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HERMENEUTICAL INJUSTICE: BLOOD-SPORTS AND THE ENGLISH DEFENCE

LEAGUE

Introduction

Each culture possesses shared meanings that its members can use to make sense of their experience and communicate it to others. Cultures are not monolithic, but are made up of different social groups. Where there are uneven power relations between these groups, the culture's shared meanings often predominately reflect the experiences of the more powerful. Where the experiences of a less powerful group differ, the shared meanings of the culture will be a poor fit, and consequently, members of that group may suffer disadvantage. Fricker (2008) takes such disadvantage to constitute what she calls 'hermeneutical injustice'. I argue here that her account faces a serious difficulty: it relies on two intuitions about the source of hermeneutical injustice that are in tension with one another, and which cannot be made consistent within Fricker's framework. As a result, her account is both too restrictive (it fails to capture all the cases we intuitively think it should), and too permissive (it classifies cases as instances of hermeneutical injustice that we think it should not).

Hermeneutical injustice

Fricker presents four, what she takes to be paradigmatic, examples of hermeneutical injustice. It will be useful to begin by considering these cases.

The first is Wendy Sanford, who, in the late sixties, attended a consciousness-raising session where she learnt for the first time about postnatal depression. 'In that one forty-five minute period I realized that what I'd been blaming myself for, and what my husband had blamed me for, wasn't my personal deficiency. It was a combination of physiological things and a real societal thing, isolation' (Brownmiller 1990: 182). The second is Carmita Wood, who in the mid-seventies, worked as an administrator in Cornell's department of nuclear physics. Wood was sexually harassed by a professor in the department, the stress of which, made her ill. She was eventually driven out of her job. Both her application for a transfer to a different department, and then unemployment benefit were turned down, as she could not

explain her situation. ‘When the claims investigator asked why she had left her job after eight years, Wood was at a loss to describe the hateful episodes. She was ashamed and embarrassed... Her claim for unemployment benefits was denied’ (Brownmiller 1990: 281). The third is drawn from Ian McEwan’s novel *Enduring Love*, which tells the story of Joe who is stalked by a delusional religious man called Jed Parry. Joe is unable to communicate the seriousness of the situation to either his partner Clarissa, or the police, whom he contacts for help. ‘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.”’ (McEwan 1998: 74). The fourth is taken from Edmund White’s semi-autobiographical novel, *A Boy’s Own Story*, which tells the story of growing up as a homosexual man in 1950’s USA (whilst the novel’s protagonist is unnamed, I will, for ease of reference, refer to him for the rest of this paper as Edmund White). White thinks of homosexuality as a sickness, and associates various negative stereotypes with it, which affect how he sees himself. ‘I see now that what I wanted was to be loved by men and to love them back, but not to be a homosexual...What I required was a sleight of hand, an alibi or a convincing act of bad faith to persuade myself I was not that vampire’ (White 1998: 70).

These examples make clear that Fricker’s talk of ‘experience’ does not refer to some inner content before the subject’s mind, but to her perspective on the world, the events and activities of her life as she lives through them, and/or feelings and reactions she has that are bound up with these things. It also includes her conception of herself – her self-identity. Notice also that the concepts required to capture one’s experience will have an evaluative dimension to them. By this, I mean that they not only describe what one might roughly think of as the first-order phenomenology of the subject’s experience, but they also assign the experience a particular place in the grand scheme of things, and its place makes certain valuations of the experience and the subject who undergoes it appropriate or inappropriate. For example, the concept ‘post-natal depression’ not only labels feelings of being unable to cope, irritability, mood changes, and so on, after the birth of one’s child. It also classifies

these feelings as a known medical condition. As such, it is inappropriate to think of those feelings as an idiosyncratic personal failing for which their subject is blameworthy. Instead, it is appropriate to hold that she requires support from her loved ones and medical assistance. Whilst I have distinguished between an experience's first-order phenomenology and its place in the grand scheme of things, it is likely that in many – perhaps all – cases, these will inform each other. Obviously, the phenomenology of one's experience partly determines what sort of experience it is and so what place it has in the grand scheme of things, but the place it is assigned can also affect the phenomenology. For example, the feelings associated with postnatal depression will be different when they are compounded with guilt from thinking that one is blameworthy.

The cases illustrate the three central negative effects that may result from a lack of shared meanings or hermeneutical resources, according to Fricker's analysis. Any instance of hermeneutical injustice will involve one or more of these effects. First, the agent may be unable to fully understand her own experience. In Wendy Sanford's case, she took her persistent low mood, irritability, feelings of despair, and so on to be an idiosyncratic personal failing, rather than a medical condition that other women also faced. Carmita Wood was unable to properly recognise the wrongs done to her by the professor. Edmund White found it hard to understand his experience as a non-pathological and non-perverse form of human sexuality. Second, the agent may be unable to properly communicate her experience to others. Wendy Sanford's husband blames her for her postnatal depression because he too is unable to recognise it as a medical condition for which she needs help and support. Carmita Wood is unable to properly explain why she wishes to move departments or why she left work. Edmund White cannot communicate his feelings to others without being judged sick or perverted. Whilst Joe can arguably understand his experience of being stalked – he understands that the behaviour of the perpetrator is threatening, unacceptable, and a matter for the police to tackle – he cannot communicate this to others. Third, Fricker holds that the lack of appropriate hermeneutical resources may negatively impact the agent's construction of his identity. She takes the Edmund White case to illustrate this point. The suggestion is

seemingly that the terms in which White is able to understand his sexuality are such that they pervade his sense of who and what he is – an ill pervert. In contrast, Wendy Sanford blames herself for failing to feel as she believes one should towards one's baby. Moreover, she may judge that she is a bad person in this respect. Yet this judgement does not fundamentally alter who and what she takes herself to be. It may be that there is no clear line between cases where the subject simply fails to understand her experience, and those where this failure has a negative impact on the construction of her identity. I take it that this is not a problem for Fricker, since it is plausible to think that failures in understanding come in degrees.

Fricker is often interpreted as holding that victims of hermeneutical injustice are *always* unable to understand their own experience. Indeed, this is how she often presents the matter. However, I do not think this interpretation is correct. The gap in the hermeneutical resources may *sometimes* have this effect, but as the case of Joe illustrates, sometimes the victim may perfectly understand her own experience, but be unable to communicate it to others. Thus I read Fricker as claiming that hermeneutical injustice may involve a lack of self-understanding, but that this is not a necessary feature of the phenomenon. In some cases, it is not the culture in general that lacks the appropriate meanings, but the dominant social group(s). Mason (2011) argues that it is important that Fricker's analysis allows the primary effect to be an inability to communicate, since many intuitive cases of hermeneutical injustice are of this sort. Mason argues that Carmita Wood was actually in this position – contrary to what Fricker claims, she understood the wrongs done to her. The obstacle she faced was communicating her experience to the dominant social group(s).

For Fricker, the lack of appropriate shared meanings must concern some significant aspect of the subject's experience. This is required for the hermeneutical lack to sufficiently disadvantage the subject, and so be the sort of thing that could potentially be classed as an injustice. A minor annoyance would not count as such. It is also important that the lack of appropriate shared meanings results from an uneven distribution of power. It is generally accepted that some of the ills that befall a person will not count as injustice, but be merely a matter of bad luck. Fricker contends that this may be so in the hermeneutic case too. For

example, someone who suffers from an unknown illness will not receive appropriate medical treatment. Their friends and family may not recognise that they are ill as no diagnosis can be given. Fricker contends that whilst someone in this position is significantly harmed by the hermeneutical gap, they do not suffer from injustice because the lack of appropriate meanings does not result from uneven distributions of power. Instead, the person is unlucky.

Fricker holds that the sort of power that is important in the current context is hermeneutical power. Certain social groups have better access to the production of shared meanings than others, and as such, they have greater hermeneutical power. First, certain careers afford greater hermeneutical power. Journalists, for example, often have a large amount of control over their culture's hermeneutical resources. 'Immigrant' now has pejorative connotations in the UK – one can barely hear the word without inserting 'illegal' before it – due in part, to a sustained campaign against immigration carried out by some sections of the UK media. Legislators also have a lot of control over their culture's shared meanings. The introduction of the notion of sexual harassment into law helped bring about widespread cultural acceptance of such behaviour as wrong. Other careers also afford a large amount of hermeneutical power. In contrast, cleaners have little access to the production of hermeneutical resources. Unlike journalists and legislators, they lack a platform from which to spread ideas through the population. Cleaning is also a vocation that commands less respect from the public at large than, say, law, and this lack of respect means that people are generally less inclined to listen to what cleaners may have to say. Second, members of certain social groups find it easier to enter those careers that afford greater hermeneutical power. White males from affluent backgrounds tend to dominate those professions with greater access to the production of hermeneutical resources. Social groups with inferior access to the production of shared meanings are 'hermeneutically marginalized'. This does not mean that *no* members of those groups will enter those professions. Some will make it despite the odds. But this does not erase their hermeneutical marginalization. Indeed, this is likely to show up in the hermeneutical resources. The fact that they are from a marginalized group means that they will be anomalous amongst their professional peers. Their experience will be unusual in

certain respects for members of their profession. As such, they may find it difficult to institute meanings to capture their experience, despite their relative hermeneutical power.

Fricker holds that where a culture's shared meanings fail to properly capture the experiences of a social group, and where that group is one with a relative lack of access to the production of hermeneutical resources (i.e., where that group is hermeneutically marginalized), then members of that group who are negatively affected by the lack of shared meanings are victims of hermeneutical injustice.

Two initial problems

The central problem I want to raise for Fricker's account is that it relies on two conflicting intuitions about the source of hermeneutical injustice that cannot be reconciled. To anticipate, one is the intuition that what matters to hermeneutical injustice is the uneven distribution of hermeneutical power. The second is the intuition that what matters to hermeneutical injustice is the nature of the hermeneutical resources. Certain ideas should (and others should not) be included in the cultural lexicon. I will say more about these claims in due course. Fricker's reliance on these two intuitions means that her account is both too restrictive and too permissive. My strategy will be to first present a series of cases where Fricker's account gives us the wrong result, before showing that this is due to the conflicting intuitions at its heart.

I will begin by showing that her account is too restrictive and cannot accommodate all the cases that we intuitively think should count as instances of hermeneutical injustice. In particular, it fails to explain one of her paradigmatic examples: Joe. We certainly feel that he is wronged by people's failure to take his stalking experiences seriously, and so Fricker is right that the gap in the hermeneutical resources that prevents him from successfully communicating to Clarissa and the police is an injustice. But recall that a harmful lack of meanings only constitutes an injustice if the person harmed is hermeneutically marginalized. If the latter condition does not hold, the case is one of bad luck – like the person suffering from the mystery illness – rather than an instance of hermeneutical injustice. Fricker rightly holds that hermeneutical marginalization is not an all or nothing affair – there are degrees to

which people face obstacles to hermeneutical participation. She intends Joe's case to lie at the limits of what can be considered hermeneutical marginalization. Indeed, it does not fit the picture sketched above. He is a successful science journalist, and thus employed in a profession that wields a large amount of hermeneutical power. Moreover, insofar as he is a white male, he is typical of groups that find it easier to enter his profession. Fricker correspondingly describes his situation as being an 'incidental' case of hermeneutical injustice, in contrast to the 'systematic' cases of Sanford, Wood, and White.

But in what sense *is* Joe hermeneutically marginalized? Fricker's text offers two different ways to understand this. First, she writes that 'systematic cases [are those where] the hermeneutical marginalization *entails* marginalization of a socio-economic sort' (Fricker 2008: 155). Correspondingly, incidental cases are those where the hermeneutical marginalization does *not* go hand-in-hand with socio-economic marginalization. One might understand this as the distinction between cases where someone is marginalized by factors that form part of a widespread pattern of social exclusion, versus cases where someone is marginalized by the isolated actions of an individual or small group of individuals. In line with this, we can understand Joe to be hermeneutically marginalized by the isolated actions of Clarissa and the police officers to whom Joe appeals for help, where their marginalizing actions do not form part of a larger societal pattern.

There are various difficulties with this suggestion. For one thing, I am skeptical that the isolated acts of an individual (or small group of individuals) can properly be said to constitute *marginalization*, even if those acts are wrong, and occur on more than occasion – as they do in Joe's case. But setting this aside, how do Clarissa and the police marginalize Joe on Fricker's analysis? She tells us that he is hermeneutically marginalized insofar as '[t]he competing and trivializing interpretations coming from Clarissa and the police respectively mean that Joe's hermeneutical participation is hindered in respect of [his stalking experiences]' (Fricker 2008: 158). In other words, Joe's hermeneutical marginalization consists in the fact that he cannot properly communicate his stalking experiences to Clarissa and the police. However, the hermeneutical *injustice* he suffers is *also* supposed to consist in

the fact that he cannot properly communicate these experiences to Clarissa and the police. The supposed marginalization just collapses into the supposed injustice on this view. But according to Fricker's account, for a harmful lack of meanings to constitute a hermeneutical *injustice*, rather than mere bad luck, it must result from hermeneutical marginalization, and this requires the injustice and the marginalization to be distinct.

One might object at this point that there is more to the case. Joe is unable to communicate his stalking experiences to Clarissa and the police because of prevailing ideas about masculinity – only women are stalked; it's unmanly to be scared of stalkers; this is not something that happens to real men; etc. Thus one might contend that Joe is hermeneutically marginalized by the presence of these ideas, or at least, Clarissa and the police's use of them in interpreting his experiences. However, the claim that Joe is prevented from communicating his experience because the hermeneutical resources contain inappropriate ideas is just the claim that the appropriate meanings are lacking. Again, Joe's marginalization collapses into the supposed injustice – a harmful gap in the hermeneutical resources – and so Joe cannot be said to suffer from hermeneutical injustice.

A second way that we might try to understand the case of Joe is suggested by the following remark: 'The complexity of social identity means that hermeneutical marginalization afflicts individuals in a differentiated manner; that is, it may afflict them *qua* one social type, but not another' (Fricker 2008: 154). Fricker's remark encompasses two slightly different facts about social identity and hermeneutical participation. First, it points to the fact that if we want to accurately describe the amount of hermeneutical power enjoyed by a particular individual and, correspondingly, the extent to which that person faces obstacles to hermeneutical participation, we need to individuate social groups finely. For example, some white males are hermeneutically privileged, but many are not – those from working-class backgrounds face barriers to entering hermeneutically powerful professions. Rather than simply talking about white males, we need to talk about white males with a particular gender identity, a particular class background, a particular sexual orientation, and so on. Different social groups enjoy differing amounts of hermeneutical power relative to one another, so as

noted above, hermeneutical marginalization can be ‘more or less persistent and wide-ranging’ (Fricker 2008: 153). For example, the ‘second-wave’ feminist movement was criticized for predominantly reflecting the concerns of white, middle-class women. Whilst such people were hermeneutically marginalized in that they wielded less hermeneutical power than their male counterparts, they enjoyed greater hermeneutical participation than black women, whose lives were not adequately described by the hermeneutical resources the movement produced. Consequently, where an individual is from a group that enjoys *some* hermeneutical power, but is less powerful than other groups in the culture, much of their experience will be captured by the culture’s resources, but there may still be some areas that are obscured. Where such an individual is harmed by the lack of meanings, we may describe this as an incidental case of hermeneutical injustice.

Whilst this is a satisfactory understanding of incidental cases in general (or at least one sort of incidental case), it does not help with the particular case of Joe – as a heterosexual, middle-class, cis-gendered, etc. white male, he is from a group that enjoys the greatest amount of hermeneutical power in our culture.

The second fact indicated by Fricker’s remark is that people enjoy different amounts of hermeneutical power in different contexts:

[A woman who] has a well-paid job in a large corporation with a macho work ethic [...] may be entirely unable to frame meanings, even to herself, relating to the need for family-friendly working conditions (such sentiments can only signal a lack of professionalism, a failure of ambition, a half-hearted commitment to the job), and yet she may be in a hermeneutically luxurious position as regards her ability to make sense of other, less gendered areas of her work experience (Fricker 2008: 154).

Thus someone who is generally hermeneutically powerful might, in particular contexts, face obstacles to participation. If this results in a harmful lack of meanings, they will be a victim of incidental hermeneutical injustice. We might think that this provides a way to understand

the case of Joe. One could argue that women – at least a certain subset of them – are treated as authoritative with respect to stalking. Whilst Joe generally enjoys a considerable amount of hermeneutical power, he faces obstacles to participating in the cultural discourse surrounding stalking because he does not belong to this subset of women. He is therefore marginalized in this context. As a result, our ideas about stalking adequately capture the experience of the women who are treated as authoritative, but they are a poor fit for Joe, who is subsequently harmed. We can thus take Joe to be a victim of hermeneutical injustice.

However, whilst this picture provides a good general conception of (one type of) incidental hermeneutical injustice, it does not stand up to further scrutiny as an analysis of Joe's case. Notice first that the claim that (some subset of) women are treated as authoritative with respect to stalking so that the meanings available properly capture their experiences is highly questionable. Organisations supporting female victims of stalking consistently report that the legislation and support available to them is inadequate, often dangerously so (Fletcher and Richards 2012). Kamir (2001) argues further that anti-stalking laws address cultural stereotypes of stalkers, rather than actual flesh-and-blood stalkers and their victims. Now consider Joe's situation. What exactly are the obstacles that Joe faces to participating in the cultural discourse about stalking? He is a science journalist, so not someone who would be typically asked to contribute articles about stalking. Nevertheless, it is plausible to suppose that his role provides him with some sort of platform. He will be in contact with other journalists, editors, TV producers, etc. who decide what sorts of issues will be covered in the media. If he was working in the current day and age, he would – no doubt – have Facebook and Twitter accounts, a personal blog, a webpage, and all the other virtual trappings of modern life, providing him with further means of reaching the public. As such, 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. Instead, what seems to be the case is that what Joe says about stalking must be in keeping with the cultural ideas about it. Since his experiences fall outside the dominant cultural narrative(s), he cannot properly communicate them to others. But now we are back at the first, problematic suggestion. Under the current proposal,

Joe's hermeneutical marginalization consists in the fact that he is prevented from communicating his stalking experiences due to conflicting cultural ideas surrounding masculinity. Joe's problem is simply that he lacks the meanings he requires, and so the supposed marginalization simply collapses into the supposed injustice.

Fricker could, at this point, simply bite the bullet, and accept that whilst Joe is clearly harmed by his inability to properly communicate his experience, he is not a victim of hermeneutical injustice. After all, Joe is only included as a marginal case, and one might suppose it makes no real difference to her framework if the line between hermeneutic bad luck and injustice is drawn a little differently. But it is not clear that this is a good option. We certainly feel that Joe is not merely harmed, but *wronged*. Furthermore, there are other similar cases that elicit this intuition, perhaps even more strongly. Consider male victims of domestic violence, and male victims of rape. Whilst women suffer in greater numbers from both of these crimes, there are a number of men who also suffer. Our cultural ideas about rape and domestic violence mean that they face significant obstacles to communicating their experiences to others and are significantly harmed as a result. Intuitively, such men are wronged by the current hermeneutical situation. But like Joe, the problems they face in communicating their experiences boil down to cultural ideas about masculinity. Thus, they cannot be classed as hermeneutically marginalized, and therefore cannot be said to suffer from hermeneutical injustice on Fricker's account. This is extremely counterintuitive.

The next problem for Fricker is what whilst her analysis is, in some respects, too restrictive, and fails to accommodate the case of Joe and others like it, it is also too permissive: it lets through cases that we do not intuitively think are examples of hermeneutical injustice. I will consider two such cases.

The first counterexample is based on remarks made by Cooper (2004). She notes a common problem with accounts of oppression: it is difficult to provide criteria that pick out all and only those groups that we intuitively take to be oppressed. This difficulty is illustrated by the way that groups we would not ordinarily take to be oppressed present their situation using the language of oppression. One such group is the UK pro-hunting lobby. The pro-

hunting lobby was formed in reaction to the UK government's decision to legislate against fox-hunting – a traditional UK blood-sport. The hunt consists in a group of horse-riders accompanied by a pack of dogs, who pursue a fox until it is exhausted and collapses, at which point, the dog pack rips it apart. In 2005, the then Labour government decided there was no place in UK life for what they saw as a barbaric practice, which was subsequently outlawed. As Cooper (2004) points out, in the period preceding this decision, the pro-hunting lobby presented themselves as an oppressed minority. What is particularly interesting for our discussion here is that, although they did not employ the concept, the pro-hunting lobby claimed (amongst other things) to be victims of hermeneutical injustice. They argued that fox-hunting is part of the countryside way of life, which constitutes a minority culture that the city-dwelling government and its supporters had not experienced and did not understand. Whereas the majority of the UK populace interpreted fox-hunting as barbaric, they saw it as an ancient rite, steeped in tradition, that was important in bringing together different sections of the countryside population who all participated in the hunt in different ways. They claimed, in other words, that the shared hermeneutical resources lacked the meanings required to properly understand this aspect of country life, leaving them unable to communicate their experiences to the majority culture. Moreover, the pro-hunting lobby claimed to be significantly harmed by this lack of meanings insofar as it resulted in what they saw as a legislative attack on countryside culture.

Of course, hermeneutical injustice requires hermeneutical marginalization. Since it is primarily white, relatively wealthy people who engage in fox-hunting (May 2013), and since these people enjoy greater access to careers that afford greater hermeneutical power, this crucial ingredient is missing. However, the arguments used by the pro-hunting lobby to justify fox-hunting can also be used to justify other traditional British blood-sports, such as badger-baiting and dog-fighting, which have both been illegal in the UK for far longer. Like fox-hunting, these activities have a long history, and play a role in community cohesion, bringing people together to enjoy the spectacle. Unlike fox-hunting, however, those who partake are typically from a group that is hermeneutically marginalized: white working-class

males (see, e.g., Holt (1990)). They face obstacles to entering professions such as law, journalism, etc. The general view of badger-baiting and dog-fighting as barbaric causes harm to those who participate, since they must engage in these sports in secret, and risk arrest, fines, and imprisonment for doing so. The shared hermeneutical resources lack the meanings required for participants in these activities to describe them as a legitimate and traditional pastime, and they are harmed as a result. One must thus conclude that badger-baiters and dog-fighters are victims of hermeneutical injustice. But this is deeply counterintuitive.

The second case concerns the English Defence League (EDL), a group that was set up in the UK in 2009. It presents itself as a human rights organisation created to defend 'English Culture' against what it sees as the encroachment of Islam, which it associates with 'the denigration and oppression of women, the molestation of young children, the committing of so-called honour killings, homophobia, anti-Semitism, and continued support for terrorist activities' (EDL website). The EDL contends that 'sharia is already creeping into our lives' citing the availability of Halal meat as one example (ibid.). It further claims that 'the British political and media establishment have, for a long time, been presenting a very sanitised and therefore inaccurate view of Islam... [in so doing], the Government has effectively been acting as the propaganda arm of the Muslim brotherhood' (ibid.). The EDL's self-description incorporates a view of the surrounding world (England being taken over by an oppressive force in the form of Islam, with the tacit support of the UK authorities), a view of their own activities (justified actions against Islam, carried out for the good of England), and a conception of the group's identity (a human rights organisation).

The majority of the British public do not share these views. Whilst the UK media's portrayal of Islam is generally problematic (see Saeed (2007) for one analysis), the British public – which, of course, includes some Muslims (around 5% of the population according to the 2011 Government census) – does not generally accept the EDL's view of Islam and its encroachment into British life. The EDL's activities are seen as violent and harmful disturbances, rather than justified measures taken for the wider good. They are not seen as a legitimate human rights organisation. They are instead viewed as a violent street protest

movement. Moreover, their situation bears certain parallels to the cases Fricker identifies as paradigmatic instances of hermeneutical injustice. Like the EDL, Carmita Wood has a view of the world that the culture at large fails to accept – she views the professor’s behaviour towards her as problematic, but the culture at large sees it as harmless flirting. Similarly, neither the EDL nor Carmita Wood nor Edmund White can justify their behaviour (actions against Islam, leaving work, and homosexual activity, respectively) to others. EDL members’ conceptions of their own identity, *qua* EDL members, is rejected by the culture at large in much the same way that Edmund White’s is. The UK’s hermeneutical resources thus lack the shared meanings the EDL requires to communicate its view of the world to others, justify its actions and establish its identity as a legitimate human rights organisation. Furthermore, EDL members are harmed as a result. Their activities are policed; their street protests are broken up and met with counter protests from anti-Fascist groups that sometimes turn violent (although it is not entirely clear this is experienced as a harm by EDL members, since many of them openly embrace violent encounter); the group is a subject of derision in the mainstream media.

The members of the EDL form a minority group – in 2011, the think tank *Demos* estimated their active members to number around 25,000 – 35,000 (Bartless and Littler 2011). The EDL recruits largely from existing football hooligan networks (Garland and Treadwell 2010). In the UK, these tend to be composed almost exclusively of young, white, working-class males (Frosdick and Marsh 2005), (Spaaij 2006). Further evidence confirming the demographic make-up of the EDL comes from a *Guardian* analysis of its donors – ‘68% live in local authorities where unemployment is above the national median, and 23% live in a region whose jobless rate is amongst the worst 10% in England and Wales’ (Burn-Murdoch 2013). As I have already noted above, young, white, working-class males face significant obstacles to entering professions such as law, journalism, politics, and so on. This group is thus hermeneutically marginalized. Since EDL members form a sub-section of this group, they are likewise hermeneutically marginalized. It follows that the EDL suffer from

hermeneutical injustice *qua* EDL members, according to Fricker's analysis. This is a deeply counterintuitive result.

One may try to respond to the above counterexamples by distinguishing between a case where a culture lacks the meanings an individual needs to capture her experience (due to that individual's hermeneutical marginalization), and a case where the meanings exist in the shared hermeneutical resources, but the dominant cultural group(s) reject a description of an individual's experience in those terms. One may then contend that it is only cases of the former sort that should be classed as hermeneutical injustice. Since the EDL and blood-sports enthusiasts are of the latter type (the relevant meanings are amongst the culture's shared resources, it's just that a description of experience in those terms is rejected by dominant group(s) within the culture), these are not instances of hermeneutical injustice. However, this response is inadequate. For one thing, it may not be possible to decide in some cases whether the relevant meanings are lacking, or whether they are present but rejected by dominant cultural groups. Consider Edmund White. One could say that the required meanings are lacking because the dominant view of homosexual activity is that it is perverse and evidence of mental illness. On the other hand, one could say that the shared hermeneutical resources contain the idea of healthy, normal sexual activity, and so Edmund White does not lack the appropriate meanings to describe his sexuality; rather, the dominant group(s) reject his description.

Even if it were possible to clearly distinguish between cases of the former and latter sorts, there is a problem with supposing that only the former have any call to be classed as hermeneutical injustice. Imagine, for example, a culture where women are hermeneutically marginalized – perhaps US culture during Wendy Sanford's time. The medical establishment – and culture at large – briefly recognise postnatal depression as a medical condition. However, a group of doctors are sceptical, and manage to convince their peers and the wider culture that postnatal depression is a myth, and mothers *should* be blamed for feelings of hopelessness, irritability, lack of love for their babies, etc. The meanings such women require to accurately capture their experience will be part of the shared hermeneutical resources – the

notion of postnatal depression is now part of the cultural lexicon – it's just that the dominant group(s) within the culture reject a description of their experiences in these terms. Yet, these women will be harmed as a result in exactly the same ways as Wendy Sanford is harmed. The fact that the shared cultural resources contain the required meanings in the former case, but are lacking in the case of Wendy Sanford seems neither here nor there. There is thus no good reason for holding that Sanford suffers from hermeneutical injustice, whilst the women in the imagined situation do not. It follows that Fricker cannot dismiss the cases of blood-sports enthusiasts and the EDL on the grounds that the meanings they require are not lacking, but simply rejected by the dominant cultural group(s).

The underlying difficulty

Fricker's account faces two problems: it is both too restrictive, failing to accommodate cases we think it should; *and* too permissive, classing as hermeneutical injustices, some cases we think it should not. In this final section, I will give a diagnosis of the situation and consider whether Fricker can respond.

The difficulties are generated by two underlying intuitions that are in tension. The first is central to Fricker's account. It holds that what matters to hermeneutical injustice is the uneven distribution of hermeneutical power. It is wrong for a more dominant social group to impose their meanings onto a less powerful group who are subsequently harmed. This intuition is silent with respect to the content of the meanings at stake. The second is exploited by the problem cases. It holds that what matters to hermeneutical injustice is the nature of the hermeneutical resources. Certain ideas should (and others should not) be included in the cultural lexicon. Hermeneutical injustice occurs when someone is harmed due to a lack of meanings that should be included, irrespective of considerations to do with the distribution of power. Thus the distribution of hermeneutical power is skewed against the EDL and the blood-sports enthusiasts, but we are reluctant to class them as victims of hermeneutical injustice because we do not feel the meanings they require to properly capture their experiences should be included in the cultural lexicon. Conversely, Joe suffers no lack of

hermeneutical power, but we feel the meanings he requires are ones that *should* be included in the cultural lexicon. Since he is harmed by this omission, we feel that he is a victim of hermeneutical injustice.¹ I take the problem created by the tension between these two intuitions to go well beyond the specific counterexamples I have offered here.

Initially, we might suppose Fricker's account can be revised to incorporate both intuitions. The first way of doing this is to simply add a third condition to Fricker's existing analysis, specifying that the meanings the agent lacks must be those that *should* be included in the cultural lexicon. On this revised understanding, hermeneutical injustice consists in: harm done to an agent through a lack of appropriate meanings to capture her experiences, where those ideas should be included in the hermeneutical resources, and where the agent is hermeneutically marginalized. This revision allows one to rule out the EDL and the blood-sports cases since the meanings they require should not be included in the cultural lexicon. However, it also rules out cases like Joe, because he is not hermeneutically marginalized. As I argued above, the case of Joe is relevantly similar to the situations faced by male victims of rape and domestic violence. We feel that these people are wronged by the lack of available meanings, which prevents them from communicating their experiences and accessing the necessary support. A notion of hermeneutical injustice that cannot capture these cases is thus deeply unsatisfactory.

The second option is to split Fricker's notion of hermeneutical injustice into two separate types of injustice, which may or may not accompany each other:

- (i) Injustice that consists in harm caused by a lack of meanings that should be included in the hermeneutical resources.
- (ii) Injustice that consists in what Fricker calls hermeneutical marginalization, where one faces social obstacles to gaining hermeneutical power.

¹ Fricker seems to want to incorporate both of these intuitions. But as should be clear from the discussion here, her account as it stands does not, and as I will show below, it's not at all clear that it can be revised to do so.

On this proposal, Sanford, Wood and White suffer both forms of injustice. Joe is subject to (i), but not (ii) as he is not hermeneutically marginalized. The EDL and the blood-sports enthusiasts are subject to (ii) but not (i), since the meanings they require to communicate their experiences should not be included in the hermeneutical resources.

Whilst this at first seems a satisfactory way of accommodating our intuitions about the cases we have considered, this option creates problems for Fricker. It is unclear how (i) can be defended as a form of *injustice* when divorced from (ii) in the way suggested. She argues that in some cases – such as the person suffering from a mystery illness – an agent may lack the meanings required to successfully capture their experience, but this will be a matter of bad luck. The harm an agent suffers due to a lack of appropriate meanings will only constitute an *injustice* if she is hermeneutically marginalized. Thus if (i) is divorced from (ii) in the way suggested, then it is no longer possible to distinguish between cases of hermeneutical bad luck and real instances of injustice type (ii). One might try to argue that we have intuitions about which harms count as bad luck and which count as injustice, and this is sufficient to distinguish between the two. However, I suspect that our intuitions are not very clear-cut on this issue and so there will be some cases we cannot decide in this way. Far more importantly, I take it that an account of injustice should aim to provide theoretical support for, or a theoretical analysis of, our intuitions about the matters in hand. (This may include showing why some intuitions are misplaced or should be disregarded.) Whilst it is true that for some cases we have intuitions concerning whether an agent suffers bad luck or injustice, a theory that incorporates these intuitions should offer some analysis of the difference between these two cases (or show why, contrary to intuition, there is no difference). The modified version of Fricker's analysis we are considering offers no such support. In its absence, (i) cannot be maintained as a form of injustice. This is very unsatisfactory as it does not allow us to retain cases like Joe.

Fricker's account cannot be satisfactorily revised to accommodate both the intuition that hermeneutical injustice is a matter of unevenly distributed hermeneutical power, *and* the intuition that it is harm brought about by a lack of meanings that should be included in the

cultural lexicon. The preceding discussion makes clear that we have good reasons to preserve both intuitions, but now I want to examine this more closely. Could we give one of them up?

Consider the second intuition that hermeneutical injustice occurs because meanings that should be in the cultural lexicon are lacking. Jettisoning it means biting the bullet when it comes to the problem cases and accepting that the EDL and blood-sports enthusiasts are victims of hermeneutical injustice, but that Joe – along with male victims of rape or domestic abuse – is not. There is a certain amount of support that can be mustered for this strategy. The discussion up until now has proceeded as if there is general agreement concerning which cases should be classed as instances of hermeneutical injustice. Given that such judgements are apparently based on intuitions about which meanings should be included in the cultural lexicon, the discussion has assumed general agreement over the latter too. But, of course, there is no such agreement. Members of the EDL and the blood-sports enthusiasts precisely *disagree* with the range of meanings I think our cultural lexicon should include. In making judgements about what does and does not count as injustice, based on intuitions about which meanings should and should not be included in the cultural lexicon, I am doing so as a person from a particular social group that wields a certain amount of hermeneutical power. Insofar as I am an academic, appealing to the intuitions of other academics, my position is one of relatively greater hermeneutical power. Thus in denying that the EDL and the blood-sports enthusiasts are victims of hermeneutical injustice, I am simply enacting an instance of such injustice against them. To avoid this unpalatable situation, we should therefore accept that they are victims of hermeneutical injustice, in the face of intuitions to the contrary.

However, whilst there is something to this line of thought, the consequences are so unpalatable that it should be resisted. Accepting that a situation is unjust implies that one should work towards – or at the very least, endorse activities towards – remedying the injustice. It follows that if one accepts that the EDL suffer hermeneutical injustice, one is required to work towards (or endorse initiatives towards) changing the cultural lexicon to include their anti-Islamic meanings. The same goes for those in favour of blood-sports. I do not think that this can be accepted.

The response just given effectively re-asserts the second intuition that some meanings should (and others should not) be included in the cultural lexicon, and hermeneutical injustice only occurs when someone is harmed due to a lack of meanings that *should* be included. The intuition is that there is an objective way to assess meanings, i.e., a way to decide whether or not a given idea should be included in the cultural lexicon that is not relative to a particular world-view. Should we prioritize *this* intuition? The foregoing discussion has given us some reasons to do so, but things are not that simple. We have already seen that this idea on its own cannot yield an account of hermeneutical injustice because it offers no way to distinguish between hermeneutical wrong and bad luck. It also requires us to identify criteria to decide which meanings should be included/omitted from the cultural lexicon, which are both independent from a particular world-view, and yield plausible results in the context of hermeneutical injustice. It's not clear that this can be done.

One might suppose that we can appeal to truth and/or harm to rule out certain ideas. But consider truth. People's ideas about the world are not all straightforwardly descriptions of an independent reality that correspond or fail to correspond to it. Some ideas concern social reality, and many aspects of social reality are constructed by those ideas. There can, of course, be truths about socially constructed things. If I believe that the British currency is the dollar, I am wrong, even though money is socially constructed. However, it does mean that where a group thinks of something that is socially constructed in a way that is different from the dominant understanding of that thing, it is not clear that the correct response is simply to rule out their view on the grounds that it is false. Think about Edmund White. If it is the case, as many thinkers have argued, that the criteria for what counts as mental illness make irreducible reference to cultural norms, then there is no culture-independent way of deciding what counts as a mental illness (see, e.g., Wakefield (1992)). There are still facts about what counts as mental illness, but these are in some sense up to us. When gay people in the 1950's tried to alter the dominant understanding of homosexuality as a mental illness, their alternative narrative was false, given the way that the facts had been constructed. Yet we do not consider the falsity of their view an acceptable reason to rule it out. Analogous points can

be made about some aspects of the EDL case. Of course, some of the EDL's claims are straightforwardly false – for example, their conception of the threat posed by British Muslims is just wrong. But suppose we attribute to them, the more moderate position they sometimes espouse – they simply want to preserve the English way of life from the culturally alien influence of Islam – and consider their claim to be a human rights organization in that context. Human rights organisations do not exist in the world independently from the way that humans think about things. They are socially constructed. According to our current understanding of such matters, it is false that the EDL are a human rights organization. But given that what counts as such is up to us, it is unsatisfactory to rule out their self-conception on these grounds. I suspect that since many putative instances of hermeneutical injustice will concern socially constructed phenomena, truth will not be a very useful criterion for deciding which meanings should (not) be included in the cultural lexicon.

An alternative is to use harm to decide whether or not an idea should be in the cultural lexicon. Given that our common nature as human beings means that we require, broadly speaking, the same things to flourish, it seems that an objective conception of harm, i.e., one that is not culturally relative, is available. (An analogous conception of harm that applies to non-human creatures can likewise be formulated, based on what *they* require to flourish.) One might suppose that this is sufficient to rule out the EDL and the blood-sports cases, since the meanings they require to communicate their experiences are objectively harmful to Muslims, and to badgers and dogs, respectively. Those ideas should therefore be omitted from the cultural lexicon, and so the EDL and blood-sports enthusiasts are not victims of hermeneutical injustice in virtue of this lack. However, there are two significant problems with this suggestion.

First, whether or not something is harmful does not settle the question of whether or not it is, overall, a bad thing because harms have to be weighed against benefits. Cars, for example, are objectively harmful. Several people, not to mention numerous creatures, are killed or injured by cars each year, and the production and running of automobiles greatly contributes to the pollution of the planet. Similarly, many, many animals are objectively

harmed every day by being killed for food. Yet we do not see fit to abandon either cars or meat because we think that their benefits outweigh the harms. One might initially suppose that there is no big problem here since an account of what allows us to flourish, based on our common nature as human beings, will yield an objective conception of what is beneficial to us. Armed with these objective conceptions of harm and benefit, we can judge, independently from any particular world-view, whether the benefits outweigh the harms in any given case. However, whilst it is true that our common nature means that we need broadly the same things to flourish, there seems to be room for reasonable disagreement in a range of cases about the relative importance of different aspects of what benefits us, and how these should be weighed against various sorts of harm. It seems, for example, that people could reasonably disagree over whether car use should be heavily restricted, depending on the importance they assigned to the benefits of convenient travel versus the harms of automobiles. To say that there is room for reasonable disagreement is to say that there are different views on a matter, and no objective way to choose between them. It follows that whether or not something should be rejected or condemned as harmful will, for at least a range of cases, be something that can only be decided relative to a particular world-view, rather than something that can be objectively decided. There is no space here to set out criteria for what counts as a reasonable disagreement, but it is hopefully clear from these brief remarks that there is a substantial problem here for the view we are considering. Take the blood-sports case. It is clear that the meanings its enthusiasts require to capture their experiences are objectively harmful to badgers and dogs. It is also clear that belonging to a tightly knit community is objectively beneficial to us. Moreover, we can probably all agree that one way to bind a community is to preserve its traditions. The disagreement in this case concerns whether the harm done to badgers and dogs is outweighed by the benefits to the community brought about by preserving the traditions of dog-fighting and badger-baiting. The blood-sports enthusiasts hold that it is, whilst the wider culture holds that it is not. Perhaps this is a reasonable disagreement. If so, then the ideas of blood-sports enthusiasts cannot be ruled out using a purely objective conception of harm.

The second significant problem is that whilst some harms such as beheading are objective (i.e., they are harmful to anyone, irrespective of their world-view), other harms are culturally-relative. If we use culture-*independent* criteria to decide whether an idea is harmful and so should be excluded from the hermeneutical resources, we will exactly miss those ideas that are only harmful relative to a particular world-view. The problem is that at least some (I suspect, many) putative instances of hermeneutical injustice will be cases where the ideas of one social group are harmful relative to the world-view of another social group. Think, for example, about the clash between those social groups that support the French authorities' close regulation of hijab-wearing, and the Muslim women who favour unrestricted veiling. Wearing a hijab (or not) is neither objectively beneficial nor objectively harmful. It only carries significance relative to particular world-views. It follows that a culture-independent means of identifying harmful ideas is completely unable to adjudicate in the French hijab case.

The difficulties with finding some objective way to assess meanings – and the realisation that truth and harm (the obvious candidates) in the realm of social reality are, in many cases, culturally relative – pushes us back towards the first intuition that we should think of hermeneutical injustice as consisting in the uneven distribution of hermeneutical power. But as we have already seen, there are serious problems with this claim.

Conclusion

Fricker (2008) offers an account of a form of injustice wherein a dominant group imposes its meanings onto those of a less dominant group, who is harmed as a result. She calls this 'hermeneutical injustice'. I have argued here that her account fails to capture all the cases she wishes (rightly) to include as examples of hermeneutical injustice, and it is open to serious counterexample. These cases present a serious challenge to her view. They reveal that we have two strong intuitions about the source of hermeneutical injustice that are in tension with one another. There are good reasons for accepting both, but each also brings with it serious difficulties. Unsurprisingly, they cannot be made consistent within Fricker's framework. I can

see no way to overcome the problem, which unfortunately, leaves Fricker's account in a difficult position.

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