

# BEYOND NAMES

## Exploring Conflicting Claims to Hermeneutical Justice

### Abstract

Many standard examples of hermeneutical injustice involve a gap, or *lacuna*, where a term that might describe an important social experience is missing. This paper introduces the concepts of *hermeneutical dilution* and *hermeneutical monumentalization* as two categories of hermeneutical occlusions which, in contrast, do not require the absence of a term. Instead, these occlusions have to do with the inability to specify one's particular experience using existing terms, either because the term is inaccessible or because it is not sufficiently specific. Despite this difference, I argue that both categories of occlusions can constitute hermeneutical injustices. Furthermore, I suggest that, unlike lacunae, dilutions and monumentalizations can give rise to *hermeneutical conflicts*, that is, necessarily conflicting claims to hermeneutical resources. To be plausible, our conception of hermeneutical justice must have an explanation for how to navigate these conflicts and prioritize particular claims.

### Introduction

Last spring, I gave an philosophy outreach talk on epistemic injustice to high school students. The title of the lecture, *To Speak and Be Heard*, appealed to the sensibilities of one of the most widely epistemically disenfranchised groups: teenagers. The talk began with a discussion of *testimonial injustice* and the ways that we fail to fairly judge the credibility of others. I expected that the students would find this notion, and the related idea of a *credibility deficit*, to be particularly relevant to their lives. However, as the talk continued, I found that the students' real interest was in the notion of *hermeneutical injustice*; that is, injustices relating to the distribution of interpretive resources available for expressing social experience. For the students, the concept of hermeneutical injustice was both subtle and deeply familiar.

Each generation has its own linguistic project, but the advent of social media — and its universality for the newest generation — has both accelerated and expanded the language-production process for teenagers today. The students found themselves readily able to give examples of experiences for which, until recently, no concept existed to describe. A trans student offered *boymoding*; a Hispanic student suggested *code-switching*. Everyone was familiar with *Zoom fatigue*. Many of the students had lived these experiences and struggled to describe them before learning the terms to do so. The students told me where they had learned the terms: Instagram, TikTok, Twitter.

“Speaking of Twitter”, I said, “I have a question for you. Imagine an acquaintance of yours posts a tweet saying ‘I want to kill myself’. What do you think the comments would look like?”

The room, previously buzzing with participation, fell silent. It was an awkward half-minute before someone gave an answer: “Honestly? ‘same’” It seems like a bafflingly flippant response to suicidality, but this was not a one-off answer. I asked the other students if they agreed, or if they thought it was more likely that the comments would be offering resources or support. Overwhelmingly, the students agreed with the first answer. They understood, at an intellectual level, that the imaginary tweet might be an expression of a pressing suicidal intention, but they did not see it that way. Instead, they viewed the tweet as expressing some less severe emotion, to which the proper response was not serious concern but joking commiseration. When I asked them how they could tell whether or not there was an imminent threat to the life of the person who wrote the tweet, they did not have an answer.

In this paper, I argue that my students' inability to recognize an immediate suicidal intention in the hypothetical tweet is an example of an often-overlooked type of hermeneutical injustice, which I call *hermeneutical dilution*. Hermeneutical dilution consists of the "watering-down" of an existing term to the point where it is functionally unable to specify some crucial social experience. In this paper, I develop a theory of dilution, and its counterpart, *monumentalization*. I argue that using dilution and monumentalization, we can construct plausible, just, and necessarily competing claims to hermeneutical resources. These competing claims force us to reflect on our vision of an ideal hermeneutical climate, and suggest that a fully specified theory of hermeneutical justice will need to appeal to specific principles of political justice in general. Furthermore, dilution and monumentalization differ from traditional examples of hermeneutical injustice (e.g., the injustice inherit in missing terms for *sexual harassment* or *postpartum depression*) in the sense that these traditional examples usually take the form of a gap where a missing term "should be" and cannot be used to construct such conflicting claims. Thus, the introduction of dilution and monumentalization is not merely a subdivision of the existing concept of hermeneutical injustice, but specifically allows us to better reason about how conflict in hermeneutical resources can arise and, as a result, what demands are placed on the ideal of hermeneutical justice.

## Section I: Hermeneutical Lacunae

Let us begin with the concept of a *hermeneutical occlusion*, or what Miranda Fricker calls a *hermeneutical gloom*.<sup>1</sup> As an initial example, Fricker retells the story of the invention of the term "sexual harassment" from Susan Brownmiller's memoir. Brownmiller recounts the story of an employee, Carmita Wood, who suffered what we would today call sexual

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<sup>1</sup> Fricker, *Epistemic Injustice*, 149.

harassment by a distinguished professor in her lab. After eight years in the department, Wood quit; besides the emotional consequences of the professor's constant harassment, the stress and alienation had induced physical problems such as chronic pain. Wood applied for unemployment insurance, but was required to describe why she had left. She found herself "at a loss to describe the hateful episodes" as the term "sexual harassment" did not exist yet.<sup>2</sup> Thus, she could only answer that "her reasons had been personal". As a result, her claim was denied, leaving Wood (and her two children, for whom she was the sole provider) unemployed and unsupported. It was only the following academic year, when Wood shared her story with other women at the university, that she realized what she had suffered was a near-universal experience for women. The group found, however, that they had no name for their shared experience, and so decided to invent one. They tried "sexual intimidation", "sexual coercion", and "sexual exploitation on the job", but found that none of them captured the full spirit of their experience. Eventually, someone proposed the term "sexual harassment". In this case, as in each of Fricker's examples, the introduction of the right term was revelatory: as Karen Sauvigne recounts, "*Sexual harassment!* Instantly we agreed. That's what it was."

In this situation, Wood suffered from a *hermeneutical occlusion*, "an acute cognitive disadvantage from a gap in the collective hermeneutical resource".<sup>3</sup> In fact, Wood, her harasser, and the claims investigator who denied her unemployment insurance were all subject to the same hermeneutical occlusion. However, only Wood suffered the emotional consequences, chronic pain, and material consequences of being forced to quit her job without unemployment insurance. Furthermore, Wood was particularly *epistemically* affected; though all three parties suffered the same hermeneutical occlusion, it was Wood

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<sup>2</sup> Fricker, *Epistemic Injustice*, 150.

<sup>3</sup> Fricker, *Epistemic Injustice*, 151.

whose ability to communicate and make sense of her experience was the most impeded. From the fact that Wood was the only one to suffer an injustice, while all three parties suffered the same hermeneutical occlusion, it follows that occlusion, at least on its own, is an insufficiently precise notion to capture our intuitions about hermeneutical injustice. A more specific concept is necessary, and Fricker gives it in the form of *hermeneutical marginalization*.

Hermeneutical marginalization occurs when

*there is unequal hermeneutical participation with respect to some significant area(s) of social experience.*<sup>4</sup>

Hermeneutical marginalization is a form of discrimination, for a hermeneutically marginalized subject is unable to generate meaning relating to social experiences that would be advantageous (even, in some cases, necessary). This concept is broad enough to cover both systemic and incidental cases, but precise enough to single out the wrong being done. It serves as a basis for the definition of hermeneutical injustice, which Fricker gives as follows:

*the injustice of having some significant area of one's social experience obscured from collective understanding owing to hermeneutical marginalization.*<sup>5</sup>

This conception of hermeneutical injustice has not gone unchallenged. For example, Rebecca Mason critiques Fricker's account on the grounds that it fails to distinguish between dominant and non-dominant hermeneutical resources.<sup>6</sup> A similar point is made by José Medina, who argues that it is necessary to give "a pluralistic analysis of... different

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<sup>4</sup> Fricker, *Epistemic Injustice*, 153.

<sup>5</sup> Fricker, *Epistemic Injustice*, 158.

<sup>6</sup> Mason, "Two Kinds of Unknowing," 300.

interpretative communities and interpretative practices.”<sup>7</sup> Finally, Kristie Dotson argues for a better account of individual responsibility via the concept of “willful hermeneutical ignorance.”<sup>8</sup> Each of these responses are not only interesting in their own right, but as I will discuss briefly later, closely related to the questions we discuss here. However, in this paper, we will use Fricker’s definition, for it is not my contention that the *definitions* of hermeneutical occlusions and injustices are overly narrow, but that our *understanding* of what “counts” as an example of either is incomplete. Indeed, even in these challenges to Fricker’s work, the overwhelming majority of given examples of hermeneutical injustice focus on a specific type of paradigmatic case: a lacuna.

In each example of a hermeneutical occlusion, Fricker refers to a gap “where the name of a distinctive social experience should be.”<sup>9</sup> In this paper, I call these types of occlusions — that is, those where the cognitive gap is caused by the absence or ignorance of a particular term or concept — *hermeneutical lacunae*. Two points are immediately clear:

- Firstly, a hermeneutical lacuna is repaired not just by the existence of a name, but through its inclusion in the collective hermeneutical resource. The process of this inclusion is often vacillatory (which can lead to issues of dilution or monumentalization) or arduous (which induces limits on the collective hermeneutical resource).
- Secondly, nothing in the definition of a hermeneutical occlusion or hermeneutical injustice requires the explicit presence of a lacuna.

In short, the presence or absence of a name for a social experience is neither a sufficient nor a necessary condition for hermeneutical justice or injustice. This demands a recognition and

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<sup>7</sup> Medina, “Hermeneutical Injustice and Polyphonic Contextualism: Social Silences and Shared Hermeneutical Responsibilities,” 202.

<sup>8</sup> Dotson, “A Cautionary Tale: On Limiting Epistemic Oppression,” 31.

<sup>9</sup> Fricker, *Epistemic Injustice*, 151.

discussion of those hermeneutical occlusions which have less to do with the existence of names and more to do with how those names are, in practice, made accessible or inaccessible for the interpretive project. It remains, however, that not just in Fricker's examples but across the literature on the subject, many examples of hermeneutical occlusions take the form of hermeneutical lacunae, and the history of the terms beyond their introduction is rarely examined.

It is from this gap between how hermeneutical injustice is defined and how (at least in much of the work on social epistemology) it is *used* that my two main theses arise. Firstly, there exist examples of hermeneutical injustice which are not lacunae. In Section II, I will give these examples, and in Section III, I will argue that they induce the same epistemic and material harms as hermeneutical lacunae. Secondly, these non-lacunae occlusions necessitate an interrogation of our intuitions about when hermeneutical occlusions constitute wrongs or injustices. In particular, I suggest that the existence of non-lacunae occlusions necessitates a move away from intuitive theories of hermeneutical justice and towards specific principles analogous to those found in theories of material justice. This will be the subject of Sections III and IV.

Fricker gives an account of three harms (one primary, two secondary) done by hermeneutical injustice. The primary harm, an immediate consequence of the injustice itself, is that “the subject is rendered unable to make communicatively intelligible something which it is particularly in his or her interests to be able to render intelligible.”<sup>10</sup> This wrong is distinctly hermeneutical, in the sense that it is an explicit limitation on a person's participation in the interpretive process (along the lines of privilege and disprivilege).

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<sup>10</sup> Fricker, *Epistemic Injustice*, 162.

One important characteristic of the definition of the primary harm is that it is agnostic as to *whom* the subject is attempting to communicate. In particular, some of the most striking consequences of a hermeneutical wrong occur when a subject is unable to make sense of their experience, even to themselves. Consider, for example, the experience of transgender people; missing terms for ever-present experiences such as gender dysphoria can “knock your faith in your own ability to make sense of the world”.<sup>11</sup> “If this was a real thing”, a trans person might tell themselves, “someone would’ve surely spoken about it already.” The point is that limitations on one’s hermeneutical participation can lead to the stifling of one’s development of self. This is one of the secondary harms resulting from a hermeneutical wrong: epistemic self-doubt, a degradation of one’s confidence in their ability to understand their own experience. The other secondary harm is material; that is, the practical harms resulting from one’s inability to render their experiences communicatively intelligible. This is perhaps the easiest wrong to identify. In Carmita Wood’s case, the denial of her application for unemployment benefits constituted a secondary practical harm, distinct from both the immediate anxiety around being unable to interpret her experience of sexual harassment and the long-term self-doubt which it induced. For trans people, these practical harms can constitute the denial or restriction of medical services, or the classification of services necessary to live at peace as “cosmetic”. As we will see, each of these harms — primary and secondary — can arise in quite similar ways for occlusions which are not lacunae.

## Section II: Monumentalization and Dilution

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<sup>11</sup> Fricker, *Epistemic Injustice*, 163.



Let us begin by considering a thought experiment related to Carmita Wood's story. Imagine a woman named Mary has a coworker with whom she is friendly. Her coworker repeatedly asks her out, and eventually she acquiesces in hope of getting him to stop without creating an air of awkwardness at work. On their date, the coworker repeatedly hints that he would like to go home with Mary, and when the date is finished, he tags along on Mary's ride home. Mary does not want him to come, but feels uncomfortable telling him to leave. At Mary's home, her coworker repeatedly asks her to have sex; though he does not use physical force, he exerts coercive pressure that eventually forces Mary to verbally agree. The following month, Mary, who has worked for a long time in the department, quits because she has developed panic attacks associated with seeing her coworker. She applies for unemployment insurance, but, as in Wood's story, Mary finds herself unable to describe why she has quit beyond "personal reasons" — despite, in this case, being quite educated about sexual assault and sexual coercion in the workplace. Her claim is denied.

A word exists to describe the experience that Mary has gone through: rape. Furthermore, Mary knows this word. She has used it many times before and is familiar with Merriam-Webster's definition. Perhaps she has even studied the concept in a class on feminist philosophy or legal theory. In short, we imagine Mary to be fully intellectually conscious of the practical and philosophical definitions of rape. However, Mary finds herself unable to access this hermeneutical resource — a resource which would give her the clarity required to emotionally process and get recourse for what she has gone through. That is, Mary finds herself hermeneutically occluded with respect to her experience. This is not because she does not know the word "rape", but because she finds herself unable to recognize her experience as an example of rape; for her, the concept has been *hermeneutically monumentalized*.

What has happened, at least in Mary's specific case, is that her internal conceptualization of the word "rape" carries with it certain characteristics that we might think prototypical of rape: it happens through physical coercion, by a stranger, in an unfamiliar place, etc. Mary's example is not a hypothetical; there is substantial literature, for example, on how racial stereotypes are tied up with people's internal conception of sexual assault (and thus their ability to recognize it). We refer the reader to the work of Sarah Brophy<sup>12</sup> and Rachel Fraser<sup>13</sup> for a more thorough discussion of the ways in which the term has been monumentalized, and to what effect.

From this example, we give the following definition of hermeneutical monumentalization:

***Hermeneutical monumentalization** occurs when a hermeneutical resource is rendered inaccessible because of a restriction on the allowed instantiations of that resource.*

This definition is applied directly to hermeneutical occlusions; it makes no reference to any harm, wrong, or injustice, and it includes a whole range of incidental and systemic occurrences. In particular, it is agnostic about *who* is doing the restricting (Mary herself, the people who she speaks to about the experience, etc); as far as the definition is concerned, by a "restriction" we mean simply a gap between the definition a person *knows* and the actual concept they find themselves able to *apply* in interpreting their experience.

The opposite process, *hermeneutical dilution*, is also possible, but the nature of the occlusion is slightly different. Rather than being unable to apply the hermeneutical resource to their experience, the speaker finds the use of the resource ineffective for the interpretive

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<sup>12</sup> Brophy, conversation with author, May 30, 2023.

<sup>13</sup> Fraser, "The Ethics of Metaphor," 728.

project. This happens because it is insufficiently precise to specify key properties of the speaker's experience. That is, in the case of monumentalization, the speaker fails to communicate because their experience is not part of the shared understanding of the concept. In the case of dilution, the speaker fails to communicate their experience because there are too many diverse or conflicting other experiences also described by the concept. We have already seen an example of hermeneutical dilution in the introduction. My students failing to recognize the serious suicidal implication in the statement "I am going to kill myself" is an example of a hermeneutical dilution of the concept of *killing oneself* beyond the experience of *suicidality*. For younger people, the phrase now describes a number of other experiences, including, frequently, the experience of *having an awful day*. Furthermore, because having an awful day is much more common than having an immediate suicidal intention, the former experience is epistemically prioritized over the latter. That is, "I am going to kill myself" is simply assumed to mean "I am having an awful day" instead of its literal interpretation. This idea is codified in the following definition:

***Hermeneutical dilution** occurs when a hermeneutical resource is rendered insufficiently precise because of a broadening of the allowed instantiations of the resource.*

There is no claim that this list — lacuna, dilution, and monumentalization — is comprehensive. For instance, there are hints of still more alternate histories of hermeneutical injustice in Dotson's work on willful hermeneutical ignorance. Dotson's work points towards a host of potential hermeneutical injustices which could arise from *pragmatic* limitations on the use of interpretive resources; for example, someone who finds themselves (and their interlocutor) in full awareness of a term which accurately describes their experience, but is unable to use it because they expect reprisal, might be suffering from a

pragmatic form of hermeneutical injustice.<sup>14</sup> However, we focus on dilution and monumentalization because, as we will see in the following sections, they offer a particular opportunity to test certain intuitions about hermeneutical justice.

### **Section III: The Wrongs of Dilution and Monumentalization**

In Mary's story, it is undeniable that an injustice has occurred, and that this injustice, besides having material consequences, has a particularly hermeneutical character. Similarly, the dilution of terms related to suicidality can be understood not just as a series of incidental harms but a wide-reaching instance of hermeneutical injustice that shapes the ways young people seek mental healthcare. However, it is not always so straightforward: not only are there cases of monumentalization and dilution in which it is difficult to suggest that anyone was truly harmed, but there are cases where people *are* harmed by instances of monumentalization and dilution which, by an intuitive account, still do not constitute injustice. In the remainder of this section, we will discuss how dilution and monumentalization lead to harms, and investigate the criteria by which we might judge them as wrong. Then, in Section IV, we will discuss conflicting claims of hermeneutical wrongs, and the implications for theories of hermeneutical justice.

Let us begin with a potential objection: including hermeneutical marginalization and dilution in the definition of hermeneutical occlusions (and therefore potentially in hermeneutical injustice) is itself an unacceptable watering-down of the term. After all, language is constantly evolving, with the relationships between concepts and our resources to describe them changing in turn. Kleenex, at one point, referred only to a single brand of

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<sup>14</sup> Here, we imagine that this person is not only being punished for expressing their experience, but for using a *specific set of terms* — this is where the hermeneutical character of the injustice can be found.

tissues; now, in everyday conversation, the term is often taken to mean the concept of tissues as a whole. Does this constitute a hermeneutical occlusion? The answer is no: at the same time that “Kleenex” came to represent tissues in general, the brand Kleenex became popular enough that “Kleenex, the brand” was immediately available as a substitute. Even if this replacement term did not exist, the resulting hermeneutical occlusion would be entirely insignificant — both morally and practically. It would be the sort of occlusion which happens every day and has little impact on one’s epistemic or material reality.

This example suggests two necessary criteria for when hermeneutical occlusions cause sufficient harm that they might constitute wrongs: firstly, the occlusion has to relate to some significant social experience, and secondly, the occlusion cannot be easily circumvented using a replacement term. In our case, the Kleenex example fails both of these criteria. To refine our criteria further, recall the three potential harms which Fricker recognizes as arising from hermeneutical marginalization: the primary harm of limited intelligibility, the secondary harm of epistemic self-doubt, and the secondary harm of material consequences. In the previous section, we briefly discussed how dilution and monumentalization can lead to limited intelligibility: the speaker’s intention is either lost in a sea of potential other intentions which use the same term, or their intention is not recognized as belonging to the set of examples of the concept. This gives the following criteria for when dilution and monumentalization lead to the primary hermeneutical harm outlined by Fricker:

*Dilution and monumentalization constitute hermeneutical harms when they lead to limited intelligibility about some significant social experience; in particular, when they cannot be easily circumvented with a replacement term.*

However, the seriousness of the wrong is also a function of the severity of the secondary harms which are produced. As Mary's story illustrates, the same sort of material consequences can arise from dilution and monumentalization; there is no need to repeat this analysis here. However, the relationship between the other secondary harm, epistemic self-doubt, and dilution and monumentalization does deserve further elaboration. I suggest that the epistemic self-doubt which arises from dilution and monumentalization consists of a tendency to internally downplay one's experiences; that is, to develop the specific belief that one's personal narrative is exaggerated. In the case of hermeneutical dilution, this takes the form of an observation that one's experience (as one understands it through the lens of whichever concept is used to describe it) is tied up with a number of other experiences which one judges as, in some sense, not that serious. With respect to the particular example of suicidality, this could take the form of someone believing that their struggles with mental health are minor because other people use the same language they do without any indication it is hampering their quality of life. Besides the potential material consequences — say, someone eschewing necessary mental healthcare — there is a deep epistemic harm in discounting your own suffering; as Fricker notes, this can be a severe limitation on the development of the self.

In the case of monumentalization, downplaying is a product of the belief that one's experience lies outside the purview of a concept which includes the "serious" versions of their experience. To give an example, Mary might say (to herself or others) that her experience was "no big deal" since it wasn't (by her incorrect understanding) "sexual assault" or "rape". In both cases, we see that the dilution or monumentalization has led to a specific and similar type of epistemic self-doubt. Such beliefs are tied up with other issues

of epistemic injustice, in particular testimonial injustice, but an analysis of this connection is not necessary for our project.

The point is that the same types of harms arise from hermeneutical dilution, monumentalization, and lacuna, and so similar criteria can be used to judge when they constitute wrongs (and how severe these wrongs are). At the very least, this observation should make it clear that it is necessary to include dilution and monumentalization as potential instances of hermeneutical wrongs.

There is, however, an important difference between lacuna and dilution or monumentalization: namely, how we treat harms which arise from their reparation. When the hermeneutical injustice suffered by Carmita Wood was repaired by the introduction of the term “sexual harassment”, perpetrators of sexual harassment undeniably suffered a number of material harms (losing their jobs, potentially getting criminal sentences, etc). For obvious reasons, it is easy for us to dismiss these incidental harms; they in no way undermine the creation of the concept “sexual harassment” as an act of hermeneutical justice. However, this example illustrates a more general point about lacuna: our intuition is that the act of introducing a new term to resolve a hermeneutical lacuna is an intrinsically morally positive act. Thus, harms which arise from the reparation of a hermeneutical lacuna are relatively unimportant; side effects of a noble project. This moral simplicity allows Fricker to identify “hermeneutical wrongs” and “hermeneutical injustices”, giving a broad definition of the latter which includes both systematic and incidental cases.

Our alternate histories do not have the same appeal to simplicity; there are a number of unintuitive results that can arise from trying to pin down when dilution or

monumentalization are wrong. In particular, trying to repair an act of monumentalization or dilution can result in serious, hard-to-ignore harms. Consider the term “sexual harassment”. It did not simply pop into existence with its modern connotation; though the term has always referred to “a range of subtle and unsubtle behaviors”, in the years after its introduction, its meaning was significantly more restricted than it is today. In 1975, Carmita Wood’s group Working Women United defined it in testimony to the New York State Human Rights Commission<sup>15</sup> as specifically “unwanted sexual advances against women employees by male supervisors, bosses, foremen or managers.”<sup>16</sup> Today, we would consider this definition to be overly narrow for a number of reasons: sexual harassment does not have to happen in the workplace, it does not have to be done by a man to a woman, and it can come from coworkers or subordinates, and not solely from bosses. In fact, we might even consider these issues to indicate the continuing presence of hermeneutical injustice; as long as the narrow definition of sexual harassment is the predominant one, a man might plausibly experience what we would now call sexual harassment and lack the interpretive resources to understand or express what has happened to him. In this sense, we might consider the dilution of the term to be morally *necessary* for justice.

However, such a dilution does not serve everyone equally. Imagine another woman is harassed by her male boss in the workplace and is attempting to describe the specific aggravating details of her experience. That is, the experience that she wants to communicate is intimately tied up with the fact that the sexual harassment she suffered came from someone in a position of authority (so, perhaps, she is scared for her job) and from a man (so, perhaps, she has an increased fear of retributive physical violence). This woman’s ability to make sense of her experience to herself and others might be genuinely harmed by

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<sup>15</sup> Nemy, “Women Begin to Speak Out Against Sexual Harassment at Work,” 38.

<sup>16</sup> “Testimony given by Lin Farley: Hearings on women in blue-collar, service, and clerical occupations.”



this dilution. Of course, it's possible that this harm could be minimal, resolved with simple elaboration. However, it is easy to construct a plausible case where this is not so. For example, if we do not introduce vocabulary to distinguish, in some way, cases of sexual harassment with these aggrieving factors, we might find it more difficult to prescribe additional legal penalties for bosses sexually harassing subordinates. As a result, this woman, and other victims of sexual harassment from their bosses, might genuinely find themselves experiencing a serious secondary material harm. Perhaps more seriously, without the ability to hermeneutically distinguish certain aggrieving elements of their experience of sexual harassment, they might also suffer hermeneutical and epistemic harms as they try to understand why the experience has affected them so deeply. This harm might be both severe and non-incidental, but it remains difficult to defend the case that a grave injustice has been done by broadening our definition. Indeed, as discussed above, it would seem that the grave injustice would be to *avoid* broadening the definition.

From this example, it follows that the characteristics of a hermeneutical wrong — how severe it is, how widespread it is — is not sufficiently precise to describe our intuitions about whether or not it constitutes a hermeneutical injustice, because it is possible to make *competing claims* to the pool of hermeneutical resources.

#### **Section IV: Appeals to Hermeneutical Injustice**

Before proceeding, it is important to discuss why the claims discussed earlier — that is, those of the hypothetical male victim of sexual harassment and the women who wants to specify the gendered aspects of her experience — are *necessarily* placed in competition. For a simple response to being presented with such a hermeneutical conflict is to suggest subdivision, that is, branching off the experiences into two separate terms. Perhaps sexual

harassment is to retain its broader, modern meaning, and the concept of *aggravated sexual harassment* is appended to the collective hermeneutical resource to compensate. However, there are a number of problems with this response. The initial problem, of course, is that the project of subdivision cannot happen forever. There is a finite limit on how many concepts we, as humans, can learn and know. However, this is a reason why subdivision cannot always be the answer; it does not explain why subdivision is not a reasonable answer in this particular case.

The best case for the limitations on our collective hermeneutical resource is given by the concept of *mnemonic labor*, as introduced by Avishai Margalit in *The Ethics of Memory*.<sup>17</sup> Margalit introduces *mnemonic labor* as a term for the effort required to elevate a term into a people's shared memory, but we can just as easily understand it as the labor required for a concept's inclusion in the collective hermeneutical resource. Until now, we have spoken as if the creation of a term happens in an instant, but creating recognition and understanding across communities is an incredibly arduous process. This point has not gone unnoticed; consider, for example, Nora Berenstain's introduction of the concept of epistemic exploitation (that is, the labor that is demanded of marginalized groups in exchange for epistemic participation).<sup>18</sup> Berenstain noted that hermeneutical lacuna are often caused not by the absence of a term, or even the speaker's ignorance, but the receiver's unawareness of or active refusal to use existing terms. In this case, both the speaker and receiver are hermeneutically occluded. However, while the moral responsibility falls on the receiver, the consequences — and, therefore, the labor to remove the occlusion — falls on the speaker.

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<sup>17</sup> Margalit, *The Ethics of Memory*, 52.

<sup>18</sup> Berenstain, "Epistemic Exploitation," 570.

The point is that suggesting subdivision as a resolution to competing claims to hermeneutical justice is no more sensible than, say, suggesting “getting more resources” as a resolution to competing claims to material justice. Put simply, to foist off the mnemonic labor of including *aggrieved sexual harassment* in the collective hermeneutical resource onto the women experiencing it is to set back the process of achieving hermeneutical justice.

The point is not to suggest that there is anything fundamentally wrong with the idea of hermeneutical justice and injustice. In fact, the need to balance competing claims about what a person or group is owed in the face of limited resources is precisely what theories of justice are meant to do. Rather, the point is to suggest that hermeneutical injustice is subject to similar complications as material justice, and that a naive account of what constitutes hermeneutical injustice, or what a just hermeneutical climate might look like, is just as doomed to fail as a naive account of material justice is.

Until this point, a focus on paradigmatic cases has allowed us to avoid philosophical commitments about which particular notions of justice should be used in constructing a theory of hermeneutical justice. By broadening our conception of hermeneutical occlusions, however, it becomes clear that this is not, in general, a viable philosophical approach.

The question of what is demanded of a just resolution to competing claims to hermeneutical ideals is, in general, far beyond the scope of this paper. To give an answer to this question is to give a theory of hermeneutical justice, and, as I have just argued, this is necessarily a highly complex philosophical project. However, in the remainder of this section, I would like to theorize about the example given in the previous section, in order to hint at how

general principles of justice can inspire principles of hermeneutical justice that might come together to constitute a full theory.

One principle of justice I take to be particularly relevant to our case is the principle of *formal equality*; that is, the idea that a just framework must necessarily treat various identity groups with in-principle procedural equality. I suggest that this principle prioritizes the claim of the male victim to be included in the concept of sexual harassment, and might be the reason why, at least in theory, most people find themselves more sympathetic to this perspective. For, if the term “sexual harassment” is to be included in the collective *legal* hermeneutical resource, it becomes the purview of formal equality, and then men and women must be treated formally equally as potential victims and perpetrators.

The problem is that formal equality exists in tension with other principles of justice, such as principles of *relational equality* — the idea that a just system must create an environment in which citizens can relate to one another as equals. If, in the workplace, there are gendered aspects to sexual harassment which are obstacles to relational equality, it is hard to defend the idea that formal equality will be sufficient to overcome these obstacles. Women undeniably experience sexual harassment more often than men, and subordinates undeniably experience it more often than superiors; these groups have suffered a particular hermeneutical injustice. Equal hermeneutical treatment may fail to help these particularly disadvantaged groups “catch up.” Furthermore, such treatment but it might be subject to *elite capture*; that is, acts of hermeneutical dilution by which particularly privileged members of a group adopt a concept to perpetuate their own advantage. In short, there are many reasons to suggest that if formal equality is the only principle by which we allocate hermeneutical resources, it will be difficult to address existing issues of relational inequality.

It is beyond me to offer a resolution of these commitments here, except to say that a number of theories of material justice have attempted to find common ground. Perhaps an account of hermeneutical justice, which must balance these commitments and many others, can be constructed by analogy.

## **Conclusion**

In this essay, I have challenged a number of assumptions about the nature of hermeneutical justice. I have shown that the concept of a hermeneutical occlusion, besides containing the paradigmatic cases of lacuna, also includes more complex cases of dilution and monumentalization. These cases can be used to construct conflicting claims to hermeneutical resources; by reference to the concept of mnemonic labor, I have also shown that these conflicts are not illusory. These conflicting claims provide serious challenges for our conception of hermeneutical justice which an intuitive account will not be sufficient to address. Finally, I discussed how principles traditionally applied to material justice, such as formal or relational egalitarianism, can be applied to the project of specifying a more robust model of hermeneutical justice.

It would be easy to write an entire treatise on subdivisions of hermeneutical injustice; the concept is rich, ever-present, and constantly evolving. However, we should not lose ourselves in the euphoria of appending new adjectives to old concepts. The point of our project, as always, is to better equip ourselves to reach towards justice. To this end, dilution and monumentalization offer a compelling collection of examples for testing our hermeneutical intuitions and refining our ideas of right and wrong.

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