

**Transparency Politics and Its Limits: Rethinking Hermeneutical
Injustice**

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Abstract

I draw on work in social epistemology, feminist philosophy, trans philosophy, queer theory, and ethics to rethink what hermeneutical injustices are, who suffers them, and what can be done to prevent them. I identify several problems with Miranda Fricker's original account of what hermeneutical injustices are and how they arise, and argue for a number of revisions and clarifications in order to solve these problems. One upshot of these revisions is that more people suffer hermeneutical injustices than Fricker's account acknowledges. I then outline a novel, more materialist sort of strategy for preventing hermeneutical injustices, and argue that the provision of gender-affirming healthcare is one context in which such a strategy ought to be pursued. Finally, I criticize the hermeneutical injustice literature for what I call its implicit commitment to transparency politics. By this I mean its implicit commitment to the view that when it comes to the hermeneutical dimension of people's lives, the satisfaction of their interests in things about themselves being intelligible is all that matters. I argue that this view is mistaken, not least because it ignores the existence of two other important sorts of distinctly hermeneutical interest.

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Introduction: Rethinking Hermeneutical Injustice

1. Carmita Wood's Story

In 1966 Carmita Wood, a Black single mother of two, got a job in a nuclear physics laboratory at Cornell. Five years later she was promoted, becoming the first woman to occupy the post of administrative assistant (Strebeigh 2009: 220). This promotion brought Wood into regular contact with 'a distinguished professor' who 'seemed unable to keep his hands off her' (Lin Farley's words, quoted in Brownmiller 1999: 280). He would, for instance, 'deliberately brush against her breasts while reaching for some papers' (Lin Farley's words, quoted in Brownmiller 1999: 280). At other times, he would stand in Wood's line of sight and jiggle his hand in his pocket in a sexually suggestive manner (Strebeigh 2009: 220). By 1974 Wood could bear this treatment no longer. She was under such severe stress that she had developed a chronic pain condition in her arm which several doctors had been unable to relieve (Strebeigh 2009: 221-222). When an application to transfer to another department in the university proved unsuccessful, Wood saw no other option but to quit her job.

Needing the money with two children to feed, Wood applied later that year for unemployment benefits from the New York Department of Labor. Yet when asked by a bureaucrat there to explain why she had quit her job at Cornell, she found herself 'at a loss to describe the hateful episodes' (Brownmiller 1999: 280). She managed to say only that her reasons for quitting had been 'personal' (Brownmiller 1999: 280). Unsatisfied by this answer, the bureaucrat turned down her application for benefits. Wood appealed this decision, but again was turned down (Strebeigh 2009: 222). With no option left to her but to take the matter to court, Wood in 1975 sought help from a former colleague, Lin Farley,

and her feminist consciousness-raising group. When Wood recounted how the professor had treated her, it rang bells. Every member of the group had at some point experienced something similar (Brownmiller 1999: 281). They decided to hold a speak-out about it. In order to advertise this speak-out, they first needed to come up with a name for the sort of behaviour to which the professor had subjected Wood. Someone suggested calling it *sexual harassment* (Brownmiller 1999: 281). This label, new at the time, has stuck.

In the course of these events, Carmita Wood suffered at least two injustices. The first injustice was that the professor sexually harassed her. The second injustice was that not having a concept like SEXUAL HARASSMENT available to her hindered Wood from rendering this experience intelligible to the bureaucrat. The latter is Miranda Fricker's central example of the distinctive sort of epistemic injustice that she calls *hermeneutical injustice* (2006; 2007: Ch.7).¹ This Fricker most recently defines 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).² This definition will require a great deal of unpacking.³ For now, it will suffice to say that one's social experience is *significant* in the

¹ Fricker also claims that Wood was hindered from rendering what had happened to her intelligible to herself (2007: 151). As a number of later commentators have pointed out, it is difficult to reconcile this claim with the fact that Wood decided to seek help from, of all people, Lin Farley and her feminist consciousness-raising group (Mason 2011: 297-298; Berenstain 2020: 741; Nathan 2022: 760-761). That Wood was hindered from rendering what had happened to her intelligible to the bureaucrat is, by contrast, relatively uncontroversial. I have chosen to focus exclusively on Wood's interaction with the bureaucrat throughout the thesis for this reason.

² Fricker originally defined hermeneutical injustice in *Epistemic Injustice: Power & the Ethics of Knowing* as 'the injustice of having some significant area of one's social experience obscured from collective understanding owing to hermeneutical marginalization' (2007: 158). I have chosen to work with Fricker's more recent definition for the reason that her more recent talk of being 'frustrated in an attempt to render a social experience intelligible (to oneself and/or to others)' is easier to get a handle on than her older talk of 'having some significant area of one's social experience obscured from collective understanding'.

³ I do most of this unpacking in Ch.1. One of the arguments I make there is that talk of "something significant about oneself" would in fact be preferable to talk of a "significant social experience" one has had. In order not to get too far ahead of myself, I will stick with the latter locution for the purposes of this introduction.

relevant sense when one has an interest in it being intelligible to oneself and/or to someone else (2007: 151). For instance, Wood had an interest in her experience of sexual harassment being intelligible to the bureaucrat. Her failure to render this experience intelligible to the bureaucrat resulted in this interest going unsatisfied, meaning that she was harmed (2007: 162). A group is *hermeneutically marginalized* when its members are subordinated within and/or excluded from practices that generate and/or propagate interpretations of social phenomena (2007: 153). For instance, women are a hermeneutically marginalized group. Fricker argues that women's hermeneutical marginalization was a significant causal factor in Wood not having a concept like SEXUAL HARASSMENT available to her for the purpose of rendering what had happened to her intelligible to the bureaucrat (2007: 153). That women's hermeneutical marginalization was a significant causal factor in her failure to render this experience intelligible to the bureaucrat explains why the harm which befell Wood was unfair rather than merely unlucky, the point being that an unfair harm constitutes an injustice (2007: 151-152).

In a paper looking back on earlier work, Fricker explains that what she hoped to get from this idea of hermeneutical injustice was 'an on-the-ground tool of critical understanding that was called for in everyday lived experiences of injustice' (2017: 56).⁴ In coming up with this idea, Fricker has undoubtedly put her finger on an important phenomenon. Yet it seems to me that her tool is not yet in good working order. On some points, what Fricker says seems to me simply wrong. For instance, Fricker leaves implicit in her definition but states explicitly elsewhere that in order to suffer a hermeneutical injustice one must oneself be a member of the group whose hermeneutical marginalization is a significant

⁴ The attitude that Fricker evinces here strikes me as interestingly reminiscent of Foucault's: 'I write for users, not readers' (*Dits et écrits Vol.2* (Gallimard, 1994), 523-524; quoted in Sawicki 2003: 379). For Foucault as 'a theorist of epistemic injustice *avant la lettre*', see Allen (2017: 187).

causal factor in one's failure to render a significant social experience intelligible (2013: 1319; 2015: 79). While Wood satisfies this membership condition, I will argue that there are other victims of hermeneutical injustice who do not satisfy it.

On other points, what Fricker says is suggestive but underdeveloped. For instance, Fricker writes that what frustrates a victim of hermeneutical injustice's attempt to render a significant social experience intelligible is having 'at best ill-fitting meanings to draw on' in doing so (2007: 148). The idea in Wood's case is that the concept SEXUAL HARASSMENT could well have been a well-fitting one for the purpose of rendering what had happened to her intelligible to the bureaucrat, yet this concept was not available to her; while a concept such as BEING-MADE-TO-FEEL-UNCOMFORTABLE was available to Wood, yet would have been an ill-fitting one for this purpose (2007: 159). This is a promising suggestion, but it leaves us with the question of exactly what it means for a concept to be ill- or well-fitting for such a purpose. My project in the first half of this thesis will hence be to correct such mistakes and to develop such suggestions in order to put this tool into better working order.

2. Why Fricker? Why Now?

In justifying my decision to write a thesis largely engaging with Fricker's work, I want to be explicit in eschewing what Kristie Dotson calls 'a rhetoric of beginnings' (2014: 3; see also Pohlhaus 2017: 15; Berenstain 2020: 750-751). To be clear, then, Fricker is not the first to have identified conceptual barriers to intelligibility as a feminist concern. Here it is worth noting that identifying particular such barriers has in fact been a feature of much feminist theorizing. For instance, when Betty Friedan in 1963 conceptualized 'a sense of dissatisfaction, a yearning that women suffered in the middle of the twentieth century in

the United States' as THE-PROBLEM-THAT-HAS-NO-NAME, she was calling out the lack of a name as a part of the problem (2010: 5). And when bell hooks in 1982 in response asked 'ain't I a woman?', she was pointing out that Friedan's conceptualization of WOMEN as implicitly white and middle-class worked to obscure the different sets of problems faced by working-class women and women of colour (1982: 146). When Sylvia Federici among others demanded wages for housework in the 1970s (2012), it was in order to disrupt a conceptualization of HOUSEWORK as a natural expression of femininity which worked to obscure its reality as a socially imposed and frequently unpleasant form of labour. And when sex workers similarly demand that what they do be conceptualized as SEX WORK it is in order to bring to light something often obscured by conceptualizations of what they do as PROSTITUTION, namely that gaining workers' rights would be a first step towards their liberation (Mac and Smith 2018: 55).

Nor is Fricker the first to have provided a systematic account of at least some such conceptual barriers to intelligibility. In the socialist feminist tradition, at least some such barriers have been systematically accounted for as instances of *ideology* or *hegemony* or *false consciousness* (see e.g. Rowbotham 2015: Part I).⁵ In the Black feminist tradition, Patricia Hill Collins has described how various *controlling images* obscure the realities of 'racism, sexism, poverty, and other forms of social injustice' by making them 'appear to be natural, normal, and inevitable parts of everyday life' (2000: 76-77). And in this tradition, too, one can find accounts of the origins of at least some such conceptual barriers to intelligibility that anticipate what Fricker has to say concerning the role of hermeneutical marginalization. For instance, Anna Julia Cooper can be found writing as far back as 1892 that it is white men's 'predominant' influence on the 'world of thought'

⁵ For comparisons between a formulation of the issues in terms of hermeneutical injustice and a formulation of the issue in terms of ideology, see Mills (2017) and Elling (2022).

that is to blame for the lack of ‘accuracy and fairness in diagnosing’ Black women’s social condition (2016: 22, xii).

Having acknowledged that Fricker’s work on this issue is not without precedent, I have four main reasons for nevertheless choosing to engage largely with Fricker’s particular formulation of the issue in terms of hermeneutical injustice. Key here is the enormous influence that this formulation has already had.⁶ In the substantial literature that has sought to build on Fricker’s foundational work, the following have all been claimed to suffer or to have suffered hermeneutical injustices: victims of rape (Jenkins 2017; Falbo 2022; Hänel 2022), domestic abuse (Jenkins 2017), and child abuse (Panchuk 2020; Bartlett 2022; Lo 2023); victims of the Armenian genocide (Altanian 2021); women forced into sexual slavery in Korea during World War Two (Song 2021); women who menstruate in cultures where discussion of this topic is considered taboo (Crerar 2016); physically ill people (Kidd and Carel 2017; 2018), mentally ill people (Jackson 2017; Scrutton 2017), physically disabled people (Barnes 2016: Ch.6; Tremain 2017), mentally disabled people (Dohmen 2016; Catala 2020), and neurodiverse people (Catala et al. 2021; Chapman and Carel 2022); gay people (Barnes 2016: Ch.6), bisexual people (Bostwick and Hequemborg 2014), asexual people (Brunning and McKeever 2021; Cuthbert 2022), trans people (Fricker and Jenkins 2017; Goetze 2018), and intersex people (Hall 2017; Luzzi forthcoming), including LGBTQ+ asylum seekers (Boncompagni 2021); Black people and other people of colour in the United States (Medina 2012; Mills 2013; Anderson 2017; Posey 2021: Chs.3-5), South Africa (Hull 2017) and the Netherlands (Catala 2019); formerly colonized people (Posholi 2020) and Indigenous people (Townsend and Townsend 2021); members of various minority groups

⁶ As Fricker herself notes (2017: 58). ‘A measure of the quality of a new text is the quality of the texts it arouses’ (Cavell 1979: 5).

in professions as diverse as stand-up comedy (Butterfield 2022) and academia (Hänel 2020; Catala 2022), including academic philosophy (Catala forthcoming); and even non-human animals (Podosky 2018).⁷ My first reason for focusing on Fricker's particular formulation of the issue, then, is that clarifying what it means to suffer a hermeneutical injustice will help us to evaluate the great number of claims already being made exploiting this formulation. It will also help us to answer the question of who else might be suffering hermeneutical injustices.

My second reason is that as the literature on hermeneutical injustice has blossomed in recent years, there have been curiously few attempts to survey it.⁸ As will become clear, the works just cited arguing that particular groups suffer hermeneutical injustices far from exhaust this literature. There are for instance also plenty of papers which primarily seek to clarify (e.g. Fraser 2018; Goetze 2018) or to criticize Fricker's work in some way (e.g. Beeby 2011; Berenstain 2020), or to distinguish hermeneutical injustices from injustices of other related sorts (e.g. Dotson 2012a; Dembroff and Whitcomb 2022). One of my aims is to provide a useful resource for anyone hoping to navigate this now considerable body of work.

My third reason for focusing on Fricker's particular formulation of the issue is that this formulation carries a great deal of as-yet-unrealized political potential. Consider in this regard the question of what ought to be done to prevent hermeneutical injustices. The

⁷ I am sceptical of this last claim. In Ch.1 (§5) I argue that hermeneutical injustice is distinctive in consisting in a wrong done to the sufferer both in their capacity as an epistemic subject and in their capacity as an epistemic object. What Podosky describes, by contrast, is a wrong done to non-human animals only in their capacity as epistemic objects. As such, I suggest that what Podosky describes is better thought of as an instance of what Robin Dembroff and Denis Whitcomb have recently theorized as *content-focused epistemic injustice* (2022).

⁸ Veronica Ivy's (2016) survey of the epistemic injustice literature as a whole is now somewhat out of date, and in any case dedicates just two pages specifically to hermeneutical injustice. Both José Medina (2017) and Rebecca Mason (2021) have published handbook chapters on hermeneutical injustice, but both are more concerned with developing their own views than with surveying the literature.

answer to which Fricker herself dedicates most space is the cultivation of what she calls the *virtue of hermeneutical justice* amongst potential listeners (2007: 169-175). Suppose I attempt to render a significant social experience intelligible to you, though I have at best ill-fitting concepts available to me with which to do so. You would display the virtue of hermeneutical justice if you were sensitive to the possibility that the difficulties I was having in rendering this experience intelligible to you were due to my having at best ill-fitting concepts available to me for the purpose, and adjusted your credence in what I had to say accordingly. My attempt to render this experience intelligible to you could then succeed in spite of my having at best ill-fitting concepts available to me for the purpose. Because Fricker dedicates so much space to discussing the cultivation of this individual virtue, her work has in some quarters acquired a reputation for political quietism (see e.g. Pohlhaus 2020). This reputation is not entirely fair, since the cultivation of this individual virtue is not Fricker's only answer to the question of what ought to be done to prevent hermeneutical injustices. After all, she also advocates at various points for diminishing and eventually eliminating hermeneutical marginalization as a means to this end (2016: 175; 2019: 304). In general, it is a group's members who will be most concerned to ensure that they have well-fitting concepts available to them with which to render significant social experiences of theirs intelligible (Fricker 2007: 152-153). Diminishing and eventually eliminating the group's hermeneutical marginalization would better enable them to do just this.

What both of these proposed strategies have in common is that they take for granted the interests that people have in certain of their social experiences being intelligible, and seek only to enable them to satisfy these interests. The unrealized political potential I have in mind is the previously unnoticed possibility of going about preventing hermeneutical injustices in a very different way, namely by doing away with some of these interests and

so with the possibility of their unfair non-satisfaction. Here the idea is to rearrange the world in such a way that it no longer makes a difference to someone whether or not a certain social experience of theirs is intelligible. For instance, in Carmita Wood's time and place no one who had resigned from their job could receive unemployment benefits unless they had what the Department of Labor could recognize as a good reason for quitting. This rule made access to the income Wood needed to get by contingent on what she had gone through being intelligible to the bureaucrat. Yet suppose this system were to have been replaced by a suitably generous scheme of universal basic income. Wood would then not have had an interest in what she had gone through being intelligible to the bureaucrat. The hermeneutical injustice of which Wood was a victim could in this way have been avoided. Here considerations of hermeneutical justice turn out to provide a substantial reason for pursuing a policy that is both radical and independently attractive.⁹

My fourth and final reason for focusing on Fricker's particular formulation of the issue is that the literature on hermeneutical injustice up until now has displayed, in its single-minded focus on enabling people to satisfy the interests they have in certain of their social experiences being intelligible, an implicit commitment to what I will call *transparency politics*. By this I mean the view that when it comes to the hermeneutical dimension of people's lives, the satisfaction of their interests in certain of their social experiences being intelligible is all that matters. My project in the second half of this thesis will be to argue against this view, in the hope of persuading those contributing to the hermeneutical injustice literature to drop their implicit commitment to it. I have already outlined one reason for my opposition, namely that sometimes what matters is instead doing away with

⁹ For a plethora of arguments in favour of a universal basic income, see Van Parijs (Ed., 1992) and Standing (2017). I am personally particularly attracted to universal basic income for the role it plays as a potentially endless strike fund in the political program that Erik Olin Wright calls *eroding capitalism* (2009: 217-220; 2019: 73-75).

some of the interests that people possess in certain of their social experiences being intelligible. A second, larger reason for my opposition is that interests of this sort are not the only important interests at play in the hermeneutical dimension of people's lives. I will argue both that people possess interests in certain of their social experiences being *unintelligible* (call these interests *opacity interests*); and that people possess interests in not being thought of as belonging to certain deeply explanatory social kinds (call these *neutrality interests*). One reason why it matters that people also possess interests of these other sorts is that pursuing certain strategies to prevent hermeneutical injustices can have the unintended side-effect of making the violation of interests of these other sorts more likely. This should make us wary of assuming, as Fricker does, that when it comes to preventing hermeneutical injustices 'we should do whatever works' (2010: 166).

3. Chapter Summary

In Ch.1 "Experiences, Interests, and Lacunae", I begin the project of putting the idea of hermeneutical injustice into better working order. I argue that talking of "something significant about oneself" would be preferable to talking of a "significant social experience" one has had. I clarify what it means for something about oneself to be significant in the relevant sense, and in the course of doing so also say something about what it means for something about oneself to be intelligible. I argue that hermeneutical injustice is a sort of epistemic injustice not only because it consists in a wrong done to someone in their capacity as an epistemic subject, but also because it consists in a wrong done to someone in their capacity as an epistemic object. I object to existing accounts of what it is for a concept to be available for the purpose of rendering something significant about oneself intelligible that appeal to the idea of a "collective hermeneutical resource", and provide a new account of my own. I also argue for a number of revisions to Rachel

Fraser's promising account of what it is for a concept to be well-fitting for this purpose. I distinguish between two sorts of hermeneutical injustice, one which occurs when someone attempts to render something significant about themselves intelligible but this attempt fails as a result of having at best ill-fitting concepts available to them for this purpose, and one which occurs when having at best ill-fitting concepts available to them for this purpose deters someone even from attempting to render something significant about themselves intelligible. Finally, I consider and reject Fricker's suggestion that sometimes what hinders a victim of hermeneutical injustice from rendering something significant about themselves intelligible is not having at best ill-fitting concepts available to them, but rather their 'expressive style' (2007: 161).

In Ch.2 "Whose Hermeneutical Marginalization?", I round out the project of putting the idea of hermeneutical injustice into better working order. As mentioned above, Fricker holds that someone can suffer a hermeneutical injustice only if they themselves are a member of the group whose hermeneutical marginalization is a significant causal factor in their failure to render something significant about themselves intelligible (2013: 1319; 2015: 79). I argue that only by dropping this membership condition can we make sense of the paradigm case of hermeneutical injustice that Fricker herself takes from Ian McEwan's novel *Enduring Love* (1998). One upshot is that the distinction Fricker draws between systematic and incidental cases of hermeneutical injustices needs revising, and I show how this can be done (2007: 156). Another is that more people suffer hermeneutical injustices than Fricker realizes. In particular, women's hermeneutical marginalization turns out sometimes to be significant causal factor in men's failures to render significant things about themselves intelligible. That men sometimes suffer this sort of collateral damage from women's hermeneutical marginalization illustrates the politically useful

feminist claim that patriarchy is bad for men as well as for women, relative to the inhabitants of a post-patriarchal world (Finlayson 2016: 8).

In Ch.3 “Preventing Hermeneutical Injustices in Gender-Affirming Healthcare”, I make a start on the project of challenging the hermeneutical injustice literature’s implicit commitment to transparency politics. I show that previously proposed strategies for tackling hermeneutical injustices all take for granted the interests people have in certain things about themselves being intelligible, and seek only to enable them to satisfy these interests. Strategies of this sort I call *interests-as-given* strategies. I point out that some hermeneutical injustices can instead be tackled by doing away with certain of these interests, and so with the possibility of their unfair non-satisfaction. Strategies of this sort I call *interests-in-question* strategies. As a case study in when a strategy of this sort ought to be pursued, I look at how to prevent hermeneutical injustices arising in the context of gender-affirming healthcare as provided to adults by the National Health Service in the UK. I argue that considerations of trust, privacy, and respect all support pursuing a strategy of this sort. The way to pursue a strategy of this sort in this context, I suggest, would be by replacing the existing gatekeeping model with an informed consent model for the provision of gender-affirming healthcare. Considerations of hermeneutical justice can thus be added to the already-impressive case for undertaking this shift.

In Ch.4 “Beyond Transparency Politics”, I continue the project of challenging the hermeneutical injustice literature’s implicit commitment to transparency politics by identifying some of the other important sorts of interest at play in the hermeneutical dimension of people’s lives. Drawing on Talia Mae Bettcher’s work (2007; 2012; 2014), my main example of opacity interests are the interests that trans people have in their moral genitalia being unintelligible to those they happen to encounter in the course of everyday life. I identify two concerns grounding these interests: the need to avoid being subjected

to a common form of anti-trans violence, and the need to avoid consistently standing out from the crowd. Drawing on Roland Barthes's late and posthumously published work (especially 1989b; 2000; 2005; 2010b), my main example of neutrality interests are the interests that Barthes had in not being thought of as a HOMOSEXUAL. I identify in Barthes's work two concerns grounding these interests: a need for opportunities to rest from viewing oneself from a certain alienated perspective, and a need for opportunities for spontaneity and novelty. I then show that pursuing certain interests-as-given strategies to tackle hermeneutical injustices can sometimes have the unintended side-effect of making the violation of people's opacity interests and/or neutrality interests more likely. I end with a brief discussion of the sort of normative aspirations that the hermeneutical injustice literature might be left with were it to leave its implicit commitment to transparency politics behind, as I contend it should.

Ch.1 Experiences, Interests, and Lacunae

1. Introduction: A Tool In Need of Repair

As previously mentioned, 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 both her pathbreaking book *Epistemic Injustice* and elsewhere, Fricker puts forward an account of the mechanism by which hermeneutical marginalization gives rise to this frustration. On this account, hermeneutical marginalization gives rise to a ‘lacuna’ in ‘the collective hermeneutical resource’, which in turn is what frustrates the victim’s attempt to render their significant social experience intelligible (2007: 150, 151). There is obviously a great deal to unpack here. In this chapter and the next I consider one moving part in Fricker’s account at a time, explaining what Fricker and other contributors to the literature have had to say about that part of the account and arguing for various revisions and clarifications as I go. In doing so, my aim is to put the tool that is the idea of hermeneutical injustice into better working order.

The material is divided up between this chapter and the next as follows. In *Epistemic Injustice*, Fricker plausibly suggests that ‘[f]or something to be an injustice, it must be harmful but also wrongful, whether because discriminatory or because otherwise unfair’ (2007: 151). In the next chapter I examine hermeneutical marginalization’s role as a ‘significant causal factor’, which Fricker invokes to explain what is unfair about the harm

suffered by a victim of hermeneutical injustice. In this chapter I examine the various elements that go into ‘being frustrated in an attempt to render a significant social experience intelligible (to oneself and/or to others)’, so getting clear on what constitutes that harm. I also examine the notions of “the collective hermeneutical resource” and of the relevant sort of “lacuna”, so getting clear on part of the mechanism by which that harm arises.

I begin in §2 by examining the notion of a “social experience”. I show that Fricker means to count not just the events of a person’s life but also their mental states and social identities among their “social experiences”. I go on to argue that when someone suffers a hermeneutical injustice, it can equally be a bodily feature, social relationship, or action of theirs that they are hindered from rendering intelligible. Since these are not all naturally referred to as “social experiences”, I propose that we talk instead of a victim of hermeneutical injustice being hindered from rendering intelligible “something about themselves”, which I take to be a naturally more inclusive label.

In §3 I turn to consider the related notions of “intelligibility” and something about a person being “significant”. Something about a person is significant in the relevant sense when they have an interest in that thing about themselves being intelligible to someone (2007: 151). When they are hindered from rendering this thing about themselves intelligible to the person in question, this interest goes unsatisfied. The non-satisfaction of this interest constitutes what Fricker calls the ‘primary harm’ of hermeneutical injustice (2007: 162). I propose the term *transparency interest* as a name for an interest of this sort, and offer some thoughts on what it takes for something about a person to be intelligible to someone in the relevant sense. I then give a novel argument for thinking that if its non-satisfaction is to be unfair and so constitute a hermeneutical injustice, a transparency interest must be avowal-worthy. I also argue that such interests are often interests in

intelligibility as a merely extrinsic good, but are sometimes interests in intelligibility as at least in part an intrinsic good, which has implications for how we should understand the relationship between what Fricker calls the ‘primary’ and ‘secondary’ harms of hermeneutical injustice (2007: 162).

In §4 I argue that Fricker is wrong to think that in every case of hermeneutical injustice the victim is ‘frustrated in an attempt’ to render something significant about themselves intelligible to someone. In some cases of hermeneutical injustice, the victim instead anticipates that an attempt to render something significant about themselves intelligible to someone would likely fail, and thus is deterred from making any such attempt. What we can safely say is that in every case of hermeneutical injustice the victim is hindered in some way from rendering something significant about themselves intelligible to someone.

I build on the preceding sections in §5, where I consider why a hermeneutical injustice counts as an epistemic injustice. According to Fricker, a hermeneutical injustice counts as an epistemic injustice because it consists in a wrong done to someone in their capacity as an epistemic subject (2007: 1). Drawing on recent work by Robin Dembroff and Denis Whitcomb (2022), I argue that a hermeneutical injustice equally counts as an epistemic injustice because it consists in a wrong done to someone in their capacity as an epistemic object.

In §6, I turn to examine the notion of ‘the collective hermeneutical resource’. Fricker treats a concept being present in the collective hermeneutical resource as equivalent to that concept being available for the purpose of rendering something significant about oneself intelligible to someone (2007: 148). That is to say, Fricker implicitly conceives conceptual availability as a two-place relation: a concept *C* is available to a person *A* for the purpose of rendering something significant about themselves intelligible to someone iff *C* is present in the collective hermeneutical resource. What exactly Fricker in

Epistemic Injustice took ‘the collective hermeneutical resource’ to consist in has been the subject of much interpretative debate. José Medina suggests that Fricker took it to consist in the *union* of all the distinct sets of hermeneutical resources possessed by different groups (2013: 103-104). By contrast, Rebecca Mason (2011: 300) and Kristie Dotson (2012a: 31) deny that Fricker took different groups to possess distinct sets of hermeneutical resources. In their view, Fricker took the collective hermeneutical resource to consist in a single set of hermeneutical resources from which we all draw. Fricker herself in later work clarifies that she did in fact take different groups to possess distinct sets of hermeneutical resources. There Fricker tells us that she took the collective hermeneutical resource to consist in the *intersection* of all the distinct sets of hermeneutical resources possessed by different groups (2016: 163; see also Davis 2018: 703; Goetze 2018: 76).

I argue that under none of these interpretations is it plausible to claim that a concept *C* is available to a person *A* for the purpose of rendering something significant about themselves intelligible to someone iff *C* is present in the collective hermeneutical resource. I suggest that conceptual availability ought instead to be conceived as a three-place relation: a concept *C* is available to a person *A* for the purpose of rendering something significant about themselves intelligible to a person *B* iff both *A* and *B* possess *C*. On my account of the mechanism by which hermeneutical marginalization hinders the victim of a hermeneutical injustice from rendering something significant about themselves intelligible to someone, the notion of “the collective hermeneutical resource” thus has no role to play.

In §7 I examine the notion of a conceptual “lacuna”. Fricker’s official view is that a conceptual lacuna consists in a gap in the hermeneutical resources available to a person for the purpose of rendering something significant about themselves intelligible to

someone where a name for that thing about them should be (2007: 160). On this view, a conceptual lacuna can only be resolved by the introduction of a new concept into the hermeneutical resources available to a person for the purpose of rendering something significant about themselves intelligible to someone, as a name for this thing about them. A major problem for this view is that it cannot account for certain of Fricker's own examples of hermeneutical injustice in which the victim in fact does have available to them a concept which names the significant thing about them, yet this concept is in some important sense ill-fitting.

The way forward thus begins from Fricker's offhand remark that a conceptual lacuna instead consists in having 'at best ill-fitting' concepts available to you for the purpose of rendering something significant about yourself intelligible to someone (2007: 148). The alternative view hinted at here would seem to make room for at least some conceptual lacunae to be resolved by an already available concept becoming better-fitting. As such, it holds out the promise of making sense of the examples of hermeneutical injustice for which Fricker's official view fails to account. Fricker's remark leaves us with the question of exactly what it means for a concept to be ill- or well-fitting for the purpose of rendering something significant about oneself intelligible. In a helpful paper, Rachel Fraser develops an account on which conceptual fittingness is conceived as a two-place relation. Fraser's proposal is roughly that how well-fitting a concept *C* is for person *A* for the purpose of rendering something significant about themselves intelligible to someone is determined by which inferences *A* is liable to draw from and to claims in which *C* appears (2018: 734-737). I argue for a modified version of this account on which conceptual fittingness is instead conceived as a three-place relation. My proposal is that how well-fitting concept a *C* is for person *A* for the purpose of rendering something significant about themselves intelligible to person *B* is determined by which inferences *B* is liable to

draw from and to claims in which *C* appears. I thus take a conceptual lacuna in the hermeneutical resources available to *A* for the purpose of rendering something significant about themselves intelligible to *B* to consist in a lack of concepts that are well-fitting in this sense.

In §8, I address a possibility that Fricker raises in *Epistemic Injustice* which has received little uptake in the wider literature. This is that a victim of hermeneutical injustice might instead be hindered from rendering something significant about themselves intelligible to someone by a *non*-conceptual lacuna in the hermeneutical resources available to them. A non-conceptual lacuna is one which concerns ‘not (or not only) the content but rather the form of what can be said’ (2007: 160). I argue it is unsurprising that the literature has generally ignored this possibility, since the case Fricker makes for it is unconvincing (2007: 160-161; Dieleman 2012: 257).

In sum, I argue in this chapter for a number of revisions to Fricker’s account of the harm suffered by a victim of hermeneutical injustice and of how that harm comes about. One of these revisions is merely terminological – swapping out talk of a person’s “social experience” for talk of “something about” a person. The rest, however, are all substantial. Thus by the end of this chapter I hope to have taken some worthwhile steps toward putting the tool that is the idea of hermeneutical injustice into better working order.

2. What is a Social Experience?

On Fricker’s account, a victim of hermeneutical injustice is frustrated in an attempt to render one of their ‘social experience[s]’ intelligible to someone (e.g. 2007: 154). In this section, I want to question whether “social experience” is in fact the best label for what a victim of hermeneutical injustice is hindered from rendering intelligible to someone. The

place to begin is with what Fricker herself has in mind when she employs this phrase. In *Epistemic Injustice*, Fricker offers a number of paradigm cases of hermeneutical injustice besides that suffered by Carmita Wood. Examining two of these additional cases will help to clarify what Fricker has in mind when talking of a “social experience.”

The first of these cases Fricker takes from another passage in Susan Brownmiller’s *In Our Time*. In the passage, Brownmiller recounts a story told to her by Wendy Sanford, a woman living in Boston in the late 1960s. Sanford recalls feeling depressed after the birth of her son. She blamed herself for feeling this way, thinking that it constituted a ‘personal deficiency’ (1999: 182). This changed when she attended a workshop at MIT. The workshop included a discussion of postpartum depression. The concept POSTPARTUM DEPRESSION was new to Sanford. During the discussion, she came to realize that what she had been going through did not constitute a PERSONAL DEFICIENCY after all. She stopped blaming herself, and began blaming instead ‘a combination of physiological things and a real societal thing, isolation’ (1999: 182). Before attending the workshop at MIT, Sanford was frustrated in her attempts to render intelligible to herself what she was going through (Fricker 2007: 149). For one thing, she was unable to grasp that she was not at fault. Moreover, the resultant self-blame compounded her depression. This harm could have been avoided had a concept like POSTPARTUM DEPRESSION been available to Sanford for the purpose of rendering what she was going through intelligible to herself. Finally, one reason why a concept like POSTPARTUM DEPRESSION was not available to Sanford for this purpose is that women were hermeneutically marginalized. As such, Sanford suffered a hermeneutical injustice.

The second case Fricker takes from Edmund White’s autobiographical novel *A Boy’s Own Story*. In the novel, White describes his life as a teenager in 1950s rural America increasingly aware of his sexual attraction to other men. According to the only

conceptualization of these desires available to White, having these desires meant he was a HOMOSEXUAL, and being a homosexual was something to be ashamed of (1983: 118). Hence White was frustrated in his attempts to render these desires intelligible to himself. He could not grasp, for instance, that desiring sex with other men did not mean that he ought to feel ashamed. White also reports struggling to render these desires intelligible to others, such as the psychiatrist Dr O'Reilly. In Dr O'Reilly's mind, having these desires meant that White was a HOMOSEXUAL, and being a homosexual meant that he was ill (1983: 169-70). Because those around him tended to think along these lines, the teenage White often found that there was no way to express his desires without counting as something he was not. As a result, his self-development was cramped (Fricker 2007: 166). This harm could plausibly have been avoided had a conceptualization of his desires as signs of GAY identity rather than of HOMOSEXUAL identity been available to White for the purpose of rendering his desires intelligible to these people. Finally, one reason why a concept of GAY identity was not available to White for this purpose is that gay men were hermeneutically marginalized. As such, White was also a victim of hermeneutical injustice (2007: 163).

Thus Carmita Wood was hindered from rendering intelligible being subjected to sexual harassment, an event in her life. Wendy Sanford was hindered from rendering intelligible her postpartum depression, a mood disorder. And Edmund White was hindered from rendering intelligible his sexual desires and sexual identity. It follows that for Fricker, events in a person's life, mental states and social identities must all count as among their social experiences. It seems to me that this stretches the term "social experience" beyond its natural usage.¹⁰

¹⁰ A point also made by Komarine Romdenh-Romluc (2016: 593).

Moreover, I can see no reason to think that a person can suffer a hermeneutical injustice only when it is an event in their life, one of their mental states, or one of their social identities that they are hindered from rendering intelligible. After all, it is easy to come up with cases in which a person is hindered from rendering intelligible one of their bodily features, or one of their social relationships, or one of their actions, and where intuitively they suffer the same sort of injustice as that faced by Wood, Sanford, and White.¹¹ For instance, the following is a case in which someone is frustrated in an attempt to render intelligible one of their bodily features. A woman is born in late-seventeenth century Salem, Massachusetts with six fingers on one hand. According to the only conceptualization of this bodily feature available to her for the purpose of rendering it intelligible to the town authorities, this is a sign that she is a WITCH. Not having an alternative conceptualization of her six fingers available to her for this purpose, for instance as the outcome of NATURAL VARIATION, frustrates her attempt to render this bodily feature intelligible to the town authorities. For instance, she cannot get them to grasp that she is incapable of casting spells. As a result, the town authorities condemn her to be hanged. Finally, suppose that not having an alternative conceptualization of her six fingers available to her for this purpose is at least in part as a result of women's hermeneutical marginalization. Intuitively, this woman suffers an injustice of the same sort as that suffered by Wood, Sanford, and White.

Here is a case in which someone is hindered from rendering intelligible one of their social relationships. In the made-for-television film *If These Walls Could Talk 2*, the year is 1961 and Edith and Abby, an elderly lesbian couple, have been living together for thirty years. Abby falls from a ladder, suffers a stroke and is rushed to hospital. Edith asks a nurse for

¹¹ Cases of hermeneutical injustice in which a person is hindered from rendering intelligible one of their bodily features have already received some attention in the literature from those applying Fricker's framework to illness and disability: see e.g. Kidd and Carel (2017; 2018), Tremain (2017).

permission to see Abby in her ward. When the nurse asks Edith how she is related to Abby, Edith manages only to say that she is Abby's 'friend'. Since the hospital's policy is that only family members are allowed to visit patients, the nurse denies Edith permission to see Abby in her ward. Abby then dies in the night, with Edith unable to say goodbye. In *The Promise of Happiness*, Sara Ahmed comments powerfully on this incident:

Their relationship is hidden under the sign of friendship, while friendship itself is produced as a lesser tie, a tie that is not binding, that does not endure in matters of life and death. The power of the distinction between friends and family is legislative, as if only family counts, as if other relationships are not real, or are simply not. When queer grief is not recognized, because queer relationships are not recognized, then you become "nonrelatives," you become unrelated, you become not. You are alone in your grief. (2010: 109)

A conceptualization of herself as Abby's FRIEND is seemingly the only one Edith has available to her for the purpose of rendering how she is related to Abby intelligible to the nurse. Not having an alternative conceptualization of herself available for this purpose, for instance as Abby's PARTNER, hinders Edith from rendering her and Abby's relationship intelligible to the nurse. In particular, she cannot get the nurse to grasp that she is a member of Abby's family. Consequently, she is unable to say goodbye and is instead left alone in her grief. Finally, not having this conceptualization of her relationship available to her is plausibly at least in part a result of lesbians' hermeneutical marginalization. As such, Edith intuitively suffers an injustice of the same sort as that suffered by Wood, Sanford, and White.

Finally, we can extend Edmund White's case so that it also concerns his actions. In the novel, White acts on his desires for sex with other men. In the eyes of someone like Dr O'Reilly, acting on these desires would be merely further evidence that White was ill. Thus White would struggle to render these actions intelligible to someone like Dr

O'Reilly. For instance, he would be unable to get someone like Dr O'Reilly to grasp that acting on these desires was in fact a healthy thing for him to do. Just as the hermeneutical marginalization of gay men was a significant causal factor explaining why White was frustrated in his attempts to render his desires intelligible, so it is likewise in explaining why White would be frustrated in his attempts to render acting on these desires intelligible. White would thus intuitively here suffer an injustice of the same sort as when he struggled to render his desires intelligible.

At this point we need to ask: do we really want to refer to all of events in a person's life, their mental states, social identities, bodily features, social relationships and actions as their "social experiences"? I suggest not. I propose we say instead that what a victim of hermeneutical injustice is hindered from rendering intelligible is "something about themselves", since as a label this is naturally more inclusive.

3. What is it for Something About a Person to be Significant?

On Fricker's account, when a person, *A*, suffers a hermeneutical injustice they are frustrated in an attempt to render something 'significant' about themselves intelligible to someone, *B* (2007: Ch.7 *passim*; Fricker and Jenkins 2017: 268). Note that in this schema *A* and *B* could be the same person, or they could be different people. When *A* and *B* are the same person, rendering a significant thing about themselves intelligible to *B* will be primarily a cognitive task; when *A* and *B* are different people, rendering a significant thing about themselves intelligible to *B* will be primarily a communicative task (Goetze 2018: 78).

Sometimes Fricker suggests that something about *A* is significant in the relevant sense when *A* has an interest in it *being* intelligible to *B* (e.g. 2007: 151). Call this sort of interest

a *transparency interest*. At other times Fricker suggests that something about *A* is significant in the relevant sense when *A* has an interest in *being able to render* it intelligible to *B* (e.g. 2007: 162). The former gloss is preferable for at least two reasons. First, only the former gloss gets to the heart of why some things about a person are significant in the relevant sense while other things about them are not. For instance, Wood indeed had an interest in being able to render her experience of sexual harassment intelligible to the bureaucrat. But suppose we were to ask why it was *this* experience in particular that Wood had an interest in being able to render intelligible to the bureaucrat. The answer is surely just that she had an interest in this experience actually being intelligible to him.

Second, the latter gloss risks making it too difficult to suffer a hermeneutical injustice. This is because the non-satisfaction of the interest in question is supposed to constitute what Fricker calls the ‘primary harm’ of hermeneutical injustice (2007: 162).¹² Yet in many cases of hermeneutical injustice it is at least debatable whether or not the victim is strictly-speaking *unable* to render the relevant significant thing about themselves intelligible to the person in question, and hence whether their interest in being able to render this thing about themselves intelligible to the person in question in fact goes unsatisfied. For instance, suppose that in the absence of a description of what had happened to her as an instance of SEXUAL HARASSMENT, Wood had simply offered the bureaucrat a bare description of her experience.¹³ Suppose she had said that the professor used to ‘deliberately brush against her breasts while reaching for some papers’ and once ‘cornered her in the elevator and planted some unwanted kisses on her mouth’

¹² I say more about this below in §3b.

¹³ I will return to consider this possibility again in more detail in §7, where I explain why having the concept SEXUAL HARASSMENT available to her for the purpose of rendering her experience intelligible to the bureaucrat could plausibly have made this task significantly easier for Wood.

(Lin Farley's words, quoted in Brownmiller (1999: 280)). It is surely at least possible that the bureaucrat would have inferred from this the normative upshot that Wood had been seriously wronged and so deserved to be paid unemployment insurance (Fraser 2018: 738). Since offering the bureaucrat a bare description of her experience could in this way at least possibly have succeeded in rendering what had happened to her intelligible to the bureaucrat, it is not clear that Wood was strictly-speaking *unable* to render what had happened to her intelligible to the bureaucrat. Thus it is not clear that her interest in being able to render her experience intelligible to him in fact went unsatisfied. What we can say is that in the absence of a description of what had happened to her as an instance of SEXUAL HARASSMENT, it was *very difficult* for Wood to render what had happened to her intelligible to the bureaucrat. After all, his inferring the relevant normative upshot from a bare description of her experience was, though possible, certainly unlikely. Perceiving this to be the case would explain why Wood did not offer the bureaucrat a bare description of her experience. The result was that her interest in what had happened to her being intelligible to the bureaucrat went unsatisfied – this much is clear. Hence why we should say that something about *A* is significant in the relevant sense when *A* possesses a transparency interest in that thing about themselves being intelligible to *B*.

It is worth emphasizing that a transparency interest is not an interest that *A* has in *what A says about* something about themselves being intelligible to *B*. Trystan Goetze and Charlie Crerar have recently proposed that when *A* and *B* are different people and *A* suffers a hermeneutical injustice, it is instead an interest of this latter sort which goes unsatisfied (2022: 101-102).¹⁴ The way they put it is that when it comes to hermeneutical

¹⁴ In their paper, Goetze and Crerar do not consider cases of hermeneutical injustice in which *A* and *B* are the same person. Perhaps they would say that in such a case the interest of *A*'s which goes unsatisfied is an interest that *A* has in what they *think about X* being intelligible to them. This too would I think quite clearly be incorrect, for reasons parallel to the ones I give in the main text.

injustice, '[w]hat is at stake is not whether the hearer comes to share the speaker's interpretation of their social experience, but whether the speaker can intelligibly and accurately interpret the speaker's assertions in the first place' (2022: 101).¹⁵

This proposal is I think quite clearly incorrect. To see this, suppose once again that Wood had given the bureaucrat a bare description of the professor's behaviour. It would surely have been quite clear to the bureaucrat what Wood was claiming to be the case. Thus if Wood's interest were really only in *what she said about* her experience of sexual harassment being intelligible to the bureaucrat, she could have chosen to satisfy it by giving the bureaucrat a bare description of how the professor had behaved. But then the harm of her interest's non-satisfaction would appear to be entirely self-inflicted. Wood would seemingly turn out not to have been a victim of hermeneutical injustice after all, but rather a victim of her own bad decisions. Yet what happened to Wood was supposed to be one of *the* paradigm cases of hermeneutical injustice. Hence *contra* Goetze and Crerar, Wood's interest cannot be only in what she says about her experience of sexual harassment being intelligible to the bureaucrat.

Something obviously needs to be said about what it is for something about *A* to be intelligible to *B* in the relevant sense. Though Fricker herself does not say much that explicitly addresses this question, a consideration of her paradigm cases can guide us to an answer. When we say that Wood had an interest in her experience of sexual harassment being intelligible to the bureaucrat, for example, seemingly what we mean is that she had an interest in him grasping that she had been seriously wronged and hence that she deserved to be paid unemployment insurance (Fraser 2018: 737). Likewise, when we say

¹⁵ Whether the speaker can intelligibly and accurately interpret the speaker's assertions in the first place is in fact what is at stake in a case of what Luvel Anderson theorizes as *hermeneutical impasse* (2017b; a similar idea can also be found in Peet 2017). Anderson himself seemingly confuses the phenomena of hermeneutical injustice and hermeneutical impasse in a way similar to Goetze and Crerar in (2017a: 140).

that Sanford had an interest in her postpartum depression being intelligible to her, seemingly what we mean is that she had an interest in grasping that a combination of physiological factors and social isolation explained why she was depressed and hence that feeling this way was not in fact the result of a personal deficiency. Thus what a consideration of these paradigm cases suggests is that something about *A* being intelligible to *B* in the relevant sense is a matter of *B* grasping certain true claims about this thing (“Wood was seriously wronged and hence deserves to be paid unemployment insurance”, “It is a combination of physiological factors and social isolation and hence not a personal deficiency that explains why I feel depressed”).¹⁶

There is then a question of what difference, if any, is made by whether this grasp consists in knowledge or in mere true belief. I suggest that this depends on the details of the particular case. For instance, the worst case scenario for Sanford was that she continued to blame herself for feeling depressed indefinitely into the future. A better case scenario for Sanford was that she ceased to blame herself for now, but relapsed and began to blame herself again at some point in the future. The best case scenario for Sanford was that she ceased to blame herself indefinitely into the future. Merely truly believing that it was a combination of physiological factors and social isolation and hence not a personal deficiency that explained why she felt depressed would have left Sanford better-off, since so long as she was rational this would mean that she ceased to blame herself for at least the time being. But *knowing* that it was a combination of physiological factors and social isolation and hence not a personal deficiency that explains why she felt depressed would have left Sanford even better-off, since given the greater stability of knowledge this would

¹⁶ By a *claim* I mean ‘anything that is truth evaluable and has something like a sentential structure’ (Fraser 2018: 735). Both sentences and propositions (at least on views according to which propositions are suitably structured) count as claims in this sense.

in addition have increased her chances of ceasing to blame herself indefinitely into the future.¹⁷

By contrast, all that mattered to Wood was what the bureaucrat grasped about her experience of sexual harassment at a particular moment in time – the moment at which he decided whether or not to grant her benefits claim.¹⁸ Thus his knowing she was seriously wronged and hence deserved to be paid unemployment benefits at that moment would seemingly not have left her any better-off than if he had merely truly believed this to be the case at that moment. So: when we say that *A* has an interest in something about themselves being intelligible to *B*, seemingly what we mean is that *A* has an interest in *B* *at least* believing certain true claims about this thing. Then depending on the details of the particular case we can further specify whether *ideally B* would in fact know these true claims about this thing.

In the rest of this section I consider two further questions concerning transparency interests. The first is whether a transparency interest must be avowal-worthy if its non-satisfaction is to be unfair and so constitute a hermeneutical injustice. The second is whether transparency interests are always, sometimes, or never interests in intelligibility as an intrinsic good. The answer I give to the latter of these questions has implications for how we should understand the relationship between what Fricker calls the ‘primary’ and ‘secondary’ harms of hermeneutical injustice (2007: 162).

¹⁷ On the greater stability of knowledge, see Williamson (2000: 78-80).

¹⁸ I say more on this below in §3b.

a. Must a transparency interest be avowal-worthy?

There have been surprisingly few discussions in the literature of the sort of interest whose unfair non-satisfaction constitutes a hermeneutical injustice – what I am calling a transparency interest. A notable exception appears in a paper by Rachel Fraser, where Fraser argues that such an interest must be *avowal-worthy* if its non-satisfaction is to be unfair and so constitute a hermeneutical injustice (2018: 734). An interest is avowal-worthy if it is an interest which one ought to avow (Pettit 2006: 276).¹⁹ Fraser asks us to imagine a child abuser with an interest in his sexual abuse ‘being framed as morally neutral sexual contact’ (2018: 734).²⁰ Even if the hermeneutical marginalization of child abusers were a significant causal factor in the non-satisfaction of this interest, the non-satisfaction of this interest would not constitute a hermeneutical injustice. Fraser suggests that the best explanation for why the non-satisfaction of this interest would not constitute a hermeneutical injustice is that the abuser’s interest is not avowal-worthy (2018: 734). Yet there is in fact an equally good alternative explanation for why the non-satisfaction of this interest would not constitute a hermeneutical injustice. His interest is in people

¹⁹ Pettit introduces the idea of an avowal-worthy interest in contrast to that of an avowal-ready interest, that is, an interest which one is disposed to avow (2006: 276). In her paper, Fraser in fact argues for specifying that transparency interests must necessarily be avowal-worthy *as opposed to* specifying that transparency interests must necessarily be avowal-ready, where these are conceived as two mutually exclusive options (2018: 734). It is not obvious to me why if we did not specify that transparency interests must necessarily be avowal-worthy, we would thereby be committed to specifying that transparency interests must necessarily be avowal-ready. After all, an interest not being avowal-worthy is not the same thing as an interest being avowal-ready. To see this, we need only note the existence of interests which are neither avowal-worthy nor avowal-ready. For instance, suppose we are sharing a cake between us, and there is one slice of the cake left. I have an interest in eating this last slice, since doing so would give me pleasure. Yet I have already eaten my fair share, so this is not an interest that I ought to avow. And I am not a selfish person, so this is not an interest that I am disposed to avow either. The general idea is: there is something which would leave me better-off, but in which I ought not to avow an interest; since I ought not to avow an interest in this thing, I will not be disposed to avow an interest in it either, to the extent that I am virtuous; nevertheless I *do* have an interest in this thing, since *ex hypothesi* it would leave me better-off.

²⁰ For similar cases, see Romdenh-Romluc (2016: 600-603) and Goetze and Crerar (2022: *passim*). These authors likewise miss that the interests which feature in the cases they discuss are really interests in something about someone being *unintelligible*. Cf. Lo (2023).

falsely believing that his abuse is in fact morally neutral sexual contact. As such, it is not an interest in something about him being intelligible, but rather an interest in something about him being *unintelligible*. His interest is not a transparency interest, in other words, and hence his abuse is not “significant” in the sense relevant to hermeneutical injustice.

Nevertheless, we should be careful to avoid throwing out the baby with the bathwater here. The real point is that even if the hermeneutical marginalization of child abusers were a significant causal factor in the non-satisfaction of this interest, the non-satisfaction of this interest would not constitute *any* kind of injustice. I suggest that the abuser’s interest not being avowal-worthy is indeed the best explanation of why the non-satisfaction of this interest would not constitute *any* kind of injustice. Recall Fricker’s plausible proposal that ‘[f]or something to be an injustice, it must be harmful but also wrongful, whether because discriminatory or because otherwise unfair’ (2007: 151). The non-satisfaction of the abuser’s interest would be harmful to him, since by definition the non-satisfaction of an interest is a harm (Feinberg 1984: 33). At the same time, the non-satisfaction of this interest could never, it seems to me, be unfair. I suggest that this is best explained by its being the case that in general the non-satisfaction of an interest which is not avowal-worthy is never unfair. In favour of this principle is that it would likewise explain why it could never be unfair for a white person’s interest in the continuation of white supremacy to go unsatisfied, or for a man’s interest in the continuation of patriarchy to go unsatisfied. It follows from this more general principle that a transparency interest must be avowal-worthy if its non-satisfaction is to be unfair and so constitute a hermeneutical injustice. Since in this thesis my primary reason for caring about interests is that their non-satisfaction can be unfair and so constitute injustices, from now on whenever I mention an interest I mean it to be avowal-worthy.

b. Are transparency interests always, sometimes, or never interests in intelligibility as an intrinsic good?

Many transparency interests are interests in intelligibility as a merely extrinsic good.²¹ For instance, consider once again the case of Carmita Wood. Wood had an interest in her experience of sexual harassment being intelligible to the bureaucrat. Yet that she had this interest was a result of the particular way in which the welfare system was set up, nothing more. After all, no one who had resigned from their job could access unemployment benefits unless they had what the Department of Labor could recognize as a good reason for quitting. This rule made access to the income Wood needed to get by contingent on her experience of sexual harassment being intelligible to the bureaucrat. Yet suppose this system were to have been replaced with a suitably generous scheme of universal basic income.²² Access to the income Wood needed to get by would then not have been contingent on her experience of sexual harassment being intelligible to the bureaucrat. It seems obvious that in these circumstances Wood would not have had an interest in what she had gone through being intelligible to *him*, an anonymous Department of Labor bureaucrat. So, Wood's transparency interest was an interest in intelligibility as a merely extrinsic good.

Not all transparency interests are interests in intelligibility as a merely extrinsic good, however. For instance, consider the cases of Wendy Sanford and Edmund White. Intuitively, Sanford's interest in it being intelligible to her that she was not to blame for feeling depressed was intuitively at least in part an interest in intelligibility as an intrinsic good. White's interest in it being intelligible to him that his sexual desires were nothing

²¹ For an influential argument to the effect that intrinsic goodness is properly contrasted with extrinsic goodness rather than instrumental goodness, see Korsgaard (1983).

²² I return to this possibility in Ch.3 (§2b).

to be ashamed of was likewise intuitively at least in part an interest in intelligibility as an intrinsic good. These intuitions find corroboration on either a desire-satisfaction or an objective list theory of well-being. We all would prefer not to believe ourselves to blame for things which are not in fact our fault, and similarly not to believe shameful aspects of ourselves which are in fact nothing to be ashamed of. Thus if a desire-satisfaction theory is correct, both Sanford's and White's transparency interests were at least in part interests in intelligibility as an intrinsic good. Likewise, any plausible list of things which are objectively bad for a person is sure to include their being deceived (Parfit 1984: 499). Sanford was deceived by a misogynistic society into thinking that she was to blame for feeling depressed, and White was deceived by a homophobic society into thinking that his sexual desires were something to be ashamed of. Were it to become intelligible to Sanford that she was not in fact to blame for feeling depressed, and to White that his sexual desires were in fact nothing to be ashamed of, that would mean they ceased to be deceived in these ways. Thus if an objective list theory is correct, both Sanford's and White's transparency interests were again at least in part interests in intelligibility as an intrinsic good.

This has implications for how we ought to understand the relationship between what Fricker calls the 'primary' and the 'secondary' harms of hermeneutical injustice (2007: 162). As mentioned above, the non-satisfaction of the victim's transparency interest is what Fricker calls the 'primary harm' of hermeneutical injustice (2007: 162). When Fricker proposes that a hermeneutical injustice counts as an injustice because it is both harmful and unfair (2007: 151), this is the harm she has in mind. In other words, it is the primary harm which is *constitutive* of hermeneutical injustice. Fricker goes on to say that this primary harm 'must, *by definition*, issue in further practical harms' (2007: 162; my emphasis). Such further practical harms Fricker refers to as the 'secondary harms' of

hermeneutical injustice (2007: 162).²³ The claim that the primary harm must by definition issue in further secondary harms would indeed be true if all transparency interests were by definition interests in intelligibility as a merely extrinsic good. If something about *A* not being intelligible to *B* would not leave *A* intrinsically worse-off, yet still *A* had an interest in this thing being intelligible to *B*, that could only be because this thing not being intelligible to *B* would issue in further practical harms to *A*. For instance, Wood's experience of sexual harassment not being intelligible to the bureaucrat would not have left her intrinsically worse-off. Yet she did still have an interest in her experience of sexual harassment being intelligible to the bureaucrat. And that is because unless her experience of sexual harassment was intelligible to him, he would deny her benefits claim and thus deprive her of the income she needed to get by.

However, if I am right that at least some transparency interests are interests in intelligibility at least in part as an intrinsic good then *contra* Fricker it is false that the primary harm of hermeneutical injustice must *by definition* issue in such secondary harms. If *A*'s transparency interest is in intelligibility as an intrinsic good then its non-satisfaction will leave *A* worse-off regardless of whether or not *A* suffers any further practical harms as a result. It may still be the case that *in practice*, the primary harm of hermeneutical injustice will always issue in such secondary harms. That is because it is hard to imagine someone possessing a transparency interest that was an interest in

²³ In *Epistemic Injustice*, Fricker makes an argument that someone's transparency interest going unsatisfied can sometimes result in their being 'socially constituted as, and perhaps even caused to be, something they are not, and which it is against their interests to be seen to be' (2007: 168). For instance, those around Edmund White constitutively constructed him as 'an unnatural vampire-like creature with shameful desires' (2007: 166) because it was not intelligible to them that his being a HOMOSEXUAL was in fact perfectly natural and nothing to be ashamed of. Fricker counts the harm of being 'socially constituted as, and perhaps even caused to be, something they are not, and which it is against their interests to be seen to be' as part of the primary harm of hermeneutical injustice (2007: 168). But since it results from the non-satisfaction the victim's transparency interest, it seems to me that this harm should rather be counted among the secondary harms of hermeneutical injustice.

intelligibility *only* as an intrinsic good. For instance, Sanford was intrinsically worse-off mistakenly believing that her depression was the result of a blameworthy personal deficiency; but believing this also had the harmful effect of compounding her depression. Similarly, White was intrinsically worse-off mistakenly believing that his sexual desires were something to be ashamed of; but believing this also had the harmful effects of deterring him from participating in sexual encounters he would otherwise have found fulfilling, and feeling that he had to hide who he really was from those around him (1983: 107, 132). Thus both Sanford's and White's transparency interests were in intelligibility as both an intrinsic and an extrinsic good. Whenever the relevant transparency interest is an interest in intelligibility as both an intrinsic and an extrinsic good, the primary harm of hermeneutical injustice will indeed issue in further secondary harms.

4. Is It Necessary to Attempt to Render Something Significant About Oneself Intelligible?

On Fricker's account, a victim of hermeneutical injustice is always 'frustrated in an attempt' to render something significant about themselves intelligible to someone (Fricker and Jenkins 2017: 268; see also 2013: 1319). Being 'frustrated in an attempt' to render something significant about themselves intelligible to someone is an apt description of what goes on in a number of Fricker's paradigm cases of hermeneutical injustice. Sanford attempted to render the depression she experienced following the birth of her son intelligible to herself, and failed (Brownmiller 1999: 182); White attempted to render his sexual desires intelligible to Dr O'Reilly, and failed (1983: 166-169); and as we will see in the next chapter, Joe in Ian McEwan's novel *Enduring Love* attempts to render his experience of being stalked intelligible to a police officer, and fails (1998: 73-74). Yet this does not strike me as an apt description of what happened to Carmita Wood. Recall

that Wood told the bureaucrat only that her reasons for quitting had been ‘personal’ (Brownmiller 1999: 280). This does not strike me as an instance of someone being frustrated in an attempt to render something significant about themselves intelligible to someone else. Rather, it strikes me as an instance of someone anticipating that an attempt to render something significant about themselves to someone else would likely fail, and thus of their being deterred from making such an attempt in the first place.

Hence we can distinguish between two different sorts of hermeneutical injustice. In cases of the first sort, the victim is indeed frustrated in an attempt to render something significant about themselves intelligible to someone. In cases of the second sort, the victim anticipates that an attempt to render something significant about themselves intelligible to someone would likely fail, and are deterred from making any such attempt as a result. Call cases of this second sort instances of *hermeneutical smothering*.²⁴ What unifies these two different sorts of hermeneutical injustice is that in both sorts of case the victim is *in some way hindered* from rendering something significant about themselves intelligible to someone. What matters is that as a result of being hindered in some way from rendering this thing about themselves intelligible to the person in question, their transparency interest in this thing about themselves being intelligible to the person in question goes unsatisfied. This talk of hindrance is the language I will use when I do not mean specifically to pick out one or other of these two different sorts of hermeneutical injustice.

²⁴ The analogy is with the phenomenon Kristie Dotson theorizes as *testimonial smothering*, which occurs when a would-be speaker withholds a piece of testimony from an audience because they perceive that the audience in question would be unlikely to give that piece of testimony appropriate uptake (2011b: 244).

5. What is Epistemic about Hermeneutical Injustices?

Fricker envisions just one way in which an injustice can count as an epistemic injustice. This is that it consists in a wrong done to someone in their capacity as an epistemic subject (2007: 1; 2017: 53).²⁵ When someone suffers a hermeneutical injustice, they are hindered from rendering something significant about themselves intelligible either to themselves or to someone else. If they are hindered from rendering this significant thing intelligible to themselves, then they are wronged *qua* interpreter of their own life (2015: 79-80). If they are hindered from rendering this significant thing intelligible to someone else, then they are wronged *qua* communicator of information (2007: 162; 2018: 4). Either way, then, they are wronged in their capacity as an epistemic subject. A recent vogue frames this wrong as a failure to *recognize* the victim as an epistemic subject (Congdon 2017: 248-250; Fricker 2018: 3; Giladi 2018: 152-153; Jackson 2018: 3; Medina 2018: 3; Hänel 2020: 340-344; all referencing Honneth 1995).

Subsequent work has envisioned a number of other ways in which an injustice can count as an epistemic injustice (Pohlhaus 2017: 13). In a recent paper, Robin Dembroff and Denis Whitcomb argue that an injustice counts as an epistemic injustice if it consists in a wrong done to someone in their capacity as an epistemic object. Their intuitively plausible proposal is that ‘in order to be treated justly, one must not be unfairly blocked off *from being known about*’ in ways that would make one’s life go better (2022: 58; emphasis in the original). To this I would add that justice presumably likewise also requires that one not be unfairly blocked off from being the object of true beliefs in ways that would make one’s life go better. This provides an additional ground on which to count hermeneutical injustices as epistemic injustices. After all, when someone suffers a hermeneutical

²⁵ Amandine Catala has roughly the same idea in mind when she writes that an epistemic injustice consists in a wrong done to someone in their capacity as an epistemic *agent* (2020: 756).

injustice they are hindered from rendering intelligible something significant about *themselves*. As such, when someone suffers a hermeneutical injustice they are also wronged in their capacity as an epistemic object.

6. What is it for a Concept to be Available?

I want now to turn to the mechanism by which a victim of hermeneutical injustice is hindered from rendering something significant about themselves intelligible to someone. Fricker's suggestion is that hermeneutical marginalization gives rise to a 'lacuna' in 'the collective hermeneutical resource', and it is this which hinders the victim of a hermeneutical injustice from rendering something significant about themselves intelligible to someone (2007: 150, 151). There are a number of moving parts in this mechanism, and in fact a consideration of the notion of "hermeneutical marginalization" will have to wait until the next chapter. In this section I begin to get to grips with this mechanism by examining the notion of "the collective hermeneutical resource". As for the notion of a "lacuna", we can initially gloss this as the lack of a hermeneutical resource of the right sort for the purpose of rendering something significant about oneself intelligible to someone. What "the right sort" of hermeneutical resource for this purpose consists in is the subject of §§7 and 8. When Fricker talks about 'hermeneutical resources' (plural), she primarily has concepts in mind, but also means to include 'form[s] of what can be said' (2007: 160). I consider what to make of this latter possibility in §8. In this section and the next I focus just on concepts. Thus when in this section and the next I refer to a "conceptual lacuna", I mean the lack of a concept of the right sort.

What Fricker had in mind in *Epistemic Injustice* when talking about *the collective hermeneutical resource* has been the subject of much debate. In *The Epistemology of*

Resistance, José Medina writes that ‘Fricker’s expression “the collective hermeneutical resource” strongly suggests that we can pool all the hermeneutical resources available to all groups and create some kind of exhaustive inventory’ (2013: 103). His view is thus that Fricker took the collective hermeneutical resource to consist in the *union* of all the distinct sets of hermeneutical resources possessed by different groups in society. Rebecca Mason (2011: 300) and Kristie Dotson (2012a: 31), by contrast, both deny that Fricker recognized that different groups possessed distinct sets of hermeneutical resources. In their view, Fricker took the collective hermeneutical resource to consist in the *one and only* set of hermeneutical resources possessed by society as a whole. In a later paper, Fricker clarifies that in fact she took the collective hermeneutical resource to consist in those hermeneutical resources which are ‘held *in common*’, such that ‘just about anyone can draw upon’ them in an attempt to render something significant about themselves intelligible (2016: 163; emphasis in the original). In other words, Fricker in fact took the collective hermeneutical resource to consist in the *intersection* of all the distinct sets of hermeneutical resources possessed by different groups in society (Goetze 2018: 76).²⁶

Fricker’s idea is seemingly that a concept *C* is available to a person *A* for the purpose of rendering something significant about themselves intelligible to someone iff *C* is present in the collective hermeneutical resource. This would explain how a conceptual lacuna in the collective hermeneutical resource could be what hinders *A* from rendering something significant about themselves intelligible. The idea would be that to say there is a

²⁶ There has been surprisingly little discussion of what it is for a group to possess a distinct set of hermeneutical resources. In his paper “What Defines a Conceptual Resource?”, Paul-Mikhail Catapang Podosky proposes a plausible-sounding answer. This is that for a group of people *G* and a set of hermeneutical resources *S*, *G* possesses *S* iff all members of *G* can, or could plausibly, communicate with one another using any of the resources in *S* (2019: 157). However, nothing in this chapter rides on whether or not this or some other answer is correct. That is because the account I propose of the mechanism by which someone’s attempt at rendering something significant about themselves intelligible is frustrated makes no reference to the notion of “the collective hermeneutical resource”, and in fact does not presuppose even that groups *can* possess distinct sets of hermeneutical resources.

conceptual lacuna in the collective hermeneutical resource is to say that *A* does not have available to them a concept of the right sort for the purpose of rendering something significant about themselves intelligible to someone; and it is this that either frustrates their attempt to render the significant thing about themselves intelligible to the person in question, or deters them from making such an attempt in the first place. For instance, Sanford's attempt to render feeling depressed following the birth of her son intelligible was frustrated by not having a concept like POSTPARTUM DEPRESSION available to her for this purpose (2007: 149); while Wood was deterred from attempting to render what had happened to her intelligible to the bureaucrat by not having a concept like SEXUAL HARASSMENT available to her for this purpose (2007: 151).

The problem is that under none of the outlined interpretations of what "the collective hermeneutical resource" consists in is it plausible to claim that a concept *C* is available to a person *A* for the purpose of rendering something significant about themselves intelligible to someone iff *C* is present in the collective hermeneutical resource. Take Fricker's own interpretation of this notion first. On this interpretation, the set of concepts that appears in the collective hermeneutical resource looks to be often much smaller than the set of concepts in fact available to a person for the purpose of rendering something significant about themselves intelligible to someone. For instance, suppose two people, *A* and *B*, are both psychoanalysts, and as such possess concepts like CATHEXIS and COUNTERTRANSFERENCE. These are not concepts that 'just about anyone can draw upon', and hence they do not appear in the collective hermeneutical resource as Fricker understands it. Yet they are surely available to *A* for the purpose of rendering something significant about themselves, say the inappropriate feelings they find themselves developing for one of their analysands, intelligible to *B*.

Or again, suppose that *A* is a woman and *B* is a man, and both happen to have mostly female friends. Not long after the concept UPSKIRTING is first generated, it spreads through their respective friendship networks and in this way both *A* and *B* come to possess it. *B* is unusual in possessing the concept UPSKIRTING at this point in time, since this is considerably earlier than most men come to possess the concept. As such, it is not yet a concept that ‘just about anyone can draw upon’ and thus not a concept that appears in the collective hermeneutical resource as Fricker understands it. Nevertheless, the concept UPSKIRTING is surely available to *A* for the purpose of rendering her experience of being harassed on her commute to work intelligible to *B*. In sum, the account of conceptual availability delivered by Fricker’s interpretation of what constitutes the collective hermeneutical resource fails to make sufficient room for either *expertise* or the *early adoption* of new concepts.

By contrast, if the collective hermeneutical resource is taken to consist either in the union of the various distinct sets of hermeneutical resources possessed by different groups in society or in the one and only set of hermeneutical resources possessed by society as a whole, the set of concepts that appears in the collective hermeneutical resource looks to be much larger than the set of concepts ever in fact available to anyone for the purpose of rendering something significant about themselves intelligible to someone. After all, on either of these interpretations the concepts CATHEXIS and COUNTERTRANSFERENCE appear in the collective hermeneutical resource (on the first interpretation because they are possessed by psychoanalysts, on the second interpretation because they are possessed by society as a whole). Yet if neither *A* nor *B* possess these concepts, or if only one of *A* or *B* possesses them, then they are surely not available to *A* for the purpose of rendering something significant about themselves intelligible to *B*. Likewise, on either of these interpretations the concept UPSKIRTING

appears in the collective hermeneutical resource not long after it is coined (on the first interpretation because it is possessed by feminist activists, on the second interpretation because it is possessed by society as a whole). But again if neither *A* nor *B* yet possesses this concept, or if only one of *A* or *B* possesses it, then it is surely not available to *A* for the purpose of rendering her experience of being harassed on her commute to work intelligible to *B*. In sum, the account of conceptual availability delivered by either of these interpretations of what constitutes the collective hermeneutical resource assumes both universal expertise and universal early adoption of new concepts – neither of which is to be found in the real world.

Since what they indicate is that what matters is which concepts *A* and *B* actually possess, these arguments point us towards an account of conceptual availability on which it is instead conceived as a three-place relation. On this account, a concept *C* is available to *A* for the purpose of rendering something significant about themselves intelligible to *B* iff both *A* and *B* possess *C*. Unlike Fricker's account on which conceptual availability is conceived as a two-place relation, this account successfully tracks both expertise and the early adoption of new concepts. As such, this account successfully accommodates the various intuitions to which I have been appealing. We could say that unlike Fricker's account, this account of conceptual availability successfully integrates Medina's insight that when it comes to hermeneutical injustice, 'it is of the utmost importance *who* is communicating (or trying to communicate) *what* to *whom*' (Medina 2012: 207; emphases in the original).

At the same time, we can use this account to continue to tell plausible stories about it being a lacuna in the set of concepts available to them for the purpose of rendering something significant about themselves intelligible to someone that hinders a victim of hermeneutical injustice. For instance, Sanford's attempt to render feeling depressed

following the birth of her son intelligible was plausibly frustrated by her not possessing a concept like POSTPARTUM DEPRESSION. Likewise, Wood was plausibly deterred from attempting to render what had happened to her intelligible to the bureaucrat by a recognition that neither of them possessed a suitable conceptual label for what she had gone through. In this way, we can give a description of the mechanism by which hermeneutical injustices come about which makes no reference to the problematic notion of “the collective hermeneutical resource”.

In a paper from 2012, Laura Beeby pre-emptively objects to abandoning the notion of “the collective hermeneutical resource”. Her worry is that ‘the notion of hermeneutical injustice depends on the sense that we all share, and are thereby vulnerable to, a collective resource’ (2012: 13). By this Beeby means that if what hindered a person from rendering something significant about themselves intelligible to someone were not a lacuna in the collective hermeneutical resource, then the non-satisfaction of their transparency interest would cease to strike us as unfair, and would instead strike us as merely unlucky (2012: 14).

Yet what is unfair about the non-satisfaction of a person’s transparency interest in a case of hermeneutical injustice is that it results at least in part from hermeneutical marginalization.²⁷ So for Beeby’s objection to hold, it would need to be the case that the non-satisfaction of a person’s transparency interest could result at least in part from hermeneutical marginalization only if hermeneutical marginalization played a role in causing a lacuna in the collective hermeneutical resource which in turn hindered the person from satisfying their transparency interest. But in fact it is perfectly possible to tell a story on which the non-satisfaction of a person’s transparency interest results at least

²⁷ I will explain why in Ch.2.

in part from hermeneutical marginalization which makes no reference to the problematic notion of “the collective hermeneutical resource”. The idea is that hermeneutical marginalization plays a role in causing people to possess some concepts and not others, and hence in causing some concepts and not others to be available to people for the purpose of rendering significant things about themselves intelligible to themselves and/or to each other. It is then not having concepts of the right sort available to them for the purpose of rendering significant things about themselves intelligible to themselves and/or to each other that hinders them from doing so successfully, with the result that their transparency interests go unsatisfied. To put the point another way, what matters is that hermeneutical marginalization plays a role in *patterning* or *structuring* which concepts people have available to them for the purpose of rendering significant things about themselves intelligible to themselves and/or to each other, and this can be recognized without invoking the problematic notion of “the collective hermeneutical resource”.

7. What is it for a Concept to Be Well-Fitting?

a. What is a Conceptual “Lacuna”?

In the last section, I gave as an initial gloss that a conceptual lacuna consists in the lack of a concept of the right sort for the purpose of rendering something significant about oneself intelligible to someone. In this section, I aim to get clear on what it is for a concept to be of “the right sort” for this purpose.

Fricker’s official view is that what it is for a concept to be of the right sort for this purpose is for it to *name* or *label* the significant thing about oneself. Thus on this view a conceptual lacuna always consists in a ‘gap’ or ‘blank’ in the set of concepts one has available for the purpose of rendering something significant about oneself intelligible ‘where there

should be a name' for that thing (2007: 160). It follows that a conceptual lacuna can only ever be resolved by the introduction of a new concept into the set of concepts one has available, as a name for the significant thing in question. For instance, Fricker describes Wood as being hindered from rendering her experience of sexual harassment intelligible to the bureaucrat by 'a lacuna where the name of a distinctive social experience should be' (2007: 150-151). Fricker suggests that introducing the concept SEXUAL HARASSMENT into the set of concepts available to Wood for the purpose of rendering her experience intelligible to the bureaucrat was the only way this lacuna could ever have been resolved.²⁸

This official view is not without its supporters in the literature (e.g. Maitra 2018: 352-354; Beverley 2022: 438; Fürst forthcoming). Nevertheless, the supporters are probably outnumbered by the dissenters who have proposed various counterexamples to this view (Jenkins 2017: 192-195; Medina 2017: 45; Scrutton 2017: 349-350; Simion 2019: 181; Bratu and Hänel 2021: 340; Falbo 2022: 349). What has not been often noticed is that several of Fricker's *own* examples of hermeneutical injustice do not match up with this official view (for exceptions see Romdenh-Romluc 2017: 7; Mason 2021: 252).

For instance, much of my next chapter will be taken up with a discussion of an example Fricker takes from Ian McEwan's novel *Enduring Love*. The example concerns the main character, Joe, who is frustrated in an attempt to render his experience of being stalked intelligible to a police officer (1998: 73-74). Though Fricker says that what frustrates Joe is a 'lacuna' in the set of concepts available to him for the purpose of rendering this experience intelligible to the officer (2007: 157), there is no hint in her discussion that Joe lacks a name for this experience. On the contrary, Joe *does* have a name for this

²⁸ I return to question this suggestion below, in §7c.

experience: in his conversation with the officer he refers to it as an instance of HARASSMENT (1998: 73-74). His difficulties stem rather from the officer working with a conception of HARASSMENT on which it must involve the harasser physically harming the harassee/the harassee's property/at least threatening to do so – none of which applies in Joe's case (1998: 73-74). The way Fricker puts it is that Joe is frustrated by the 'misfit interpretations' which the officer associates with the label HARASSMENT (2007: 157).

Similarly, Fricker more than once gives the example of a trans woman frustrated in an attempt to render it intelligible to someone that she is in fact a WOMAN (2016: 163-164; Fricker and Jenkins 2017: 276). Obviously enough, this woman does not lack a name for her gender. Her difficulties stem rather from the person in question working with a trans-exclusionary conception of what it is to be a WOMAN. Thus what she needs is not for a new concept to be introduced into the set of concepts available to her, but rather for the person in question to adopt a trans-inclusionary conception of what it is to be a WOMAN (Fricker and Jenkins 2017: 276).

The way forward, then, begins not from Fricker's official view but rather from her offhand remark that a conceptual lacuna consists instead in having 'at best ill-fitting' concepts available for the purpose of rendering intelligible something significant about oneself (2007: 148). The thought is that for a concept to be of the right sort for the purpose of rendering intelligible something significant about oneself, it is insufficient that it name or label the thing in question. Rather, it has to be a *well-fitting* label for the thing in question. In the cases just described, HARASSMENT named Joe's experience of being stalked and WOMAN named the trans woman's gender. But because the officer was working with a very narrow conception of what is involved in HARASSMENT, and the person to whom the woman was talking was working with a trans-exclusionary conception of what it is to

be a WOMAN, these concepts turned out to be in an important sense ill-fitting for the purpose of rendering these significant things about themselves intelligible to the people in question. In these cases, the lacunae can be resolved (and particularly in the latter case, perhaps *only* resolved) by already available concepts becoming better-fitting for this purpose.

At the same time, the view hinted at by this offhand remark can also accommodate cases like that of Carmita Wood. In this case the thought is that the concept SEXUAL HARASSMENT would have been well-fitting (Fricker would say *uniquely* well-fitting) for the purpose of rendering what she had gone through intelligible to the bureaucrat, and that in the absence of this concept she had at best ill-fitting concepts available to her for this purpose. In this way, the view hinted at here holds out the promise of accommodating both the cases which Fricker's official view does accommodate *and* the cases which Fricker's official view fails to accommodate.

Fricker's remark leaves us with the question of exactly what it means for a concept to be ill- or well-fitting for the purpose of rendering something significant about oneself intelligible to someone. Fricker herself says little to address this question. Yet an answer to it will provide us with 'a higher-resolution model of hermeneutical injustice' (Fraser 2018: 735). In a helpful paper, Rachel Fraser develops one answer to this question. In the next subsection, I set out Fraser's account. I then argue for making four amendments to her account.

b. Fraser's Account of Conceptual Fittingness

Fraser's account of conceptual fittingness has several moving parts. The place to begin is with inferences. These can be represented as 'ordered n -tuples of claims, with the n th

entry as the inference output and the others as input(s)' (2018: 735). The first thing we need to grasp about inferences is that they can be *cognitively accessible* and *socially licensed*. Fraser writes that '[a]n inference is cognitively accessible to an agent *A* to the degree that drawing said inference does not require significant cognitive labour of *A*' (2018: 735). We can think of cognitively accessible inferences as those which feel obvious to the agent making them. For example, the inference from "Peter is a utilitarian" to "Peter is a consequentialist" will likely be cognitively accessible to anyone who has studied normative ethics. Fraser tells us that 'an inference is socially licensed in some context *c* to the degree to which (i) those in *c* are disposed to regard the inference as legitimate and (ii) this disposition is generally recognized' (2018: 735-736). For example, the inference from "Peter is a utilitarian" to "Peter is a consequentialist" will be socially licensed to a high degree in the context of a normative ethics conference.

The second thing we need to grasp about inferences is that they can *introduce* and *eliminate* concepts. Fraser writes that '[a]n inference *i* introduces a concept *C* where *C* is not exploited in any of *i*'s inputs but is exploited in its output, and eliminates a concept *C* where *C* is exploited in at least one of *i*'s inputs but not in its output' (2018: 736). For example, the inference from "Peter is a utilitarian" to "Peter is a consequentialist" introduces the concept CONSEQUENTIALIST and eliminates the concept UTILITARIAN. With this in place we can bring in a final idea, that of an *inferential network*. Fraser writes that the inferential network associated with a concept *C* for an agent *A* is the set composed of 'exactly those inferences which (i) either "introduce" or "eliminate" *C* and (ii) are both cognitively accessible for *A* and socially licensed in *A*'s social context' (2018: 736). For example, take an ethicist at a normative ethics conference. The inferential network associated with the concept CONSEQUENTIALISM for her will likely be very large, and include inferences such as from "Peter is a utilitarian" to "Peter

is a consequentialist” and from “Christine is a Kantian” to “Christine is not a consequentialist”.

Using this framework, Fraser proposes that a concept *C* is *ill-fitting* for an agent *A* for the purpose of rendering something significant about themselves intelligible to someone to the extent that the inferential network associated with *C* for *A* ‘either (i) includes inferences whose being either socially licensed or cognitively accessible is strongly contrary to *A*’s interests or (ii) fails to include inferences whose being both socially licensed and cognitively accessible is strongly in *A*’s interests’ (2018: 736). Though in this definition Fraser talks of inferences being ‘socially licensed’ and ‘cognitively accessible’, she does not say *in which* social context these inferences are socially licensed or *to whom* they are cognitively accessible. That said, in an earlier passage Fraser notes that:

It is sometimes strongly in an agent’s interests that a given inference, or a given cluster of inferences, be both cognitively accessible to them and socially licensed in their social context. Sometimes, it is strongly in an agent’s interests that a given inference, or a given cluster of inferences, be neither cognitively accessible nor socially licensed. (2018: 736)

Fraser presumably intends us to read her definition of ill-fittingness in light of this earlier passage. Thus, I take Fraser’s position to be that a concept *C* is ill-fitting for an agent *A* for the purposes of rendering something significant about themselves intelligible to someone to the extent that the inferential network associated with *C* for *A* either (i) includes inferences whose being either socially licensed *in A’s social context* or cognitively accessible *to A* is strongly contrary to *A*’s interests or (ii) fails to include inferences whose being both socially licensed *in A’s social context* and cognitively accessible *to A* is strongly in *A*’s interests. We can surmise that conversely, Fraser takes a concept *C* to be well-fitting for an agent *A* for the purpose of rendering something significant about themselves intelligible to someone to the extent that the inferential

network associated with *C* for *A* both (i) does not include inferences whose being either socially licensed in *A*'s social context or cognitively accessible to *A* is strongly contrary to *A*'s interests, and (ii) includes inferences whose being both socially licensed in *A*'s social context and cognitively accessible to *A* is strongly in *A*'s interests.

c. Amendments to Fraser's Account

There is, as I hope to indicate in what follows, much to like about this account of conceptual fittingness. Nevertheless, it can be improved in a number of ways. In this subsection, I argue for four separate amendments to this account. The first two are relatively insubstantial; the third and fourth are rather more substantial.

The first amendment consists in dropping the qualification 'strongly'. Suppose the inferential network someone associates with *C* includes inferences whose being either socially licensed or cognitively accessible is mildly contrary to *A*'s interests. It seems odd to say that *C* is not at all ill-fitting for *A* just because these inferences being either socially licensed or cognitively accessible is only mildly contrary to *A*'s interests. Likewise, suppose the inferential network someone associates with *C* does not include inferences whose being both socially licensed and cognitively accessible is mildly in *A*'s interests. Once again, it seems odd to say that *C* is not at all ill-fitting for *A* just because these inferences being both socially licensed and cognitively accessible is only mildly in *A*'s interests. The point is that conceptual fittingness is presumably a scalar notion, but the account as it stands does not reflect this. These intuitions can be accommodated by dropping the qualification 'strongly' from the account.

The second amendment is a simplification. A person is liable to draw an inference to the extent that it is cognitively accessible to them and socially licensed in their social context.

Indeed, if it is in someone's interests for an inference to be both cognitively accessible to a person and socially licensed in that person's social context, this it seems to me can only be because it is in their interests for that person to be liable to draw that inference. Conversely, if it is contrary to someone's interests for an inference to be either cognitively accessible to a person or socially licensed in that person's social context, this it seems to me can only be because it is contrary to their interests for that person to be liable to draw that inference. Thus Fraser's account of what it is for a concept to be ill- or well-fitting can be conveniently simplified by replacing talk of inferences being cognitively accessible to a person and socially licensed in that person's social context with talk of that person being liable to draw those inferences.

The third amendment is more substantial. Fraser talks of it being either in or contrary to *A*'s interests *per se* for an inference to be cognitively accessible to someone and/or socially licensed in their social context. Yet it could be in *A*'s interests *per se* for an inference to be cognitively accessible to someone and/or socially licensed in their social context precisely because their being liable to draw that inference would leave something about *A* unintelligible to them.²⁹ Conversely, it could be against *A*'s interests *per se* for an inference to be cognitively accessible to someone and/or socially licensed in their social context precisely because their being liable to draw that inference would leave something about *A* intelligible to them. Since what we want is an account of what it is for a concept to be ill- or well-fitting for *A* for the specific purpose of rendering something significant about themselves intelligible to someone, it would be more accurate to talk of it being either in or contrary to *A*'s *transparency* interests for an inference to be cognitively accessible to someone and/or socially licensed in their social context.

²⁹ I argue for this point in Ch.4.

The fourth amendment parallels that made to Fricker's account of conceptual availability in the last section. Just as Fricker conceived of conceptual availability as a two-place relation, so Fraser conceives of conceptual fittingness as a two-place relation. And just as I argued conceptual availability ought instead to be conceived as a three-place relation, so I will now argue that conceptual fittingness ought instead to be conceived as a three-place relation.³⁰ The thought is that what really matters is not which inferences *A* is liable to draw. If it were, we would not need to include reference to *B* in our account of conceptual fittingness and could continue to conceive of conceptual fittingness as a two-place relation. Rather, what really matters is which inferences *B* is liable to draw. Thus we do need to include reference to *B* in our account of conceptual fittingness, and this can only be done by conceiving of conceptual fittingness instead as a three-place relation.

To see that this is so, consider a case in which *A* and *B* are different people. Now imagine that *A* describes something significant about themselves as falling under *C* to *B*. For example, imagine that Wood had described what she had gone through as an instance of SEXUAL HARASSMENT to the bureaucrat. *A* describing something significant about themselves as falling under *C* will succeed in rendering this thing about themselves intelligible to *B* insofar as doing so leads *B* to grasp certain true claims about this thing. In our example, Wood describing what she had gone through as an instance of SEXUAL HARASSMENT would have succeeded in rendering her experience of sexual harassment intelligible to the bureaucrat insofar as this led him to grasp that she had been seriously wronged and so deserved to be paid unemployment benefits.

³⁰ This is another way of integrating Medina's insight that when it comes to hermeneutical injustice, 'it is of the utmost importance *who* is communicating (or trying to communicate) *what* to *whom*' (Medina 2012: 207; emphases in the original).

The most obvious way in which *A* describing something significant about themselves as falling under *C* to *B* could lead *B* to grasp certain true claims about this thing would be if *B* accepted the description of this thing as falling under *C* and inferred the relevant claims from this description. It follows that it is in *A*'s transparency interests for *B* to be liable to draw these inferences. Hence why I think we should say that a concept *C* is well-fitting for *A* to use for the purposes of rendering something significant about themselves intelligible to *B* to the extent that the inferential network associated with *C* for *B* includes inferences which it is in *A*'s transparency interests for *B* to be liable to draw.

Here is how this plays out in our example. The most obvious way in which Wood describing her experience as an instance of SEXUAL HARASSMENT could have led the bureaucrat to believe that she had been seriously wronged and so deserved to be paid unemployment benefits would have been if the bureaucrat accepted her description of her experience as an instance of SEXUAL HARASSMENT and inferred from this description that she had been seriously wronged and so deserved to be paid unemployment benefits. It follows that it was in Wood's transparency interests for the bureaucrat to be liable to draw this inference. Supposing that the inferential network associated with SEXUAL HARASSMENT for the bureaucrat had included this inference, on my proposal the concept SEXUAL HARASSMENT would to that extent have been a well-fitting one for Wood to use for the purpose of rendering her experience intelligible to him. This seems right.

At the same time, *A* describing something significant about themselves as falling under *C* to *B* could instead lead *B* to believe the negations of certain true claims about this thing if *B* accepted the description of this thing as falling under *C* and instead inferred the negations of the relevant claims from this description. It follows that it is contrary to *A*'s transparency interests for *B* to be liable to draw these inferences. Hence why I think we

should say that a concept *C* is well-fitting for *A* to use for the purposes of rendering something significant about themselves intelligible to *B* to the extent that the inferential network associated with *C* for *B* does not include inferences which it is contrary to *A*'s transparency interests for *B* to be liable to draw.

Here is how this plays out in our example. One way in which Wood describing her experience as an instance of SEXUAL HARASSMENT could have led the bureaucrat to believe that she had not been seriously wronged, etc., would be if the bureaucrat had accepted her description of her experience as an instance of SEXUAL HARASSMENT and inferred from this that she had not been seriously wronged, etc.. It follows that it was contrary to Wood's transparency interests for the bureaucrat to be liable to draw this inference. Supposing that the inferential network associated with SEXUAL HARASSMENT for the bureaucrat had included this inference, on my proposal the concept SEXUAL HARASSMENT would to that extent have been an ill-fitting one for Wood to use for the purpose of rendering her experience intelligible to him. This also seems right.

Putting all of this together, we arrive at the following account of conceptual fittingness. A concept *C* is ill-fitting for *A* to use for the purpose of rendering something significant about themselves intelligible to *B* to the extent that the inferential network associated with *C* for *B* either (i) does not include inferences which it is in *A*'s transparency interests for *B* to be liable to draw, or (ii) includes inferences which it is contrary to *A*'s transparency interests for *B* to be liable to draw. Conversely, a concept *C* is well-fitting for *A* to use for the purpose of rendering something significant about themselves intelligible to *B* to the extent that the inferential network associated with *C* for *B* both (i) includes inferences which it is in *A*'s transparency interests for *B* to be liable to draw, and (ii) does not include inferences which it is contrary to *A*'s transparency interests for *B* to be liable to draw.

Someone might object to this account along the following lines. Suppose that the inferential network associated with some concept *C* for *B* both (i) includes inferences which it is in *A*'s transparency interests for *B* to be liable to draw, and (ii) does not include inferences which it is contrary to *A*'s transparency interests for *B* to be liable to draw. On my account, *C* is to this extent a well-fitting concept for *A* to use for the purpose of rendering something significant about themselves intelligible. For example, suppose the inferential network associated with SEXUAL HARASSMENT for the bureaucrat included an inference from "Wood was sexually harassed" to "Wood was seriously wronged, etc." and did not include an inference from "Wood was sexually harassed" to "Wood was not seriously wronged, etc.". On my account, SEXUAL HARASSMENT would have been to this extent a well-fitting concept for Wood to use for the purpose of rendering her experience of sexual harassment intelligible to the bureaucrat. Yet suppose that the inferential network associated with *C* for *A* either (i) does not include inferences which it is in *A*'s transparency interests for *B* to be liable to draw, or (ii) does include inferences which it is contrary to *A*'s transparency interests for *B* to be liable to draw. Moreover, suppose *A* assumes that the inferential network *B* associates with *C* will be just like the inferential network that *A* associates with *C* in these respects. It is easy to imagine this deterring *A* from using *C* for the purpose of rendering something significant about themselves intelligible to *B*. In our example, suppose the inferential network Wood associated with SEXUAL HARASSMENT for some reason did not include an inference from "I was sexually harassed" to "I was seriously wronged, etc.". Moreover, suppose that she assumed the same would be true of the inferential network associated with SEXUAL HARASSMENT by the bureaucrat. We can imagine that this would have deterred Wood from describing her experience as an instance of SEXUAL

HARASSMENT to the bureaucrat. Someone might think that *C* would to this extent turn out to be ill-fitting for *A*, *contra* my account.

However, I suggest that the problem here is not in fact that *C* would be an ill-fitting concept for *A* to use for the purpose of rendering something significant about themselves intelligible to *B*. Rather, the problem is just that *A* does not *realize* that *C* would in fact be well-fitting concept for them to use for this purpose. This explains why my account of conceptual fittingness, in contrast to Fraser's account, makes no mention of the inferential network associated with *C for A*.

I have two main reasons for recommending my account of conceptual fittingness. First, this account does a good job of explaining what goes on in paradigm cases of hermeneutical injustice, like that of Carmita Wood. Think once again of the bureaucrat asking Wood why she quit her job. We want to say that Wood had at best ill-fitting conceptual resources available to her with which to render what had happened to her intelligible to the bureaucrat. We also want to say that had the concept SEXUAL HARASSMENT been available to her, this could well have been a well-fitting concept with which to render what had happened to her intelligible to the bureaucrat. My account successfully captures both of these intuitions.

To see that my account captures the first of these intuitions, imagine that Wood had given the bureaucrat a bare description of her experience and then asserted the normative upshot that she had been seriously wronged and hence deserved to be paid unemployment benefits.³¹ It would have been in Wood's transparency interests for the bureaucrat to be liable to draw an inference from this bare description to the normative upshot. Conversely, it would have been contrary to Wood's transparency interests for the bureaucrat to be

³¹ Making this imaginative move is Fraser's idea (2018: 737).

liable to draw an inference from this bare description to the negation of the normative upshot. Yet it seems much more likely that the bureaucrat would have been liable to draw the latter inference than the former inference, given both his gender and the time and place in which he lived. As such, even if the bureaucrat had accepted Wood's bare description of her experience he would likely have denied the normative upshot. Thus the concepts making up this bare description of events, such as UNWANTED-KISSING, were ill-fitting for Wood to use for the purpose of rendering her experience intelligible to the bureaucrat. Wood likely perceived this to be the case. That she did so would explain why she did not give the bureaucrat a bare description of her experience, saying instead only that her reasons for quitting her job were "personal".

Similar comments apply to other answers which Wood could have given to the bureaucrat's question using the concepts that were available to her for the purpose of rendering her experience intelligible to the bureaucrat. For instance, suppose Wood had added to a bare description of her experience how it made her feel, explaining that the professor's persistent "flirtation" had "made her uncomfortable".³² It is still unlikely that he would have inferred from this that Wood had been seriously wronged and hence deserved to be paid unemployment insurance. Thus a concept like BEING-MADE-TO-FEEL-UNCOMFORTABLE was likely also ill-fitting for Wood. In this way my account of conceptual fittingness captures the intuition that Wood had at best ill-fitting concepts available to her for the purpose of rendering her experience of sexual harassment intelligible to the bureaucrat.

Here is how my account captures the second intuition. Suppose the concept SEXUAL HARASSMENT had been available to Wood, so that when asked why she had quit her

³² This is Fricker's example (2007: 159).

job she could describe her experience as an instance of SEXUAL HARASSMENT. Suppose further that the inferential network associated with SEXUAL HARASSMENT for the bureaucrat had included inferences from “Wood was sexually harassed” to “Wood was seriously wronged, etc.” and conversely did not include inferences from “Wood was sexually harassed” to “Wood was not seriously wronged, etc.”. In this scenario, describing her experience as an instance of SEXUAL HARASSMENT would successfully have *mediated* the inferential connection between a bare description of her experience and the all-important normative upshot (Fraser 2018: 738). It seems to me that when we intuit that SEXUAL HARASSMENT could well have been a well-fitting concept for Wood to use for the purpose of rendering her experience of sexual harassment intelligible to the bureaucrat, it is exactly this scenario that we have in mind.

My second reason for recommending my account of conceptual fittingness is that it leaves room for a concept to be well-fitting for the purpose of rendering something significant about oneself intelligible without being *uniquely* well-fitting for that purpose. Fricker frequently seems to assume that a well-fitting concept must always be uniquely well-fitting. For instance, she insists that only a description of Wood’s experience as an instance of SEXUAL HARASSMENT could ever deliver a ‘proper understanding’ of that experience (2007: 151). Some other contributors to the literature express the same assumption in describing a conceptual lacuna as consisting in the lack of a particular concept ‘necessary’ for the purpose of rendering something significant about oneself intelligible to someone (e.g. Cunliffe 2019: 173; Bratu and Hänel 2021: 337; Dembroff and Whitcomb 2022: 64; Tilton forthcoming: 7), or as consisting in the lack of a particular concept ‘needed’ for this purpose (e.g. Catala et al. 2021: 9020; Posey 2021: 61; Wojtkiewicz 2022: 153).

This assumption strikes me as a mistake. After all, there are other concepts which could well have been equally well-fitting for Wood to use for the purpose of rendering her experience intelligible to the bureaucrat. For instance, legal scholar Vicki Schultz has argued in a series of articles for replacing the concept SEXUAL HARASSMENT in law with the concept GENDER-BASED HARASSMENT (1998; 2003; 2018). The idea is to acknowledge that ‘much of the time, harassment assumes a form that has little or nothing to do with sexuality but everything to do with gender’ (1998: 1687). It is easy to imagine this concept being equally as well-fitting for Wood for the purpose of rendering her experience intelligible to the bureaucrat. It is thus an advantage of my account that it can recognize this to be the case.

8. What About Lacunae Concerning the Form of What Can be Said?

In all the cases of hermeneutical injustice encountered so far in this chapter, it has been a lack of well-fitting concepts which has hindered the victim from rendering intelligible something significant about themselves. In this final section, I want to consider Fricker’s suggestion that a victim of hermeneutical injustice might instead be hindered by a *non*-conceptual lacuna in the hermeneutical resources available to them – that is, a lacuna which concerns ‘not (or not only) the content but rather the form of what can be said’ (2007: 160).

The example Fricker gives in *Epistemic Injustice* to illustrate this suggestion is far from clear. She writes that:

If, for instance, as has been famously argued by Carol Gilligan, women (at least at one point in history) have ‘a different voice’ when it comes to ethical judgment, and a voice that is not recognized as rational but is rather marginalized as morally immature, then women’s attempts at communicative intelligibility when it comes

to moral matters are hindered by a hermeneutical gap of this kind. (2007: 160; citing Gilligan 1982)

Fricker goes on to equate having a “different voice” when it comes to ethical judgments with the use of ‘an intuitive or emotional expressive style’ when communicating those judgments, such that ‘one cannot be heard as fully rational’ (2007: 161).

Yet in claiming that women have a “different voice” when it comes to ethical judgment, Gilligan does not primarily have in mind that they tend to use a more intuitive or emotional *expressive style* when communicating those judgments. What she primarily has in mind is rather that they tend to *conceptualize* morality differently (see especially 1982: Ch.2 “Images of Relationship” and Ch.3 “Concepts of Self and Morality”). For instance, Gilligan treats as representative (for better or worse) a boy, Jake, who infers from a description of a woman who prioritizes furthering her career over caring for her family that the woman is *acting within her rights*, and a girl, Amy, who infers from the same description that the woman is acting *selfishly* (1982: 35-37). Gilligan comments that Jake appears ‘concerned with limiting interference’, whereas Amy seemingly ‘focuses on the need for response’ to the needs of others (1982: 38). This in turn, Gilligan argues, is explained by the two children working with different underlying social ontologies. Gilligan’s claim is that Jake conceives of people as fundamentally *separate* and *independent* from one another, whereas Amy conceives of people as fundamentally *connected* and *interdependent* (1982: 38; see also 74). Since this is what Gilligan primarily has in mind in claiming that someone like Amy has a “different voice” from someone like Jake when it comes to ethical judgment, it is far from clear how Gilligan’s ideas illustrate Fricker’s suggestion that a victim of hermeneutical injustice might be frustrated by a lacuna in the hermeneutical resources available to them which concerns ‘not (or not only) the content but rather the form of what can be said’ (2007: 160).

In a later interview with Susan Dieleman for the *Journal of Social Epistemology*, Fricker offers a different example to illustrate her suggestion:

[...] women's style of communication is such that in many contexts it lacks authority compared to men's. In recent political history, one finds the example of Margaret Thatcher who was famously trained to lower her voice by a couple of octaves in order that she might assume more gravitas in parliamentary debates. (Dieleman 2012: 257)

Unfortunately, this case strikes me as really an example of a different sort of injustice altogether. One way to interpret the claim that women's communication is such that in many contexts it lacks authority compared to men's is as the claim that in many contexts women's testimony is regarded as less *credible* than men's testimony, and as such receives less credibility than it in fact deserves.³³ On this interpretation, what Fricker provides here is really an example of *testimonial* injustice (Fricker 2007: Ch.1). Another way to interpret the claim that women's communication is such that in many contexts it lacks authority compared to men's is as the claim that in many contexts women have less control over the *illocutionary force* of their words than men do. Women are liable to have their imperatives taken as mere requests, their assertions taken as mere expressions of emotion, and so on. Moreover, when an attempt to enact a speech act of one type receives uptake as a speech act of another type it can thereby be *constituted* as a speech act of this latter type (Kukla 2014: 445). On this interpretation, what Fricker provides here is really an example of *discursive* injustice (Kukla 2014). On neither interpretation does the injustice Fricker imagines Margaret Thatcher to have suffered prior to the lowering of her voice resemble that suffered by the likes of Wood, Sanford, and White.

³³ As José Medina helpfully points out: 'Like many other epistemic qualities, credibility has an *interactive* nature; and its proper or improper attribution reflects that essential interactive aspect in being *comparative* or *contrastive*: implicitly, being judged credible to some degree is being regarded as more credible than others, less credible than others, and equally credible as others' (2011: 18; emphases in the original).

Furthermore, it is notable that neither of these putative examples of hermeneutical injustice concern people being hindered from rendering intelligible something significant about *themselves*. The first concerns women being frustrated in attempts to render intelligible what is right and wrong, good and bad. The second concerns Thatcher being frustrated in attempts to render intelligible various matters of state. In this respect they are different from every other example that Fricker gives in her various discussions of hermeneutical injustice. Thus if we did decide to accept these two putative examples as cases of hermeneutical injustice, we would have to drop the requirement that it be something significant about *themselves* that a victim of hermeneutical injustice is hindered from rendering intelligible. Such a radical revision would risk obscuring what is so distinctive about the hermeneutical injustices suffered by the likes of Wood, Sanford, and White, which is that they consist in wrongs done to the victims *both* in their capacity as epistemic subjects *and* in their capacity as epistemic objects (see §5).

It is also worth noting here that Fricker's purpose in introducing the idea of hermeneutical injustice in the first place was to get to grips with a phenomenon which had previously been relatively untheorized (Dieleman 2012: 258; Fricker 2017: 56). The phenomenon of someone suffering an injustice as a result of having at best ill-fitting concepts available to them for the purpose of rendering something significant about themselves intelligible had plausibly previously been relatively untheorized.³⁴ The same cannot be said, however, about the phenomenon of people suffering injustices as a result of what Fricker calls the 'expressive style' in which they speak (2007: 161). This phenomenon was notably thoroughly theorized by prominent feminist critics of deliberative democracy in

³⁴ Which is not to say that Fricker's work is entirely without precedent: see Introduction (§2).

the decade or so prior to the publication of Fricker's book.³⁵ For instance, Nancy Fraser in *Justice Interruptus* theorized the way in which:

[...] discursive interaction within the bourgeois public sphere was governed by *protocols of style and decorum* that were themselves correlates and markers of status inequality. These functioned informally to marginalize women, people of colour, and members of the plebeian classes and to prevent them from participating as peers. (1997: 78; my emphasis)

Similarly, Iris Marion Young in her landmark *Inclusion and Democracy* discussed at length the way in which contributions to a discussion made by women and members of other marginalized groups 'tend to be excluded from serious consideration not because of what is said, but how it is said' (2000: 56).³⁶ Thus I suggest Fricker's original purpose in introducing the idea of hermeneutical injustice is best realized by reserving the label "hermeneutical injustice" for cases in which someone suffers an injustice as a result of having at best ill-fitting concepts available to them with which to render something significant about themselves intelligible.

In sum, the case Fricker makes for thinking that a victim of hermeneutical injustice might be hindered by a lacuna in the hermeneutical resources available to them which concerns 'not (or not only) the content but rather the form of what can be said' (2007: 160) is unconvincing. At the same time, there are good reasons to reject this suggestion. It is thus perhaps unsurprising that it has previously received little attention in the literature.³⁷

³⁵ And also more recently (Garcia 2019).

³⁶ Susan Dieleman also notes that Young anticipates Fricker on this point (2015: 803).

³⁷ For exceptions, see Dieleman (2015: 803) and especially Catala (2015: 426; 2019: 16; 2020: 763; forthcoming: 13).

9. Conclusion: An Improved Definition

I began this chapter by noting that Fricker's most recent 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). I also noted that on Fricker's account of the mechanism by which hermeneutical injustice arises, hermeneutical marginalization gives rise to a 'lacuna' in 'the collective hermeneutical resource' which in turn is what frustrates the attempt to render a significant social experience intelligible (2007: 150, 151). I then argued for a number of revisions and clarifications both to this definition of hermeneutical injustice and to Fricker's account of the mechanism by which it arises. These various clarifications and revisions can be brought together in the following improved definition of hermeneutical injustice:

A person *A* suffers a hermeneutical injustice iff both: (i) *A* has an interest in something about themselves being intelligible to someone, *B*; and (ii) this interest goes unsatisfied because *A* has, at least in part as a result of hermeneutical marginalization, at best ill-fitting concepts available to them with which to render this thing about themselves intelligible to *B*.³⁸

I have not yet fully substantiated this definition, since I have not yet examined the key notion of "hermeneutical marginalization". This is the task to which my next chapter is dedicated.

³⁸ This definition departs from Fricker's by including within it the causal mechanism by which hermeneutical marginalization contributes to the non-satisfaction of *A*'s transparency interest. I see no reason not to include this mechanism in the definition and at least one good reason to do so, namely that it helps us to get clear on what can be done to prevent hermeneutical injustices. For more on this see Ch.3.

Ch.2 Whose Hermeneutical Marginalization?

1. Introduction: The Membership Condition

In this chapter I finish off the project of putting the idea of hermeneutical injustice into better working order. In the last chapter I left one moving part in Fricker's account of hermeneutical injustice undiscussed, namely the role played by hermeneutical marginalization. It is to this that I now want to turn. My focus will be on a neglected question, namely whether being hindered from rendering something significant about oneself intelligible to someone can constitute a hermeneutical injustice only if it results at least in part from the hermeneutical marginalization of some group *to which one belongs*. Fricker leaves implicit in her most recent definition, but makes explicit elsewhere, that her answer to this question is *yes* (2013: 1319; 2015: 79). For instance, it is crucial for Fricker that Carmita Wood was hindered from rendering her experience of sexual harassment intelligible to the bureaucrat at least in part as a result of *women's* hermeneutical marginalization. Other contributors to the literature have not always given explicit answers to this question, but when they have done they have concurred with Fricker.³⁹ I think this has been a mistake. I will 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*.

If we combine the various clarifications and revisions argued for in the last chapter with Fricker's requirement that any victim of hermeneutical injustice be a member of the

³⁹ See e.g. Barnes (2016: 171); Romdenh-Romluc (2016: 597); Hull (2017: 582); Jenkins (2017: 197); Goetze (2018: 74); Catala (2019: 8); Cunliffe (2019: 173); Hänel (2021: 176); Goetze and Crerar (2022: 93); Falbo (2022: 345); Beverley (2022: 431); Luzzi (forthcoming).

relevant hermeneutically marginalized group, we get the following as a provisional definition of hermeneutical injustice:

A person *A* suffers a hermeneutical injustice iff: (i) *A* has an interest in something about themselves being intelligible to someone, *B*; (ii) this interest goes unsatisfied because *A* has, at least in part as a result of the hermeneutical marginalization of some group, at best ill-fitting concepts available to them with which to render this thing about themselves intelligible to *B*; (iii) *A* is a member of this hermeneutically marginalized group.

Call condition (iii) the *membership condition*. Since I think we ought to drop the membership condition, the definition of hermeneutical injustice which I will end up settling on is that a person *A* suffers a hermeneutical injustice iff conditions (i) and (ii) obtain.

In arguing that we ought to drop the membership condition, I will develop an account of hermeneutical injustice that differs from Fricker's in two further and important respects. The first concerns the distinction Fricker that draws between *systematic* and *incidental* hermeneutical injustices. Fricker offers the case of Carmita Wood 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 account 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 adopting this proposal helps us get clearer on what can be done to systematically prevent incidental hermeneutical injustices.

Second, the account of hermeneutical injustice I develop recognizes more people as victims of hermeneutical injustice than Fricker’s account does. Here it is relevant that on a roughly Aristotelian view moral goodness is necessary – though not sufficient – for human flourishing (Aristotle *NE* 1; Tessman 2005: 11). 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, then it seems to me we should also accept (*contra* Fricker) Laura Beeby’s suggestion that the professor who harassed Carmita Wood could at least potentially have been ‘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 make room for excusing 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 importantly 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 (Finlayson 2016: 8; Tessman 2005: 57).

I begin in §2 by setting out in greater detail what Fricker has to say about the role that hermeneutical marginalization plays in hermeneutical injustice, including what she has to say about what happens to Joe in *Enduring Love*. In §3 I argue that Fricker fails to convincingly account for what happens to Joe 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 have 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. I use this to 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

When Carmita Wood failed to render her experience of sexual harassment intelligible to the bureaucrat, the transparency interest she had in this experience being intelligible to him went unsatisfied. The non-satisfaction of an interest by definition is a harm (Fricker 2007: 162; Feinberg 1984: 33). Yet Fricker of course wants to say that Wood was not 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 transparency interest to go unsatisfied. It is here that Fricker claims hermeneutical marginalization has its role to play.⁴⁰ Call participation in those practices which generate

⁴⁰ I take Fricker's claim here to be that hermeneutical marginalization playing this role is sufficient for the non-satisfaction of Wood's transparency interest to be discriminatory or otherwise unfair. Kristie Dotson instead reads Fricker as claiming something stronger, namely that hermeneutical marginalization playing this role is necessary as well as sufficient for the non-satisfaction of Wood's transparency interest to be discriminatory or otherwise unfair (2012a: 41). Dotson takes this stronger claim to be implied by Fricker's decision to consider only two kinds of case: one in which the non-satisfaction of a person's transparency

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).⁴¹ 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).⁴²

We saw in the last chapter that had the concept SEXUAL HARASSMENT been available to her, Wood could well have been able to render what had happened to her intelligible to the bureaucrat. Fricker offers an at least partial explanation for why the concept SEXUAL HARASSMENT was not available to Wood that invokes three claims. The first is that women were at the time significantly hermeneutically marginalized (2007: 152). In other words, women were subordinated within and/or excluded from a range of

interest is at least in part a result of hermeneutical marginalization, and so is discriminatory or otherwise unfair; and one in which the non-satisfaction of a person's transparency interest is a result simply of bad luck, and so is merely harmful (see 2007: 152). It is true that Fricker does not consider any cases in which the non-satisfaction of a person's transparency interest is discriminatory or otherwise unfair for some reason other than its resulting at least in part from hermeneutical marginalization, nor does she explicitly rule in the possibility of cases of this sort. But at the same time, she does not explicitly rule out the possibility of cases of this sort either – hence my weaker reading. One reason other than its resulting at least in part from hermeneutical marginalization why the non-satisfaction of a person's transparency interest could be discriminatory or otherwise unfair is its resulting at least in part from what Gaile Pohlhaus calls *willful hermeneutical ignorance* (2012). Suppose that members of a hermeneutically marginalized group succeed in generating a concept that is well-fitting for the purpose of rendering something significant about themselves intelligible in spite of being hermeneutically marginalized. Someone would display willful hermeneutical ignorance if they sought to block the propagation of this well-fitting concept by actively refusing to take it up. If a person's transparency interest does go unsatisfied at least in part as a result of such willful hermeneutical ignorance, they instead suffer what Dotson calls a *contributory injustice* (2012a: 32). Much has been written about the ways in which hermeneutical injustice interacts with a particular sort of willful hermeneutical ignorance, namely what Charles Mills theorizes as *white ignorance* (1997; 2007). See for instance: Fricker (2012); Medina (2012); Mills (2013); Congdon (2015); Catala (2019); Berenstain (2020); Posey (2021); Piñeiro (2022).

⁴¹ One might think it odd that the arts are missing from this list – this will be relevant in §4. On this see also: Bacharach (2018); Cunliffe (2019); Wojtkiewicz (2023); Fraser (manuscript).

⁴² Fricker does not specify, but I take it the value missed out on here can be intrinsic and/or instrumental. An anonymous reviewer for *Episteme* thought it worth emphasizing at this point that hermeneutical marginalization is not something one can simply opt into (on this see 2007: 153).

hermeneutically powerful practices. Conversely, men 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).⁴³ The third is that it would not have served men at the time to generate and propagate a conceptualization of sex-based harassment in the workplace as SEXUAL HARASSMENT (2007: 151).⁴⁴ Fricker’s proposed explanation is thus that the concept SEXUAL HARASSMENT was not available to Wood at least in part because it was not in the interests of those best positioned to do so to generate and propagate a concept like SEXUAL HARASSMENT. Moreover, SEXUAL HARASSMENT is the most obvious candidate to have been a well-fitting concept for Wood to use for the purpose of rendering

⁴³ 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 do not 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. Note also that it is in making this claim that Fricker most clearly displays her debt to standpoint epistemology (for classic statements see Lukács 1971 and Hartsock 1983; for more on how standpoint epistemology illuminates various forms of epistemic oppression, see Toole 2019).

⁴⁴ Fricker thinks it obviously true that it would not 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 the concept SEXUAL HARASSMENT had not been generated and propagated by the time that Wood encountered the bureaucrat.

what had happened to her intelligible to the bureaucrat. As such, what Fricker provides here is a story according to which Wood had at best ill-fitting concepts available to her for the purpose of rendering what had happened to her intelligible to the bureaucrat at least in part as a result of women's hermeneutical marginalization.⁴⁵ 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 at least in part 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). At this point, Fricker adds in a complication to her account. 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 social 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; emphasis in the original). Fricker takes her

⁴⁵ Nora Berenstain points out that specifically Black women's hermeneutical marginalization might be particularly to blame, given that 'Black women have been experiencing and theorizing sexual harassment at the hands of employers since long before white women entered the workforce in droves and became vulnerable to workplace harassment themselves' (2020: 739; citing Davis 1983: 183). Moreover, 'white women's social position as white men's romantic partners and dependents has made them less likely to accurately identify white male harassing behavior as an intentional expression of power and domination [...] in part because they are structurally invested in believing that white men are generally decent people who respect them as human beings' (2020: 740).

paradigm example of an incidental hermeneutical injustice from Ian McEwan's novel *Enduring Love* (2007: 156-158). 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.' I understood that my grievance would have to be poured into the available bureaucratic mould. There was no facility refined enough to process every private narrative. Denied the release of complaint, I tried to take comfort in having my story assimilated into a recognisable public form. Parry's behaviour had to be generalised into a crime.

'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: 73-74)

What emerges from this conversation is that Joe’s conceptualization of Parry’s behaviour as an instance of HARASSMENT is ill-fitting for the purpose 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 is not doing any of these things, the officer concludes that Joe is not 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 is attempting to convert me” to “What he is doing is merely an expression of religious freedom”. Thus it seems that Joe is hindered from rendering Parry’s behaviour intelligible to the officer by having at best ill-fitting concepts available to him for this purpose. The transparency interest that Joe possesses in Parry’s stalking behaviour being intelligible to the officer consequently goes unsatisfied. In the novel, Parry’s behaviour escalates in the absence of police intervention, and culminates in a murder attempt.⁴⁶

⁴⁶ An abolitionist might worry that the police have here been naturalized as *the* solution to a problem like stalking. I hope in noting this worry to go some way towards blocking such a naturalization. Moreover, if abolitionism’s central claim is that the police ought to be *made* obsolete, then this is consistent with thinking

Fricker's intuition is that Joe was not merely harmed here but rather suffered an injustice (2007: 157).⁴⁷ 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, Joe having at best ill-fitting concepts available to him for the purpose of rendering Parry's behaviour intelligible to the officer '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 does not follow that Joe having at best ill-fitting concepts available to him for this purpose '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 belong to the group* whose hermeneutical marginalization it is that gives rise to the injustice.⁴⁸

that the police regrettably were not yet obsolete in Joe's time and place (for this reading of abolitionism's central claim, see e.g. Maher 2021).

⁴⁷ An anonymous reviewer for *Episteme* raised 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. My 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 would risk 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.

⁴⁸ This is an assumption which Fricker commits herself to more explicitly in later work, writing that hermeneutical injustice occurs when: 'a subject who is already hermeneutically marginalized (that is, they belong to a group which does not have access to equal participation in the generation of social meanings) is thereby put at an unfair disadvantage when it comes to making sense of a significant area of their social experience' (2013: 1319; see also 2015: 79).

This assumption appears as the third condition in the provisional definition of hermeneutical injustice laid out in the introduction, 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 failure of Joe’s attempt to render 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 is 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: 157-158). The idea seemingly is that it is unfair to be harmed as a result of one’s subordination within and/or exclusion from some hermeneutical practice which would have value for one.⁴⁹

As I show in §3, Fricker does not 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 is unjust about incidental hermeneutical injustices differently from how she explains what is 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

⁴⁹ 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.

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 seemingly supposed to befall them *qua* someone subordinated within and/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 want now to argue that Fricker's account is significantly flawed.

3. The Problem with Fricker's Picture

The main problem with Fricker's account is that it cannot properly account for Joe's case as an instance of hermeneutical injustice. In particular, it seems clear that Joe is not hermeneutically marginalized – as the account requires him to be. That Fricker's account cannot 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 give some novel reasons for arriving at the same conclusion. In the next section I 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: 157-158). 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 is not 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 hindered by his having at best ill-fitting concepts available to him for the purpose. 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 defines hermeneutical marginalization in terms of subordination within and/or exclusion from those 'practices' in which concepts are generated and propagated (2007: 153). Fricker gives as examples of such practices 'those sustained by professions such as journalism, politics, academia, and law' (2007: 152). Yet it is unclear what such practice the officer could be subordinating Joe within and/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 is not 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 us 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.⁵⁰ Yet the intuition that the harm which befalls Joe is unfair strikes me as a strong one, as it does a number of other contributors to the hermeneutical injustice literature (e.g. Beeby 2012: 14; Medina 2013: 106-107; Romdenh-Romluc 2016: 600; Berenstain 2020: 737; Jackson 2022: 292). As such, it is worth looking to see whether a different explanation can be found for why the harm which befalls Joe is unfair. In the next section, I show that an explanation can be given once the membership condition is dropped from our provisional definition 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 account is significantly flawed, she does not see any good way to repair it, and so leaves her readers in aporia (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 Joe having at best ill-fitting concepts available to him for the purpose of rendering Parry's

⁵⁰ For suggestions along these lines, see: Byskov (2021: 123), Hänel (2021: 176), and McGlynn (forthcoming). One anonymous reviewer for *Episteme* argued 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 but not suffering hermeneutical injustices (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.

behaviour intelligible to the officer can be traced back at least in part 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 did not offer a conceptualization of Parry's behaviour as STALKING to the officer.

Suppose Joe had claimed to the officer that Parry was stalking him. It seems plausible that the officer would have rejected such a claim.⁵¹ 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: 146-147). 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; emphasis

⁵¹ Making assessments of plausibility in relation to a fictional example is unavoidably somewhat awkward. If this bothers the reader they should simply pretend that the example is real rather than fictional.

in the original). 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 is a man” to “He is not being stalked”; “He is not a celebrity” to “He is not being stalked”; “His narrative does not conform to common horror movie tropes” to “He is not being stalked”; and “The alleged stalker has not shown any signs of being about to murder him” to “He is not being stalked”. The concept STALKING would then be an ill-fitting one for Joe, since if he had offered the officer a conceptualization of Parry’s behaviour as an instance of STALKING the officer would likely have rejected 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 (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 were not very much interested in understanding stalking as a real social problem – as indeed Kamir explicitly argues was true of the California legislature (2001: 175). 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 Joe to use for the purpose of rendering Parry’s behaviour intelligible to the officer at least in part as a result of women’s hermeneutical marginalization. Moreover, STALKING is the most obvious candidate to be a well-fitting concept for the purpose of rendering Parry’s behaviour intelligible to the officer.⁵² So the story is in fact one in which Joe had at best ill-fitting concepts available to him for this purpose at least in part as a result of women’s hermeneutical marginalization. As such, it is a story about Joe as a victim of patriarchy (compare Berenstain 2020: 737; Jackson 2022: 292).

This is not the only plausible story that could be told about this case – it could be supplemented with others. For instance, suppose the concept STALKING would have been ill-fitting for Joe to use for this purpose because the officer was liable to infer “He is not being stalked” from “He is a man, and so is the alleged stalker”. It would not 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

⁵² Especially since HARASSMENT turned out to be ill-fitting: see §2.

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 have cited in fact did during this period. For our purposes what is relevant about this possible supplementary story is that Joe again is not a member of the group to whose hermeneutical marginalization it appeals.

At this point someone could wonder whether the hermeneutical marginalization of stalking victims *as such* might not also have played a role in leaving Joe with at best ill-fitting concepts available to him for the purpose of rendering Parry's behaviour intelligible to the officer. 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 *as such* (2017: 197). And Joe himself is a victim of stalking; so were this to have played a role in leaving Joe with at best ill-fitting concepts available to him for the purpose of rendering Parry's behaviour intelligible to the officer, we could acknowledge him to be a victim of hermeneutical injustice without first dropping the membership condition.

A first point worth making in response is that the relative ease with which celebrity victims of stalking have contributed to the discourse on this issue would seem to suggest that victims of stalking have not in fact been hermeneutically marginalized just *as such*.

But the more important point to make is that whether the non-satisfaction of Joe's transparency interest was unfair does not seem to turn on whether the hermeneutical marginalization of stalking victims as such had a role to play. If the hermeneutical marginalization of women and/or the hermeneutical marginalization of gay men had a role to play then this it seems to me is sufficient for the non-satisfaction of Joe's transparency interest to have been unfair, the reason being that it is intuitively unfair to suffer *collateral damage* at least in part 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 befell Joe as a case of hermeneutical injustice. This constitutes a solution to the problem plaguing Fricker's account described 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 interviewed by a bureaucrat at the Department of Labor. Having at best ill-fitting concepts available to him for the purpose hinders Smith from rendering his boss's behaviour intelligible to this bureaucrat, who consequently denies Smith's application for unemployment benefits. If we agree that women's hermeneutical marginalization accounts at least in part for Wood having had at best ill-fitting concepts available to her for the purpose of rendering what happened to her intelligible to the bureaucrat, it seems likely that women's hermeneutical marginalization would account at least in part for Smith having had at best ill-fitting concepts available to him for the purpose of rendering

what happened to him intelligible to the bureaucrat.⁵³ In any case, let us simply stipulate that his having at best ill-fitting concepts available to him for this purpose resulted at least in part 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.⁵⁴ Yet we can do so only if we drop the membership condition.

Dropping the membership condition leaves us with the first two conditions of the provisional definition of hermeneutical injustice set out in the introduction to this chapter. My view is that these two conditions are individually necessary and jointly sufficient for someone to suffer a hermeneutical injustice. I will close out this section by considering an objection to this view. Someone could hold that one's transparency interest going unsatisfied at least in part as a result of the hermeneutical marginalization of some group

⁵³ It is not immediately obvious that women's hermeneutical marginalization goes *as far* in explaining Smith having had at best ill-fitting concepts available to him for this purpose as it does in explaining Wood having had at best ill-fitting concepts available to her for this purpose. In Ch.1 §7 I argued that SEXUAL HARASSMENT would have been a well-fitting concept for Wood to use for this purpose, and thus if women's hermeneutical marginalization at least partly explains why SEXUAL HARASSMENT was not available to Wood for this purpose then *ipso facto* it also at least partly explains why Wood had at best ill-fitting concepts available to her for this purpose. If women's hermeneutical marginalization at least partly explains why SEXUAL HARASSMENT was not available to Wood, then presumably it would also at least partly explain why SEXUAL HARASSMENT was not available to someone like Smith. Yet we cannot assume that just because SEXUAL HARASSMENT would have been a well-fitting concept for Wood to use for the purpose of rendering what had happened to her intelligible to the bureaucrat, it would also have been a well-fitting concept for Smith to use for the purpose of rendering what had happened to him intelligible to the bureaucrat. For we can imagine the bureaucrat being liable to infer "He was not a victim of sexual harassment" from "He is a man". SEXUAL HARASSMENT would then be ill-fitting for Smith, but not necessarily for Wood. So more would need to be said if we wanted to show that women's hermeneutical marginalization goes as far in explaining Smith having had at best ill-fitting concepts available to him. It seems to me that this more can in fact be said, since feminist jurisprudence has proved more than 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 had the chance to generate and propagate such jurisprudence. But this is just a suggestion; nothing in my argument relies on it.

⁵⁴ 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 provides an additional response to those who would deny that Joe suffers a hermeneutical injustice.

to which one does not belong is sometimes unfair – but not always. Such a person could well share my intuitions that Smith and Joe suffered hermeneutical injustices. Still, in their view the first two conditions of the provisional definition are not jointly sufficient for a hermeneutical injustice to occur. Their motivating thought is that whether it is unfair for one's transparency interest to go unsatisfied depends in part on whether or not 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 was not a victim of hermeneutical injustice after all. Someone persuaded of this view would say that the non-satisfaction of Joe's transparency interest 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 accepted this view, we would need to add an extra condition to our definition of hermeneutical injustice specifying that the wronged party is not complicit in the hermeneutical marginalization of the relevant group.

Though I feel the pull of this view, I am 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 transparency interest. And in fact I think we should deny this latter claim. For one thing, it is hard to imagine how Joe's transparency interest going unsatisfied could play much of a useful role in holding him to account. For another, the failure 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, much of

the attraction of the claim that Joe would then only be getting his just deserts seems to me to stem 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 transparency interests 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 transparency interests 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 transparency interest would be an instance of collateral damage and not of just deserts. Hence my view that the first two conditions of the provisional definition set out in the introduction are individually necessary and jointly sufficient for someone to suffer a hermeneutical injustice.

5. Rethinking the Systematic/Incidental Distinction

If we accept that it was the hermeneutical marginalization of women and/or gay men that at least in part accounts for Joe having had at best ill-fitting concepts available to him for the purpose of rendering Parry's behaviour intelligible to the officer, then we will need to rethink the distinction Fricker draws 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 are 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 have suggested that it was at least in part women's and/or gay men's hermeneutical marginalization which gave rise to the hermeneutical injustice suffered by Joe. Both women's and gay men's hermeneutical marginalization are obviously symptomatic of a broader relative social powerlessness. Thus the hermeneutical marginalization which gave rise to the hermeneutical injustice suffered by Joe *was* symptomatic of a broader relative social powerlessness – just not that of a group to which Joe himself belonged. Yet what befell Joe was supposed to be an incidental hermeneutical injustice.

Fricker comes much closer to capturing what is 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 have tried to suggest something like this idea already, in describing the non-satisfaction of Joe's transparency interest as an instance of collateral damage. What is incidental about a case like Joe's, then, is not that the hermeneutical marginalization which gives rise to it is not symptomatic of a broader relative social powerlessness. Indeed, I am sceptical that there is any instance of hermeneutical marginalization which is not in some way symptomatic of a broader relative social powerlessness. Rather, what is incidental about a case like Joe's is that he is not himself a member of the relevant relatively socially powerless group – he is not 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.

It also helps us to get clear on what can be done to prevent incidental hermeneutical injustices. On Fricker's account, incidental hermeneutical injustices result from 'one-off moment[s] of powerlessness' and hence are more-or-less unpredictable (2007: 156). Thus it is hard to imagine there being any way to systematically prevent them. By contrast, on my account both incidental and systematic hermeneutical injustices result from the hermeneutical marginalization of the same groups – for instance, women or gay men. Hence both incidental and systematic hermeneutical injustices can be systematically prevented by diminishing and eventually eliminating the hermeneutical marginalization of the same groups. In pursuing this two-birds-with-one-stone strategy we can keep 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 participate in patterns of oppression. An upshot is that on my account we can be somewhat more optimistic about our prospects for eventually eliminating incidental hermeneutical injustices than we can be on Fricker's.

6. Hermeneutical Injustices Are Likely More Widespread Than Fricker Realizes

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 account, Smith could not have suffered a hermeneutical injustice because he would not himself have been a member of the relevant hermeneutically marginalized group(s). On my account, by contrast, Smith would have suffered a hermeneutical injustice. Since this accords with what I expect will be a widely shared intuition about the case, I take this to be an advantage of my revisionist account. Moreover, Fricker in *Epistemic Injustice* makes the important point that 'injustice is a

normal social baseline' and that the long tradition of Western political philosophy is in part to blame for leading us 'to think falsely of justice as the norm and injustice as the aberration' (2007: 39; citing Shklar 1990: 17). As such, I take my claim that hermeneutical injustices are likely somewhat more common than Fricker realizes in fact to be very much in the spirit of her book.

An anonymous reviewer for *Episteme* worried that if hermeneutical injustices were indeed somewhat more common than Fricker realizes then this would imply it was more difficult to do anything about them. Yet the additional hermeneutical injustices that I think Fricker likely misses are all of the incidental variety; and as I pointed out above, we can in fact be more optimistic about eventually eliminating hermeneutical injustices of this sort on my account than we can be on Fricker's. Just as importantly, suppose for the sake of argument that some of the additional hermeneutical injustices that I think Fricker likely misses did for some reason prove particularly difficult to do anything about. It seems to me that acknowledging both these additional injustices and the difficulty in doing anything about them would be preferable to failing to acknowledge them in the first place – not least because acknowledging injustices is also a way of acknowledging the victims of those injustices (see also Dotson 2012a: 37).

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 cannot 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 does not stand up as a reason for thinking that the professor cannot possibly have been a victim of hermeneutical injustice. Second is that the professor did not have a transparency interest in it being

intelligible to him that he was seriously wronging Wood (2007: 151). On this point I disagree, though in a way I recognize not everyone will accept.⁵⁵ I find intuitive the Aristotelian idea that a person being morally good is necessary – though not sufficient – for them to flourish in any meaningful sense (*NE* 1).⁵⁶ In her ethically rich book *Burdened Virtues: Virtue Ethics for Liberatory Struggles*, Lisa Tessman writes that when a man ‘sexually harass[es] or discriminate[s] against women in the workplace’ then this ought to be seen as ‘detracting from his own well-being’ (2005: 55), and I agree. Moreover, it not being intelligible to a person that they are seriously wronging someone is a significant barrier to their achieving moral goodness. Thus I think that the professor *did* have a transparency interest in it being intelligible to him that he was seriously wronging Wood – call this a *moral* transparency interest.

For these reasons 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 am sceptical. If it really was not intelligible to him that he was seriously wronging Wood; if this was due to his having at best ill-fitting concepts available to him with which to render this intelligible

⁵⁵ For someone who disagrees, see Feinberg (1984: 66). Since not everyone will accept the Aristotelian idea on which I rely in what follows, there is room to accept what I have argued for in §§1-5 and reject what I argue for in the remainder of this section.

⁵⁶ Several other contributors to the literature on hermeneutical injustice would seem at least implicitly to agree (e.g. Beeby 2011: 483; Hänel 2021: 176). Moreover, Fricker herself in a later paper changes tack and acknowledges that were it not intelligible to the professor that he was seriously wronging Wood then this would be ‘morally bad’ for him (2016: 174). In that paper Fricker gives a different reason for thinking that the professor could not possibly have suffered a hermeneutical injustice, namely that were it not intelligible to the professor that he was seriously wronging Wood then this would have played ‘more generally to [his] social advantage’ (2016: 174). But what matters for the purposes of assessing whether the professor could possibly have suffered a hermeneutical injustice is whether he possessed a transparency interest in it being intelligible to him that he was seriously wronging Wood, not whether this being intelligible to him was *overall* in his interests. In any case, it is far from obvious to me that whatever interests the professor possessed in accruing ‘social advantage’ would have carried greater weight than the moral transparency interest I take him to have possessed. Furthermore, maintaining as Fricker does that whatever interests he may have possessed in accruing ‘social advantage’ would have carried greater weight appears incompatible with maintaining what I refer to below as the feminist claim that patriarchy is bad for men as well as for women.

to himself; and if his having at best ill-fitting concepts available to him was at least in part a result of hermeneutical marginalization; then I would say that he indeed suffered a hermeneutical injustice. Yet there is little in Brownmiller's account of the matter to suggest that it was not intelligible to the professor he was seriously wronging Wood (1999: 280-281; likewise the account given in Strebeigh 2009: 220-223). More to the point, Nora Berenstain has pointed out that 'Wood's harasser had in fact tried to keep Wood from being hired in the first place and had waged a public campaign against her after his efforts failed' (2020: 741). This strongly suggests that his sexually harassing her was an attempt at 'retaliation specifically intended to put her in her place' (2020: 741). For this reason, it seems likely to me that it was in fact intelligible to the professor that he was seriously wronging Wood.⁵⁷ Hence I am inclined to think that he probably did not suffer a hermeneutical injustice. But unlike Fricker, I am inclined to do so for an *a posteriori*, rather than an *a priori*, reason.

In allowing for the *possibility* that the professor might have been both a perpetrator of sexual harassment and a victim of hermeneutical injustice, I do not mean to make any room for excusing his behaviour.⁵⁸ Nor do I mean to make any room for engaging in what Kate Manne calls *himpathy*, which paradigmatically takes the form of showing 'excessive sympathy [...] toward male perpetrators of sexual violence' (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.⁵⁹ Tessman talks of *moral damage* occurring when the 'unconducive conditions of oppression' hinder someone from

⁵⁷ *Contra* Fricker (2006: 97; 2007: 151; 2016: 174).

⁵⁸ Nor, of course, does Beeby (2011: 484). For an argument to the effect that being a victim of injustice need not excuse consequent behaviour, see Young (2013: 17-20).

⁵⁹ 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' (2016: 8). A similar thought is expressed in bell hooks's insistence that '[f]eminism is for everybody' (2000: 118).

cultivating a morally good self (2005: 4). Being hermeneutically marginalized is one way in which a group can be oppressed.⁶⁰ And it not being intelligible to a person that they are seriously wronging someone is a significant barrier to their cultivating a morally good self. Thus if women's hermeneutical marginalization *had* resulted in it not being intelligible to the professor that he was seriously wronging Wood, this would have been an instance of moral damage. Allowing for the possibility that the professor might have been a victim of hermeneutical injustice commits us to thinking that his being morally damaged in this way would have been not merely harmful but wrongful. Yet this need not diminish our determination to condemn him as a perpetrator of sexual harassment and so as 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).⁶¹

7. Conclusion: A Tool in Better Working Order

Until now, it is been commonly assumed in the literature that anyone who suffers a hermeneutical injustice must themselves be a member of the relevant hermeneutically marginalized group. I have argued in this chapter for dropping this assumption primarily on the grounds that only by doing so can we make sense of the paradigm case of hermeneutical injustice that Fricker takes from McEwan's *Enduring Love*. I have also drawn out the implications that dropping this assumption has for how we should think about the distinction that Fricker draws between systematic and incidental hermeneutical

⁶⁰ Assuming Iris Marion Young's influential account of marginalization in general as a face of oppression (1990: 53-5).

⁶¹ In a later paper Fricker cites as an additional reason for denying the possibility of the professor having suffered a hermeneutical injustice that 'injustice is above all a protest concept' (2012: 53). What I am suggesting here is that it is precisely in part because INJUSTICE is above all a 'protest concept' that we should allow for, rather than deny, the possibility of the professor having suffered a hermeneutical injustice.

injustices, and for whom we should acknowledge as at least potential victims of hermeneutical injustices.

I said in the introduction to this chapter that if we combined the various clarifications and revisions argued for in the last chapter with the requirement that anyone who suffers a hermeneutical injustice must themselves be a member of the relevant hermeneutically marginalized group, we would arrive at the following as a provisional definition of hermeneutical injustice:

A person *A* suffers a hermeneutical injustice iff: (i) *A* has an interest in something about themselves being intelligible to someone, *B*; (ii) this interest goes unsatisfied because *A* has, at least in part as a result of the hermeneutical marginalization of some group, at best ill-fitting concepts available to them with which to render this thing about themselves intelligible to *B*; (iii) *A* is a member of this hermeneutically marginalized group.

I have argued in this chapter for dropping condition (iii). Thus as previewed in the conclusion to Ch.1, my final view is that a person *A* suffers a hermeneutical injustice iff both conditions (i) and (ii) obtain. In the introduction to this thesis, I quoted Fricker saying that what she 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’ (2017: 56). My hope is that with this new definition I have succeeded in putting this tool into better working order. Having gotten clear on what it means to suffer a hermeneutical injustice, we are now in a position to consider what can be done to prevent injustices of this sort. It is to this question that I turn next.

Ch.3 Preventing Hermeneutical Injustices in Gender-Affirming

Healthcare

*The problem may not be always or only how to better
understand each other (and ourselves)*

- Adam Phillips, *Going Sane* (2006: 172)

HAROLD GARFINKEL: How do you justify your lies?

AGNES: How do you justify your questions?

- Chase Joynt dir., *Framing Agnes* (2022)

1. Introduction: Two Sorts of Strategy for Preventing Hermeneutical Injustices

I began in §5 of the last chapter to consider what can be done to prevent hermeneutical injustices. In this chapter I give this question a much fuller treatment. There are, I propose, two basic sorts of strategy for preventing hermeneutical injustices. Strategies of the first sort aim at enabling people to satisfy their transparency interests. Since these strategies take people's possession of their transparency interests for granted, I propose to call them *interests-as-given* strategies. The various strategies for preventing hermeneutical injustices previously proposed in the literature – such as the generation of new well-fitting concepts through consciousness-raising and the cultivation of the virtue of hermeneutical justice – are all of this sort. Strategies of the second sort aim instead at doing away with certain of people's transparency interests, and so with the possibility of these interests' unfair non-satisfaction. Since strategies of this sort refuse to take for granted people's

possession of at least some of their transparency interests, I propose to call them *interests-in-question* strategies. Generally speaking, strategies of this second sort are more materialist in spirit than strategies of the first sort.⁶² The idea is to rearrange the world in such a way that it no longer makes a difference to someone whether or not something about them is intelligible to them and/or to someone else.

Over the course of the last two chapters, I argued that a person *A* suffers a hermeneutical injustice iff: (i) *A* has a transparency interest in something about themselves being intelligible to a person *B*; and (ii) this interest goes unsatisfied because, at least in part as a result of the hermeneutical marginalization of some group, *A* has at best ill-fitting concepts available to them with which to render this thing about themselves intelligible to *B*. Interests-as-given strategies, we can say, allow condition (i) to obtain and aim to prevent condition (ii) from obtaining. Interests-in-question strategies, by contrast, aim to prevent condition (i) from obtaining, in which case trivially condition (ii) will not obtain either.⁶³

As a case study in when an interests-in-question strategy ought to be pursued, I look at how to prevent hermeneutical injustices arising in the context of gender-affirming healthcare as provided to adults by the National Health Service (NHS) in the UK.⁶⁴ In

⁶² I say “generally speaking” because there is one interests-as-given strategy that is somewhat materialist in spirit, namely diminishing and eventually eliminating hermeneutical marginalization – see §2a.

⁶³ Recall Fricker’s own most recent definition of 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). It is notable that Fricker here leaves the victim’s possession of a transparency interest implicit in talk of their social experience being ‘significant’ (see Ch.1 §3). That Fricker herself leaves the victim’s possession of a transparency interest implicit in her definition of hermeneutical injustice may go some way to explaining why the possibility of pursuing interests-in-question strategies to prevent hermeneutical injustices has not previously been noticed.

⁶⁴ The scope of my discussion is thus limited in at least three ways. First, I am not here concerned with trans healthcare understood more broadly (cf. Freeman and Stewart 2022). Second, I am not here concerned with privately provided gender-affirming healthcare. On the one hand, hermeneutical injustices like those I describe in §3 are less common in the context of private provision. For instance, ‘non-binary diversity has historically been more widely recognized among private practitioners’ (Pearce 2018: 73). Consequently,

addition to serving as a proof of concept for interests-in-question strategies, this case study will cast some light on the epistemic dimensions of trans oppression. Under the existing gatekeeping model, the NHS makes access to gender-affirming healthcare contingent on any given person's need for that care being intelligible to multiple doctors – so providing them with a transparency interest that they might not otherwise have. It turns out that trans patients sometimes find themselves unfairly hindered from rendering their needs in this regard intelligible to the relevant doctors, and so from satisfying these interests. An interests-in-question strategy ought to be pursued to prevent these hermeneutical injustices, I argue, because considerations of trust, privacy, and respect all indicate that the NHS ought not to be giving trans patients these interests in the first place. The most obvious such strategy would consist in replacing the existing gatekeeping model with an informed consent model. Under the latter model, all that a well-informed person capable of consent would have to do to access gender-affirming healthcare would be to ask for it. This would mean doing away with that person's transparency interest in their need for gender-affirming healthcare being intelligible to multiple doctors, and so with the possibility of that interest's unfair non-satisfaction. In this way, considerations of hermeneutical justice turn out to support a radical overhaul of the way in which the UK's publicly-funded healthcare system provides gender-affirming healthcare.

I begin in §2 by surveying the strategies previously proposed for preventing hermeneutical injustices, contrasting these with an example of an interests-in-question

hermeneutical injustices like the one I describe in §3c as befalling Reubs J Walsh are less common in the context of privately provided gender-affirming healthcare. On the other hand, private provision for most trans people is prohibitively expensive and as a result a majority of those who access gender-affirming healthcare in the UK do so at least in part on the NHS (Pearce 2018: 72). Hence the focus on NHS provision. Third, I am not here concerned with gender-affirming healthcare for children and adolescents. For one thing, gender-affirming healthcare for children and adolescents raises additional questions around informed consent which I cannot do justice to here (cf. Ashley 2022a and 2023). For another, NHS provision of gender-affirming healthcare for children and adolescents is currently in flux following the publication of the Cass Report, and its future is in many respects unclear (Gregory 2022).

strategy, and offering some preliminary considerations as to when each sort of strategy is appropriately pursued. In §3 I turn to my case study of gender-affirming healthcare as provided by the NHS, offering three real-life examples of hermeneutical injustices arising in that context. In §4 I make the case for pursuing an interests-in-question strategy to prevent such injustices, and show how replacing the gatekeeping model with an informed consent model would fit the bill in this regard. In §5 I conclude by considering how to respond to two criticisms of the hermeneutical injustice literature in light of the foregoing arguments.

2. Comparing the Two Sorts of Strategy

In this section I do three things. First, I survey the various interests-as-given strategies previously proposed in the literature. Second, I contrast these with an example of an interests-in-question strategy. Third, I offer some preliminary thoughts on when it is appropriate to pursue each sort of strategy.

a. Interests-as-Given Strategies

Condition (ii) will not obtain if *A* has well-fitting concepts available to them with which to render the relevant thing about themselves intelligible to *B*. For instance, Carmita Wood would not have suffered a hermeneutical injustice if she had had a well-fitting concept like SEXUAL HARASSMENT available to her with which to render the professor's behaviour intelligible to the bureaucrat. With this in mind, most of the strategies previously proposed in the literature aim at generating and propagating new well-fitting concepts and/or at making existing concepts better-fitting.

For instance, Fricker implicitly endorses consciousness-raising in combination with political activism as a strategy for generating and propagating new well-fitting concepts

(2007: 150-151; more explicitly Hull 2017: 585).⁶⁵ In consciousness-raising as it was practiced during the second wave, ‘women met in small groups to discuss and better understand experiences of gender oppression which they often had not previously recognised as such’ (Finlayson 2016: 22). Frequently, this involved generating new well-fitting conceptualizations of that oppression. That is exactly what happened when someone in Lin Farley’s consciousness-raising group at Cornell came up with a conceptualization of the behaviour to which Carmita Wood had been subjected as SEXUAL HARASSMENT. Members of the group then held a speak-out, advertised on posters as a speak-out against *sexual harassment* (Brownmiller 1999: 281). Such activism served to propagate the newly-generated well-fitting concept SEXUAL HARASSMENT. A number of proposed strategies aim at making existing concepts better-fitting. One such strategy is the practice of pride, understood as ‘the politically motivated celebration of difference’ (Barnes 2016: 181). For instance, it is common in our ableist society for able-bodied people to think it a tragedy to be disabled (Barnes 2016: 176). They are liable to infer things like “if she is flourishing, it must be in spite of her disability” and “she must be hoping for a cure” from “she is disabled” (Barnes 2016: 171; see also Clare 2017). If a disabled person in fact does not hope for a cure and is flourishing in part *because* she is disabled, the concept DISABILITY will be ill-fitting for the purpose of rendering her disability intelligible to able-bodied people liable to draw such inferences. Elizabeth Barnes suggests that the practice of disability pride aims among other things at making DISABILITY a better-fitting concept for this purpose (2016: 183). The idea is for disabled people to display to able-bodied people who think it a tragedy to be disabled that in fact they consider their disabilities worthy of celebration.⁶⁶ It has likely never before

⁶⁵ For some possible limitations to this strategy see Elling (2022: 270-275).

⁶⁶ In doing so they provide what José Medina calls *epistemic friction*, forcing able-bodied people who think it a tragedy to be disabled ‘to be self-critical, to compare and contrast [their] beliefs, to meet justificatory

occurred to many such able-bodied people that anyone could consider a disability worthy of celebration. Yet now they are confronted by people in an excellent position to know whether or not at least some disabilities are worthy of celebration who *do* consider their disabilities so worthy. The hope is that, forced to take this possibility seriously for the first time and conscious of disabled people's epistemic authority over the matter at hand, they will be won round to the idea that at least some disabilities are worthy of celebration. Nothing worthy of celebration straightforwardly inhibits flourishing or stands in need of a cure. Thus able-bodied people won round to the idea that at least some disabilities are worthy of celebration will cease to be liable to infer "if she is flourishing, it must be in spite of her disability" and "she must be hoping for a cure" from "she is disabled". Suppose the disabled person who does not hope for a cure and is flourishing in part because she is disabled wants to render her disability intelligible to an able-bodied person newly won round to the idea that at least some disabilities are worthy of celebration. The concept **DISABILITY** will now be better-fitting for this purpose.

We can think of education as another such strategy.⁶⁷ For instance, it is common under heteropatriarchy for people to believe various insidious myths about rape, such as that victims of rape always physically resist. They are liable to infer "she was not raped" from claims like "she did not physically resist" (Jenkins 2017: 192; for further discussion see Jenkins 2021; Hänel 2022). If a victim of rape did not physically resist, the concept **RAPE** will be ill-fitting for the purpose of rendering what she went through intelligible to anyone liable to draw such an inference. One way to make **RAPE** a better-fitting concept for this purpose, Katharine Jenkins suggests, is to educate people about rape myths. This would

demands, [and] to recognize cognitive gaps' (2013: 50; see also Dickson 2021: 213). In coining the term Medina has in mind a passage from Wittgenstein's *Philosophical Investigations*: 'We want to walk: so we need *friction*. Back to the rough ground!' (2009: §107; emphasis in the original).

⁶⁷ On this see also Elzinga (2018), Catala (2019: 21), and Johnson (2019: 255).

mean doing things like teaching jurors about rape myths at the start of trials, incorporating material on rape myths into high school sex-ed curricula, and running advertising campaigns to reach the general public (2017: 201-202). The idea is once people learn that the rape myths to which they currently subscribe are false, they will cease to be liable to infer “she was not raped” from things like “she did not physically resist”. Suppose the victim of rape who did not physically resist wants to render what she went through intelligible to someone who has learnt it is a myth that victims of rape always physically resist. The concept RAPE will now be better-fitting for this purpose.

One proposed strategy aims both at generating and propagating new well-fitting concepts and at making existing concepts better-fitting. This is diminishing and eventually eliminating hermeneutical marginalization (McCollum 2012: 196; Fricker 2016: 175; Romdenh-Romluc 2017: 12; Sarmaržija and Cerovac 2021: 623; Goetze and Crerar 2022: 100). Participation in hermeneutically powerful practices is an important means both of generating and propagating new well-fitting concepts and of making existing concepts better-fitting. For instance, feminist participation in academia has generated many new well-fitting concepts – HERMENEUTICAL INJUSTICE among them (Langton 2010: 463; Lobb 2018: 4). Feminist participation in the law has helped to propagate the well-fitting concept SEXUAL HARASSMENT (MacKinnon 1987: 103-104; Strebeigh 2009: Chs.14-20). And feminist participation in politics has helped to make the concept RAPE better-fitting (Jenkins 2017: 197). Hermeneutical marginalization inhibits a group’s access to this important means both of generating and propagating new well-fitting concepts and of making existing concepts better-fitting. This matters because in general it is members of the group who will be most concerned to ensure that there are well-fitting concepts available with which to render intelligible significant things about *them* (Fricker 2007: 152-153). Diminishing and eventually eliminating the group’s hermeneutical

marginalization would give members of the group greater access to an important means of making available well-fitting concepts with which to render intelligible significant things about them. There are a great many ways to go about trying to diminish a group's hermeneutical marginalization. For instance, putting together all-female shortlists when selecting electoral candidates, citing female scholars when doing academic research, and enforcing sexual harassment law are all ways to go about trying to diminish women's hermeneutical marginalization.⁶⁸

What Kamili Posey calls creating an 'evolving epistemic framework' can be thought of as an interests-as-given strategy that consists in diminishing hermeneutical marginalization on a temporary basis (2021: 85). The idea is for sympathetic members of hermeneutically dominant groups to temporarily lend the platforms afforded to them by their positions within hermeneutically powerful practices to members of hermeneutically marginalized groups, so once again providing them with greater access to an important means of making available well-fitting concepts with which to render intelligible significant things about them. Posey's central example concerns the anti-gun-violence group Never Again, which is run by a group of mostly white survivors of the 2018 mass shooting at Marjory Stoneman Douglas High School in Parkland, Florida (2021: 85). The mostly white activists who run Never Again are conscious that in the minds of many white people, white survivors of gun violence are 'understood as *victims* of violent and unjust social experiences' while Black survivors of gun violence are 'understood as *thugs* who were, in some important sense, responsible for bringing violent social experiences upon themselves' (2021: 86). In response, the activists who run Never Again frequently lend their substantial platforms both on social media and in the mainstream media to anti-gun-

⁶⁸ One of the functions of sexual harassment being to 'maintain the most highly rewarded forms of work as domains of masculine competence' (Schultz 1998: 1755) – including work in those professions sustaining the most hermeneutically powerful practices.

violence activist groups run by people of colour, such as the Chicago-based Peace Warriors (2021: 86). The idea is to provide these activists of colour with an important means of making a concept like VICTIM better-fitting for the purposes of rendering their experiences of gun violence intelligible to a white audience.⁶⁹

Finally, one previously proposed interests-as-given strategy aims neither at generating and propagating new well-fitting concepts nor at making existing concepts better-fitting. This is the cultivation of what Fricker calls the *virtue of hermeneutical justice* (2007: 169-175). The idea is to enable *A* to render the relevant thing about themselves intelligible to *B* in spite of having at best ill-fitting concepts available to them with which to do so. Imagine a scenario in which *A* attempts to render this thing about themselves intelligible to *B* but struggles to do so because they have at best ill-fitting concepts available to them. *B* displays the virtue of hermeneutical justice if they are sensitive to the possibility that having at best ill-fitting concepts available to them explains *A*'s struggles to render this thing about themselves intelligible, and adjusts their credence in what *A* has to say accordingly (2007: 169-170). For instance, suppose Carmita Wood had given the bureaucrat a bare description of how the professor had behaved towards her and then asserted the normative upshot "I was seriously wronged and so deserve to be paid unemployment benefits". In the absence of a well-fitting concept like SEXUAL HARASSMENT to mediate the inference from the bare description to the normative upshot, the bureaucrat might well have failed to see that the normative upshot followed from the bare description (Fraser 2018: 738). Still, he could have been sensitive to the possibility that Wood having at best ill-fitting concepts available to her explained his failure to see that the normative upshot followed from the bare description, and increased

⁶⁹ For a number of different ways in which pursuing this strategy might go wrong, see: Ivy (2017); Táíwò (2022: Ch.3); and Bright (2023: 209-210).

his credence in the normative upshot accordingly. Doing so would have displayed the virtue of hermeneutical justice. In this way Wood's transparency interest in what she went through being intelligible to the bureaucrat could have been satisfied in spite of the lack of well-fitting concepts available to her.

One problem with the strategy of cultivating the virtue of hermeneutical justice is that there are plenty of cases of hermeneutical injustice in which it seemingly will not get purchase. For instance, recall what actually happened in Wood's case. Deterred by having at best ill-fitting concepts available to her, Wood said only that her reasons for quitting her job had been 'personal'. In other words, she did not even attempt to render what had happened to her intelligible to the bureaucrat. (In Ch.1 §4 I described this as an instance of *hermeneutical smothering*.) As a result, it is hard to see how the bureaucrat possessing the virtue of hermeneutical justice could have helped. For this reason the cultivation of the virtue of hermeneutical justice would appear to be a somewhat limited strategy for preventing hermeneutical injustices.⁷⁰ Still, it is possible to imagine it being helpful at the margins.

b. An Example of an Interests-in-Question Strategy

We have seen that the various strategies for preventing hermeneutical injustices previously proposed are all of the same basic sort. They all allow condition (i) to obtain and aim to prevent condition (ii) from obtaining. The idea I want to explore is that it is possible to pursue a different basic sort of strategy, aimed instead at preventing condition

⁷⁰ For further criticisms of Fricker's virtue-based approach to preventing epistemic injustices, see: Alcoff (2010: 132), Langton (2010: 462-463), Anderson (2012: 167-168), Saul (2017: 240-241), Doan (2018: *passim*), Pohlhaus (2020: 233-234), Posey (2021: Chs.1 and 5), and Samaržija and Cerovac (2021: *passim*). For a defence of Fricker's approach, see Madva (2019). For more demanding versions of the virtue of hermeneutical justice, see Goetze (2018: 85-86) and Beverley (2022: 439-449).

(i) from obtaining. To get a sense of what such interests-in-question strategies could look like, consider again the case of Carmita Wood. Wood had a transparency interest in what she had gone through being intelligible to the bureaucrat. Yet that she had this interest was a result of the particular way in which the welfare system was set up, nothing more. After all, no one who had resigned from their job could access unemployment benefits unless they had what the Department of Labor could recognize as a good reason for quitting. This rule made access to the income Wood needed to get by contingent on what she had gone through being intelligible to the bureaucrat. Yet suppose this system were to have been replaced with a suitably generous scheme of universal basic income.⁷¹ Access to the income Wood needed to get by would then not have been contingent on what she had gone through being intelligible to the bureaucrat. It seems obvious that in these circumstances Wood would not have had a transparency interest in what she had gone through being intelligible to *him*, a random Department of Labor bureaucrat. Thus we can think of the implementation of a suitably generous scheme of universal basic

⁷¹ There is a comparison to be made here with the case Foucault makes in his lectures on *The Birth of Biopolitics* for the implementation of a guaranteed minimum income in the form of a negative income tax (2008: 203-206). As Mitchell Dean and Daniel Zamora explain in their recent book on this phase of Foucault's career: 'the negative income tax system, since it guarantees a floor of income, has none of the effects of normalization, discrimination or social control that the old social institutions could have. It was precisely this *non-selectivity in the criteria* that would appeal to Foucault' (2021: 62; my emphasis; see similarly Goodin 1992). Moreover, there is a broader Foucauldian inspiration for this chapter. In the second volume of his *History of Sexuality*, Foucault describes his project as a genealogical inquiry into 'how people were led to practice, on themselves and on others, a hermeneutics of desire' (1992: 5). The stories I tell in this chapter about how people have come to possess various transparency interests can likewise be understood as genealogies of how people have been led to practice a variety of hermeneutics on themselves and on others. In taking people's possession of their transparency interests for granted, the hermeneutical injustice literature has in effect treated their possession of these interests as 'without history' (Foucault 1984a: 76). Realizing that people's possession of at least some of these interests is not in fact without history is a first step towards realizing that it is in fact possible to pursue interests-in-question strategies to prevent at least some hermeneutical injustices. In light of the relevance of Foucault's work to thinking through how best to prevent hermeneutical injustices, it is ironic that what Fricker 'hoped for from the concept of epistemic injustice and its cognates was to mark out a delimited space in which to observe some key intersections of knowledge and power at one remove from the long shadows of both Marx and Foucault' (2017: 56; see also 2000). Cf. Lorenzini (2022).

income as an interests-in-question strategy for preventing hermeneutical injustices like the one suffered by Carmita Wood.

c. When Ought Each Sort of Strategy to Be Pursued?

If there are two basic sorts of strategy for preventing hermeneutical injustices, the obvious question to ask is: when ought each sort of strategy to be pursued? The first thing to say is that there are usually good reasons to pursue interests-as-given strategies. Hermeneutical marginalization is bad in and of itself, which is a good reason to diminish and eventually eliminate it (Romdenh-Romluc 2017: 12). There are countless situations in which having concepts available that are well-fitting for the purposes of rendering various things about oneself intelligible could turn out to be useful, which is a good reason to generate and propagate new well-fitting concepts and/or make existing concepts better-fitting for this purpose. And generally speaking it would be a good thing if people became more sensitive to the possibility that an interlocutor was struggling to render something significant about themselves intelligible due to having at best ill-fitting concepts available to them, which is a good reason to cultivate the virtue of hermeneutical justice. What has not so often been previously argued is that there are also sometimes good reasons *not* to pursue certain interests-as-given strategies. Further discussion of this point will have to wait until the next chapter (§4).

The second thing to say is that interests-in-question strategies cannot be pursued to prevent every case of hermeneutical injustice. Rather, pursuing strategies of this sort can only be pursued to prevent those cases of hermeneutical injustice in which *A*'s transparency interest is in intelligibility as a merely extrinsic good. As discussed in Ch.1 (§3b), Wood plausibly possessed her transparency interest only because her experience of sexual harassment being intelligible to the bureaucrat would have enabled her to

receive the income she needed to get by. But not every case of hermeneutical injustice is like this. Again as discussed in Ch.1 (§3b), Sanford plausibly possessed her transparency interest at least in part because her postpartum depression being intelligible to her would have been intrinsically valuable. If this is right then an interests-in-question strategy could have been pursued to prevent the hermeneutical injustice suffered by Wood but not the hermeneutical injustice suffered by Sanford.

To see when interests-in-question strategies might be worth pursuing, it will be useful to look at a case study. Thus in the next two sections I argue for pursuing an interests-in-question strategy to prevent hermeneutical injustices arising in the context of gender-affirming healthcare, as it is currently provided to adults by the UK's National Health Service. In the next section I outline the gatekeeping model under which the NHS currently provides this care and argue that trans people are significantly hermeneutically marginalized. I then give three real-life examples of hermeneutical injustices arising in this context as a result of that hermeneutical marginalization. In §4 I put forward a number of reasons for pursuing an interests-in-question strategy to prevent such injustices, and show how this can be done.

3. Hermeneutical Injustices in Gender-Affirming Healthcare

a. The Gatekeeping Model

The provision of gender-affirming healthcare by the NHS is commonly said to operate under a *gatekeeping model*, which is based on a 'somewhat conservative' interpretation of the *Standards of Care* produced by the World Professional Association for Transgender Health (WPATH) (Pearce 2018: 60). In order to access gender-affirming healthcare, a trans person first needs to be referred by their general practitioner (GP) to a gender

identity clinic (GIC). In England, Wales, and Northern Ireland they then need to receive a diagnosis of or relating to gender dysphoria from at least two different doctors at the GIC, whom they will have separate appointments with several months apart (Pearce 2018: 64). In Scotland the required diagnosis can be received after just one such appointment with a single doctor (Pearce 2018: 69-70). At these appointments they will be asked about ‘their gendered feelings, past and present experiences of gender presentation, their relationship with their body and (often) sexual fantasies and experiences’ (Pearce 2018: 64). Since answers to these questions will take the form of a self-narrativization, a trans person’s autobiography can be thought of as their ‘proffered symptom’ (Prosser 1998: 104). In England, Wales, and Northern Ireland they will also need to undertake Real Life Experience (RLE) ‘in order to access surgeries, and sometimes also before they can access treatments such as hormone therapy, speech therapy and facial hair removal’ (Pearce 2018: 64). In Scotland RLE is required only in order to access genital reconstruction surgeries (Pearce 2018: 70). For someone to undertake RLE means spending ‘a period of time living in their new gender role: presenting socially in their preferred gender, changing their name and identification documents, coming out to friends, family and work colleagues’ (Pearce 2018: 65). Documentary evidence that this period of time has been completed must typically be provided to doctors at the GIC (Pearce 2018: 65). The upshot is

the positioning of health professionals as qualified to *decide whether or not a patient is trans* (enough). The common requirement for at least two diagnoses demonstrates that these assessments are not simply a matter of screening for troublesome co-morbidities, creating a care plan and ensuring that patients provide informed consent in line with the *Standards of Care*. Instead, the assessment procedure is one in which practitioners exercise their *judgement* as to whether or not a patient should receive treatment (Pearce 2018: 66; emphases in the original).

A trans person seeking access to gender-affirming healthcare under a gatekeeping model thus has a transparency interest in their need for that healthcare being intelligible to multiple doctors.

At this point someone might object as follows: in their view, a trans person seeking access to gender-affirming healthcare under a gatekeeping model in fact does not have a transparency interest in their need for that healthcare being intelligible to multiple doctors; rather, they have an interest only in multiple doctors *thinking* that their need for such interventions is intelligible to them. Consider in this regard the case of Agnes, a trans woman who in 1958 approached psychiatrist Robert Stoller at the UCLA Medical Center seeking access to gender confirmation surgery (Preciado 2013: 381-387; Gill-Peterson 2018: 137-8).⁷² Stoller and his colleagues found Agnes ‘to be by their standards a “normal,” if “feminine”-looking, “male,” with one glaring exception: her gonads produced an incredibly high level of estrogen, no doubt a large part of the reason for her feminine appearance’ (Gill-Peterson 2018: 137). Stoller and his colleagues construed this as ‘a starkly biological suggestion of transsexuality’ of a sort never before seen, and on this basis recommended Agnes for surgery (Gill-Peterson 2018: 137). In a follow-up interview at UCLA with the sociologist Harold Garfinkel, Agnes revealed that her unusual endocrine profile was in fact the result of having secretly taken oestrogen pills prescribed to her menopausal mother ever since she was 13 years-old (Preciado 2013: 385; Gill-Peterson 2018: 138). (If gender is best understood as ‘a practice of improvisation within a scene of constraint’ (Butler 2004: 1), then Agnes surely counts among the more virtuosic of improvisers.) Thus it turned out that Agnes’s need for gender confirmation surgery had not really been intelligible to Stoller and his colleagues after all. But they had *thought* that her need for gender confirmation surgery was intelligible to them, and this had been

⁷² “Agnes” is a pseudonym; her real name is not known.

sufficient for them to recommend her for surgery. Our hypothetical objector construes this as evidence that Agnes never in fact had a transparency interest in her need for gender confirmation surgery being intelligible to Stoller and his colleagues, but rather only had an interest in them *thinking* that her need for this surgery was intelligible to them.

Here is why a trans person seeking access to gender-affirming healthcare under a gatekeeping model does in fact have a transparency interest in their need for that healthcare being intelligible to multiple doctors. If a trans person's need for gender-affirming healthcare is not intelligible to the relevant doctors, but still those doctors think that person's need is intelligible to them, then this can only be because that person – like Agnes – has deceived them in some way, deliberately or otherwise. Yet if doctors discover this deception there is always a chance they will delay or deny access to gender-affirming care. Moreover, discovery risks contributing to 'the atmosphere of mistrust' already pervasive in the context of gender-affirming healthcare provision (Pearce 2018: 114) and reinforcing 'the persistent stereotype of transpeople as deceivers' (Bettcher 2007: 47).⁷³ None of this implies that such deception is not justified when it is the only way for a trans person to access the healthcare they need. As Agnes herself pointed out in her interview with Garfinkel, it is rather the doctors' questions whose justification ought to be asked after in this scenario.⁷⁴ The point is simply that, under a gatekeeping model, a trans person will tend to be better-off if their need for gender-affirming healthcare really is intelligible to the relevant doctors, and not just seemingly so.

⁷³ For further discussion see Ch.4 §2.

⁷⁴ See my epigraph taken from the recent documentary film *Framing Agnes* (Joynt 2022), in which Garfinkel's interview with Agnes is recreated from as-yet-unpublished archive material held at UCLA. I give some backing to Agnes's position in §4c. 'What we must do [...] is to learn how to denaturalize questioning: it is not a natural mode of discourse [...] but a highly cultural one' (Barthes 2005: 108).

b. Trans People Are Hermeneutically Marginalized

When it comes to determining whether or not a trans person has well-fitting concepts available to them with which to render their need for gender-affirming healthcare intelligible to various doctors, the most obviously relevant hermeneutically powerful practice is that of gender-affirming healthcare itself. So it is notable that with very few exceptions – for instance, Michael Dillon (Prosser 1998: 152-155; Rubin 2003: 49-53) – most practitioners of gender-affirming healthcare historically have been cis. This is especially true of those whose views have enjoyed dominant positions within the practice. For instance, Harry Benjamin is perhaps the most famous practitioner of gender-affirming healthcare, and as Sandy Stone showed in her foundational essay “*The Empire Strikes Back*”, the influence on subsequent clinical practice of his conception of TRANSSEXUALITY, as set out in his 1966 book *The Transsexual Phenomenon*, can hardly be overstated (1992: 161). Just as influential was the development of the concept GENDER – as distinct from SEX – by the likes of Lawson Wilkins, John Hampson, and John Money in the 1940s and 50s (Gill-Peterson 2018: Ch.3). Furthermore, trans people to a considerable extent continue to be excluded from and/or subordinated within the practice of gender-affirming healthcare up to the present day. As recently as 2007 WPATH – formerly the Harry Benjamin International Gender Dysphoria Association (HBIGDA) – had never had trans leadership (Pearce 2018: 175). And still in the UK only ‘a (very) small number’ of doctors working in this area are themselves trans (Pearce 2018: 174).

This matters because influential practitioners of gender-affirming healthcare have not always been primarily interested in trying to understand and respond to their patients’ needs. For instance, historian Jules Gill-Peterson argues that Hampson and Money found themselves in the mid-twentieth century faced with ‘the potential conceptual collapse of binary sex’ in the wake of recent advances in endocrinology (2018: 98), and that

consequently their primary aim in developing the concept GENDER was in fact ‘cementing the sex binary once and for all’ (2018: 96). Susan Stryker argues similarly that university-based gender clinics of the 1960s and 70s, such as the one Robert Stoller ran at UCLA, were part of ‘a socially conservative attempt to maintain traditional gender configurations in which changing sex was grudgingly permitted for the few seeking to do so, *to the extent that the practice did not trouble the gender binary for the many*’ (Stryker 2017: 118; my emphasis). At the same time, the prestige enjoyed by these practitioners has often served to crowd out other voices. As sociologist Ruth Pearce remarks, their status as experts has often worked ‘to delegitimise accounts emerging *from trans people* working in the social sciences and humanities, reflecting wider epistemic hierarchies in which work on gender from marginalised peoples (as in feminist scholarship) is framed as partially outside the realm of proper knowledge’ (2018: 27; emphasis in the original).

In addition, trans people in the UK are hermeneutically marginalized more generally.

Journalist Shon Faye puts the point powerfully in her recent book *The Transgender Issue*:

At the time of writing, despite the media myth of a powerful trans lobby, in the UK there are no openly trans newspaper editors and no trans staff writers at any major newspapers, no trans television commissioners, no trans High Court judges, no trans MPs, no trans members of the devolved legislatures of Wales, Scotland or Northern Ireland, and no trans chief executives at major charities. (Jay Stewart, chief executive of the youth charity Gendered Intelligence, is the only trans person to head any of the British charities specifically campaigning on trans issues.) This, then, is a question of power: the terms of the conversation that is happening *about* trans people are rarely set *by* trans people.⁷⁵ (2021: 9; emphases in the original)

In other words, trans people in the UK are excluded from and/or subordinated within the powerful hermeneutical practices sustained by the professions of journalism, politics, and the law. We could add that they are also excluded from and/or subordinated within various academic disciplines, philosophy included (Salamon 2009: 226; Dembroff 2020: 399-

⁷⁵ Since 30th March 2022 there has in fact been one openly trans MP (Allegretti 2022).

400). Trans people thus lack access to some of the most important means of generating and propagating new concepts that are well-fitting for the purpose of rendering their need for gender-affirming healthcare intelligible to relevant doctors, as well as of making existing concepts better-fitting for this purpose.

c. Three Examples of Hermeneutical Injustice in Access to Gender-Affirming Healthcare

In combination with the gatekeeping model, trans people's hermeneutical marginalization makes those seeking access to gender-affirming healthcare structurally vulnerable to suffering hermeneutical injustices. The gatekeeping model gives them a transparency interest in their need for gender-affirming healthcare being intelligible to multiple doctors, and trans people's hermeneutical marginalization makes it much more likely than it otherwise would be that they will have available to them at best ill-fitting concepts with which to bring about the satisfaction of this interest. It is thus unsurprising that trans people seeking access to gender-affirming healthcare on the NHS in doing so sometimes suffer hermeneutical injustices. The following three examples are all taken from Ruth Pearce's *Understanding Trans Health: Discourse, Power and Possibility*, in which she reports on an ethnographic study of trans healthcare in the UK that she carried out between 2010 and 2017 (2018: 10).

The first example concerns a doctor working with a heterosexist conception of what it means to be a TRANS MAN. A trans male participant in Pearce's study, Joshua, reports having been asked about his sex life as part of his initial assessment at the GIC.⁷⁶ In reply, he mentioned having had penetrative intercourse with his cis male partner. In Joshua's

⁷⁶ "Joshua" is a pseudonym.

own words, the doctor's response 'was like 'omg you can't be trans!'' (Pearce 2018: 141). This doctor was seemingly liable to infer "You do not need gender-affirming healthcare" from "You had penetrative intercourse with a cis male partner". This made it very difficult for Joshua to render his need for gender-affirming healthcare intelligible to the doctor in question. Joshua's difficulty on this point can plausibly be traced back at least in part to the hermeneutical marginalization of trans people, which among other things has meant limited opportunities for trans people to realistically portray their own sex lives for a popular audience and in doing so shape the inferential networks people associate with a concept such as TRANS MAN.⁷⁷ As such, Joshua would seem here to suffer a hermeneutical injustice.

The second example concerns a doctor working with a non-binary-exclusionary conception of what it means to be TRANS. An important piece of background information here is that gender-affirming healthcare as provided by the NHS 'is generally subdivided into two parallel routes: a 'masculinizing' route (involving treatments such as testosterone supplements and chest reduction) and a 'feminizing' route (involving treatments such as oestrogen supplements and facial hair removal). In this way, even treatment for non-binary and genderqueer patients (where provided) is conceptualised in binary terms' (Pearce 2018: 61). A non-binary participant in Pearce's study, Reubs J Walsh, reports a doctor at the GIC finding it unintelligible how someone who had deliberately adopted such an 'ambiguous' first name could be in need of interventions found along the "feminizing" route (Pearce 2018: 114). Pearce notes that 'there are two presumptions at work here: firstly, that transitioning patients should define themselves in line with a binary gender category, and secondly, that the category of womanhood cannot expand to

⁷⁷ One exception is Juno Roche's *Queer Sex: A Trans and Non-Binary Guide to Intimacy, Pleasure, and Relationships* (2018) – but even that book does not portray a sex life quite like Joshua's, which just goes to show how more such opportunities are needed.

incorporate a more ambiguous name’ (2018: 115). Plausibly, the prevalence of both presumptions can be attributed at least in part to the hermeneutical marginalization of trans people. Moreover, Pearce reports that incidents such as this ‘often lead to patients being delayed in their journey along the treatment pathway, or being denied treatment altogether’ (2018: 114; for further anecdotal evidence see Faye 2021: 91). As such, Walsh would seem here to suffer a hermeneutical injustice.

The third example concerns trans people struggling to get across the *urgency* of their need for gender-affirming healthcare to doctors working with a cissexist conception of what it means for a medical intervention to be IRREVERSIBLE. Pearce notes that doctors working in GICs frequently justify the lengthy delays common in the provision of gender-affirming healthcare by appealing to ‘the importance of their role in reducing the *risk* of an inappropriate transition, which could result in regret over irreversible physical changes’ (2018: 66; emphasis in the original).⁷⁸ For one thing, this greatly overestimates the likelihood of gender-affirming interventions being regretted. As Shon Faye points out, multiple studies have shown that the regret rate for gender reassignment surgery stands somewhere between 0% and 2% (2021: 72). Moreover, as CN Lester notes:

Some people who are counted under cases of ‘regret’ do not regret their treatment at all, but simply needed to pursue some further treatment to complete their transition. This is often the case for people who do not fit comfortably within the gender binary, as the treatment pathways available rarely offer support and options for people who may desire a mix of sexed traits. Other trans people who have expressed regret in the medical and community literature feel regret not over transitioning, but regret in their choice of surgeon and the results of their surgery. [...] It doesn’t surprise me that a trans person who cannot have a fistula repaired, for example, would regret choosing the surgeon who refuses to fix the results of their work. (2017: 57)

⁷⁸ Such appeals arguably amount to what anthropologist Mikey Elster terms *insidious concerns*: ‘utterances...that would harm that which they claim to care for or about’ (2022: 407).

At the same time, this greatly underestimates the likelihood of regretting gender-affirming interventions not happening *now* (Malatino 2022: Ch.1). For one thing, delays in the provision of gender-affirming healthcare have been shown to be correlated with increases in suicidal ideation among those affected (Pearce 2018: 152). For another, endogenously-produced irreversible physical changes occurring specifically in the absence of intervention can serve to intensify dysphoria – for instance, balding can have this effect. Yet seemingly many doctors working in GICs are not liable to infer the possibility of regret from the irreversibility of *these* physical changes. Once again, doctors’ thinking this way can plausibly be attributed at least in part to the hermeneutical marginalization of trans people. As such, a trans person who finds themselves hindered from rendering intelligible the urgency of their need for gender-affirming healthcare in the way described would seem to suffer a hermeneutical injustice.

4. Preventing Hermeneutical Injustices in Gender-Affirming Healthcare

In a co-authored paper on epistemic injustice and trans experiences, Fricker and Jenkins recognize that ‘difficulty in rendering their identities intelligible to medical practitioners has meant that trans people have found it hard to access medical care related to transition’ (2017: 274). To prevent such hermeneutical injustices, they recommend pursuing an interests-as-given strategy consisting in propagating well-fitting concepts already in circulation within the trans community out into the wider world via activism (2017: 276). This strategy has seen some success (see Pearce 2018: 194). Yet it is hard to imagine this strategy on its own bringing an end to these hermeneutical injustices any time soon, especially if it has to contend both with some doctors’ willful hermeneutical ignorance and with the wider hermeneutical backlash currently ongoing against trans people (on the former, see Pohlhaus 2012; on the latter, see George and Goguen 2021). Moreover, this

strategy has not been without its downsides (see Ch.4 §4). So we should ask whether other strategies might also be worth pursuing.

An interests-in-question strategy, I will now argue, is especially worth pursuing here. As things stand, anyone seeking access to gender-affirming healthcare on the NHS has a transparency interest in their need for such interventions being intelligible to various doctors. Any reason for thinking that the NHS ought to cease making that the case is a reason for pursuing an interests-in-question strategy to prevent the sort of hermeneutical injustices I have described. In this section I offer a menu of such reasons, encompassing considerations of trust, privacy, and respect – hopefully something for everyone. I then show how the NHS could achieve the desired result by switching from the existing gatekeeping model to an informed consent model for the provision of gender-affirming healthcare.

a. Trust

In continuing to make it the case that anyone seeking access to gender-affirming healthcare on the NHS has a transparency interest in their need for such interventions being intelligible to various doctors, the NHS displays a wrongful lack of trust.⁷⁹ To see that doing so displays a lack of trust, consider what happens when a trans person arrives at the GIC and informs the relevant doctors of their need for gender-affirming healthcare. If the NHS licensed them to do so, the relevant doctors could simply take the trans person's word for it – that is, decide to trust them (Holton 1994). But the NHS does not license the relevant doctors – its representatives – to do this. Instead, the relevant doctors are obliged to get the person in question to render intelligible to them exactly why it is

⁷⁹ Not necessarily distrust: see Hawley (2014b).

that they need gender-affirming healthcare before any such interventions can be provided. If further evidence of a lack of trust is needed, recall that documentary evidence of the completion of RLE is typically required – the NHS does not typically license the relevant doctors simply to take a trans person’s word for it when they say they have spent the required amount of time living in their new gender role (Pearce 2018: 65). Thus it is as a result of not being trusted that someone seeking access to gender-affirming healthcare on the NHS has a transparency interest in their need for such interventions being intelligible to various doctors. This is an instance of a general phenomenon: as political theorist Byung-Chul Han notes, it tends to be in the absence of trust that ‘[t]he demand for transparency grows loud’ (2015: 48).⁸⁰

To see that this lack of trust is wrongful, consider how differently the NHS treats cis people seeking comparable interventions. For instance, take the case of a cis man seeking an orchiectomy (removal of the testicles) to relieve his chronic scrotal pain (Pearce 2018: 68).⁸¹ When he testifies that his testicles cause him distress sufficient to justify an orchiectomy, the NHS licenses doctors to take his word for it – that is, to trust his judgment. Compare what happens when a trans woman seeks an orchiectomy to relieve her dysphoria. The NHS does not license doctors to take *her* word for it when she testifies that her genitals cause her distress sufficient to justify an orchiectomy – to trust *her* judgment. Katherine Hawley suggests a plausible principle governing different attitudes to trust, like those that the NHS displays here. She writes that:

[...] within certain limits, we can regard quite a large range of different attitudes to trust as both morally and rationally acceptable. But it does not seem acceptable to

⁸⁰ In recent work, C. Thi Nguyen argues that demands for transparency often lead to a lack of trust (2022; building on O’Neill 2002: Ch.4). Han’s is the inverse claim, namely that a lack of trust often leads to demands for transparency.

⁸¹ Riki Anne Wilchins (1997: 63) and Paul B. Preciado (2013: 116) both make similar comparisons involving rhinoplasties.

vary even within that ‘acceptable’ range based on considerations of race, gender, or class (2017: 77).

A range of different attitudes to trust is both morally and rationally acceptable because there are ‘many reasonable attitudes to epistemic risk, many acceptable ways to strike the balance between pursuing true belief and avoiding false belief’ (Hawley 2014a: 2040). But allowing considerations of gender to play a role in determining whom one trusts seems both morally and rationally unacceptable. And we have seen that when it comes to a patient’s judgment concerning whether their genitals cause them distress sufficient to justify an orchiectomy, the patient’s gender modality – that is, whether they are cis or trans (Ashley 2022b) – does play a role in determining whether or not the NHS trusts their judgment.⁸² Thus the lack of trust that the NHS displays in continuing to give anyone seeking access to gender-affirming healthcare a transparency interest in their need for that healthcare being intelligible to various doctors is wrongful. If the NHS decided to stop trusting cis people seeking comparable interventions, this lack of trust would no longer be wrongful in the way described. Yet so far as I can see there is no good reason to resolve the asymmetry in this direction and at least one good reason not to, namely that doing so would add to the distress experienced by cis people seeking comparable interventions – for instance, prolonging a cis man’s chronic scrotal pain. Thus considerations of trust provide one reason to pursue an interests-in-question strategy to prevent hermeneutical injustices like those described in §3c.

⁸² Perhaps misogyny plays a role in this particular case too: it is worth remembering that in general doctors tend to take women’s self-reports of pain and distress less seriously than men’s (Manne 2020: 86-90).

b. Privacy

We have seen that under the gatekeeping model, anyone seeking access to gender-affirming healthcare on the NHS has a transparency interest in their need for that healthcare being intelligible to various doctors. We have also seen that in order to satisfy this interest a trans patient is required to disclose deeply personal information concerning such things as their gendered feelings, their relationship with their body, and their sex lives. For instance, Joshua was compelled to describe the sort of sex acts he engaged in with his partner. This requirement holds whether or not doctors having access to such deeply personal information is wanted – and in many cases it is unwanted.⁸³ Privacy can be thought of as ‘the condition of being protected from unwanted access by others – either physical access, personal information, or attention’ (Bok 1989: 10-11). The NHS clearly fails to protect those seeking gender-affirming healthcare from such unwanted access, and as such violates their privacy. So much is recognized by the ‘many’ participants in Pearce’s study who ‘described their experience of stringent assessment procedures as [...] invasive’ (2018: 66). Moreover, a violation of a person’s privacy is a harm to their dignity (Bettcher 2017a: 160). This too is recognized by the ‘many’ participants in Pearce’s study who described their experience of stringent assessment procedures as ‘demeaning’ (2018: 66). The NHS could protect trans patients from such unwanted access to deeply personal information about them by ceasing to give them a transparency interest in their need for gender-affirming healthcare being intelligible to various doctors. Thus considerations of privacy provide another reason to pursue an interests-in-question strategy to prevent hermeneutical injustices like those described in §3c.

⁸³ In which case their disclosures can be thought of as instances of *extracted speech*: ‘speech that an agent is (in some sense) made to produce’ (McKinney 2016: 259).

c. Respect

Again, under the gatekeeping model anyone seeking access to gender-affirming healthcare on the NHS has a transparency interest in their need for that healthcare being intelligible to various doctors. In continuing to make this the case, the NHS could have one of two expectations. On the one hand, it could do so in the expectation that not everyone who needs gender-affirming healthcare will be able to satisfy this interest – and thus in the expectation that they will refuse access to gender-affirming healthcare for some who need it. Doing so would display insufficient regard for the right of those thus refused access to have their healthcare needs met by the NHS. Sufficient regard for that right could instead be displayed by providing those people with gender-affirming healthcare despite their need for such interventions not being intelligible to the relevant doctors. That would mean ceasing to make it the case that anyone seeking access to gender-affirming healthcare had a transparency interest in their need for such interventions being intelligible to those doctors.

On the other hand, the NHS could do so in the expectation that everyone who needs gender-affirming healthcare will be able to satisfy this interest – and thus in the expectation that they will provide gender-affirming healthcare to everyone who needs it. Having this expectation would presuppose confidence that the relevant doctors were capable of recognizing every patient's good reasons for needing medical assistance with their transition *as* good reasons. However, the occurrence of hermeneutical injustices like those described in §3c – cases in which doctors fail to recognize patients' good reasons for needing medical assistance with their transition *as* such – shows that the NHS ought in fact not to be confident in this. So if in operating the gatekeeping model the NHS

expects to provide gender-affirming healthcare to everyone who needs it, it displays a misplaced confidence in doctors' capabilities.⁸⁴

Sociologist Richard Sennett suggests a plausible way to understand such misplaced confidence as disrespectful (2004: 120-122). Respecting someone requires treating them as autonomous – so much is familiar from Kant. Treating someone as autonomous involves accepting that they are separate, and so likely in some ways to be different, from you – this is a common theme in the work of object relations theorist D.W. Winnicott (see e.g. 2005: Ch.1). And taking seriously that someone is separate and thus likely to be different from you requires accepting that you may not understand them in certain respects – this is Sennett's own proposed contribution. Hence 'we grant autonomy to teachers or doctors when we accept that they know what they are doing, even if we don't understand it; the same autonomy ought to be granted the pupil or the patient, because they know things about learning or being sick which the person teaching or treating them might not fathom' (122; see similarly Gadamer 1996: 109). Given the occurrence of hermeneutical injustices like those described in §3c, it is clear that doctors do indeed sometimes fail to fathom the needs of transitioning patients (not that they are sick *per se*). If in operating the gatekeeping model the NHS nevertheless expects to provide gender-affirming healthcare to everyone who needs it, it shows that it does not recognize doctors' fallibility in this regard. On Sennett's account, not accepting that doctors are fallible in this regard would amount to a failure to treat transitioning patients as truly autonomous, so disrespecting them. It follows that the NHS could better respect transitioning patients if it ceased to give them transparency interests in their need for gender-affirming healthcare being intelligible to various doctors.

⁸⁴ Such misplaced confidence arguably displays the vice José Medina theorizes as *epistemic arrogance* (2013: 31).

d. From Gatekeeping to Informed Consent

There are thus a number of good reasons to pursue an interests-in-question strategy to prevent hermeneutical injustices like those described in §3c arising in the context of gender-affirming healthcare. The most obvious such strategy would consist in replacing the existing gatekeeping model with an informed consent model. In his rich collection of essays *Something That May Shock and Discredit You*, Daniel M. Lavery writes that ‘[t]he best reason for transition, as I understand it, is “because I particularly wish it”’ (Lavery 2020: 50). Andrea Long Chu writes similarly that ‘surgery’s only prerequisite should be a simple demonstration of want’ (2018). Under an informed consent model, a simple demonstration of want by a well-informed person capable of consent would be sufficient for them to access gender-affirming healthcare (Pearce 2018: 46). Doctors would thus be licensed to trust patients’ own judgments of their needs in this regard; patients’ privacy would be better protected; and the NHS would display a more respectful ‘humility’ concerning doctors’ capabilities in this area (Pearce 2018: 207). Moreover, so long as doctors were doing their job properly it would no longer matter whether it was intelligible to them why the person in question needed medical assistance with their transition. Doing away with such transparency interests would also do away with the possibility of their unfair non-satisfaction, and thus under an informed consent model hermeneutical injustices like those described in §3c ought no longer to arise. In this way, considerations of hermeneutical justice can be added to the already-impressive case for replacing the gatekeeping model with an informed consent model (see e.g. Pearce 2018: 197-207; Faye 2021: 83-4). As the number of people seeking access to gender-affirming healthcare on the NHS continues to grow and waiting lists become ever-longer (Faye 2021: 85), the importance of undertaking this shift will only continue to mount.

5. Conclusion: Two Criticisms of the Hermeneutical Injustice Literature

In this chapter I have outlined a novel, more materialist sort of strategy for preventing hermeneutical injustices, and argued that the provision of gender-affirming healthcare by the NHS is one context in which such an interests-in-question strategy ought to be pursued. I want to end by responding to two criticisms of the hermeneutical injustice literature in light of the foregoing arguments. Doing so will involve suggesting a more general reason for pursuing interests-in-question strategies.

a. Might a Focus on Prevention Serve as a Distraction?

I have focused in this chapter on how to prevent people from suffering hermeneutical injustices in the future. This is a focus I share with the rest of the hermeneutical injustice literature. In her paper “Epistemic Agency Under Oppression”, Gaile Pohlhaus expresses the worry that ‘[i]nsofar as this concern is future-oriented it may serve to distract from a harmful present and to obscure a past in light of which there may be serious need for repair’ (2020: 234). The first part of this worry strikes me as a strange one. The literature is replete with rich descriptions of the hermeneutical injustices which help make up what Pohlhaus calls the harmful present. For instance, Elizabeth Barnes describes some of the pitying misconceptions of their disabilities that disabled people encounter in everyday life (2016: 171); Katharine Jenkins describes some of the insidious myths that hinder rape victims from being recognized as such (2017: 192); and in §3c above I described some of the excessively narrow and rigid conceptions of transness that inhibit trans people from accessing gender-affirming healthcare on the NHS. Barnes, Jenkins, and I all go on to discuss how best to prevent people from suffering in future hermeneutical injustices *just like those* we have described befalling people in the here and now. Thus when we

advocate respectively for the practice of disability pride, the incorporation of material on rape into high school sex-ed curricula, and the implementation of an informed consent model for the provision of gender-affirming healthcare it is as ways of *responding to*, not as ways of distracting from, the harmful present.

Moreover, diagnosing people as suffering hermeneutical injustices in the here and now involves showing that their being hindered from rendering significant things about themselves intelligible is a result at least in part of the hermeneutical marginalization of some group. For instance, Barnes argues that disabled people's difficulties in rendering their disabilities intelligible are a result at least in part of disabled people's hermeneutical marginalization (2016: 180); Jenkins argues that rape victims' difficulties in rendering their experiences of having been raped intelligible are a result at least in part of rape victims' hermeneutical marginalization (2017: 197); and in §3b above I argued that trans people's difficulties in rendering their needs for gender-affirming healthcare intelligible are a result at least in part of trans people's hermeneutical marginalization. Making such arguments requires *inquiring into*, rather than obscuring, the past.

Yet Pohlhaus does get something right in highlighting what she calls the need for repair. It is true that little in the hermeneutical injustice literature as it stands explicitly addresses the question of what should be done by way of reparations for past hermeneutical injustices (cf. Lackey 2022). One reason for this neglect may be that this question is just not as easily tractable as the question of what should be done to prevent hermeneutical injustices occurring in future. As I have sought to show in this chapter, progress on the latter question can be made simply by looking at the two individually necessary and jointly sufficient conditions required for a hermeneutical injustice to occur and asking what it would take for one or both of these conditions not to obtain. No equally obvious way of making progress presents itself when it comes to the question of what should be

done by way of reparations for past hermeneutical injustices. This nevertheless strikes me as an interesting question, and it is one I hope to address in future work.

b. Are Hermeneutical Injustices a Relatively Trivial Concern?

The second criticism is related to the first, in that it likewise concerns what deserves our attention as both theorists and political actors.⁸⁵ It is a criticism of the hermeneutical injustice literature that one hears fairly often, though it has not to my knowledge been explicitly stated in print. This is the idea that, in comparison to injustices of other sorts, hermeneutical injustices are a relatively trivial concern. The response I want to give to this criticism is: *if only it were so*. Let me explain what I mean.

Key here is that in our society, access to a range of non-epistemic goods has been made contingent upon people first successfully rendering various things about themselves intelligible to various gatekeepers. Income in the form of welfare benefits is one example of such a good; gender-affirming healthcare is another. A third might be professional advancement within academic philosophy. After all, consider how common it is for diverse practitioners of the discipline – such as those working in non-Western (Solomon 2001), feminist (Le Doeuff 2007; Jenkins 2014), anti-racist (Dotson 2011a; Catala forthcoming), anti-ableist (Tremain 2018; Catala forthcoming), queer (Salamon 2009) and/or trans (Bettcher 2019) traditions of thought – to be questioned by more mainstream practitioners as to how their work counts as (worthwhile) philosophy. When a mainstream practitioner asks this question of a diverse practitioner they are examining, or interviewing for a job, or considering for tenure, they are in a position to determine whether or not that diverse practitioner advances professionally. We can say that as such,

⁸⁵ Note that what we pay attention to may itself be a question of epistemic justice (Smith and Archer 2020).

the mainstream practitioner is positioned as a gatekeeper. When in this scenario the mainstream practitioner-cum-gatekeeper asks the diverse practitioner how their work counts as (worthwhile) philosophy, the diverse practitioner's access to professional advancement becomes contingent upon their successfully rendering this intelligible to the mainstream practitioner-cum-gatekeeper.

In her influential "How is This Paper Philosophy?", Kristie Dotson argues that the frequent occurrence of this scenario is a symptom of a 'culture of justification' that currently pervades academic philosophy (2012b).⁸⁶ This culture of justification has three distinguishing components: it '1) manifest[s] a value for exercises of legitimation, 2) assume[s] the existence of *commonly-held*, justifying norms that are 3) *univocally relevant*' (2012b: 7; emphases in the original). Mainstream practitioners who have bought into this culture manifest a value for exercises of legitimation in asking diverse practitioners to explain how their work counts as (worthwhile) philosophy. They then assume the existence of commonly-held, justifying norms that are univocally relevant in expecting diverse practitioners to answer by explaining how their work counts as (worthwhile) philosophy as this is understood by mainstream practitioners.

For instance, it is common for mainstream practitioners to think that what distinguishes philosophy from other disciplines is 'precisely that there is nothing that may not be challenged' (Priest 2006: 201). In other words, it is common for mainstream practitioners to think of philosophy as being defined 'neither by its subject matter, nor by its method, but by its spirit: - unbridled criticism' (Priest 2006: 206-207). Given the considerable popularity of this conception of philosophy within the mainstream, someone working on trans topics who considers it 'a necessary starting point that we take trans self-identities

⁸⁶ On the influence this paper has had, see Dotson (2022).

as at least presumptively valid' (Bettcher 2019: 653) may struggle to render intelligible to a mainstream practitioner-cum-gatekeeper how it is that their work counts as (worthwhile) philosophy.⁸⁷ If they are indeed hindered from rendering this intelligible to the mainstream practitioner-cum-gatekeeper, it is because the concept PHILOSOPHY is ill-fitting for them to use for this purpose. Moreover, the ill-fittingness of the concept PHILOSOPHY for this purpose is likely a result at least in part of trans people's hermeneutical marginalization, including their exclusion from and/or subordination within the discipline of philosophy itself (see Dotson 2012b: 11). Thus what we have here is likely a case of hermeneutical injustice.

In "How is This Paper Philosophy?", Dotson outlines an alternative to the currently pervasive culture of justification that she calls a 'culture of praxis' (2012b: 16). A culture of praxis is distinguished by value being placed on 'seeking issues and circumstances pertinent to our living, where one maintains a healthy appreciation for the differing issues that will emerge as pertinent among different populations', and by recognition and encouragement 'of multiple canons and multiple ways of understanding disciplinary validation' (2012b: 17). The key point here for our purposes is that disciplinary validation need not take the form of 'exercises of legitimation' (2012b: 7). After all, there are ways of 'establishing the soundness' of someone's work other than getting them to explain how their work counts as (worthwhile) philosophy as mainstream practitioners understand it (2012b: 7 n.3). Thus if mainstream practitioners-cum-gatekeepers recognized that in fact there are multiple ways of understanding disciplinary validation, they would cease to make diverse practitioners' access to professional advancement contingent upon their rendering intelligible how their work counted as (worthwhile) philosophy. As such, replacing the culture of justification currently pervasive within academic philosophy with

⁸⁷ For a real-life anecdote along these lines, see Salamon (2009: 225).

a culture of praxis can be thought of as an interests-in-question strategy for preventing hermeneutical injustices like the one described above.

Now recall the worry that hermeneutical injustices are a relatively trivial concern. My idea is that hermeneutical injustices *would* be a relatively trivial concern, if only access to a wide range of non-epistemic goods were not contingent upon people first rendering various things about themselves intelligible to various gatekeepers. But as things stand, access to a wide range of non-epistemic goods *is* contingent upon people first rendering various things about themselves intelligible to various gatekeepers. From this it follows that people possess many more transparency interests than they otherwise would do, and thus that hermeneutical injustices are much more common than they otherwise would be. It also follows that when people do suffer hermeneutical injustices, they frequently miss out on access to non-epistemic goods. It seems to me to be chiefly for these reasons that hermeneutical injustices deserve our attention.

Moreover, because in our society access to a wide range of non-epistemic goods is contingent upon people first rendering various things about themselves intelligible to various gatekeepers, we can say that the availability of well-fitting concepts for these purposes is a *dominant* good. A good is dominant in this sense ‘if the individuals who have it, because they have it, can command a wide range of other goods’ (Walzer 1983: 10).⁸⁸ Notice that in general, interests-as-given strategies for preventing hermeneutical injustices work by leveraging this dominance.⁸⁹ This is true of all the various strategies that aim at generating and propagating new well-fitting concepts, and/or at making

⁸⁸ In making use of Walzer’s conception of dominance, I do not mean to imply a commitment to his theory of distributive justice taken as a whole (in this following Scanlon 2013).

⁸⁹ The cultivation of the virtue of hermeneutical justice is an exception to this rule.

existing concepts better-fitting. Interests-in-question strategies, by contrast, work by undermining this dominance.

Intuitively, a good being dominant is unjust to those who lack that good. For instance, in our society money is a dominant good; and intuitively, it is unjust to the poor that just because they are poor they thereby also have diminished access to goods such as education, political influence, and leisure time in comparison to the rich, who can buy these things (Walzer 1983: 17). Likewise, what I am suggesting is that in our society the availability of well-fitting concepts for the purpose of rendering significant things about oneself intelligible is a dominant good. In general, it is members of hermeneutically marginalized groups who tend not to have well-fitting concepts available to them for this purpose (Fricker 2007: 152-153). Intuitively, it is unjust to members of hermeneutically marginalized groups that just because they do not have well-fitting concepts available to them for this purpose they thereby also have diminished access to goods such as monetary income, specialized healthcare, and career advancement in comparison to members of non-hermeneutically-marginalized groups. Because interests-in-question strategies work by undermining the unjust dominance of the availability of well-fitting concepts for the purposes of rendering significant things about oneself intelligible, it follows that we generally have a good reason to pursue strategies of this previously unrecognized sort.

Ch.4 Beyond Transparency Politics

There are advantages to remaining less than intelligible...

- Judith Butler, *Undoing Gender* (2004: 3)

1. Introduction: The Commitment to Transparency Politics

In the last chapter, I showed that all previously proposed strategies for preventing hermeneutical injustices have been of the same basic sort. These interests-as-given strategies take people's possession of their transparency interests for granted, and seek only to enable them to satisfy these interests. The path from a description of a particular hermeneutical injustice to the conclusion that some such interests-as-given strategy ought to be pursued to prevent similar injustices occurring in future is by now so well-trodden that this conclusion just seems obvious to most of those thinking and writing about hermeneutical injustice.⁹⁰

In its single-minded focus on enabling people to satisfy their transparency interests, the hermeneutical injustice literature has displayed an implicit commitment to what I propose to call *transparency politics*. By this I mean the view that insofar as the hermeneutical dimension of people's lives is concerned, the satisfaction of their transparency interests is *all that matters*. Transparency politics strikes me as a mistake, and for at least two reasons. One is what I discussed in last chapter. This is that sometimes what matters is

⁹⁰ Sara Ahmed: 'Sometimes use can be sufficient to maintain something. [...] The more people travel on a path, the flatter and smoother the surface becomes. When something is smoother, it is clearer; the more a path is followed, the easier it is to follow. Once something has become used, you are encouraged to go in that direction: your progression would be eased.' (2019: 41)

instead doing away with certain of people's transparency interests. Another is the subject of this chapter. This is that transparency interests are not the only important interests at play in the hermeneutical dimension of people's lives. In particular, I identify two further important sorts of distinctly hermeneutical interests, which I call *opacity interests* and *neutrality interests*. If I am right that people also possess hermeneutical interests of these latter sorts, then the hermeneutical injustice literature's implicit commitment to transparency politics ought to be moved beyond.

By an opacity interest, I mean an interest that a person *A* has in something about themselves being unintelligible to a person *B*, i.e., in *B* having a false belief concerning something about them. I discuss opacity interests in §2. Drawing on Talia Mae Bettcher's work, I argue that trans people often have opacity interests in their "moral genitalia" being unintelligible to people they come across in the course of everyday life. I identify two concerns that ground these opacity interests: the need to avoid being subjected to a common form of anti-trans violence, and the need to avoid consistently standing out from the crowd. I then argue that the increased visibility of trans people in public life has had the downside of making the violation of these opacity interests more likely.

The idea of a neutrality interest is intended somewhat more provisionally than the idea of an opacity interest. The thought I want to explore is that even when a person *A* in fact belongs to a particular social kind, they may have an interest in not being thought of as belonging to that social kind by a person *B*, who could then use *A*'s belonging to that social kind to explain various things about them. I discuss neutrality interests in §3. My main example will be the interests I take Roland Barthes to have recognized himself to have had in not being thought of as a HOMOSEXUAL. I identify in Barthes's late and posthumously published work two concerns that plausibly grounded these interests. The

first of these is a need for opportunities to rest from viewing oneself from a certain alienated perspective; the second is a need for opportunities for spontaneity and novelty.

In §4, I draw out from the previous two sections why the hermeneutical injustice literature should care if people possess hermeneutical interests of these two previously unrecognized sorts. First, once we consider how interests of these two sorts are satisfied and/or violated it becomes clear that the hermeneutical injustice literature has had an overly-narrow conception of the sort of interactions that make up the hermeneutical dimension of people's lives. Second, pursuing certain interests-as-given strategies to prevent hermeneutical injustices can sometimes have the unintended side-effect of making the violation of people's opacity interests and/or neutrality interests more likely.

Finally, in §5 I conclude with a brief discussion of the sort of normative aspirations that the hermeneutical injustice literature might be left with were it to leave its implicit commitment to transparency politics behind.

2. Opacity Interests: A Trans Critique of Visibility Politics

a. Bettcher on Reality Enforcement

My aim in this subsection is to supply a proof of concept for the idea of opacity interests. To this end, I want to begin by setting out Talia Mae Bettcher's powerful analysis of a typical form of anti-trans violence, which she calls 'reality enforcement' (2014: 392). Bettcher's analysis starts with a description of what she calls 'the common-sense folk view about sex,' to which most people in mainstream culture still subscribe (2014: 292). This is the view that sociologist Harold Garfinkel described in the 1960s as the "natural attitude" about sex (2012: 319). This view is composed of three distinguishable axioms. The first axiom states that 'exactly two (mutually exclusive) sexes exist, every human

being is “naturally” one or the other, and exceptions to this division may be dismissed as “unnatural” (2012: 20). The second axiom states that ‘a human being can never change sex’ (2012: 20). The third axiom states that it is genitalia which ‘essentially determine sex membership’ (2012: 20). Importantly, the genitalia referenced by this last axiom are not actual genitalia but “moral genitalia” – those to which a human being is supposedly ‘entitled’ by nature (2014: 393). This supplies an explanation for why it is that, for example, a man who loses his genitalia in an accident continues to be counted as male: namely, that he does so in virtue of the penis and testicles he was ‘meant’ to have (2014: 393). It follows that “sex” as referenced in the first two axioms is likewise not actual sex but “moral sex” – sex as essentially determined by moral genitalia (2014: 393).

Bettcher claims that in mainstream culture, ‘public gender presentation euphemistically communicates moral genitalia’ (2014: 393). Bettcher cites as her evidence for this claim the pervasiveness of reality enforcement in mainstream culture. Reality enforcement has four essential elements. First is identity invalidation, ‘the erasure of a trans person’s gender identity through an opposing categorization’ (2014: 392). Second is the framing of this invalidation in terms of a contrast between “appearance” and “reality” – i.e., the trans person’s publicly manifested gender identity gets represented as mere “appearance” whilst the opposing categorization gets represented as the “reality.”⁹¹ For instance, a trans woman may be represented as being “really” a man while merely “appearing” to be a woman.

Third is a pernicious double-bind. Suppose on the one hand that a trans person passes as cis. Such a person risks being exposed as a “deceiver,” since they have not made visible that their “appearance” does not reflect the underlying “reality.” Suppose on the other

⁹¹ On this see also Ivy (2014) and Serrano (2016: Ch.2).

hand that a trans person does not pass as cis. Such a person is liable to have their status relegated to that of a mere “pretender”, since it is evident that their “appearance” does not reflect the underlying “reality.” Either possibility leaves the person exposed to ‘penalty, censure, or deprivation’ (to quote from Marilyn Frye’s classic definition of a double-bind (1983: 2)). The penalty attached to the first possibility in particular is sometimes deadly. As Bettcher points out, the men who in 2002 murdered Californian trans woman Gwen Araujo cited as their justification at trial that they had been ‘deceived’ by Araujo’s public gender presentation (2007: 44). Similar justifications were also given for the widely-publicized murders of Brandon Teena and Angie Zapata, among others (Bettcher 2014: 320). In addition to carrying with it the possibility of deadly consequences, the representation of trans people as deceivers ‘in and of itself constitutes considerable emotional violence against transpeople through its impeachment of moral integrity and denials of authenticity’ (Bettcher 2007: 47). The representation of trans people as pretenders likewise constitutes an emotionally violent denial of authenticity, in addition to being demeaning. Hence we can say that the deceiver-pretender double-bind ‘prohibits transpeople from existing within [the] dominant mainstream with any authenticity at all’ (Bettcher 2007: 55).

The fourth and final element in reality enforcement is the verification of moral genitalia. Since a person’s actual genitalia and moral genitalia typically correspond, this often takes the form of verifying what actual genitalia someone has – either through a forcible physical exposure (as was inflicted on Araujo, Teena and Zapata) or through discursive means (for instance, asking their sexual partners what genitalia they have). Yet verifying what moral genitalia someone possesses need not always take the form of verifying what actual genitalia they have – for instance, what moral genitalia they possess can sometimes instead be inferred from a combination of their more easily observable bodily features,

such as their height and the size of their hands and feet (see Wilchins 2006). This explains how it is that genitally postoperative trans people can also find themselves subjected to reality enforcement (Bettcher 2014: 393).⁹²

As mentioned above, Bettcher takes the pervasiveness of reality enforcement to demonstrate the truth of her claim that at least in mainstream culture, ‘public gender presentation euphemistically communicates moral genitalia’ (2014: 393). To see why, take the case of a trans woman whose feminine public gender presentation is taken to be misrepresenting the “reality” of her male moral sex. This can only be because in general a person’s feminine public gender presentation is taken to represent their moral sex as female. Since a person’s moral sex is taken to be determined by which moral genitalia they possess, this is equivalent to saying that in general a person’s feminine public gender presentation is taken to represent their moral genitalia as female. It follows that a person’s public gender presentation communicates what moral genitalia they possess. Moreover, as Bettcher points out, ‘it must do so in a euphemistic way, since outright discussion of genitalia is usually restricted’ – which ‘helps explain how gender presentation could serve this communicative function without being obvious’ (2012: 329). Finally, Bettcher caveats her claim with “at least in mainstream culture” because in her own experience, ‘often within trans-specific communities, gender presentation does not represent genital status at all, instead constituting a visible indication of how a transsubject wishes to be interacted with’ (2007: 59). Within such trans-specific communities, public gender presentation is not ‘taken as a *sign* of sexed body, taken to *mean* sexed body, taken to *communicate* sexed body’ (2007: 52; emphases in the original).

⁹² Furthermore, cis people who are mistaken for trans people can also sometimes find themselves subjected to reality enforcement – see Watson (2016) for a discussion of this issue.

Now consider a trans woman in mainstream culture today. Her feminine public gender presentation euphemistically communicates to everyone she comes across that she possesses female moral genitalia. So long as they falsely believe that she does indeed possess female moral genitalia, they will have no cause to conclude that in her case the “appearance” does not reflect the underlying “reality”, or to conclude that she is either a “deceiver” or a “pretender”, or to subject her to genital verification. In other words, so long as it is unintelligible to those she comes across that in fact she possesses male moral genitalia, they will not subject her to reality enforcement. Thus we can say that she possesses an opacity interest in her moral genitalia being unintelligible to those she comes across in the course of everyday life grounded in her need to avoid being subjected to reality enforcement. The same is true of any trans person whose public gender presentation euphemistically communicates that they possess moral genitalia other than those they in fact possess.

Continue to consider the case of a trans woman in mainstream culture today whose feminine public gender presentation euphemistically communicates to everyone she comes across that she possesses female moral genitalia. If they suspect that in fact she does not possess female moral genitalia then this in itself marks her out as different, since what most people’s public gender presentation euphemistically communicates about them is true. When you are marked out as different, you stand out from the crowd. Gayle Salamon discusses this phenomenon in *The Life and Death of Latisha King*, a phenomenological investigation into the life and murder of trans girl Latisha King in California in 2008. She writes of King that:

There was no moment during the school day in which she could sink into the simplicity of bodily rhythm and existence. There was no retreat inward toward solaces of undifferentiated being-with-others that characterizes anonymous life. (2018: 134; see similarly Snorton 2009)

Here Salamon indicates some of the disadvantages that come with consistently standing out from the crowd. When you stand out from the crowd you become the object of other people's attention, and when you are the object of other people's attention it is often difficult not to worry about what they are making of what you say and do. Life would be 'simpler' if you did not have these worries. Moreover, worrying constantly about what other people make of what you say and do is exhausting.⁹³ You get no moment of 'solace'. Finally, standing out from the crowd tends to preclude an 'undifferentiated being-with-others' in the sense of relating to others as one of them. For all these reasons, 'to be located and singled out [...] is rarely good news' (Riley 2000: 10). Thus we can say that the trans woman in our example possesses an opacity interest in her moral genitalia being unintelligible to those she comes across in the course of everyday life grounded in her need to avoid consistently standing out from the crowd. Again, the same is true of any trans person whose public gender presentation euphemistically communicates that they possess moral genitalia other than those they in fact possess.

As mentioned above, some trans people's moral genitalia can straightforwardly be inferred from their more easily observable bodily features, such as their height and the size of their hands and feet. It is always likely to be difficult for such people to satisfy opacity interests that they possess in their moral genitalia being unintelligible to those they come across in the course of everyday life. At the same time, notice that the need to avoid being subjected to reality enforcement grounds the possession of opacity interests regarding moral genitalia only in worlds where being subjected to reality enforcement is a live possibility; and likewise that the need to avoid constantly standing out from the crowd grounds the possession of opacity interests regarding moral genitalia only in

⁹³ Hil Malatino: 'Modulations of visibility aren't always about life or death, but also, at some level, they *are*. How much shit can you metabolize and still be expected to keep on living, to keep on desiring this world?' (2020: 28)

worlds where a person's public gender presentation euphemistically communicates what moral genitalia they possess. Thus it may be that in an ideal world such people would not possess opacity interests in their moral genitalia being unintelligible to those they come across in the course of everyday life. That they would likely find it difficult to satisfy such interests would then not be a problem.

Other trans people's moral genitalia cannot be quite so straightforwardly inferred from their more easily observable bodily features. How easy it is for such people to satisfy opacity interests that they possess in their moral genitalia being unintelligible to those they comes across in the course of everyday life is likely then to depend on a number of factors. In the next subsection I identify one factor that in recent years has made this considerably more difficult.

b. A Trans Critique of Visibility Politics

Flood lights are transphobic.

- Hil Malatino, *Trans Care* (2020: 27)

Given their dual grounds, the opacity interests that trans people possess in their moral genitalia being unintelligible to those they encounter in the course of everyday life are particularly weighty. In this subsection, I argue that in recent years trans people's greater visibility in public life has had the downside of making the violation of these opacity interests more likely.

Here it will be interesting to bear in mind something of the history of trans studies as a discipline. Sandy Stone's "The *Empire* Strikes Back: A Posttranssexual Manifesto", written in 1987 and first published in 1991, is perhaps the foundational text in trans

studies as we know it today (on this see Bettcher 2017b: 394). In the essay, Stone provides a number of important rejoinders to Janice Raymond's notoriously transphobic and terrifyingly influential *The Transsexual Empire: the Making of the She-Male*, published a decade earlier in 1979. Stone also suggests an explanation for the previous absence of just such a counterdiscourse. This is that at the time clinicians insisted that trans people agree 'to fade into the "normal" population as soon as possible' as a condition of their being provided with gender-affirming healthcare, and 'it is difficult to generate a counterdiscourse if one is programmed to disappear' (1992: 164). Stone concludes that if trans people are to successfully push back against the transphobic representations of them put out by Raymond and her ilk, 'the genre of visible transsexuals must grow by recruiting members from the class of invisible ones' (1992: 165). In this way, "The *Empire Strikes Back*" offers greater visibility for trans people as 'the primary path' to their liberation (Gossett et al. 2017: xv). Notably absent from Stone's essay is any consideration of possible downsides that might come with such greater visibility for trans people. Instead, Stone presents the prospect of trans people coming forward to counter transphobic misrepresentations of them as an *unalloyed* good. As such, Stone's essay shares with the hermeneutical injustice literature an implicit commitment to what I am calling transparency politics.

In the decades since the publication of "The *Empire Strikes Back*", trans people have indeed become much more visible. Few moments symbolize this better than the publication by *Time* magazine in 2014 of an issue featuring trans actress Laverne Cox on the cover under the headline "The Transgender Tipping Point" (see Stryker 2017: Ch.6). The piece welcomed the greater visibility of trans figures such as Cox in public life as an unalloyed good for very Stone-like reasons, with journalist Katy Steinmetz writing that '[t]his new transparency is improving the lives of a long misunderstood minority [by

making them better understood]’ (Steinmetz 2014). Yet the publication of the “Tipping Point” issue is a moment about which many in the trans community in retrospect have rather mixed feelings. As trans elder Miss Major Griffin-Gracy comments in a conversation with CeCe McDonald:

People all around the world were amazed by Laverne’s cover story. However, for the girls who have to live on the streets and off their wits, this was not something that was beneficial to their existence. What I have noticed, since that happened, is that there are more girls being murdered or beaten up because the people who want to do these harmful things can’t get to Laverne Cox. (Griffin-Gracy et al. 2017: 26)

Seven years after the publication of the “Tipping Point” issue *Time* magazine again ran a piece covering trans issues, but this time the piece had a much darker tone: ‘2021 was the deadliest year for transgender and gender non-conforming people in the U.S. on record’, it begins (Carlisle 2021). Griffin-Gracy is not alone in the trans community in attributing the recent increase in anti-trans violence at least in part to the greater visibility of trans people in the public sphere (see e.g. Gossett et al. 2017; Preciado 2020: 126). With this wave of anti-trans violence and now anti-trans legislation sweeping across the United States, those working in trans studies today tend to be much more sceptical of Stone’s proposed reliance on greater visibility as the primary path to trans liberation.⁹⁴

There are at least a couple of mechanisms by which the heightened visibility of trans people in public life seems inadvertently to be increasing trans people’s vulnerability to violence. One is the mechanism highlighted by Griffin-Gracy in the passage quoted above. A transphobe cannot stand seeing a trans woman like Laverne Cox being successful and taking up space in public life; yet Cox herself is ‘basically out of their reach, with the security that she has’ (Griffin-Gracy et al. 2017: 26); so instead they take their anger out on the next trans woman whom they clock as trans. ‘Another trans woman

⁹⁴ See for instance cárdenas (2015), Spade (2015), Gossett et al. (2017), Snorton (2017: preface), Stanley (2017), Beauchamp (2019), Malatino (2020: Ch.2), and Currah (2022).

pays the price for what the media is applauding and the world is getting all happy over' (Griffin-Gracy et al. 2017: 26). We can think of this as a form of backlash (compare Faludi 1992). Another mechanism is the heightened visibility of trans people in public life increasing the likelihood that a transphobe will clock a trans person as trans in the first place by increasing the salience of this possibility in the transphobe's mind (Stanley 2017: 617). Indeed, trans people's heightened visibility has increased the likelihood that just about anyone will clock them as trans. This amounts to saying that trans people's heightened visibility has increased the likelihood of their moral genitalia being intelligible to those they come across in the course of everyday life. In this way, trans people's greater visibility in public life has had the downside of making the violation of their opacity interests in this regard more likely. I will draw out the significance of this finding for the hermeneutical injustice literature in §4. But first I want to offer a tentative exploration of the other sort of distinctly hermeneutical interests that I identified in the introduction to this chapter.

3. Neutrality Interests: Roland Barthes's World Exempt From Meaning

Evidently he dreams of a world which would be exempt from meaning (as one is from military service).

- Roland Barthes, *Roland Barthes by Roland Barthes* (2010b: 87)

Not to confer meaning, which is the traditional purpose of literary endeavor, but to deprive something of meaning: to apply that quixotic, highly

polemical strategy, 'against interpretation,' to the real world this time.

- Susan Sontag, *AIDS and Its Metaphors* (2002: 99)

Susan Sontag wrote that ‘of all the intellectual notables who have appeared since World War II in France, Roland Barthes is the one whose work I am most certain will endure’ (1993: vii; see also 2009b). Though holding Barthes in such high esteem is not uncommon in some quarters (e.g. Derrida 2001; Robbe-Grillet 2011; Guibert 2014; Nelson 2016; Dillon 2020; Briggs 2021), he is yet to get much of a hearing within analytic philosophy. When his name does appear, moreover, it is usually in connection with the work he produced as a (post-) structuralist literary theorist in the 1950s and 1960s – texts such as *Mythologies* and “Death of the Author”. My interest in Barthes for the most part lies elsewhere, in the ethical turn his work took in the decade leading up to his untimely death in 1980. In books from this period such as *Roland Barthes by Roland Barthes* and *Camera Lucida* and in the lecture courses he delivered at the Collège de France, Barthes reveals himself as a wonderfully nuanced theorist of how best to live together.⁹⁵ It is primarily from these late texts that I draw in what follows.

A prominent theme in these texts is that our words and actions tend to be read by others as signs of who we are or what we are like.⁹⁶ Barthes repeatedly expresses a strong dislike of being subjected to at least some interpretive efforts along these lines. The way he puts

⁹⁵ *How to Live Together: Novelistic Simulations of Some Everyday Spaces* is the title of the first lecture course Barthes delivered at the Collège de France following his appointment there in 1976 (Barthes 2013).

⁹⁶ There is, perhaps, something paranoid about this (De Villiers 2012: 2). When I discuss the need for spontaneity and novelty in §3b below, it will be worth recalling that ‘[t]he first imperative of paranoia is *There must be no bad surprises*, and indeed, the aversion to surprise seems to be what cements the intimacy between paranoia and knowledge per se’ (Sedgwick 2003: 130; emphasis in the original).

his concern in his experimental autobiography *Roland Barthes by Roland Barthes* is that he ‘is troubled by any *image* of himself, suffers when he is named’ and conversely that he ‘finds the perfection of a human relationship in this vacancy of the image: to abolish – in oneself, between oneself and others – *adjectives*’ (2010b: 43; emphases in the original). He expresses his antipathy in similar terms in the notes for his lecture course on *The Neutral*, writing: ‘I always receive the adjective badly, as an aggression, and I do so in all cases, no matter which value is attributed to it’ (2005: 56). In passages such as these, Barthes cannot mean that he is opposed to people arriving at just any description of who he is or what he is like. This would make it impossible to explain why he was seemingly happy to provide several descriptions of himself in *Roland Barthes by Roland Barthes*. There he tells us that he is, for instance, someone who likes Handel but not Vivaldi, Pollock but not Miro, peaches but not strawberries, and going for slow walks but not spending evenings with people he does not know (2010b: 116-117). Barthes thus has to have had something more specific in mind. My tentative suggestion is that what Barthes so disliked was his words and actions being read by others as signs that he belonged to particular social kinds, where his belonging to those social kinds could then be used to explain various things about him.⁹⁷ An ‘adjective’ would then be a term for such a social kind.

Of all the ‘adjectives’ that could plausibly have been applied to him, Barthes probably had “homosexual” most in mind.⁹⁸ Barthes does not state this explicitly, since that would

⁹⁷ For a similar suggestion see Stafford (2015).

⁹⁸ That “homosexual” was a name for a particular kind of person is brought to life by a famous passage from the first volume of Foucault’s *History of Sexuality*: ‘As defined by the ancient civil or canonical codes, sodomy was a category of forbidden acts; their perpetrator was nothing more than the juridical subject of them. The nineteenth-century homosexual became a personage, a past, a case history, and a childhood, in addition to being a type of life, a life form, and a morphology, with an indiscreet anatomy and possibly a mysterious physiology. [...] The sodomite had been a temporary aberration; the homosexual was now a species.’ (1998: 43)

only have served to encourage exactly what he was hoping to avoid. But we do still get hints that his sexuality was what he felt others were often trying to get to the bottom of. For instance, in *The Neutral* we find him speculating: ‘every question is indiscreet, it is – however sublime its contents – inquiry about the sexuality of the other’ (2005: 108). As such, we find Barthes in his writing enacting his favourite Latin motto: ‘*Larvatus prodeo*: I advance pointing to my mask: I set a mask upon my passion, but with a discreet (and wily) finger I designate this mask’ (2018: 43; see also 2010d: 46; Phillips 2010: x). Barthes did not think he was alone in writing this way, claiming that ‘*in what he writes, each protects his sexuality*’ (2010b: 156; emphasis in the original). In seeming confirmation of this speculation, Barthes’s contemporary Michel Foucault closes his preface to *The Archaeology of Knowledge* by writing that:

I am no doubt not the only one who writes in order to have no face. Do not ask who I am and do not ask me to remain the same: leave it to our bureaucrats and our police to see that our papers are in order. At least spare us their morality when we write. (2002: 19; see also Eribon 1991: 186)

It is perhaps no coincidence, then, that it was Barthes and Foucault who were primarily responsible for promoting the idea of the death of the author (Barthes 1989a; Foucault 1991c). In doing so, both can be seen as expressing an understandable resistance to being read reductively as specifically gay writers.⁹⁹ Neither seemingly wanted their belonging to that particular social kind to be used to explain what they wrote.

Barthes’s lack of explicitness about all this has at times come in for criticism. D.A. Miller in *Bringing Out Roland Barthes*, for example, writes that ‘Barthes’s relation to the act of gay self-nomination proves nothing short of phobic’ (1992: 23).¹⁰⁰ Yet as Nicholas De

⁹⁹ Compare Monique Wittig’s critique of the notion of *écriture féminine* (1992: 59-60).

¹⁰⁰ Here it is worth noting that Miller was writing at the peak of the AIDS crisis, when encouraging people to come out as gay, and indeed sometimes outing them against their will, had considerable currency among activists as tactics for combatting the stigma associated with the disease. See for instance Gross (1991), Mohr (1992: Ch.1), and Crimp (1993).

Villiers persuasively argues, such condemnation fails to take seriously the ways in which ‘homophobia often insists on knowing rather than refusing to know about the sexuality of gay people’ (2012: 3). As Eve Sedgwick emphasizes in her canonical *Epistemology of the Closet*, gay people are just as likely to be faulted by a homophobic society for not disclosing enough about their sexuality as they are for disclosing too much (2008: 70).

Barthes himself was aware of this, writing that:

[...] to proclaim yourself something is always to speak at the behest of a vengeful Other, to enter into his discourse, to argue with him, to seek from him a scrap of identity: “You are...” “Yes, I am...” Ultimately, the attribute is of no importance; what society will not tolerate is that I should be...*nothing*, or, more precisely, that the *something* I am should be openly expressed as provisional, revocable, insignificant, inessential, in a word irrelevant. Just say “I am”, and you will be socially saved. (1989b: 291-292; emphases in the original)

What society will not tolerate, in other words, is that I should offer merely a bare description of my sexuality – this being the ‘means of that form of silence which consists in saying things *simply*’ (1989b: 292; emphasis in the original).¹⁰¹ Rather, I must declare myself to belong to a particular social kind if I am to be socially saved – I must say loudly and clearly that I am a HOMOSEXUAL. Thus far from a symptom of homophobic repression, Barthes’s oblique way of referencing his sexuality can be read as an effort to resist the demands made of him by this vengeful Other. These demands Barthes sometimes identifies as fascist, given that characteristically ‘fascism does not prevent speech, it compels speech’ (1993: 461; see also 2010c: 271).

Someone in Barthes’s time and place who thought of him as a HOMOSEXUAL would likely have been liable to infer some false claims from his falling under this concept. For

¹⁰¹ There is again a point of comparison with Foucault here, for as Wendy Brown explains, silence as Foucault understands it is ‘identical neither with secrecy nor with not speaking. It instead signifies a particular relation to regulatory discourses, as well as a possible niche for the practice of freedom *within* those discourses’ (2005: 87; emphasis in the original).

instance, they would likely have been liable to infer the false claim that he ought to feel ashamed of himself.¹⁰² If Barthes's primary objection to someone thinking of him as a HOMOSEXUAL was that they were liable to infer false claims like this one, he would be saying no more than that HOMOSEXUAL was an ill-fitting concept for him to use for the purpose of rendering his sexual orientation intelligible to them. He would then not be saying anything new so far as the hermeneutical injustice literature is concerned. But this does not seem to have been Barthes's primary objection to someone thinking of him as a HOMOSEXUAL.¹⁰³ The passage quoted above suggests that Barthes's primary objection to someone thinking of him as a HOMOSEXUAL was instead that their doing so would likely mean failing to treat his sexuality as 'irrelevant'. In other words, his worry was seemingly that once someone thought of him as a HOMOSEXUAL they would likely use this to explain various things about him: what he wrote, but also perhaps his unusually close relationship with his mother, or his sexual promiscuity (notoriously recorded in Barthes 1992).

Barthes interestingly proposed a way in which someone's being HOMOSEXUAL could over time be made to seem to explain less about them. His suggestion was that this could be achieved if we insisted always on pluralizing, talking always of particular homosexualities rather than of a monolithic homosexuality. Doing so would make salient to people the extent to which '*people are different from each other*', especially when it comes to their experiences of sexuality (Sedgwick 2008: 22, emphasis in the original). This in turn ought to make people much more cautious about using someone's being HOMOSEXUAL to explain various things about them. Thus Barthes writes that in his

¹⁰² Compare here the discussion of Edmund White's case in Ch.1 §2.

¹⁰³ Consider that if this was his primary objection, we would have expected the epigraph with which I began this section to read: "Evidently he dreams of a world which would be exempt from *false* meanings (as one is from military service)." Likewise, we would have expected him to express his disdain for *falsifying* 'adjectives' and 'images' rather than for 'adjectives' and 'images' *simpliciter*.

ideal world, ‘sex will be taken into no typology (there will be, for example, only *homosexualities*, whose plural will baffle any constituted, centered discourse, to the point where it seems to him virtually pointless to talk about it)’ (2010b: 69; emphasis in the original). Only in such a world, Barthes suggests, would sexuality truly be liberated: ‘What is difficult is not to liberate sexuality according to a more or less libertarian plan but to disengage it from meaning, including transgression as meaning’ (2010c: 123).¹⁰⁴

Though it is the clearest example, his sexuality was perhaps not the only thing Barthes had in mind when he reported being ‘troubled by any *image* of himself’ (2010b: 43; emphasis in the original). For instance, Barthes was equally coy when it came to the question of exactly where he stood politically. Though he identified in broad terms with the Left, he tended when he could to avoid committing himself to particular factions (2010c: 268-271; 2015: 47; see also Greco 2020: 39). For example, he infuriated many on the Left by refusing to come down firmly either for or against Mao in his write-up of his 1974 trip to China (see 2013). Barthes was almost certainly in fact an anti-Maoist, but perhaps he was worried that his being an ANTI-MAOIST would be used to explain other things about him, such as his failure to appear on the barricades in ’68. Barthes would often find himself in this sort of position. As a prominent French public intellectual in the age of Sartre and Beauvoir, there was pressure on Barthes to declare his position pretty much every time an issue hit the news (De Villiers 2005). This was an object of considerable resentment for Barthes: ‘The present-day world is full of it (statements, manifestos, petitions, etc.), and it’s why it’s so wearisome: hard to float, to shift places’ (2005: 19). Moreover, Barthes to some extent internalized this pressure to state where he stood: ‘All my life, politically, I have given myself a bad time’ (2010b: 126).

¹⁰⁴ David Halperin echoes this point in his *Saint Foucault: Towards a Gay Hagiography*: ‘Sexual liberation may have liberated our sexuality but it has not liberated us *from* our sexuality; if anything, it has enslaved us more profoundly to it’ (1995: 20; emphasis in the original).

There were likewise questions concerning what kind of intellectual Barthes was. At different points in his career he described himself as among other things a MYTHOLOGIST, a SEMIOLOGIST, and a LITERARY THEORIST. Whenever one such identification began to be treated as a key to understanding his work, he would move onto a new one: ‘each phase is reactive: the author reacts either to the discourse which surrounds him, or to his own discourse, if one and the other begin to have too much consistency, too much stability’ (2010b: 145). Just as Barthes hoped to avoid being read reductively as a specifically gay writer, so he also hoped to avoid being read reductively as, say, a semiologist. How Barthes identified intellectually was a subject that came up repeatedly in interviews: ‘How do you situate yourself with regard to Marxism, Freudianism, to x, to y?’ (2005: 18). Interviewers, Barthes felt, rarely took what he said in response to such questions at face value: ‘every question comes from a subject who intends [to find] something other than a plain, first-degree answer’ (2005: 107). Though Barthes gave interviews regularly throughout his career to promote his books, he found them to be tense, unenjoyable affairs as a result of this intense degree of scrutiny (2010c: 258).¹⁰⁵

Finally, the meanings that could be attached to the size and shape of Barthes’s body might also be relevant here. Barthes begins *Roland Barthes by Roland Barthes* with a series of photographs taken of him in his younger years. One of these photographs, taken soon after his recovery from tuberculosis in his early 20s, he captions as follows:

Sudden mutation of the body (after leaving the sanatorium): changing (or appearing to change) from slender to plump. Ever since, perpetual struggle with this body to return it to its essential slenderness (part of the intellectual’s mythology: to become thin is the naïve act of the will-to-intelligence). (2010b: 30)

¹⁰⁵ Barthes was not alone among his contemporaries in feeling this way. Interviews are generally ‘very trying’, Gilles Deleuze and Claire Parnet write; the aim is ‘not to answer questions, it is to get out, to get out of it’ (2006: 1).

Here it is important to note that Barthes often doubted his capabilities as an intellectual. It bothered him that he had not attended the prestigious *École Normale Supérieure*, where notable contemporaries including Althusser, Derrida, and Foucault had all studied (Calvet 1994). Even when he was appointed to a professorship at the *Collège de France* in 1976, he began his inaugural lecture by expressing his uncertainty as to whether this was an honour he deserved (1993: 458). The above-quoted passage would seem to suggest that Barthes at times found it difficult to resist using his being PLUMP to explain what he suspected to be his shortcomings as an intellectual: according to the ‘mythology’ into which he bought, being PLUMP was a sign that he lacked the necessary ‘will-to-intelligence’. We can hear his unhappiness in his talk of the ‘perpetual struggle’ to which his thinking this way led.¹⁰⁶ Thus it is no surprise to find him in *Camera Lucida* wishing instead for ‘a neutral, anatomical body, a body which signifies nothing!’ (2000: 12).¹⁰⁷

It was at home that Barthes came closest to having his wish for a neutral, anatomical body fulfilled. Barthes’s father was killed fighting in World War I when he was only a few months old, and for most of the rest of his life he lived with his mother. In the diary he composed following her death in 1977, he writes that his mother ‘never made an *observation* about me’ and that this is part of what explains his ‘horror of that word and of the thing’ (2010a: 255; emphasis in the original). Likewise in *The Neutral*, we find him asking rhetorically: ‘she alone, isn’t the mother the only one who doesn’t qualify the

¹⁰⁶ This of course will come as no surprise to feminist critics of norms of thinness (Bordo 2003; Orbach 2016). There is also an interesting comparison to be made between Barthes’s conception of his body as “essentially” slender and contemporary rhetoric encouraging women to “get their body back” after pregnancy: ‘The very idea of *getting your body back* suggests that there was one moment when you had the body that was really, authentically, naturally *yours*. On this understanding our real bodies are not the saggy, stretchy, lumpy, wrinkly ones that, somehow, we find ourselves in. When women try to get their bodies back they are usually aiming for the post-pubescent, pre-pregnancy body [...] Somehow, that minority body becomes not just the *ideal* body but the *authentic* body: the one that most accurately characterizes who you really are, inside.’ (Chambers 2022: 4; emphases in the original)

¹⁰⁷ For a similar sentiment, see Wilchins (2006: 551).

child, who doesn't force him into an assessment?' (2005: 56). (In this, Barthes's own experience was perhaps rather more unusual than he himself realized.) Unlike most people, then, Barthes's mother tended to refrain from reading what he said and did as signs of which 'adjectives' could correctly be applied to him. In so doing, Barthes felt, his mother acted out of 'love, extreme love' (2000: 12).¹⁰⁸

¹⁰⁸ There is an interesting contrast to be drawn here with Iris Murdoch's discussion of love in *The Sovereignty of Good*. Murdoch's discussion centres around the case of a mother, M, and her new daughter-in-law, D. M's first impression of D is as someone 'not exactly common yet certainly unpolished and lacking in dignity and refinement [...] pert and familiar, insufficiently ceremonious, brusque, sometimes positively rude, always tiresomely juvenile' (2001: 16-17). Yet M is 'an intelligent and well-intentioned person, capable of self-criticism, capable of giving careful and just *attention* to an object which confronts her' (2001: 17). And so M resolves to look again, observing D carefully and reflecting deliberately on what she observes, until she comes round to the view that D is in fact 'not vulgar but refreshingly simple, not undignified but spontaneous, not noisy but gay, not tiresomely juvenile but delightfully youthful' (2001: 17). In making this effort to look again, Murdoch suggests, M is 'moved by love' (2001: 18).

What we ought to make of this case has recently been a matter of some dispute. Some have denied that the sort of love that M displays has anything to do with 'fondness or affection or the desire for intimacy' (Setiya 2013: 19) – that is, with love in the ordinary sense of the word. Others have considered the moral of the case to be that loving someone can be a matter of paying attention to them with the aim of coming to see them in a positive light (Driver 2020: 177-178). But on the dominant interpretation of the case, the love that M displays for D is indeed love in the ordinary sense of the word, and it is merely incidental that M comes to view D in a positive light (Wolf 2014: 372; Forsberg 2017; Chappell 2018: 99; Yao 2020: 9). On this dominant interpretation, the moral of the case is that loving someone can be a matter of paying attention to them with the aim of coming to see them as they 'really or most fully or most deeply' are (Yao 2020: 7). Notably, Susan Wolf claims that this is 'the best and truest kind of love', by which she means that this how we would all most like to be loved if given the choice (2014: 374).

Barthes's comments suggest that the desire to be loved in this way is not in fact as universal as Wolf imagines it to be. M approaches everything D says and does as a text to be *interpreted*, as *signs* of which adjectives might correctly be applied to her. The way in which Barthes's mother approached what he said and did could hardly have been more different, and yet this is exactly what Barthes was so grateful to her for. His mother's attitude could perhaps be summed up as: 'It is not true that the more you love, the better you understand: all that the action of love obtains from me is merely this wisdom: that the other is not to be known; his opacity is not a screen around a secret, but, instead, a kind of evidence in which the game of appearance and reality is done away with' (2018: 135). Barthes's mother would affirm him without first straining to see him as he really or most fully or most deeply was. To her he was simply adorable: "*Adorable* means [...] "That's it! That's it exactly (which I love)!" (2018: 20; emphasis in the original). We can speculate that she approached him as a text to be *enjoyed*, rather than as a text to be *interpreted* (compare Sedgwick 2003: 144; Sontag 2009a: 14). For '[i]f I agree to judge a text according to pleasure', it 'can wring from me only this judgment, in no way adjectival: *that's it!* And further still: *that's it for me!*' (Barthes 1975: 13; my underline, other emphases in the original).

I do not doubt that some of us would most like to be loved (sometimes, by some people) in the way that M loves D (to my mind, Yao (2020) is particularly convincing on this). My point is just that others of us would instead most like to be loved (sometimes, by some people) in the way that Barthes's mother loved him. The upshot is that we ought, *contra* Wolf, to be pluralist about the best and truest kinds of love (compare Bagley 2018). I hope to expand on these thoughts in future work.

In addition, Barthes found some respite from images of himself when travelling abroad. Not only was his speech frequently protected from interpretation by a language barrier, as in his beloved Japan (1982: 9; 2010c: 264). So too, he felt, were his gestures and comportment often uninterpretable by locals unfamiliar with the French cultural codes which gave them significance. Thus in Morocco, he writes, ‘they evidently had no image of me; my efforts, as a good European, to be *this* or *that* received no reply: neither *this* nor *that* was returned in the form of a fine adjective’ (2010b: 43; emphases in the original).

Barthes often makes out as if his dislike for being thought of as belonging to this or that deeply explanatory social kind was little more than the outcome of an idiosyncratic temperament. For instance, he suggests in *The Neutral* that the prospect of being pinned down in an interview induces panic only in ‘certain subjects – I am one of them’ (2005: 107). Likewise in the epigraph with which I began this section, Barthes compares the ‘*exemption from meaning*’ he dreams of to an exemption from military service (2010b: 87; emphasis in the original), suggesting that it would apply only to a select few.¹⁰⁹ It seems to me that in fact this framing is misleading. What I want tentatively to suggest is that Barthes was reluctant to be thought of as belonging to this or that deeply explanatory social kind because he realized at some level that this would violate what I am proposing to call his neutrality interests.¹¹⁰ We can find in Barthes’s late texts indications of at least two concerns that plausibly could have grounded these interests. The first of these is a need for opportunities to rest from viewing oneself from a certain alienated perspective;

¹⁰⁹ Cf. “The Death of the Author”, where *anyone* who writes is said in doing so to be seeking ‘a systematic exemption from meaning’ (1989a: 54).

¹¹⁰ Barthes defines ‘the Neutral as that which outplays the paradigm’ (2005: 6). A person thus embodies the Neutral if they are of neither one kind nor another: for instance, if they are neither a man nor a woman (2005: 187-195). This talk of the Neutral is the inspiration for my proposed label for hermeneutical interests of this sort.

the second is a need for opportunities for spontaneity and novelty. Crucially, neither of these concerns applies only in the case of Barthes himself.

a. The Need for Rest

In *The Neutral*, Barthes offers the key phenomenological insight that ‘as a subject, I never feel myself adjectivized’ (2005: 56; see also 2010c: 192). Thus when I think of myself as belonging to a particular deeply explanatory social kind, I must instead be relating to myself in some sense primarily as an object. When I relate to myself primarily as an object, I view myself as if from the outside (Leboeuf 2019: 11). It is from this alienated perspective that Barthes viewed himself when he thought of himself as PLUMP. It is also from this perspective that I am liable to view myself when I look at a photograph of myself. It should thus come as no surprise to discover that Barthes disliked having his photograph taken.¹¹¹

Other people thinking of me as belonging to a particular deeply explanatory social kind frequently has a similar effect. I am liable to ask myself questions like: do they approve of me, or disapprove of me, or are they perhaps simply indifferent towards me in light of my belonging to this social kind? How is my belonging to this social kind likely to affect our relationship going forward? These are the sorts of questions Barthes likely felt he had to ask himself when other people thought of him as a HOMOSEXUAL. When I ask myself such questions, I view myself from the other’s perspective – again, as if from the

¹¹¹ Barthes writes of having his photograph taken: ‘the Photograph is the advent of myself as other: a cunning dissociation of consciousness from identity [...] and because of this, each time I am (or let myself be) photographed, I invariably suffer from a sensation of inauthenticity, sometimes of imposture (comparable to certain nightmares)’ (2000: 12-13). Notably Sontag – at least early in her career – felt similarly about being photographed (Moser 2019: 351): ‘To photograph people is to violate them, by seeing them as they never see themselves [...] it turns people into objects’ (Sontag 2019: 14-15).

outside (Eribon 2004: 16). This is also the perspective from which I am liable to view myself when I overhear other people gossiping about me. It should thus again come as no surprise to discover that Barthes detested being gossiped about.¹¹²

In extreme cases, a person can end up viewing themselves almost invariably from this alienated perspective, and thus rarely relating to themselves primarily as a subject. In a remarkable essay, trans liberation activist Riki Anne Wilchins describes how this happened to her when she began presenting publicly as a woman sometime in the early 1990s. Wilchins writes that her above-average height, her deep voice, and her broad shoulders made it clear to everyone she met that she was TRANS (2006: 546). She found herself asking herself constantly what people made of her being TRANS (2006: 548). The result was that over time she found herself driven ever further away from ‘direct sensation,’ as what her body ‘felt like’ from the inside came seemingly to matter less than how other people ‘felt about’ it (2006: 549).

In sociologist Erving Goffman’s terms, it is perhaps only those with stigmatized social identities who are likely to be driven to such extremes, since the stakes involved in what people make of them tend to be that much higher than for everyone else (1990b). Yet even those for whom the stakes tend not to be so high usually care a great deal about what other people make of them, and thus regularly take up an outside perspective on themselves as part of their ongoing efforts at impression management (Goffman 1990a). Hence if we did away with stigmatization of various social identities we would certainly be taking a significant step towards realizing a more ideal world. But this would only

¹¹² Barthes writes of being gossiped about: ‘Gossip reduces the other to *he/she*, and this reduction is intolerable to me [...] The third-person pronoun is a wicked pronoun: it is the pronoun of the non-person, it absents, it annuls’ (2018: 185; emphasis in the original). Hence: ‘In an ideal (utopian) community, there would be no names, making it impossible for people to gossip about one another: there would be only direct addresses, presences, not images, absences’ (2013a: 101).

lessen, rather than resolve, the problems associated with people regularly taking up an outside perspective on themselves.

One worry we might have about people regularly taking up an outside perspective on themselves is that this could have an undesirable disciplinary effect (see Foucault 1991: Ch.3). But what Barthes emphasizes is instead just how tiring regularly taking up this alienated perspective can be. In *The Neutral*, Barthes writes that the ‘adjective that comes from outside me upsets [...] my quietude: I am tried by being qualified, predicated, I rest by not being so’ (2005: 56). He reports frequently feeling weary, and connects this to a need for ‘sociality to rest in me’ (2005: 18). The upshot for our purposes is that whenever someone thinking of me as belonging to a particular deeply explanatory social kind would contribute to tiring me out in this way, I will have a neutrality interest in not being thought of as belonging to that particular deeply explanatory social kind by that person. Often what we need in order to satisfy such neutrality interests is a ‘time-out from meaning’ (Teeuwen 2012: 7; see also Manghani 2020: 13) – that is, time spent around people who will not read everything we say and do as signs of which adjectives might correctly be applied to us. It was this sort of time-out from meaning that Barthes found he could obtain for himself at home with his mother and abroad among strangers. They did not think of him as a HOMOSEXUAL.¹¹³ Nor did they care what kind of intellectual he was, or where exactly he stood politically. Thus these were the places where Barthes went to rest.

¹¹³ That Barthes’s mother did not think of him as a homosexual may sound unlikely, but his biographer Jean-Louis Calvet assures us that this was indeed the case (1994).

b. The Need for Spontaneity

Harder at first glance to interpret is Barthes's remark in *The Neutral* that the adjective 'seals up being into some kind of frozen image, it closes it up in a kind of death' (2005: 52). This is not the only time that Barthes makes a claim along these lines. For instance, Barthes often uses "stereotype" interchangeably with "adjective", and in *Roland Barthes by Roland Barthes* he reminds us that 'in Greek, *stereos* means *solid*', so suggesting again that the adjective in some sense solidifies or freezes up (2010b: 58; emphasis in the original). He also once again uses similar language in explaining his dislike of being photographed: "'myself" never coincides with my image; for it is the image which is heavy, motionless, stubborn (which is why society sustains it), and "myself" which is light, divided, dispersed' (2000: 12). Intriguingly, this sort of sentiment is not unique to Barthes. In Maggie Nelson's critically acclaimed memoir *The Argonauts*, for example, her partner Harry Dodge declares an adjectival description of a person to be 'corrosive to all that is good, all that is real, all that is flow' (2016: 4).

I propose to make sense of these remarks in terms of the phenomenon that Jonathan Gingerich has recently theorized as spontaneous freedom. This is the valuable sort of freedom picked out by talk of aspiring to be "free spirited" or "free as a bird" (2022: 38).¹¹⁴ According to Gingerich, experiences of spontaneous freedom have four necessary features. They involve engaging in activity that is open, in the sense of being unplanned and unscripted (2022: 42-43); that is unalienated, in the sense of not 'having its source in

¹¹⁴ It strikes me that this is also the sort of freedom that makes free jazz "free". In the words of pioneer Ornette Coleman, free jazz is characterized by musicians 'play[ing] the music, not the background' (quoted in Pressing 2003: 209) – that is, genuinely spontaneous improvisation enabled by ditching all the expectations traditionally placed on a jazz performance (such as that it will feature a strict delineation between the frontline and rhythm sections, and a pre-planned sequence of chords that repeats every few bars). I like the idea of 'play[ing] the music, not the background' as a synecdoche for the phenomenon of spontaneous freedom writ large.

something alien' to oneself (2022: 44); and that is nonobligatory, in the sense of not being dictated by one's 'explicit or implicit beliefs about what other people, the law, or substantive moral duties demand' (2022: 45). An experience of spontaneous freedom must also have intentional content, so that it can be evaluated for fittingness or veridicality. 'For an experience of spontaneous freedom to be veridical, it must be about activity that is in fact unscripted, unalienated, and nonobligatory' (2022: 45). Experiences of spontaneous freedom are valuable in part because they activate 'our capacity for novelty and originality' (2022: 55).¹¹⁵ In activating this capacity, experiences of spontaneous freedom 'confirm that we are not trapped by our own personal histories or the human past' (2022: 57). Thus '[w]hile experiencing spontaneous freedom at every moment of one's life would be neither psychologically sustainable nor consistent with discharging one's ethical duties, experiencing it at least on occasion' allows us to realize what is a deeply human good (2022: 57).¹¹⁶

My tentative proposal is that when Barthes writes that the adjective 'seals up being into some kind of frozen image, it closes it up in a kind of death' (2005: 52), he means that being thought of as belonging to a deeply explanatory social kind tends to impede one's access to something like experiences of spontaneous freedom. Barthes was worried that if those around him thought of him as a HOMOSEXUAL, say, then this would come with a set of expectations for how he would conduct himself. In other words, being thought of as a HOMOSEXUAL would come with a script that those around him would expect him to follow. Moreover, since those around Barthes would have taken his being a HOMOSEXUAL to be deeply explanatory of who he was, the set of expectations for how

¹¹⁵ Thus experiences of spontaneous freedom may also be experiences of what Barthes calls bliss (*jouissance*): 'bliss may come only with the *absolutely new*' (1975: 40; emphasis in the original).

¹¹⁶ Barthes writes at one point in *A Lover's Discourse* that spontaneity is 'the great dream' – perhaps his great dream (2018: 63).

he would conduct himself would have been especially rich, the scripts especially detailed (see Appiah 1994: 159-160).

The reason for Barthes's worry, I suggest, is that once those around you have a rich set of expectations for how you will conduct yourself, you can easily find yourself in a bind. On the one hand, the path of least resistance is usually just to meet the expectations that those around you have of you – to follow their scripts. Yet in going along with what those around you expect of you, you can never experience spontaneous freedom. Following other people's scripts fails the openness condition because you are following *scripts*, and the non-alienation condition because the scripts that you are following are *other people's*. Here, '[w]hat begins in recognition ends in obedience' (Phillips 2016: 54).

On the other hand, going against what those around you expect of you often comes at some sort of cost. For instance, they might read your going against their expectations as a failure of solidarity: "I thought you were one of us!" They might read it as a failure of authenticity: "I thought you were a *real X*!" Or they might read it as a failure of honesty: "You led me to believe that you were an *X*, whereas in fact...". At the least, then, going against what those around you expect of you is something you are likely to want to plan. Yet if you plan it, going against what those around you expect of you will fail the openness condition. Moreover, those around you are likely to respond to your going against what they expected of you by forming a new expectation, namely that *you will go against what they once expected of you*. Call this the *non-conformist* script. Continuing to go against what they once expected of you would then conform to this new script, so failing both the openness condition and the non-alienation condition. Yet if instead you revert to going along with what they once expected of you, those around you are likely to respond by forming yet another new expectation, namely that *you will go along with what they once expected of you after all*. Call this the *akratic* script. Continuing to go along with what

they once expected of you would then likewise conform to this new script, so once again failing both the openness condition and the non-alienation condition. Finally, any action carried out *in order to* flout what other people expect of you will fail the non-alienation condition. For all these reasons, it can be very difficult to experience spontaneous freedom when going against what those around you expect of you.¹¹⁷

Identifying his 'being' with his capacity for novelty and originality, Barthes seems to grasp that being thought of as belonging to a deeply explanatory social kind will tend to preclude the activation of this capacity through experiences of spontaneous freedom, and hence 'seal it up in a kind of death' (2005: 52). The upshot for our purposes is that whenever someone thinking of me as belonging to a particular deeply explanatory social kind would impede my access to experiences of spontaneous freedom in this way, I will have a neutrality interest in that person not thinking of me as belonging to that particular deeply explanatory social kind. Note, moreover, that as with the concern that we have opportunities to rest from viewing ourselves from an alienated perspective, the concern that we have opportunities to experience spontaneous freedom is not specific to our non-ideal world. Rather, it follows as Barthes himself says from the adjective's 'descriptive quality alone' (2010b: 68). Thus if the somewhat speculative suggestions I have made in this section are on the right track, we will need to continue to care about neutrality interests even if we manage to realize a world rather more ideal than this one.

¹¹⁷ It is worth emphasizing that it is not *impossible* to experience spontaneous freedom when going against what those around you expect of you. You might be oblivious to what those around you expect of you, in which case it will be much easier for you to experience spontaneous freedom when going against what they expect of you. The point is just that, as a matter of sociological observation, most of us are not like this.

4. Why The Hermeneutical Injustice Literature Should Care

I have argued over the course of the previous two sections that transparency interests are not the only important hermeneutical interests that we possess. In this section my aim is to draw out why this matters for the literature on hermeneutical injustice. Two reasons in particular stand out. First, once we consider how these other hermeneutical interests get satisfied and/or violated it becomes clear that the hermeneutical injustice literature has had an overly-narrow conception of the sort of interactions that make up the hermeneutical dimension of our lives. Second, pursuing certain interests-as-given strategies to prevent hermeneutical injustices can sometimes have the unintended downside of making the violation of people's opacity interests and/or neutrality interests more likely.

a. A Change of Scene

The hermeneutical injustice literature invites us to consider one particular sort of social interaction that two people might have. A person *A* has a transparency interest in something about themselves being intelligible to a person *B*. *A* then does what they can to render this thing about themselves intelligible to *B*. Whether *A* is successful in this endeavour in large part depends on whether they have well-fitting concepts available to them for this purpose. If *A* does have well-fitting concepts available to them for this purpose, then *B* does not have an active role to play in ensuring that *A* is successful in their endeavour. If on the other hand *A* does not have well-fitting concepts available to them for this purpose, then *B* does have an active role to play in ensuring that *A* is successful in their endeavour. As we saw in the last chapter (§2a), *B* can display the virtue of hermeneutical justice by being sensitive to the possibility that having at best ill-fitting

concepts available to them explains *A*'s struggles to render the thing about themselves intelligible, and adjusting their credence in what *A* has to say accordingly (Fricker 2007: 169-170). This will sometimes be enough for *A* to succeed in rendering something about themselves to *B* despite not having well-fitting concepts available to them for this purpose. Thus we can say that in this sort of social interaction as it is envisaged by the hermeneutical injustice literature, *A* always plays an active role; and when *B* plays an active role, it is in essence as *A*'s collaborator.

Yet this is not the only sort of social interaction that goes into making up the hermeneutical dimension of our lives together. For one thing, *A* may have an opacity interest in something about themselves being unintelligible to *B*. *A* may then instead do what they can to ensure that this thing about themselves is unintelligible to *B*. Here we might recall an aphorism of Nietzsche's: 'To talk about oneself a great deal can also be a means of concealing oneself' (2003: §169). For another thing, *A* could have a neutrality interest in not being thought of as belonging to a particular deeply explanatory social kind by a person *B*. *A* may then for instance decide to engage in what Barthes calls 'that form of silence which consists in saying things *simply*' (1989b: 292; emphasis in the original), offering a description of themselves to *B* that pointedly eschews invoking the name of that social kind. Moreover, we saw in §3 that *B* can also play a more hostile active role in hermeneutical interactions with *A*. For instance, *B* might push *A* to describe themselves as belonging to a particular social kind despite this being contrary to *A*'s neutrality interests – think here of Barthes's 'vengeful Other' (1989b: 291). Finally, we saw in §2 that *A* can sometimes play a more passive role in hermeneutical interactions with *B*. For instance, in mainstream culture *B* is liable to read *A*'s public gender presentation as a sign of what moral genitalia *A* possesses regardless of whether *A* intends their public gender presentation to communicate this.

With all this in view, it becomes clear that the hermeneutical injustice literature has had an overly-narrow conception of the sort of interactions that make up the hermeneutical dimension of our lives together. For instance, I pointed out in Ch.1 (§7) that one weakness of Rachel Fraser's account of conceptual fittingness is that it fails to leave room for a concept being well-fitting for the purpose of rendering something significant about oneself intelligible to someone whilst simultaneously being ill-fitting for other purposes, such as ensuring that something about oneself is unintelligible to someone (2018: 734-737). This mistake could have been avoided had Fraser been paying attention to a wider range of the hermeneutical interactions we have with each other. If the hermeneutical injustice literature as a whole is to avoid making mistakes of this sort, contributors to it would do well to remember Wittgenstein's advice: 'A main cause of philosophical diseases – a one-sided diet: one nourishes one's thinking with only one kind of example' (2009: §598).

b. A Spanner in the Works

Sometimes pursuing certain interests-as-given strategies to prevent hermeneutical injustices can have the unintended downside of making the violation of people's opacity interests more likely. This was implicit in the discussion in §2 of the effects on trans people of their greater visibility in the public sphere. For consider the factors contributing to this greater visibility. One is the proliferation of practices of trans pride. Another is that trans people's hermeneutical marginalization, while still very considerable, has slowly been diminishing when it comes to at least some hermeneutically powerful practices. Film and television production are perhaps the most notable hermeneutically powerful practices within which trans people's hermeneutical marginalization has slowly been diminishing, providing prominent public platforms to the likes of Laverne Cox, Elliot

Page, Asia Kate Dillon and Yasmin Finney. Electoral politics is another hermeneutically powerful practice that has helped to launch trans people into the public eye: in 2018 Danica Roem notably won an election to become the first openly trans state representative in the US, and in 2020 Sarah McBride followed suit by becoming the first openly trans state senator; in 2022 Jamie Wallis became the UK's first openly trans MP.

Practicing trans pride and diminishing trans people's hermeneutical marginalization are both interests-as-given strategies for preventing trans people from suffering hermeneutical injustices, and in this respect they have been considerably successful. As Sandy Stone anticipated and as the notorious "Transgender Tipping Point" cover story acknowledged, the proliferation of practices of trans pride and trans people's greater degree of participation in hermeneutically powerful practices have helped countless trans people to render significant things about themselves intelligible both to themselves and to others. At the same time, the pursuit of these strategies has made trans people more visible in the public sphere. And as I argued in §2, this in turn has made the violation of their opacity interests in their moral genitalia being unintelligible to those they encounter in the course of everyday life more likely. That the pursuit of these interests-as-given strategies has had this unintended downside is, of course, deeply unfair. Miss Major Griffin-Gracy's exasperation is more-than-understandable when she concludes her discussion of these issues with '[t]here are two sides to every fucking coin; nothing is as simple as it appears to be' (2017: 26). Yet this is just the sort of phenomenon that the hermeneutical injustice literature needs to take a clear-eyed look at if it is to preserve its 'methodological commitment to the primacy of the nonideal' (Medina 2013: 11; see also Mills 2013: 8).

Likewise, pursuing certain interests-as-given strategies to prevent hermeneutical injustices can sometimes have the unintended downside of making the violation of

people's neutrality interests more likely. For instance, consider again the paradigm case of hermeneutical injustice that Fricker takes from Edmund White's *A Boy's Own Story*. In the novel, White struggles to render it intelligible to the psychiatrist Dr O'Reilly that his desires for sex with other men are not in fact a sign that he is ill (1983: 169-170). In Ch.1 (§2), I suggested that White might not have suffered this hermeneutical injustice had the potentially well-fitting concept GAY been made available to him for the purpose of rendering his desires intelligible to O'Reilly (following Barnes 2016: Ch.6). Yet notice that to be thought of as GAY is to be thought of as belonging to a social kind that can be used to explain various things about oneself. Moreover, it seems plausible that White had a neutrality interest in not being thought of as belonging to this deeply explanatory social kind. (Indeed, Fricker herself seems to suggest something along these lines in commenting of White that '[a]t some level his personal sexual experience was of a simple love of men' (2007: 165).) It follows that people may sometimes be successfully enabled to satisfy certain of their transparency interests but only at the cost of simultaneously violating certain of their neutrality interests. Among other things, this is a reason to be sceptical that the historical phenomenon famously theorized by Foucault as 'the incorporation of perversions' has been an unalloyed good (1998: 42).

It follows that we ought not simply to assume, as Fricker does, that when it comes to preventing hermeneutical injustices 'we should do whatever works' (2010: 166). If pursuing a certain interests-as-given strategy risks making the violation of certain opacity interests and/or neutrality interests more likely, we ought instead to look and see when and whether pursuing that strategy is worth it. For instance, generating and proliferating conceptualizations of GAY/TRANS identities that were well-fitting for gay/trans people to use for the purposes of rendering their sexual/gender identities intelligible to themselves and/or to others may well have been 'historically, strategically necessary'

(Appiah 1994: 162).¹¹⁸ Yet if this has come at the cost of making the violation of gay/trans people's opacity interests and/or neutrality interests more likely, we ought to hope that at some point in the future we can 'go on to the next necessary step, which is to ask whether the identities constructed in this way are ones we [...] can be happy with in the longer run' (Appiah 1994: 162; similarly Brown 1995: Ch.3). Asking this question would mean leaving the hermeneutical injustice literature's implicit commitment to transparency politics behind.

5. Conclusion: Towards Hermeneutical Control

In this chapter, I have examined two previously untheorized sorts of hermeneutical interest: opacity interests and neutrality interests. Taking the sorts of claims I have made on behalf of interests of these sorts seriously would push the hermeneutical injustice literature beyond its implicit commitment to transparency politics. What sort of normative aspirations might the literature then be left with?

Here is a brief suggestion. We are always likely to possess some transparency interests, opacity interests, and/or neutrality interests that are in tension with each other. Thus we are never likely to be able to satisfy all of our hermeneutical interests. But something we can perhaps hope for is to have a greater degree of control over which of our hermeneutical interests get satisfied than we currently do (compare *cárdenas* 2015). This will certainly involve making concepts available to people that are well-fitting for the purposes of rendering intelligible various things about themselves. But this is far from all that will be required if we are each to achieve a greater degree of control over which of

¹¹⁸ Appiah would argue that the same is true of conceptualizations of racial identities, and I would be inclined to agree.

our hermeneutical interest get satisfied. For instance, we will also need to make concepts available to people that are well-fitting for other, more complex, purposes, such as rendering something about themselves *somewhat* intelligible.

Consider in this regard why an umbrella term like QUEER being available to someone can be so useful for them. In one common usage, QUEER refers collectively to the identities concatenated as LGBT+. When used in this way, labelling myself as QUEER implies that I belong to one or more of these identity categories – but does not let on exactly which. Another equally common use of QUEER (one that is perhaps in productive tension with the first) is to refer to what David Halperin calls ‘an identity without an essence’, defined only by its dissent from the heteronormative (1995: 61; see likewise Cohen 1997). Those with more fluid sexualities might choose to describe themselves as QUEER in this sense. Since there are as many ways to express dissent from the heteronormative as there are queer people, someone labelling themselves as QUEER says very little about what form that dissent takes in their particular case. Indeed, we could if we wanted go so far as Sedgwick’s suggestion that ‘what it takes – all it takes – to make the description “queer” a true one is the impulsion *to* use it in the first person’ (1998: 9; emphasis in the original). What both these uses of QUEER share is a capaciousness: they allow for a great number of features in virtue of which a person may be queer, and refuse to give away which of these features are present in the particular case. From the point of view of the hermeneutical injustice literature as it stands, complete with its implicit commitment to transparency politics, the importance of someone having an umbrella term like QUEER available to them with which to render their sexuality and/or gender somewhat intelligible to others is not immediately obvious. But once we recognize that their aim may be to satisfy a transparency interest of theirs without at the same time

violating one of their opacity interests and/or neutrality interests, the importance of their having such a concept available to them becomes clear.

A life, for example [...] might be more about finding pleasurable ways of getting on with people than good ways of knowing them.

- Adam Phillips, *Darwin's Worms* (2000: 73)

I want to end with an anecdote taken from the career of Eve Sedgwick, a theorist whose thinking has had a more profound influence on this thesis than the occasional explicit reference I have thus far made to her work would perhaps suggest. The axiom from which her ground-breaking *Epistemology of the Closet* begins, and thus in a way the axiom from which queer theory as such begins, is: *'people are different from each other'* (2008: 22, emphasis in the original). This Sedgwick immediately follows up with the comment: *'It is astonishing how few conceptual tools we have for dealing with this self-evident fact'* (2008: 22). What Sedgwick primarily has in mind here is how few concepts we have available to us with which to render intelligible the myriad ways in which we differ from each other sexually (likewise in 1998: 7-8). We do have concepts available to us with which to render intelligible our differing preferences when it comes to the genders of our sexual partners: I might be GAY, or BI, or PAN, for example. But we do not often have concepts available to us with which to label what are often equally significant differences. Those that Sedgwick lists include that *'[e]ven identical genital acts mean very different*

things to different people’; that ‘[s]ome people spend a lot of time thinking about sex, others little’, and likewise that ‘[s]ome people like to have a lot of sex, others little or none’; that ‘[m]any people have their richest mental/emotional involvement with sexual acts that they don’t do, or don’t even want to do’;¹¹⁹ and that ‘[s]ome people like spontaneous sex scenes, others like highly scripted ones, others like spontaneous-sounding ones that are nonetheless totally predictable’ (2008: 25). The impulse Sedgwick records in this early work is to begin generating new concepts with which to label these relatively neglected ways in which we differ. Perhaps most notably, her coinage of ALLOEROTICISM as a label for sexual interest taken in other people (2008: 26) has since been taken up enthusiastically by asexual people, who now commonly define themselves against those they conceptualize as ALLOSEXUAL (Przybylo 2019: 8). Pursuing this impulse is one way of taking seriously that people are different from each other.

What I want to call attention to is that when Sedgwick later returns to this axiom in her posthumously published essay “Affect Theory and Theory of Mind”, she makes something rather different of it. Theory of mind, ‘something one purportedly either has or has not’, she writes, is the stable understanding that, to put it crudely, people are different from each other’ (2013: 145). Specifically, theory of mind is ‘the realising that others (and ourselves) have their own thoughts, feeling, perception, beliefs, and so forth – as opposed to thinking one’s own ‘mental’ experience [is] identical to objective reality’ (Blackburn et al. 2019; quoted in Sedgwick 2013: 145). This is usually assumed to take the form of realizing *what* others are thinking, feeling, perceiving, and so on (see e.g. Baron-Cohen 2012: 12). We can say that theory of mind is usually assumed to take the form of it being intelligible to people exactly *how* other people are different from each

¹¹⁹ As was true of Sedgwick herself (1999: 46).

other. The way neurotypical people achieve theory of mind so understood is by appeal to the “availability heuristic”, the

assumption that what is readily available to the mind is typical – in practice this means that whatever is typical of one’s own experience is considered typical in general, and can be assumed true as default (unless known otherwise) [...] they use this assumption to guess motives and predict action of others.’ (Blackburn et al. 2019; quoted in Sedgwick 2013: 157)

This explains why autistic people are commonly thought to lack theory of mind:

Since Autistic people are less likely to see things as connected, we may be less likely to make this assumption. Further, since our sensory experience and thinking may be different, and we may lack many socially learned assumptions, we may not be a good “model” for the behavior of most people around us. (Blackburn et al. 2019; quoted in Sedgwick 2013: 158)

It is at this point in Sedgwick’s essay that we arrive at a ‘fascinating instance of reverse discourse’ (De Villiers 2014: 224): ‘Because Autistic people see most normal people as seeming to assume everyone is like themselves, and would react as they would in the same situation, normal people may often seem to lack ‘Theory of Mind’ [...] to many high functioning Autistic people’ (Blackburn et al. 2019; quoted in Sedgwick 2013: 159).

The suggestion here is that neurotypical people tend to have a harder time recognizing when other people are *truly* different from them. When they do, it is because they are somewhat overconfident in their ability to figure out exactly *how* these other people are different from them. In these moments, what is needed is for their recognition to instead take a different form. Rather than it being intelligible to them exactly how other people differ from them, what is needed is instead a second-order realization that how other people differ from them may *not* be intelligible to them (compare Sennett 2004: 122-124, as discussed in the previous chapter). This can be thought of as a ‘version of recognition [...] based less on knowledge than on an apprehension of epistemic limits’ (Butler 2005: 43). The suggestion is that such a second-order realization tends to come more easily to

autistic people. It is in coming to such a second-order realization that autistic people can thus sometimes be said to possess, while neurotypical people can be said to lack, theory of mind.

Notice, moreover, that such a second-order realization need not always act as a spur to further investigation. At least sometimes, we may want instead to sit with such a realization and ‘[f]or the time being, perhaps, give up this old obsession with discovering what lies at the bottom of natures’ (Glissant 1997: 190). Sitting with such a second-order realization is a second way of taking seriously that people are different from each other – call it a way of taking people’s particularity seriously, since the point is to avoid engaging in the kind of generalizations required for people’s differences to be conceptualized.¹²⁰

Sedgwick’s first way of taking seriously that people are different from each other is a familiar one. The now vast hermeneutical injustice literature can be read as a homily to it, and I have not wanted to deny that it indeed has its place. But what I have wanted to suggest, in the latter half of this thesis, is that we should take up a more questioning attitude towards the pursuit of our impulse to name things about ourselves than is currently common, especially in thinking about hermeneutical injustice. In the previous chapter, I argued that in pursuing this impulse we often fail to stop to question why we need a name for something about ourselves in the first place when really we ought to do so. And in this final chapter, I have argued that in pursuing this impulse we sometimes run roughshod over interests we have in things about ourselves not being named.

It is important, then, that the pursuit of this impulse is not the only way we have of taking seriously that people are different from each other. In both this and the previous chapter I have given examples of ways in which we could structure certain of our social practices

¹²⁰ Thomas Nagel (1995: 100-101) and Naomi Scheman (2015) in their different ways both express something like this thought.

differently so as to better enable participants in those practices to at least sometimes sit with certain things about other people not being intelligible to them. In other words, participants in certain of our social practices could be better enabled not to *grasp* certain things about other people. Édouard Glissant, perhaps uncharitably, writes that talk of grasping conjures ‘hands that grab their surroundings and bring them back to themselves’, a ‘gesture of enclosure if not appropriation’ (Glissant 1997: 192).¹²¹ He concludes that we ought always instead to ‘prefer the gesture of giving-on-and-with that opens finally on totality’ (1998: 192; see also Coombes 2018: Ch.2). My preference is rather for navigating a path between the hermeneutical injustice literature’s transparency politics and the politics Glissant evidences here. Transparency interests, opacity interests, neutrality interests: I want to give them all their due. As Maggie Nelson wisely remarks, ‘[t]here is much to be learned from wanting something both ways’ (2016: 36).

¹²¹ Barthes similarly thinks of grasping as an expression of the ‘will-to-possess’ (1993: 459; 2005: 12-14). For a comparison of Barthes and Glissant on this point, see Stafford (2022).

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