



SERRC
Social Epistemology
Review & Reply Collective

<http://social-epistemology.com>
ISSN: 2471-9560

What is Hermeneutical Injustice and Who Should We Blame?

Elinor Mason, University of California, Santa Barbara, elinormason@ucsb.edu

Mason, Elinor. 2021. "What is Hermeneutical Injustice and Who Should We Blame?" *Social Epistemology Review and Reply Collective* 10 (4): 17-22. <https://wp.me/p1Bfg0-5Mb>.

In this engaging paper, “Who’s to Blame? Hermeneutical Misfire, Forward-Looking Responsibility, and Collective Accountability” (2021), Hilkje Hänel offers an account of the ways in which both victims and perpetrators of sexual violation are subject to cognitive distortions due to sexist ideology, and of what we should conclude from that.¹

Hänel sets up the issue in terms of Miranda Fricker’s notion of ‘hermeneutical gap’. The idea is that our collective (or at least, *dominant*) conceptual resources can be missing the tools necessary for explaining a certain phenomenon. This is very likely to happen in oppressive situations, where it is not a coincidence that the oppressed lack the resources to explain (and even, to understand to their own satisfaction) aspects of their oppression. For example, the term ‘sexual harassment’ was introduced comparatively recently (the 1970s) and before that it was difficult for women to explain what had happened to them, far less pursue a formal complaint about it.² In general, the sexist ideology that permeates our social lives can obscure the nature of sexual violations, so that neither the victim nor the perpetrator has a clear sense of what is going on.

Hänel addresses two main questions in this paper.

The first is whether or not the hermeneutical gap counts as a hermeneutical *injustice* to the perpetrator as well as to the victim. Fricker reserves the notion of injustice for the victim—on Fricker’s view, harm is essential to whether or not there has been an injustice. However, Laura Beeby argues that hermeneutical justice is an epistemic problem, and insofar as we are focusing on *epistemic* injustice rather than more general injustice, we should allow that both the victim and the perpetrator are suffering an epistemic injustice.³ Beeby argues that there is no asymmetry between the victim and the perpetrator: both are epistemically compromised. As Hänel points out, there is something odd about this conclusion - it seems to put the victim and the perpetrator on a par. In the first part of the paper Hänel provides a way out of that intuitively implausible conclusion.

The second question is how we should deal with the fact of cognitive distortions in apportioning blame. When we think about sexual assault and rape in conditions in which sexist ideology is widespread and deeply inculcated, responsibility is not a simple matter. Perpetrators may not fully understand what they are doing, and it is thus tempting to absolve them of responsibility. However, as Hänel points out, that is not attractive from a feminist perspective. As she says, “... we have to tread carefully—not allowing our questions to obscure the deeply harmful experiences of sexual violence while at the same time accurately

¹ Hänel, Hilkje, 2021. “Who’s to Blame? Hermeneutical Misfire, Forward-Looking Responsibility, and Collective Accountability.” *Social Epistemology* 35 (2): 173-184.

² Carmita Wood’s case is discussed by Fricker, who follows Susan Brownmiller’s account of the development of the concept (Brownmiller, Susan. 1990. *In Our Time: Memoir of a Revolution*. New York: Dial Press.). Our legal notion of sexual harassment is largely due to Catharine MacKinnon’s 1979 book *Sexual Harassment of Working Women*.

³ Beeby, Laura. 2011. “A Critique of Hermeneutical Injustice.” *Proceedings of the Aristotelian Society* 111: 479–486.

presenting and critically discussing the ways in which sexist ideology distorts our conceptions of such violence” (174).

What is Hermeneutical Injustice?

Hänel’s solution to the first problem—whether or not we should say that the perpetrator suffers an epistemic injustice—relies on a nice distinction between a hermeneutical injustice and hermeneutical misfire. Hänel argues (following Fricker) that in order to count as a victim of epistemic injustice, someone has to be ‘hermeneutically marginalized’, which is a matter both of epistemic and social disadvantage: “victims of hermeneutical injustice suffer from a cognitive gap, they also suffer from being unable to contribute to the dominant hermeneutical resource, to resist dominant interpretations of their experiences, to develop epistemic confidence, and to align their sense of moral injury with descriptions of the experience. These sufferings are mostly due to their social position of power and the very structural ways in which their experiences cannot access the dominant hermeneutical resource” (177).

By contrast, a hermeneutical misfire carries no implication of disadvantage. It is merely the fact of acting on a mistaken view of the facts due to lack of hermeneutical resources. Hänel suggests the term ‘epistemic ignorance’ to pick out ignorance that is structurally caused. I confess I find that term very odd—so will stick to ‘structural ignorance’ in what follows. Hänel toys with the idea that we could define a hermeneutical misfire so that it captures the social privilege that a perpetrator has. Hänel suggests that the structural ignorance of the perpetrator is different to the structural ignorance of the victim: the ignorance of the perpetrator is due to his social power. We could understand that either in terms of wilful ignorance (which would be culpable) or false consciousness (which would not be).

In addition to the issue about responsibility (which Hänel goes on to discuss), this raises several very interesting issues. First, is the question of what ‘epistemic injustice’ is, and relatedly, whether there is such a thing as particularly epistemic harm. One possible view is that harm and injustice are notion from ethics, and that there is no peculiarly epistemic versions of these things. For there to be harm is for someone to suffer in one of the familiar ways. Roughly, they experience a decrease (perhaps below an expected baseline) in their health or well-being or other interests. For there to be injustice is just for someone to suffer in one of these ways without justification—their interests are indefensibly impacted by actions of others or social structures. In that case, an ‘epistemic harm’ or an epistemic injustice’ would simply refer to the *causes* of the harm. For example, (to use one of Fricker’s examples) when no-one believes Tom Robinson’s version of his encounter with Mayella Ewell, Tom is harmed in obvious ways—he is convicted of a crime he did not commit, and is punished. The cause of those harms is the structural ignorance of his society.

If we take that view—let’s call it the simple ethical view—it is clear that perpetrators do not usually suffer epistemic injustice, at least when they are not held responsible for their crimes. In fact, ignorance and error often increase privilege. Fricker sometimes talks as if the simple ethical view is what she intends. In her discussion of sexual harassment she says, “the

harasser's cognitive disablement is not a significant disadvantage to him. Indeed, there is an obvious sense in which it suits his purpose."⁴ And of course, this fact about cognitive distortion has been widely discussed in the literature on ignorance and oppression.⁵ But it may be that in some cases someone in the oppressor group does suffer as a result of their structural ignorance. Take, for example a perpetrator of a sexual violation who does not realise that he is acting impermissibly, and is punished. In that case, on the simple ethical view, we could say that he is a victim of epistemic injustice.

I think that the simple ethical view is not what people generally have in mind when they discuss epistemic injustice. The simple ethical view sidelines the term 'epistemic'—it is not doing any important work. Epistemic injustice is simply injustice. Surely, we might think, Fricker's rich examples pick out something more than that. The idea is that there is something peculiarly epistemic going on in the harm itself—one is harmed "as a knower" as Fricker puts it.⁶ So, how should we understand the idea that one can be harmed as a knower?

An alternative interpretation of epistemic injustice, and we may put Beeby into this camp, is that we should focus only on the epistemic. As Beeby puts it, we should look for a harm that does not depend on the background social conditions, but only on the epistemic situation. Call this the simple epistemic view. On this view, to be epistemically harmed is to be rendered ignorant, and an epistemic injustice is to be rendered ignorant without justification. So we might count ignorance of a surprise party as an epistemic harm, as it is being rendered ignorant, but ignorance of gender equality as an epistemic injustice.⁷

On the simple epistemic view, the words 'harm' and 'injustice' are not being used in their usual senses at all. An epistemic injustice (as in the example of an unpunished harasser) may be a case in which common sense tells us that the injustice is done to someone else and the victim of 'epistemic injustice' actually benefits from it. On the simple epistemic view, there is no asymmetry between those who are privileged by ignorance and those who are oppressed by it. Ignorance is ignorance, and epistemically 'bad' in either case.

Neither the simple ethical view nor the simply epistemic view are attractive, and neither are what Fricker intends. Her view is that there is a sort of harm that is both epistemic and ethical. Let's call this the complex view. The injustice that Fricker is interested in is the unjustified imposition of that complex harm. Fricker talks about the way that someone can be wronged as a knower, and says, "Clearly credibility deficit can constitute such a wrong, but while credibility excess may (unusually) be disadvantageous in various ways, it does not undermine, insult, or otherwise withhold a proper respect for the speaker qua subject of

⁴ Fricker, Miranda. 2007. *Epistemic Injustice: Power and the Ethics of Knowing*. Oxford University Press, 151.

⁵ See particularly Charles Mills, 2007, "White Ignorance" in *Race and Epistemologies of Ignorance* edited by Shannon Sullivan and Nancy Tuana, 11–38. Albany: State University of New York Press.

⁶ Fricker, *Epistemic Injustice*, 20.

⁷ I'm not defending this view, so I am not cashing out exactly what is meant by "rendering ignorant without justification." Obviously, there are various possible views here, and they will allow in ethical considerations to a greater or lesser extent.

knowledge; so in itself does her no epistemic injustice...⁸ Later, she says, “To be wronged in one’s capacity as a knower is to be wronged in a capacity essential to human value. When one is undermined or otherwise wronged in a capacity essential to human value, one suffers an intrinsic injustice.”⁹

Fricker’s point here, and this is crucial to the asymmetry of the victim and the perpetrator, is that members of oppressed groups have ignorance imposed on them in a fundamentally disrespectful manner. Testimonial injustice and hermeneutical injustice are similar in this way: in a case of testimonial injustice, a speaker is not believed or listened to in a *dehumanizing* mode. Similarly, hermeneutical marginalization of oppressed groups is dehumanizing. The concepts that they would need to explain their plight are non-coincidentally obscured, because their needs and interests are not taken seriously. By contrast, credibility excess is not dehumanizing, and the ignorance of the oppressor group is not imposed on them because they are seen as sub-human.

With all that on the table, let’s return to Hänel’s account. Hänel is keen to preserve the asymmetry between the victim and the perpetrator’s ignorance, and her account, like Fricker’s appeals to the conditions of social inequality that give rise to the ignorance. On Hänel’s account, we have both a purely epistemic issue, a hermeneutical gap, which is the same for the victim and the perpetrator, and an injustice. The injustice’s status as an injustice depends on social disadvantage. But Hänel’s account, unlike Fricker’s, doesn’t say anything about what an epistemic harm is particular is. To put it another way, Hänel does not appeal to a complex view, rather, in talking about ignorance itself she uses the simple epistemic view, but when talking about injustice she uses the simple ethical view.

Perhaps this is a strength. We might be suspicious of the talk of dehumanization, or at least think that it needs further cashing out. And we might think that all we want from an account of epistemic injustice is an explanation of the way that knowledge and ignorance are deployed against oppressed groups. I think that this is Charles Mills’ aim, for example. Perhaps Fricker’s complex account goes beyond what we need, and takes on theoretical commitments that are an unnecessary hostage to fortune in understanding the phenomena she points to.

Take for example, ideologically caused ignorance in the case of gender hierarchy. On Hänel’s view what makes an incident merely a misfire (as opposed to an injustice) is that the man’s ignorance is due to his social power. That is not a terribly controversial claim. However, the claim that Fricker needs is the claim that this ideological ignorance is only dehumanizing to women. That is not obviously true. The way that men are systematically misled about masculinity and male superiority is plausibly just as dehumanizing as the way that women are misled. The story men are told about themselves may involve social power, but it is nonetheless extremely problematic and arguably dehumanizing. More argument is needed

⁸ Fricker, *Epistemic Injustice*, 20.

⁹ Fricker, *Epistemic Injustice*, 44.

here of course, I am merely pointing out that there are difficult issues lurking in the complex view. Thus Hänel's view could be lauded for having less theoretical baggage.

On the other hand, we may think that the whole notion of epistemic injustice is interesting precisely because of the core idea that one can be harmed as a knower. Perhaps we need to find a way to cash out the idea that some ways of failing to take seriously, or of failing to develop hermeneutical resources are dehumanizing. perhaps we need to find an alternative way of characterizing the distinctive way that someone can be harmed as a knower. But, the thought goes, we shouldn't simply give up and retreat to an awkward combination of the simple ethical view and the simple epistemic view.

Blame and Responsibility

We are now in a position to look more closely at what Hänel says about the responsibility of the perpetrator. As Hänel sees it, there are two options for categorizing hermeneutical misfires (cases where an agent acts on their ignorance due to a hermeneutical gap). We may take a neutral view, in which case ignorance is simply described. Or we may want to highlight the fact that structural ignorance is related to social privilege and disadvantage. In that case, we might define a hermeneutical misfire as a case in which ignorance comes about *because* of privilege. We now need to say more about what 'because of' means. As Hänel says, we may mean that the ignorance is wilful ignorance, or we may mean that it is ideological, a case of false consciousness.

Hänel thinks that we can hold perpetrators responsible for what they do, even when it is partly or wholly a result of a hermeneutical gap. The question is, why is ignorance not an excuse in this case as it is in others? It is clear that wilful ignorance is culpable, even when once acquired it is genuine ignorance. The agent is culpable for making herself ignorant. However, what should we say about ideological ignorance—ignorance that comes about through non-culpable inculcation of a dominant ideology? Hänel draws on various discussions of what is going on in cases of hermeneutical injustice to argue that in fact, (although she does not put it quite like this) all cases of ideological ignorance are really cases of wilful ignorance. Hänel points out various facts about the environment that the ideologically ignorant are in, including that there are many different communities of knowers, and the concepts needed to understand the situation better are usually out there somewhere. Thus, Hänel thinks, perpetrators are responsible.

However, she takes a nuanced view of what sort of holding responsible would be appropriate. Blame may be counterproductive, and impede the sort of learning that is necessary for a perpetrator raised in an ideological fog to move from a vague awareness of his wrongdoing to a fuller understanding. Instead, Hänel proposes that we adopt Iris Marion Young's forward looking and collectively based model of responsibility. On this model, both the individual and his society are blamed, albeit in educational rather than retributive ways.

While I am largely in agreement with the practical aspects of Hänel's account of blaming ideologically confused perpetrators, I worry about her reduction of all ideological ignorance

to wilful ignorance. One thing we have learned from the increased polarization of political and ethical viewpoints in the last decade is that the internet is an engine of ideology like no other. In particular, the algorithms that determine what people see favour a confirmation bias. So the alternative viewpoints to which they might otherwise be exposed are obscured. Add to that the self-reinforcing nature of ideology, the evidence resistance that is built into the nature of ideological beliefs, and it becomes harder to say with any confidence that an ideologically warped perpetrator ‘should have known better’.

Imagine a young man who is raised in an atmosphere in which male dominance is taken for granted and celebrated, at least insofar as it is baked into our notions of masculinity and femininity and our norms for heterosexual dating and sex. From an early age the man has been taught to distrust feminists and lefties—at best they are wrong, at worst they are involved in evil conspiracies against good hard working people like himself. The young women he knows are not feminists, his mother is not a feminist, his Facebook friends are not feminists, and so on. Of course it is true that there are things he has ignored and refused to listen to. But he has ignored these things on what he took to be good grounds—these are not views worth wasting time on. And, he has good grounds for taking himself to have good grounds for ignoring these things! He has what we all have—the testimony of his peers, both formal and informal, both expert and anecdotal.

I have no doubt such men exist. I think they have gravely mistaken views about important things, like sexual consent and refusal. I think it is highly likely that they are perpetrators of sexual violations as a result. But I find it hard to see where they are at fault for forming their mistaken views. Thus I think there is philosophical work to be done here—we need an account of how to deal with responsibility for false consciousness that captures this sort of case.