

## Willful Hermeneutical Marginalization: An Account of Malicious Agency in Hermeneutical Injustice

ALYSSA CIRNE

Asymmetrical social power leads to and is simultaneously fed by asymmetrical power in the development of hermeneutical and epistemic tools, such as language, for transmitting information, concepts, and experiences between individual agents in a society. Miranda Fricker argues that a particular species of moral and epistemic injustice occurs when marginalized agents struggle to make sense of their experience. This injustice is due to that very asymmetry of power in hermeneutical development, which she dubs “hermeneutical injustice.” According to Fricker’s framework, hermeneutical injustice is created by prejudices against the socially powerless group. These prejudices are built into the structure of the epistemic community, meaning there is never a case in which an agent actively perpetuates hermeneutical injustice (159). In this paper, I will demonstrate that her account overlooks concrete scenarios wherein we can observe the deliberate obstruction or manipulation of knowledge by individual agents. Consequently, she has left no space for us to hold such malicious agents accountable for their abuse of power.

I will begin by outlining the chapter about hermeneutical injustice from Fricker’s book, *Epistemic Injustice: Power and the Ethics of Knowing*. In this chapter, Fricker uses the example of sexual harassment as a socially constructed concept. She does so to outline the harms of a “gap” in collective resources of knowledge, a gap which results in hermeneutical injustice. I will argue that the example she uses is actually a case in which that very “collective gap,” while disadvantageous to some agents, was to the

*Alyssa Cirne is majoring in philosophy at the University of Waterloo. Her interests include feminist epistemology and contemporary ethics. After graduation, she hopes to pursue a master’s degree in public ethics and women’s studies.*

advantage of others. By extension, there could be cases where a malicious agent of knowledge, in realizing that other agents suffer some kind of gap, could exploit those agents for their own ends by withholding the information and tools that they need.

From here, I will continue on to my core example, the case study of Nujood Ali, a Yemeni girl who was sold by her father as a child bride in 2008. I will draw on Nujood's memoir (co-authored by Delphine Minoui) to illustrate that while Nujood suffered a kind of hermeneutical gap similar to Fricker's description, it was not truly "collective" in nature. She was heavily reliant on a few particular agents in her epistemic community, namely her parents, and her now ex-husband, to give her the tools needed to make sense of her social experiences, and those particular agents did not have gaps in their conceptual knowledge, whereas Nujood did. I will argue that Nujood's father, mother, and husband exploited gaps in her hermeneutical resources out of malicious self-interest and disregard for her well-being, deliberately withholding certain knowledge she relied on them to provide.

Nujood's case is a clear example of a hermeneutical inequality, but it is an inequality created deliberately by particular agents, at Nujood's personal expense. Nujood's case exemplifies a hermeneutical injustice that features an obvious element of culpability, one that would go unaddressed in Fricker's framework. To address this problem, I will offer an account of what I call "willful hermeneutical marginalization," a sub-species of hermeneutical injustice wherein malicious agents obstruct or withhold hermeneutical tools from those agents who need those tools most, for the purpose of maintaining unjust power over the weak.

### I. Miranda Fricker: Outline of Hermeneutical Injustice

Fricker's objective in *Epistemic Injustice: Power and the Ethics of Knowing* is to bring forward the idea of "epistemic injustice," or injustices pertaining to "distributive unfairness in respect of epistemic goods such as information or education" (1). Specifically, she discusses at length the species of testimonial injustice, which occurs "when prejudice causes a hearer to give a deflated level of credibility to a speaker's word" (1). She also briefly discusses hermeneutical injustice, which occurs "when a gap in collective interpretive resources puts someone at an unfair disadvantage" (1). Here, I plan on examining her framework for hermeneutical injustice, in which she attempts to unpack the ethical aspects of making sense of lived social experiences (1-2) and communicating those experiences to others in the epistemic community.

Social power directly impacts “collective forms of social understanding” (148). Those who exist in positions of social domination tend to have unfair access to hermeneutical resources, and consequently, a stronger influence on how data, concepts, and social meanings are developed. As such, those of the dominant group will probably have sets of hermeneutical or epistemic tools that will adequately describe their lived experiences. Conversely, those lacking in social power are likely to find themselves “having some social experiences through a glass darkly,” (148) in that their understandings of their own social experiences are filtered awkwardly through hermeneutical tools designed for the socially dominant group.

Of course, the powerless can group together and share their half-formed knowledge; for example, groups of women came together in the women’s movement to share stories of what we now call sexual harassment. But at the time, sexual harassment was non-existent as a social concept. The concept and its terms and meanings only came to fruition when women who had been subjected to it came together and shared their poorly-articulated experiences, awakening “dormant resources for social meaning that brought clarity, brought cognitive confidence, and increased communicative facility” (148). Before coming together and creating the concept of sexual harassment, says Fricker, these women “suffered (among other things) an acute cognitive disadvantage from a gap in the collective hermeneutical resource” (151).

The primary harm of that hermeneutical gap is what Fricker calls “a situated hermeneutical inequality,” an inequality of hermeneutical powers resulting in the agent’s inability to articulate an experience, when it would be in her best interests to be able to do so (162). In these cases, there is a profound asymmetry of power in the positions occupied by speaker and listener: the speaker’s inability to express herself to the listener puts her at a disadvantage, and the listener may not care to (or be able to) attempt to understand what the speaker means to say. Conversely, it is no disadvantage to the listener if she cannot make sense of the speaker’s incomplete or confused expressions, even when the listener is also experiencing the same kind of gap as the speaker.

Fricker gives the account of Carmita Wood, who was subjected to unwanted sexual advances by a professor in her workplace. She was unable to describe his inappropriate behavior and the harm it did to her because sexual harassment had not yet been created as a social concept; Wood lacked the tools to explain an important experience in her life, and was therefore caught in a situated hermeneutical inequality. Her harasser, on the other hand, was caught in a case of mere “epistemic and moral bad

luck" (151). Though he too was missing the concept and terminology of sexual harassment, this was no disadvantage to him; therefore he did not experience an injustice, whereas Wood clearly did.

Fricker shouldn't need to explain to us why Wood's harasser has not experienced an injustice here, epistemic or otherwise; it was not crucial to his well-being as a person, as a knower, to be able to say, "I am sexually harassing a female co-worker right now." This is precisely why Fricker's definition of hermeneutical injustice includes the qualifier, "some significant area of one's social experience" (154). It is the great personal disadvantage of the speaker, in being trapped in a hermeneutical gap, which makes that very gap an injustice in itself. But I take it that the harasser isn't exactly in a case of "bad luck"—while it was true that the harasser also lacked a concept of sexual harassment, that was not to his disadvantage. In fact, lacking the hermeneutical tools to conceptualize sexual harassment worked to his advantage; one could say it was a case of "good luck" for him. Since none of his peers (including Wood) could point to his behavior and label it as sexual harassment, or even fully describe the harmful nature of it, he was free to continue making his advances at will.

Returning now to Fricker's framework: in the case of hermeneutical injustice, there is never an element of culpability present. Fricker says, "No agent perpetrates hermeneutical injustice—it is a purely structural notion" (159). The actual "moment of hermeneutical injustice" is caused by the structural epistemic framework in which she exists, where she is marginalized as an agent of knowledge. Thus, situated hermeneutical inequality lays dormant in the marginalized agent, and it is only at the instance when that inequality renders her unable to articulate or understand an experience that it can be called an injustice (159).

Fricker's account pinpoints the marginalized knower herself at the centre of this injustice. True enough, there are broad systematic problems that might shape or constrain an epistemic agent. For example, a Native Canadian child forced to attend a deficient residential school is doomed to diminished ability to participate in his epistemic community, owing in part to the deficient pseudo-education supplied to him at that school; true to Fricker's framework, he is a victim of broad systemic constraints on his position in the epistemic community. But does Fricker mean to say that until the particular moment at which that pseudo-education obstructs the child's ability to articulate some experience there was no hermeneutical injustice? And prior to that moment, would it be false to say that he was subjected to an injustice that marginalized his abilities to understand his experiences? And what of the educators who were in charge of him at that school—are they not actively participating in his marginalization?

Fricker's framework for hermeneutical injustice lacks an account of case-by-case exchanges between individuals and the ethical elements of such exchanges. In *Epistemic Injustice*, she gives a thorough explanation of testimonial injustice and its varied manifestations at both the individual level as well as the broader systemic one. However, her discussion of hermeneutical injustice (covered in just one chapter) is by contrast very basic, focusing only on the systemic nature of this species of epistemic injustice. Fricker distinguishes between (1) cases wherein the victim is hermeneutically marginalized "qua social type," (155) or by societal prejudices constructed around the victim; and (2) one-off cases wherein a victim struggles to make sense of experience because of a general gap in collective knowledge, irrespective of social position. Regardless of whether the incident is a one-off situation or is caused by background prejudices and asymmetrical power relations, the nature of hermeneutical injustice is systemic: the injustice itself is the moment "when the background condition [the subject's hermeneutical marginalization] is realized" (159).

So Fricker's model is one of a systemic injustice, not a wrong enacted by individuals. Though *Epistemic Injustice* offers a strong foundation for examining the phenomenon of hermeneutical injustice, the framework in place does not take into consideration the individual-level interactions of knowers, even though they seem to sometimes actively participate in and manipulate the epistemic community. Everyday hermeneutical practices are powered by both background social conditions and real-time interactions between knowers; as Fricker's model stands, it simply does not apply to or acknowledge the latter. My contention is therefore, as I have said, that the notion of hermeneutical injustice must be further developed so as to include an examination of agent-to-agent hermeneutical exchanges and wrongs.

In the case of Carmita Wood, the collective hermeneutical gap actually works to the advantage of a dominating agent, while simultaneously creating a hermeneutical disadvantage for the marginalized agent. It stands to reason that a malicious agent, if she was aware of some hermeneutical gap on the part of a marginalized party, could willfully use it to her own advantage. An agent can use to her own advantage the act of withholding, censoring, or manipulating the hermeneutical tools at her disposal. The act of choosing to transmit those tools (or not) is itself a potential tool for domination over others in her epistemic community. Drawing on an example of a marginalized agent who is abused by a dominating agent in just such a way as described here, I will show that there are instances where hermeneutical power can be actively abused. In such cases, there is a deliberate agent-to-agent abuse of hermeneutical tools and power in which the dominating agent withholds some hermeneutical tool from his victim

to prevent her from understanding, expressing, and defending herself against an unjust asymmetry of broader social powers. Consequently, an account of hermeneutical injustice must accommodate the elements of agency and culpability in such scenarios, and Fricker's account does not.

## II. A Case Study for the Revision of Hermeneutical Injustice

Around the age of nine, Nujood Ali was sold as a child bride by her father. In her memoir, *I Am Nujood, Age 10 and Divorced*, we find that Nujood's position as a knower is one in which age, gender, social class, religion, and culture all intersect to create uniquely difficult epistemic constraints for her. By virtue of being such a young child, she has a relatively simple scope of reference; to make sense of her lived experiences, she basically has to rely on pre-established epistemic and hermeneutical tools given to her by the adults in her life. Nujood is also a female from a poor family. Thus, she has been shaped by the strict gender roles in Yemeni culture as much as by the sheer lack of material resources available to her. And finally, because she lives in a fundamental Islamist culture, Nujood's every action is constrained by strict conservative laws, social norms, and values; every move she makes as a knower is shaped by and clashes with a religious doctrine that makes her a subordinate "other" in her community.

So Nujood (at the time of her arranged marriage) was in a precarious situation of epistemic dependence on other knowers in her life—adults, men, and people with material wealth and higher education—to help her make sense of her experiences. This means that many of Nujood's life experiences were likely to occur in a situated hermeneutical inequality. In addition to this inequality, I argue, there is an element of culpability inherent to Nujood's knowledge and understanding, pertaining to the arranged marriage—an agent-against-agent culpability whereas Nujood was denied information that was crucial for her to understand and fight against a crime to which she was unfairly subjected. This element would go overlooked in Fricker's account of hermeneutical injustice.

Nujood described the overwhelming sense of wrongness she felt upon learning that she was to be married; she realized "[her] life was undergoing a complete upheaval," (61) but she was completely ignorant of the actual terms of her marriage arrangement: "when the marriage contract was signed, the event had also been men only . . . Neither my mother, sisters, nor I had any right to know how things had gone" (60). Nujood struggled to comprehend the terms of her marriage, why it was happening, and what it would entail, in part because she was deliberately barred from the actual making of the marriage contract; she was literally denied access to

information she may have needed. She also had only the most rudimentary concept of marriage, formed by observations of her own parents and, presumably, some socially-learned religious and cultural norms: “Why had he wanted to marry me? What was he expecting of me? And marriage—what exactly did that mean?” (64). At the time, Nujood did not have a strong understanding of the complex cultural, social, legal, and otherwise private aspects of marriage; she had a kind of lacuna over the subjects of marriage and wifehood, and no one supplied her with the social concepts she would need to understand this major change in her life.

Nujood’s case is an example of very serious asymmetries in material, social, political, and epistemic power. She was cut off from information about her marriage and husband, by her husband and father. Additionally, she lacked sufficient mental schemas to help her understand and explain marriage and wifehood. Ultimately, Nujood lacked appropriately sophisticated epistemic tools to describe (and to thereby report to authorities) the crimes being committed against her—the crime of her illegal marriage, and the denial of her independence and consent within the marriage. So among the many injustices Nujood had to endure at her young age, it is clear that she was also a victim of hermeneutical injustice, according to Fricker’s definition.

Nujood was simply too young to understand the complex features and consequences of marriage. What nine-year-old has taken the time to reflect on the power relations between a husband and wife, especially within the context of a fundamentalist Islamic culture? Additionally, although she rightly believed that she was too young to be ready for marriage, what she did not know is that she was well below the legal age to marry in Yemen. It was not until she finally and bravely stole away to the courthouse in Sana’a to demand a divorce that Nujood learned that marriages such as hers are illegal and that they are widespread in Yemen. In short, she suffered a kind of hermeneutical gap, when it would have been in her best interests to have the gap filled in with the appropriate information.

What of Nujood’s father, and her now ex-husband? Neither of them were stuck in that conceptual gap with her. Both of them understood the social rules of marriage, and the power afforded to husbands in virtue of their cultural setting. Not only did they understand the particular rules and norms of marriage, but they knew the legal rules, too:

The monster is flushed with anger. He says that my father betrayed him by lying about my age. . . [he] announces he is ready to accept the divorce, but on one condition: my father must pay back the bride-price . . . It’s like a marketplace! How much? When? How? Who’s telling the truth? Who’s telling lies? . . . I’m lost. (117)

They both knew Nujood was not old enough to marry legally, and they concealed this from her. It wasn't until the divorce proceedings that Nujood discovered any details of the arrangement, including the fact that she had a selling price. Even her mother and older sisters failed to provide her with the information necessary to understand the particulars of her marriage:

It is out of the question for you to leave your husband!"  
I had not expected my father's unyielding reaction . . . As  
for my mother, she kept quiet, simply raising her arms to  
heaven and murmuring, "That's how life is, Nujood: all  
women must endure this; we have all gone through the  
same thing." But why hadn't she said anything to me?  
Why hadn't she warned me? Now that marriage vows  
had been said, I was trapped, unable to retreat. (96)

Fricker's concept of hermeneutical injustice is one of a "dormant" hermeneutical inequality, made into a real injustice by one agent's inability to articulate experiences. Applying this to Nujood's case, we would be forced to say that Nujood suffered an injustice because the inability to articulate her experiences happens to put her at a disadvantage, and that her hermeneutical marginalization was merely neutral to her father and husband. This fails to adequately describe what went wrong in Nujood's experience because it overlooks the element of agency and deliberation on the part of her father, mother, and husband. So I will now endeavour to create a definitive explanation of the wrong Nujood suffered, and will offer a definition for the particular species of hermeneutical injustice that I see at work here.

### **III. Willful Hermeneutical Marginalization**

I propose now the concept of willful hermeneutical inequality, a particular inequality created when one agent withholds or manipulates hermeneutical and epistemic tools when she could share them with others. A generalized definition of this could read as follows: a concrete situation wherein a knower possesses a particular set of hermeneutical tools and willfully obstructs access to those tools by other agents.

I've adapted this concept from Fricker's explanation of the "primary harm" of hermeneutical injustice, the situated hermeneutical inequality (162). The harm in such situations is that an agent is unable to articulate an experience to others when it is in her best interests to do so (as with Carmita Wood). I am arguing here that this very harm Fricker describes could be enacted by one agent at the expense of another (as with the arranged marriage of Nujood); that a unique species of injustice occurs

when one agent deliberately sets up the other so that they become trapped in a situated hermeneutical inequality. This species is not accounted for in Fricker's framework.

The issue with this generalized "species" as described above is that it is not always the case that an agent withholds data, terminology, or social concepts with malicious intent. For example, teachers withhold data from students in classroom settings, but there is nothing unjust about withholding the answer to a test question. In fact, it seems to be to the student's advantage in such a case, if she can use her own capacities as a knower to arrive at the answer independently. My project here is to illustrate that active agents do indeed manipulate hermeneutical and epistemic tools, and also to revise hermeneutical injustice as a concept so that it includes space for malicious intent and culpability on the part of those active agents. When we make apparent the scenarios in which a culpable agent actively participates in and is responsible for the creation of a situated hermeneutical inequality, it becomes clear that we need a definitive concept of hermeneutical injustice that appropriately treats that active participation.

Let us return to Nujood's case, where we have already seen great asymmetries of power at play. Fricker's account can be grafted onto that case study easily enough: Nujood's position as a knower was constrained by her existence as a girl, and as a child, in a community of deeply religious values—she was constrained by a veritable gamut of systemic problems. But could we say that Nujood's "lacuna" really was a glaring systemic gap in collective hermeneutical tools? (159). Fricker's account of bad luck, of the lacuna being disadvantageous to some and neutral to others, simply doesn't fit here.

This is where Fricker's framework fails to do justice to Nujood's story. We know that there isn't at all a collective hermeneutical gap over the concept of marriage; all the adult knowers in Nujood's community really did know what her arranged marriage would entail. Her father and husband, as they drew up the marriage contract, knew that Nujood was underage, that there were laws surrounding consent to marriage and the treatment of underage brides. Both of Nujood's parents knew about the religiously based norms and values in marriage and of the strict duties within the marriage that Nujood would be expected to perform. So why was Nujood left out of the hermeneutical loop?

Though Nujood's ignorance here was due in part to her uniquely constrained position within her epistemic community, there are definite elements of deliberation, culpability, and indeed, blameworthiness, on the part of Nujood's father, husband, and to a lesser extent, her mother. These elements are glossed over in Fricker's account of hermeneutical injustice.

Nujood's father and husband deliberately obstructed her from information pertaining to her marriage. It was to their advantage that Nujood remain ignorant to the agreement and to the illegal nature of it. After all, if Nujood knew that the law stipulated a minimum age for marriage, she might have fled her family and reported the arrangement to the authorities before the marriage had even taken place. Even Nujood's mother is culpable here, having participated in withholding important conceptual knowledge (regarding marriage and wifhood) from Nujood. Again, if she warned her daughter of the strict duties she believed a Muslim wife "must endure," (namely brutal beatings and marital rape) this might have led Nujood to attempt an escape (92–93). In short, important hermeneutical and epistemic tools were obstructed from Nujood by other agents in her community, agents who had vested interests in keeping her in a position of unequal power.

I can now propose a definitive kind of hermeneutical injustice that accommodates our observations of Nujood's pernicious situation. Willful hermeneutical inequality itself lacks an explanation of the particular injustice suffered by Nujood. The truly unjust extension of that inequality is an injustice I will now call "willful hermeneutical marginalization": a concrete situation wherein a central knower maintains an unjust asymmetry of power between herself and another, by willfully obstructing access to particular epistemic or hermeneutical tools already at her disposal, knowing that it would be in the best interests of the other to have access to those particular tools.

So I have now outlined a definitive sub-species of hermeneutical injustice. Using Nujood's story as my central example, I will show that willful hermeneutical marginalization meets the requirements of Fricker's framework for an epistemic injustice, and also link it back to hermeneutical injustice generally.

Willful hermeneutical marginalization starts with a victim, for lack of a more suitable word, who is situated in space and time in such a way as to put her at a cognitive disadvantage in relation to her epistemic community; the victim starts out with a situated hermeneutical inequality. This is in itself a wrong inflicted on the victim by broader social issues beyond her control (161), such as ethnic or gender-based prejudices, or economic inequality. In Nujood's case, she is a young girl attempting to participate in an epistemic community with built-in prejudices against females, owing to the religious and cultural context of the community; she is also dependent on epistemic agents who are older than her, because she is too young to effectively explain her experiences on her own.

Another wrong of this species of injustice is that, like Fricker's

systemic hermeneutical injustice, the hermeneutical gap makes the victim unable to understand a significant social experience (151); a significant experience in the victim's life is rendered unintelligible, when it would have been in the victim's best interests for that experience to have been intelligible. In Nujood's case, she was unable to fully grasp an important change taking place in her life, even though she knew something about it seemed off; by extension, if Nujood had been able to fully grasp that life change, she could have intelligibly described it to other agents, perhaps to law enforcement authorities.

The component of willful hermeneutical marginalization that distinguishes it as a unique sub-species of hermeneutical injustice more generally is the role of agency in the maintenance of the hermeneutical gap. Rather than the injustice stemming solely from systemic hermeneutical inequalities, this is an individuated situation in which practical hermeneutical tools are deliberately obstructed from the victim by another willing agent. A malicious agent is aware of an apparent gap in the conceptual understanding of another, marginalized agent in her community; the malicious agent uses that gap to her own advantage by neglecting to pass on the hermeneutical tools available to her to that other agent, and does so willfully, to maintain power over the other. Nujood's father, mother, and husband are all examples of the malicious agent I have described here. Her father and mother had a vested economic interest in selling Nujood as a bride, and likely held (along with Nujood's husband) implicit or underlying interests in the cultural values of marriage ties and family honour. These interests led her parents to willfully obstruct Nujood's access to the hermeneutical tools she would need to understand the gamut of social, cultural, and personal ramifications of her marriage arrangement.

#### **IV. Conclusion: Accounting For Malicious Agency**

Fricker described a hermeneutical gap that results from systemic prejudices toward marginalized groups, prejudices that prevent the powerless from fully participating in collective hermeneutical practices. In the case of hermeneutical marginalization, an injustice is committed against an agent by "the system" at large. In contrast, willful hermeneutical marginalization is a particular type of hermeneutical injustice, committed deliberately by an agent on another; it is a deliberate abuse of power wherein one agent blocks a victim from accessing social concepts, practical data, or other epistemic tools that would have given the victim the power to participate in her epistemic community by expressing her experiences. The malicious agent who chooses to do this does so in order to maintain a social advantage

over the victim. By forcing the victim to remain in a hermeneutical gap, where an experience is unarticulated and poorly understood, the malicious agent can silence the marginalized agent and thereby maintain a position of unfair social, material, and epistemic power.

In the case of willful hermeneutical marginalization, it is true that the victim stumbles upon a gap in hermeneutical resources when she attempts to make sense of a lived experience (in line with Fricker's framework), but this is not the only harm suffered. I have argued in this paper that Fricker's account lacked an appropriate treatment of instances where that gap is not at all a collective one; in the case of willful hermeneutical marginalization, rather, a veritable hole in one's social understanding and personal knowledge is dug deeper by a malicious agent, who had the power to fill it in with the appropriate (missing) hermeneutical tools. Through the deliberate obstruction of those tools, that malicious agent prevents the victim in question from full participation in the epistemic community. By extension, the perpetrator causes a gamut of secondary harms to the victim: by being unable to explain her lived experience to herself or others, she may be missing out on a chance to shed light on her unfair social position; she may lose confidence in her capacities as an agent of knowledge, unable as she is to make sense of her situation.

Regardless of the potential harms to the victim, willful hermeneutical injustice is enacted for the purpose of keeping the victim in her place, for using her to one's own ends by withholding the tools she needs to defend herself. A framework for epistemic justice that fails to account for this particular injustice is one that fails to hold malicious agents responsible for both the deeply personal and wide-ranging communicable wrongs committed against the other members of the epistemic and moral community.

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