suffers. Conversely, not counting the injustice Joe suffers as a hermeneutical injustice risks obscuring these similarities. At the same time, we can acknowledge the difference between the two injustices by counting the former as an incidental hermeneutical injustice and the latter as a systematic hermeneutical injustice – which is just what Fricker does.

<sup>15</sup>This is an assumption which Fricker commits herself to more explicitly in later work (2013: 1319).

idea seemingly is that it is unfair to be harmed as a result of one's subordination within or exclusion from some hermeneutical practice which would have value for one.<sup>16</sup>

As I will show in §3, Fricker doesn't make much of a case for thinking that Joe really is hermeneutically marginalized. For now the point I want to emphasize is that Fricker explains what's unjust about incidental hermeneutical injustices differently from how she explains what's unjust about systematic hermeneutical injustices. In systematic cases, the group whose hermeneutical marginalization gives rise to the injustice is supposed to be a relatively socially powerless group whose members are those sharing a particular social identity with the wronged party. In these cases, the harm done to the wronged party is supposed to befall them *qua* someone with that social identity, and so be discriminatory. By contrast, in incidental cases the group whose hermeneutical marginalization gives rise to the injustice is supposed to be a group with just one member, namely the wronged party. In these cases, the harm done to the wronged party is supposed to befall them *qua* someone subordinated within or excluded from some hermeneutical practice which would have value for them, and so be unfair. Having unpacked what Fricker has to say about hermeneutical marginalization and its role in hermeneutical injustice, I now want to argue that Fricker's picture is significantly flawed.

### 3. The Problem with Fricker's Picture

The main problem with Fricker's picture is that it can't properly account for Joe's case as an instance of hermeneutical injustice. In particular, it seems clear that Joe isn't hermeneutically marginalized – as the picture requires him to be. That Fricker's picture can't properly account for Joe's case as an instance of hermeneutical injustice has been pointed out before, in a somewhat-neglected paper by Komarine Romdenh-Romluc (2016: 596–600). In this section I will give some novel reasons for arriving at the same conclusion. In the next section I will go beyond Romdenh-Romluc in offering a solution to the problem.

Fricker says little to suggest that Joe is hermeneutically marginalized, and what little she does say is not very persuasive. Fricker writes only that the 'trivializing interpretations' of Parry's behaviour (as not a matter for the police and as merely an expression of religious freedom) put forward by the officer 'mean that Joe's hermeneutical participation is hindered in respect of a significant, if highly localized, patch of his social experience, and for this reason his case qualifies as a hermeneutical injustice' (2007: 157–8). Fricker's idea is that in putting forward trivializing interpretations of Parry's behaviour the officer thereby hermeneutically marginalizes Joe. For at least two reasons this isn't very convincing. First, the 'trivializing interpretations' Fricker cites are put forward by the officer only towards the end of the conversation. By this point Joe's attempt at rendering Parry's behaviour intelligible to the officer has already been frustrated by the lacuna in the collective hermeneutical resource. Thus, on Fricker's view, Joe's hermeneutical marginalization is bizarrely alleged to take place only after the hermeneutical injustice to which it supposedly gives rise. Second, Fricker earlier defined hermeneutical marginalization in terms of subordination within and/or exclusion from those 'practices' in which concepts are generated and propagated (2007: 153). Fricker gave as examples of such practices 'those sustained by professions such as journalism, politics,

<sup>16</sup>I say 'seemingly' because it is unclear what this practice is supposed to be in Joe's case, a point I return to in §3. Yet it is hard to see what else the idea could be.

academia, and law' (2007: 152). Yet it is unclear what such practice the officer could be subordinating Joe within or excluding Joe from.

Fricker concedes some doubt as to whether Joe is hermeneutically marginalized in later work, describing him as 'an educated, white, middle-class man, whose hermeneutical marginalization (*if any* – it is the vanishingly minimal case) is highly specific, localised to the particular matter at hand' (2016: 166; my emphasis). With Romdenh-Romluc, I suggest we can go further and say definitively that Joe isn't hermeneutically marginalized. After all, not only is he educated, white, middle-class, cis, and straight. He is in addition a journalist, and thus a participant in one of the practices Fricker suggests is most hermeneutically powerful. 'As such,' Romdenh-Romluc writes, 'Joe is surely well-placed to take part in the cultural discourse about stalking; he does not face obstacles to hermeneutical participation on this issue' (2016: 599).

Let's take stock. Fricker begins from the intuition that the harm which befalls Joe is unfair, so constituting an injustice. Fricker then offers to explain *why* the harm which befalls Joe is unfair in terms of Joe himself being hermeneutically marginalized. Yet it seems clear that in fact Joe is not himself hermeneutically marginalized, and so Fricker's proposed explanation fails. Thus as things stand the intuition from which Fricker begins is yet to find a vindication. Hence it may seem tempting simply to give up the idea that Joe suffers an injustice, settling instead for the weaker claim that Joe is merely harmed.<sup>17</sup> Yet the intuition that the harm which befalls Joe is unfair strikes me as a strong one, as it does Romdenh-Romluc (2016: 600). As such, it is worth looking to see whether a different explanation for why the harm which befalls Joe is unfair can be found. In the next section, I show that an explanation can be given once the membership condition is dropped from the account of hermeneutical injustice. Since this explanation seemingly vindicates the intuition from which Fricker begins, those in favour of giving up the idea that Joe suffers an injustice will first need to find a way to debunk this explanation.

#### 4. Solution to the Problem

Though Romdenh-Romluc sees that Fricker's picture is significantly flawed, she doesn't see any good way to repair it, and so leaves her readers in aporia (Romdenh-Romluc 2016: 609). In my view, Romdenh-Romluc's difficulty in seeing a solution stems from her acceptance of the membership condition (2016: 597). In this section I will argue for dropping this condition.

Crucially, dropping this condition allows us to tell a more plausible story about how the hermeneutical injustice Joe suffered came about. The suggestion I want to explore is that the lacuna in the collective hermeneutical resource hindering Joe can be traced back to the hermeneutical marginalization of women who, after all, constitute the majority of stalking victims (Proctor 2018: 109; Office for National Statistics 2020). This suggestion can be made a bit more concrete if we ask ourselves why Joe didn't offer a conceptualization of Parry's behaviour as *STALKING* to the officer.

<sup>17</sup>Thanks to two anonymous reviewers for pushing me on this; for a similar suggestion, see Hänel (2021: 176). One reviewer suggests that Fricker herself might be amenable to going down this route, since she approvingly cites the emphasis Medina (2013: 108) places on the possibility of members of dominant groups being epistemically disadvantaged despite not suffering hermeneutical injustices (Fricker 2016: 174). However, in that same paper Fricker repeatedly states her view to be that Joe *does* suffer a hermeneutical injustice (2016: 166, 174, 177) – confirming what she says in *Epistemic Injustice* (2007: 157). Thus I take it that Fricker shares my intuition on this point, and that in showing how to vindicate this intuition I am making a move friendly to her.

Suppose Joe claimed to the officer that Parry was stalking him. It seems plausible that the officer would have rejected such a claim. For consider the following historical developments in the conceptualization of stalking. The first time the term “stalking” was used in print to describe behaviour other than the hunting of wild animals was in *The Washington Post* in 1976, where it named the notorious serial-killer Son of Sam’s habit of following his female victims around immediately prior to killing them (Kamir 2001: 146–7). The term was then taken up by reviewers to describe the male protagonist’s behaviour in films such as John Carpenter’s *Halloween* (1978), Fred Walton’s *When a Stranger Calls* (1979) and Stanley Kubrick’s *The Shining* (1980) (Kamir 2001: 148). These films were early entries in an emerging horror subgenre whose generative story was that of ‘a psychokiller who slashes to death a string of mostly female victims, one by one, until he is subdued or killed, usually by the one girl who has survived’, most commonly referred to as “slasher” but also often as “stalker” films (Clover 2015: 21). In 1990 the first law in the US to outlaw stalking was passed in California, in the wake of the murder of actress Rebecca Schaeffer by a male fan (Kamir 2001: 175). This law was rushed through in response to wall-to-wall press coverage of the murder and lobbying from groups representing Hollywood stars, with legislators making ‘no attempt ... to investigate and analyze the *real* social problem of stalking’ (Kamir 2001: 175). Laws modelled on the California legislation were then passed in every US state by the end of 1993 (Kamir 2001: 175). One effect of this wave of legislation was to reinforce in the public consciousness the idea that stalking was principally something that befell prominent public figures. A 2012 parliamentary inquiry found that this idea had also gained significant traction in the UK. For instance, the inquiry noted that the Metropolitan Police had in 2006 set up a dedicated “fixated threat assessment centre” specifically to carry out risk assessments in cases of stalking involving the rich and famous, but rarely carried out similar risk assessments in cases of stalking involving members of the general public (Travis 2012).

In light of these various developments, it seems plausible that the inferential network the officer associated with the concept STALKING would include some inferences such as “He’s a man” to “He’s not being stalked”; “He’s not a celebrity” to “He’s not being stalked”; “His narrative does not conform to common horror movie tropes” to “He’s not being stalked”; and “The alleged stalker hasn’t shown any signs of being about to murder him” to “He’s not being stalked”. The concept STALKING would then be an ill-fitting one for Joe, since if he offered the officer a conceptualization of Parry’s behaviour as an instance of STALKING the officer would likely reject that conceptualization.

Notable is that the various developments in the conceptualization of stalking just discussed were all in the main driven by men. It is worth recalling that male domination of journalism in the 1970s US was a particular focus for second-wave feminist activism (Brownmiller 1999: Ch. 6). Moreover, crime-reporting and film-reviewing both stand out as sub-fields of journalism particularly hard for a woman to break into, then as now (on the latter, see Lauzen 2022). The numerous stalker films of the 1970s and 80s cited by Orit Kamir in her *Every breath you take: stalking narratives and the law* as particularly influential were all written and directed by men (Kamir 2001: 148; similarly Clover 2015: Ch. 1). The California state legislature of the early 1990s, again, had men well in the majority.

Since men are much less likely than women to be stalked, it is plausible that those driving the various developments in the conceptualization of stalking mentioned above weren’t much interested in understanding stalking as a real social problem – as indeed Kamir explicitly argues was true of the California legislature. Conversely, since women

are much more likely than men to be stalked, it is plausible that they would have been more interested in understanding stalking as a real social problem had they been in a position to drive a different set of developments in the conceptualization of stalking. Thus here we have a story to tell about STALKING being an ill-fitting concept for the purposes of rendering Parry's behaviour intelligible to the officer as a result of women's hermeneutical marginalization. Moreover, STALKING is the most obvious candidate to be a well-fitting concept with which to render Parry's behaviour intelligible to the officer.<sup>18</sup> So the story is in fact one in which women's hermeneutical marginalization gives rise to the lacuna in the collective hermeneutical resource that hinders Joe from rendering Parry's behaviour intelligible to the officer. As such, it is a story about Joe as a victim of patriarchy.

This isn't the only plausible story that could be told about this case – it could be supplemented with others. For instance, suppose STALKING was ill-fitting for Joe because the officer was liable to infer “He's not being stalked” from “He's a man, and so is the alleged stalker”. It wouldn't be surprising were the officer liable to think along these lines. As already noted, representations of men being stalked were rare in comparison to representations of women being stalked. Even rarer were representations of men being stalked *by men*. Much more common were representations of men being stalked by women, perhaps the most famous example being Adrian Lyne's *Fatal Attraction* (1987) (Kamir 2001: 5). The hermeneutical marginalization of gay men could have an explanatory role to play here. Gay men are much more likely to be stalked, and stalked by a man, than straight men are (Office for National Statistics 2020). So it is plausible that had they been in a position to drive a different set of developments in the conceptualization of stalking, gay men would have paid more attention to the problem of men stalking men than the various straight men I've cited in fact did during this period. For our purposes what's relevant about this possible supplementary story is that Joe again isn't a member of the group to whose hermeneutical marginalization it appeals.

At this point someone might wonder: mightn't the hermeneutical marginalization of stalking victims also play a role in bringing about the lacuna in the collective hermeneutical resource that hinders Joe? After all, similar explanations have been thought plausible in other cases of hermeneutical injustice; for instance, Katharine Jenkins attributes the frequent ill-fittingness of the concept RAPE to the hermeneutical marginalization of rape victims (2017: 197). And Joe himself is a victim of stalking; so were this to play a role in bringing about the lacuna, we could acknowledge him to be a victim of hermeneutical injustice without dropping the membership condition. Admittedly, there is nothing impossible about this suggested explanation. But the point is: suppose it turned out that the hermeneutical marginalization of stalking victims *didn't* play a role in bringing about the lacuna. Rather, it turned out just to be the hermeneutical marginalization of women, or the hermeneutical marginalization of women in combination with the hermeneutical marginalization of gay men, that did this. Wouldn't we still be inclined to say that Joe was a victim of hermeneutical injustice? I think we would – in which case the membership condition needs to be dropped.

At the same time, if it were shown that the lacuna didn't result from the hermeneutical marginalization of at least some group, we would simply cease to have the intuition that Joe was a victim of hermeneutical injustice. That's because the frustration of his attempt at rendering Parry's behaviour intelligible to the officer would then no longer

<sup>18</sup>Especially since HARASSMENT turned out to be ill-fitting: see §2.

strike us as unjust, but instead as merely harmful. We still need to invoke hermeneutical marginalization, in other words, to explain why Joe being frustrated in this way was unfair. The hermeneutical marginalization of a group to which Joe doesn't himself belong can do this explanatory work, I suggest, for the reason that it is intuitively unfair to suffer *collateral damage* as a result of the hermeneutical marginalization of some group to which one does not belong.

So one reason for dropping the membership condition is that it puts us in a better position to account for what happened to Joe as a case of hermeneutical injustice. This constitutes a solution to the main problem plaguing Fricker's picture discussed in §3. An additional reason for dropping the membership condition is the following. Consider the case of a hypothetical man, call him Smith, working at a New England university in the early 1970s. Like Carmita Wood, Smith is sexually harassed at work by his boss, sees no choice but to resign, and applies for unemployment benefits. Again like Wood, Smith is subsequently interviewed by a claims investigator; a lacuna in the collective hermeneutical resource hinders Joe from rendering his boss's behaviour intelligible to this investigator, who consequently denies Smith's application. Since women's hermeneutical marginalization accounts for the lacuna in collective hermeneutical resource that hinders Wood, it seems likely that women's hermeneutical marginalization would go at least a long way towards accounting for the lacuna in the collective hermeneutical resource that hinders Smith.<sup>19</sup> In any case, let's stipulate that this lacuna resulted from the hermeneutical marginalization of some group(s) to which Smith himself did not belong. Intuitively, Smith suffers an injustice. Moreover, the similarities with the injustice Wood suffers give us every reason to count this as a hermeneutical injustice.<sup>20</sup> Yet doing so will require us to drop the membership condition.

Dropping the membership condition leaves us with Fricker's first three conditions. My tentatively held view is that these three conditions are individually necessary and jointly sufficient for a hermeneutical injustice to occur. I will close out this section by considering an objection to this view. Someone could hold that one's interest in intelligibility going unsatisfied as a result of the hermeneutical marginalization of some group to which one does not belong is sometimes unfair – but not always.

<sup>19</sup>Here's why it's not immediately obvious that women's hermeneutical marginalization would go *all* the way to explaining the lacuna in the hermeneutical resources available to Smith. In §2 we supposed that SEXUAL HARASSMENT would have been a well-fitting concept for Wood, and thus that if women's hermeneutical marginalization explains why SEXUAL HARASSMENT wasn't available to Wood then *ipso facto* it also explains why Wood had at best ill-fitting concepts available to her. If women's hermeneutical marginalization explains why SEXUAL HARASSMENT wasn't available to Wood, then presumably it would also explain why SEXUAL HARASSMENT wasn't available to someone like Smith. Yet we can't assume that just because SEXUAL HARASSMENT would have been a well-fitting concept for Wood, it would also have been a well-fitting concept for Smith. For we can imagine the investigator being liable to infer "He wasn't a victim of sexual harassment" from "He's a man". SEXUAL HARASSMENT would then be ill-fitting for Smith, but not necessarily for Wood. So more needs to be said to show that women's hermeneutical marginalization would go all the way to explaining the lacuna in Smith's case. It seems to me that this more can be said. For feminist jurisprudence has proved capable of recognizing men as victims of sexual harassment (see e.g. Franke 1997; Abrams 1998; Anderson 2006). Thus supposing SEXUAL HARASSMENT to be ill-fitting for Smith in the way described, this could plausibly be put down to women in relevant practices not having the chance to generate and disseminate such jurisprudence. But this is just a suggestion; my argument doesn't rely on it.

<sup>20</sup>Note that if it is compelling to make sense of what befalls Smith as a case of hermeneutical injustice then it is surely also compelling to make sense of what befalls Joe as a case of hermeneutical injustice, given that they are seemingly alike in every relevant respect. This gives us an additional response to those who would deny that Joe suffers a hermeneutical injustice – see footnotes 14 and 17.

Such a person could well share my intuitions that Smith and Joe suffered hermeneutical injustices. Still, in their view Fricker's first three conditions aren't jointly sufficient for a hermeneutical injustice to occur. The motivating thought is likely to be that whether it is unfair for one's interest in intelligibility to go unsatisfied depends on whether one is *complicit* in the hermeneutical marginalization of the relevant group. For instance, suppose it transpired that Joe had gone out of his way as a journalist to prevent women from joining his hermeneutically powerful profession. On the view under consideration, this would show that Joe wasn't a victim of hermeneutical injustice after all. Someone persuaded of this view would say that the non-satisfaction of Joe's interest in intelligibility had turned out not to have been an instance of collateral damage after all, but instead an instance of someone getting their just deserts. If we accept this view, we'll need to add an extra condition to the account of hermeneutical injustice specifying that the wronged party isn't complicit in the hermeneutical marginalization of the relevant group.

Though I feel the pull of this view, I'm ultimately unpersuaded by it. Continue to suppose for the sake of argument that Joe went out of his way to exclude women from the journalistic profession. Obviously enough, his behaving in this way would be seriously wrong. He would deserve to be held to account for it, and this would almost certainly involve the imposition of some sort of social sanction. But we can maintain this and at the same time deny that Joe would deserve the non-satisfaction of his interest in intelligibility. And in fact I think we should deny this latter claim. For one thing, it is hard to imagine how Joe's interest in intelligibility going unsatisfied could play a role in holding him to account. Indeed, it is hard to believe that any path to greater justice begins with involved parties failing to understand significant things about each other. For another, the frustration of Joe's attempt at rendering Parry's behaviour intelligible to the officer has unpredictable and potentially extreme consequences – in the novel, Joe only narrowly avoids being murdered. Finally, it seems to me that much of this latter claim's attraction stems from implicitly subscribing to the retributive logic of an-eye-for-an-eye. One thing wrong with hermeneutically marginalizing a social group is that it renders members of that group vulnerable to having their interests in intelligibility go unsatisfied. This is plausibly what would lead someone to think that a person complicit in the hermeneutical marginalization of some group deserves to have some of their own interests in intelligibility go unsatisfied. Yet an-eye-for-an-eye is widely acknowledged to be a poor guide to justice. These considerations persuade me that even if Joe was himself complicit in the hermeneutical marginalization of women, the non-satisfaction of his interest in intelligibility would be an instance of collateral damage and not of just deserts. Hence my tentatively held view that Fricker's first three conditions are individually necessary and jointly sufficient for an instance of hermeneutical injustice.

## 5. Rethinking the Systematic/Incidental Distinction

If my suggestion that it was primarily women's hermeneutical marginalization that gave rise to the lacuna in the collective hermeneutical resource that hinders Joe is accepted, we will need to rethink the distinction between systematic and incidental hermeneutical injustices. Recall that Fricker offered what befell Carmita Wood as a paradigm systematic hermeneutical injustice and what befell Joe as a paradigm incidental hermeneutical injustice. I agree with Fricker that there is intuitively an important difference between these two cases. Yet if we're to capture this difference by describing the first as

*systematic* and the second as *incidental*, the intensions Fricker gives to these two terms will have to be thrown out. For recall that Fricker proposes a hermeneutical injustice is systematic insofar as the hermeneutical marginalization which gives rise to it is symptomatic of a broader relative social powerlessness; otherwise, it is incidental (2007: 156). I've suggested that it was primarily women's hermeneutical marginalization which gave rise to the hermeneutical injustice Joe suffers. Women's hermeneutical marginalization is obviously symptomatic of a broader relative social powerlessness. Thus the hermeneutical marginalization which gave rise to the hermeneutical injustice Joe suffers is symptomatic of a broader relative social powerlessness – just not that of a group to which Joe himself belongs. Yet what befell Joe was supposed to be an incidental hermeneutical injustice.

Fricker comes much closer to capturing what's incidental about Joe's case not in her official view, but in an offhand remark. She notes that Joe 'suffers the injustice not because of, but rather in spite of, the social type he is' (2007: 158). I've tried to suggest something like this idea already, in describing the non-satisfaction of Joe's interest in intelligibility as an instance of collateral damage. What's incidental about a case like Joe's, then, is not that the hermeneutical marginalization which gives rise to it isn't symptomatic of a broader relative social powerlessness. Indeed, I'm sceptical that there is any instance of hermeneutical marginalization which isn't in some way symptomatic of a broader relative social powerlessness. Rather, what's incidental about a case like Joe's is that he isn't himself a member of the relevant relatively socially powerless group – he isn't among the *targets* of the relevant underlying operations of social power. My proposal is thus that a hermeneutical injustice is systematic insofar as the wronged party is themselves a member of the group whose hermeneutical marginalization gave rise to the injustice; otherwise, it is incidental. This proposal successfully recognizes Wood's as a systematic case and Joe's as an incidental case.

An interesting contrast between Fricker's picture and mine emerges when we ask: can incidental hermeneutical injustices be systematically prevented? On Fricker's picture, incidental hermeneutical injustices result from 'one-off moment[s] of powerlessness' (2007: 156) and hence are more-or-less unpredictable. Thus it is hard to imagine there being any way to systematically prevent them. By contrast, on my picture both incidental and systematic hermeneutical injustices result from the hermeneutical marginalization of the same groups – for instance, women. Hence both incidental and systematic hermeneutical injustices can be systematically prevented by diminishing and eventually eliminating the hermeneutical marginalization of these groups – something we have a responsibility to do in any case, given the intrinsic badness of hermeneutical marginalization (Romdenh-Romluc 2017: 12; Crerar & Goetze 2022: 100). Notably, in carrying out this responsibility we can systematically prevent incidental hermeneutical injustices while keeping systematic hermeneutical injustices 'central from our point of view' as both theorists and political actors (Fricker 2007: 158) – a desirable feature, given that systematic hermeneutical injustices are both more prevalent and play a role in patterns of oppression. The upshot is that on my picture we can be somewhat more optimistic about our prospects for eventually eliminating incidental hermeneutical injustices than we can be on Fricker's.

## 6. Hermeneutical Injustice is Widespread

If I am right that a person can suffer a hermeneutical injustice without themselves being a member of the group whose hermeneutical marginalization gives rise to it, it seems

likely that somewhat more people suffer hermeneutical injustices than Fricker realizes. After all, recall Smith. On Fricker's picture, Smith can't have suffered a hermeneutical injustice because he isn't himself a member of the relevant hermeneutically marginalized group(s). On my picture, by contrast, Smith did suffer a hermeneutical injustice. Since this accords with what I expect will be a widely shared intuition about the case, I take this to be another advantage of the picture I develop.

At this point, an anonymous reviewer raises the following worry. Consider Joe's case one last time. Suppose Joe came to you after his telephone conversation with the police officer and told you what had happened. It is unclear how identifying what had happened to him as a case of hermeneutical injustice would provide you with practical guidance for how to help Joe. If I am right that there are more cases of hermeneutical injustice resembling Joe's than Fricker realizes, then this multiplies the number of such scenarios – which looks like a problem. The first thing to say in response is that this is why, in common with the rest of the literature on hermeneutical injustice, in my brief comments on what to do about incidental hermeneutical injustices I've placed the emphasis on prevention rather than restitution (see e.g. Fricker 2007: 169–75; Barnes 2016: 183; Hull 2017: 585; Jenkins 2017: 201–2; Goetze 2018: 85–6). In general, what to do about hermeneutical injustices *before* they arise seems like a much more tractable problem. Second, suppose that some of the additional hermeneutical injustices I think Fricker misses did for some reason prove particularly difficult to do something about. It seems to me acknowledging both these injustices and the difficulty in doing anything about them would be preferable to not acknowledging them at all – not least because acknowledging an injustice is also a way of acknowledging the victim of that injustice. Finally, saying much more here would take me outside the scope of this paper. I have primarily been concerned with how incidental hermeneutical injustices arise, and what is unfair about them. What can be done about them is a separate question, worthy of a standalone paper. As such, this paper should be taken as a spur for further work.

I want to close by reconsidering Laura Beeby's relevant suggestion that the professor who harassed Carmita Wood 'might be both a perpetrator of sexual harassment and a victim of hermeneutical injustice' (2011: 483). In *Epistemic Injustice*, Fricker gives two reasons for thinking that the professor can't possibly have been a victim of hermeneutical injustice. First is that the professor was not himself a member of any hermeneutically marginalized group (2007: 153). Given the argument of §4, this doesn't stand up as a reason for thinking that the professor can't possibly have been a victim of hermeneutical injustice. Second is that the professor didn't have an interest in his behaviour towards Wood being intelligible to him (2007: 151). On this point I disagree, though in a way I recognize not everyone will accept.<sup>21</sup> I find intuitive the Aristotelian idea that moral goodness is necessary – though not sufficient – for human flourishing in any meaningful sense (Tessman 2005: 11; Aristotle 2009: *NE* 1).<sup>22</sup> Not understanding that you're seriously wronging someone is a significant barrier to achieving moral goodness. Thus I think the professor *did* have an interest in his behaviour towards Wood being intelligible to him – call this a *moral* interest.

<sup>21</sup>For someone else who disagrees, see Feinberg (1984: 66). Since not everyone will accept the Aristotelian idea on which I rely in what follows, there's room to accept what I have argued for in §§1–5 and reject what I argue for in the remainder of this section.

<sup>22</sup>Several other contributors to the literature on hermeneutical injustice would seem at least implicitly to agree (e.g. Beeby 2011: 483; Hänel 2021: 176).

So it seems to me at least possible that the professor was a victim of hermeneutical injustice. But *was* he, in fact, such a victim? Of this I'm not so sure. Suppose he really didn't understand that he was seriously wronging Wood; that this was thanks to a lacuna in the collective hermeneutical resource; and that this lacuna resulted from women's hermeneutical marginalization. If all this was the case, then: yes, it seems to me that the professor suffered a hermeneutical injustice. But whether all this was the case is highly disputable. In particular, it is far from obvious that the professor didn't understand he was seriously wronging Wood – at least for all Brownmiller tells us about him (1999: 280–1; likewise the account given in Strebeigh 2009: 220–3).

In allowing that the professor might have been both a perpetrator of sexual harassment and a victim of hermeneutical injustice, I don't at all mean to excuse his behaviour.<sup>23</sup> Nor do I mean to engage in what Kate Manne calls *himpathy*, which paradigmatically takes the form of showing 'excessive sympathy ... toward male perpetrators of sexual violence' (Manne 2018: 197). I mean only to draw attention to one way in which the politically useful feminist claim that patriarchy is bad for men as well as for women might sometimes be true.<sup>24</sup> In her ethically rich *Burdened Virtues: Virtue Ethics for Liberatory Struggles*, Lisa Tessman talks of *moral damage* occurring when the 'unconducive conditions of oppression' hinder someone from cultivating a morally good self (2005: 4). Being hermeneutically marginalized is one way in which a group can be oppressed.<sup>25</sup> And not understanding when one is seriously wronging another is a significant barrier to cultivating a morally good self. Thus supposing women's hermeneutical marginalization resulted in the professor really not understanding that he was seriously wronging Wood, this would be an instance of moral damage. Allowing that the professor might have been a victim of hermeneutical injustice commits us to thinking that his being morally damaged in this way would be not merely harmful but wrongful. Yet this needn't diminish our determination to condemn him as a perpetrator of sexual harassment and so a perpetuator of patriarchy. Rather, we should think of this commitment as serving 'to increase the breadth of [our] complaint about systems of oppression' (Tessman 2005: 5).

## 7. Conclusion

Until now, it is been commonly assumed that anyone who suffers a hermeneutical injustice must themselves be a member of the group whose hermeneutical marginalization gave rise to the injustice. I have argued for dropping this assumption primarily on the grounds that only by doing so can we make sense of examples such as the one Fricker takes from McEwan's *Enduring Love* as in fact cases of hermeneutical injustice. I have also drawn out some of the implications dropping this assumption has for how we ought to think about the distinction between systematic and incidental hermeneutical injustices, and for whom we ought to acknowledge as possible victims of hermeneutical injustice. In a paper looking back on earlier work, Fricker explains that what she

<sup>23</sup>Nor, of course, does Beeby (2011: 484). For an argument to the effect that being a victim of injustice needn't excuse consequent behaviour, see Young (2013: 17–20).

<sup>24</sup>As Lorna Finlayson perspicaciously puts it: 'women are worse off under patriarchy, relative to men; but we may also say that both men and women are worse off under patriarchy, relative to the hypothetical inhabitants of a post-patriarchal world' (Finlayson 2016: 8). A similar thought, I take it, is implicit in bell hooks's insistence that '[f]eminism is for everybody' (hooks 2000: 118).

<sup>25</sup>Assuming Iris Marion Young's influential account of marginalization in general as a face of oppression (1990: 53–5).

hoped to get from the idea of *hermeneutical injustice* was ‘an on-the-ground tool of critical understanding that was called for in everyday lived experiences of injustice’ (Fricker 2017: 56). My hope is that I have here taken some worthwhile steps towards putting this tool into better working order.<sup>26</sup>

## References

- Abrams K. (1998). ‘The New Jurisprudence of Sexual Harassment.’ *Cornell Law Review* 83(5), 1169–230.
- Anderson E. (2006). ‘Recent Thinking about Sexual Harassment: A Review Essay.’ *Philosophy & Public Affairs* 34(3), 284–311.
- Bacharach S. (2018). ‘Finding Your Voice in the Streets: Street Art and Epistemic Injustice.’ *The Monist* 101(1), 31–43.
- Barnes E. (2016). *The Minority Body: A Theory of Disability*. Oxford: Oxford University Press.
- Beeby L. (2011). ‘A Critique of Hermeneutical Injustice.’ *Proceedings of the Aristotelian Society* 111(1), 479–86.
- Berenstein N. (2020). ‘White Feminist Gaslighting.’ *Hypatia* 35(4), 733–58.
- Beverley J. (2022). ‘Speak No Evil: Understanding Hermeneutical (In)justice.’ *Episteme* 19(3), 431–54.
- Brownmiller S. (1999). *In Our Time: Memoir of a Revolution*. New York, NY: Delta Books.
- Clover C.J. (2015). *Men, Women, and Chainsaws: Gender in the Modern Horror Film*. Princeton, NJ: Princeton University Press.
- Crerar C. and Goetze T.S. (2022). ‘Hermeneutical Justice for Extremists?’ In L. Townsend, R.R. Tietjen, H.B. Schmid and M. Staudigl (eds), *The Philosophy of Fanaticism: Epistemic, Affective, and Political Dimensions*, pp. 88–108. New York, NY: Routledge.
- Falbo A. (2022). ‘Hermeneutical Injustice: Distortion and Conceptual Aptness.’ *Hypatia* 37(2), 343–63.
- Feinberg J. (1984). *The Moral Limits of the Criminal Law. Vol. 1: Harm to Others*. Oxford: Oxford University Press.
- Finlayson L. (2016). *An Introduction to Feminism*. Cambridge: Cambridge University Press.
- Franke K.M. (1997). ‘What’s Wrong with Sexual Harassment?’ *Stanford Law Review* 49(4), 691–772.
- Fraser R.E. (2018). ‘The Ethics of Metaphor.’ *Ethics* 128(4), 728–55.
- Fricker M. (2006). ‘Powerlessness and Social Interpretation.’ *Episteme* 3(1–2), 96–108.
- Fricker M. (2007). *Epistemic Injustice: Power & the Ethics of Knowing*. Oxford: Oxford University Press.
- Fricker M. (2013). ‘Epistemic Justice as a Condition of Political Freedom?’ *Synthese* 190(7), 1317–32.
- Fricker M. (2016). ‘Epistemic Injustice and the Preservation of Ignorance.’ In R. Peels and M. Blaauw (eds), *The Epistemic Dimensions of Ignorance*, pp. 160–77. Cambridge: Cambridge University Press.
- Fricker M. (2017). ‘Evolving Concepts of Epistemic Injustice.’ In I.J. Kidd, J. Medina and G. Pohlhaus, Jr. (eds), *The Routledge Handbook of Epistemic Injustice*, pp. 53–60. New York, NY: Routledge.
- Fricker M. and Jenkins K. (2017). ‘Epistemic Injustice, Ignorance, and Trans Experiences.’ In A. Garry, S.J. Khader and A. Stone (eds), *The Routledge Companion to Feminist Philosophy*, pp. 268–78. New York, NY: Routledge.
- Goetze T.S. (2018). ‘Hermeneutical Dissent and the Species of Hermeneutical Injustice.’ *Hypatia* 33(1), 73–90.
- Hänel H. (2021). ‘Who’s to Blame? Hermeneutical Misfire, Forward-Looking Responsibility, and Collective Accountability.’ *Social Epistemology* 35(2), 173–84.
- Hooks B. (2000). *Feminism is for Everybody: Passionate Politics*. London: Pluto Press.
- Hull G. (2017). ‘Black Consciousness as Overcoming Hermeneutical Injustice.’ *Journal of Applied Philosophy* 34(4), 573–92.
- Jenkins K. (2017). ‘Rape Myths and Domestic Abuse Myths as Hermeneutical Injustices.’ *Journal of Applied Philosophy* 34(2), 192–205.
- Kamir O. (2001). *Every Breath You Take: Stalking Narratives and the Law*. Ann Arbor, MI: University of Michigan Press.
- Lauzen M.M. (2022). *Thumbs Down 2022: Film Critics and Gender, and Why It Matters*. <https://wome-nintvfilm.sdsu.edu/wp-content/uploads/2022/05/2022-Thumbs-Down-Report.pdf>.

<sup>26</sup>Many thanks to Gabriel de Sousa, Livia von Samson, Jack Wearing, and especially to Rachel Fraser and Amia Srinivasan for their invaluable comments on various drafts of this paper.

- Luzzi F.** (2021). 'Deception-Based Hermeneutical Injustice.' *Episteme*. <https://doi.org/10.1017/epi.2021.7>.
- Manne K.** (2018). *Down Girl: The Logic of Misogyny*. London: Penguin.
- Mason R.** (2011). 'Two Kinds of Unknowing.' *Hypatia* **26**(2), 294–307.
- McEwan I.** (1998). *Enduring Love*. London: Vintage.
- Medina J.** (2013). *The Epistemology of Resistance: Gender and Racial Oppression, Epistemic Injustice, and Resistant Imaginations*. Oxford: Oxford University Press.
- Office for National Statistics** (2020). *Stalking: Findings from the Crime Survey of England and Wales*. <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/stalkingfindingsfromthecrimesurveyforenglandandwales>.
- Pettit P.** (2006). 'The Determinacy of Republican Policy: A Reply to McMahon.' *Philosophy & Public Affairs* **34**(3), 275–83.
- Proctor K.** (2018). 'Stalking as a Gender-based Violence.' In N. Lombard (ed.), *The Routledge Handbook of Gender and Violence*, pp. 109–20. London: Routledge.
- Romdenh-Romluc K.** (2016). 'Hermeneutical Injustice: Blood-sports and the English Defence League.' *Social Epistemology* **30**(5–6), 592–610.
- Romdenh-Romluc K.** (2017). 'Hermeneutical Injustice and the Problem of Authority.' *Feminist Philosophy Quarterly* **3**(3), Art. 1.
- Aristotle** (2009). *Nicomachean Ethics*. (Transl. David Ross.) Oxford: Oxford University Press.
- Schultz V.** (1998). 'Reconceptualizing Sexual Harassment.' *Yale Law Journal* **107**(6), 1683–805.
- Strebeigh F.** (2009). *Equal: Women Reshaping American Law*. New York, NY: W.W. Norton & Company.
- Tessman L.** (2005). *Burdened Virtues: Virtue Ethics for Liberatory Struggles*. Oxford: Oxford University Press.
- Travis A.** (2012). 'Police Failing to Take Stalking Seriously, Inquiry Finds.' *The Guardian*, 7 February. <https://www.theguardian.com/uk/2012/feb/07/police-failing-stalking-complaints-seriously>.
- Young I.M.** (1990). *Justice and the Politics of Difference*. Princeton, NJ: Princeton University Press.
- Young I.M.** (2013). *Responsibility for Justice*. Oxford: Oxford University Press.

**Nick Clanchy** is a DPhil candidate at the University of Oxford, where he is completing a thesis on hermeneutical injustice under the supervision of Prof. Amia Srinivasan and Dr Rachel Fraser. He has additional research interests in the work of Roland Barthes and the philosophy of love.